

PART 4

OF A THIRTEEN PART AFFIDAVIT FROM 1980 TO 2005; WHEN I WAS INVITED TO APPEAR BEFORE THE CANADIAN SENATE TO ADDRESS THE ISSUE OF MY BEING PLACED ON A RCMP THREAT ASSESSMENT LIST

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.

One morning I received a phone call from a member of the media, she asked me if I knew that I was on the RCMP Threat Assessment 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 let me release it and to send me the evidence and she sent me the following:

CLASSIFIED SE

OTHER ACTIVISTS

 DOB: 1953-09-19 Potential to be Violent HIV Positive AIDS Activist, White male, 175cm, 64k, brown hair, brown eyes	 DOB: 1961-11-21 AIDS Activist	 DOB: 1963-06-23 Lesbian activist/ anarchist White, female, 180cm, 93.5k, brown hair, very masculine	 DOB: 1964-11-21 Anarchist / activist	 DOB: 1971-04-3 Activist
 DOB: 1972-01-27 Activist - Threw blood on security tent.	 RUSKOW, Jean DOB: 1938-11-01 Media Person UBC protest sympathizer	 DOB: 1976-07-17 Media Person UBC protest sympathizer	 DOB: 1964-03-27 Activist	 DOB: 1963-12-17 Activist

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

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

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After years of going through numerous channels, still in 2023 I still do not know the reason. 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 to the RCMP and let the reader determine if I have been a threat , and if so to whom?

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

In 1998, when I found out from a reporter that I had been placed on a RCMP Threat Assessment list in 1997, I decided to write a book called In Defence of Legitimate Dissent and dedicate it to the RCMP.

Even after years of going through numerous channels, now in 2023, 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 dedicate it the RCMP; letting the reader determine if I have been a threat; and if so, to whom?

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

JANUARY JANUARY

() THAT in 1997 in January, I gave a paper on “Power Politics and International Principles” as Guest Lecturer, in Dr. Bill Carroll Political Science class, University of Victoria.

() THAT in 1997, in January, I applied for a grant from the Boris Laskin foundation

EXHIBIT

STATE COMPLIANCE THROUGH A FRAMEWORK OF PRINCIPLES: APPLICATION FOR FUNDING HUMAN RIGHTS

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; prevent conflict and war; 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 material, 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, member States would only go as far as undertaking to:

Work actively towards ratification or accession to and implementation of 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 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 “reaffirm a commitment to” 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 that 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 coloured and black delegates could not be appropriately accommodated in New York. 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 and circulated a workshop on 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 fulfill 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, at the Habitat II Conference and 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 delegates 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. It 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 130 States. There is a network of over 20 women in Canada, involving activists and 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 GCRP across Canada; in particular with Diane Pask, Professor of Law at the University of Calgary, on what would constitute adherence to these principles; on what is the nature of the systemic constraints which 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 challenger of the BC Education Act endorsing bible reading in the school classroom.

In 1985, for a Masters 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-principal 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 justices 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 though 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

EXHIBIT

1. 1997 () THAT in 1997, on January 4, I circulated a proposal to the CEN about issuing a report on Canada's lack of compliance with commitments and AN 4
ATTENTION: Members of the CEN International Affairs Caucus

When I was at the 1993 CEN Annual General Meeting, I had a resolution passed by the IAC (International Affairs Caucus) members attending the IAC meeting (see enclosed copy of the resolution).

Since then, I have been monitoring Canada's compliance with international obligations; specifically those arising from Agenda 21, and other UNCED documents.

Recently, I participated in a country-wide meeting organized by external affairs on Canada's report to the CSD. I made a lengthy submission at the meeting and then submitted comments on the draft report.

I mentioned to external affairs that I would be soliciting information across Canada on Canada's compliance with international obligations.

I have prepared a 50 page document of principles that I have extracted from UNCED and I am looking for examples of non-fulfillment with these principles. Could you send me information about HOT SPOTS from different areas in Canada, and I will be able to include these as examples in the report card.

Best regards,

Dr. Joan E. Russow

Chair, BCEN, International Affairs Caucus

ATTENTION: Ann Marie

Marie

When I was at the 1993 CEN annual general meeting, I had a resolution passed by the IAC members attending the IAC meeting (I have enclosed a copy of the resolution).

Since then, I have been monitoring Canada's compliance with international obligations; specifically those arising from Agenda 21, and other UNCED documents.

Recently, I participated in a country-wide meeting organized by external affairs, on Canada's report to the CSD. I made a lengthy submission at the meeting, and submitted comments on the draft report.

I mentioned to external affairs that I would be soliciting information across Canada on Canada's compliance with international obligations.

I have prepared a 50 page document of principles that I have extracted from UNCED, and I am looking for examples of non-fulfillment with these principles. Could you please circulate the enclosed two pages to the members of the BCEN? Could you circulate a request for HOT SPOTS from different areas in Canada, and I will be able to include these as examples in the report card which will be discussed at the IAC meeting at the 1997, BCEN, Annual General Meeting.

Best regards,

Dr. Joan E. Russow

Chair, International Affairs Caucus

RESOLUTION : To Prepare NGO Country Report on Canada

The following resolution was passed unanimously by the members attending the International Affairs Caucus meeting at the 1993 Annual Meeting of the CEN.

Given that Canada has international obligations under the Stockholm Declaration (UNCHE), under the UN convention for Preservation of Cultural and Natural Heritage; Historical Responsibility of States for the Preservation of Nature for Present and future Generations, (UN General Assembly Resolution 35.8), the World Charter of Nature, the Caracas Declaration , the UNCED documents and other international document, and

Given that Canada, as a follow-up to UNCED, is required to submit a report to the UN Commission on Sustainable Development, indicating how Canada has complied with obligations agreed to at the UNCED.

Be it resolved that the International Affairs Caucus of the C.E.N. prepare a complementary NGO report, indicating the way Canada has failed to fulfill these obligations, and has contravened its obligations. (And some examples, if any, of praiseworthy compliance). This NGO Country Report will be submitted to the UN Commission for Sustainable Development.

The views in this resolution passed at the International Affairs Caucus meeting, at the 1993 Annual General Meeting of the C.E.N., do not necessarily represent the views of the International affairs caucus of the C.E.N.

Moved by Joan Russow, delegate from British Columbia Environmental Network

Seconded by Rocky Kelly, delegate from British Columbia Environmental Network

() THAT on January 4, 1997, I sent in an application to represent the CEN at the Rio +5

EXHIBIT

1997

ATTENTION: CATHY CAMERON

Dear Cathy

Thank you for sending me the CEN INTERNATIONAL AFFAIRS CAUCUS WORKING GROUP... FORM

I was away in Mexico and just returned.

I would like to get involved in the UN Commission for Sustainable Development /Earth Summit II, and to attend the meeting in New York in June.

When I was at the 1993 CEN annual general meeting, I had a resolution passed by the IAC members attending the IAC meeting (I have enclosed a copy of the resolution).

Since then I have been monitoring Canada's compliance with international obligations specifically those arising from Agenda 21, and other UNCED documents.

Recently I participated in a country-wide meeting organized by external affairs on Canada's report to the CSD. I made a lengthy submission at the meeting and submitted comments on the draft report.

I mentioned to external affairs that I would be soliciting information across Canada on Canada's compliance with international obligations.

I have prepared a 50 page document of principles that I have extracted from UNCED, and I am looking for examples of non-fulfillment with these principles. Could you circulate a request for HOT SPOTS from different areas in Canada so I will be able to include these as examples in the report card?

Best regards,

Dr. Joan E. Russow

Chair, International Affairs Caucus

BCEN

Note: I had mentioned that I was bilingual but not trilingual. My application for funding was not accepted ; the person who won was trilingual. It would not have worked anyway because, when one is on the Canadian delegation, one is not supposed to lobby or go to the press. I did receive unconditional funding from Rod Dobell in the Department of Public administration : To Prepare NGO Country Report on Canada

The following resolution was passed unanimously by the members attending the International Affairs Caucus meeting at the 1993 Annual Meeting of the CEN:

Given that Canada has international obligations under the Stockholm Declaration (UNCHE), under the UN convention for Preservation of Cultural and Natural Heritage; Historical Responsibility of States for the Preservation of Nature for Present and future Generations, (UN General Assembly Resolution 35.8), The World Charter of Nature, the Caracas Declaration , the UNCED documents and other international document, and

Given that Canada, as a follow-up to UNCED, is required to submit a report, to the UN Commission on Sustainable Development, indicating how Canada has complied with obligations agreed to at the UNCED.

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Moved by Joan Russow, delegate from British Columbia Environmental Network

Seconded by Rocky Kelly, delegate from British Columbia Environmental Network

() THAT in 1997, in January, I circulated a petition calling for a decade devoted to the moving away from car dependency

Joan Russow

Global Compliance Research Project

PETITION
TO THE UNITED NATIONS

RE: INTERNATIONAL DECADE DEVOTED TO MOVING AWAY FROM CAR
DEPENDENCY

Recalling that. member States incurred obligations at the UN Conference on Environment and Development (UNCED, 1992) under conventions such as the Convention on Biological Diversity and the Framework Convention on Climate Change to conserve Biodiversity, and to reduce CO2 emissions respectively.

Recalling further, that member States of the United Nations, through commitments at the United Nations Conference on Environment and Development and at the UN Conference on Human Settlements (Habitat II, 1996), undertook to move away from car dependency and to develop and promote environmentally sound transportation:

* through the obligation under the UN convention on the rights of the Child affirmed a child's right to a safe environment which would include the right to clean air

*through many UN Conferences and General Assembly resolutions made a commitment to move away from the current model of over consumption

* through a commitment at Habitat II (1996) made to support "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".

*through Universal Declaration of Human Rights undertook to ensure mobility rights

Commending the President of the General Assembly in the closing days of the Earth Day + 5, for conveying the recognition by the member States of their failure to act on the

commitments and obligations arising from the UNCED

Affirming that current global policy of actively promoting economic growth, over-consumption, truck transport, automobile infrastructures, highways, parking facilities, mega development, and of extensively subsidizing environmentally unsound technologies such as the fossil fuel and automobile industry is demonstrating disregard for the governments own international obligations and commitments.

THEREFORE, YOUR PETITIONERS REQUEST THAT THE UNITED NATIONS ENSURE:

THAT THERE BE AN INTERNATIONAL DECADE DEVOTED TO MOVING AWAY FROM CAR DEPENDENCY

1. That the "NORTH" begin to serve as an example that progress is moving away from car-dependency; not further entrenching car-dependency
2. That the NORTH undertakes to promote the notion that the CAR-DEPENDENT world is not a world to be emulated by the "SOUTH"
3. That the NORTH recognize that it has an obligation to substantially reduce its over-consumption, and car dependency and to not contribute to the further destruction of the SOUTH by promoting over-consumption, including car-dependent technology.
4. That all " subsidies to the fossil fuel and auto industries be immediately disCONTINUED including construction of new highways, parking lots, and fossil fuel exploration and development; and that the savings be transferred to promoting alternatives to the automobile
- 5.. That the North demonstrate its commitment to move away from car dependency by immediately transferring to local communities funding from the numerous policies and programs that promote corporate competitiveness in the fossil fuel and auto industry. This funding shall serve to develop environmentally sound public transport and non-motorized transportation and infrastructure.
6. That an International car-free day be established so that citizens, for at least one day a year can experience the community without cars. In recognition of the opening of the major conference on the Environment, UNCED on June 3, 1992, June 3 could be designated as International Car-free Day
7. That various rotational car free zones should be instituted so that each community can experience, on a rotational basis, a car-free zone.
8. That the central cores of all cities be car-free with a network of pedestrian and bike-ways, non-motorized traffic, and street calming (January 13, 1997).

ANNEX I

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 principle-based conceptual framework. In 'principle-based education'¹¹, 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 problems 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.

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.

¹ This includes policies and measures adopted by regional economic integration organizations.

¹ Entrenched structural and procedural obstacles preventing the policy formation and implementation necessary for change

² The term phase is used rather than s

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:

- 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 an holistic approach will also provide numerous diverse experiences ... some of these experiences must be creative and future oriented.

The 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.

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 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 "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

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 1997 January 22, 1997 I wrote

POLICY IMPERATIVES: DISCHARGING OBLIGATIONS AND FULFILLING
EXPECTATIONS FOR A CULTURE OF PEACE

Dr. Joan Russow

Global Compliance Research Project

or failed to determine what would constitute compliance.

CANADA AND TREATY-MAKING

OVERVIEW

To begin to achieve a “culture of peace”, citizens must be aware that international public policy related to a culture of peace 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. Once citizens have become aware of existing obligations and expectations, then citizens will be better informed about the commitments that still are needed to move States beyond existing obligations and expectations. For example, in the Declaration of Human Rights from 1948, member States undertook to “...reaffirm faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women...”. This statement of principle could be described as a statement of international public policy; yet what actions, cultural adjustments and attitudinal transformations would have been necessary to ensure the fulfilling of this expectation were never really determined.

For over fifty years, through international agreements, the member States of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; including the rights of women (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 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 years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament achieved and socially equitable and environmentally sound development might have been enabled.

Many of these obligations have never been discharged, States often fail to sign international legally binding treaties that they themselves have negotiated; States that sign legally binding conventions and treaties, often fail to ratify them and States that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement..

Many of the expectations have not been fulfilled. Expectations have been created through recent global Conferences and action plans such as those from United Nations Conference on Environment and Development (UNCED), the World Conference on Human Rights, the Social Development Conference, the International Conference on Population and Development and the UN Conference on Women: Equality, Development and Peace, and Habitat II. Although the major conference action plans have been adopted by all the member States of the United Nations, the action plans are not deemed to be legally binding.

These Conference Action plans, along with General Assembly Resolutions and Declarations, however, do create expectations that States will adhere to the agreed to principles and policy statements. In common law, there is a doctrine that acknowledges the legal implications arising from the creating of expectations: the Doctrine of Legitimate Expectations. 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). This doctrine could be used by citizens at the international level to strengthen the call for State compliance with expectations created through conference action plans.

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.

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 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, included 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 policy formation and implementation related to ethical governance in that obligations incurred or expectations created can be held to be enforceable in national law.

It is thus, essential for transforming a culture of violence into a culture of peace, to stress the importance of being concerned with questions of awareness, knowledge and education on the part of the judiciary and administrative bodies, as well as with heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

Nation States need to be called upon 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. The United Nations also needs to provide an international body for citizens to take evidence of state non-compliance with legally binding conventions and covenants; or with expectations created through General Assembly resolutions, Declarations and Conference Action plans.

CANADA'S TREATY IMPLEMENTATION POLICY

The need to eliminate the discrepancy between stated intention and policy formation and implementation, and to promote ethical governance through policy formation and implementation within a culture of peace is essential in Canada. Canada, as a federal state, often signs and ratifies agreements and then fails to enact the necessary legislation to ensure compliance.

Canada, as a signatory of the Vienna Convention on the Law of Treaties, is bound to perform any treaty in good faith by ensuring the necessary conditions are in place for the performance of the treaty.

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 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 conditions 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 observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)
- (iv) 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)

Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties.

There are serious discrepancies between the legal obligations undertaken by Canada internationally, and the discharging of these obligations in Canada, both federally and provincially. There is a positive duty is placed on States to enact the necessary legislation so as to enable the performance of treaties which have been signed by the Federal government with the endorsement of provinces.

L.C. Green, a Canadian specialist in international law, has remarked that a state is bound by the treaty prior to the enactment into national law:

the fact that a treaty has been signed and ratified but not yet enacted into national law does not preclude the international liability of the signatory under the treaty.

The requirement to enact enabling legislation has been expressed in numerous conventions, and could be considered to be a principle of international customary law. For example, this enabling legislation requirement is evident in the International Covenant of Civil and Political Rights.

In the International Covenant of Civil and Political Rights—adopted 1976, signed and acceded to by Canada and in force in 1976, the principle of "duty-to-adopt-legislative ...measures" is enunciated:

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

International customary law places a duty on States to adopt such legislative, judicial or other measures as may be necessary to give effect to international treaties.

This requirement is further entrenched in External Affairs policy in Canada by the stated constitutional practice of ensuring that necessary legislation is enacted before signing international treaties. In a 1982, External Affairs document entitled "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", which deals with Canada's responsibility related to international obligations, it is stated that Canada will "not normally become party to an international agreement until the necessary legislation has been enacted by the provinces".

Also, in the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", the following references are made to international law and federal and provincial legislation:

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.

The "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" appeared to ensure that the treaty would be performed either by enacting the necessary legislation prior to becoming a party:

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.

In either case, it would appear that Canada has indicated in this document that the necessary legislation will be in place in order to perform the obligations under the treaty.

In an internationally legally binding document such as the CEDAW either the enabling legislation was in place prior to signing the treaties, or Canada is bound to enact legislation to enable Canada to perform its treaty obligations in such a way as to ensure that it will not defeat the purpose of the treaty. This external affairs practice has to also be considered in conjunction with article 18 of the Vienna Convention on the Law of Treaties. Canada it would appear, would not be able to defeat the purpose of the treaty from the moment of signing, and, in order to comply with this provision, Canada would have to ensure that the necessary legislation would be in place to prevent Canada from defeating the purpose.

If Canada followed the usual constitutional practice as indicated in the above provision, Canada will not normally become a party until the necessary legislation has been enacted. Thus, we can assume from the federal point of view, the federal government believed that the necessary legislation to ensure that Canada would not defeat the purpose of the conventions that Canada has ratified is in place. If prior to the moment of signing conventions related to peace, human rights and the environment, the Federal government was not certain that the necessary legislation was in place to prevent the defeating of the purpose of the conventions, then implementing legislation would have to have been in place in time for the ratification of these agreements.

In the 1982, "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" Canada has undertaken to only sign a treaty after there has been consultation with the provinces when the subject matter is within provincial jurisdiction:

A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

Canada thus only proceeds to ratify a treaty when the provinces have been consulted and the provincial laws and regulations are in place to carry out the treaty obligations.

Yet, in 1993, when an attempt was made in the Courts of British Columbia to use international instruments, one judge ruled that international law not expressed in Canadian law was irrelevant in the matter under discussion, and another judge expressed the in-applicability of international law in provincial courts in the following way:

I have not been shown and I have been quite unable to discern or identify, any pertinent or applicable principle of international law, whether developed

by custom and usage, treaty or convention, or legislative or judicial determination, which falls within the judicial capacity and function of the courts of this province (Court of Appeal for British Columbia, case VI 01984 December 6, 1994).

AN AUSTRALIAN COMPARISON

In the federal state of Australia international obligations are taken more seriously in the courts.

In the Commonwealth of Australia and another State of Tasmania and others of (C6 of 1983) High Court of Australia (Australian Law Reports 1983, pp 625-831), the court decided that all domestic law must conform to the treaty:

The law must conform to the treaty and carry its provisions into effect. The fact that the power may extend to the subject matter of the treaty before it is made or adopted by Australia, because the subject matter has become a matter of international concern to Australia, does not mean that Parliament may depart from the provisions of the treaty after it has been entered into by Australia and enact legislation which goes beyond the treaty or is inconsistent with it.

In another case, *Koowarta v Bjelke-Petersen* (1982) 56 ALJR 625: 39 ALR 417, the following principle was upheld that becoming a party to a convention entails the undertaking of actions that would discharge obligations under the Convention:

...that the enactment of the two sections was a discharge of Australia's obligation under the International Convention on the Elimination of all Forms of Racial Discrimination. By becoming a party to that convention, Australia undertook to prohibit and eliminate racial discrimination in all its forms by appropriate means, including legislation. ...

Effect to an obligation imposed by international convention

section gave effect to an obligation imposed by an international convention

In the *Koowarta* case, the following principle was upheld that entering into a genuine treaty, the state assumes international obligations to enact domestic laws:

The Majority opinion was expressed in the following way:

There existed a quite precise treaty obligation on a subject of major importance in international relationships, which called for domestic implementation within Australia (Stephen J. at 418)

It would seem to follow inevitably from the plenary nature of the external affairs power that it would enable the parliament to legislate not only for the ratification of a treaty but also for its implementation by carrying out any obligation to enact a law that Australia assumed by the treaty (Mason J. at 418)

If Australia in the conduct of its relations with other nations accepted a treaty obligation with respect to an aspect of Australia's internal legal order, the subject of the obligation thereby because (if it was not previously) an external affair, and a law with respect to that subject was a law with respect to external affairs (Brennan J. at 418)

CEDAW AND PLATFORM OF ACTION

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979) , because it is a convention is deemed to be legally binding whereas the Platform of Action, United Nations Conference on Women: Equality, Development and Peace is not deemed to be legally binding. The Doctrine of Legitimate Expectation mentioned above, could be used to argue that women have a legitimate expectation that States will fulfill the expectations created in the Platform of Action.

Throughout CEDAW, there is a demand placed on Governments to ensure equality between men and women. In the Platform of Action there is less the language of demand but more the language of implementation. (See Russow, J. Covenant of Implementation: references to implementation in POA).

The attainment of equality in the form of equal access to an existing flawed system, does not really contribute to the transforming of a culture of violence into a culture of peace. In CEDAW, there are at least two additional conditions that are deemed essential for the attainment of real equality. The first condition for achieving equality is related to the adherence to the Declaration of a New International Economic Order based on equity and justice:

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women (Preamble, CEDAW)

In the Preamble for the Declaration on the Establishment of a New International Economic Order. States undertook to establish a climate of cooperation , and social development and peace and justice.

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)

States have failed to support the implementation of the “Declaration on the Establishment of the New International Economic Order” at the time that it was passed in the General Assembly, and at the time that it was agreed to in the Convention on the Elimination of All Forms of Discrimination Against Women.

The second condition necessary for the attainment of real equality within a culture of peace was the recognition that the achievement of peace required the participation of women.

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields (CEDAW, Preamble)

It is interesting to note that the language in CEDAW is generally much stronger than that in the Platform of Action. For example, the use of “Shall”— reflecting strong government obligations in CEDAW, occurs over eighty times whereas the word “shall” occurs rarely in the “Platform of Action”. On the other hand, there was no mention of the “military” in CEDAW. Whereas, there was mention of the “military” in the Platform of Action. Also, there was no mention of “arms and weapons” in CEDAW, whereas, there was reference to arms including nuclear arms.

In section 145 (f) of the Platform of Action there was a reiteration of previous obligations and a renewed undertaking to carry out the following actions:

(i) Work actively towards general and complete disarmament under strict and effective international control;

(ii) Support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear- test-ban treaty that contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;

(iii) Pending the entry into force of a comprehensive nuclear-test-ban treaty, exercise utmost restraint in respect of nuclear testing.

Also, in article 28 of the Beijing the Beijing Declaration, there was reaffirmation of the role of women in disarmament:

Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under

strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;

In the section 142 of the Platform of Action member States have undertaken to foster a culture of peace:

Education to foster a culture of peace that upholds justice and tolerance for all nations and peoples is essential to attaining lasting peace and should be begun at an early age.

To attain the desired “culture of peace”, States must discharge all previous obligations incurred through conventions, treaties and covenants, and fulfill all expectations created through General Assembly resolutions, declarations and conference action plans. In addition, citizens must also demand that States then undertake new commitments that they have never been prepared to take because of the lack of international political will, and demand that the United Nations establish an international court of compliance where citizens can take evidence of state non-compliance. .

ANNEX 1 (27 pages)

SPECIFIC OBLIGATIONS AND EXPECTATIONS RELATED TO A 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 at least 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 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

The following sections are drawn from Russow, J. (1985) “Charter of Obligations”

Note the following legend:

Legend:

plain text:

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

italics plain:

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

Bold

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

Plain underlined:

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

Bold underlined:

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

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

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

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)

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)

CONTINUED threat to peace through violation of UN Charter

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

CONTINUED war crimes against humanity, including genocide ethnic massacres , and “ethnic cleansing”

Increased destruction through war saturation of land mines

Increased war and civilian amputees as a result of land mines

CONTINUED displacement of people through war - proportion of the populations displaced and hundreds of thousands dead.

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)

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)

Extending non conditional assistance

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

Mmajor causes of environmental degradation are industrial and military pollutants

Knowing that the major causes of environmental degradation are industrial and military pollutants, toxic wastes, and economic systems that exploit and misuse nature and people, we are outraged by suggestions that women's fertility rates (euphemistically called population pressures) are to blame (Women's Action AGENDA, 1992)

- **Opposing militarism**
- **Directing military spending towards social and environmental ends**
against militarism, demanding that military spending be re-directed towards social and environmental ends (Youth Treaty, UNCED, 1992, ii)

Preventing, eliminating and condemning the environmental impact of military activity

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

Securing nature against degradation caused by warfare or other hostile activities

Nature shall be secured against degradation caused by warfare or other hostile activities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982)

Avoiding military activities damaging to nature

Military activities damaging to nature shall be avoided (Art. 22, UN Resolution, 37/7, World Charter of Nature, 1982)

Taking precautions to prevent discharge of radioactive or toxic wastes into natural systems

Special precautions shall be taken to prevent discharge [into natural systems] of radioactive or toxic wastes. (Art. 12 b UN Resolution, 37/7, World Charter of Nature, 1982)

Prohibiting the making of forests or other kinds of plant cover the object of attack by incendiary weapons

It is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons *except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives or are themselves military objectives* (Art. XI.1 Inhumane Weapon Convention of 1981, in force 1983)

Undertaking not to damage, directly or indirectly, any world heritage site

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the...natural heritage ...situated on the territory of other States Parties to this Convention. (Art. VI.3 Convention of the Protection of Cultural and Natural Heritage of 1972, in force 1975)

OBLIGATION TO ADDRESS THE URGENCY:

UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR MILITARY PURPOSES

Undertaking to not engage in military or any other hostile use of environmental modification techniques

Environmental Modification Convention of 1977 (in force 1978)

Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction damage or injury to any other State Party (Art. 1.1. Environmental Modification Convention of 1977, in force 1978)

OBLIGATIONS TO ADDRESS THE URGENCY

CONTROLLING THE MILITARY BY GOVERNMENT, PROMOTING CIVILIAN RULE

Guarding against the encroachment on civilian functions of government by the armed forces

An essential ingredient of democracy is civilian rule and respect

for civilian institutions and constitutional guidelines. It is critically important to guard against the encroachment on civilian functions of government by the armed forces -- both military and security forces. The armed forces must be subordinate to civilian institutions and must be subject to the same public scrutiny and accountability as the civilian government. In particular, military budgets and military involvement in the private sector must be subject to civilian control. External defense and internal security (police) functions must be clearly separated. Scarce public resources should not be devoted to

excessive military expenditures and military involvement in the private sector should be curtailed. Cases of alleged violation of the law by military personnel should be investigated promptly in accordance with recognized legal procedures (Declaration, Summit of the Americas, 1994).

Preventing the causes of conflict

Peace is indivisible and security is the right of all and not the privilege of a few. Global security can only be achieved and maintained if just and lasting solutions are found to all conflicts. Global security *should shall*, however, be viewed in terms of its multidimensional aspects and be based *not only on military imperatives but* on a combination of political, economic and social factors which together, could eliminate the risks to global security caused by problems such as underdevelopment, poverty, environmental degradation (Group of Fifteen, Submission to UNCED 1992)

Affirming that military strength is no guarantee of security

[International stability and security are prerequisites for economic growth and development. In the new international setting, military strength is no guarantee of security. The effects of mass migration, crime, the drug problem, disease, human rights violations, environmental degradation, pressures of population growth and underdevelopment transcend national borders. These new challenges to peace and security have implications at the local, regional and global levels] (Art. 140., Advance draft, Platform of Action, UN Conference on Women, May 15)

OBLIGATIONS TO ADDRESS THE URGENCY:

RESPECTING HUMAN RIGHTS OF CIVILIANS

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

Protecting victims of International armed conflicts

- Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall, at all times, be humanely treated and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.
- Women shall be especially protected against any attack on their honour; in particular against rape, enforced prostitution, or any form of indecent assault.
- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

Prohibiting the starvation of civilians through attacking objects indispensable to the survival of civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

OBLIGATIONS TO ADDRESS URGENCY

PREVENTING OF GENOCIDE

Declaring genocide to be a crime under international law contrary to the spirit and aims of the United Nations

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required (Preamble, Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Undertaking to prevent and punish genocide

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish (Art. 1. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Recognizing what constitutes genocide

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group
- (b) Causing serious bodily or mental harm to members of the group
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- (d) Imposing measures intended to prevent births within the group
- (e) Forcibly transferring children of the group to another group

(Art. 2. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Determining what is punishable

The following acts shall be punishable:

- (a) Genocide
- (b) Conspiracy to commit genocide
- (c) Direct and public incitement to commit genocide
- (d) Attempt to commit genocide
- (e) Complicity in genocide

(Art. 3. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Establishing who is punishable: constitutionally responsible rulers, public officials or private individuals

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals (Art. 4. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

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

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3. (Art. 5. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Pledging to grant extradition

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force (Art. 7. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

Taking action under the Charter of United Nations to prevent acts of genocide

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3. (Art. 8. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

OBLIGATIONS TO ADDRESS URGENCY

SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE

Establish a new cooperative non-military preventive approach

A new cooperative non-military preventive approach is mandatory. This approach could be to have a peace force that is knowledgeable of the culture, and language etc. of different States, and that is capable at anticipating conflict.

Working with local groups to promote dialogue and nonviolent reconciliation in troubled places throughout the world

Promoting the widespread implementation of effective non-violent peacemaking in conflict areas around the world. To this end, peace-workers are recruiting, training, and organizing teams of international volunteers who will offer their services as non-violent peacemakers. (from Peace-workers Brochure, 1995.)

Implementing cooperative approaches to peace and security issues

[In implementing cooperative approaches to peace and security issues, emphasis shall [should] [this requires that] be given to preventive strategies and to peace building as a particular prevention-oriented concept. The perspectives of women would provide a more constructive approach to the use of power and to the resolution of conflict] (Art. 135., Advance draft, Platform of Action, UN Conference on Women, May 15)

Ensuring Encouraging preventive diplomacy

[Encourage diplomacy, [preventive diplomacy,] negotiation and peaceful settlement of disputes in accordance with the Charter of the United Nations in particular Article 2, paragraphs 3 and 4] (Art. 147 b., Advance draft, Platform of Action, UN Conference on Women, May 15)

OBLIGATIONS TO ADDRESS THE URGENCY

PROVIDING FOR AND PROTECTING CONSCIENTIOUS OBJECTORS

Protecting the rights of Conscientious objectors

(i) Conscience objection is exercised through a simple declaration that one is against military service on the grounds of conscience

(ii) With this public declaration, the objector releases himself or herself from the obligation to fulfill military service. This declaration is carried out before a civil court of the first instance.

(iii) In no way is the person who declares the objection obliged to compromise what he/she says, nor obliged to justify his/her ideas in front of a Tribunal of Conscience ^{∞∞}
(4.2. Declaration of Conscientious objection, [∞])

(iv) Article 24 of the National Constitution prohibits the molesting of objectors, or does not require an investigation of the reasons for the beliefs or ideology. Article 33 of the Constitution prohibits that the personal or family details or the family life of the objector will be investigated.

(v) No one can negate or prevent the right of the person to declare conscientious objection

(4.2. Declaration of Conscientious objection, [∞]) (translated from Spanish, from the Ecuadorian “La declaracion de objeccion de conciencia”)

Enact legislation to allow conscientious objectors to redirect the military portion of the state budget to peaceful purposes

(Conscience Canada, Peace tax Campaign, War Resisters International)

Enact legislation to allow for taxpayers to direct military portion of taxes to socially equitable and environmentally sound development

Ensuring the right of freedom of conscience to non-cooperation with Military expenditure

(i) All persons have rights and duties, both as individuals and as members of their communities, and they also have the responsibility to hold those rights and duties in balance.

(ii) **The right to freedom of conscience is a fundamentally human right. No person should be forced to violate a deeply-held conviction of conscience. Our concern is to contribute to the peaceful solution of conflicts; one aspect of this is our compelling concern for recognition of the right not to be involved, actively or passively, in the killing, injuring, maiming of our fellow human beings.**

(iii) Most citizens are educated to believe that military measures are a necessary part of international relations, but we hold the strong conviction that nobody should support military preparations or actions, either by personal service, by contribution through taxation or by any other means. We also hold it to be a violation of conscience that anybody should be forced into giving such support.

(iv) We appeal to our fellow citizens and governments, **and to the United Nations** that they respect our conscientious objections to military expenditure by legal measures. Our final aim is to abolish all military expenditure and activity. We must work together with all people in building a society in which **armies the military is non-existent are not existing anymore** and in which all human rights are respected.

(Declaration made by participants in the 5th International Conference of Peace Tax Campaigners and War tax, 1994)

OBLIGATIONS TO ADDRESS URGENCY

ELIMINATING THE THREAT OF WAR AND PREVENTING CONFLICT

Expressing will and the aspirations of all peoples to eradicate war

Expressing the will and the aspirations of all peoples to eradicate war from the life of mankind [humankind] and, above all, to avert a world-wide nuclear catastrophe

(Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984).

Declaring that the preservation of the right of peoples to peace is a fundamental obligation of each state

Solemnly declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State (2. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Eliminating the threat of war

Emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations (3. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Preventing the causes of conflict

Peace is indivisible and security is the right of all and not the privilege of a few. Global security can only be achieved and maintained if just and lasting solutions are found to all conflicts. Global security *should shall*, however, be viewed in terms of its multidimensional aspects and be based not only on military imperatives but on a combination of political, economic and social factors which together could eliminate the risks to global security caused by problems such as underdevelopment, poverty, environmental degradation (Group of Fifteen, Submission to UNCED, 1992)

Declaring the right of peoples to peace

Convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations (Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Proclaiming the peoples sacred right to peace

Solemnly proclaims that the peoples of our planet have a sacred right to peace (1. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Eliminating the threat of war

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States.

Prohibiting any propaganda for war

Any propaganda for war shall be prohibited by law (Art. 20, International Covenant of Civil and Political Rights, 1966)

OBLIGATIONS TO ADDRESS THE URGENCY:

ENSURING THE PEACEFUL USE OF COMMON HERITAGE

Recognizing that the area (open sea) is the common heritage of *mankind* all humanity

Principles governing the Area Common heritage of *mankind* **all humanity** The Area and its resources are the common heritage of *mankind* **all humanity** (Article 136. Law of the Seas, 1982)

Undertaking to not implant or emplace on the seabed and the ocean any nuclear weapons or weapons of mass destruction

The States Parties to this Treaty undertake not to implant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a seabed zone [of 22 kilometre], any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using of such weapons (Art. 1.1. Seabed Treaty of 1971, in force 1972)

Prohibiting the establishment of military bases in Antarctica

Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons. (Antarctic Treaty of 1959, in force 1961)

Ensuring that the use of outer space is for the benefits of *all mankind* [humanity]

Outer Space Treaty of 1967 in force 1967

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all *mankind* **humanity**....

(Art. 1 Outer Space Treaty of 1967 in force 1967)

Forbidding the establishment of military bases, installations and fortifications and the testing of any type of weapon...

...the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden...(Art. IV Outer Space Treaty of 1967 in force 1967)

Reaffirming the importance of international co-operation in developing the rule of law in the peaceful use of outer space

Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of *mankind* **humanity** in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should CONTINUE to provide a focal point, reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981).

[Affirming] that the moon shall be used for peaceful purposes

Moon Agreement of 1979, in force 1984

The Moon shall be used by all States Parties exclusively for peaceful, **humanitarian and environmentally safe** purposes (Art.. III.1 Moon Agreement of 1979, in force 1984)

Declaring Moon to be common heritage

The Moon and its natural resources are the common heritage of mankind **[humankind]**... (Art. XI.1. Moon Agreement of 1979, in force 1984)

OBLIGATIONS TO ADDRESS THE URGENCY PREVENTING NUCLEAR CATASTROPHE

Safeguarding world peace and averting a nuclear catastrophe

Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control...

(Par 250 Nairobi Forward Looking strategy for the Advancement of women, 1985) (§§
**NOTE THERE IS NO MENTION OF “NUCLEAR CATASTROPHE IN THE MAY 15
DRAFT PLATFORM OF ACTION: NOTE BRACKETED SECTION BELOW)**

Being convinced that the prevention of nuclear catastrophe is the most profound aspiration... of people

Convinced that the prevention of nuclear catastrophe is the most profound aspiration of billions of people on earth,(Condemnation of nuclear war General Assembly Resolution A/RES/38/75, 1983)

Recognizing the nature of a potential nuclear catastrophe

Worst case scenario would be the diversion of critical amounts of plutonium (even now there are materials unaccounted for MUF), the construction of even a crude atomic device, and the use or threat of use of this device by a terrorist group. In time this scenario would tend to become inevitable (Knelman, ERA Ecological Rights Association, 1995).

OBLIGATIONS TO ADDRESS THE URGENCY ELIMINATING WEAPONS OF MASS DESTRUCTION

Eliminating weapons of mass destruction

Man [Humans] and their environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26).

Expressing alarm by the threat to the survival of humanity and to the life-sustaining system posed by nuclear weapons

Alarmed by the threat to the survival of *mankind* **humanity** and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence (Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Promoting the elimination of [Eliminating] all weapons of mass destruction

[Promote the elimination Eliminate of all weapons of mass destruction, especially nuclear weapons] (Art. 145 f., Advance Draft Declaration and Platform for Action, May 15, 1995).

[Affirming that] peace depends on the prevention of the use or threat of the use of force...

Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affair of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violation of human rights and fundamental freedoms (Par 13, Nairobi Forward Looking strategy for the Advancement of women, 1985)

Calling for the reduction of nuclear weapons until they are completely eliminated

Calls upon all States to unite and redouble their efforts aimed at removing the threat of nuclear war, halting the nuclear-arms race and reducing nuclear weapons until they are

completely eliminated (3 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

Being convinced that nuclear disarmament is essential for the strengthening of international peace and security

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Being convinced that prohibition of the use or threat of use of nuclear weapons would lead to complete elimination of nuclear weapons and to disarmament

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Bringing about conditions among States in which a code of peaceful conduct would preclude the use or threat of use of nuclear weapons

Recalling its declaration, contained in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, that all States *should shall establish a actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and* which would preclude the use or threat of use of nuclear weapons, **the production and testing of nuclear weapons** (draft Convention on the prohibition of the use of nuclear weapons, A/RES/38/75, 1983)

Reaffirming that the use of nuclear weapons would be a crime against humanity

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Reiterating the request to commence negotiations on a convention for the prohibiting the use or threat of use of nuclear weapons

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)

OBLIGATIONS TO REMOVE THE THREAT OF NUCLEAR WAR AND CONDEMNING NUCLEAR WAR

Calling for the removing of the threat of nuclear war

Calls upon all States to unite and redouble their efforts aimed at removing the threat of nuclear war, halting the nuclear-arms race and reducing nuclear weapons until they are completely eliminated (3 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983).

Condemning of nuclear war

Drawing the attention of all States and peoples to the conclusions arrived at by the most eminent scientists and military and civilian experts to the effect that it is impossible to limit the deadly consequences of nuclear war if it is ever begun and that in a nuclear war there can be no victors (Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983).

Reaffirming call for a convention on the prohibition of the use of nuclear weapons

Reaffirming its call for the conclusion of an international convention on the prohibition of the use of nuclear weapons with the participation of all the nuclear-weapon States, (Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

Condemning of nuclear war as being contrary to human conscience and reason

Condemning of nuclear war as being the most monstrous crime against peoples

Resolutely, unconditionally and for all time condemns nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life (1 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983).

Condemning the formulation of propaganda of political and military doctrines intended to provide “legitimacy” for the first use of nuclear weapons

Condemns the formulation, propounding, dissemination and propaganda of political and military doctrines and concepts intended to provide 'legitimacy' for the first use of nuclear weapons and in general to justify the 'admissibility' of unleashing nuclear war (2 Condemnation of Nuclear War General Assembly Resolution A/RES/38/75, 1983)

OBLIGATIONS TO ADDRESS THE URGENCY

BANNING THE TESTING OF NUCLEAR WEAPONS

Reaffirming urgent need for a comprehensive nuclear-test ban treaty

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

Condemning nuclear testing

vi against nuclear testing and in favor of the dismantlement of nuclear plants (Youth Treaty, UNCED, 1992)

Undertaking to prohibit and prevent *atmospheric* [all] nuclear weapons testing

Each of the Parties to this Treaty undertakes to prohibit, to prevent and not to carry out any nuclear weapon test explosion, or any other nuclear explosion * *at any place under its jurisdiction or control:*

(i) *in the atmosphere; beyond its limits, including outer space; or under water including territorial waters or high seas (a); or*

(ii) *in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted... (b)*

(Partial Test Ban Treaty of 1963 in force 1963)

* note the phrase “any other nuclear explosion” in article I.1. is interpreted to mean “ any other non-hostile nuclear explosion”)

OBLIGATIONS TO ADDRESS THE URGENCY

RECOGNIZING THE LINKING BETWEEN CIVIL NUCLEAR ENERGY AND NUCLEAR ARMS AND NEED TO PHASE OUT CIVIL NUCLEAR POWER

Recognizing the linking of civil nuclear energy and nuclear arms

There is a tragic link between civil nuclear power and nuclear weapons. Uranium is the starting material for both technologies. All major uranium mines in the world are civilian operated. Nevertheless military nuclear operations manage to secure the critical materials to produce nuclear weapons (Knelman, ERA Ecological Rights Association, 1995)

Phasing out the mining of uranium and civil nuclear power

We urge that All new nuclear research, development, production, and use be stopped, that uranium mining be halted, and that nuclear power production and use be phased out and replaced by environment-friendly energy sources (Women’s Action Agenda, 1992).

Phase out nuclear energy and fossil fuel

The phasing out of nuclear energy and fossil fuels was proposed in the 1992 Nobel Laureate Declaration for UNCED

Undertaking to not receive or transfer nuclear arms devices or information to other States

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture of otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or

other nuclear explosive devices. (Art. II, Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970)

Limiting of means of injuring belligerents

Annex Article XXII *the right of belligerents to adopt means of injuring the enemy is not unlimited* **A belligerent state has no right to injure another**

Annex Article LV The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct. (Hague Convention ii of 1899 with respect to the laws and customs of war on land and reaffirmed in Hague Convention IV of 1907, in force 1910 respecting the Laws and Customs of War on Land)

OBLIGATIONS TO ADDRESS THE URGENCY

VIOLATING ARMS CONTROL

COMMENT ON VIOLATION IN ARMS CONTROL

Non-Proliferation Treaty (NPT)

Article 1: prohibits the transfer of weapons directly or indirectly from States in possession of nuclear weapons to States not in possess

Article II: disallows receipt or manufacture of nuclear weapons by non nuclear weapon States

Article III: seeks to assure that materials and facilities in non-nuclear weapon States are used for peaceful purposes only by application of safeguards by the IAEA

Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.

VIOLATION IN ARMS CONTROL

(F.H. Knelman Ph.D.)

Military Budgets and Strategic Policy

A dramatic rise in military budgets occurred during the eight years of the Reagan Administration. 1980-1988. For example, in 1981 the Global military budget stood at 580 Billion, while by 1991 it had just about doubled to approximately 1 trillion. The Reagan administration, through a group of secret presidential directives, had abandoned the strategy of deterrence or Mutual Assured Destruction i.e. MAD in favour of a clear nuclear war-fighting, war-winning strategy. The weapon systems and their delivery systems were re-designed for first strike and “decapitation” i.e. destruction of the Soviet’s command and control installations. The above strategy has largely remained in place through the Bush and Clinton Administrations. First use/first strike options are operational even against non-nuclear weapon States.

Arms control

Two key treaties mark the most successful accomplishment of arms control. These are the non-proliferation Treaty NPT which came into force in 1970 and the anti-ballistic missile ABM treaty of 1972.

The essence of NPT was a treaty between two classes of adherents, the “nuclear weapon States” (NWS) i.e. those who had detonated nuclear weapons prior to 1967 i.e. U.S., Britain, France, China, and U.S.S.R and the “Non nuclear weapon States” (NNWS) those who had not. The NNWS agreed not to manufacture or receive or acquire nuclear explosives of any kind including so-called peaceful nuclear explosives (PNEs) and to accept the role and safeguards of the international Atomic Energy Commission of Vienna (IAEA) as the Agency that would monitor through “Full-scope safeguards”. All ratifiers agreed not to export nuclear equipment or materials to NNWS except under IAEA safeguards and NWS

agreed not to assist NNWS to acquire nuclear weapons. All countries with knowledge of civil nuclear power pledged to assist those who wished to acquire it. Finally the NNWS pledged to pursue negotiations in good faith to end the arms race and achieve nuclear disarmament under International control (Article VI) in practice this only applied to the U.S.. and the U.S.S.R.

NPT also was to last 25 years with 5 year reviews, the last review being on May 12, 1995. The renewal period would then be subject to a vote based on whether the articles of the treaty had been fulfilled and pursued in good faith.

At the same time certain auxiliary arms control initiatives became informally attached to NPT and in particular to its post 1995 extension. These were broadly supported by the group on non-aligned NPT signatories. The first and perhaps most important of these was a call for the criminalization of nuclear weapons “by use or threat of use” (The World Court Project). This culminated in an UN General Assembly resolution passed in December 1994 requesting a judgment by the International Court of Justice on this matter. This initiative reflected the frustration over some two decades of violation of Article VI of NPT. Finally it should be noted that the “threat of use” was not in the original world Court Proposal and that this author played a role in its addition.

Further to the question of the violation of article VI, the total number of nuclear weapons in 1970, the date of the signing of NPT was 39,595. The total number as of late 1994 was 49,910. In other words not only was article VI completely violated but the number of nuclear weapons increased by some 25% in the 25 year period but even if we go to the year 2003, when it is hoped START 1 and START II will have been completed, the U.S. and Russia will still have some 10,000 each of which about 3500 will be strategic, the remainder tactical. At the same time the arsenals of China, France and the UK will CONTINUE to grow, let alone those of Israel, India and Pakistan (non- signatories of NPT). START II is in jeopardy. Both U.S. and Russia [or former Soviet Union] are having second thoughts but there is also an even greater deception regarding Article VI. While the actual number of strategic weapons will be reduced significantly in the two countries, the operational and force effectiveness of particularly the U.S. arsenal will actually be superior than that of the pre-START period. This deception is a loophole not considered in the NPT article VI was also consistently violated by the other three weapons States. This CONTINUEs to this day.

The other conditions that became attached to the renewal of NPT in 1995 are:

1. A comprehensive Test Ban Treaty (CTB).

The Atmospheric Test Ban Treaty (ATB) of 1967 was one of significant arms control initiatives and the result of a world-wide protest against the

biological hazards of fall-out. However, the U.S. followed by the U.S.S.R. circumvented the full intent of this treaty by going underground. Despite this, there was much so-called accidentally venting from such tests, particularly high yield ones. Moreover there were serious geological hazards also involved. This led to the 1974 Threshold Test Ban Treaty (TTBT) which limited the yield of such tests to 150 kilotons (Hiroshima Bomb was 20 K). This was consistently violated by both superpowers. Despite the fact that the vast majority of independent scientists agreed that it was not necessary to explode nuclear devices either to test new warheads or maintain the reliability of the arsenal, the two superpowers conducted thousands of tests.

2. An immediate cut-off in the production of weapons grade fissionable materials and uranium 235 and Plutonium 239 i.e. a suffocation policy.

This was totally ignored by the weapon States. There is a serious loophole in the entire NPT safeguards regime which has been completely ignored by uranium exporters such as Canada and by IAEA. It has to do with “depleted uranium” i.e. uranium 238 which is left over from the enrichment process. It also should be noted that the NWS are not subject to any IAEA monitoring, a serious flaw in NPT, (e.g. Canada’s sale of a CANDU to China).

3. An agreement to never use nuclear weapons first against any NNWS that signed NPT, later extended to a general “No first Use” pledge. We know for certain that the U.S. and NATO have a “first use “ policy against any state they define as an enemy or threatening their security or extra-sovereign interests.

4. To abide strictly to the Anti Ballistic Missile (ABM) Treaty of 1972.

This is one of the most important arms control treaties. It limits anti-missile sites to only two in the U.S. and now Russia. It was an agreement not to attempt to create invulnerability, by one of the superpowers thereby violating the basic deterrent principle of MAD. The Reagan initiative “Star Wars” was considered by almost all experts as a clear violation of ABM. Unfortunately the Clinton administration has decided to develop such a system but to delay deploying it. The Republican majority are in favour of deployment.

In general all of the above conditions have been thwarted while Article VI CONTINUEs to be violated in multiple ways including a lack of being

comprehensive i.e. involving all NWSS. Qualitative developments in all aspects of the nuclear weapons systems CONTINUES unabated. By agreeing to an indefinite extension of NPT on May 12 1995, the signatories have become a party to past and future violations, having given the NWSS, a blank cheque.

OBLIGATIONS TO ADDRESS THE URGENCY

ELIMINATING THE PRODUCTION, SALE, AND USE OF LAND MINES

Banning the production, sale and use of land mines

Dismantling of existing antipersonnel land mines.

Imposing conflict damage reparation against nations and private corporate equipment

Ban the production, sale and use of land mines and

Dismantling of existing antipersonnel land mines.

Impose conflict damage reparation against nations and private or corporate equipment;
(Anti-Land Mines... publication, 1995)

OBLIGATIONS TO ADDRESS THE URGENCY

PROHIBITING DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES

Ban all trade fairs for weapons and military equipment;

Ban all trade fairs for weapons and military equipment (Voice of Women, 1995)

Eliminate all subsidies to military research, production, marketing and trade

All subsidies to military research, production, marketing and trade shall be eliminated (Voice of Women, 1995)

Recognizing that women's NGO have called for reduction.. of international trade, trafficking and proliferation of weapons

Many women's non-governmental organizations have called for reductions in military expenditures world wide, as well as international trade, trafficking and proliferation of weapons... (139, May 15 draft of the Platform of Action)

Supporting the international campaign to ban Land mines

States and all citizens shall support the international campaign to ban land mines and demand that countries responsible for laying mines, and countries which have profited from the sale of land mines contribute to the costs of the de-mining process (Drawn from Land mine Abolition, A Background Report on Cambodia, 1995)

Prohibiting the use in war of poison gas and biological warfare

{the parties accept a prohibition of} the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices [and] agree to extend this prohibition to the use of bacteriological methods of warfare (Geneva Protocol of 1925 on Chemical and Bacteriological Warfare, in force, 1928)

Undertaking to never develop, produce or stockpile biological toxins for purpose of warfare

Bacteriological and Toxin Weapon Convention of 1972 in force 1975

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile, or otherwise acquire or retain: 1. Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic protective or other peaceful purposes; 2. Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. (Article 1, Bacteriological and Toxin Weapon Convention of 1972 in force 1975)

Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

Disarming and the terminating of weapon production

The promotion of complete disarmament, the termination of all weapon production and trade, and the ending of military technology transfer

(Interfaith Charter response through the Internet, 1994)

OBLIGATIONS TO ADDRESS URGENCY:

REDUCING, FREEZING OF THE MILITARY BUDGET

[Note that it is not only women's NGOs that have called for the reduction of the military expenditures; several General Assembly resolutions have also called for not only the reduction of military budget but the freezing of the military budget at 1981 levels]

Recognizing that women's NGOs have called for reductions in military budget

Many women's non-governmental organizations have called for reductions in military expenditures world wide, as well as international trade, trafficking and proliferation of weapons. Those affected most negatively by [conflict] [excessive military spending] are people living in poverty, who are deprived because of the lack of investment in

basic services. Women living in poverty, and particularly rural women, also suffer from the effects of the use of arms that are particularly injurious or have indiscriminate effects. There are more than one hundred million anti-personnel land-mines scattered in 64 countries globally. *[Excessive military spending is one of the main constraints for development.] [At the same time, maintenance of national security and peace [is an important factor] [is essential] for economic growth and development and the empowerment of women]* (Art. 139 Advance draft, Platform of Action, UN Conference on Women, May 15)

Expressing concern about military expenditures and the consequent waste of human and economic resources

- Deeply concerned by the arms buildup and trends in military expenditures, the consequent waste of human and economic resources and the resulting risks for world peace and security
- Also concerned by the extent of the crisis affecting the world economy, particularly the developing countries (Relationship between Disarmament and Development, UN resolution 38/71, 1983)

Considering the magnitude of military expenditures and the implications can not be ignored

Considering that the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order (Relationship between Disarmament and Development, UN resolution 38/71, 1983)

Reducing... excessive military expenditures

To facilitate the implementation of the Platform for Action, Governments should shall reduce, as appropriate, excessive military expenditures and investments for arms production and acquisition, to 1982 levels as agreed in UN resolution 36/82 consistent with national security requirements (Art. 350. Advance draft, Platform of Action, UN Conference on Women, May 15)

Reinforcing the need to reduce the military budget with a view to freeze, reduce or otherwise restrain military expenditures

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

Exercising self-restraint in military expenditures with view to reallocating funds to benefit developing countries

Reiterates the appeal to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981)

Achieving agreement to freeze, reduce or otherwise restrain

Recalling its resolution 34/83 F of 11 December 1979, in which it considered that a new impetus should be given to endeavours to

achieve agreements to freeze, reduce or otherwise restrain, in a balanced manner, military expenditures, including adequate measures of verification satisfactory to all parties concerned (Preamble, UN Resolution 36/82 Reduction of Military Budgets, 1981)

Reaffirming possibility of CONTINUED and systematic reductions in military budget without detriment to national security

Reaffirming that it is possible to achieve CONTINUED and systematic reductions in military budgets without affecting the military balance to the detriment of the national security of any State, (Preamble, UN Resolution 36/82 1981, Reduction of Military Budgets. 1981)

Renewing efforts to reach agreement on the reduction of military expenditures

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

OBLIGATIONS TO ADDRESS URGENCY:

TRANSFERRING THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ECOLOGICALLY SOUND DEVELOPMENT

Canceling debt burden by multilateral financial and development institutions

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

[Cancel or substantially reduce the debt burden, or convert debt services of developing countries, in particular the highly indebted low-income countries, in order to help them to finance programmes and projects targeted at development, including the advancement of women, and to achieve sustained economic growth and sustainable development without falling into a new debt crisis] (61 c Advance draft, Platform of Action, UN Conference on Women, May 15)

Restricting of “military charges” for the increase of material and moral welfare of *mankind* humanity

The conference is of the opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of *mankind*.” **humanity** (Preamble of resolution Final Act Hague Peace Conference 1899)

Limiting of armed forces by land and sea and of war budgets

The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea and of war budgets (4 Final Act Hague Peace Conference 1899)

Transferring money from weapons to food

The money spent by the world on weapons in one week is enough to feed all the people on Earth for a year. When millions of people go hungry each day how can we spend another dollar on war? (statement from “Food not Bombs”, 1995)

Reaffirming a close relationship between disarmament and development

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures *should shall* be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries, Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986

Reallocating resources released by effective disarmament measures...to...development particularly for the benefit of developing countries

Reaffirming the provisions of the Final Document of the Tenth Special Session of the General Assembly, according to which gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage, particularly by nuclear-weapon States and other militarily significant States, would contribute to curbing the arms race and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries (Resolution 36/82 1981, Reduction of Military Budgets. 1981)

Exercising self-restraint pending the conclusion of agreements on the reduction of military expenditures

Reiterates the appeal to all States, in particular, the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981)

Reallocation of resources saved by reduction of military budget to...benefit of developing countries

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

Releasing additional resources especially from nuclear weapon and other militarily important States for benefit of the developing States

Also considering that a reduction of arms expenditures, especially by nuclear-weapon States and other militarily important States, on a mutually agreed basis would be a measure that would curb the arms buildup and would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries (Relationship between disarmament and development, UN resolution 38/71, 1983)

Ensuring that the resources released by effective disarmament measures used for development by developing countries

All States *should* **shall** promote the establishment, maintenance and strengthening of international peace and security and, to that end, *should do their utmost to* **shall** achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries. (Declaration on the Right to Development Adopted by General Assembly resolution 41/128 of 4 December 1986)

Transferring of the global military budget

The global military budget shall be transferred to achieve social justice, to protect human rights, to preserve ecological heritage, to create ecologically safe and sound employment. (ERA Ecological Rights Association UN Proclamation for Translating Rhetoric into Action, 1992)

COMMENT: REDIRECTING THE GLOBAL MILITARY BUDGET

Reducing of global military budget immediately to 1981 as agreed to through UN General Assembly resolutions

Reducing of global military budget to 1981 levels, and transferring of funds to socially equitable and environmentally sound development.

In 1981 the General Assembly undertook to freeze the global military budget which was 50% of the current military budget in 1995. There must be an immediate 50% reduction of the global military budget, with an undertaking to reduce the budget by an additional 5% each year, and an immediate transfer of this budget to socially equitable and environmentally sound development. The \$400 billion, approximately 50% of the current global 1995 military budget, could be spent in the following way:

Proposing socially equitable and environmentally sound use of global military budget

Socially equitable and environmentally sound development Cost per annum in billions.

Safe, clean water	\$ 50
Shelter for all	\$ 21
Food for all and end to hunger	\$ 19
Health care for all	\$ 15
End of illiteracy	\$ 5
Education to stabilize population	\$ 10.5
Clean, safe renewable energy	\$ 17
Prevention of soil erosion	\$ 24
Prevent acid rain	\$ 8
Prevent climate change	\$ 8
Stop ozone depletion	\$ 5
Stop deforestation	\$ 7
TOTAL	\$189.5

(Source: 1991 W.C. Institute)

U.S. nuclear and toxic sites \$500+
(no technically feasible way of cleaning up nuclear sites; thus need for a phasing out of use of nuclear)

Former Soviet Union nuclear and toxic sites \$500+

Contingency \$ 10.5

TOTAL \$400

PROPOSAL BY THE ERA ECOLOGICAL RIGHTS ASSOCIATIONS

Reallocation of military spending to ensure a greater resource for public services

Access to public services calls for the reallocation of military spending to ensure a greater pocket of resources to expand public services (Prep Com II, UN Secretariat plan of Action, World Summit for Social Development, 1995)

Increasing the conversion of military resources and related industries to [socially equitable and environmentally sound] development /peaceful

Increase and hasten, as appropriate, to national security

considerations, the conversion of military resources and related industries to [development/peaceful] purposes (145 a Advance draft, Platform of Action, UN Conference on Women, May 15)

Conversion of all Military training facilities

Convert all military training facilities into civilian institutions • Undertake a time-bound program for conversion of military structures. (Voice of Women, 1995)

Reordering of priorities: not expensive in context of military expenditures

Many of the quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required—nor all of them combined— is expensive in the context of either current global development or military expenditures.(1.19 1994 International Conference on Population and Development, 1994)

Redirecting of military spending towards social and environmental ends

Against militarism, demanding that military spending be re-directed towards social and environmental ends (ii. Youth Treaty, UNCED, 1992)

Redirecting of monies from military expenditures to socially equitable and environmentally sound development

The monies derived from military expenditures shall be transferred into socially equitable and environmentally-sound development, and in particular to the fulfillment of basic human needs.

Increasing and hastening conversion of military resources and related industries

Increase and hasten, as appropriate, to national security

considerations, the conversion of military resources and related industries to **[development/peaceful]** purposes (Art. 145 a, Advance draft, Platform of Action, UN Conference on Women, May 15)

THE WORLD WEEK OF PEACE

GENERAL ASSEMBLY PROCLAIMS WORLD WEEK OF PEACE

The United Nations General Assembly has proclaimed a World Week of Peace to commemorate the fiftieth anniversary of the United Nations. The week is to begin on 24 October 1995. The Assembly took this decision by adopting submitted by Costa Rica on behalf of sixty-one States Members of the United Nations: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Bahamas, Barbados, Belize, Benin, Bolivia, Cambodia, Cameroon, Cape Verde, Chile, Colombia, Comoros,

Congo, Costa Rica, Cote d'Ivoire, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Gabon, Georgia, Grenada, Guatemala, Latvia, Liechtenstein, Monaco, Mongolia, Morocco, Nepal, New Zealand, Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Slovenia, Solomon Islands, Suriname, Togo, Trinidad and Tobago and Uruguay.

Cognizant of the fact that the promotion of peace and the prevention of war recognizing that the Preamble to the Charter of the United Nations States generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [Humanity], peace through peaceful means and through negotiation, as well as to promote

Recalling also its resolution 47/120 A of 18 December 1992, in which it (A/47/277-S/24111), stressing the importance of preventive diplomacy and peace-keeping operations,

Recognizing the important role that Disarmament Week, which will be observed concurrently with the World Week of Peace, is playing in promoting international peace and security,

Recognizing also that the United Nations is universal in nature and is the moral authority and the influence to promote and maintain world peace,

Recognizing further the importance of promoting the culture of peace,

Concerned that recent conflicts between States have brought with them

Deeply concerned at the large proportion of civilians, especially women and children, who have been killed and injured, and whose numbers have increased in recent years,

Recognizing that civil society organizations are now playing a more important role in promoting tolerance and understanding, truce can offer opportunities for building a just and lasting peace,

Noting with satisfaction the valuable initiative taken by the United Nations of "Weeks of Peace", which have been used to provide humanitarian relief, such as immunization, health care, food and clothing, to children trapped by armed conflicts

1. Decides to proclaim the World Week of Peace, beginning on 24 October 1995, and to invite all States to observe it, and to request the Secretary-General to disseminate information on the World Week of Peace to all States and to the public, and to request the Secretary-General to coordinate the World Week of Peace with the activities of the United Nations, and to request the Secretary-General to report on the implementation of the present resolution to the General Assembly at its fiftieth session
2. Approves the Proclamation of the World Week of Peace, the text of which is annexed to the present resolution, and requests the Secretary-General to disseminate the Proclamation to all States and to the public, and to request the Secretary-General to coordinate the World Week of Peace with the activities of the United Nations, and to request the Secretary-General to report on the implementation of the present resolution to the General Assembly at its fiftieth session
4. Requests the Secretary-General to ensure the broadest possible dissemination of information on the World Week of Peace to all States and to the public, and to request the Secretary-General to coordinate the World Week of Peace with the activities of the United Nations, and to request the Secretary-General to report on the implementation of the present resolution to the General Assembly at its fiftieth session
5. Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its fiftieth session

PROCLAMATION OF THE WORLD WEEK OF PEACE

The United Nations, in commemoration of the fiftieth anniversary of the United Nations, and in recognition of the primary goals of the United Nations, rededicated itself to the effort to establish a universal peace according to the purposes and principles of the Charter of the United Nations, signed at San Francisco,

Whereas, in increasing the size and scope of its peace-keeping operations, the United Nations has demonstrated its commitment to the task of peace-keeping and peacemaking.

Whereas the World Week of Peace offers a special opportunity for resolution, cease-fires and truces, and for a period of universal peace that could be used for the humanitarian relief that has become so critically necessary.

Peace sections in POA

28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects

145 (f) Recognizing the leading role that women have played in the peace movement:

- (i) Work actively towards general and complete disarmament under strict and effective international control;
- (ii) Support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty that contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;

145. By Governments:

- (a) Increase and hasten, as appropriate, subject to national security considerations, the conversion of military resources and related industries to development and peaceful purposes;**

(b) Undertake to explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures, trade in arms and investment in arms production and acquisition, *taking into consideration national security requirements*, so as to permit the possible allocation of additional funds for social and economic development, in particular for the advancement of women;

DISARMAMENT

Declaration 28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;

145 (f) Recognizing the leading role that women have played in the peace movement:

- (i) Work actively towards general and complete disarmament under strict and effective international control;

AFFIRMING THAT THE STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY,

RELAXATION OF INTERNATIONAL TENSION, MUTUAL CO-OPERATION AMONG ALL States

IRRESPECTIVE OF THEIR SOCIAL AND ECONOMIC SYSTEMS, **GENERAL AND COMPLETE**

DISARMAMENT, AND IN PARTICULAR NUCLEAR DISARMAMENT UNDER STRICT AND EFFECTIVE INTERNATIONAL CONTROL,(PREAMBLE, CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

weapons (nuclear in bold)

AFFIRMING THAT THE STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY, RELAXATION OF INTERNATIONAL TENSION, MUTUAL CO-OPERATION AMONG ALL States IRRESPECTIVE OF THEIR SOCIAL AND ECONOMIC SYSTEMS, **GENERAL AND COMPLETE DISARMAMENT, AND IN PARTICULAR NUCLEAR DISARMAMENT UNDER STRICT AND EFFECTIVE INTERNATIONAL CONTROL,(PREAMBLE, CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

Declaration 28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;

139. Many women's non-governmental organizations have called for reductions in military expenditures worldwide, as well as in international trade and trafficking in and the proliferation of weapons.

Those affected most negatively by conflict and excessive military spending are people living in poverty, who are deprived because of the lack of investment in basic services. Women living in poverty, particularly rural women, also suffer because of the use of arms that are particularly injurious or have indiscriminate effects. There are more than 100 million anti-personnel land-mines scattered in 64 countries globally. The negative impact on development of excessive military expenditures, the arms trade, and investment for arms production and acquisition must be addressed. At the same time,

maintenance of national security and peace is essential for economic growth and development and the empowerment of women.

Actions to be taken

145. By Governments:

(e) Recognizing that women and children are particularly affected by the indiscriminate use of antipersonnel land-mines:

- (i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000;**

(f) Recognizing the leading role that women have played in the peace movement:

(i) Work actively towards general and complete disarmament under strict and effective international control;

(ii) Support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty that contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;

(iii) Pending the entry into force of a comprehensive nuclear-test-ban treaty, exercise utmost restraint in respect of nuclear testing.

**CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN 83 references to shall**

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of man and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women CONTINUEs to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of

States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, **general and complete disarmament, and in particular nuclear disarmament under strict and effective international control**, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

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;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination

against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3. States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4. 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

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;

- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6. States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the

opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9. 1. States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and

- equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
 - (d) The same opportunities to benefit from scholarships and other study grants
 - (e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
 - (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely
 - (g) The same opportunities to participate actively in sports and physical education
 - (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning

Article 11. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to

promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training

- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to

housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15. 1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16. 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;**
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17. 1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of **twenty-three experts of high moral standing and competence in the field covered by the Convention.**

The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties

shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary

staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18. 1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

- (a) Within one year after the entry into force for the State concerned;
and
- (b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19. 1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20. 1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21. 1. The Committee shall, through the Economic and Social

Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22. The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23. 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:

- (a) In the legislation of a State Party; or**
- (b) In any other international convention, treaty or agreement in force for that State.**

Article 24. States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25. 1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depository of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26. 1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27. 1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of

the deposit of its own instrument of ratification or accession.

Article 28. 1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29. 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30. The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

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.

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.

Thank you for your comprehensive email of December 13, 1996.

Your contribution and comments on the United Nations Commission on Sustainable Development (CSD) Canadian National Country Profile was greatly appreciated.

CLASSIFIED SE

OTHER ACTIVISTS

 DOB: 1955-09-19 Potential to be Violent HIV Positive AIDS Activist, White male, 175cm, 64kg, brown hair, brown eyes	 DOB: 1961-11-21 AIDS Activist	 DOB: 1963-06-23 Lesbian activist / anarchist White, female, 180cm, 93.5kg, brown hair, very masculine	 DOB: 1966-11-21 Anarchist / activist	 DOB: 1971-04-3 Activist
 DOB: 1973-01-27 Activist - Threw blood on security conv.	 RUSSOW, Jean DOB: 1938-11-01 Media Person UBC protest sympathizer	 DOB: 1976-07-17 Media Person UBC protest sympathizer	 DOB: 1966-03-27 Activist	 DOB: 1963-12-17 Activist

THIS IS EXHIBIT E
REFERRED TO IN THE AFFIDAVIT OF
Jean Elizabeth Russow
SWORN BEFORE ME THIS 9 DAY
OF September, 2008
[Signature]
A Commissioner for Taking Affidavits
Within British Columbia

No dissemination without approval from NCO Vc 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 2023, I still do not know the reason for my 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 dedicate it the RCMP and let the reader determine if I have been a threat; and if so, to whom?

1997 Jan 27

OUTLINE

CHARTER OF RESOLUTIONS: OBLIGATIONS AND EXPECTATIONS

RESOLUTIONS FOR MOVING TO A CULTURE OF PEACE

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 years of obligations had been discharged, and if these fifty years of expectations had been 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 enforcing this legislation.

Expectations that have been created from General Assembly Resolutions, Declarations and Conference Action plans could be judicable 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)

This Charter delineates a series of principles drawn from international agreements, and couples this series with additional principles suggested by non-governmental organization. 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 Charter comprises resolutions with the preambular clauses drawn from International instruments, and international NGO agreements; and with the operative clauses drawn from specific issue-focus groups and from resolutions of different organizations. In this document, principles are enunciated and some of the actions that would need to be undertaken to ensure fulfillment of these principles have been proposed. This document delineate further what would constitute compliance with the principles.

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 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

REDUCTION OF GLOBAL MILITARY BUDGET AND TRANSFER OF THE FUNDS TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

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 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

AFFIRMATION OF THE NEED TO PROMOTE THE INTERDEPENDENCE OF ISSUES

Welcoming the appreciation of the interdependence of issues as expressed in the preamble of the International Conference on Population and Development:

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

Welcoming also the recognition in the Convention on Prevention of Natural Disasters that

“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 to Prevent Natural Disasters, 1994).

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

Noting the recommendation in ... SEE UNESCO DOCUMENT

We call upon States:

- **to support the consideration of the interdependence of issues related to Peace, human rights, social justice, environment, and socially equitable and environmentally sound development**
- **to undertake , as recommended in the International Conference on Population and Development research** 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)

DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

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...

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

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

Concerned that unfortunately many States have not as yet signed conventions, treaties and covenants, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations

Cognizant that 1999 is the culmination of the decade devoted to the furtherance of international law

We call upon member States of the United Nations:

- to sign and ratify all existing international agreements, enact the necessary legislation to ensure compliance and ensure the discharging of their obligations.
- to formalize the undertaking to discharge obligations in a General Assembly Resolution on the 52 sitting of the General Assembly, on October 25, 1997
- to ensure that these obligations are fully discharged before October 1999 in celebration of the culmination of the decade devoted to the furtherance of international law

FORMATION OF AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE

Reminded that the International Court of Justice provides only for state participation

Convinced that an incentive for the discharging of obligations and for the fulfilling of expectations could be an international forum where citizens could take evidence of state non-conformance

Noting that international agreements such as the International Covenant of Civil and Political Rights provides for the opportunity for citizens, after exhausting domestic remedies, to submit cases to an international body

We call upon the member States of the United Nations:

- to agree to the formation of an International Court of Compliance where citizens could take evidence of state non-compliance

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PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND LEGITIMATE EXPECTATIONS CREATED

PREAMBLE

A CALL TO ACTION

RESOLUTION: UNDERSTANDING THE INTERDEPENDENCE OF ISSUES 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: REDEFINITION OF WHAT CONSTITUTES GLOBAL SECURITY
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SOCIAL JUSTICE, AND EQUITY
AND SECURITY

RESOLUTION: GUARANTEEING THE RIGHT TO SECURITY INCLUDING
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RESOLUTION: PREVENTION OF POVERTY THROUGH FULFILLING BASIC NEEDS,
PROVIDING EQUITABLE DISTRIBUTION OF RESOURCES, GUARANTEEING
HUMAN RIGHTS, PRESERVING AND PROTECTING THE ENVIRONMENT, AND
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RESOLUTION: GUARANTEEING THE RIGHT TO FOOD

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RESOLUTION: ENSURING THE RIGHT TO SHELTER

RESOLUTION: GUARANTEEING THE RIGHT TO SHELTER

RESOLUTION: ENSURING THE RIGHT TO SAFE DRINKING WATER,
FIND UNCED AND HABITAT II

RESOLUTION: GUARANTEEING THE RIGHT TO UNIVERSAL HEALTH CARE

*RESOLUTION: INSTITUTING PREVENTIVE HEALTH CARE

RESOLUTION: PERTAINING TO STANDARDS FOR ELECTROMAGNETIC RADIATION (EMR)

RESOLUTION: GUARANTEEING THE RIGHT TO WORK IN SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK

*RESOLUTION: PREVENTION OF CRIME THROUGH SOCIAL PROGRAMS

ENVIRONMENT AND HEALTH

RESOLUTION: ELIMINATION, PREVENTION AND REDUCTION OF HEALTH AND ENVIRONMENT HAZARDS

RESOLUTION: BANNING OF GENETICALLY ENGINEERED FOOD, AND IRRADIATED FOOD (See Dr. FAGAN'S, Dr. Cummins MATERIAL)

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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: PROTECTION AGAINST PRODUCTS HARMFUL TO HEALTH AND THE ENVIRONMENT:

RESOLUTION: ELIMINATING ENVIRONMENTALLY INDUCED DISEASES (+)

RESOLUTION: LIMITING AND MONITORING REPRODUCTIVE TECHNOLOGIES

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*RESOLUTION: PERMITTING EUTHANASIA UNDER LIMITED CONDITIONS

*RESOLUTION: DEVELOPMENT OF CRITERIA FOR DETERMINING MEDICAL CHOICES

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RESOLUTION: ENSURING THE PREVENTION OF DISASTERS INCLUDING NATURAL AND TECHNOLOGICAL 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)

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RESOLUTION: BANNING OF PERSISTENT ORGANIC POLLUTANTS

*RESOLUTION: ENSURING ZERO EMISSION DISCHARGES

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*RESOLUTION: INSTITUTING PROGRAMS FOR TREATING WASTE AS A RESOURCE

*RESOLUTION: ELIMINATION OF THE PRODUCTION AND CONSUMPTION OF OZONE DEPLETING SUBSTANCES

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RESOLUTION : GUARANTEEING THE PRESERVATION, CONSERVATION AND PROTECTION OF BIODIVERSITY

RESOLUTION: PRESERVING, PROTECTING AND CONSERVING BIODIVERSITY IN FORESTS THROUGH FOREST PROTOCOLS

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 clear-cutting 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

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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 trans-boundary POLLUTION (ENFORCING WHILE MOVING BEYOND BASEL CONVENTION)

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RESOLUTION: PROMOTING AND ENSURING ENVIRONMENTALLY SOUND TRANSPORTATION, AND ENVIRONMENTALLY SOUND ENERGY

ENVIRONMENTALLY SOUND ENERGY

RESOLUTION: DEVELOPING ENVIRONMENTALLY SOUND ENERGY

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*RESOLUTION: REQUIRING ALL ENERGY SOURCES TO BE USED IN WAYS THAT RESPECT THE ATMOSPHERE, HUMAN HEALTH AND THE ENVIRONMENT AS A WHOLE

*RESOLUTION: CEASING ENVIRONMENTALLY DEGRADING AND WASTEFUL USE OF NON-RENEWABLE ENERGY RESOURCES

*RESOLUTION: MOVING THROUGH THE TRANSITION FROM THE PRESENT INTERNATIONAL ECONOMY BASED PRIMARILY ON HYDROCARBONS TO ONE BASES INCREASINGLY ON NEW AND RENEWABLE SOURCES OF ENERGY

*RESOLUTION: REQUIRING 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 .07% OF GNP (U.N. UNDERTAKING) FOR FOREIGN "REPARATION"

RESOLUTION: CONVERTING VESTED ECONOMIC INTEREST GATT TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES

RESOLUTION: CONDEMNING 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 trans-boundary 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 OF SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

MILITARY CONVERSION AND TRANSFER FUNDS
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TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: INSTITUTING MILITARY CONVERSION

RESOLUTION: ELIMINATING URANIUM MINING

RESOLUTION: ELIMINATING THE PRODUCTION OF WEAPONS OF MASS
DESTRUCTION INCLUDING NUCLEAR, CHEMICAL AND BIOLOGICAL

RESOLUTION: PREVENTING NUCLEAR CATASTROPHE THROUGH THE
ELIMINATION OF NUCLEAR WEAPONS

RESOLUTION: REMOVING THE THREAT OF NUCLEAR WAR AND CONDEMNING NUCLEAR WAR

*RESOLUTION: ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999
(CROSS REFERENCE WITH RESOLUTION RELATED TO THE CESSATION OF CIVIL ...)

*RESOLUTION: PROHIBITION OF THE DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES

*RESOLUTION: UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR MILITARY PURPOSES

RESOLUTION: IMPLEMENTING THE WORLD COURT DECISION ON THE ILLEGALITY OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

• RESOLUTION: BANNING THE TESTING OF NUCLEAR WEAPONS

RESOLUTION: RECOGNITION OF THE FATAL LINK BETWEEN CIVIL AND MILITARY NUCLEAR TECHNOLOGY

* RESOLUTION: MORATORIUM ON THE MANUFACTURE AND SALE OF ALL NUCLEAR REACTORS AND THE RAPID PHASE-OUT OF EXISTING PLANTS.

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RESOLUTION: REDUCTION OF CONVENTIONAL WEAPONS

PREAMBLE: FIND CONVENTION ON CONVENTIONAL WEAPONS

RESOLUTION: INSTITUTING REGULATIONS FOR GUN CONTROL

RESOLUTION: REDUCTION AND TRANSFER OF THE MILITARY BUDGET TO
 SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

* RESOLUTION: PROTECTING AND PROVIDING FOR CONSCIENTIOUS
 OBJECTORS

RESOLUTION: SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS
 PEACE WITH JUSTICE

RESOLUTION: PROMOTING CIVILIAN RULE

RESOLUTION: UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR
 MILITARY PURPOSES

SEE CONVENTION

RESOLUTION: ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS
 DESTRUCTION, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999

HUMAN RIGHTS AND RESPONSIBILITIES

RESOLUTION: PREVENTING GENOCIDE

RESOLUTION: PREVENTING ALL FORMS OF RACIAL DISCRIMINATION

RESOLUTION: PROMOTING AFFIRMATIVE ACTION

RESOLUTION: PREVENTING ALL FORMS OF DISCRIMINATION AGAINST WOMEN

RESOLUTION: RESPECTING THE LIMITATIONS OF FUNDAMENTAL RELIGIOUS
 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: GUARANTEEING THE RIGHTS OF THE CHILD

*RESOLUTION: AFFIRMING THE RIGHTS OF PERSONS WITH DISABILITIES

RESOLUTION: GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES

RESOLUTION: AFFIRMATION OF THE RIGHTS OF SELF-DETERMINATION

(

∞RESOLUTION: RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY, AND APPROPRIATENESS, AND RETURNING OR RESTITUTING OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN

RESOLUTION: GUARANTEEING INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES

(SEE indigenous Women's declaration from Beijing)

RESOLUTION: REDUCING THE NEED FOR IMMIGRATION 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

*RESOLUTION: REQUIREMENT OF SCIENTISTS TO SERVE THE PUBLIC TRUST, PEACE, ENVIRONMENTAL PROTECTION AND THE GUARANTEEING OF HUMAN RIGHTS

RESOLUTION: GUARANTEEING THE RIGHT TO WORK IN SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK

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 RESOLUTIONS AND CONFERENCE ACTION PLANS, RECOGNIZING THE APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATIONS

*RESOLUTION: ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION

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: REQUIRING REGULATIONS AND STANDARDS: 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: ENSURING GENUINE COMMUNITY PARTICIPATION AND INVOLVEMENT WITHIN A FRAMEWORK OF OVERARCHING PRINCIPLES
DRAWN FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS

RESOLUTION: ENDORSEMENT OF AND PROVISION FOR A FREEDOM OF INFORMATION AND ACCESS TO INFORMATION ACT

RESOLUTION: BANNING THE PRODUCTION AND EXPORT OF INSTRUMENTS OF TORTURE

CRUEL AND UNUSUAL PUNISHMENT

RESOLUTION; BIOCENTRICISM

SUFFOCATION URANIUM

PREVENTION AND TERMINATION

TIGHTENING UP

PRINCIPLE=BASE

UN preambular Vocabulary

committee

Having regard

commending

Defining

reaffirms
stresses that
Highlights the
Remembering
Cognizant
Bearing in mind
Emphasizing
reaffirming

Appreciating
Acknowledging
preambular
Recalling
Aware
Finding that
Commending
preoccupied
Noting with concern

Declaring
Notes Welcoming
Noting
Taking Account
taking special note
Taking into account
Considering
further considering
Believing
Welcomes
Welcomes also

Convinced that
Concerned
Deferring to
Guided
In recognition
Conscious of appreciative
similar appreciative

operational clauses

Identifies the following necessary minimal elements for national legislation, as well as for a convention

proposes

Urges ... to

requests

strongly supports

endorses Emphasizes

Strongly endorses

resolves

requests

	1985	1990	1992	Lates t 199_
GDP per capita (current U.S.\$)	13,795	21,376	20,600	
Real GDP growth (%)	4.7	-0.5	0.8	
Annual energy consumption per capita (Kg. of oil equivalent per capita)	8,0771	7,670	7,675	

Motor vehicles in use per 1000 inhabitants	566.9	622.7	591.6 ²	

Other data

2. Means & Measures and Agents (Stakeholders)

Indicate with an (R) those agents who assume primary responsibility for any of the policy measures indicated; indicate with an (I) the agents for which the impact is expected to be especially significant.

Agents Means & Measures	Producers	Local authorities	Central Government	Households	Civil Society
<u>Improving understanding and analysis</u>					
Information and education (e.g., radio/TV/press)					
Research					
Evaluating environmental claims					
Form partnerships					
<u>Applying tools for modifying behaviour</u>					
Community based strategies					
Social incentives/disincentives (e.g., ecolabelling)					
Regulatory instruments					
Economic incentives/disincentives					
Voluntary agreements of producer					

responsibility for aspects of product life cycle					
Provision of enabling facilities and infrastructure (e.g., transportation alternatives, recycling)					
Procurement policy					
<u>Monitoring, evaluating and reviewing performance</u>					
Action campaign					
Other (specify)					

Comments:

1997 Jan 27

OUTLINE

CHARTER OF RESOLUTIONS: OBLIGATIONS AND EXPECTATIONS

RESOLUTIONS FOR MOVING TO A CULTURE OF PEACE

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 years of obligations had been discharged and if these fifty years of expectations had been 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 enforcing this legislation.

Expectations that have been created from General Assembly Resolutions, Declarations and Conference Action plans could be judicable 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)

This Charter delineates a series of principles drawn from international agreements, and couples this series with additional principles suggested by non-governmental organization. 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 Charter comprises resolutions with the preambular clauses drawn from International instruments and international NGO agreements and with the operative clauses drawn from specific issue-focus groups and from resolutions of different organizations. In this document, principles are enunciated and some of the actions that

would need to be undertaken to ensure fulfillment of these principles have been proposed. This document delineates further what would constitute compliance with the principles.

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 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.

REDUCTION OF GLOBAL MILITARY BUDGET AND TRANSFER OF THE FUNDS TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

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 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

AFFIRMATION OF THE NEED TO PROMOTE THE INTERDEPENDENCE OF ISSUES

Welcoming the appreciation of the interdependence of issues as expressed in the preamble of the International Conference on Population and Development:

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

Welcoming also the recognition in the Convention on Prevention of Natural Disasters that

“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 to Prevent Natural Disasters, 1994).

Welcoming also the additional recognition of the interdependence of issues reflected in the Convention to Combat Desertification when States have undertaken to bear in mind “ the relationship between desertification and other environmental problems of global dimension facing the international and national communities, the Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes,

particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements” (United Nations Convention to Combat, Desertification Article 1, 1994)

Noting the recommendation in ... SEE UNESCO DOCUMENT

We call upon States,

- **to support the consideration of the interdependence of issues related to Peace, human rights, social justice, environment, and socially equitable and environmentally sound development**
- **to undertake , as recommended in the International Conference on Population and Development research** 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

DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

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...

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

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

Concerned that, unfortunately many States have not as yet signed conventions, treaties and covenants, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations.

Cognizant that, 1999 is the culmination of the decade devoted to the furtherance of international law

We call upon member States of the United Nations:

- to sign and ratify all existing international agreements, enact the necessary legislation to ensure compliance and ensure the discharging of their obligations.
- to formalize the undertaking to discharge obligations in a General Assembly Resolution on the 52 sitting of the General Assembly, on October 25, 1997
- to ensure that these obligations are fully discharged before October 1999 in celebration of the culmination of the decade devoted to the furtherance of international law.

FORMATION OF AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE

Reminded that the International Court of Justice provides only for state participation

Convinced that an incentive for the discharging of obligations and for the fulfilling of expectations could be an international forum where citizens could take evidence of state non-conformance

Noting that international agreements such as the International Covenant of Civil and Political Rights provides for the opportunity for citizens, after exhausting domestic remedies, to submit cases to an international body

We call upon the member States of the United Nations:

- to agree to the formation of an International Court of Compliance where citizens could take evidence of state non-compliance

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*RESOLUTION: FULFILLING EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND CONFERENCE ACTION PLANS, RECOGNIZING THE APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATIONS

*RESOLUTION: ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION

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: REQUIRING REGULATIONS AND STANDARDS: FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR

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RESOLUTION: ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME States OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER

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*RESOLUTION: ENSURING GENUINE COMMUNITY PARTICIPATION AND INVOLVEMENT WITHIN A FRAMEWORK OF OVERARCHING PRINCIPLES DRAWN FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS

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SUFFOCATION URANIUM

PREVENTION AND TERMINATION

TIGHTENING UP

PRINCIPLE=BASE

	1985	1990	1992	Latest 199_
GDP per capita (current U.S.\$)	13,795	21,376	20,600	
Real GDP growth (%)	4.7	-0.5	0.8	
Annual energy consumption per capita (Kg. of oil equivalent per capita)	8,077 ¹	7,670	7,675	
Motor vehicles in use per 1000 inhabitants	566.9	622.7	591.6 ²	
Other data				

2. Means & Measures and Agents (Stakeholders)

Indicate with an (R) those agents who assume primary responsibility for any of the policy measures indicated; indicate with an (I) the agents for which the impact is expected to be especially significant.

Agents Means & Measures	Producers	Local authorities	Central Government	House -holds	Civil Society
<u>Improving understanding and analysis</u>					
Information and education (e.g., radio/TV/press)					

Research					
Evaluating environmental claims					
Form partnerships					
<u>Applying tools for modifying behaviour</u>					
Community based strategies					
Social incentives/disincentives (e.g., ecolabelling)					
Regulatory instruments					
Economic incentives/disincentives					
Voluntary agreements of producer responsibility for aspects of product life cycle					
Provision of enabling facilities and infrastructure (e.g., transportation alternatives, recycling)					
Procurement policy					
<u>Monitoring, evaluating and reviewing performance</u>					
Action campaign					
Other (specify)					

Comments:

() THAT in 1997 on January 27, I wrote and circulated the following outline:

CHARTER OF RESOLUTIONS: OBLIGATIONS AND EXPECTATIONS

RESOLUTIONS FOR MOVING TO A CULTURE OF PEACE

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 which would 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 years of obligations had been discharged, and if these fifty years of expectations had been 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 enforcing this legislation.

Expectations that have been created from General Assembly Resolutions, Declarations and Conference Action plans could be judicable 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)

This Charter delineates a series of principles drawn from international agreements, and couples this series with additional principles suggested by non-

governmental organization. Non-governmental organizational 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 Charter comprises resolutions with the preambular clauses drawn from international instruments and international NGO agreements; and with the operative clauses drawn from specific issue-focus groups and from resolutions of different organizations. In this document, principles are enunciated, and some of the actions that would need to be undertaken to ensure fulfillment of these principles have been proposed. This document delineates further what would constitute compliance with the principles.

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 and Conference Action Plans and Declarations.

The failure of States to sign instruments or 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.

REDUCTION OF GLOBAL MILITARY BUDGET AND TRANSFER OF THE FUNDS TO SOCIALLY EQUITABLE AND ENVIRONMENTAL SOUND DEVELOPMENT

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, 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 resulting in extremely harmful consequences to 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, States considered that the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued, within 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 by 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

AFFIRMATION OF THE NEED TO PROMOTE THE INTERDEPENDENCE OF ISSUES

Welcoming the appreciation of the interdependence of issues as expressed in the preamble of the International Conference on Population and Development:

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

Welcoming also the recognition in the Convention on Prevention of Natural Disasters that

“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 is expected.

...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 to Prevent Natural Disasters, 1994).

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

Noting the recommendation in ... SEE UNESCO DOCUMENT

We call upon States,

- **to support the consideration of the interdependence of issues related to Peace, human rights, social justice, environment, and socially equitable and environmentally sound development**
- **to undertake , as recommended in the International Conference on Population and Development research** 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

DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

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...

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

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

Concerned that unfortunately, many States have not as yet, signed conventions, treaties and covenants, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations.

Cognizant that 1999 is the culmination of the decade devoted to the furtherance of international law

We call upon member States of the United Nations:

- to sign and ratify all existing international agreements, enact the necessary legislation to ensure compliance and ensure the discharging of their obligations.
- to formalize the undertaking to discharge obligations in a General Assembly Resolution on the 52 sitting of the General Assembly, on October 25, 1997
- to ensure that these obligations are fully discharged before October 1999 in celebration of the culmination of the decade devoted to the furtherance of international law.

FORMATION OF AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE

Reminded that the International Court of Justice provides only for State participation

Convinced that an incentive for the discharging of obligations and for the fulfilling of expectations could be an international forum where citizens could take evidence of state non-conformance

Noting that international agreements such as the International Covenant of Civil and Political Rights provides for the opportunity for citizens, after exhausting domestic remedies, to submit cases to an international body

We call upon the member States of the United Nations:

- to agree to the formation of an International Court of Compliance where citizens could take evidence of state non-compliance

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RESOLUTION: REMOVING THE THREAT OF NUCLEAR WAR AND CONDEMNING
NUCLEAR WAR

*RESOLUTION: ELIMINATION OF THE PRODUCTION OF WEAPONS OF MASS
DESTRUCTION, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999

(CROSS REFERENCE WITH RESOLUTION RELATED TO THE CESSATION OF
CIVIL ...)

*RESOLUTION: PROHIBITION OF THE DISPLAY, SUBSIDY, USE OF SPECIFIC
MILITARY WEAPONS AND DEVICES

*RESOLUTION: UNDERTAKING NOT TO MODIFY THE ENVIRONMENT FOR
MILITARY PURPOSES
RESOLUTION: IMPLEMENTING THE WORLD COURT

DECISION ON THE ILLEGALITY OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

RESOLUTION: BANNING THE TESTING OF NUCLEAR WEAPONS

RESOLUTION: RECOGNITION OF THE FATAL LINK BETWEEN CIVIL AND MILITARY NUCLEAR TECHNOLOGY

* RESOLUTION: MORATORIUM ON THE MANUFACTURE AND SALE OF ALL NUCLEAR REACTORS AND THE RAPID PHASE-OUT OF EXISTING PLANTS.

RESOLUTION: CESSATION OF PRODUCTION, MOVEMENT AND BERTHING OF NUCLEAR ARMED, AND NUCLEAR-POWERED VESSELS (SEE RESOLUTION RELATED TO DISASTERS)

RESOLUTION: REDUCTION OF CONVENTIONAL WEAPONS

PREAMBLE: FIND CONVENTION ON CONVENTIONAL WEAPONS

: INSTITUTING REGULATIONS FOR GUN CONTROL

RESOLUTION: REDUCTION AND TRANSFER OF THE MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

RESOLUTION: PROTECTING AND PROVIDING FOR CONSCIENTIOUS OBJECTORS

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, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999

HUMAN RIGHTS AND RESPONSIBILITIES

RESOLUTION: PREVENTING GENOCIDE

RESOLUTION: PREVENTING ALL FORMS OF RACIAL DISCRIMINATION

RESOLUTION: PROMOTING AFFIRMATIVE ACTION

RESOLUTION: PREVENTING ALL FORMS OF DISCRIMINATION AGAINST WOMEN

RESOLUTION: RESPECTING THE LIMITATIONS OF FUNDAMENTAL RELIGIOUS 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: GUARANTEEING THE RIGHTS OF THE CHILD

*RESOLUTION: AFFIRMING THE RIGHTS OF PERSONS WITH DISABILITIES

: GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES

RESOLUTION: AFFIRMATION OF THE RIGHTS OF SELF-DETERMINATION

RESOLUTION: RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY, AND APPROPRIATENESS, AND RETURNING OR RESTITUTING OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN

RESOLUTION: GUARANTEEING INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES

(SEE indigenous Women's declaration from Beijing)

RESOLUTION: REDUCING THE NEED FOR IMMIGRATION 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

RESOLUTION: REQUIREMENT OF SCIENTISTS TO SERVE THE PUBLIC TRUST, PEACE, ENVIRONMENTAL PROTECTION AND THE GUARANTEEING OF HUMAN RIGHTS

RESOLUTION: GUARANTEEING THE RIGHT TO WORK IN SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK

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 RESOLUTIONS AND CONFERENCE ACTION PLANS, RECOGNIZING THE APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATIONS

*RESOLUTION: ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION

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: REQUIRING REGULATIONS AND STANDARDS: 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: ENSURING GENUINE COMMUNITY PARTICIPATION AND INVOLVEMENT WITHIN A FRAMEWORK OF OVERARCHING PRINCIPLES DRAWN FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS

RESOLUTION: ENDORSEMENT OF AND PROVISION FOR A FREEDOM OF INFORMATION AND ACCESS TO INFORMATION ACT

RESOLUTION: BANNING THE PRODUCTION AND EXPORT OF INSTRUMENTS OF TORTURE, CRUEL AND UNUSUAL PUNISHMENT

RESOLUTION; BIOENTRICISM

SUFFOCATION URANIUM

PREVENTION AND TERMINATION

FEBRUARY FEBRUARY

() THAT in 1997 in February 1, I Participated in a "Stakeholder meeting" with Foreign Affairs Minister, John Fraser on Canada's submission to the United Nation's Earth Summit +5; drove home with Vicky Husband. Women speaking for the Coal industry [a new role for women: as spokespersons for the dirty industries]; we urged John Fraser to be honest about the environmental problems in Canada

For the UNCED conference, Canada had submitted a glossy report to the UN about all the measures that Canada has undertaken to fulfill its obligations and commitments [at a press conference I said: "UNCED is a time to dispel myths not to perpetuate them".

() THAT in 1997 February, I prepared documents for participation in "Abolition 2000" in Ottawa, and participated in the Abolition 2000 meeting on behalf of the Voice of Women. I stressed the importance of condemning the role of civil nuclear energy and uranium mining in the development of nuclear weapons

() THAT in 1997, on February 4

I wrote a letter requesting an addition to the report on the CULTURE OF PEACE proposal

EXHIBIT

Dear Ann

I was talking with Janis this morning and she mentioned that you would be writing a report.

I arrived back in Victoria to be greeted by U.S.S. Nimitz

EXHIBIT

I hope you can mention something about the need to prohibit nuclear powered vessel visits to Canadian waters and harbours. The U.S.S. Nimitz, the world's largest warship powered by two nuclear reactors, carries 100 aircraft and displaces 93400 tons of water; has a crew 6000 Nuclear weapons capability and nuclear bombs carried by the various aircraft aboard. The biggest bomb is the B28 bomb which is equivalent to 1.43 million tons of TNT. Hiroshima was 15,000 tons. Price tag, 3.5 billion U.S.

Traditionally, the policy has been to neither confirm or deny the presence of nuclear arms on board. This time they did confirm that they were not carrying weapons.

The Canadian Government has agreed to the "prevention principle" and has undertaken to prevent anthropogenic disasters. The visits are a "disaster waiting to happen". Continuing to allow these visits is one element of continuing the culture of violence.

The federal government issued an order in council in 991 to bypass the requirement to do an environmental assessment review of these nuclear visits under the Environmental Assessment Review Program.

Bye for now

Joan Russow

() THAT in 1997 on February 9, I wrote to the CEN

() THAT in 1997, on February 9 I had written a resolution about the linking of forests to the legally binding UNFCCC and the convention on Biological Diversity

EXHIBIT

RESOLUTION: PRESERVING, PROTECTING AND CONSERVING BIODIVERSITY IN FORESTS THROUGH FOREST PROTOCOLS LINKED WITH THE UNFCCC AND THE CONVENTION ON BIOLOGICAL DIVERSITY

Aware of the existence of legally binding international conventions that are applicable to forests such as the Convention for the protection of Cultural and Natural Heritage, the

Convention of Biological Diversity, the Framework Convention on Climate Change, Vienna Convention on Protection of Ozone, the Basel Convention on trans-boundary pollution, the Convention on Environmental Impact Assessment Review trans-boundary Activities, the Convention to Combating Desertification, the Convention Natural Disaster Reduction, Environmental Modification Convention, UN Convention on International Trade in Endangered Species of Wild Fauna and Flora, etc.

Recognizing that many States have neither signed nor ratified these conventions, many States have signed but not ratified, and many States have signed and ratified but failed to enact the necessary legislation to discharge their obligations, and finally many States have failed to enforce the legislation necessary to ensure compliance. In addition many of the national and regional courts do not find these international instruments judicable.

Aware of the existence of many General Assembly resolutions, declaration and conference action plans that created an expectation that forests will be preserved and protected , and that logging practices will be socially equitable and environmentally sound

Be it resolved that forest protocols be linked with legally binding conventions

Be it also resolved that States sign, and ratify United Nations Conventions related to forests, and that States enact the necessary legislation to ensure compliance with these conventions, and to ensure that the international legally binding instruments can be used by citizens in the national and regional court systems.

RESOLUTION: BANNING clear-cutting THROUGH INTERPRETATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY and UNFCCC

Aware that the Convention on Biological Diversity requires the invocation of 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",

Bearing un mind that it is not necessary to establish scientific certainty that clear-cut logging and other ecologically unsound practices will cause loss and reduction of biodiversity for the practice of clear-cutting and other ecologically unsound practices to be banned

Aware that the Biodiversity Convention requires that States party to the Convention identify biodiversity, and understanding that States by their own admission have not begun to identify vertebrates let alone invertebrates

Knowing that the original old growth forests are habitats of significant biodiversity

Aware that the Biodiversity Convention calls for an environmental impact assessment of activities that could contribute to the loss or reduction of Biodiversity

Convinced that current logging practices have been shown to contribute to a loss and reduction of biodiversity

Knowing that under the objective of the legally binding UNFCCC is the requirement to conserve carbon sinks, and that old growth forests function as significant carbon sinks

We call upon the Member States of the United Nations:

To acknowledge that States are in violation of the Biodiversity Convention by continuing to permit logging in areas of old growth

- To conserve the little remaining old growth forests
- To undertake a full environmental impact assessment of current forest practices.
- To conserve carbon sinks by preserving old growth forests

RESOLUTION: ENSURING THAT THE BIODIVERSITY CONVENTION APPLIES TO ALL LANDS (PRIVATE AND PUBLIC)

RESOLUTION: IDENTIFYING AND CONSERVING BIODIVERSITY THROUGH PRESERVING REMAINING OLD GROWTH FORESTS

Aware that the Convention on Biological Diversity requires the invocation of 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",

Aware that the Biodiversity Convention requires that States party to the Convention identify biodiversity, and

Understanding that States by their own admission have not begun to identify vertebrates let alone invertebrates

Knowing that the original old growth forests are habitats of significant biodiversity

Aware that the Biodiversity Convention calls for an environmental impact assessment of activities that could contribute to the loss or reduction of Biodiversity

Convinced that current logging practices have been shown to contribute to a loss and reduction of biodiversity

Aware that the Framework Convention on Climate Change requires the conservation of carbon sinks

Knowing that old growth forests function as significant forest sinks

We call upon the Member States of the United Nations:

- to concur that it is not necessary to establish scientific certainty that clear-cutting and other ecologically unsound practices will cause loss and reduction of biodiversity for the practice of clear-cutting and other ecologically unsound practices to be banned

- to concur that States are in violation of the Biodiversity Convention by continuing to permit logging in areas of old growth
- to conserve the little remaining old growth forests
- to undertake a full environmental impact assessment of current forest practices.
- to conserve carbon sinks by preserving old growth forests

To the CEN

I am sorry to find out that it is no longer possible to have input in the Forest Convention issue. I have been raising it as an issue since June 1992, and especially last year. I had asked for you to distribute material and resolutions related to the Forest Convention at the meetings in Ottawa. Suddenly, a year later, I receive a response a day after the deadline for comments. I have often asked to be involved at the international level specifically to address this issue. Yet Martin responded by saying that this issue was not under discussion.

Regards

Joan Russow, Chair of the BCEN International Affairs Caucus

What is needed is Mandatory International Normative Standards (MINS) drawn from international principles from UN instruments already in place. The stewardship program itself is not strong enough because it is mandatory and often is compromised by too moderate recommendations.

I have enclosed some material as background material as an attachment.

The International Affairs caucus is doing a report on Canada's failure to live up to obligations incurred and expectations created through UNCED documents. This report will be submitted to the Commission on Sustainable Development as a parallel report to the Canada state report

Please let me know if you have not been able to access the attachment it is in Microsoft 5.1

Joan Russow

() THAT in 1997 on February 9, I endorsed the abolition 2000 Declaration

EXHIBIT:

RE ABOLITION 2000 Declaration

Drafted by NGO leaders at the Nuclear Non-proliferation Treaty conference in 1995, the following declaration has been endorsed by more than 300 citizen groups around the world.

A secure and livable world for our children and grandchildren and all future generations requires that we achieve a world free of nuclear weapons and redress the environmental degradation and human suffering that is the legacy of fifty years of nuclear weapons testing and production.

Further, the inextricable link between the “peaceful” and warlike uses of nuclear technologies and the threat to future generations inherent in the creation and use of long-lived radioactive materials must be recognized. We must move toward reliance on clean, safe, renewable forms of energy production that do not provide the materials for weapons of mass destruction and do not poison the environment for thousands of centuries. The true “inalienable” right is not to nuclear energy but to life, liberty, and security of person in a world free of nuclear weapons.

We recognize that a nuclear weapons free world must be achieved carefully and in a step-by-step manner. We are convinced of its technological feasibility. Lack of political will, especially on the part of the nuclear weapons States, is the only true barrier. As chemical and biological weapons are prohibited, so must nuclear weapons be prohibited.

We call upon all States—particularly the nuclear weapons States, declared and de facto—to take the following steps to archive nuclear weapons abolition. We further urge the States party to the NPT to demand binding commitments by the declared nuclear weapons States to implement these measures.

- 1) Conclude by 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. *
- 2) Immediately make an unconditional pledge not to use or threaten to use nuclear weapons
- 3) Rapidly complete a truly comprehensive test ban treaty with a zero threshold and with stated purpose of precluding nuclear weapons development by all States
- 4) Prohibit the military and commercial production and reprocessing of all weapons-usable radioactive materials
- 5) Subject all weapons-usable radioactive materials and nuclear facilities in all States to international accounting, monitoring, and safeguards, and establish a public international registry of all weapons-usable radioactive materials.
- 7) Prohibit 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 close all nuclear test sites.
- 8) Create additional nuclear weapons free zones such as those established by the Treaties of Tlatelolco and Raratonga.

9) Recognize and declare the illegality of threat or use of nuclear weapons, publicly and before the World Court

10) Establish an international energy agency to promote and support the development of sustainable and environmentally safe energy sources

11) Create mechanisms to ensure the participation of citizens and NGOs in planning and monitoring the process of nuclear weapons abolition.

A world free of nuclear weapons is a shared aspiration of humanity. This goal cannot be achieved in a non-proliferation regime that authorizes the possession of nuclear weapons by a small group of States. Our common security requires the complete elimination of nuclear weapons. Our objective is definite and unconditional abolition of nuclear weapons.

* The convention should mandate irreversible disarmament measures, including but not limited to the following withdraw and disable all deployed nuclear weapons systems; disable and dismantle warheads; place warheads and weapon-usable radioactive materials under international safeguards; destroy ballistic missiles and other delivery systems. The convention could also incorporate the measures listed above which should be implemented independently without delay. When fully implemented, the convention would replace the NPT.

Could you please add my name

Joan Russow

Global compliance Research Project

Subject: Sustainable Development Strategy Discussion Paper

() THAT in 1997, on February 9, I circulated a piece on the forest convention

EXHIBIT

Why was nothing done on the Forest Convention issue when I have been raising it as an issue since January 1994, and specifically last year. I had asked for you to distribute material and resolutions related to the Forest Convention at the meetings in Ottawa. Suddenly a year later I receive a response a day after the deadline for comments. I have often asked to be involved at the international level specifically to address this issue. Yet Martin responded by saying that this issue was not under discussion.

Could you please add two names to the list.

Dr. Joan Russow, Global Compliance Research Project

David White, ERA Ecological Rights Association.

Kind Regards

Joan Russow Chair of the BCEN International Affairs Caucus and
Member of the IUCN Commission; on Education and Communication

What is needed is Mandatory International Normative Standards (MINS) drawn from international principles from UN instruments already in place. The stewardship program itself is not strong enough because it is not mandatory and often is compromised by too moderate recommendations.

I have enclosed some material as background material as an attachment.

The International Affairs caucus is doing a report on Canada's failure to live up to obligations incurred and expectations created through UNCED documents. This report will be submitted to the Commission on Sustainable Development as a parallel report to the Canada state report

Please let me know if you have not been able to access the attachment it is in Microsoft

Joan Russow

RESOLUTION: PRESERVING, PROTECTING AND CONSERVING BIODIVERSITY IN FORESTS THROUGH FOREST PROTOCOLS LINKED WITH THE CONVENTION ON BIOLOGICAL DIVERSITY AND THE FRAMEWORK CONVENTION ON CLIMATE CHANGE

Aware of the existence of legally binding international conventions that are applicable to forests such as the Convention for the protection of Cultural and Natural Heritage, the Convention of Biological Diversity, the Framework Convention on Climate Change, Vienna Convention on Protection of Ozone, the Basel Convention on trans-boundary pollution, the Convention on Environmental Impact Assessment Review trans-boundary Activities, the Convention to Combating Desertification, the Convention Natural Disaster Reduction, Environmental Modification Convention, UN Convention on International Trade in Endangered Species of Wild Fauna and Flora, etc.

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Aware of the existence of many General Assembly resolutions, declaration and conference action plans that created an expectation that forests will be preserved and protected, and that logging practices will be socially equitable and environmentally sound

Be it resolved that forest protocols be linked with legally binding conventions

Be it also resolved that States sign, and ratify United Nations Conventions related to forests, and that States enact the necessary legislation to ensure compliance with these

conventions, and to ensure that the international legally binding instruments can be used by citizens in the national and regional court systems.

RESOLUTION: BANNING clear-cutting THROUGH INTERPRETATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Aware that the Convention on Biological Diversity requires the invocation of 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",

Aware that the Biodiversity Convention requires that States party to the Convention identify biodiversity, and

Understanding that States by their own admission have not begun to identify vertebrates let alone invertebrates

Knowing that the original old growth forests are habitats of significant biodiversity

Aware that the Biodiversity Convention calls for an environmental impact assessment of activities that could contribute to the loss or reduction of Biodiversity

Convinced that current logging practices have been shown to contribute to a loss and reduction of biodiversity

Aware that the Framework Convention on Climate Change requires the conservation of carbon sinks

Knowing that old growth forests function as significant forest sinks

We call upon the Member States of the United Nations:

- to concur that it is not necessary to establish scientific certainty that clear-cutting and other ecologically unsound practices will cause loss and reduction of biodiversity for the practice of clear-cutting and other ecologically unsound practices to be banned
- to concur that States are in violation of the Biodiversity Convention by continuing to permit logging in areas of old growth
- to conserve the little remaining old growth forests
- to undertake a full environmental impact assessment of current forest practices.
- to conserve carbon sinks by preserving old growth forests

RESOLUTION: ENSURING THAT THE BIODIVERSITY CONVENTION APPLIES TO ALL LANDS (PRIVATE AND PUBLIC)

RESOLUTION: IDENTIFYING AND CONSERVING BIODIVERSITY THROUGH PRESERVING REMAINING OLD GROWTH FORESTS

Aware that the Convention on Biological Diversity requires the invocation of 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",

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Aware that the Biodiversity Convention calls for an environmental impact assessment of activities that could contribute to the loss or reduction of Biodiversity

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- to conserve the little remaining old growth forests
- to undertake a full environmental impact assessment of current forest practices.
- to conserve carbon sinks by preserving old growth forests

() THAT in 1997, on February 10, I received a letter from department of environment thanking me for my input

EXHIBIT

Lester B. Pearson Building

Tower B, 4th Floor, AGE

125 Sussex Drive

Ottawa, Ontario

K1A 0G2

UNCLASSIFIED

February 10, 1997

Dr. Joan Russow

Ecological Rights Association

Global Compliance

Research Project

Dear Dr. Russow:

Thank you for your comprehensive email of December 13, 1996. Your contribution and comments on the United Nations Commission on Sustainable Development (CSD) Canadian National Country Profile was greatly appreciated.

The information you provided was distributed to the appropriate chapter drafters. You may wish to know that the final draft of the CSD Canadian National Profile was recently completed and sent to the CSD in New York. The profile will be available shortly on CSD and the Department of Foreign Affairs and International Trade website.

Thank you again for your extensive input and suggestions into Canada's preparation of the CSD Canadian National Profile. The Government of Canada encourages the active involvement of Canadians in the preparation of all international events. We will CONTINUE to try and provide you with information and reports in as timely a manner as possible, and look forward to receiving your comments and opinions on Canadian positions for future international events.

Yours sincerely,

Peter Fawcett

Acting Director

Environment Canada

EXHIBIT here was my 1996 submission to environment Canada

COMMENT

I had agreed to have an input into their document if they would agree to put my input up on their website

EXHIBIT

()1996 **SUMISSION 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 Inter-Sessional 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, NATURALDISASTERS, TOXIC CHEMICALS AND PESTICIDE RESIDUES, RADIOACTIVWASTE, ARMED CONFLICTS" (ART 246, ADVANCE DRAFT, PLATFORM OACTION, UN. CONFERENCE ON WOMEN, MAY 15)

CONCURRING WITH AGENDA 21, UNCED, THAT "THE MAJOR CAUSE OF THECONTINUED 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 CONSUMPTIONPATTERNS, 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 ENVIRONMENTA LPROBLEMS. 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 FIFTYYEARS OF EXPECTATIONS HAD BEEN FULFILLED, AND IF YEARS OF COMMITMENTS HAD BEEN ACTED UPON, RESPECT FOR HUMAN RIGHTS COULDHAVE BEEN GUARANTEED, PRESERVATION AND PROTECTION OF THEENVIRONMENT COULD HAVE BEEN ENSURED, THREATS TO PEACE PREVENTED ANDREMOVED, 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 socio-economic 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 transboundary 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 CULTURAL 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 Nation 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, OF 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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Subject: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

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. THIS 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 DOLLARS ANNUALLY. UNFORTUNATELY, THE UNITED NATIONS HAS BEEN FACED WITH A DAUNTING TASK OF ADDRESSING THE MISPLACED PRIORITIES OF ITS MEMBER STATES. 425 BILLION DOLLARS 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's) 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 ENVIRONMENTAL 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

SOCIALLYEQUITABLE 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 OFINTEREST 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 THEREIS 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 A GLORIFICATION 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 ARENAS 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 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)

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 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.

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 socio- economic 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 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.

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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 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 /ENVIRONMENTALLY 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 INITIAL DISCLAIMER STATING THAT THE INDICATORS WERE VOLUNTARY, AND THEN MENTION THE FIRST INDICATOR AS BEING TO CONSERVE BIODIVERSITY THUS, POSSIBLY 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 IN REACTORS] 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 INTERNATIONAL, ENVIRONMENTAL 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 THAT CONTRIBUTE 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 PHILOSOPHICAL UNDERPINNINGS OF EDUCATION [FOR EXAMPLE THERE IS A

PROGRAM" LEARNING FOR SUSTAINABILITY" THAT HAS BOARD MEMBERS FROM INDUSTRY. IN ADDITION, RATHER THAN ENCOURAGE CORPORATE INVOLVEMENT IN UNIVERSITIES, CORPORATE TAXES SHOULD BE RAISED, TAX DEFERRALS COLLECTED AND DISCONTINUED, AND THE MONEY SO GAINED SHOULD GO, IN PART, TO PROMOTING EDUCATION. IN CHAPTER 36, INDUSTRY IS DESIGNATED AS THE RECIPIENT OF ENVIRONMENTAL EDUCATION NOT THE ONE TO DETERMINE THE PHILOSOPHICAL UNDERPINNINGS 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 programmes 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 regard to 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:

INSTITUTE REGULATIONS THAT PREVENT THE MISUSE OF FRESH WATER. URBAN AND RURAL WASTE, RATHER THAN BEING CONVERTED INTO A RESOURCE:

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 RIVER 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 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 obtaining of 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 inter-governmental dialogue, under the aegis of the CSD, aimed at building a consensus which **MUST BE BASED ON PRINCIPLES ESTABLISHED THROUGH THE U.N. 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:

a FOR ALL STATES TO RATIFY THE LAW OF THE SEA AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT.

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

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: jrussow@coastnet.com (Joan Russow) (by way of information habitat <jrussow@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 TO 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 inter-agency 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 THAT SUGGESTED 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 transboundary 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, transboundary 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 agro-biodiversity. 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 NATURAL DISASTERS. 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 DECISION-MAKING 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 inter-mediation 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.

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 pre-requisite 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.

NOTE: 2018**NOTHING IF NOT PAID MERCENARY

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 environment refused to participate unless they were paid

() THAT in 1997 on February 12, I received correspondence 13:26:23

To: Steering Cmte 96/97 From: Annemarie sleeman <asleeman@alternatives.com

Subject: Sustainable Development Strategy Discussion Paper

Hi. Environment Canada just couriered over a document for review (in their usual timely manner). It is a draft Sustainable Development Strategy. The department is interested in any views or comments that you may have regarding the Draft Strategy. They want comments by March 3rd. There is a NEW department which is interested in any views or comments that you may have regarding the Draft Strategy. They want comments by March 3rd. There is a face-to-face meeting on Wed. Feb 19th in Vancouver (only BC date). As far as I know, there are no travel funds. Anyone want me to inquire further on travel funds?

The document itself is posted on Environment Canada's Green Lane (Internet site). A discussion forum has been established to permit you to submit your comments. The address is: http://www.ec.gc.ca/sd-dd_consult

The phone number for more info: (819)997-1816. Happy Reading!

() THAT in 1997 on February 13 as the Chair of the International Affairs Caucus, I received a request through the BCEN to participate in a conference call with Environment Canada

EXHIBIT

() THAT in 1997, I agreed to this request. I had placed the Environment Canada's document in the context of principles derived from international agreements, and that I indicated that I would comment providing that they were prepared to put my comments up on their web site [which they agreed to]

(*) THAT in 1997 I participated in their conference call and was surprised that I was the only environmentalist on the call, and that I asked them why, and was told that none of the other environmental groups was prepared to participate because there was no funding [I always thought that having input into government documents was an act of

activism because the government could never say that no activist had ever suggested a particular action should be undertaken].

() THAT in 1997, in February, I had been invited to have input into the environmental section of the alternative Budget being prepared by the Centre for Policy Alternatives

EXHIBIT:

Some difficult decisions have to be made about the Alternative budget. Last year I was part of the process in Victoria, and I worked with others on proposing a section for the environment part of the document. We were sure that it would be given serious consideration. Last year the budget was funded by the Unions (\$100,000). When I saw the report last April, I noticed that there was virtually nothing about the environment in the document. I raised this concern at a meeting at the University, and was told that the Unions had difficulty with the environment section. When I was in Vancouver in May for the NAFTA Environmental Cooperation division meeting, I met the Alternative Budget Environment chair, and he mentioned that the unions had definitely made the decision not to include the environment section. He mentioned to me that he would like to work on an alternative budget for the Green party.

Here is what I passed on to the organizers again. Most of the document was from last January (1996) Environment group submission

EXHIBIT:

I have mentioned to the organizers that I read the 1996 budget and I think that there were excellent provisions in the budget related to social justice issues. I will CONTINUE to attend the meetings.

What do you think we should do? I am afraid that we could CONTINUE to work on the AFB and the same thing could happen again, that suddenly all specific actions related to the environment will be left out.

Joan

Dear Tony,

I found last year's submission to the process. This is a copy of last years with some additions.

I think we need more of an action set of statements.

Joan

IT WAS SUGGESTED LAST YEAR THAT THIS STATEMENT BE INCLUDED IN THE PREAMBLE TO THE BUDGET

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).

OVERARCHING STATEMENT SUCH AS THE FOLLOWING

Conserving natural capital, ecosystem integrity and life support systems—air, water, and soil— takes primacy in all economic decision making. A series of international treaty obligations already exist to guide decision making in these areas in Canada and the Provinces. A responsible long-term economic program must have as its central pillar, the protection of the environment and the prevention of environmental degradation. This pillar shall be based on the adherence to fundamental principles that have been agreed to internationally such as the precautionary principle, the pollution prevention principle, the environmental assessment review principle, the “reducing of the ecological footprint” principle, and the implementing of the polluter pays principle.

Socially equitable and environmental sound principles will be achieved through the following processes:

1. Developing alternative criteria based not on economic growth but on equitable and environmentally sound principles
2. Fostering locally-based economies within an overarching framework of socially equitable and environmentally sound principles.
3. Strengthening environmental regulatory regimes, including setting performance-based standards, reporting and monitoring, and ensuring compliance and enforcement with significant penalties.
- 4.. Providing international leadership on environmental policy issues. Canada signs and ratifies agreements but fails to enact the necessary legislation to ensure compliance
- 5.. Developing achievable strategies for meeting Canada’s international obligations incurred through conventions such as the Framework Convention on Climate Change, the Convention on Biological Diversity, the Montreal protocol (eliminating the production and consumption of ozone depleting substances), the Basel Convention and the Convention on Environmental Impact Assessment in a trans-boundary Context, Convention on the Prevention of Disasters, and other relevant convention. In addition, Canada shall fulfill expectations created through General Assembly Resolutions, Declarations and Conference Action plans.
7. Removing the tax and direct subsidies for resource depletion, for environmentally unsound transportation (fossil fuels and other non-renewable sources), for environmentally unsound energy (fossil fuel and other non-renewable sources and

nuclear] and for other environmentally unsound technologies. Promoting and funding BEST (Best Environmentally Sound Traditions) practices.

8. Promoting research on means to prevent climate change, ozone depletion, and reduction and loss of biodiversity and other ecological effects of production process. Lobbying for reduction of greenhouse gas emissions to 20% from 1990 levels by the year 2000, and for the conservation of carbon sinks such as old growth forests.

9. Ensuring that an environmental assessment review be carried out on all activities that could contribute to a loss or reduction of biodiversity, including activities that come under the Ministry of defence

10. Preventing the transfer to other States of activities or substances that are harmful to human health or to the environment. This would include the transfer of toxic, hazardous, or atomic substances, activities or wastes. (This would include the sale of CANDU) reactors

11. Suffocating uranium mining, and phasing out the use of civil nuclear energy.

12. Implementing a fair transition program in all sunset industries that are not environmentally sound. Retooling plants for environmentally sound energy, transportation and technology

13. Reducing waste and energy use at all stages of the production process, treating waste as a resource, and reducing the transport of goods via shorter-loop systems. In addition, preventing 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 or that cause environmental degradation (Principle, Rio Declaration UNCED)

14. Moving away from the current over-consumptive model of development.

IT WAS SUGGESTED THAT THIS STATEMENT BE INCLUDED IN THE PREAMBLE TO THE BUDGET

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).

SUGGESTIONS RELATED TO THE ENVIRONMENT SECTION.

NEED FOR AN OVERARCHING STATEMENT SUCH AS THE FOLLOWING

Conserving natural capital, ecosystem integrity and life support systems—air, water, and soil— takes primacy in all economic decision making. A series of international treaty obligations already exist to guide decision making in these areas in Canada and the Provinces. A responsible long-term economic program must have as its central pillar, the protection of the environment and the prevention of environmental degradation. This pillar shall be based on the adherence to fundamental principles that have been agreed to internationally such as the precautionary principle, the pollution prevention principle, the environmental assessment review principle and the “reducing of the ecological footprint” principle.

DELETE THE PARAGRAPH STARTING WITH THE ONLY JUSTIFICATION AND REPLACE WITH

Socially equitable and environmental sound principles will be achieved through the following processes:

- 1. Developing alternative indicators based not on economic growth but on equitable and environmentally sound principles**
- 2. Fostering locally-based economies within an overarching framework of socially equitable and environmentally sound principles.**
- 3. Strengthening environmental regulatory regimes, including setting performance-based standards, reporting and monitoring, and ensuring compliance and enforcement with significant penalties.**
- 4.. Providing international leadership on environmental policy issues. Canada signs and ratifies agreements but fails to enact the necessary legislation to ensure compliance]**
- 5.. Developing achievable strategies for meeting Canada’s international obligations incurred through conventions such as the Framework Convention on Climate Change, the Convention on Biological Diversity, the Montreal protocol (eliminating the production and consumption of ozone depleting substances), the Basel Convention and the Convention on Environmental Impact Assessment in a trans-boundary Context, Convention on the Prevention of Disasters, and other relevant convention. In addition, Canada shall fulfill expectations created through General Assembly Resolutions, Declarations and Conference Action plans.**

[NOTE THE ABOVE STATEMENT THAT GOVERNMENTS 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. (PLATFORM OF ACTION, ARTICLE 167).

7. AS IS

8. Removing the tax and direct subsidies for resource depletion, for environmentally unsound transportation (fossil fuels and other non-renewable sources), for environmentally unsound energy (fossil fuel and other non-renewable sources and nuclear] and for other environmentally unsound technologies. Promoting and funding BEST (Best Environmentally Sound Traditions) practices.

9. Endorsing the polluter pay principle (Agenda 21, UNCED) NOT FULLY DISCUSSED FELT THIS NEEDED WORK

10. Promoting research on means to prevent climate change, ozone depletion, and reduction and loss of biodiversity and other ecological effects of production process

11. Reducing waste and energy use at all stages of the production process, treating waste as a resource, and reducing the transport of goods via shorter-loop systems. In addition, preventing 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 or that cause environmental degradation (Principle, Rio Declaration UNCED)

we all thought that more work needs to be done on the environment section and that we would be willing to participate on an environment committee for the 1998 budget

() THAT in 1997 on February,17, I proposed a Green book to the Green Party

From: Lucy Segatti <segatti@web.net

EXHIBIT

At 12:13 PM 2/17/97 -0800, you wrote:

Dear Lucy

What do you think of calling the platform the "green book". My computer was down so David sent a rough draft of my comments to you. I thought I would send you an attachment of the document. I have made some changes and from the last one.

I would like to see about a 25 page booklet with cartoons.

What do you think of calling the platform the "green book". My computer was down so David sent a rough draft of my comments to you. I thought I

would send you an attachment of the document. I have made some changes and from the last one.

I would like to see about a 25 page booklet with cartoons.

() THAT in 1997 on February 19, I wrote to the Council of Canadians to see if they would contribute to my trip to Washington DC I was invited to be on a panel on the precautionary principle

EXHIBIT

"The Implications of Compliance with the Precautionary Principle:

Report to the Commission on Sustainable Development;"

Dr Joan E. Russow

1230 St Patrick St.

Victoria, B.C. V8S 4YT

Tel/Fax. (250) 598-2740

Attention Brant Thompson

Council of Canadians

I am on the Board of Directors of the Victoria Branch of the Council of Canadians, and was responsible for submitting the resolution calling upon governments to comply with international obligations by signing and ratifying international agreements and by enacting the necessary legislation to ensure compliance.

I have had a paper accepted for an International law conference in Washington. The Conference is sponsored American Society of International Law's wildlife section

- Green Life Society - North America
- Georgetown International Environmental Law Review
- Colorado Journal of International Environmental Law & Policy
- Environmental Law Society, American University School of Law
- Detroit College of Law-Michigan State University

The papers will be published in the Colorado Journal of International Law. I will be on the first panel on the precautionary principle with the following academics:

Drs. Jonathan Verschuuren & Chris Backes, Faculty of Law, Tilburg

University, Netherlands, "The Precautionary Principle in European and Dutch

Wildlife Protection Law and Policy;"

- Dr. Joan E. Russow, Co-ordinator, Global Compliance Research project & Sessional lecturer, Global Issues, Environmental Studies Program, U. Of Victoria, "The Implications of Compliance with the Precautionary Principle: Report to the Commission on Sustainable Development;"

- Dr. W.M. von Zharen, College of Wildlife and Agriculture; College of Geosciences and Maritime Studies, Texas A&M University, Galveston, Texas, U.S.A, "Stewarding Marine Species: Beyond the Precautionary Principle;"

- William C. Burns, Director, Greenlife Society - North America, "Using Reverse Listing to Implement the Precautionary Principle in the Context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;"

- Dr. Sudhir K. Chopra, Visiting Professor, Department of Environmental Science and Policy and Department of International Relations, Central European University, Budapest, Hungary & Craig Hanson, Member, Illinois state bar, "Deep Ecology to the Precautionary Principle: Ethical Principles Evolve into Customary International Law."

At this conference I will be trying to put a resolution on the floor calling upon States to sign what they have not yet signed, to ratify what they have not ratified and to enact the necessary legislation to ensure compliance and enforcement.

I am writing to ask if the Council of Canadians might be able to make a contribution to my airfare.

Thanks.

Yours sincerely

PS Chretien will be in Washington at the same time.

Joan Russow

Joan Russow

() THAT in 1997 in February, I wrote a spoof on the obsequiousness of the citizen of Victoria, because of their welcoming the U.S.S Nimitz with signs of “welcome boys” in the store windows

() THAT in 1997 in February, I distributed the following resolutions to the BCEN international Affairs caucus

EXHIBIT

RESOLUTION: FORMATION OF AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE

Reminded that the International Court of Justice provides only for state participation

Convinced that an incentive for the discharging of obligations and for the fulfilling of expectations could be an international forum where citizens could take evidence of state non-conformance

Noting that international agreements such as the International Covenant of Civil and Political Rights provides for the opportunity for citizens, after exhausting domestic remedies, to submit cases to an international body

We call upon the member States of the United Nations:

- to agree to the formation of an International Court of Compliance where citizens could 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

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.

Convinced of the necessity of establishing of mandatory international normative standards to drive corporations, including transnationals to BEST (Best Environmentally sound Traditions) practices.

Aware that some States have limited capacity to monitor and regulate the activities of transnational corporations to prevent environmental and social impacts of socially inequitable and environmentally unsound practices

Mindful that different States have different standards and concurring that the highest state standard shall be the international standard

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 based on the highest tenable principles some of which already established through International instruments., and if a state standards is higher than the current international standards the highest state standard shall become the international standard
- to ensure that all transnationals operate under the highest state standard or the highest international standard whichever is higher and more stringent
- to revoke charters of transnationals that have failed to comply with international law through their violating human rights, their causing environmental degradation, or through their 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)

RESOLUTION: REQUIRING REGULATIONS AND STANDARDS: FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR

Convinced about the need for complying with all international, national, bilateral and regional agreements, protocols and conventions as a minimum. if there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail

Convinced also of the need to ensure that every activity or substance that could prevent the protection and conservation of the environment will be included in environmental legislation, regardless of whether the activity or substance is, or is presumed to be covered under another Act

Mindful also that there is an expressed need to ensure that [Observing international obligations as a minimum] by following the most conducive provisions for achieving [objective]

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained in the legislation of a State Party or

in any other international convention, treaty or agreement in force for that State.
(Paraphrase of Article 23, Convention on the Elimination of all forms of Discrimination against women, 1979)

Convinced of the need to undertake not relax standards related to socially equitable and environmental sound development

Undertaking to not relax environmental standards and technical regulations, or human rights protection, or social justice and equality/equity provisions to attract short-term economic benefit

Convinced also of the need to ensure that standards and technical regulation will not be relaxed to attract investment

the argument that in a pristine environment that has not yet been polluted by industrial activity shall be able to have emission standards relaxed is inherently invalid and should be discounted. In other words a licence to pollute could be given to industry in an pristine area because the area is not yet officially been designated as being polluted

Stressing the need to 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

Stressing again the need to ensuring that relaxation of standards and regulations shall not be used to attract polluting industry

No proposal to relax standards or technical regulations shall be used to attract industry [see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)]

Recalling the expressed need for 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)

Affirming the need for establishing and enforcing reduction and elimination targets

Ambient criteria, or environmental quality criteria refers to levels of contaminants in the environment that must be zero use, production, and release in all cases where a toxic substance is persistent or bio-accumulative. It also applies when a substance will generate persistent or bio-accumulativetoxic by-products or breakdown products during its productions, use or disposal

Concurring with habitat ii that 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...(habitat ii, 19)

Cognizant of the proposal in habitat ii of establish [ing] and adopt [ing] a regulatory framework, and provide [ing] institutional support for facilitating participation and partnership arrangements at all levels. (habitat ii, 50 e)

Concurring also with habitat ii on the 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 (habitat ii, 180?)

Aware of the expectation created in habitat ii 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... observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children (habitat, ii 148 * e)

Noting with habitat II, that 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. (153, Habitat II)

Aware of the responsibility to regulated services undertaken through Habitat II in the recognition that "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)

Concurring with the importance of "promot[ing], where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (75 d Habitat II)

Call upon member States of the United Nations:

- to establish the necessary regulatory framework based on the principles derived from international law, including conventions, treaties, covenants, declarations, General Assembly resolutions and conference action plans, and drawn from the highest and most stringent state practices if there are practices that exceed international standards

RESOLUTION: ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH ALL NATIONAL CODES AND INTERNATIONAL LAW

Concerned that the proposal from the “Establishment of a New International Economic Order (1974) that “All efforts should **shall be made to formulate, adopt and implement an international code of conduct for transnational corporations “ **has been ignored****

(v. Regulation and Control over the Activities of Transnational Corporations Programme of Action on the Establishment of a New International Economic Order, 1974)

Concurring with the proposal to limit the power of transnational corporations through charters: “When we look at the history of our States [U.S.] 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).

Cognizant of the recommendation by NGOs: to 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, UN Conference on Women: Equality, Development and Peace; it was agreed to by consensus in the NGO plenary in New York but not included in the NGO submission).

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 principle, 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;

Concurring with Habitat II, that 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); yet this control should be tempered by the requirement to adhere to the highest tenable standards currently in existence;

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 member States of the United Nations:

- **to ensure, as agreed in Art. 167 of the Platform of Action (UN Conference on Women), 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”
- 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 violate human rights, that cause environmental degradation and loss and reduction of biodiversity, that contribute to conflict and war, and that deny social equity and justice

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

Aware that criteria and indicators, as currently conceived, are neither mandatory normative nor performance based;

Recognizing that voluntary criteria and indicators, such as those developed through the ISO 14000 process, only assess conformance to self initiated environmental policy;

Fearing that criteria and indicators, or ISO 14000 standards will be confused with mandatory, normative, performance based standards;

Understanding that voluntary standards would be in violation of the expectation created in Article 167 of the Platform of Action, Beijing, 1995 that States should ensure that corporations, including transnationals, comply with all international agreements including international environmental law, and with the expectation created that this would extend to the private sector in **article** (Habitat II, 1996

We call upon the member States of the United Nations:

- to establish mandatory, normative international standards based on principles drawn from the body of international law, including the Charter of the United Nations, conventions, treaties, and covenants and from declarations, General Assembly Resolutions, and Conference Action plans.
- to fulfill their expectation of ensuring compliance by supporting the establishment of Mandatory International Normative standards (MINS)
- to forbid labels related to standards be permitted to be placed on forest products unless these standards are mandatory, normative, environmentally sound and performance based

RESOLUTION: STRENGTHENING AND PROMOTING TRADITIONAL PRACTICES

Mindful that, through international standards, States shall refrain from imposing external devised technologies and encourage the development of BEST local and indigenous technologies:

Mindful that throughout the UNCED documents there is a call for the respect of indigenous practices and local technologies:

"...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 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)

We call upon the member States of the United Nations:

- to 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** (Article 69(a) Habitat II, 1996);
- to encourage and support 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 (Article 152 * c bis merged with d bis) Habitat II, 1996);
- To strengthen the indigenous building materials industry, based as far as possible on locally available resources. (51 d Habitat II, 1996))

RESOLUTION: DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

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...

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

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

Concerned that, unfortunately many States have not as yet signed conventions, treaties and covenants, others have signed but not ratified them, and others have failed to enact the necessary legislation to ensure the discharging of their obligations;

Cognizant that 1999 is the culmination of the decade devoted to the furtherance of international law;

We call upon member States of the United Nations:

- to sign and ratify all existing international agreements; enact the necessary legislation to ensure compliance and ensure the discharging of their obligations
- to formalize the undertaking to discharge obligations in a General Assembly Resolution on the 52 sitting of the General Assembly, on October 25, 1997
- to ensure that these obligations are fully discharged before October 1999 in celebration of the culmination of the decade devoted to the furtherance of international law.

***RESOLUTION: FULFILLING EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND CONFERENCE ACTION PLANS, RECOGNIZING THE APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATIONS**

Aware of the expectations created through General Assembly resolutions and conference Action Plans

Convinced of the applicability of the Doctrine of Legitimate Expectations which comprises 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 inhibiting 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)

We call upon member States of the United Nations:

-to acknowledge that under this doctrine, it could be argued that the statements enunciated in international instruments — legally binding documents (conventions, Treaties, Covenants); globally adopted 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

- to formalize the undertaking to fulfill expectations created through majority passed General Assembly Resolutions, and globally adopted Conference statements , in a General Assembly Resolution on the 52 sitting of the General Assembly, on October 25, 1997

- to ensure that these expectations are fully fulfilled before October 1999 in celebration of the culmination of the decade devoted to the furtherance of international law.

and Victoria in a state of Obsequiousness: the Visit of the U.S.S Nimitz

() THAT 1997, on February 16, I attended the celebration of life for the wonderful Beth Hill. Diana Chalm, from Voice of Women, read Tennyson's poem I am a part of all that I have met. It was coincidence because I had planned on reciting the same passage.

EXHIBIT

() THAT in 1997, on February 16, I wrote a spoof to Clinton but did not send for fear that he might think it was serious

EXHIBIT

Dear Mr. President

We welcome your nuclear peace mission; we know that only through a display of nuclear force, will peace be maintained in the unipolar world.

We will encourage our citizens to bring their children down to see your big vessels so that the youth of today can appreciate the magnitude of your mission.

We know that the member States of the United Nations agreed to eliminate weapons of mass destruction in 1972 at the UN Conference in Stockholm. But we agree with your position that nuclear weapons are not weapons of mass destruction, and that atomic wastes are not hazardous wastes.

We agree that civil nuclear reactors that we are selling around the world have nothing to do with nuclear weapons, and it is just a coincidence that some of the countries that have CANDU reactors have developed nuclear weapons.

We will ignore the World Court Decision that the use or the threat to use, nuclear weapons is contrary to humanitarian law:

We know that your nuclear powered and nuclear capable vessels that visit our ports have had accidents but that does not mean that the vessels are not safe.

We know that you have agreed, through international instruments, to prevent disasters so you would not hide any information about previous nuclear vessel accidents.

We agree that, if an accident does occur in our waters, that you should detonate any bombs on board for security reasons thus protecting your intellectual property rights.

We will ignore the reports from the subversive elements in our society that there have been several accidents on nuclear powered vessels.

We will reprimand and marginalize those subversive citizens in our cities that misrepresent your mission and fill us with fear about the dangers of your visits.

We know that a renegade Commonwealth country New Zealand has become a nuclear-free zone and will not permit visits of nuclear powered, nuclear arms capable or nuclear armed vessels, and we appreciate the necessary measures that you have taken against New Zealand.

We can understand why your nuclear powered and nuclear armed vessels are not permitted in the harbour of New York city; it would not be because there is a perception of potential risk or danger to the citizenry or of potentially serious environmental impacts.

We know that you and your vice president are concerned about protecting the environment and would not engage in any activity that could cause serious irreversible environmental consequences or could contribute to loss or reduction of biodiversity.

We will issue an order in council to bypass the requirement to do an environmental assessment review of activities that could potentially cause environmental harm so that your nuclear ship visits can proceed unhindered.

We will be grateful to you for stimulating our local economies, in particular one of our growth special services such as prostitution, and one of our expanding industries the junk food chains.

Yes Mr. President, we agree with the Christian Round table that "nuclear weapons are part of God's design" and we will support your carrying out of His design as we all move towards the Millennium.

In humble servitude,

John Christ for the Federal Government of Canada

Robert de Poulet Canadian Ambassador to the UN

O Simmer for the Military

Bob Criss for the City of Victoria

Global Compliance Research project

() THAT in 1997, on February 19, I wrote and circulated the following resolution:

EXHIBIT

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)

() THAT In 1997, on February 20, I recirculated the excellent condemnation of clear-cut logging from the Conference on Environmental Ethics at the Goethe institute in Vancouver in 1992

The practice of clear-cutting, followed by artificial reforestation has undoubtedly many technical and organizational advantages. In the course of time, however, soil scientists and ecologists found out that the practice of clear-cutting 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, from The institute Biological Department, University of Munich, Environmental Ethics Conference, 1992, Vancouver)

from the last one.

I would like to see about a 25 page booklet with cartoons.

j

FEBRUARY 1997 CANADA REPORT TO RIO+5

SUMMARY

MY COMMENTS ARE IN RED

The United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 resulted in the global community committing itself to the goal of sustainable development.

Among UNCED's major outcomes, was Agenda 21, an ambitious plan of action on some thirty-nine environment and development issues. The United Nations General Assembly subsequently created the United Nations Commission on Sustainable Development (CSD) to monitor global progress in achieving the goals laid out in Agenda 21 and UNCED's other outcomes. Each annual session of the CSD includes a review of selected chapters of Agenda 21. A full review of Agenda 21 and UNCED's other outcomes will be held in 1997.

The CSD encourages countries to report on the progress made in achieving Agenda 21 goals, the challenges that exist in attaining sustainable development, and future directions for action. These reports permit each country to share with other CSD participants lessons learned since UNCED and future steps it intends to take.

General Trends in the Implementation of Agenda 21

Canada is a country of diversity, and its sustainable development agenda belongs to all Canadians. Our political and economic structures provide a place for all to contribute to solutions. That sense of shared commitment is true of both our domestic progress and our support of international initiatives.

The years since UNCED have seen much greater use of information technology in support of sustainable development. The Internet and similar innovations link people and communities, allowing access to education and information that was once almost impossible. These technologies allow people and organizations to share valuable perspectives coming from sources such as the traditional environmental knowledge of Aboriginal people and new processes to measure sustainability. New approaches to community action emphasize communication of successes and the revitalization of communities. New forms of support from government and the private sector are furthering these processes.

Strengthening the Role of Major Groups

The involvement of major groups in society in defining and achieving sustainable development goals has a long tradition in Canada and has become a standard part of Canadian public policy making. There have been two important trends in major group activity since UNCED.

The first trend is the expanding effort to develop dialogue and consensus, wherever possible, among these groups. The resulting consultative forums can be a crucial source of advice for policy makers on a wide range of legislative, policy, and program issues. These forums also permit representatives of major groups to find common ground among themselves.

The second trend is the growth of coalitions among major groups. Such coalitions allow groups to work together on issues of common concern and pool resources and expertise. In a time for many organizations, this is a particularly effective way of taking action.

Financial Resources and Mechanisms

Canada believes that strong and mutually beneficial economic relations between developed and developing countries support sustainable development. Canada intends to liberalize access to its markets for least developed countries and help its developing country trading partners find ways to, take advantage of Uruguay Round opportunities.

Official Development Assistance (ODA) will CONTINUE to be an essential part of meeting Agenda 21 priorities. Canada will CONTINUE to direct most of its ODA to low-income countries and to sectors where it will be most effective in encouraging self-sustaining, environmentally sound development.

Canada strongly supports efforts to reform United Nations and Bretton Woods institutions to ensure effectiveness and efficiency in the promotion of global sustainable development.

Environmentally Sound Technology

A strong environmental industry sector has grown up in Canada. The federal and some provincial governments have developed strategies aimed at assisting companies to identify and respond to domestic and international demands. These activities contribute to achieving overall sustainable development objectives. Pollution prevention technologies and processes are sub sectors in which Canadian researchers and companies are particularly active.

Governments have established a number of means of facilitating environmental technology companies to identify opportunities and act on them, including the transfer of technology to developing countries. Similar means are available to help transfer Canadian expertise in environmental policy and programming.

To comply with increasingly stringent regulations and to satisfy consumer demands for green products and services, the Canadian pulp and paper industry is leading the development of a zero effluent technology that aims at virtual elimination of harmful discharge into water bodies. The effort by government and industry research institutes to focus on innovative, clean-process technology is another example of Canada's commitment to shift from end-of-the-pipe control to pollution prevention. Environmentally sound technologies and know-how make such a shift possible and help improve the competitiveness of Canadian industry in national and international markets.

Combating Poverty

CANADA HAS RATIFIED THE INTERNATIONAL COVENANT ON ECONOMIC , SOCIAL AND CULTURAL RIGHTS WHICH INCLUDES THE RIGHT TO HOUSING AND THE RIGHT TO BE FREE FROM HUNGER

THIS COVENANT WAS NOT INCLUDED IN THE CANADIAN CONSTITUTION OR CHARTER OF RIGHTS AND FREEDOMS.

Although Canada is an affluent country, it has a growing number of people with low incomes. Many of the programs and policies developed to assist persons with low income are changing to focus more on assisting them to become more employable.

Internationally, Canada's ODA programs help people and communities address poverty. Poverty reduction is integrated into programming with broader goals and is built on community participation. This is consistent with the approach that Canada has encouraged multilateral development bodies to adopt in their programming and in the Canadian International Development Agency's new Poverty Reduction Policy.

Changing Consumption Patterns

Canadian industry and government have made progress in reducing consumption in many areas; including in their production of bulk wastes and specific pollutants. Reducing personal and household consumption is a greater challenge, particularly in the area of personal transportation. A variety of programs now exist to help consumers understand the environmental impacts of their consumption decisions and to make choices that are better for the environment. Experiments in the pricing of goods and services are part of this process.

In 1995, the federal government introduced the National Energy Code for Buildings, which provides guidance for cost-effective, energy-efficient construction. The Federal Buildings Initiative (FBI) also helps federal departments reduce energy consumption. Under the FBI, departments will reduce energy consumption by 15 to 20 percent or more and realize potential savings in excess of \$160 million per year. The initiative will involve capital expenditures from the private sector of over \$1 billion and create 20,000 person-years of employment.

Demographic Dynamics and Sustainability

Canada has focused primarily on supporting population and reproductive health efforts in developing countries. Programs in this area have placed great emphasis on the value of education as an effective tool to reduce population growth. Through this work, Canada has come to recognize that the most important contribution to demographic targets comes from effective social and economic development policies. This recognition has been reflected in recent Canadian policy and program decisions.

Most of Canada's direct support for population-related programming is channeled through international agencies. Canada is committed to maintain and, if possible, increase spending in this area.

CANADA HAS MISCONSTRUED CHAPTER 36 BY ALLOWING CORPORATIONS TO PROVIDE CORPORATE MATERIAL INTO CLASSROOMS

Promoting Education, Public Awareness, and Training

Activities aimed at educating and informing the public about environment and sustainable development issues have increased considerably in the last twenty years. Canadians have created opportunities for educators to exchange resources and successful strategies through multi-stakeholder organizations, networks, and conferences.

A similar trend exists in the larger field of public awareness and environmental citizenship. There are many projects under way that encourage the public to take specific, concrete actions to support environmental protection and a more sustainable future. Some of these projects also seek to involve Canadians as workers and as business people in environmental issues in the workplace and where they live.

CANADA HAS REFUSED TO RATIFY THE CONVENTION ON THE PROTECTION OF MIGRANT WORKERS AND THEIR FAMILIES

Because literacy is a life-long learning skill, Agenda 21 underscores the importance of reducing adult illiteracy. Governments and educators need precise measures of the actual literacy skills of Canadians in order to target and promote initiatives for improvement. Since 1989, Statistics Canada has been conducting adult literacy assessments in Canada.

Integrating Environment and Development into Decision Making

All sectors of Canadian society are working in partnership to make progress on sustainable development.

The federal government's principal means of improving decision making is to build sustainable development into policies, programs, and operations of all federal departments and agencies through the following:

- a legislated requirement that each department and agency prepare a results-oriented sustainable development strategy;

- the establishment of a legislated accountability mechanism--the Commissioner of the Environment and Sustainable Development, who will monitor and report to Parliament on the government's performance in integrating the principles of sustainable development into decision making and environmental assessment legislation to integrate sustainable development into federal project planning.

Most provincial and territorial governments have now developed sustainable development plans and passed environmental assessment legislation. These plans and legislation are important means of integrating environmental considerations into their planning and decision-making activities.

Various Canadian industries have undertaken the development of guidelines, codes of practice and other initiatives in an effort to incorporate environmental factors into the design of their activities, products, processes, and services.

The 1994 federal Task Force on Economic Instruments and Disincentives to Sound Environmental Practices was the first well-defined exercise to incorporate environmental considerations into a budget-making process in Canada. The 1995 federal budget addressed a number of the task force's short-term recommendations. Longer term proposals are now under study.

Integrating Environment and Development in International Legal Instruments and Mechanisms

The role of international legal instruments in promoting sustainable development is demonstrated by Canadian actions in recent international negotiations. An important objective of Canadian negotiators has been the integration of environmental and developmental concerns. This integration is reflected in provisions of (among others) the high seas fishing agreement and the Arctic Environmental Protection Strategy.

To advance progress in global negotiations on sustainable development issues, Canada has, on a number of occasions, provided assistance to the developing world to participate in international negotiations. Regionally, the North American Agreement on Environmental Cooperation is an example of an international agreement that emphasizes the complementary roles of cooperation and enforcement.

Protection of the Atmosphere

Canada is working in a number of ways to protect the atmosphere. It is contributing to the expansion of scientific understanding of atmospheric and climate issues through domestic research and cooperation with international atmospheric research programs.

Canada also supports a domestic energy development strategy that includes policies and programs to implement environmentally safe, cost-effective energy systems. Objectives include promoting energy efficiency, reducing demand, increasing the contribution of new and renewable energy sources, and minimizing the adverse effects of energy consumption, often through voluntary actions.

Natural Resources Canada has set new priorities for its Program on Energy

Research and Development which includes research initiatives on greenhouse gases, climate interactions, greenhouse gas abatement and disposal, and the overall impacts of Canada's strategy on the energy sector.

Dealing with transportation issues is crucial to atmospheric protection. Canadian governments have introduced programs to reduce or eliminate price distortions, decrease vehicle emissions, and conserve resources. These actions are part of an overall pollution prevention approach that features a shift to redesigned processes and new technologies that reduce atmospheric impacts.

They also form part of Canada's response to trans-boundary air quality issues with the United States.

Canada has made stratospheric ozone depletion a priority in its research, monitoring, and public information programs. It has met and exceeded its international commitments to eliminate ozone-destroying substances.

Protection of the Oceans and Other Seas

CANADA HAS NOT RATIFIED THE LAW OF THE SEAS. IT HAS RECEIVED BENEFITS FROM THE CONVENTION BUT NOT UNDERTAKEN THE OBLIGATIONS.

CANADA STILL PERMITS RAW SEWAGE INTO THE OCEAN.

Canada is moving to an approach to oceans issues that integrates environmental and development priorities. The proposed Oceans Act is the legislative framework for an Oceans Management Strategy that will establish an ecosystem approach to the management of the oceans and coasts based on principles of sustainable development.

Protection of marine environments from land and sea-based threats has been increased by governments through legislation, regulation, and programs. This is consistent with international commitments and domestic priorities. One of those priorities is protection of the Arctic Ocean. Canada is working in concert with other circumpolar States and with the indigenous peoples of the Arctic.

Fisheries issues have been an important part of ocean-related activity. The closure of important Atlantic fisheries has underlined the need for more sustainable approaches. New policies, better training, and more effective fisheries management are among domestic responses. Canada encouraged a complementary international response to protect adjacent high seas fisheries. Sharply improved controls on fishing by all States in the northwest Atlantic have been negotiated.

Canada also played a key role in the new high seas fishing agreement that will close a serious gap in the international legal regime for the conservation of fish stocks on the high seas. It has cooperated with other States, particularly developing countries, to address a range of other fisheries and marine pollution issues.

CANADA HAS NOT ESTABLISHED STRICT LIABILITY AGAINST CORPORATE DESTRUCTION OF FISH HABITAT.

Sustainable Development of Small Island States

Canada's ODA programs have provided support to many small island States in the Caribbean with which Canada has long-standing ties. These programs have focused on improving transportation and communications infrastructure, human resource development, and regional institutions. Canada shares many concerns about marine and fisheries issues with South Pacific States. It has provided support to regional organizations in the South Pacific that deal with ocean management and development issues.

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INTRODUCTION

This third Report of the United Nations Commission on Sustainable Development (CSD) summarizes our progress, lessons learned, and challenges in achieving, the goals of sustainable development. It concentrates on the chapters and themes in Agenda 21 that will be discussed at the 1996 session of the CSD. Rather than simply listing actions, it attempts to isolate the major trends and themes in Canadian responses to each of those chapters. It also includes short summaries of recent development in topics related to the sectoral chapters discussed during the April 1995 session of the CSD.

In this report, Canada uses the definition of sustainable development offered by the World Commission on Environment and Development (also known as the Brundtland Commission) - "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

Canada recognizes that all individuals, major groups, and orders of government are responsible for integrating the principle of sustainable development into their activities. Accordingly, this report draws on examples from the diversity of Canadian responses to Agenda 21. Where those responses involve expenditures, amounts are expressed in Canadian dollars unless otherwise noted.

The Government of Canada has prepared this report using the guidelines provided by the CSD as a general framework. It has consulted with other governments in Canada and with representatives of major groups. However, it has not been possible to include every example generated by these consultations. Nonetheless, the Government has drawn from these examples to provide a representative indication of the extent of activities that are under way across the country.

PART I

GENERAL TRENDS IN THE IMPLEMENTATION OF AGENDA 21

Canada--An Overview

The Land and Its People

Canada covers 7 percent of the world's land mass and is bounded by three oceans. With the longest navigable coastline in the world, Canada is blessed with a large proportion of the globe's coastal and marine resources, which have contributed significantly to the nation's economic growth.

The country's population of more than 29 million is concentrated within less than 100 kilometres of the Canada/United States border. About three quarters of the people live in urban areas. Rural population away from the cities is declining and aging as the young move to urban centres.

Our substantial natural resource endowment is an important factor in our environment and economy. This endowment includes about 9 percent of the planet's renewable freshwater, 10 percent of its forests, and significant reserves of fossil fuels and minerals.

Canada's State of the Environment Report for 1996 will be accessible on
Environment Canada's Green Lane on the Internet. This well-known publication

provides up-to-date information for a variety of audiences including communities, corporations, academic institutions, and government and nongovernmental organizations. The full report will contain sixteen chapters, which will be released as they become available, commencing in early 1996.

Canada's Climate

Canada is a land of climatic contrasts and extremes. Many unusual weather events occurred across Canada in 1995. Canada experienced the third warmest June/July period in 101 years. Towns in southern Alberta were inundated by 1 in 100-year floods (flooding that has one chance in one hundred of being equaled or exceeded in any given year). Severe summer storms contributed to our second worst year ever for forest fires in Canada. Some 1700 icebergs have traversed Newfoundland waters.

In combination, these events provide some support to the prediction that climate is indeed changing according to global circulation models. These observations give dramatic illustration to the view held by the Intergovernmental Panel on Climate Change that human impacts on the environment, for example, the burning of fossil fuels, are a significant factor in causing climate change.

CANADA HAS RATIFIED THE UNFCCC BUT FAILED TO ENACT THE NECESSARY LAW TO ENSURE COMPLIANCE

CANADA HAS FAILED TO PROTECT CARBON SINK SUCH AS OLD GROWTH FORESTS

CANADA HAS RATIFIED THE CONVENTION ON BIOLOGICAL DIVERSITY VALUES

AT UNCED CANADA UNDERMINED THE FOREST PRINCIPLES DOCUMENT BY COLLABORATING WITH CANADIAN FOREST COMPANIES

BUT FAILED TO ENACT THE NECESSARY LAW TO ENSURE COMPLIANCE

CANADA HAS RATIFIED THE CONVENTION ON THE PROTECTION OF CULTURAL AND

NATURAL HERITAGE\ YET CANADA FAILS TO PROTECT AREAS OF UNIVERSAL VALUE

The Canadian Economy

Canada's economy is based largely on free market principles. It is highly integrated into the global economy. Our private sector has substantial freedom of action and as a result, is a significantly responsible for many aspects of sustainable development.

CANADA HAS IGNORED THE FINANCIAL PROPOSAL IN CHAPTER 33 16 E

THE REALLOCATION OF RESOURCES AT PRESENT COMMITTED TO MILITARY PURPOSES.

E.

Cooperatives are businesses owned and controlled by the 12 million people who use them. They contribute to community sustainability because they are member-driven organizations, surpluses stay in the community, and decisions generally reflect a sensitivity to local public interest/needs. There are 9878 cooperatives in Canada.

Governments

Canada is a federal state with ten provinces and two territories. Its constitutional and political system gives all orders of government (federal, provincial/territorial, municipal) some degree of authority for environmental, economic and social issues related to sustainable development.

Governments have created mechanisms to coordinate their sustainable development policy making and activities. They also act independently within their spheres of jurisdiction. For example, the provinces own and control the use of most of the natural resources within their boundaries.

The Changing Nature of Governance

The political, fiscal, and societal forces taking place in Canada are affecting governmental roles and the way decisions are made. The transition to sustainable development is increasingly recognized as a shared responsibility between different orders of governments, individuals, and nongovernmental organizations and businesses. Government roles are also evolving with respect to Aboriginal peoples in the context of land claims settlements and self-government initiatives that call for the shared management of natural resources.

Decision-making processes are becoming more open to interested citizens and groups. The creation of round tables and the widespread use of processes that involve all sectors of society are redefining the balance between hierarchical and shared decisions.

The Manitoba Round Table on the Environment and the Economy has created the Sustainable Development Awards of Excellence Program. Since 1992, it has recognized projects and efforts of Manitobans that exemplify the principles of sustainable development. Award categories include research and development, small business, the public sector, large business, education, youth, nongovernmental organizations, and households/ neighbourhoods.

An example of the improved level of government accountability is the establishment of a federal Commissioner of the Environment and Sustainable Development. Additional information on this and other aspects of the changing nature of decision making in Canada is found in the sections of this report on strengthening the role of major groups and on integrating environment and development into decision making.

Trends

Every year Canada highlights several trends in its sustainable development agenda. This report notes the emergence of new approaches to education and understanding sustainability. It considers trends in community action. It discusses some impacts of information technology.

New Approaches to Education and Understanding Sustainable Development

Education is essential to engendering the values and attitudes necessary for Canadians to understand and support sustainable development. In Canada, education is considered to be a life-long learning process and is discussed in the section of this report on education, public awareness, and training. The use of new technologies and alternative ways of understanding our relationship with the Earth are also important trends.

Distance Education

As a sparsely populated country, Canada has always promoted forms of distance education. Advances in technology have created new opportunities for individuals to learn; breaking down barriers of distance between learners and educators. Examples include: specialized education computer networks (such as STEM-Net in Newfoundland), the Ontario Education Highway, Alberta's ARNet, and SchoolNet. For example, SchoolNet has been created to encourage all of Canada's 16,000 primary and secondary schools and 200 colleges and universities to connect to the Internet by 1998. Initiated by Industry Canada and launched in 1993, SchoolNet receives support from many sectors such as the private sector and the academic community.

There are now three Canadian universities whose sole method of instruction is distance learning: British Columbia Open University, Athabasca University in Alberta, and Télé-université, which is part of the Université du Québec network and the only francophone distance education university in North America.

Traditional Environmental Knowledge

Canada's Aboriginal people have a deep tradition of respect for and understanding of the environment based on life in harmony with the Earth. Aboriginal people have developed a profound knowledge of their environments over thousands of years. The documentation and application of this traditional environmental knowledge is a growing field of research in Canada.

The Dene Cultural Institute Pilot Project in the Northwest Territories is an example of a participatory community project. It is designed to document the traditional environmental knowledge of the people of Fort Good Hope and Colville Lake. The ultimate goal of the project is to integrate traditional environmental knowledge and western science for the purpose of community-based natural resource management.

A cooperative project between five Aboriginal communities located in Alberta, Manitoba, Ontario, Quebec, and New Brunswick, is illustrating Naturalized Knowledge Systems including local Aboriginal and non-Aboriginal systems. These systems demonstrate how knowledge is transferred within the community between people and generations. They also show how a community has adapted to social and cultural change. A major focus of the project will be the clarification of indigenous environmental indicators that are important to members of the community. The Mohawk Council of Akwesasne and the University of Ottawa are working in partnership with the five communities to empower each of them with this knowledge.

CANADA HAS FAILED TO ACT ON THE COMMITMENTS TO INDIGENOUS PEOPLE BY ATTEMPTING IN 1992 TO PREVENT THE "S" TO BE SDEDED TO INDIGENOUS PEOPLE

CANADA HAS FAILED TO ACT ON COMMITMENTS IN CHAPTER 26 SUCH AS NOT DOING ANYTHING ON INDGENOS LANDS THAT IS CULTRALLY INAPPROPRIATE

On 18 July 1995, the Haudenosaunee Six Nations Confederacy along with Cambridge University each received an award from the United Nations Environment Programme in recognition of their work and dedication toward protecting the environment. The "Haudenosaunee Environmental Restoration: Indigenous Strategy for Human Sustainability" is an environmental agenda, using the Naturalized Knowledge Systems of the Haudenosaunee. The Haudenosaunee have territories in the Great Lakes area.

The "Ecological Footprint"

The concept of the "ecological footprint" was developed by faculty and graduate students at the School of Community and Regional Planning and the Task Force on Healthy and Sustainable Communities at the University of British Columbia. It helps people to understand the link between their lifestyles and nature and allows them to visualize the impacts of their consumption patterns on nature; much like a footprint in the earth.

The ecological footprint is the land that is required to support a particular or defined lifestyle indefinitely. It is an accounting tool that uses land area as its measurement unit to find out whether nature can provide enough resources and assimilate waste in order to secure good living conditions for everyone in a community. Various categories of human consumption and waste generation are translated into areas of productive land required to support those items. From that, the area of land required by a given group of people (household, city, or country) to provide its resources and assimilate its waste products can be calculated. This land area is known as the "appropriated carrying capacity" or, more simply and graphically, the group's ecological footprint.

The ecological footprints of individual regions are much larger than the land areas they physically occupy. For example, it was found that the residents of the Lower Fraser Valley in British Columbia "appropriate" the productivity of an area nineteen times the

size of their home region to satisfy present consumption levels of food, forest products, and fossil fuels.

Ecological footprint analysis can be applied to projects, policies, programs, and technologies. As a planning tool, it enables communities to envisage the limits to their consumption by pointing out likely shortfalls and use this knowledge toward reducing their footprint. As an educational tool it engenders awareness of the ecological impacts of consumption.

Trends in Community Action

Canadians are organizing groups to advance the sustainability of their communities.

Community-based groups drawing from all sectors of society can be found in every province and territory. These groups are identifying issues and finding solutions based on consensus using a variety of tools.

Under the Arctic Environmental Strategy (AES), the Community Resource Management Program supports projects driven by community priorities and interests. For example, the program contributed to a project of the Stewart Valley Salmon for the Future Society. Before adding to salmon stocks in the Stewart Mayo River system, the society surveyed salmon, salmon fry, other fish species (as well as predatory bird populations) to determine how many extra Chinook salmon the river system could handle. Members of Nacho Nyak Dun First Nation and local junior high-school students conducted the surveys. More information on the AES is in the section of this report on protection of the oceans and other seas.

Sharing Best Practices

Canadian communities are learning from each other by sharing information on best practices. Best practices are examples of actions that could be recommended for further application, whether in a similar or adapted form. They are actions, initiatives, or projects that have resulted in clear improvements in the quality of life and the living environments of people in a sustainable way.

For example, in British Columbia, Vancouver is creating new downtown waterfront neighbourhoods in an area formerly dedicated to industrial, rail, and port activities. Once the redevelopment is complete, the waterfront neighbourhoods will provide social diversity, urban design distinction, pedestrian-friendly environments, continuous public access to the water's edge, environmental conservation, and an array of urban innovations to support high-density living.

The Federation of Canadian Municipalities supports the sharing of best practices beyond Canadian borders by encouraging partnerships between Canadian municipalities and municipalities in Africa, Latin America, and Southeast Asia. It is also facilitating training activities in China that focus on urban environmental management.

The first national urban sustainability workshop, held in June 1995, focused on appropriate frameworks, criteria, and selection of "core" indicators. Major trends in rural Canada based on fourteen indicators were published this past year in "Rural Canada: A Profile". Additional information on indicators is in the section of this report entitled Information for Decision Making: The Role of Indicators.

Enhanced Communication

Communities are using the Internet as a bridge to a wider world of services, information, and expertise needed for sustainability. It is already proving to be an excellent tool to link people and organizations in rural and remote areas. Access to the Internet may help to furnish communities with opportunities for growth and jobs. As noted above, it is improving their access to learning and information. It will also enable them to communicate easily with each other, conduct business, and exchange information and ideas. To help provide rural communities with affordable public access to the Internet, as well as the skills to use it effectively, a national network of community access sites is being established across Canada.

Using Heritage to Revitalize Communities

An aspect of sustainable development is the preservation and revitalization of existing buildings and community features. One example is the revitalization of commercial main streets through partnerships between downtown merchants and municipalities. Downtown revitalization offers economic and environmental benefits, including the CONTINUED use of buildings and infrastructure especially by small businesses. It has also proven to be a strong deterrent to low-density suburban sprawl. The rehabilitation of older buildings now exceeds the dollar value of new construction in Canada.

Heritage conservation is also contributing to rural and regional regeneration. Communities are now forming partnerships to develop corridors based on scenic roads, historic waterways, paths, and trails, and as alternate uses for abandoned railway lines.

Action 21

Action 21 is a new federal program to help Canadians take action in their communities in support of healthy environments. This Environment Canada program has two

components. It has a public awareness initiative to encourage all Canadians to become active participants in environmental solutions. It also has a community funding program that provides financial support to non-government, non-profit groups to carry out local environmental projects.

Action 21 provides support to organizations to take action in their communities. It supports projects that have a positive impact on the environment, provide opportunities for Canadians to take action at the local level, encourage more people to practise environmentally responsible behaviours, and address priority environmental issues. In addition, Action 21 is currently sponsoring a project with Health Canada that helps communities link health and environment issues and build their capacity to take action on the issues that they identify as priorities.

The Business Development Bank of Canada has a variety of products and services tailored to the needs of non traditional entrepreneurs such as women, Aboriginal groups, young people, and members of ethnocultural communities. Services such as specialized financing, business training, counseling, and mentoring are helping them to achieve sustainable livelihoods. Many of the bank's initiatives are developed and delivered in partnership with private sector groups, associations and government departments.

1997 KEY ISSUE FUNDING IF WILLING TO COMPROMISE NAFTA side agreement

() THAT in 1997, I received a notification of a possibility of funding but it would be unethical to accept funding from a NAFTA side agreement because I have called for the abrogation of NAFTA

EXHIBIT

From: caucus2@web.net

To: BC Environmental Network

Date: 12 Feb 1997 08:25:56 PDT

Subject: North America Fund for Environmental Cooperation

PINE 3.93 MESSAGE TEXT Folder: INBOX Message 233 of 239 63% NEW

Date: 12 Feb 1997 08:25:56 PDT

Subject: North America Fund for Environmental Cooperation

The Commission for Environmental Cooperation is once again accepting funding proposals for community-based environmental initiatives. Proposals must be

submitted before March 31, 1997. If you are interested in finding out more about potential funding opportunities, you can contact their web site at www.cec.org and select "North America Fund for Environmental Cooperation".

Marc Johnson, Caucus Coordinator

Canadian Environmental Network

945 Wellington St., Suite 300

Ottawa, Ontario K1Y 2X5

(613) 728-9810 fax 728-2963

E-mail: caucus2@web.net

Corporate Citizenship

Many businesses have developed policies and practices that support sustainable development. An element of that trend has been corporate involvement in similar efforts at the community level.

Some of these are directly related to corporate business priorities. For example, the Consumers Gas Company, together with a number of other companies, is involved in the Ottawa / Carleton Green Communities Initiative in Ontario. This is an energy and conservation project that has benefited users and the company itself.

In 1992, Shell Canada Chemical Company established an external Product Line Sustainability Advisory Panel to help it understand the sustainability of its business units and products. The eleven panel members, who have expertise in a range of disciplines, have since developed sustainability criteria related to life cycle potential impact and risks and incorporated them in an evaluation tool for product lines and capital investments.

Corporate support for community sustainable development activities is a relatively new phenomenon. It builds on the long tradition of business support for charitable work, health, culture, and sport. Corporate citizenship takes many forms, such as the contribution of goods and services, the sharing of skills and expertise, and financial support.

The Conference Board of Canada established the Canadian Centre for Business in the Community in 1995. It reflects the increasingly multidimensional corporate citizenship issues facing business. The centre is dedicated to helping business organizations assume a more effective role in developing and enhancing the communities in which they operate.

Engendering Public Awareness

Corporations are bringing environmental issues to the attention of the public, and the response is influencing public policy. For example, in October 1994, The Body Shop, a skin care and cosmetics company, launched a campaign on the need for endangered species legislation in Canada. It included the distribution of information through its retail outlets across the country, a petition drive, and a letter-writing campaign to the federal Minister of the Environment. Young children, pretending that they were endangered species, sent some 5000 letters and drawings on behalf of the animals. The campaign culminated in the presentation of a 75,000-signature petition to the minister on 17 November 1994, which reinforced the minister's intention to introduce endangered species legislation, an instrument for which various nongovernmental groups and concerned citizens had pressured. On that same day, the minister released a document entitled "Endangered Species Legislation in Canada: A Discussion Paper", which invited public comment, and promised to table endangered species legislation. On 17 August 1995, the Minister released a "plain language" version of the Canadian Endangered Species Protection Act, a legislative proposal, for further public comments.

Because of shared jurisdiction on this issue, the federal government has led the development of a national approach that will provide for the protection and recovery of endangered species across Canada.

International Cooperation

Canada has a long tradition of international cooperation. The primary vehicle for official development assistance is the Canadian International Development Agency (CIDA). For CIDA, the concept of sustainable development rests on five pillars: environmental, economic, political, social, and cultural sustainability. Information on official development assistance may be found in the section of this report on financial resources and mechanisms.

Two other organizations that play a significant role in international development are the International Development Research Centre (IDRC) and the International Institute for Sustainable Development (IISD).

The federally funded IDRC assists scientists in developing countries to find solutions. The focus of this work includes problems relating to food security, technology development and use, the conservation of biodiversity, and the integration of social, economic, and environmental policies.

Created in 1970, IDRC is the world's first research institution devoted exclusively to international development and has served as a model for the establishment of similar organizations in the United States, Sweden, Australia, and Germany. Since its founding as a public corporation, IDRC has funded over 5000 projects in nearly 100 countries; it has offices in Canada, Africa, Asia, and Latin America.

Independent organizations such as IISD are an important source of expertise and activity. IISD was created to promote sustainable development in decision making in Canada and internationally. Institute programs focus on identifying and applying principles such as its Trade and Sustainable Development Principles applied to the General Agreement on Tariffs and Trade and to the World Trade Organization; surveying best practices and cases; measuring performance; and establishing measures of sustainable development at the sub national and organizational level and applying them to eco-zones. One of IISD's best-known contributions is the Earth Negotiations Bulletin, which provides daily coverage of UN negotiations related to environment and development.

To mark the United Nations' 50th anniversary, The Friends of the United Nations commissioned an international panel of advisors to choose fifty model communities that had demonstrated an outstanding collective approach to environmental issues and the social development of their inhabitants. Three of the fifty winners were from Canada: the Sanikiluaq Inuit community in the Northwest Territories, the Walpole Island First Nation in Ontario, and the Oujé-Bougoumou Cree community in Quebec.

The Challenges Ahead

There are many challenges that face Canada as it works to meet its sustainable development objectives. Some of the more important ones are described below.

Instilling Environmental Citizenship

Environmental citizenship means changing personal decisions and broadening understanding of sustainable development issues. For example, our challenge is to find a way to balance human consumption and nature's limited productivity to ensure that our communities are sustainable locally, regionally, and globally. This clearly means reducing consumption by Canadians, which will require attitudinal and behavioural change.

Due to funding pressures, public educational institutions are having to reduce the range of courses offered to students. In the courses that remain, the challenge is to instill citizenship in students, including a sense of awareness and responsibility for the environment.

Meeting the Needs of an Aging Population

In the next few decades, Canada will experience a change in the makeup of its society due to the relative growth in the number of people sixty-five years of age and over. This rapid growth is projected to CONTINUE well into the next century, peaking in the year 2031 when all of the "baby boom" generation will be seniors. While dramatic increases for all age categories over sixty-five are forecast, of particular significance for policy and program planners is the increasing number of older seniors, those seventy-five years of age and over, and their corresponding needs for housing, health, and other services, and special facilities.

Coping with the Consequences of the Information Highway

The information highway has become the term that describes all the changes in computing, communications, and associated products and processes that are affecting Canadian society and the Canadian economy today. It represents a shift from an

economy based on producing goods to one primarily concerned with generating and adding value to information. To maintain sustainable livelihoods, there are important unresolved issues that Canadians will have to address over the coming years relating to the changing nature of work, jobs, and careers as well as access to technology, jobs, and training.

The Northern Information Network allows users to discuss environmental and development issues through an electronic bulletin board and to find geographically referenced information in its meta-database. It has become a useful tool for industry, business, land use planning offices, communities, interest groups, government departments, northern decision makers, and research and educational institutions.

Facing Financial Constraints

All orders of Canadian government, nongovernmental organizations, and communities large and small are facing significant financial pressures. As well, the capacity of all levels of government to levy more taxes is increasingly limited. Government and nongovernmental organizations are actively seeking innovative ways to share knowledge and resources and to foster broad-based participation to promote a sustainable economy and society given this restricted financial base.

PART II, SECTION I

Strengthening the Role of Major Groups

Introduction

Chapters 23 to 31 of Agenda 21 stress the need to involve all sectors of society in the promotion of sustainable development. Canada has made broad public participation in decision making a priority for many years. In the years since the United Nations Conference on Environment and Development (UNCED), that trend has intensified. Since major group activity takes so many forms in Canada, this section focuses on two trends that have become significant since 1992.

Access to Decision Making: The Maturing of Inter-Sectoral Dialogue

Governments have increased their efforts to find effective means of involving major groups and citizens in shaping the sustainable development agenda. Forums that bring together representatives of many different groups have become important vehicles in these consultative processes. The intent of such forums is to encourage debate and consensus building that crosses traditional major group lines. These kinds of

consultative processes support the public consultation requirements central to such basic environmental laws as the Canadian Environmental Protection Act, the Canadian Environmental Assessment Act, the Quebec Environmental Quality Act, and the Alberta Environmental Protection and Enhancement Act.

Development and implementation of these laws have involved the full range of environmental groups, industry, labour, Aboriginal people, other major groups, and citizens.

Similar consultative mechanisms have been part of the development of policies, programs, and responses that address specific environmental challenges. These challenges have included work on issues facing the Great Lakes and St. Lawrence River ecosystems, the Atlantic coastal zone, British Columbia's Fraser Valley, and northern river basins.

Provincial governments have also put in place consultative mechanisms to foster effective public responses to sustainable development challenges. Both New Brunswick (through its Commission on Land Use and the Rural Environment) and British Columbia (through the Commission on Resources and Environment), involve citizens, communities, and organizations in resource planning and integrated environmental management. In Quebec, Regional Environmental Councils created by non-governmental organizations are facilitating consensus building among stakeholders.

This development of consultative mechanisms can also be found at the municipal level. For example, the Vision 2020 project in Hamilton-Wentworth is an example of efforts to give a voice to citizens and their organizations in shaping the economic future and well-being of their community.

Much of this inter-sectoral dialogue builds on the work of the National Round Table on the Environment and the Economy, which has been discussed extensively in previous reports. The National Round Table and similar round table processes at the provincial and local levels have provided new avenues for achieving consensus on sustainable development issues. These processes have helped engage diverse sectors of society in a search for more answers.

Initiatives aimed at bringing major groups together to address key issues can also be found outside government. The Whitehorse Mining Initiative (the Canadian minerals and metals industry), the Forestry Round Table (the Canadian pulp and paper sector), and the Economic Instruments Collaborative (facilitated by the National Round Table) are all examples of this continuing trend.

Many believe that inter-sectoral dialogue has improved the quality of public and private decisions. It has also strengthened respect and understanding between major groups as people look beyond labels to find solutions.

Coalition Building: Developing Synergy and Concerted Action for Sustainability

There is encouraging evidence that major groups are now sharing resources and expertise and finding the means to tackle specific issues and challenges jointly. Coalitions led by environmental groups on climate change and biodiversity are building on the resources and strengths of participating group members to promote action.

Labour and business groups are also working cooperatively to address environment-related issues in the workplace. For example, the Canadian Auto Workers Union and Chrysler Canada have formed a Joint National Environmental Committee to develop educational programs about the environment for communities and to enlist broad-based support for action at the local and national levels.

Labour organizations are also reaching out to schools to promote sustainability. In Quebec, the Fondation en éducation relative à l'environnement and the Interdepartmental Committee on Environmental Education have joined forces with the departments of Education and Environment and Wildlife, RECYC-QUÉBEC, the Centrale de l'enseignement du Québec, school boards, and Hydro-Québec to develop curricula and materials to increase awareness of sustainable development issues among students.

Through the Canadian Centre for Sustainable Development Research, an effort is being made to foster greater collaboration between academia, government, industry, and nongovernmental organizations.

Non-profit organizations such as the Canadian Standards Association (CSA) are also playing a major role in bringing groups together to achieve a common cause. The CSA is working with representatives from many sectors of society to develop environmental quality objectives, standards, and guidelines for environmental management by industry, small- and medium-sized business, institutions, and the public sector.

Aboriginal people are increasingly involved in sustainable development initiatives with other groups. Many deal with resource management questions that involve sharing decision-making powers with provincial governments on such matters as land use, forest practices, resource use by Aboriginal people, and economic development. For example, the Porcupine Caribou Management Board in Canada's North involves representatives from Gwich'in and Inuvialuit peoples as well as three government jurisdictions. It manages issues pertaining to one of the largest caribou herds in the world through a traditional consensus process. Similarly, the agreement between the federal and Quebec governments and the Algonquins of Barrière Lake will lead to the development of an integrated forest and wildlife management plan based on the principles of sustainable development.

Organizations representing youth, women, and senior citizens are increasingly extending their networks, including those to the scientific community, health organizations, and educational institutions on a range of issues. Some of these networks are described in the section of this report on education, public awareness, and training.

Challenges and Next Steps

Many nongovernmental organizations in Canada face tight budgets at the same time as they are faced with growing demands on their resources. This trend has forced them to be more strategic in **allocating resources to consultative and consensus-building efforts**. They are now placing more importance on assessing the likely impact of their efforts before agreeing to take part in new activities. Many are looking for partnerships with other stakeholders to maximize their contribution. The results of these broadly based coalitions are, in some cases, very promising. In other cases, progress is less obvious. An important challenge for many organizations is to translate strategies into concrete action plans for their sectors of interest.

A key challenge for Canadian institutions is to link their commitment to environmental and sustainability goals with open and transparent accountability processes. The nature and scope of sustainability issues demand that our accountability processes be fully responsive to the pluralistic expression of the needs and interests of all major groups in Canadian society.

The true contribution of major groups to the resolution of sustainability issues will ultimately be measured by their influence on decisions and actions. Taking a broader perspective, that contribution will also depend on the ability of major groups and their organizations to work cooperatively with other sectors of society. To achieve this goal, groups will need to be more effective in sharing experiences, lessons, and best practices both within and between sectors. The new communication channels opened by Canada's presence on the information highway should facilitate the process of sharing and learning experiences and best practices.

PART II, SECTION II

FINANCIAL RESOURCES AND

MECHANISMS

Introduction

Canada recognizes that a key element of international cooperation in support of global sustainable development is the provision of assistance, including financial resources, to developing countries to help them to meet their commitments under Agenda 21. The flow of financial assistance from the developed to the developing world should supplement the

mobilization of domestic financial, technical, and human resources in developing countries that is fundamental to implementing Agenda 21. The bulk of Canadian assistance to this end is provided through the federal government's official development assistance (ODA) program. The work of organizations like the Ottawa- Development Research Centre (**IDRC based International**) and the Winnipeg-based **International Institute for Sustainable Development** is also important.

Innovative Mechanisms

Canada is increasingly aware that sustainable development requires the establishment and maintenance of strong and mutually beneficial economic relations between developed and developing countries. In its early 1995 foreign policy statement, "Canada in the World", the federal government committed itself to expanding Canada's trade and investment relationships with the developing world.

In recognition of the role of international trade in encouraging sustainable development, Canada has announced its intention to implement fully its commitments under the Uruguay Round of **multilateral trade negotiations that concluded in 1994**. Of particular interest to least developed countries, is the Canadian government's announcement that it will be reforming Canada's General Preferential Tariff to provide better access to least developed countries to the Canadian market. The Canadian International Development Agency (CIDA) has also undertaken a study of the impact of the Uruguay Round on developing countries. One of the goals of this study is to identify a role for ODA agencies in helping to alleviate any negative impacts of the Uruguay Round while assisting developing countries to take advantage of the new trade opportunities arising out of the Uruguay Round. The results of CIDA's study should be available by mid-1996.

Canadian Official Development Assistance Official development assistance has been identified as the main source **of external funding to assist developing countries in the implementation of Agenda 21**. Canada remains committed to reaching the target of 0.7 percent of the gross national product for ODA that was confirmed at UNCED as a long-term goal. The financial resources needed to attain this goal will be dependent on a strong Canadian economy.

"Canada in the World" States that the purpose of Canada's ODA is to "support sustainable development in developing countries, in order to reduce poverty and contribute to a more secure, equitable and prosperous world". With this in mind, Canada will CONTINUE to direct most of its ODA to low-income countries. Canadian ODA will concentrate resources on six priorities: basic human needs, women in development, infrastructure services, human rights, democracy, and good governance, private-sector development and the environment. Within the framework of these priorities, assistance will be targeted where it will be most effective in encouraging self-sustaining, environmentally sound development. The goal will be to promote long-term, mutually beneficial relations between Canada and the countries of the developing world.

Multilateral Development Assistance and Funding

Mechanisms

Canada believes the establishment of an international financial and economic system that is conducive to sustainable development must be a cornerstone of efforts to implement Agenda 21. Canada strongly supports efforts to reform international organizations to ensure effectiveness and efficiency in the promotion of global sustainable development. At the eighteenth United Nations Environment Programme (UNEP) Governing Council, Canada actively supported UNEP's efforts to refocus its program to achieve these ends.

Moreover, Canada has been active in the follow-up to the 1995 G-7 Summit, which addressed the issue of reform of international financial institutions. Canada views multilateral development banks as fundamental to the implementation of sustainable development. The Global Environment Facility (GEF) is also a key vehicle to help meet common environmental challenges in the areas of biodiversity, climate change, international waters, and ozone depletion. To support that work, Canada has pledged to contribute \$111.1 million to the 1994/1996 replenishment of the GEF.

Further debt relief is essential if severely indebted countries are to effectively mobilize resources for sustainable development. In the G-7 and the Paris Club (the group of major international lender governments), Canada has been a strong proponent of debt relief and has been encouraging other creditor countries to consider mechanisms to ease the debt burden of developing countries which severely hampers their efforts to develop in a sustainable manner. It is this sort of cooperation between developed and developing countries that will ensure that the resources needed for the implementation of Agenda 21 are available and can be mobilized effectively in meeting our common challenges.

Challenges and Next Steps

One of the main obstacles to implementing Agenda 21 remains the mobilization of adequate financial resources. Recognizing the serious constraints on the availability of ODA, it is increasingly important that developed and developing countries work together to identify and pursue alternatives to traditional financial mechanisms. To this end, Canada will CONTINUE to participate actively in the Commission on Sustainable Development (CSD) finance inter-sessional meeting, the most appropriate and productive forum for this type of discussion.

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PART II, SECTION III

ENVIRONMENTALLY SOUND

TECHNOLOGY

Introduction

A fundamental tenet of Agenda 21 is that significant advances in the development and transfer of environmentally sound technologies are essential in achieving sustainable development. During the 1992/1995 period, Canada made solid progress in transferring technology both within the country and abroad. Key elements in this progress include the development of public policies that encourage the use and transfer of clean technologies, a strong Canadian environment industry, private sector initiatives as well as work between governments, the private sector, nongovernmental organizations, and other domestic and international partners.

Public Policies and Initiatives

Canadian governments have established policies and initiatives that facilitate the use and transfer of environmentally sound technologies. The federal policy on pollution prevention, for example, encourages industry to focus on innovative "clean" technologies and practices and to move away from "end-of-pipe" solutions. The use of various environmental management tools such as regulations, voluntary actions, and economic instruments also help shape the technology transfer and advancement process. Governmental "green industry" initiatives, such as the Canadian government's Canadian Environmental Industry Strategy (CEIS), foster Canadian technologies and the environment industry.

The Canadian Environment Industry--An Enabling Industry

Canada has developed a strong environment industry sector that is expected to grow annually by 10 percent over the next five years. Sales are expected to reach \$22 billion by the year 2000. The sector is now represented by the Canadian Environment Industry Association; an umbrella organization for nine autonomous provincial / territorial associations. The industry meets emerging technological needs in many other industrial sectors in Canada as well as abroad. Environmental technologies, processes, products, and services developed domestically play an instrumental role in developing Canada's resources in an environmentally sustainable manner. For example, new technologies will enable some pulp and paper mills to meet more stringent environmental regulations and the rising environmental expectations of consumers.

Private Sector Initiatives

Some private sector initiatives are the result of the development of new technology. For example, a company in British Columbia, in partnership with the federal and British Columbia governments and B.C. Transit, is developing a vehicle propulsion system using a hydrogen fuel cell to produce electricity. Commercial development of this innovative technology is anticipated for buses and cars within a few years.

A Vancouver company is developing a vehicle propulsion system using electricity produced by a hydrogen fuel cell. Unlike conventional vehicles, which emit hydrocarbons, nitrogen oxides, carbon dioxide, particulates, and other pollutants, the chemical reaction between hydrogen and oxygen inside the cell produces only water. The state-of-the-art technology will help reduce local smog problems and global greenhouse gas emissions. The joint government industry effort to develop and commercialize the zero- emission technology is a success. Application of the hydrogen fuel cell technology to a demonstration fleet of city buses is planned.

Other private sector initiatives are spurred by finding new processes that reduce costs and environmental impacts. Chemical suppliers at one vehicle assembly plant in Ontario are now paid on the basis of the number of vehicles produced at a set cost per unit. Previously, they were paid for the total amount of chemicals used. Chemical suppliers have responded with new or adapted technologies that minimize chemical use significantly. Canada has a large number of companies that provide environmental management expertise. In Quebec, one company does so from an Aboriginal perspective, capitalizing on traditional ecological knowledge and advanced technologies.

Technology Transfer--Domestic and International

Partnership

A major focus since UNCED has been to increase access to environmental technologies and to forge new partnerships for technology transfer and commercialization. In 1994, the federal government, a number of provincial / territorial governments, private companies, and environment industry associations joined forces. They have established three Canadian Environmental Technology Advancement Centres (CETACs) across the country. CETACs provide support to small and medium-sized environmental companies. They focus on international technologies information, technology assessment assistance, regulatory and financial advice, export support, business counseling, and other services on technology transfer and commercialization. Government science and technology institutes undertake research and development on environmental technologies. The national institutes have performed much of their recent work in alliance with the private sector, academics, and other governments, including foreign ones.

Canada is one of the leaders in the advancement of atmospheric science to help the world understand the thinning of the ozone layer. The signing of the Montreal

Protocol to ban ozone-depleting substances is a landmark in Canada's effort to gain international agreement to rectify this global problem. Because of the Montreal Protocol, the Canadian environment industry has successfully developed and marketed several leading-edge innovative technologies either to capture and recycle CFCs already in use or to produce CFC-free materials as substitutes. Green technologies and know-how bridge the gap between the understanding of a global problem and the action required to achieve results.

Internationally, Canada has been active in technology transfer with other countries, such as China, Mexico, and Chile. Measures have included environmental trade missions, bilateral memoranda of understanding, and other institutional links and initiatives. Canada has transferred expertise on environmental regulations, policies, and technical programs to several developing countries under the International Environmental Management Initiative, an integral component of the CEIS. Similarly, **IDRC has an ongoing Sustainable Technologies Program based in Asia that facilitates** the development, diffusion, and adoption of cleaner production technologies. CIDA oversees many of Canada's international technology programs.

Information Products and Networks

Canada has developed processes to transfer technology as well as for access to technological information. Computer-based networks have been established to aid information exchange.

Examples of information products and networks include the following:

ENV-I-NET, an on-line bulletin board service that includes information on environmental technologies and priorities in developing countries to be financed by multilateral international financial organizations; and Canadian Environmental Solutions, a vendor-oriented multimedia tool that gives Canadian companies an opportunity to use their technologies, products, and services to the benefit of developing countries and countries in transition.

Challenges and Next Steps

Canada has made significant progress toward promoting, facilitating, and financing access to and the transfer of environmentally sound technologies while seeking to preserve intellectual property rights and maintaining fair trading practices. Looking ahead, the creativity, commitment, and partnership that led to the development of this infrastructure must be maintained and enhanced. One urgent requirement is to accelerate the transfer of cost-effective and innovative environmental technologies to developing countries and countries with economies in transition. Private enterprises and institutions, both in Canada and in recipient countries, will play a central role in successfully meeting this requirement.

PART II, SECTION IV

COMBATING POVERTY

Introduction

Chapter 3 of Agenda 21 recognizes the links between poverty and the environment. It notes that natural resources are often the only resources available to the world's poor and that the poor must have alternative means of achieving a sustainable livelihood to avoid destructive dependence on primary resources. It calls on countries to enable the poor to achieve sustainable livelihoods. A large number of measures are suggested in Chapter 3 to achieve this goal. Canada's response to the chapter is both a domestic and international one.

Addressing Poverty in Canada

While Canada is a developed country, there has been an increase in the number of Canadians living in poverty in recent years. "Living in poverty" is usually defined as living below a low income cut-off figure that is based on the percentage of income spent on basic necessities, family size, and location. Using that measure, the percentage of Canada's population living in poverty increased from 15.2 percent in 1990 to 17.9 percent in 1993.

Various initiatives have been put in place to combat poverty in Canada. Among the most significant in terms of resource transfers are the following: the federal government's Unemployment Insurance Program, which provides income support to people who lose their jobs; a range of social services and income, health, and housing programs for persons in need provided by provincial, territorial, and municipal governments; much of which is funded by the federal government under the Canada Assistance Plan; and income support provided to older people through the Old Age Security Program and the Guaranteed Income Supplement.

Federal social programs and those in many provinces are being reformed to focus more emphasis on improving the ability of Canadians to obtain and keep jobs through better employment skills. A number of ways of consulting with individual Canadians,

communities, and nongovernmental organizations at the national and community level on poverty issues have been established. Examples range from formal Parliamentary hearings to informal community efforts.

Addressing Poverty Internationally

Canada makes an important contribution to enabling people living in poverty around the world to achieve sustainable livelihoods through ODA. Canada's bilateral ODA program, managed by CIDA, CONTINUEs to have worldwide reach.

CIDA works with a wide range of partners. Through its Partnership Branch, a variety of approaches have been used, including the provision of funding to Canadian nongovernmental organizations working with developing country partners at the grassroots level. These projects are generally designed and implemented in close association with local communities.

Poverty-reduction projects are important parts of Canada's bilateral programs in Africa, Asia, and Latin America. The percentage of these projects rose from 7.4 percent in 1983 to 34.4 percent in 1993.

Projects aimed at reducing poverty for a clearly identified target group and with a good delivery mechanism is an approach favoured by CIDA. Using this approach, some 13.6 percent of total bilateral projects were targeted to the poor in the 1987/1992 period.

A good example is the Rural Maintenance Project (RMP) in Bangladesh. It responds to two major problems: lack of routine maintenance of earthen farm-to-market roads and the Bangladesh government's inability to provide assistance to destitute women who fall outside existing relief and employment programs.

From 1989 to 1995, the RMP employed 60,000 destitute women to maintain 60,000 miles (96,540km) of roads in return for wages and assistance designed to reduce their destitution gradually. The RMP's success stems from three main factors:

- it directly assists the most disadvantaged; it meets the women's immediate needs for steady employment and an adequate income; it also has a longer-term impact by introducing them to a non-traditional occupation, enhancing their role in the family and improving their community status; and it provides a practical solution to the need for better roads.

Canada's strategy in multilateral agencies has been to push for integration of poverty into mainstream programming, with a greater focus on participatory development and specific targeting. Canada has advocated the use of policy dialogue and reforms for poverty reduction. It has worked with other countries to put poverty on the World Bank and United

Nations agendas (e.g., Human Development Report, UN World Summit for Social Development).

In reviewing its experience in poverty-reduction programming, CIDA has identified the need for a CIDA-wide strategy on poverty reduction that sets out clear objectives and develops programming consistent with Canadian capacity.

Challenges and Next Steps

While Canadian governments look for new and more-effective tools to respond to domestic poverty issues within the constraints imposed by reduced resources, poverty in developing countries is also becoming a clearer priority for action.

In June 1995, CIDA announced its Poverty Reduction Policy, which commits the agency to a number of specific activities designed to improve Canada's response to poverty in the developing world. For example, poverty profiles and reduction strategies will be integrated into the country and regional policy frameworks that guide CIDA's activities in specific countries and regions. A key objective of this activity is to ensure that CIDA's strategies are complementary to those of recipient countries.

More generally, the new policy commits CIDA to ensuring that its programming is consistent with the Canadian foreign policy goal of poverty reduction. CIDA will be concentrating its programming on sectors where it has a comparative advantage, including both poverty-focused projects and policy-level interventions. In the implementation of the new policy, the main challenge will be to work effectively with developing countries to support sustainable solutions to the problem of poverty within the limited resources now available for development assistance programming.

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PART II, SECTION V

CHANGING CONSUMPTION PATTERNS

Introduction

In Chapter 4 of Agenda 21, governments pledge to improve their understanding of the role of consumption in sustainable development and how consumption patterns could be changed. They also undertake to develop national policies and strategies that encourage changes in consumption patterns.

This section describes only a small portion of the actions and initiatives that Canadian individuals, organizations, and governments have undertaken to deal with consumption issues. Other examples relevant to the objectives of this chapter are mentioned in other sections of this report, particularly the section devoted to environmentally sound technology. A number of other examples were mentioned in the consumption section of the Report of Canada to the United Nations Commission on Sustainable Development that was tabled in 1994.

Improving Understanding of Production and Consumption

Canadians are now taking a variety of steps to improve their understanding of the role and impact of consumption on sustainable development. Many of these are focused on establishing databases, indicators, and approaches to national accounts that track various aspects of production and consumption.

For example, the National Energy Use Database compiles data on energy consumption in different sectors, enabling improvements in energy efficiency to be evaluated. The National Packaging Monitoring System, developed under the Canadian Council of Ministers of the Environment's National Packaging Protocol, tracks progress toward achieving our national goals of reducing packaging waste disposal by 50 percent by the year 2000. As well, the federal government, the Canadian Standards Association, and a number of Canadian raw material producers are developing a Canadian Raw Material Database. This database will provide industry-averaged data on energy and raw material inputs and environmental releases during raw material acquisition and manufacturing.

In Chapter 4 of Agenda 21, governments pledge to "consider how economies can grow and prosper while reducing the use of energy and materials and the production of harmful materials". Some initiatives described in the section of this report on environmentally sound technology indicate how new technologies and processes can contribute to achieving this goal.

Statistics Canada is developing a set of natural resource and environmental accounts that will serve as satellite accounts to the System of National Accounts. They will record natural resource stock, natural resource use, and waste output in Canada and current and capital spending intended to conserve or protect natural resources and the environment.

National Policies and Strategies to Encourage Changes in Consumption

Chapter 4 covers such issues as greater efficiency in the use of energy and resources, minimized generation of wastes, assistance to individuals in environmentally sound purchasing decisions, increased environmental content in government purchasing, and moves toward environmentally sound pricing.

Examples of all these activities exist in Canada, however, more progress has been achieved in changing institutional and industrial consumption than in changing the habits of individuals and households.

Canadians are finding ways to minimize the generation of both bulk wastes and specific pollutants. The federal government's pollution prevention strategy promotes the adoption of processes, practices, materials, and products that avoid or minimize the creation of pollutants and waste. The federal and provincial governments are continuing work toward the goal of reducing solid and packaging waste sent to disposal by 50 percent of 1988 levels by the year 2000. The latest figures from the National Solid Waste Inventory indicated a 13-percent reduction in municipal solid wastes from 1992. In Quebec, mandatory deposit for single-use beer and soft-drink bottles has made it possible to recover nearly 73 percent of containers on the market. That amounted to 31,100 tonnes or 741 million containers in 1994 (most recent data available).

Many measures have been aimed at industry and government because of their high consumption of energy, raw materials, and other products. Making production more efficient is a means of making overall consumption more sustainable. The Burnside Industrial Park in Nova Scotia is an illustration of the efforts being made to improve material-use efficiency. At Burnside, small businesses are using wastes generated by other companies inside the park. These wastes would otherwise have gone to landfill. Most provincial governments and the federal government have also instituted environmentally friendly procurement policies.

The federal and provincial governments have signed pollution prevention agreements with the motor vehicle manufacturing, dry-cleaning, metal finishing, and printing and graphics sectors. These commit companies to verifiable reductions in the generation, use, and release of specific substances. Pollution prevention efforts such as these also improve the efficiency of Canada's consumption of materials.

In 1992, The Canadian Association of University Business Officers gave a Quality and Productivity Award to Dalhousie University in Halifax, Nova Scotia.

Dalhousie University had sponsored a project that integrated waste reduction/recycling initiatives on its campus with a new credit course on waste management and the environment. The environmental teaching module and demonstration projects developed during the project were designed to be transferable to other institutions.

Canadian governments also CONTINUE to assist individuals to make environmentally sound purchasing decisions. Terra-Choice Environmental Services is continuing the federal government's Environmental Choice Program, evaluating products and providing information to Canadian consumers through its Eco Logo label. In addition, under the Energy Efficiency Act, the federal government requires energy efficiency information labels on some energy-using products. Initiatives in the difficult area of environmentally sound pricing are under way. For example, some municipalities encourage waste reduction by charging households for waste removal on a volume basis. Vernon, British Columbia, has introduced a water rate structure based on metered consumption that has resulted in a 28-percent reduction in household water use. In Halifax, Nova Scotia, household water bills now compare water use with the same period of the previous year.

Governments have imposed levies on the purchase prices of products such as paint, and tires, batteries, and air conditioners for motor vehicles.

Challenges and Next Steps

While major economic producers in Canada are making substantial progress in improving their consumption patterns, sustainability will not be achieved without more progress in changing individual consumption patterns.

Perhaps the most significant challenge will be to make personal transportation more sustainable. Although urban transit use is increasing (total kilometres traveled), it represents less than 5 percent of motorized travel in urban areas, while urban automobile use CONTINUES to grow. A 1992 finding indicated that 82 of every 100 kilometres traveled by individual Canadians is in an automobile (see figure). Automobile fuel efficiency is improving but too slowly to prevent Canada's total energy and fossil fuel consumption from increasing because of increases in automobile travel.

Indicator: Fossil fuel use by automobiles

Sources: Royal Commission on National Passenger Transportation, Canadian Urban Transit Association, Environment Canada, and Statistics Canada.

Indicator prepared by: State of the Environment Directorate, Environment Canada.

Between 1984 and 1992, fossil fuel use leveled off as the improvements in fuel efficiency slowed and were offset by an increase in automobile travel.

Canada's vast geography and severe climate, combined with its market freedoms, make it difficult for citizens to change personal consumption habits quickly. This makes the effective promotion of a conservation ethic among consumers a real challenge.

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PART II, SECTION VI

DEMOGRAPHIC DYNAMICS AND SUSTAINABILITY

Introduction

Chapter 5 of Agenda 21 emphasizes the relationship between population issues and sustainable development. The environmental impacts of demographic change are not a significant domestic issue in Canada given its relatively low birth rate and population density.

Canada's principal demographic policy focus has been its support for population and reproductive health efforts in developing countries. Canada recognizes, however, that effective social and economic development policies are the key to achieving demographic targets. Canada's ODA programming has assisted national governments, international agencies, nongovernmental organizations, and community organizations to address demographic issues for many years.

This section describes developments in Canada's demographic policies and programs since UNCED.

Canada's Evolving International Population Policies

Canadian foreign policy recognizes the importance of population issues. Demographic issues can have an impact on the achievement of sustainable development goals and global security. These and other factors have all led to population issues attaining a higher public profile in recent years. The significance of population issues was reflected in Canada's 1995 foreign policy statement, which identified family planning as part of Canada's commitment to make basic human needs a core ODA priority. Demographic issues also play a part in other ODA priorities, such as women in development and the environment. Population issues were a significant part of the agenda of the International Conference on Population and Development (ICPD) in Cairo and the Fourth World Conference on Women in Beijing. Canada participated actively in both conferences in an effort to ensure effective outcomes.

Perspectives on population issues have been changing in recent years. In 1994, CIDA developed a Statement on Population and Sustainable Development that set out four objectives:

to promote a better understanding of the impact of population dynamics on progress toward sustainable development;

to support the development of policies and strategies aimed at addressing the pressure of population growth on sustainable development;

to support the provision of comprehensive client-oriented reproductive health care for women, men, and adolescents centred on high quality family planning services that include information, education, and communication components; and to support development programs that emphasize health, education, and income generation for women, in order to foster population levels consistent with sustainable development.

Delivering Effective Population Programming

Canada recognizes that some programs that affect demographic issues do so only indirectly. For example, economic development has been linked to lower fertility levels across a society.

Canada's direct support for population programming has been approximately \$30 million annually during the last two years. Most of this support went to three complementary programs: the United Nations Fund for Population Activities, the Fourth Bangladesh Population Project, and the International Planned Parenthood Federation.

Challenges and Next Steps

Population issues are sensitive. They are at the very heart of human relationships. Canada has been supportive of the steady progress that has been made since UNCED through the Program of Action of the ICPD and, most recently, at the Beijing conference. Canada welcomes the expansion of population issues from the traditional focus on family planning to broader issues of women's health, reproductive health, and the social, educational, and economic factors that influence demographic change.

In its ODA programming, Canada will CONTINUE to pursue approaches that are driven by the needs of individuals and that recognize the full range of considerations affecting population levels. To emphasize that support, Canada has committed itself to maintaining and, to the extent possible, increasing its support for population activities. Moreover, this commitment has been made at a time when ODA programming is facing financial constraints.

PART II, SECTION VII

PROMOTING EDUCATION, PUBLIC

AWARENESS, AND TRAINING

Introduction

Chapter 36 of Agenda 21 emphasizes the importance of building education, public awareness, and training for sustainable development. Efforts to realize these objectives in Canada are building on more than twenty years of domestic experience.

Education

Because elementary and secondary school education falls under the jurisdiction of the provinces in Canada, no national sustainability education strategy exists. Nonetheless, educators, education organizations, students, and interested groups have taken a wide variety of actions to build networks and to create and provide environmental education materials. Some of these actions are described below.

FEESA An Environmental Education Society in Alberta has involved business, government, and environmental community groups in a consensus-based approach to education supporting sustainable development for ten years.

In October 1992, only four months after UNCED, the World Congress on Education and Communication on Environment and Development (ECO-ED), took place in Toronto. One of its key objectives was to increase the potential of environmental education to meet the challenge of UNCED by forming new partnerships and exchanging information and perspectives. ECO-ED brought together more than 260 key presenters and 4500 participants from eighty-four countries.

In 1992, thirteen national education associations agreed to form a Coalition of Education Leaders to promote environmental citizenship in their respective communities.

In 1993, the Canadian Network for Environmental Education and Communication (EECOM) was formed to help educators from the formal and the non-formal sectors. It helps them network and better coordinate environmental education activities. EECOM also facilitates the identification and sharing of resources.

To ensure that all jurisdictions work together to promote environmental education in Canada, the Canadian Council of Ministers of the Environment established an Environmental Education Task Group in 1993 that also works in collaboration with the Council of Ministers of Education, Canada.

At the post-secondary level, the government of New Brunswick has established two Chairs in Sustainable Development to study and promote this concept. One is at the French language Université de Moncton; the other at the English language University of New Brunswick. These have received funding for the first five years from both the government and industry.

Many environmental nongovernmental organizations, industry associations, and governments have developed programs related to sustainable development education.

For example, the Learning for a Sustainable Future program promotes sustainability education in the formal school system nationwide. The Evergreen Foundation supports the "naturalization" of school grounds, and the Harmony Foundation conducts summer workshops for educators on environmental values.

The Canadian Forestry Association has conducted national workshops for teachers on sustainable forests and compiled an exhaustive catalogue of forest education materials.

The Learning Partnership, a non-profit organization of business people, educators, and community leaders, is helping students to understand the importance of education in relation to the workplace through its "Take our kids to work" initiative. On 8 November 1995, Grade 9 students (around fourteen years of age) throughout Ontario were invited to go to work for the day with a parent, a guardian, relative, family friend, or volunteer host. The initiative is province-wide and will likely be undertaken in other parts of Canada.

Public Awareness

In schools and the community, young people are often central to actions in support of sustainable development. Students have set up environmental groups and organized conferences to educate other students, their institutions, and the community.

In Quebec, more than 200 schools have earned the status of "école verte Brundtland" for their success in meeting certain conditions regarding environmental protection and the promotion of sustainable development.

In 1994, young people and partners from governments, nongovernmental organizations, education associations, and individuals helped develop the Canadian Youth Action Guide for Agenda 21. The guide will be distributed to all schools and select community groups in printed form. It will also be available in electronic form on SchoolNet, a government-sponsored network available through the Internet. Young people in Canada's 16,000 schools will have an opportunity to exchange information on sustainable development projects undertaken by their own communities and to find ways to develop a personal Agenda 21.

Girl Guides of Canada/Guides du Canada, in partnership with Environment Canada, has implemented the Water for Tomorrow program for more than 250,000 members and leaders. The program encourages Guides to sustain water resources through wise and efficient water use in their homes, schools, and communities. The World Council of Girl Guides has recognized the success of this program. Various components have been adopted in other countries.

As part of the grassroots effort to increase awareness regarding environmental education, the Canadian magazine Green Teacher was started about five years ago. Current readership comprises 8,000 Canadian educators and 3,000 Americans. Articles relate the efforts of environmental educators and development educators side-by-side to help readers readily see the connections between these two themes. Two years ago, an entire issue was dedicated to the concept of sustainability.

The National Round Table on the Environment and the Economy has produced a guide for educators and facilitators to the round table process and sustainable development. This tool has been the basis of workshops with more than 2000 high school students in Canada.

The federal government recently announced a new program, Action 21, to help Canadians take action in support of a healthy environment. Action 21 has two components: a community funding program for non-government, non-profit organizations, and a public awareness initiative to encourage Canadians to make choices in favour of the environment in their daily lives.

Many organizations across Canada are promoting environmental citizenship at the community level. One example is the Enviro-towns program of the Clean Nova Scotia Foundation.

Training

Occupational training related to environmental issues is growing. The Canadian Labour Congress has produced a program on workers' environmental rights that stresses the creation of joint union-management environment committees for extending the mandate of existing health and safety committees. It also promotes introducing a right to environmental information from employers and a right to refuse to pollute as an extension of the right to refuse unsafe or unhealthy work. Some corporations have engaged training specialists to empower employees to change their environmental behaviour in the workplace.

Universities are training tomorrow's environmental leaders by offering programs in environmental science, environmental management, and other topics related to sustainable use of resources.

The Canadian Council for Human Resources in the Environment Industry is an industry-initiated body. Its mission is to ensure an adequate supply of people with the appropriate skills and knowledge to meet the environmental needs of the public and private sectors.

Challenges and Next Steps

In spite of considerable progress, there are obstacles that challenge the promotion of environmental education, public awareness, and training in Canada. The lack of a consistent environmental education strategy is compounded by an absence of formal training available for environmental and sustainability educators. Environmental education and public awareness programs are affected by the same financial restraints as many other areas. In the private sector, training programs are slow in coming. It is increasingly important that individuals and organizations work together in partnerships to expand access to and understanding of sustainable development information. It will be essential to reach out to groups that may have been excluded.

DEVELOPMENT INTO DECISION

MAKING

Introduction

Chapter 8 of Agenda 21 focuses on the need to integrate better environment and development considerations at the policy, planning, and management levels. This has been a growing priority in Canada for years.

Canadian governments recognize that an integrated approach to planning and decision making is necessary to achieve sustainable development. They understand this approach should reflect the visions and expectations of Canadians. This approach requires that decision makers seek out more opportunities to work with others in partnership and use the full range of suitable tools to accomplish the objectives of sustainable development. In Canada, integrated decision-making processes have evolved considerably over the last few years. This section highlights the key steps taken toward integrated decision making by governments and the private sector in Canada.

Other sections of this report, particularly the section on strengthening the role of major groups, demonstrate that public involvement and consultation have become essential to this process. Sound science is another important element of Canada's approach to improved decision making related to the environment. The science for sustainable development section in last year's CSD report summarizes many of the major activities now under way.

Improved Decision Making at All Levels

Federal Government

In 1994, the federal government emphasized the need for an integrated approach to social, economic, environmental, and foreign policy in its Speech from the Throne. A series of recent legislative and policy initiatives have given practical meaning to this commitment.

The government incorporated sustainable development into the new mandates of its ministers of Industry, Agriculture and Agri-Food, and Natural Resources in 1994. Sustainable development has also been built into key statutes such as the Canadian Environmental Assessment Act, the North American Free Trade Agreement Implementation Act, and the Canadian Environmental Protection Act.

The 1994 federal Task Force on Economic Instruments and Disincentives to Sound Environmental Practices was the first well-defined exercise to incorporate environmental

considerations into a budget-making process in Canada. The 1995 federal budget addressed a number of the task force's short-term recommendations. Longer term proposals are now under study.

In 1995, the Canadian Environmental Assessment Act came into force to integrate environmental considerations into all federal project planning. The Act requires that an environmental assessment be completed prior to substantive action on any federal project. The government also introduced amendments to the Auditor General Act to establish a Commissioner of the Environment and Sustainable Development. Within two years, all federal ministers will be required to present sustainable development strategies for their departments to Parliament. To assist departments in the preparation of these strategies, the federal government has released "A Guide to Green Government". It includes objectives, as well as policy and management tools, to aid the transition to sustainable development. It also notes that departmental sustainable development strategies must be comprehensive, results-oriented, and prepared in consultation with partners. Preparation and implementation of these departmental strategies will require innovation both in policy and management terms, and a commitment to continuous improvement. The Commissioner will present an annual report to Parliament on how well departments are doing in achieving their sustainable development goals.

Provincial and Territorial Governments

Nearly all provincial and territorial governments have, or are in the process of developing, sustainable development or conservation strategies. Each pursues its own approach to environment economy integration.

Over the last two decades, all provinces and one territory have also established environmental assessment legislation. Most require public involvement and provide for an independent body to examine complex or high profile environmental assessments. Jurisdictions often provide for mediation and conflict resolution throughout the assessment process.

Provincial and territorial governments have also undertaken a number of other initiatives toward integrated decision making. Examples include the following:

The Commission on Resources and Environment in British Columbia has been profiled in previous reports. It uses regional land use plans and public participation in decision making to resolve conflicts and to advance a comprehensive, sustainable approach to natural resources development in the province.

In 1992, Alberta consolidated eight environment-related statutes into the Alberta Environmental Protection and Enhancement Act. This provides an integrated approach to the protection of air, water, and land.

Ontario's Environmental Bill of Rights came into law in February 1994. It incorporates features such as a requirement that Statements of Environmental Values be prepared by fourteen provincial ministries; the creation of a public electronic registry of proposals for environmentally significant policies and legislation; enhanced access to courts; and the appointment of an Environmental Commissioner, reporting to the Legislature, to investigate alleged contraventions of environmental laws.

Round tables have become a way for all sectors of society and communities to address sustainable development issues. The Manitoba Department of Rural Development has encouraged the use of this process and sixty-two community round tables now involve half of the province's 202 municipalities.

Governments in Canada often work in partnership in developing national responses to key domestic and international issues. Governments are also working to harmonize policy and regulatory frameworks to improve the effectiveness and efficiency of environmental management across Canada. To this end, a number of federal/provincial cooperative arrangements have been developed.

Private Sector

Many companies are designing Environmental Management Systems (EMS) to integrate environmental considerations into their activities, processes, products, and services. In 1994, KPMG Management Consultants carried out a survey of Canadian companies, hospitals, municipalities, universities, and school boards. Some 69 percent reported EMS's are in place. Under the aegis of the Canadian Standards Association, there is also an ongoing effort to refine existing EMS efforts by organizations and firms across Canada. Business associations are promoting sustainable development through improved decision-making processes. A number of organizations, such as the Business Council on National Issues and the Canadian Institute of Chartered Accountants, have developed principles that can be used to develop environmental codes of practice, EMS's, and environmental audits.

The Canadian Chemical Producers Association, the Mining Association of Canada, the Canadian Association of Petroleum Producers, and the Aerospace Industries Association of Canada have adopted environmental policies, principles, and, in some cases, guidelines to assist member companies to integrate environmental considerations into their activities.

Challenges and Next Steps

Governments, business, and interest groups have undertaken a range of initiatives over the past five years to integrate social, environmental, and economic considerations into planning and decision making. Many of these initiatives are new and will require fine-tuning as they are implemented.

Although considerable effort has been made by all sectors of Canadian society to integrate the environment into decision making, it is sometimes difficult to ascertain the extent of real progress and the effectiveness of activities toward sustainable development. Concrete goals and targets, as well as indicators, are important elements of improved decision making. They can stimulate progress by providing an accountability framework and a clear context for planning in both the public and private sectors.

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PART II, SECTION IX

INTEGRATING ENVIRONMENT AND DEVELOPMENT IN INTERNATIONAL LEGAL INSTRUMENTS AND MECHANISMS

Introduction

Chapter 39 of Agenda 21 recognizes the importance of international law in achieving the goals of UNCED. It stresses the need to integrate development and environmental concerns in existing and future agreements, especially those with an economic focus. It also emphasizes the need to assist developing countries to participate in treaty making and to improve their capacity to legislate on these issues. Another important concern is the development of means to assist with the effective implementation of international agreements and mechanisms to facilitate dispute settlement.

The Canadian Experience

Since UNCED, Canada has taken part in a series of global negotiations that have devoted particular attention to the needs and capacities of developing countries. For example, Canada has helped fund the process and the involvement of developing States in negotiating and implementing the Desertification Convention.

Canada also worked with developing countries during the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. This conference is discussed in greater detail in the section of this report on protection of the oceans and other seas. During that process, Canada worked closely with many countries, particularly developing States, that shared similar views on the conservation and use of these fish stocks.

The Protocol amending the Canada/United States Migratory Birds Convention is an example of significant change to a long-standing agreement with environmental objectives. The convention, dating from 1916, did not permit accommodation of the traditional harvesting practices and evolving treaty rights of Aboriginal people in Canada. This limitation was one of the main reasons why the Protocol was negotiated. The participation of Aboriginal representatives on the Canadian delegation contributed to the successful conclusion of these negotiations.

The Arctic Environmental Protection Strategy is another example of an integrated approach to international environmental and economic issues. Circumpolar countries have agreed to work together for the protection, enhancement, and restoration of the Arctic environment while seeking to ensure the sustainable utilization of its natural resources by Arctic people. A significant aspect of the Strategy is recognition of the cultural needs, values, and practices of indigenous people.

The North American Agreement on Environmental Cooperation (NAAEC) is a trilateral initiative that has integrated development and environment concerns. This agreement between Canada, the United States and Mexico came into force on 1 January 1994 as a companion agreement to the North American Free Trade Agreement (NAFTA). It was discussed in the previous Canadian reports to the CSD.

The NAAEC calls for cooperation between the partner States. It also requires cooperation within States. The Canadian Intergovernmental Agreement for the implementation of the NAAEC in Canada, to which Alberta is the first provincial signatory, recognizes that the federal, provincial,

and territorial governments have distinct and complementary roles to play in achieving the goals of the NAAEC and the environmental goals of NAFTA. Another significant step forward is the NAAEC mechanism allowing individuals and organizations to make submissions alleging that a party has failed to enforce its environmental laws effectively.

Canada has a strong interest in reconciling trade and environment concerns in international legal instruments. It is participating actively in processes such as the Organization for Economic Co-operation and Development Joint Session of Trade and Environment Experts and the World Trade Organization Committee on Trade and Environment.

Challenges and Next Steps

The distribution of responsibility for sustainable development issues within Canada is complex.

This is a source of constant challenge when Canada prepares for and participates in the negotiation of international legal instruments and in the subsequent implementation of those instruments.

While the federal government conducts international treaty negotiations on behalf of Canada, responsibility for environment and sustainable development issues falls within the legislative jurisdiction of both the federal and provincial levels of government. This shared jurisdiction often requires federal and provincial governments to cooperate in order to fully implement Canada's international obligations.

Moreover, various departments within each order of government may be involved in a negotiation or implementation process. Each department can have different objectives and perspectives. The general public, nongovernmental organizations, and business also bring their interests to the process. Organizing effective consultations and cooperation among those involved, as well as coordinating their positions, is a challenging task.

Legal instruments reflect the policy decisions underlying them. The integration of environment and development in international legal instruments must therefore begin at the policy level. Legal mechanisms can play a supporting role by developing international rules to reflect that integration and the means to encourage compliance with those rules.

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PART III, SECTION I

PROTECTION OF THE ATMOSPHERE

Introduction

Chapter 9 of Agenda 21 identifies four broad program areas to protect atmospheric resources. The Canadian response is built on partnerships between governments, the private sector, communities, universities, and institutions.

Improving the Scientific Basis for Decision Making Scientific research is essential for good decision making on atmospheric change issues. Examples of Canada's scientific work were discussed in detail in last year's Report of Canada to the United Nations Commission on Sustainable Development (CSD), particularly in the science for sustainable development and the conservation of biological diversity sections.

Internationally, Canada is active in the Intergovernmental Panel on Climate Change, hosting the Working Group III Technical Support Unit. The Canadian Climate Program Board oversees Canadian participation in the World Climate Programme, including the Global Climate Observing System. Canada as a member of the World Meteorological Organization is working very closely with China on technology transfer and training for their Global Atmospheric Watch Site on the Tibetan Plateau. Through the Canada/China Memorandum of Understanding on Cooperative Meteorological Matters, work on climate change and agricultural meteorology, including experiments in the South China Sea, is planned for the next two years.

Seven ecosystem management programs are under way (e.g., the Mackenzie Basin Impact Study and the Great Lakes St. Lawrence Basin Project) to provide insights into the adaptive capabilities of various ecosystems to atmospheric change and the impacts of these changes on a wide range of economic activities.

The Canadian Global Change Program of the Royal Society of Canada links international activities such as the International Geosphere /Biosphere Programme and the Human Dimensions of Global Change. Canada also contributes to the Inter-American Institute for Global Change Research, a hemispheric network of research centres. Canada is assessing the progress made under its NO_x /VOC Management Plan and on the acid deposition objectives under the U.S.A /Canada Air Quality Accord in order to examine the effectiveness of the respective control objectives. National urban air quality and wet deposition networks are augmented by provincial, municipal, and industry monitoring.

Canada intends to expand its national database to track changes to ambient air quality and atmospheric deposition more comprehensively and to estimate contributions from trans-boundary (inter-provincial and international) sources.

Canada is expanding its setting of critical loads (level of deposition causing insignificant environmental harm). These limits are established through broad consultation between federal and provincial governments, industry representatives, and public interest groups. Objectives for atmospheric pollutants are being expanded to include hazardous air pollutants. The research examines the appropriateness of setting objectives for some pollutants that have direct negative impacts on human health.

Toward Sustainable Energy Development

Canada supports environmentally safe, cost-effective energy systems. Promotion of energy efficiency and renewable energy sources minimizes the adverse effects of energy consumption and may promote opportunities for new businesses.

Canada's National Action Program on Climate Change (NAPCC) sets the course for meeting Canada's commitments under the Framework Convention on Climate Change in the areas of climate change mitigation, adaptation, research and education, and international cooperation. All provincial and territorial governments have now committed to the NAPCC and will be reporting on their initiatives to reduce the rate of increase in the emissions of greenhouse gases. Most of this activity relies on more efficient use of energy resources and substitution with renewable sources where feasible. Canada intends to stabilize its emissions of greenhouse gases at 1990 levels by the year 2000 and to develop sustainable options to achieve further progress in the reduction of emissions by 2005. Several jurisdictions are promoting efficiency based on the opportunities to reduce other environmental impacts, including deterioration of ambient air quality and acid deposition.

***CAVING-IN TO INDUSTRY** (NAPCC) DOCUMENT OF COMPROMISE AND INACTION
A MAJOR STEP NO WHERE

JOAN RUSSOW

CANADA SIGNED (JUNE 1992) AND RATIFIED (DECEMBER, 1993) THE UN
FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

AS WE NEAR THE FIFTH ANNIVERSARY OF THE UNFCCC IN RIO +5 CONFERENCE
IN NEW YORK CANADA HAS STILL DEMONSTRATED ITS LACK OF RESOLVE TO
SERIOUSLY ADDRESS GLOBAL PROBLEMS. IT HAS BEEN OVER FIVE YEARS
SINCE CANADA SIGNED THE CLIMATE CHANGE CONVENTION (JUNE 1992) AT
THE EARTH SUMMIT; AND FOUR YEARS SINCE CANADA RATIFIED IN 1993.

ALTHOUGH CANADA PRESUMABLY IS NOT BOUND BY A CONVENTION UNTIL THE
CONVENTION COMES INTO FORCE. THE CONVENTION CAME INTO FORCE ONLY
IN MARCH, 1994, CANADA HAS BEEN, IN FACT, BOUND SINCE THE SIGNING OF
THE CONVENTION IN JUNE 1992, TO NOT DO ANYTHING IN THE INTERIM
BETWEEN THE SIGNING OF THE CONVENTION AND THE COMING INTO FORCE
OF THE CONVENTION "TO DEFEAT THE PURPOSE OF THE CONVENTION"
(ARTICLE 18, CONVENTION OF LAW OF TREATIES). CANADA'S EMISSIONS HAVE
CONTINUALLY RISEN

RATHER THAN CANADA'S TAKING A LEAD IN ADDRESSING THE PROBLEM OF
CLIMATE CHANGE, IT HAS CAVED INTO THE FOREST, FOSSIL FUEL AND
NUCLEAR INDUSTRIES".

CANADA'S NATIONAL ACTION PROGRAM ON CLIMATE CHANGE"
(NAPCC) CAREFULLY IGNORES THE IMPACT OF CURRENT FOREST PRACTICES
SUCH AS CLEAR-CUT LOGGING ON CARBON SINKS. EVEN THOUGH, UNDER THE
CLIMATE CHANGE CONVENTION, CANADA IS BOUND TO "CONSERVE AND
ENHANCE SINKS". SINCE JUNE OF 1992, NUMEROUS SINKS INCLUDING
FORESTS AND BOGS HAVE BEEN DESTROYED EVEN BEFORE THEY HAVE BEEN
PROPERLY DOCUMENTED. (ANOTHER PROVISION OF THE CLIMATE CHANGE
CONVENTION).

THE NAPCC DOCUMENT FAILS TO SERIOUSLY CALL FOR THE PHASING OUT OF
THE USE OF FOSSIL FUELS, AND THE CONVERSION OF THE INFRASTRUCTURES
THAT SUPPORT THE USE OF FOSSIL FUELS. "ALTHOUGH THERE IS A CALL IN
THE DOCUMENT FOR RENEWABLE ENERGY, THERE APPEARS TO BE LITTLE
RESOLVE TO CREATE A SITUATION, WITH HIGH MANDATORY STANDARDS AND
REGULATIONS THAT WOULD ATTRACT SERIOUS CONVERSION TO RENEWABLE
ENERGY. MOST OF THE DOCUMENT APPEARS TO RELY ON "VOLUNTARY
INITIATIVES". VOLUNTARY INITIATIVES FROM THE FOSSIL FUEL SECTOR WILL
NOT BE SUFFICIENT TO DRIVE INDUSTRY TO EMBRACE THE PRINCIPLE OF
RENEWABLE ENERGY. THERE IS A NEED FOR MANDATORY INTERNATIONAL

NORMATIVE PERFORMANCE BASED STANDARDS TO DRIVE E INDUSTRY TOWARDS BEST (BEST ENVIRONMENTALLY SOUND AND SOCIALLY EQUITABLE TRADITIONS) PRACTICES.

“THE NAPCC DOCUMENT ALSO UNDER THE EUPHEMISM OF “ELECTRICITY AND HEAT COGENERATION OPPORTUNITIES” P18, KEEPS THE DOOR OPEN FOR THE NUCLEAR ENERGY TO PREY ON THE PUBLIC CONCERN FOR CLIMATE CHANGE AND THUS SUPPORTS THE CONTINUATION OF THE FORM OF ENERGY PRODUCTION WITH THE MOST FAR REACHING ECOLOGICAL AND SOCIAL CONSEQUENCES”.

“UNTIL CANADA IS WILLING TO SUMMON UP THE POLITICAL WILL TO ENSURE THAT PRINCIPLE DRIVES INDUSTRY, INDUSTRY WILL CONTINUALLY ALTER AND COMPROMISE PRINCIPLE AND RESOLVE”, AND UNTIL CANADA IS WILLING TO FULFILL ITS INTERNATIONAL OBLIGATIONS THROUGH ENACTING THE NECESSARY LEGISLATION, LITTLE SUBSTANTIAL CHANGE WILL OCCUR.

BACKGROUND:

IN 1988, AT THE CHANGING ATMOSPHERE CONFERENCE IN 1988, THE PARTICIPANTS INCLUDING REPRESENTATIVES FROM GOVERNMENT, ACADEMIA, NGO AND INDUSTRY EXPRESSED THEIR CONCERN ABOUT CLIMATE CHANGE IN THE CONFERENCE STATEMENT:

“HUMANITY IS CONDUCTING AN UNINTENDED, UNCONTROLLED, GLOBALLY PERVASIVE EXPERIMENT WHOSE ULTIMATE CONSEQUENCE COULD BE SECOND ONLY TO A GLOBAL NUCLEAR WAR. THE EARTH’S ATMOSPHERE IS BEING CHANGED AT AN UNPRECEDENTED RATE BY POLLUTANTS RESULTING FROM HUMAN ACTIVITIES, INEFFICIENT AND WASTEFUL FOSSIL FUEL USE ... THESE CHANGES REPRESENT A MAJOR THREAT TO INTERNATIONAL SECURITY AND ARE ALREADY HAVING HARMFUL CONSEQUENCES OVER MANY PARTS OF THE GLOBE.... IT IS IMPERATIVE TO ACT NOW.

THE CONFERENCE CALLED FOR IMMEDIATE ACTION BY GOVERNMENTS, THE UNITED NATIONS...

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 MULTILATERAL ASSISTANCE ARRANGEMENT.

1994 THE PERCEPTION HAS CHANGED FROM CLIMATE CHANGE BEING “A THREAT” IN 1988 TO ITS BEING ONLY A “POTENTIAL THREAT” IN 1994 IN CANADA’S NATIONAL ACTION PLAN ON CLIMATE CHANGE.

IN THE 1997 ELECTION THE URGENCY OF ADDRESSING CLIMATE CHANGE MUST BE THE KEY ISSUE

THE NATIONAL ACTION PROGRAM ON CLIMATE CHANGE PRESENTED 5 COMPROMISING, INEFFECTIVE OPTIONS.

WHAT IS NEEDED IS A SIXTH OPTION

OPTION 6 : THE MISSING OPTION MOVE TO OVERCOMING CONSTRAINTS

ADHERENCE TO THREE KEY PRINCIPLES:

THE PRECAUTIONARY PRINCIPLE

WHERE THERE ARE THREATS OF SERIOUS OR IRREVERSIBLE DAMAGE, LACK OF FULL SCIENTIFIC CERTAINTY SHOULD NOT BE USED AS A REASON FOR POSTPONING SUCH MEASURES (CLIMATE CHANGE CONVENTION, 1992)

REVERSE ONUS PRINCIPLE

THE PROPONENT OF AN INTERVENTION IN THE ECOSYSTEM SHALL HAVE TO DEMONSTRATE SAFETY, RATHER THAN THE OPPONENT HAVING TO DEMONSTRATE HARM

FUTURE PROBLEM AVOIDANCE PRINCIPLE:

THE ADDRESSING OF ONE ENVIRONMENTAL PROBLEM SHOULD NOT ITSELF BE AN ACTION THAT COULD CAUSE IRREVERSIBLE HARM (STANDING COMMITTEE ON ENVIRONMENT “ OUT OF BALANCE; THE RISKS OF IRREVERSIBLE CLIMATE CHANGE, 1991)

ACTIONS

- 1.. PRESERVE AND ENHANCE SINKS (FORESTS AND BOGS), [AS REQUIRED IN THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE] , IN PARTICULAR PRESERVE LARGE AREAS OF ORIGINAL OLD GROWTH AND CONSERVATION CORRIDORS, AND REPORT IN DETAIL ON THE HEALTH OF THE SINKS (I.E. DEPLETION FROM FIRE CONTRIBUTES TO INCREASING HECTARES LOST
2. BAN ALL FOREST PRACTICES SUCH AS CLEAR-CUT LOGGING AND BROADCAST BURN THAT REDUCE CARBON SINKS ON CROWN AND PRIVATE LANDS
3. ENCOURAGE AFFORESTATION AND RESTORATION OF DAMAGED FOREST ECOSYSTEMS SUCH AS ON SUFFICIENTLY RESTOCKED LAND
4. . PHASE OUT THE USE OF FOSSIL FUELS AND NUCLEAR ENERGY (AS RECOMMENDED IN THE NOBEL LAUREATE DECLARATION PREPARED FOR UNCED).

5. ESTABLISH AND ENFORCE A NATIONAL DEDICATED PROGRAM FOR ENERGY CONSERVATION AND EFFICIENCY (RECOMMENDED, AT LEAST, SINCE 1975 IN KNELMAN'S "ENERGY CONSERVATION" PUBLISHED BY THE SCIENCE COUNCIL OF CANADA, BACKGROUND STUDY 44)
6. NO REPLACEMENT OF ONE TECHNOLOGY WITH ONE THAT IS EQUALLY OR POTENTIALLY MORE HARMFUL (NO REPLACEMENT OF FOSSIL FUEL TECHNOLOGY WITH NUCLEAR,)
7. ESTABLISH EXTENSIVE NETWORKS OF ALTERNATIVE ECOLOGICALLY SAFE AND SOUND MEANS OF TRANSPORTATION (AGENDA 21), AND CEASE THE CONSTRUCTION OF ALL NEW HIGHWAYS (THE GOAL OF ZERO VEHICLE EMISSIONS AND ELECTRICALLY POWERED VEHICLES SHALL NOT JUSTIFY THE INCREASED USE OF NUCLEAR POWER)
8. SYNTHESIZE THE EXISTING SCIENTIFIC INFORMATION. NO NEW STUDIES ARE REQUIRED TO DEMONSTRATE THAT IT IS NECESSARY TO REDUCE ANTHROPOGENIC EMISSIONS. "INACTION IS NEGLIGENCE" (DIGBY MCLAREN, PAST PRESIDENT OF THE ROYAL SOCIETY , GLOBAL CHANGE CONFERENCE, 1991)
9. ADAPTIVE MEASURES SHALL NOT BE USED AS A JUSTIFICATION FOR NOT ACTING TO PRESERVE EXISTING SINKS AND TO PREVENT ANTHROPOGENIC SOURCES OF GREENHOUSE GASES.
- 10 , PROHIBIT THE PROPOSALS TO SEEK FAR OFF SOUTHERN CARBON SINKS TO JUSTIFY MAINTAINING NORTHERN CONSUMPTIVE PATTERNS. (COSTA RICA SCHEME — ONTARIO HYDRO BUYING FORESTS IN COSTA RICA TO OFFSET ONTARIO HYDRO'S CO2 EMISSIONS)
- 11 AVOID CARBON EMISSIONS TRADING BECAUSE THIS PRACTICE LEGITIMIZES CONTINUED CURRENTLY HARMFUL EMISSION PRACTICES
12. TRANSFER ALL ENERGY-DIRECTED FUNDING INTO RENEWABLE ENERGIES THAT ARE ECOLOGICALLY SAFE AND SOUND
13. TRANSFER A SIGNIFICANT PROPORTION OF THE \$13 [NOW 19,916,518,000] BILLION MILITARY BUDGET TO ASSIST IN IMPLEMENTING THE ABOVE MEASURES AND IN JOB CONVERSION BY INSTITUTING A FAIR AND JUST TRANSITION FOR WORKERS AND COMMUNITIES AFFECTED NEGATIVELY BY THE TRANSITION

JOAN RUSSOW PHD

CHAIR OF THE BCEN INTERNATIONAL AFFAIRS CAUCUS

The Government of Canada recognizes that it must show leadership by putting the

federal house in order. The federal government will aim, with respect to its own operations, to surpass the goal to stabilize its greenhouse gas emissions at 1990 levels by the year 2000 and to reduce them by 20 percent by the year 2005.

The Efficiency and Alternative Energy Program consists of thirty-seven regulatory, information, and research and development initiatives. It encourages, for example, using model National Energy Codes for buildings and houses, setting voluntary energy-efficiency targets, and fostering the adoption of emerging, more energy-efficient technologies and alternative transportation fuels.

Several Canadian municipalities intend to reduce their greenhouse gas emissions by 20 percent of 1988 baseline levels by 2005. These municipalities have formed the "20% Club" to share cost-effective strategies for mitigation.

Internationally, Canada helps build capacity in developing countries so that they can begin to address the environmental consequences of energy development and use. Much of this work is accomplished through multilateral vehicles like the Global Environment Facility, where Canada is an active participant. Canada also contributes to the secretariats of various conventions (climate change and biodiversity), the United Nations Environment Programme (UNEP), and the World Bank.

The Challenge of Sustainable Transportation

Canada's transportation priorities put an emphasis on safety, resource conservation, and the prevention, reduction, or elimination of pollution. Through developing cleaner vehicles and fuels, investing in energy-efficient transportation systems, and reducing travel demand through influencing lifestyle choices and urban planning, Canada is attempting to reduce undesirable emissions of carbon dioxide, nitrogen oxides, and volatile organic compounds.

A Transportation and Climate Change Collaborative has produced recommendations on full cost transportation pricing and other related issues. These recommendations will help Canada to develop sustainable transportation systems by decreasing market distortions caused by subsidies and other externalities. The recent endorsement of the recommendations of the Task Force on Cleaner Vehicles and Fuels will result in new standards for cleaner gasoline and diesel fuel in Canada and initiate a new program for low-emission vehicles no later than 2001.

Under the NO_x /VOC Management Plan, new emission guidelines have been developed for power plants, gas turbine and compressor engines, and a range of other sources such as fuel and volatile compound storage and handling facilities.

Stricter standards for vehicles and industrial emission sources such as boilers are being developed.

The National Biomass Ethanol Program is designed to increase ethanol use. Financial support is also available for vehicle conversion to natural gas and to establish natural gas refueling stations.

The use of auto propane to provide markets for excess refinery by-products is being encouraged in Newfoundland and New Brunswick. Canadian industry, automobile manufacturers, auto-parts manufacturers, and natural gas distributors have recently formed a Natural Gas Vehicle (NGV) Alliance to increase NGVs in Canada from 38,000 to 300,000 by 2005. Natural gas buses operate in nine Canadian cities.

British Columbia's "Air Care", Canada's first in-use vehicle emissions inspection and maintenance program, has tested one million light-duty vehicles. The result is 113,000 fewer tonnes of greenhouse gas emissions and 25 million fewer litres of gasoline consumed in British Columbia's lower mainland.

The National Pollutants Release Inventory is a legislated, nationwide, publicly accessible database of pollutant releases and transfers in Canada (Web site: <http://www.doe.ca/pdb/npri.html>). It provides information on on-site releases to air, water, and land, as well as the transfer, off-site in wastes, of 176 substances. Data are collected annually from over 1800 facilities representing all major industries.

Promoting Pollution Prevention

The federal pollution prevention strategy (Pollution Prevention: A Federal Strategy for Action) encourages firms to move away from end-of-pipe solutions toward anticipating and preventing damage to the environment. The results are new products, technologies, and processes that reduce stresses on the environment.

Voluntary programs under way build on existing regulatory and economic measures. These measures include initiatives such as the Accelerated Reduction/Elimination of Toxics Program, which has been discussed in previous reports.

Raising Awareness of Conservation

Last year's CSD report noted in the sections on land use, biological diversity, and agriculture and rural development that Canadian governments have set aside protected spaces, many of which help increase greenhouse gas sinks and improve the resilience of ecosystems to climatic variations and air pollution damage. For example, Tree Plan Canada is a community tree-planting program managed by the National Community Tree Foundation. It provides Canadians with an opportunity

CANADA'S SUBMISSION

to learn about the importance of trees to our planet's life support system. To date, 42 million trees have been planted to rehabilitate urban forest ecosystems and to provide for soil conservation.

Combating Stratospheric Ozone Depletion

Canada's response to the prevention of stratospheric ozone depletion includes strong regulatory controls on use, a ban on release, certification of technicians, research, monitoring, and public information and awareness components. Canada operates the World Ozone Data Centre in Toronto.

The Atmospheric Environment Service of Environment Canada has developed the Brewer Ozone Spectrophotometer. The Brewer, now manufactured by Sci-tech Instruments of Saskatoon, is used by more than thirty countries around the world.

Canada has ratified the 1990 amendments and the 1992 Copenhagen amendments to the Montreal Protocol. Canada is implementing increasingly stringent controls beyond those agreed to in 1992 through coordinated federal and provincial regulations. Controls are in place on chlorofluorocarbons (CFCs) and halons, and the use of CFCs in aerosols, small refill cans, and plastic food packaging is banned. Supported by the International Development Research Centre (IDRC) in Ottawa, the Swiss Development Cooperative, and the United States Environmental Protection Agency, Friends of the Earth Canada is identifying potential economic and trade effects of a global phase-out of methyl bromide, a widely used pesticide and ozone-depleting substance.

Canada intends to phase out methyl bromide by 2001, except for certain agricultural uses exempted under the Montreal Protocol. We have already frozen

consumption at 1991 levels and plan on a 25 percent reduction for 1998. With this initiative, Canada has one of the most stringent methyl bromide control programs in the world. Our actions go beyond our commitments under the Montreal Protocol, which illustrates our determination to take decisive measures to reverse the destruction of the ozone layer.

Canadian researchers are focusing on ultraviolet-b (UV-B) radiation effects on humans, animals, and biota; the causes and extent of ozone layer depletion conducted, in part, through an Arctic research station at Eureka; and the monitoring of total column ozone concentration at ten stations across Canada. The UV Index, developed in 1993 to advise the population of forecast levels of sunburning UV radiation, has been adopted by several other countries.

Canada has a National Action Plan on Recovery and Recycling of CFCs. Federal and provincial governments, in cooperation with the Heating, Refrigeration and Air Conditioning Institute and municipalities, have developed a training program on the proper handling, recovery, and recycling of CFC refrigerants. More than 60,000 technicians have been trained. Most CFC uses, other than refrigeration and air conditioning, have been eliminated, and CFC-free refrigerators are being introduced.

Limiting trans-boundary Air Pollution

trans-boundary air pollution CONTINUEs to be a very important issue for Canada. With the United States, we are demonstrating that partnership efforts can successfully address the problems of acid rain through emission reduction actions, public awareness raising, and sound science. Canada and the United States are beginning to apply this proven approach to addressing their smog problem. Persistent organic pollutants (POPs) are an emerging trans-boundary air issue on the continental, hemispheric, and global scales. Transported by the atmosphere, these substances contaminate the food chains in areas as remote as Canada's Arctic region. Bilaterally, the Air Quality Agreement, signed in 1991 with the United States, committed Canada to cap national sulphur dioxide (SO₂) emissions at 3.2 million tonnes by the year 2000, and cap Eastern Canada SO₂ emissions at 2.3 million tonnes by 1994 until 2000. By 1994, Canadian industry had exceeded this target, reducing emissions to 1.7 million tonnes. The United States also committed to reducing SO₂ emissions by 40 percent from 1980 levels. Despite these successes, acid rain will CONTINUE to be a focus for action in the post-2000 era. As a result, Canada is considering further SO₂ emission reductions. The two countries have recently expanded the scope of the agreement to include trans-boundary ground-level

ozone and are currently establishing a Regional Ozone Study Area to focus on mitigation strategies between Ontario and adjacent American States.

New indicators on passenger transportation and energy consumption have been added to the suite of atmosphere-related indicators (e.g., acidic precipitation, air quality, stratospheric ozone depletion, and climate change). These provide objective, scientifically based information on environmental conditions and trends and will be available through Environment Canada's Green Lane.

The proposed Canada/U.S. Virtual Elimination Strategy calls for elimination of those persistent toxic substances that contribute significantly to pollution of the Great Lakes Basin. An investigation on the deposition of persistent organic substances into the Gulf of Maine also took place in 1994. In October 1995, Canada, the United States, and Mexico agreed to a trilateral resolution on management of persistent toxic substances under the North American Agreement on Environmental Cooperation.

Internationally, the federal government, with provincial support, is active in the United Nations Economic Commission for Europe (UN-ECE) on atmospheric issues. In 1994, Canada signed the Second UN-ECE Sulphur Dioxide Protocol, which commits Canada to cap SO₂ emissions and to work toward critical loads (the level of acidic deposition that causes insignificant environmental harm). Canada will be participating in UN-ECE negotiations on a second NO_x protocol and on protocols on POPs and heavy metals.

Implementing a commitment made at the 1994 session of the CSD, Canada, in cooperation with the Philippines, hosted 100 experts from over forty countries in Vancouver, British Columbia, for the International Experts Meeting on Persistent Organic Pollutants: Toward Global Action. In seeking a solution to the POPs problem, the experts agreed that the available evidence warranted immediate action both domestically and globally. This conclusion was transmitted to the UNEP-sponsored Intergovernmental Conference on the Global Plan of Action on Land-Based Sources of Marine Pollution, held in Washington, D.C., in November 1995. It contributed to the Washington Declaration on Protecting the Marine Environment from Land-Based Activities.

Canada tracks airborne pollutants to improve early warning on industrial accidents and natural disasters. Canada provides this capacity through the Canadian Meteorological Centre in Montreal. This centre has been designated as a Regional Specialized Meteorological Centre specializing in atmospheric transport modeling for nuclear emergency response. The Canadian Emergency Response Model and the Trajectory Model track and predict the atmospheric transport of pollutants and volcanic ash plumes globally.

Challenges and Next Steps

Current global and regional air issues are strongly interrelated. Implementation of the policies to

address air management issues falls largely on provincial governments, while much of the research takes place at the federal level. Through the National Air Issues Coordinating Committee, Canada seeks to ensure the integration of policy and science surrounding air issues, which have been developed in relative isolation in the past.

We must CONTINUE to enhance our predictive capabilities concerning climate change by increasing our understanding of the role of oceans, key land surface processes, clouds, and aerosols. The Climate Research Network, linking government and university researchers, is one tool for our assessment of climate change and variability.

Natural Resources Canada encourages Canadian fleets to reduce operating costs and environmental impacts through energy-efficient practices and the use of alternative fuels. Activities include driver-training programs, information materials, and technical demonstrations. A more comprehensive program will be launched early in 1996. To encourage fuel efficiency within its own vehicle fleet, the federal government launched the Fleet-Wise program in 1995 to assist federal government fleets to cut costs by increasing fuel efficiency in the federal fleet and to reduce the environmental impacts of the 25,000 vehicles in the federal fleet.

Prior to Canada's NAPCC, energy-related greenhouse gas emissions were forecast to rise by 13 percent over 1990 levels by the year 2000 (see figure). The challenge we face is to close this gap.

The Voluntary Challenge and Registry (VCR) Program is a key element of the NAPCC. The VCR invites Canadian companies and organizations to express their intention to participate, on a voluntary basis, and develop action plans to limit net greenhouse gas emissions. A public registry will document the commitments, action plans, progress reports, and achievements of all participants.

Our progress in meeting our climate change goals will be assessed and our program updated on a regular basis against the recommendations stemming from the first meeting of the Conference of the Parties to the Framework Convention on Climate Change. The first review of the NAPCC, expected by the end of 1996, will provide insight into the effectiveness of Canada's response and any need for additional measures.

The mechanisms involved in depletion of stratospheric ozone over the Antarctic are known sufficiently to promote confidence in the effectiveness of measures under the

Montreal Protocol and its amendments. An important current objective of the Canadian stratospheric ozone science program is to determine more exactly the mechanisms responsible for ozone depletion at mid-latitudes (e.g., over Canada) where we can explain about half the depletion that has actually occurred.

With new international programs for managing persistent organic pollutants emerging on various geographic scales ranging from bilateral with the United States to global, efforts are required to ensure consistent and complementary approaches within the various forums. These, and other issues, are being addressed through partnerships between governments, the private sector, communities, universities, and other institutions.

Indicator: Carbon dioxide emissions from fossil fuel use

Canadian Sources: Statistics Canada and Environment Canada.

Global Sources: Carbon Dioxide Information Analysis Center, Oak Ridge National Laboratory, U.S.A., and World Bank, International Monetary Fund.

Indicator prepared by: State of the Environment Directorate, Environment Canada.

Both global and Canadian emissions grew by 12 percent between 1982 and 1991.

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PART III, SECTION II

PROTECTION OF THE OCEANS AND OTHER SEAS

Introduction

Chapter 17 of Agenda 21 calls for action on a range of marine and coastal area management issues.

These commitments are consistent with Canada's continuing efforts to promote the sustainability of oceans and all their resources. As a country that borders three oceans, Canada has emphasized issues such as improved fisheries management policies and practices, coastal zone management, the prevention of marine pollution from all sources, and development assistance.

In Canada, the federal government has authority over oceans. Provincial and territorial governments have jurisdiction over shorelines, some marine areas, and many land-based activities. Aboriginal people are gaining greater control over specific management issues in some regions.

Canadian governments have begun to pursue ocean-related policies that reflect a precautionary approach. These oceans policies are developed from an ecosystem basis, incorporating principles of sustainable development and integrated management.

The Oceans Act and the Oceans Management Strategy

The federal government has introduced a new Canada Oceans Act (COA), which is now before Parliament. The COA represents a significant step forward in establishing Canadian oceans jurisdiction and consolidating federal management of oceans and coasts. It establishes an ecosystem approach to their management.

The COA addresses many issues. Among the most relevant to Chapter 17 is confirmation of Canada's jurisdiction over its maritime zones (its Territorial Sea, the Contiguous Zone, and the Exclusive Economic Zone) and their resources, consistent with the United Nations Convention on the Law of the Sea, and the responsibility to manage them sustainably. The COA will also provide the foundation for the integrated management and sustainable development of Canada's ocean resources. The COA provides a legislative framework to support a domestic Oceans Management Strategy (OMS) and to establish marine protected areas and marine environmental quality guidelines. An OMS will also provide for the development and implementation of a national strategy for the management of estuarine, coastal, and marine ecosystems. It will evolve through consultation and cooperation with other governments,

Aboriginal authorities, and interested groups.

The COA will address the need for marine scientific research. It recognizes that informed decision making requires accurate data and a better understanding of oceans and their living resources and ecosystems.

Marine Environmental Protection

The health of marine environments is a growing focus of Canadian activity. Canadian scientists are learning more about these environments and related issues. For example,

oceans figure prominently in much of the climate change research described in the section of this report on protection of the atmosphere.

Canada borders three oceans and has the longest coastline (almost 250,000 km), the largest archipelago, and the second largest continental shelf (6.5 million km²) of any country in the world. Canada's oceans represent almost two thirds of its territorial land mass. The area of Canada's Exclusive Economic Zone alone covers roughly half of Canada's land mass. Approximately 6.5 million Canadians (22%) live in coastal communities.

Eighty percent of marine pollution is land-based. Maritime transport and dumping-at-sea activities contribute 10 percent each. Recent legal and policy initiatives have improved the protection of Canadian marine environments and living resources. For example, the Government of New Brunswick is beginning a process that will see planning and cleanup activities for more than 200 watersheds throughout the province. This model is currently being used to establish an overall provincial network.

The federal government has taken legislative and policy steps to address marine pollution in the Fisheries Act, the Toxic Substances Management Policy, and the Canadian Environmental Protection Act (CEPA). The federal government intends to amend CEPA to preserve the quality of coastal areas and to guide reduction of contamination from land-based sources of pollution. The proposed COA will strengthen protection of marine habitat.

In February 1995, Canada released its Aquaculture Development Strategy. The strategy meets the International Council for the Exploration of the Sea criteria. It will guide the sustainable management of Canada's aquatic resources for the production of high quality fish and seafood and will generate economic benefits for Canadians.

A Memorandum of Understanding for Sustainable Development in the Natural Resource Sectors was signed by all relevant federal government departments. Under it, working groups are addressing topics such as climate change, coastal zone management, and

metals in the environment, thus linking several of the critical factors affecting oceans today.

Canada recognizes the value of international action to protect marine environments, safeguard the use of the world's oceans, and establish global approaches to coastal zone management. It has acted on its international commitments and agreements, working through bodies such as the

International Maritime Organization.

In 1994, Canada acceded to the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990, which is aimed at pollution of the sea by oil. As a result, Canada is revising its joint marine contingency plan with the United States for responding to spills in shared boundary waters. As well, ships and oil-handling facilities now must have oil pollution emergency plans.

Canada is also playing an active role in the revision of the Convention on the Prevention of Marine Pollution by the Dumping of Waste and other Matter (the London Convention 1972). This is a major international instrument that regulates disposal at sea and promotes the control of all sources of marine pollution.

Canada supports the international Convention for the Prevention of Pollution from Ships (MARPOL 73/78). The federal government established a coordinated national program of aerial surveillance that responds to the monitoring and reporting requirements of MARPOL.

Land-based sources of pollution are another focus of international efforts. In November 1995, Canada, along with the world community, endorsed the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities. The Global Programme of Action calls on countries to develop regional and national programs of action to prevent, reduce, and control land-based activities that contribute to the degradation of the marine environment.

The Arctic

The Arctic Ocean is a particularly sensitive environment. It has been the focus of many Canadian environmental initiatives. Prominent among them is the Arctic Environmental Strategy. This has expanded scientific research on contaminants, the use of traditional knowledge concerning marine living resources, the monitoring of water quality, and the cleanup of hazardous wastes in Canada's North. This is being complemented by the international Arctic Environmental Protection Strategy, which has improved circumpolar cooperation to protect the Arctic region.

Aboriginal people have an important role in oceans and coastal zone management, particularly in northern Canada. For example, fisheries and marine co-management processes are part of comprehensive land-claim agreements in the Northwest Territories. Under these agreements, Inuit have rights of involvement in the decision-making process related to marine conservation and the harvesting of marine mammals in and beyond their claim settlement areas.

Domestic Progress in Fisheries Management

A primary focus of oceans-related activity for Canada has been the sustainable management of fisheries. Stock collapses and fishery closures have encouraged Canada to pursue change in fisheries policies and management practices domestically and internationally.

The Fisheries Resource Conservation Council (FRCC) makes recommendations to the federal Minister of Fisheries and Oceans on total allowable catches and other conservation matters for Atlantic fish stocks. The FRCC is a partnership that draws on advice from scientists and the fishing industry. It is guided by the principles of sustainable development and an ecological approach to fisheries management. It works in an inclusive, open, and transparent manner.

Among many domestic policy developments has been federal initiation of a process to develop integrated fishery management plans for all harvested species or stocks by the end of 1996. This approach will integrate all elements associated with the commercial, Aboriginal, and recreational fishing sectors. It will be an effective tool in ensuring resource sustainability.

In 1995, a national policy was initiated to provide for the orderly development of under- or un-utilized stocks and species. It will also facilitate the collection of scientific data necessary to ensure sustainability of stocks.

In step with the new course being charted for Canadian fisheries is the development of a Partnerships Implementation Strategy. Partnering agreements will increase the role of stakeholders in the decision-making process. These partnering agreements with industry can play an important role in realizing Canada's goal to promote a fishing sector that is sustainable, economically viable, and self-reliant.

The federal government launched the seven-year Aboriginal Fisheries Strategy in 1992. Under this strategy, the federal government enters into agreements with Aboriginal organizations to integrate Aboriginal people into the sustainable management of the fishery, provide economic benefits, and establish and provide allocations of fish.

Provincial and territorial governments are also improving policies to strengthen fisheries management. The British Columbia government has devised a Coastal Resource Strategy framework to sustain its coastal resource base. It is incorporating a best practices approach to resource use and management. The British Columbia government has also initiated the B.C. Salmon Habitat Conservation Program. It has a strong focus on critical salmon habitats in urban areas. It involves community groups and local governments concerned with the sustainability of salmon.

Addressing fishing practices and skills has become another emphasis in Canada's domestic efforts to conserve fisheries. One of the most significant of these activities has been the Review of Groundfish Gear and Harvesting Technology. Launched in December 1992, it establishes linkages between groundfish gear and sustainable development for the future. It has the potential for a major impact on the industry.

The Canadian Program for Responsible Fishing is another important mechanism under way to achieve a sustainable fishery. Industry, with the federal government, has undertaken work to address issues such as sustainable fishing, and encourage the development of national and international codes of conduct for responsible fishing.

Fisheries Conservation in the Northwest Atlantic

Canada has been a leader in developing and promoting efforts to conserve and protect fisheries on the high seas. This has led to a number of domestic and international initiatives. In the northwest Atlantic, groundfish stocks have been severely over-fished. Four of six straddling groundfish stocks managed by quota under the Northwest Atlantic Fisheries Organization (NAFO) are currently under moratoria. Canada has taken a strong international position that all moratoria and quotas be respected to allow stocks to rebuild.

In 1994, the federal government amended the Coastal Fisheries Protection Act authorizing Canada to take enforcement measures to protect and conserve straddling stocks in areas regulated by NAFO. The goal was to ensure sustainable management of these high-seas fisheries pending the implementation of permanent international measures.

In March 1995, Canada and the European Union engaged in a dispute over turbot (Greenland halibut) fishing and other conservation issues in the northwest Atlantic. The dispute was resolved in April 1995 with an agreement that enhanced conservation and enforcement measures for straddling stocks in the NAFO Regulatory Area (NRA). This included 100 percent observer coverage on all Canadian and European Union vessels fishing in the NRA, other improved control measures, and a new sharing arrangement for the Greenland halibut stock. All NAFO parties subsequently endorsed the Canada/European Union measures and became subject to this regime starting in January 1996.

The International Development Research Centre has played a formative role in the establishment of the Strategy for International Fisheries Research (SIFR).

SIFR's objective is to improve coordination among donor agencies in their support for fisheries research and development.

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

Canada played a key role in the success of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The agreement concluded at the conference gives the international community the means to end overfishing of straddling and highly migratory stocks on the high seas. This will close a serious gap in the international legal regime for the conservation of these stocks. Canada has signed the agreement and will ratify it shortly. It has encouraged other States to do the same.

Other International Fisheries Activities

Canada participates in all relevant international fisheries forums, including the Food and Agriculture Organization (FAO). Canada has been supportive of FAO's responsible fishing initiatives, including the operations and guidelines in the Code of Conduct for Responsible Fishing.

Canada was the first party to the FAO International Agreement to Promote Compliance with International Conservation and Management Measures for Fishing Vessels on the High Seas. The federal government passed regulations requiring domestic vessels to obtain a high-seas fishing licence from Canada when fishing outside of Canadian waters. This provision was introduced to ensure that these vessels fish consistently with international conservation regimes.

Canada is involved in other organizations. As a party to the North Pacific Anadromous Fisheries Commission, Canada is committed to the elimination of high-seas fisheries for Pacific salmon stocks.

Development Initiatives

Fisheries are an important resource for developing countries. The Canadian International Development Agency, the International Development Research Centre, and the Department of Foreign Affairs and International Trade all provide assistance to partner

countries and regional organizations in oceans management, development, and research. This assistance draws on Canadian institutional experience, capacity, and expertise.

Canada's official development assistance programs in fisheries have concentrated on fisheries development and management on a sustainable basis. Canada has also assisted developing countries with the management of Exclusive Economic Zones and in addressing issues arising from the United Nations Convention on the Law of the Sea and Agenda 21.

The Canadian International Development Agency has encouraged and fostered regional approaches for Exclusive Economic Zone and fisheries management in developing countries. In the Asia/Pacific region, efforts have focused on assisting regional organizations to resolve jurisdictional issues, examining measures to combat degradation of the marine environment, and developing resource management policies.

Challenges and Next Steps

The shift to ecosystem management is an evolving process. It requires CONTINUED work to develop oceans policies that incorporate the principles of sustainable development and integrated management. This is key to improving the management of Canada's oceans and ocean resources. The changing nature of commercial fisheries and ocean-related industries makes strong ties with stakeholders imperative. As oceans management approaches CONTINUE to move toward an ecological and sustainable approach, industry must be at the forefront of necessary adjustments. Canada will CONTINUE to pursue measures that enhance these relationships.

Internationally, Canada is responding to the critical need to protect the marine environment from damaging land- and sea-based activities and is also promoting the conservation and sustainability of fish stocks on the high seas. Canada will CONTINUE to play a lead role and will press the international community to develop and ratify agreements that ensure the sustainability of these stocks.

Science and the exchange of information on the oceans and its living resources must be a priority. International cooperation and research must CONTINUE to understand oceans better and to secure their future sustainability.

PART III, SECTION III
SUSTAINABLE DEVELOPMENT OF
SMALL ISLAND States

Introduction

Canada and small island States share a common and deep concern about the need for the conservation and sustainable use of the world's ocean resources. Canada has made significant efforts to encourage international cooperation on this important issue.

Canadian Development Assistance to Small Island States

The scope of work undertaken by Canada in support of sustainable development in small island States is illustrated by projects in two important regions: the Caribbean and the South Pacific.

Caribbean

Canada has strong historic links to the Commonwealth Caribbean. It is the second largest bilateral official development assistance donor in the region. This assistance has contributed to the region's infrastructure (school, water supply systems, bridges, energy, roads, and airports), to human resource development, and to strengthening key regional institutions.

The Canadian International Development Agency (CIDA) has recently undertaken significant sustainable development programming in Jamaica. An example of this is the Trees for Tomorrow project (\$9.5 million). It is aimed at strengthening the institutional capability of the Jamaican Forestry Department to plan and implement sustainable forest management. The recently announced ENACT project (\$21 million) is using a capacity development approach to develop Jamaica's natural resource conservation capabilities. This approach relies on the participation of local expertise and the active involvement of those individuals and groups to be affected by the project. These factors help to ensure that the approach meets local needs and is sustainable.

Air transport is very important to small island States. Assistance with transportation development has been the major focus of Canada's regional programming in the Caribbean. For example, CIDA has provided over \$90 million to the Caribbean Airports Project and Airports Technical Assistance to improve air transport in the region. These

projects focus on upgrading the operational safety and physical maintenance of Commonwealth Caribbean airports to internationally recognized standards and assisting in civil aviation management in the region.

The next most important area of region-wide spending has been human resources development and education. This has included support to scholarship programs and to the University of the West Indies.

South Pacific

Canada and the South Pacific share concerns about oceans management. There are problems of unregulated fishing, excessive fleet size, vessels re-flagging to escape controls, unreliable databases, and lack of sufficient cooperation between States. Canada has been able to develop a strong relationship with the region on these issues because it has no distant-water fishing fleet in the area. Hence, it is viewed as having common, but not vested, interests in the region.

Canada has largely directed its bilateral assistance program in the area toward regional groups involved in ocean resources management. For example, CIDA's Canada South Pacific Ocean Development Project (C-SPOD) is aimed at strengthening key regional organizations in ocean resource development and management. It provides technical advisory services, training, and institutional support to various regional organizations. Phase II of C-SPOD has recently begun. This initiative is intended to address some of the pressing environmental and resource management concerns of the small island States in the South Pacific region. The rapid economic development of Southeast Asia is placing increasing demands on the region's marine resource base. Phase II will help to strengthen the capacity of regional institutions to deal with the environmental impacts of this development.

In addition to large projects such as those identified above, CIDA allocates \$2.65 million per year to island States in the South Pacific region for small community development projects, ranging from \$20,000 to \$50,000.

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PART IV

FOLLOW-UP TO 1995 CSD SECTORAL

ISSUES

Conservation of Biological Diversity

After several years of work, the federal, provincial, and territorial governments released the Canadian Biodiversity Strategy in November 1995. The strategy was discussed extensively in last year's Report of Canada to the United Nations Commission on Sustainable Development (CSD). Governments are pursuing its implementation in cooperation with stakeholders and the public. For example, the Quebec government has developed a biodiversity strategy that describes more than 200 actions to be implemented over the next four years. The British Columbia government has issued a Biodiversity Guidebook to support the biodiversity objectives of the B.C. Forest Practices Code.

On 13 November 1995, in Jakarta, Indonesia, delegates to the second meeting of the Conference of the Parties to the Convention on Biological Diversity expressed their confidence in Canada by selecting Montreal as home to the Permanent Secretariat of the United Nations Convention on Biological Diversity.

Engaging Canadians

Governments and nongovernmental organizations are addressing gaps in information and public understanding. Early in 1995, eight national conservation organizations formed the Canadian Coalition for Biodiversity. It is raising public awareness and has already produced information and education materials.

Encouraging personal action is a focus of programs such as the British Columbia government's Backyard Biodiversity Program. Organizations such as the Evergreen Foundation and the Canadian Wildlife Federation have expanded schoolyard and community naturalization and education programs.

Protecting Species at Risk

In 1995, Canadian governments agreed on the need for a strengthened, better coordinated approach to endangered species conservation. The federal government held public consultations on a national approach to this issue. The federal Environment Minister then released a "plain language" version of a possible Canadian Endangered Species Protection Act for further public comments.

Completing Canada's Networks of Protected Marine Areas

The Minister of Canadian Heritage has released a national marine conservation areas system plan. It describes Canada's twenty-nine natural marine regions and will guide efforts to establish a network of protected areas that represent these regions.

Valuing Biodiversity

One of the biggest impediments to the conservation of biodiversity and the sustainable use of biological resources has been an inability to attach economic value to nature. The federal government has developed a system for measuring the use and economic benefits of wildlife and natural areas. It has also initiated work on an Environmental Valuation Reference Inventory. This will bring together twenty years of economic valuation work on natural capital from around the world and make it available to meet the needs of other countries.

The forest industry has launched a Forest Biodiversity Program in cooperation with Wildlife Habitat Canada, a national conservation group. The Canadian Pulp and Paper Association and agricultural producers have also initiated coordinated responses to the challenges of the Biodiversity Strategy.

International Cooperation for Biodiversity

In addition to ongoing support for the Biodiversity Convention process, Canada has supported other activities. For example, Canada cosponsored a regional workshop on the economic value of biodiversity with Chile and the United Nations Environment Programme. This was designed to assist Latin American and Caribbean countries to assess the biodiversity impacts of their policies.

Integrated Approach to the Planning and Management of Land Resources

Since last year's CSD report, Canada has begun a process to define key land use issues. The Federal/Provincial Committee on Land Use sponsored the first Perspective on Land Use Issues in Canada Forum in August 1995. This is expected to lead to a focused public debate over options and actions. Questions addressed at the forum included the following:

What are the major land use issues facing the country over the next decade?

What are the broad options for resolving the issues?

What roles does and should land use planning play in the implementation of sustainable development?

According to the Federal Policy on Land Use, land is the basis of national sovereignty, a primary factor in production of food and fibre, and its use as a determinant of the quality of life for present and future generations.

The forum attracted private consultants, members of the academic community, and government personnel. They discussed four key land use categories: agriculture, forestry, shore zone/coastal zone, and urban. The following major issues were identified:

Agriculture

degradation of agri-ecological resources through agricultural practices, on- and off-farm effects,
 lack of an agricultural land policy,
 loss of agricultural land base, and
 competing uses on rural lands.

Forestry

multiple use conflicts,
 impact of forest management practices on production and the environment,
 and
 inclusion of Aboriginal needs or interests in forest management.

Shore zone/Coastal zone

impact of land sources of pollution,
 competing use of shore areas (aquaculture and recreation), and
 restriction of public access to the shore.

Urban

planning and financing of hard services and infrastructure,
 protection of water supplies, and
 impact of urban-related development in rural areas (sprawl, ribbon
 development, nodes, and single lots).

Issues Common to All Categories

present governance systems unable to identify and solve problems (or
 opportunities),
 lack of current data and measurable indicators of land use patterns and
 changes,
 inadequate valuation of common resources, and
 lack of integrated planning and communication.

This process is contributing to a discussion paper for national distribution. It will raise awareness of the sustainability of Canada's land resources in the search for workable answers. In support of this initiative, the federal government will reactivate the Interdepartmental Committee on Land. This will help harmonize land issues throughout the federal government. It also will update the Federal Policy on Land Use (1980). Similarly, First Ministers' Councils will more closely dovetail agendas to address the sustainability and integration of land resource issues.

Land Use Issues in Canada, Forum II, will be held in 1996. Issues to be discussed include multiple-use conflicts (policies and how to measure progress), governance of land, and indicators of land use change.

Combating Desertification and Drought

During the last year, Canada's primary focus has been on action related to the new United Nations Convention to Combat Desertification. Canada ratified the convention in early December 1995.

The federal government, through the Canadian International Development Agency (CIDA), is exploring various options for supporting the secretariat of the convention. This will build on the assistance provided to the interim secretariat over the last three years. In 1995/1996, Canada is providing \$200,000 to support a legal expert in the secretariat. It is also providing \$60,000 to assist representatives from developing countries to participate in the meetings that will prepare for the first meeting of the Conference of the Parties.

CIDA has established a Desertification Convention Office responsible for information regarding the convention and coordinating Canada's support for the convention's goals. This office has undertaken an information campaign to tell interested Canadians about the problem of land degradation in dry lands and about the convention.

Canada has responded to the United Nations' "Urgent Action for Africa" resolution with two key projects. In the first, it has provided the North American nongovernmental organization focus group for this issue, Solidarité-Canada-Sahel (SCS), with \$18 million over five years. SCS is carrying out a public awareness campaign. It is also cooperating with nongovernmental organizations in the Sahel to contribute to the development of National Action Programs. In the second key project, CIDA is renewing its relationship with the Inter-State Committee on Drought Control in the Sahel by providing support to a new program with two channels of intervention: support for the convention and food security.

The International Development Research Centre (IDRC) is also involved with the convention and desertification. It concentrated on three topics: knowledge brokering, which involved publishing and distributing a review of fifty-six relevant projects; capacity building, which included three workshops that examined such issues as traditional knowledge and coping strategies, land tenure, and trade and economic policies; and support for the convention process, which included convening a donors' forum to share experiences and develop some consensus on future collaboration. IDRC also supported a meeting of West African countries to develop National Action Programs.

Promoting Sustainable Agriculture and Rural Development

Since Canada's last report to the CSD, Canadian governments, farmers, and farm organizations have made additional progress toward sustainable development.

For example, the amount of summer-fallow acreage on the Canadian Prairies has CONTINUED on a downward trend. It declined 3 percent (212,000 hectares) in 1995. In Ontario, 2500 farmers have participated in environmental farm planning workshops in the past year. Quebec farmers have formed conservation clubs to share knowledge and technical expertise to enhance sustainable agricultural practices.

British Columbia producers are expanding a peer review process that helps farmers understand and address environmental concerns. Nationally, the Canadian Pork Council has drafted a code of environmentally sound practices for its industry.

The Atlantic Farmers' Council has published a booklet outlining that region's challenges for environmental sustainability. It has also initiated pilot activities aimed at convincing 75 percent of farmers in Atlantic Canada to adopt environmental farm planning processes by the year 2000.

Governments are implementing new strategies, programs, and policies. Most recently, Prince Edward Island and Quebec have introduced new strategies for their agriculture departments that highlight their commitment to sustainable agriculture. British Columbia proclaimed a new Farm Practices Protection (Right to Farm) Act that deals with urbanization pressures on rural areas.

The federal government has established a National Agriculture Environment Committee that has representation from national and regional farm organizations. This committee has a valuable role to play in addressing the environmental issues that face the agricultural sector.

Broad consultation led to the draft National Environment Strategy for Agriculture and Agri-Food. It includes an inventory of environmental challenges facing the sector. Industry, provincial governments, and the federal government will finalize and act on strategies to address these issues.

Federal/provincial programming for sustainable agriculture has contributed \$56 million over the past year to help the sector make the transition to more environmentally sustainable practices. Many activities involved education and evaluation of technologies and management practices that focused on issues such as water quality, waste management, chemical management, and soil conservation. Nationally, another \$7 million went to agricultural research related to air and climate, energy, and genetic resources.

There has been significant progress in the work under way to develop national agri-environmental indicators. A core set of six indicators are being developed. They will provide an ongoing capability for evaluating the sector's environmental performance, provide information on key trends, and aid the integration of environmental considerations into decision-making processes. Agriculture and Agri-Food Canada released its first indicator-based document, "The Health of Our Soils--Toward Sustainable Agriculture in Canada".

Forests

In last year's report to the CSD, Canada noted that it was developing domestic criteria and indicators for the sustainable management of its forests.

In October 1995, the Canadian Council of Forest Ministers released "Defining Sustainable Forest Management: A Canadian Approach to Criteria and Indicators". This framework outlines six criteria and eighty-three indicators. They reflect an approach to forest management that is based on the following:

- the need to manage forests as ecosystems to maintain their natural processes;
- the recognition that forests simultaneously provide a wide range of environmental, economic, and social benefits to Canadians;
- the view that an informed, aware, and involved public is important in promoting sustainable forest management; and
- the need for forest management to evolve to reflect the best available knowledge and information.

These criteria and indicators were developed through a comprehensive two-year consultative process. It involved a variety of forest interests, including Aboriginal peoples, nongovernmental organizations, small woodlot owners, industry, and the academic community. In addition, science and technical panels were used to ensure that the indicators are scientifically based and reflect the best knowledge available.

Current information systems offer some of the data required for national reporting on these criteria and indicators. However, the reporting on others will evolve over time. They may require new types of data, new techniques, or further research. In cases where there are no reasonable quantitative measures, descriptive indicators should help describe the status of the value being assessed or trends in its maintenance.

These criteria and indicators form the basis of a flexible framework within which to capture the diverse ecological, social, economic, and cultural conditions in Canada. They must be used in a way that adequately reflects the range of forest conditions across Canada. Some indicators need further elaboration and interpretation within the context of the different jurisdictions, legislation, and policies of the provinces and territories. Thus, implementation may vary because of differences in the availability of data, expertise, and resources. Canada expects to release its first report, using available data, at the end of 1996.

Canada's forest criteria and indicators will evolve as we learn more about forest ecosystems, including their social and economic dimensions. With the release of a scientifically based framework, Canada has taken another significant step toward fulfilling forest-related commitments made during the UNCED process.

With regard to the International Model Forest Program, also noted in last year's report, some changes have occurred. The secretariat recently moved to IDRC. The United States has also joined Canada, Mexico, Russia, and Malaysia as a partner. Discussions are continuing with several other countries interested in participating in the program.

Information for Decision Making: The Role of Indicators

Since Canada's last report to the CSD, governments and organizations have expanded the development, testing, and use of indicators to track progress toward sustainable development goals. This section summarizes some of that activity. Additional examples are mentioned in other sections of this report.

Environment Canada CONTINUEs to lead a federal effort to develop a comprehensive national set of environmental indicators. By the end of March 1996, it will have published additional bulletins on indicators of timber harvesting, urban air quality, acid rain, stratospheric ozone depletion, climate change, energy consumption, and passenger transportation. Those indicators will be available via the Internet.

Indicators will be featured prominently in Environment Canada's comprehensive state-of-the-environment report on the St. Lawrence River scheduled for publication in May 1996. Work CONTINUEs on a project to test the application of sustainability indicators in the Fraser River Basin of British Columbia. It uses future scenario modeling to help decision makers. Canada Mortgage and Housing Corporation and Environment Canada co-hosted the first national workshop on urban sustainability indicators in June 1995. The results will contribute to urban sustainability reporting for the Habitat II Conference in 1996. Health Canada is cooperating with federal and provincial partners in Ontario and Quebec to develop seven indicators of human exposure, health impacts, and perception related to environmental quality in the Great Lakes and St. Lawrence basins.

The Research Subcommittee of the Interdepartmental Committee on Rural and Remote Canada has identified a set of rural indicators for Canada. Results of this work are published in "Rural Canada: A Profile".

The State of the Environment Reporting Task Group of the Canadian Council of Ministers of the Environment has identified a core set of environmental indicators focused on hazardous waste, contaminated sites, solid waste management, air issues, and water use efficiency. Efforts to refine indicator definitions and methodologies for six provincial jurisdictions are under way.

The government of British Columbia is developing a set of approximately twenty-five environmental benchmarks and indicators to assess conditions and trends in the environment and measure progress toward provincial environmental goals.

Environment Canada and the U.S. Environmental Protection Agency used indicators in their report "State of the Great Lakes--1995" to show the degree of progress in the health of that ecosystem.

The International Institute for Sustainable Development has published a compendium of experts, initiatives, and publications entitled "Performance Measurement for Sustainable Development". The National Round Table on the Environment and the Economy has produced "Pathways to Sustainability: Measuring our Progress", which documents a colloquium on sustainable development reporting including indicators and the needs of decision makers.

Annex

This report has been prepared by the federal government in cooperation with other governments, organizations, and major groups in Canada.

These governments and organizations were either consulted during the preparation of the report to the CSD or were involved in the examples specifically mentioned in the report. However, there are numerous groups and organizations in Canada not on this list that have undertaken activities to implement the principles of sustainable development.

More complete information about particular aspects of the report can be obtained by contacting any of the following.

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() THAT in 1997 in February I wrote to Lucy about my specific concerns with regards to the draft platform for the upcoming 1997 election

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:

From someone who was involved with drafting the 1997 election 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.’”

My response:

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 %; at 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 of 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 ethnicity 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, and 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 water quality , 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)

World Watch Institute recently stated that \$500 billion a year is spent subsidizing the destruction of oceans, atmosphere and land; more than \$100 billion a year is spent subsidizing power stations; 300\$ billion encouraging destructive farming and overgrazing and \$50 billion encouraging overfishing (Cristopher Favin World Watch Institute, cited in the Guardian, February 2, 1997). The United Nation’s Environmental program (UNEP) recently warned that almost 3 billion people would be severely short of water within 50

years. Land covering 1.23 billion acres has severe soil erosion in Africa, most oceans were being over-fished, and more than three-quarters of the world's species have been declining or facing extinction because governments were not addressing the global environmental crisis ...The Guardian also reported that Elizabeth Dowdeswel, from UNEP, told diplomats that politicians were not grasping the seriousness of the situation. ...and lacked the necessary sense of urgency.

In Canada, deforestation, overfishing, reduction and loss of biodiversity, greenhouse gas production as well as erosion of social programs including health care, are continuing to increase.

THERE COULD BE A SECTION SUMMARIZING THE URGENCY OF THE GLOBAL, NATIONAL AND LOCAL PROBLEMS (SEE ANNEX WITH A SURVEY OF THE STATE OF URGENCY)

HERE IS AN INTEGRATION OF THE CURRENT PLATFORM WITH THE FRAMEWORK THAT I HAVE BEEN WORKING ON. I THINK WE HAVE TO SPEND MORE TIME ON THE BROAD CATEGORIES.

THE GREEN PARTY OF CANADA WOULD UNDERTAKE ACTIONS IN THE FOLLOWING BROAD CATEGORIES OF CONCERN :

(A)

SOCIAL JUSTICE, AND EQUITY AND SECURITY

(B)

FOOD SECURITY

(C)

HEALTH RIGHTS AND ETHICS

(D)

ENVIRONMENT AND HEALTH

(E)

NATURE, ENVIRONMENT AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

F.

CLIMATE CHANGE AND OZONE-DEPLETION PREVENTION

G.

EMISSIONS PREVENTION AND ELIMINATION

H.

HUMAN-INDUCED DISASTERS

I.

CONSERVATION, BIODIVERSITY AND FORESTS

J

GREEN SPACES, PARKS, PRESERVATION AND CONSERVATION

K

MARINE, AND FRESH WATER ORGANISMS

L

ENVIRONMENT, TRANSPORTATION AND ENERGY

M

ENVIRONMENTALLY SOUND ENERGY

N

ENVIRONMENTALLY SOUND PRACTICES AND REDUCTION OF
OVERCONSUMPTION

O

EQUITABLE AND ENVIRONMENTALLY
SOUND FINANCE

P

TRADE ENVIRONMENT HUMAN RIGHTS AND REGULATIONS

Q

MILITARY CONVERSION AND TRANSFER FUNDS
TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

R

WEAPONS, MILITARY, WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL
ARMS

S

HUMAN RIGHTS AND RESPONSIBILITIES

T

COMMUNICATION AND EDUCATION

U

ARTS AND CULTURE

V

COMPLIANCE, COMPENSATION AND IMPLEMENTATION

W

JUDICIAL REFORM

X

ELECTORAL REFORM: PROPORTIONAL REPRESENTATION

Y

PRINCIPLE-BASED DECISION MAKING

Z

PUBLIC ACCESS TO INFORMATION THE GREEN BOOK

POLICY ACTIONS WITHIN A PLATFORM OF CHANGE

IN ACTION IS NEGLIGENT

A MANIFESTO

(A)

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 with 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
- guaranteeing ecological rights to a safe environment (clean and unpolluted air, water, and land); and to an ecological heritage for future generations

(B)

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, 197

- guaranteeing the right to food (the right to non genetically engineered or radiated food, nutritious organically grown)
- 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 Alimentarius 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 of genetically engineered food, and irradiated food

(C)

HEALTH , RIGHTS AND ETHICS

- DEVELOPING CRITERIA FOR DETERMINING MEDICAL CHOICES
- establishing guidelines for reproductive technologies like surrogate motherhood
- ensuring the right of access to reproductive choice
- promoting the availability of generic over patented drugs
- decriminalizing doctor-assisted suicide, and euthanasia
- 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

(D)

ENVIRONMENT AND HEALTH

“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

(E)

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, 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 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)

F.

CLIMATE CHANGE AND OZONE-DEPLETION PREVENTION

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).

• c

G.

EMISSIONS PREVENTION AND ELIMINATION

“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

H.

HUMAN-INDUCED DISASTERS

“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 NATURAL AND TECHNOLOGICAL DISASTERS, INCLUDING ACTIVITIES THAT PRODUCE TOXIC, HAZARDOUS AND ATOMIC PRODUCTS AND WASTE
- 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 DISASTER

I.

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 trans-boundary 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
- ENSURING PRESERVATION, PROTECTION AND CONSERVATION FORESTS THROUGH FOREST PROTOCOLS LINKED WITH EXISTING CONVENTIONS
- BANNING clear-cutting 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

J

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

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

MARINE, AND FRESH WATER ORGANISMS

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 net-cage fish to wild stocks- risks of introduction of exotic diseases from the CONTINUED importation of off-site 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 net-cage 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 net-cage fish
 - Endangered human health from the increased use of antibiotics and other drugs, which have already led to the spread of fish diseases which are fully resistant to three types of antibiotics
- REGULATING EXISTING MARICULTURE AND AQUACULTURE
- 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

- ESTABLISHMENT OF MARINE PROTECTED AREAS FREE FROM FOSSIL FUEL AND HUMAN WASTE POLLUTION -
- REQUIRING MANDATORY WATER CONSERVATION
- PREVENTING trans-boundary POLLUTION (ENFORCING WHILE MOVING BEYOND BASEL CONVENTION)
- PREVENTING ENVIRONMENTALLY UNSOUND DISCHARGES INTO WATER BODIES

L

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 THE FULL SUBSIDY FOR THE INFRASTRUCTURE OF THE AUTOMOBILE
- REESTABLISHING A VIABLE RAIL SYSTEM
- 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

M

ENVIRONMENTALLY SOUND ENERGY

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 UNSOUND 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 BASES 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

- CONDEMNING AND BAN THE PROPOSAL TO USE WEAPONS-GRADE PLUTONIUM FROM DISMANTLED RUSSIAN AND U.S. WEAPONS (IN THE FORM OF MOX) IN CANDU REACTORS.
- ELIMINATING OF SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

N

ENVIRONMENTALLY SOUND PRACTICES 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)

- 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
- 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 LIFE-CYCLE ANALYSIS OF EACH PRODUCT WITH 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.

O

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).

- CANCELING DEBT/DEBT FORGIVENESS AND REPARATION

- ENSURING THAT .07% OF GNP (UN UNDERTAKING) FOR FOREIGN “REPARATION”
- CONVERTING VESTED ECONOMIC INTEREST GATT TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES
- REQUIRING ADHERENCE TO THE trans-boundary PRINCIPLE BY PREVENTING ALL ENVIRONMENTALLY UNSOUND ACTIVITIES
 - 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 ENVIRONMENTALLY HARMFUL ACTIVITIES
- CONDEMNING THE CONTINUED FOREIGN AID POLICY DIRECTION OF STATE AND BUSINESS SELF INTEREST COMPETITION RATHER THAN INTERNATIONAL COOPERATION AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT
- SUPPORTING LOCAL MARKETS, LAND REFORM, AND SELF-RELIANCE RATHER THAN CASH CROPS FOR EXPORT
- 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
- 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 DECOMMISSIONING OR ENVIRONMENTAL RESTORATION
- AWARDED 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;
- PROVIDING A 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.

P

FAIR TRADE NOT FREE TRADE ENVIRONMENT 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

THAT INTERNATIONAL LAW INCLUDING TREATIES, CONVENTIONS, COVENANTS,
GENERAL ASSEMBLY RESOLUTIONS, CONFERENCE ACTIONS PLANS AND
DECLARATION TAKE PRECEDENCE OVER TRADE AGREEMENTS

ABROGATING NAFTA

- LOBBYING STRONGLY FOR ALL States TO SIGN AND RATIFY INTERNATIONAL
AGREEMENTS, AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE
COMPLIANCE

- COORDINATING SANCTIONS AGAINST THOSE COUNTRIES WHICH 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 / OR 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)

Q

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
- 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 PROVIDING FOR CONSCIENTIOUS OBJECTORS
- SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE
- PROMOTING CIVILIAN RULE
- PREVENTING THE CAUSES OF CONFLICT
- ELIMINATING URANIUM MINING AND THUS PREVENTING THE CONTRIBUTION TO NUCLEAR WEAPONS

R

WEAPONS, MILITARY, WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL ARMS

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)

- 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
- ELIMINATING OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999
- PROHIBITING THE DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES
- ENSURING THAT THE ENVIRONMENT IS NOT ALTERED FOR MILITARY PURPOSES
- 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 INEXTRICABLY FATAL LINK BETWEEN CIVIL AND MILITARY NUCLEAR TECHNOLOGY
- 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
- CONVERTING MILITARY MANUFACTURING CAPACITY TO MAKING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND PRODUCT
- INSTITUTING REGULATIONS FOR REDUCTION OF THE PRODUCTION OF GUNS AND FOR GUN CONTROL
- 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.

S

HUMAN RIGHTS AND RESPONSIBILITIES

“All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind,”

- PREVENTING GENOCIDE AND ALL ACTIONS THAT COULD POTENTIALLY RESULT IN GENOCIDE
 - PREVENTING DISCRIMINATION ON THE FOLLOWING GROUNDS: RACE, SEX, GENDER IDENTITY, 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.
 - PREVENTING ALL FORMS OF RACIAL DISCRIMINATION
 - PROMOTING AFFIRMATIVE ACTION
 - PREVENTING ALL FORMS OF DISCRIMINATION AGAINST WOMEN
 - RESPECTING THE LIMITATIONS OF FUNDAMENTAL RELIGIOUS FREEDOMS; CONDEMNATION OF EXTREMISM
 - GUARANTEEING AND EXTENDING HUMAN RIGHTS PROTECTION
 - GUARANTEEING THE RIGHTS OF THE FAMILY AND THE ACCEPTANCE OF ALL FORMS OF THE FAMILY
 - GUARANTEEING THE RIGHTS OF THE CHILD
 - AFFIRMING AND GUARANTEEING THE RIGHTS OF PERSONS WITH DISABILITIES
 - GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES
 - AFFIRMATION OF THE RIGHTS OF SELF-DETERMINATION
 - ∞• RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY, AND APPROPRIATENESS, AND RETURNING OR RESTITUTING OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN
 - GUARANTEEING INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES
- RESOLUTION DISCONTINUING THE DUMPING OF HAZARDOUS DRUGS, CHEMICALS AND CONTRACEPTIVES ON INDIGENOUS LANDS

- CONDEMNING AND HALTING COERCIVE FAMILY PLANNING SERVICES LIKE MASS STERILIZATION OF INDIGENOUS WOMEN
- BANNING OF ALL URANIUM MINING AND NUCLEAR TESTING BE STOPPED ON ALL LAND OF INDIGENOUS PEOPLES
- PLACING THE “S” BE PLACED ON THE EXPRESSION “INDIGENOUS PEOPLE” IN ALL U.N. DOCUMENTS
- ENSURING THAT ALL ACTS OF DISCRIMINATION AGAINST INDIGENOUS WOMEN BE PUNISHED AS A CRIME
- DISALLOWING THE INTELLECTUAL AND CULTURAL RIGHTS TO NOT BE THE DOMAIN OF PRIVATE INTELLECTUAL RIGHTS AND CORPORATE MONOPOLIES TO VIOLATE THESE.
- BANNING THE PATENTING OF ALL LIFE FORMS
- CONDEMNING AND STOPPING THE HUMAN GENETIC DIVERSITY PROJECT, AND THE PATENTING OF GENETIC MATERIAL FROM INDIGENOUS PEOPLES
- REDUCING THE NEED FOR IMMIGRATION BY GUARANTEEING HUMAN RIGHTS, BY PROTECTING AND PRESERVING THE ENVIRONMENT, AND BY PREVENTING CONFLICT AND WAR
- GUARANTEEING THE RIGHTS OF REFUGEES
- GUARANTEEING THE RIGHTS OF MIGRANT WORKERS
- GUARANTEEING THE RIGHTS OF FUTURE GENERATION

T

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)

- ENSURING THE RIGHT TO AN EDUCATION WHICH IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL
- STIMULATING AWARENESS OF HUMAN RIGHTS, ENVIRONMENT, AND PEACE ISSUES THROUGH EDUCATION

- STRENGTHENING THE MEDIA AS AN INSTRUMENT OF PUBLIC TRUST
- REQUIRING CORPORATIONS TO PAY INCREASED TAXES, AND REDIRECTING OF CORPORATE FUNDING FOR EDUCATIONAL MATERIALS INTO GENERAL REVENUE THROUGH TAXES
- GUARANTEEING THE RIGHT TO FREE TO EDUCATION AT ALL LEVELS, AND INCREASING RESEARCH GRANTS AT THE UNIVERSITY LEVELS
- 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”

U

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 AND TELEVISION

V

COMPLIANCE, COMPENSATION AND IMPLEMENTATION

“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, UN Conference on Women).

- DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS
- REQUIRING THE SIGNING AND RATIFYING OF EXISTING UN INSTRUMENTS AND THE ENACTING OF THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT
- FULFILLING EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND CONFERENCE ACTION PLANS, RECOGNIZING THE APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATIONS
- ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION OF THE ACTIVITIES AND SUBSTANCE THAT CONTRIBUTE TO SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT
- INSTITUTING MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR
- ESTABLISHING AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE
- REQUIRING REGULATIONS AND STANDARDS: FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR
- ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH ALL NATIONAL CODES, SOCIAL SECURITY LAWS AND INTERNATIONAL LAW, INCLUDING INTERNATIONAL ENVIRONMENTAL LAW
- ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME States OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER
 - REJECTING ISO 14000 PROCESS OF CORPORATE CONFORMANCE WITH SELF-INITIATED STANDARDS
- PREVENTING THE RELAXING OF STANDARDS OR REGULATIONS TO ATTRACT INDUSTRY

- REVOKING CHARTERS OF CORPORATIONS INCLUDING TRANSNATIONALS THAT HAVE FAILED TO COMPLY WITH INTERNATIONAL LAW THROUGH THEIR VIOLATING HUMAN RIGHTS, THEIR CAUSING ENVIRONMENTAL DEGRADATION, OR THROUGH THEIR CONTRIBUTING TO CONFLICT OR WAR
- PROVIDING COMPENSATION FOR HUMAN RIGHTS VIOLATIONS AND ENVIRONMENT DEGRADATION , AND FOR DESTRUCTION FROM WAR
- ENSURING REHABILITATION AND RESTORATION OF AREAS DEGRADED BY HUMAN ACTIVITIES

W

JUDICIAL REFORM

“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)

- INSTITUTING JUDICIAL REFORM, INCLUDING THE POSSIBILITY OF DIRECTORS OF COMPANIES BEING CONVICTED FOR CAUSING ENVIRONMENTAL DEGRADATION
- GUARANTEEING, THROUGH A CONSTITUTIONAL AMENDMENT, THE RIGHT OF EVERY CITIZEN TO HOLD CORPORATE OWNERS, OFFICERS AND SHAREHOLDERS LEGALLY LIABLE FOR THEIR CORPORATION'S ENVIRONMENTAL AND SOCIAL ACTIONS
- ENSURING THAT ALL States ARE BOUND BY INTERNATIONAL INSTRUMENTS, AND IN FEDERAL States, THAT INTERNATIONAL LAW CAN BE USED IN THE LOCAL COURT SYSTEMS
- BINDING OF INTERNAL GOVERNMENTS BY INTERNATIONAL PRINCIPLES
- SEARCHING FOR JUSTICE ON REPAIRING OF SOCIAL INJURY, THE RIGHTS OF VICTIMS AND THE RESPONSIBILITIES OF THE OFFENDER TO BE ACCOUNTABLE FOR THEIR ACTIONS
- CHANNELING YOUNG OFFENDERS AND CRIMINALS INTO ALTERNATIVE PROGRAMS

- CONTROLLING AND SUPPORTING NON-VIOLENT OFFENDERS BY SENDING THEM DIRECTLY TO HALFWAY HOUSES INSTEAD OF PENITENTIARIES.
- DECRIMINALIZING THE POSSESSION OF MARIJUANA
- PROTECTING THE VICTIMS, FAMILY, NEIGHBOURS AND COMMUNITY FIRST IN THE CASE OF VIOLENT CRIME AND REHABILITATING THOSE WHO CAN BE AND PROTECTING THE COMMUNITY PERMANENTLY FROM THOSE WHO CANNOT BE REHABILITATED
- ESTABLISHING PILOT PROJECTS FOR SENTENCING CIRCLES, IN WHICH MEMBERS OF THE COMMUNITY ARE INVOLVED IN METING OUT APPROPRIATE PUNISHMENTS, AS A COMPLEMENT TO THE JUDGE AND JURY SYSTEM.
- CONDEMNING OF CRUEL AND INHUMAN PUNISHMENT SUCH AS CAPITAL PUNISHMENT
- PREVENTING OF CRIME THROUGH SOCIAL PROGRAMS AS AGREED TO IN GENERAL ASSEMBLY RESOLUTION "PREVENTION OF CRIME THROUGH SOCIAL PROGRAMS"

X

ELECTORAL REFORM: PROPORTIONAL REPRESENTATION

- ESTABLISHING PROPORTIONAL REPRESENTATION
- ENCOURAGE ACTIVE PARTICIPATION OF LOW-INCOME CITIZENS IN THE POLITICAL PROCESS BY MAKING POLITICAL TAX DONATIONS BY PEOPLE WITH NO TAXABLE INCOME ELIGIBLE FOR A TAX

Y

PRINCIPLE-BASED DECISION MAKING

- 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 OVER-ARCHING PRINCIPLES

DRAWN FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS

Z

PUBLIC ACCESS TO INFORMATION

Providing full, timely and comprehensible information, without undue financial burden to the applicant; 133(c) UNCED

• ENDORSING AND PROVIDING FOR A FREEDOM OF INFORMATION AND ACCESS TO INFORMATION ACT

- Taking something growing on the land, for example, timber, turf or grass. This includes "taking" by animals, for example, a right to graze sheep or pasture cattle.
- The killing of wildlife living on the land (i.e. rights of hunting and fishing) and access to forests and oil fields

Much of the land is Crown Land, or privately owned land. Under the profit a prendre there is a requirement to obtain permission of the owner; whether government or private land owner.

Also, much of the land is indigenous and permission is usually given by elected bands under the Indian Act, usually with the provision of funds or partnerships, as a form of enticement.

CONCLUSION

Until the above systemic constraints that undermine progressive and traditional voices are overcome the following call in the preamble of Agenda 21 will not be fulfilled:

Preamble. 1.1. Humanity stands at a defining moment in history. We are confronted with the 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.

() THAT in 1997 on February 27

I was invited to attend a special meeting on graduate program in interdisciplinary studies at the University of Victoria. At this meeting a researcher who had a grant through the excellence program lauded her arrangement with a chemical corporation in her research on how to prevent the yellowing of paper. I rudely asked if that had been a burning academic concern of hers [I had often complained about corporate-directed academic

research, and thought that corporations should be prevented from determining the nature of university research.]

() THAT I in 1997 on February 28, I started working on different international campaigns with Francis Boyle

RESUME OF FRANCIS A. BOYLE

EDUCATION

University of Chicago, A.B. (1971) in Political Science. One of seven students elected to Phi Beta Kappa as a Junior; winner as a Junior of the Sigma Xi Certificate of Merit and Prize in Biology for The Differential Effects of Three Simulated Systems of Inbreeding on the Frequency of the t(w) Allele in Wild Populations of *Mus Musculus* on nomination of Richard C. Lewontin; graduated in three years.

Harvard Law School, J.D. Magna Cum Laude (1976). Third year paper designated "Honor Paper" by Richard R. Baxter, and deposited in H.L.S. Library. A+'s in Federal Income Taxation (Surrey), Soviet Economic Law and Law of Foreign Trade (Berman), United Nations Law (Sohn), Sociology of Law (Fuller), and Jurisprudence (Unger).

Associate, Harvard University Center for International Affairs (1976-78) (elected to the Executive Committee for 1977-78).

Harvard Graduate School of Arts and Sciences, Department of Government, A.M. (1978) and Ph.D. (1983) in Political Science. Awarded full Harvard Fellowship for all four years of residence. Offered Russian History (Keenan), Soviet Politics (Ulam), Modern Political Philosophy (Shklar), and International Relations (Hoffmann) on Ph.D. General Examination. Dissertation entitled Realism, Positivism, Functionalism and International Law under the supervision of Stanley Hoffmann.

TEACHING

Teaching Fellow, Harvard University Department of Government (1976-78).

Assistant Professor (1978-81), Associate Professor with tenure (1981-84), full Professor (from 1984), University of Illinois College of Law in Champaign Professor, U.S.S.R. Summer University for Jurists, People's Friendship

University, Moscow (August 1989) (only non-Soviet Professor).

PRACTICE

Attorney, Bingham, Dana, & Gould, in Boston (1977-78) (tax and international tax). See *Hart v. U.S.*, 585 F.2d 1025 (Ct. Cl. 1978) (en banc); *Globe v. U.S.*, 620 F.2d 841 (Ct. Cl. 1980).

Attorney for Plaintiffs, *Ali Aidi v. Yaron*, 672 F. Supp. 516 (D.D.C. 1987) (Sabra-Shatilla Massacre).

Legal Adviser to the Palestine Liberation Organization on the Creation of the State of Palestine (1987-89).

Legal Adviser to the Palestinian Delegation to the Middle East Peace Negotiations (1991-93).

Legal Adviser to the Republic of Lithuania (1991-93).

Counsel to Libya, in Cases Concerning Questions of Interpretation And Application of the 1971 Montreal Convention Arising from The Aerial Incident at Lockerbie (*Libya v. United Kingdom*) (*Libya v. United States*). See Orders of 14 April 1992, 1992 I.C.J. Rep. at 3 and 114; 31 Int'l L. Mats. 662 (1992).

General Agent for the Republic of Bosnia and Herzegovina with Extraordinary and Plenipotentiary Powers Before the International Court

of Justice by Appointment of President Alija Izetbegovic (March 19, 1993 to January 12, 1994). See Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), Order of Provisional Measures of 8 April 1993, 1993 I.C.J. Rep. at 3; and Order of Provisional Measures of 13 September 1993, 1993 I.C.J. Rep. at 325. See also Statement of Intention by the Republic of Bosnia and Herzegovina to Institute Legal Proceedings Against the United Kingdom before the International Court of Justice, 15 November 1993.

Legal Adviser to President Alija Izetbegovic, Foreign Minister Haris Silajdzik, and the Members of the Bosnian Presidency during the Owen-Stoltenberg Negotiations in Geneva (1993)

PUBLICATIONS

World Politics and International Law (Duke University Press: 1985; 2d prtg. 1987). Designated "An Outstanding Academic Book of 1985-86" in the field of Political Science by Choice Magazine, published by the Association of College and Research Libraries, American Library Association.

Defending Civil Resistance Under International Law (Transnational Publishers: 1987). The Center for Energy Research published a special paperback edition in 1988.

The Future of International Law and American Foreign Policy (Transnational Publishers: 1989). The Islamic World Studies Center in Malta published an Arabic language edition in 1993. Progress Publishers, Institute of State and Law, Moscow has translated this book into Russian for publication.

THE BOSNIAN PEOPLE CHARGE GENOCIDE! (Aletheia Press: forthcoming in 1995).

The Foundations of World Order (for Duke University Press in 1996).

The Irrelevance of International Law, 10 Cal. West. Int'l L.J. 193 (1980).

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The Entebbe Hostages Crisis, 29 Nether. Int'l L. Rev. 32 (1982); 22 Indian J. Int'l L. 199 (1982); and in Terrorism, Political Violence and

World Order 559 (H. Han ed. 1984; 2d rev. ed. 1993).

The Law of Power Politics, 1980 Univ. Ill. L. F. 901.

International Law as a Basis for Conducting American Foreign Policy, 8 Yale J. World Pub. Ord. 103 (1981), republished as U.S. Department of Defense, Current News: Special Edition, No. 979 (Mar. 23, 1983). See also 75 Am. Soc'y Int'l L. Proc. 270 (1981).

Nuclear Weapons and International Law: The Arms Control Dimension, 21 U.S.M.A. West Point Senior Conference Proceedings: The Nuclear Debate 147 (1983); and in 4 N.Y.L.Sch. J. Int'l & Comp. L. 257 (1983). See also 76 Am. Soc'y Int'l L. Proc. 322 (1982).

American Foreign Policy Toward International Law and Organizations: 1898-1917, 6 Loy. L.A. Int'l & Comp. L.J. 185 (1983). See also 76 Am. Soc'y Int'l L. Proc. 130, 135, 144 (1982).

International Law and Organizations as an Approach to Conflict Resolution in the Middle East, in Contemporary Issues in International Law: Essays in Honor of Louis B. Sohn 515 (T. Buergenthal ed. 1984). See also Middle East International, Sept. 3, 1982, at 11; 4 Arab Stud.

Q. 336 (1982); *Terrorism, Political Violence and World Order* 511 (H. Han ed. 1984); 77 *Am. Soc'y Int'l L. Proc.* 223 (1983); 79 *Am. Soc'y Int'l L. Proc.* 217 (1985); *Mideast Monitor*, July, 1985.

International Lawlessness in the Caribbean Basin, 1984 *Crime and Social Justice*, Nos. 21-22, at 37; and in *International Progress Organization (IPO), The Reagan Administration's Foreign Policy* 89 (H. Kochler ed. 1985). See also *Australia Int'l L. News*, Sept., 1984; 78 *Am. Soc'y Int'l L. Proc.* 144 (1984); 78 *Am. J. Int'l L.* 172 (1984).

Conclusions and Judgment of Brussels Tribunal, *N.Y. Times*, Oct. 7, 1984, at 77; and in *IPO, The Reagan Administration's Foreign Policy* 459 (H. Kochler ed. 1985).

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Memorandum in Opposition to the Ratification of the Proposed U.S.-U.K. Supplementary Extradition Treaty (Aug. 30, 1985), in *United States and United Kingdom Supplementary Extradition Treaty: Hearings on Treaty Doc. 99-8 Before the Senate Committee on Foreign Relations*, S.HRG. 99-703, 99th Cong., 1st Sess. 511 (1985).

Statement on Behalf of U.S.A., in *On Trial: Reagan's War Against Nicaragua* 153 (1985).

Defending Nonviolent Civil Disobedience Against the Reagan

Administration Under International Law, *Crime and Social Justice*, No. 24, at 110. See also 81 *Am. Soc'y Int'l L. Proc.* 452 (1987).

The Relevance of International Law to the "Paradox" of Nuclear Deterrence, 80 *Nw. U. L. Rev.* 1407 (1986); and in 11 *Recht En Kritiek*, No. 3 (Dutch trans. 1985). See also 1 *Swords and Ploughshares*, No. 3 (May 1987) (*U.I. ACDIS Bull.*).

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International Crisis and Neutrality: U.S. Foreign Policy Toward the Iraq-Iran War, in Neutrality: Changing Concepts and Practices 59 (A. Leonhard ed. 1988); and in 43 Mercer L. Rev. 523 (1992).

Create the State of Palestine! American-Arab Affairs, No. 25, at 86 (Summer 1988); 7 Scandinavian J. Development Alternatives, No. 2 & 3, at 25 (June-Sept. 1988); 4 Palestine Y.B. Int'l L. 15 (1987-88).

The Hypocrisy and Racism Behind the Formulation of U.S. Human Rights Foreign Policy, 1989 Social Justice, No. 35, at 71.

International Law, Citizen Resistance and Crimes by the State -- The Defense Speaks, 11 Houston Int'l L.J. 345 (1989).

Memoranda of Law on the U.S.-Israel Land-Lease and Purchase Agreement

of 1989 (Ex. Comm. 89-57), American-Arab Affairs, No. 30, at 125 (Fall 1989).

Testimony in Support of S. 993, 101st Cong., 1st Sess., The Biological Weapons Anti-Terrorism Act of 1989 (July 26, 1989), in Hearing Before the Senate Committee on the Judiciary, S. HRG. 101-416, Serial No. J-101-32, at 100 (1989).

Memorandum on the Yaron Case, 5 Palestine Y.B. Int'l L. 254, 257

() THAT in 1997 on February 27, I attended a presentation

meeting in the chambers. I was invited to attend a special meeting on graduate program in interdisciplinary studies at the University. At this meeting a researcher who had a grant through the excellence program lauded her arrangement with a chemical corporation in her research on how to prevent the yellowing of paper. I asked if this had been a burning research issue of hers for years, and raised the issue of corporations determining the nature of university research.

MARCH MARCH 1997

() THAT in 1997, in March, I wrote and circulated NECESSARY ECOLOGICAL ,PEACEFUL SOCIO-POLITICAL CHANGE THROUGH POLITICAL WILL

EXHIBIT:

NECESSARY ECOLOGICAL ,PEACEFUL SOCIO-POLITICAL CHANGE THROUGH POLITICAL WILL

Joan Russow PhD

I am the International Affairs critic on the federal Green "shadow cabinet" and I am thinking for the leadership of the Federal Green Party. I have spent years trying to bring about change at the community level by applying international principles from international instruments agreed to by member States of the United Nations.

Corporations have been allowed steadily increasing control over our lives. This increased control is the outcome of many factors but the greatest factor is the increased influence of the corporations on the major political parties and governments throughout the "developed" world. The increased influence of corporations has grown to the point where corporations seem to be stronger than governments. In recent Canadian history, the Liberal were elected on a platform to dismantle Free Trade and the GST.

Increased corporate influence has even reached the United Nations. With the advent of the U.N. Multilateral Agreement on Investments, which will enshrine corporate rights and privileges, the international Green movement has to be more vigilant than ever and become the political voice of those that strive for the necessary ecological peaceful socio-political change.

IS THE GREEN PARTY READY TO WELCOME TRANSNATIONAL CORPORATIONS INTO ITS INNER CIRCLE?

More and more governments and public institutions are devolving themselves of their responsibilities and handing over control to the corporate sector. More and more international non-government organizations or “other groups” have become so dependent on grants from large U.S. corporate foundations that they have become little more than industry front groups. Many traditional International NGO’s have more and more industry involvement on the Boards of Directors.

If we are going to be able to make the decisions we want at the Community level, we will have to be fully aware of the implications of what is happening internationally.

URGENCY OF THE GLOBAL SITUATION

Twenty five years ago in 1972, the Science Council of Canada recognized the urgency of the Global situation in its publication “Its not too late yet”

Five years ago, Canada and other member States of the United Nations recognized the urgency of the situation; “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).

Subsequently, at the World Conference on Human Rights, global concern was expressed in the following way:

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).

CORRESPONDENCE BETWEEN GREEN PARTY POLICY AND POLICY REFLECTED IN INTERNATIONAL INSTRUMENTS

The policies and principles of the Green Party of Canada are very closely linked with significant policies that have been agreed to internationally, through the Charter, through conventions, treaties, and covenants, and through Declarations, General Assembly Resolutions, and Conference Action Plans.

For example, for over fifty years, through international agreements, the member States of the United Nations have undertaken: (i) to promote and fully guarantee respect for human rights, including the rights of women (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.

If these years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament achieved and socially equitable and environmentally sound development might have been enabled.

Through international agreements such as the legally binding International Covenant on Civil and Political Rights and the legally binding International Covenant on Economic, Social and Cultural Rights, nation States, including Canada, have undertaken:

(i) to guarantee human rights, including the right to be free from discrimination, the right to housing, the right to be free from hunger, the right to social security

(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 (United Nations Conference on Humans and Environment 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 and for the benefits of humanity, 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);
- (xvii) to ensure that corporations including transnationals comply with national codes, social security measures, and with international law including, international environmental law (Art. 148, Platform of Action, UN Conference on Women, 1995); and from the Habitat II Agenda, 1996 : (xviii) to reduce the ecological footprint (Art. 27 b)
- (xix) to protect fragile ecosystems and environmentally vulnerable areas (27e)
- xx to prevent anthropogenic disasters (27 i)

(xxi) to prevent environmental damage through knowledge of eco-cycles (Art. 135) and so forth.

SYSTEMIC CONSTRAINTS PREVENTING THE NECESSARY ECOLOGICAL, AND SOCIO- POLITICAL PEACEFUL CHANGE: TO PREVENT THE GROWTH AND CONSUMPTION MODEL OF CAPITALISM

At The United Nations Conference on Environment and Development (UNCED) there was a condemnation of the unsustainable pattern of consumption and production.

“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)

The perpetuation of this model of consumption based on economic growth is the fundamental systemic constraint preventing the necessary change. The lack of political will to do what is necessary. Although, in international conferences, at least since 1992, States have decried the current over-consumptive model of development. Yet, as a result of institutional collusion between governments and industry, no governments have been advocating a no-growth economic policy. In the recent B.C. voice of women publications, there was a citation from the arms industry describing Turkey as being the next growth market. Although some parties criticize corporations, they are not willing to challenge the unions that are willing to demand the continuance of jobs in the military and arms trade or in environmentally degrading activities. The unions instead should advocate the principle of fair and just transition.

Some of the systemic constraints preventing change contribute to the weakening of the resolve to demand change could be the following:

- (i) Institutional collusion between governments and the corporate sector
- (ii) wooing adversaries such as environmentalists with corporate funding
- (iii) environmental critics who participate in the round tables are often seduced by the process and agree to the decision achieved through consensus. In addition, this happens when environmentalists work too closely with industry in a partnership arrangement. Industry is only too happy to co-opt the unsuspecting.
- (iv) too many people who should be criticizing corporations are working with them and being used to justify the CONTINUED socially inequitable and environmentally unsound practices. and they back off from proposing mandatory, regulatory, measures to bring about change.
- (v) too many people rationalize self-interest

For example, unions continually misuse their legitimate right to work to justify working in the arms industry, the uranium mining industry, the toxic, hazardous, and atomic product and waste industry, the ozone depleting, forest extraction etc.

Another example comes from individuals who purport to be concerned about change but are willing to work with industry to bring about change from “within”. At a recent meeting of the World Conservation Union (IUCN), Sir Martin Holgate, the former Secretary General of this organization, was asked about his involvement with a dam project in India where hundreds of thousands of people had been displaced. There was a hush over the 2000 members in attendance waiting for denial. Rather than deny the veiled accusation he replied that surely it is better to have an environmentalist monitoring the project. Unfortunately, his working for the company engaged in the project only served to endorse the project.

(vi) too many use the slippery slope argument which argues for the impossibility to distinguish between gross differences because it is impossible to distinguish between minor differences

For example, when activists raise a concern about the need to condemn corporations for destructive practices, often, to counteract the argument, corporate supporters will use the “...are we not all part of the problem?” argument:

Food you bought at the store was driven there on a GM truck. So are you going to stop eating food bought at the store? Do you own a car? Is your house insulation rated R 2000; or even better yet is it disconnected from all power, electricity, gas, and sewer like the house Greg Allen built? Are you a vegan only? What financial institution do you deal with? If it is a bank you're indirectly investing in dictatorships somewhere. Do you ever use styrofoam? Is the coffee you drink only picked by collectives of workers in democratically elected cooperatives? Do you even know? (Jim Harris, personal communication during the 1997 leadership contest)

Taken to its ultimate conclusion, it suggests there is a difference in degree between the action of individuals who would want to find alternatives and the corporate sector that has prevented the development of alternatives.

SOLUTIONS AND MEASURES FOR BRINGING ABOUT THE NECESSARY CHANGE

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 by 50%

Should focus on Canadian budget

budget from the current 800 billion to only include 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.

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.

Green Party policies are visionary ideas which, in the future, become the norms of the community.

(I wrote a statement announcing that I was thinking of running for the leadership of the federal Green Party because I was concerned about a declared leadership candidate Jim Harris' corporate sympathetic position and about the future direction of the Green Party. In addition, given that I only recently become involved with the Canadian Green Party, I felt that I was not the best person to challenge him. I did, however, really believe in the potential of the international network of Green Parties.

() THAT in 1997, on March 3, I wrote to Shelly about my concerns re Jim Harris

EXHIBIT

Hi Shelly

I enjoyed seeing you again in Toronto. I am trying to follow-up a few suggestions from the meeting in Toronto. 1. The potential discriminatory nature of the required \$1000 deposit. I have been trying to find out what the Green Party has done before on this issue. I have contacted Elections Canada and was told that there has not been an official challenge. I would like to talk to the lawyer Mechel Selkin, Miriam Hawkins friend, about this issue but I don't have his phone number or e-mail address.

2. I gave a talk at the University on Wednesday on the need to expose corporate funding at the university; at a meeting organized by the University Public Interest Research Group. When I returned home, I received an e-mail about what Jim Harris has on his website. Numerous glowing comments from his corporate contacts.

He also was involved with an organization called the Stephen Covey institute, that promoted the "seven habits" and Jim was conducting workshops at General motors on this. Check out the internet for info on this. Covey is from Utah and has been described as a religious Robbins.

I have spent so many years of my life addressing intolerance in religion (I worked with the civil liberties in 1988 to get mandatory bible reading out of the school system in B.C.).

I have also taken a strong stand against the corporate sector calling for regulations, enforcement, revoking of charters, compensation, raising taxes, eliminating tax deferrals. There are also well meaning people that work with industry condemning the activists for always being divisive (we/they format). Unfortunately those that embrace industry and work for change from within undermine the stronger command and control position of the activists.

I would appreciate your comments on these matters.

I think one criterion for running for the leadership of the Green Party should be to reveal any past or present activities that could in some way be detrimental to the party. We are required to submit a bio but bios are selective.

Joan

() THAT in 1997 on March 3, I made a presentation to the CRD on the environment principle based decision making and on habitat ii

() THAT in 1997 on march 5 I gave a presentation on climate change at Pearson College

EXHIBIT

The '97 Federal Election

THEME: "MISPLACED PRIORITIES"

- The Canadian government spends more than 10.3 billion a year on the military. The General Assembly passed a resolution in 1981 undertaking to reduce the military budget

which was then 50% of what it is now, and to transfer the savings into social programs. In Canada, five billion should be transferred immediately into transfer payments to the provinces to provide for education, health and social services and environment.

OTHER MEASURES

1. that licenses 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 rather compensation and reparation for the devastation caused by the over-consumptive 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 decision making 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 in order 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

() THAT in 1997, I wrote a letter to Lucy, who was the chair of the Green Party development of the platform for the 1997 election

EXHIBIT

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 Shadrack 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 PREAMBLE 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. Date: Mon, 17 Feb 1997 17:14:01 -0500 (EST)

From: Lucy Segatti <segatti@web.net

To: J E RUSSOW <jrussow@UVic.CA

Subject: Re: The Green book

At 12:13 PM 2/17/97 -0800, you wrote:

Dear Lucy

What do you think of calling the platform the "green book". My computer was down so David sent a rough draft of my comments to you. I thought I would send you an attachment of the document. I have made some changes and from the last one.

I would like to see about a 25 page booklet with cartoons.

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.

() **THAT in 1997**, I attended the Canadian Abolition 2000 meeting in Ottawa. They do not link civil nuclear energy to their proposal although they call for moving towards renewable energy.

When I was at the meeting, I suggested that civil nuclear energy should be included as well as the testing in Nanoose and the circulation and berthing of nuclear powered and nuclear arms-capable vessels.

sponsored by the Canadian Voice of Women in Toronto **Documentation:** My following Culture of Peace was printed up for circulation:

EXHIBIT

to promote the culture of peace and not the cult of war there must be the fulfillment of international precedents calling for the reduction of the global military budget; such as the following:

Throughout the years, through international agreements, member States of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member States ignore precedents.

In 1976, at Habitat I, member States of the United Nations affirmed the following in relation to the military budget:

"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, in the General Assembly resolution entitled Resolution on the reduction of the military budget, the member States

(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 constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";

(iii) 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).

These appeals were further reinforced in a 1983 General Assembly 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 the 1993 resolution, member 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."

Also 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" (33.16e)

In 1994, in adopting the statement from the International Conference on Population and Development, the member States of the United Nations 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 the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

It is time for the member States of the United Nations to give substance to the years of commitment to substantially reduce the military budget.

Currently, the Global Community is now spending 1 trillion per year on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

COMMENT

At one point of the meeting before I gave my presentation. Two Liberal MPs spoke about how concerned they were about the culture of peace. Dorothy Goldman alluded to various practices that the Liberal government has been engaged in that have not contributed to peace. I expanded further and discussed the sale of CANDU reactors and mining of uranium. The MPs suggested there was little that they could do about it. I then said if they really were concerned about peace they should be prepared to resign. Even though the Voice of Women has been strong opponent of the sale of CANDU reactors and the mining of uranium they were uncomfortable with my challenging the MPs. Joan Grant Cummings defended me. When I spoke, I referred to a new systemic constraint? ... The excessive politesse constraint being unwilling to be forthright and challenge authority.

MARCH MARCH 1997

Canadian Government's strategy for undermining international law, environmental groups and indigenous hereditary chiefs through enticements

Canadian Government's strategy for undermining international law, environmental groups and indigenous hereditary chiefs through enticements

By Joan Russow PhD

Global Compliance Project

In 1982 an U.N. COMMUNIQUE was circulated to all member States of the United Nations. Asking States to report on the mechanism for discharging the obligation under a ratified treaty Canada responded in a misleading way;

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted [cite references, including 1982 document circulated by External Affairs "Canadian Reply to Questionnaire on Parliaments and the Treaty-making power"[Canada, however fails to take the treaty to parliament to enact the necessary legislation to make it into statutory law]

The full context of this statement comes from the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power". It is an External Affairs Department communiqué which was put together in 1982 to assist the External Affairs Officers in explaining the division of powers and constitutional conventions in Canada in relation to International obligations: in the event the event that there is discrepancy between statutory legislation and the convention there will be implementing legislation

Many international agreements require legislation to make them effective in Canadian domestic law. The legislation may be either federal or provincial or a combination of both in fields of shared jurisdiction. Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted but if there is a discrepancy between statutory and the convention, there will be implementing legislation.

Canada signs and ratifies many international treaties and all that is required is agreement by the Prime Minister but there is no requirement to take the treaty to parliament so that there can be statutory law to require implementation of the convention.

Conventions such as UNFCCC and CBD and the UN Convention on the Protection of Cultural and Natural Heritage have been signed and ratified, but there is no statutory because they have not been brought to parliament.

In the case of the UN Law of the Seas UNCLOS, Canada has signed but not ratified it; there have been two opposing Canadian legal opinions about ratification of UNCLOS: One by Ted McDorman, that Canada has got everything it wants under the Convention and should not ratify the convention and assume the obligation through ratification and

the other by Alan Beesly that Canada has got everything it wants so it should ratify it and accept the obligations of ratification ;Canada chose the former.

The BC government, at the cabinet level, endorsed both the UNFCCC and the CBD. (personal communication through freedom of information Act). Yet, in the court in British Columbia, the judge decided that all the international law referred in the leave to appeal case is not judicable in the courts of British Columbia (1994 Leave to appeal, case 1984} .

It should be noted that Canada has the greatest per capita contribution to green house gas emissions.

ENVIRONMENTAL NETWORKS

To get funding the environmental groups from provincial federal networks, there is a condition that that no statement can be made on behalf of the networks.

CHARITABLE STATUS

The obtaining of charitable status also has conditional funding; the condition is that they cannot be political or they will lose their status as happened to Greenpeace.

PROFIT A PRENDRE

Profit a prendre is the right to take something from another's land (the servient land) that is both:

- Capable of ownership; and
- A product of nature.

Typical profits à prendre include:

- The removal of part of the land itself; for example, soil or minerals.
- Taking something growing on the land, for example, timber, turf or grass. This includes "taking" by animals, for example, a right to graze sheep or pasture cattle.
- The killing of wildlife living on the land, for example, rights of hunting and fishing.
- Oil forest
- Much of the land is crown land , or private land under the profit a prendre there is a requirement to obtain permission of the owner
- either the government or the private land owner

Also, much of the land is also indigenous and permission is usually given by elected bands under the Indian Act usually with the provision of funds or partnerships as a form of enticement

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CONCLUSION

Until the above systemic constraints that undermine progressive and traditional voices, the following call in the preamble of Agenda 21 will not be fulfilled:

Preamble 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.

By Joan Russow PhD

Global Compliance Project

March

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By Joan Russow PhD

Global Compliance Project

March 1997

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Preamble 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.

A continuing deterioration of the ecosystems on which we depend for our well-being.

-MARCH-APRIL PREP COM IN NEW YORK

() THAT in 1997 in March, I wrote:“A MODEST PROPOSAL”

EXHIBIT:

()1997, I attended NGO meetings at the Prep Com for Rio +5. I worked on a number of proposals

COMMENT

I attended the NGO meeting on Climate Change. Delong, the Chair of the Energy caucus stated that what was needed to address the issue of climate change was at least a 40% reduction of Greenhouse gas emission, and that currently in the NGO documents the NGOS were calling for a 20% reduction which was less than that called for by the low-lying States. I proposed that if that is what was needed then we should call for at least a 40% reduction. After I spoke, someone else said that we would lose credibility if we called for as much as 40%, and should maintain our position of 20%, [I found out I receives funding from BP] others said 25%, and others supported 40%. It was finally agreed that we would call for at least 25%. Several coalition members who had not spoken during the meeting, came up to me after and said that they agreed with me. I asked them why they did not speak up during the meeting. When I left the meeting, the document contained the expression at least 25%. However, when I saw the finish NGO submission 20% had been the percentage submitted.

Similarly, when we were informed about the proposed MAI, I proposed that there be a strong statement in the NGO lobbying document urging the U.N. to call upon the OECD to cease negotiations of the MAI because the trade agreement would undermine human rights including labour rights, environmental protection, and social justice. My statement was agreed to by the NGO all candidates meeting drafting group, and when I saw the final lobbying document, the MAI was not mentioned. I was, however, placed on an Anti-MAI list and invited to attend the OECD meeting along with three other NGO members from Canada: Maud Barlow, Elizabeth May, and Michell Svenchuk?

The Earth Summit Rio +5 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 be free from hunger, 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 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).

() THAT in 1997, I updated Preventing Systemic Constraints

On June 2 1996, 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
- coordinating 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 an 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 GDP 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 inter-dependency, common interest and cooperation which rectifies existing injustices
- requiring adherence to the trans-boundary 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 decommissioning 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 and cooperatives
- 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 (e.g. 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;

- 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

Providing 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 Alimentarius 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

FOR THE AUTOMOBILE AND ELIMINATING ALL FUTURE SUBSIDIES• 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

over-consumption reduction and equitable distribution of resources

environmentally sound practices through regulations and reduction of over-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, 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

Instituting a fair and just transition for workers and communities affected negatively by the transition
kind regards

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 and poverty related diseases
- promoting research which addresses the links suppression of our immune system to ozone depletion, petrochemical pollution and bio-accumulation 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
- re-establishing 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 including increased public transportation
- 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 U.S. 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 trans-boundary 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 clear-cutting 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

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 net cage fish to wild stocks; Risks of introduction of exotic diseases from the CONTINUED importation of off-site 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 net cage 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 net-cage 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 trans-boundary 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 bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero. (ZERO 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 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 ANTI-PERSONNEL 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

In 1992, In the Rio Declaration 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 i Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

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 SOCIALUSLY EQUITABLE AND ENVIRONMENTALLY SOUND
- SHIFTING RESEARCH AND DEVELOPMENT FROM DEFENCE-BASED INDTRIES 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. AND CALLING FOR THE DISBANDING OF NATO
- 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

In 1992, all member States recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations

Chapter 33

. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member States of the i Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

CHAPTER 34

TRANSFER OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND TECHNOLOGY

MANDATORY INTERNATIONAL NORMATIVE STANDARDS TO DRIVE INDUSTRY TO BEST PRACTICES

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.

() THAT in 1997, on March 12 I responded to a questionnaire on the upcoming Earth Summit II from the Bahai Publication

EXHIBIT

X-Sender: oc-br@pop.mv.net

Mime-Version: 1.0

Date: Wed, 12 Mar 1997 08:36:22 -0500

To: wfuna@undp.org, wit@igc.apc.org, jrussow@coastnet.com,

dnr@oln.comlink.apc.org, mcsteinmaus@stanleyfdn.org, mmccoy@undp.org

From: Brad Pokorny <brad@oc.mv.com

Subject: interview on Earth Summit II

Dear friend,

I picked up some literature with your email address on it at the CSD Inter-sessional meeting last week at the UN in New York.

I am the editor of ONE COUNTRY, the newsletter of the Baha'i International Community. ONE COUNTRY, the newsletter of the Bahá'í International Community. It is published in English, French, Chinese, Russian, German and Spanish, and mailed to more than 30,000 readers in more than 170 countries.

Among other issues, we follow trends in sustainable development at the global level. And I am writing a story about the upcoming UN General Assembly Special Session (UNGASS), also known as the Earth Summit II, scheduled to take place in New York in June.

Since I wasn't able to catch up with you at the meeting, I would like to

briefly interview you about the status of the CSD negotiations and get your general thoughts on the upcoming GA special session and its importance.

If you can take a few moments, then, please briefly reply to the following questions:

First some basic biographical data:

What is your full name (first, middle, last) (also Dr. Mr. or Ms. Etc.)?

Dr. Joan Elizabeth Russow

What is your title? (Director, UN Representative? Etc.)

Coordinator,

What is the full name of your organization?

Global Compliance Research Project

Where is it based or headquartered?

Victoria, B.C. Canada

What is its purpose (in general terms).

The Global Compliance Research Project, which comprises an international advisory Committee from 70 countries, is examining obligations incurred by States through the Charter of the United Nations, Conventions, treaties, and covenants, and expectations created through General Assembly resolutions, Declarations, and conference action plans. For over fifty years through international agreements, the member States of the United Nations including Canada 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 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 through United Nations Declarations, Conference action plans and General Assembly Resolutions.

If these years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development might have been enabled.

Many of these obligations have never been discharged, States often fail to sign international legally binding treaties that they themselves have negotiated; States that sign

legally binding conventions and treaties, often fail to ratify them; and States that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement..

Many of the expectations have not been fulfilled. Expectations have been created through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Although the major conference action plans have been adopted by all the member States of the United Nations, the action plans are not deemed to be legally binding.

The purpose of the project is to carry out a content analysis and synthesis of strong obligations that have already been undertaken, so that States will not agree to less than they have already agreed to, and NGOs will not ask for less than States have already agreed to; it will also further strongly crafted internationally-held NGO principles and precedents, and propose these for inclusion into the 1995 Declaration.

Do you have any international affiliates? If so, about how many?

After the Beijing conference there were representatives from 70 countries that were interested in being part of the project

Now the questions:

- What is the Earth Summit II important? Or, put another way, what does it do that takes it beyond the first Earth Summit in Rio de Janeiro five years ago?

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. Apart from the several significant omissions such as militarism [except short statement in 33.16 e about the military budget and population, many of the issues that needed to be addressed were examined. Often what appeared to be a strong principle such as principle 15 of the Rio Declaration, "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. States still transfer 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 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.

Part of the Global Compliance Research project was to reveal systemic constraints preventing change.

I think that the Earth Summit II is important primarily for citizens to reveal that years of obligations and expectations have neither been discharged or fulfilled.

-- The purpose of the Earth Summit II is to review progress made on Agenda 21. In your view, has Agenda 21 succeeded or failed. Or, rather, in what areas has it succeeded and in what areas has it failed to live up to its potential?

-- Accordingly, then, what are the most crucial issues to be decided at the Earth Summit II, in your view and/or the view of your organization?

-- What are the most contentious issues, the issues that may well not get decided on?

-- Are there any entirely new issues, which we not considered at Rio, which are coming up at the Earth Summit II?

-- What are the main North-South issues? That is, what are the disagreements between the Northern and Southern hemisphere countries with respect to the issues at the Earth Summit II?

-- In many ways, Rio kicked off a trend of greater recognition of the role of non-governmental organizations (NGOs) and civil society. That trend CONTINUED to increase at the Vienna, Cairo, Copenhagen, Beijing and Istanbul (Habitat) UN Summit meetings. Will the Earth Summit II CONTINUE this trend? What role do you see for NGOs? Alternatively, are you concerned that NGOs won't have adequate access at the meeting?

-- Do you have any further comments to add on the importance of the Earth Summit II, etc.?

Many thanks,

Brad Pokorny

Brad Pokorny, editor

ONE COUNTRY, newsletter of the Baha'i International Community

Phone: 603-672-0235

Fax: 603-672-0657

email: brad@oc.mv.com or bpokorny@bic.org

X-Sender: jimh@on.outer-net.com

Date: Tue, 11 Mar 1997 18:40:55 -0600

To: J E RUSSOW <jrussow@coastnet.com>

From: Jim Harris <jimh@strategicadvantage.com>

Subject: Feedback

Mime-Version: 1.0

At 02:42 PM 3/11/97 -0800, you wrote:

Hi Jim

I enjoyed meeting you in Toronto. When I returned I read a copy that has been sent around of your website page with all the glowing comments from industry. Could you please elaborate a bit further about your approach with industry?

please send to my address at jrussow@coastnet.com

Here is an excerpt from my leadership statement. If you would like the full text let me know:

Myth: Being Good to the Environment is Bad for Business

I was working with a gas company in Calgary. To give you an idea of how much gas they ship every day, imagine a football field standing straight up on end. Now turn it onto its side and you get a square. Now square extending from Calgary to Edmonton - a 3 $\frac{1}{2}$ hour drive at 80 km/hr - to form a gigantic cube. The cube is equal to the volume of gas the company ships every day. And we all know that burning fossil fuel is causing global warming.

Employees at this company know that their product is bad for the earth and will leave their children with a worse off world to inherit. At some level they must feel uneasy.

Why do we use natural gas? To heat our homes. So what we as consumers really want is hot showers and warmth, not natural gas. We need to distinguish between form and function. Hot water and warm homes are the functions - gas is the current form we use to achieve these goals. But if a better way comes of delivering along, consumer demand will shift.

This shift is already taking place at the institutional level where Energy Service Companies, known as ESCos, are saving institutions millions of dollars. An ESCo will study energy usage in a hospital that is spending say \$300,000 a year on energy. The ESCo will document how a \$1 million retrofitting with the most energy efficient appliances lighting, windows, etc. will save say \$200,000 a year in energy. Most hospitals are capital cost constrained so the ESCo will pay for or finance the million dollars of energy efficiency improvements, and the hospital will pay the energy service company the \$300,000 for seven years. The ESCo in turn will pay the \$100,000 of energy costs and keep the \$200,000 of savings. Over seven years the savings will pay for the retrofitting and interest costs. ESCos have

been growing at a rate of 40% a year for the last five years. Does that mean that an ESCo is now a competitor of the gas companies? Absolutely because the ESCos are reducing the demand for natural gas.

I was speaking to a conference of oil and gas producers - so I challenged them to begin to retrofit their clients operations. If all a company can do is sell gas, the only way they can increase revenue is by selling more gas, which means more global warming. Why not work to change the mindset that the company sells services - such as energy efficiency and gas and that over time energy efficiency may become their core business.

Prior to everyone arriving at the meeting on Sunday you mentioned that you had not heard of any business doing anything good for the environment. Here is a case study for you. Once Nortel discovered the new process they then shared it with their competitors to eliminate CFCs through the whole semiconductor industry worldwide. This is an excerpt from the Candidate's Campaign Manual that I have drafted. If you are interested in the full text let me know:

Myth #1 Green Policies are Bad for Business

Greens policies have a tremendous amount to offer to business. We need to help business leaders see how the green message will benefit them and create a viable future for their children. Northern Telecom (Nortel) used to be one of the largest industrial users of CFCs. The Montreal Protocol created by the world's leaders called for the elimination of CFCs from industrial processes by 2003. When it was signed, Nortel could have spent millions of dollars hiring lobbyists and public relations firms to oppose it. Arguments could have been advanced that the agreement was unfair; surely thousands of people would have to be laid off as the company was

forced to shut down plants that used CFCs in the manufacturing process. Veiled threats could have been made to politicians that their parties and campaigns would no longer receive financial support. Politicians could have been told that the company would blame them, their parties, and the government when the plants in their ridings closed down.

Instead, Nortel chose to be proactive. Rather than fighting the agreement, the company decided to embrace it. And rather than wait until 2003, the company decided to do something immediately. Three task forces were struck.

The first task force asked: "How can we immediately reduce our CFC use through better conservation techniques, better CFC-recapture methods, and slight modifications to the process so that the need for CFCs is reduced?"

In the telecommunications industry, CFCs were used to "clean" circuit boards. After the boards had been soldered, CFC solvents were sprayed on the boards to dissolve the excess flux. This first task force was able to reduce CFC usage by 40 percent through simple conservation techniques and modifications to the production processes.

The second task force looked at redesigning the industrial process by asking questions such as: "Are CFCs necessary at all? Is there some other substance that can remove excess flux? Do we have to use solder at all or can we electronically join points without soldering? If we have to solder, could it be done in such a way that there is no flux left over at the end? Is there a way to solder that does not require cleaning?" Every assumption of the process was questioned.

The third task force looked at partnering, asking: "How can we partner with our customers, our suppliers, the government, and even our competitors to help us in this process?" Nortel shared its challenge with suppliers such as the solder supplier. They asked customers if they could accept greater amounts of flux left on the board as long as it did not compromise the

performance of the board. They asked competitors what solutions to this problem they had come up with.

In the end, Nortel, working with its material and equipment suppliers, developed an entirely new manufacturing method. The process uses low-solid flux, while soldering in a nitrogen atmosphere, leaving little residue on the board and therefore requires no cleaning which eliminates the need to use CFCs. In the process, Nortel has saved \$50 million a year since it no longer has to purchase or pay to dispose of CFCs. Over a decade this translates into a \$500-million saving - half a billion dollars! Rather than a threat, environmental sensitivity has been a bottom-line blessing.

There are so many additional benefits. Employees at Nortel are proud of their record and no longer feel guilty that they were destroying the planet for their children. Nortel won praise. The engineers within Nortel were excited, galvanized by the challenge. There is nothing an engineer likes more than to sink his or her teeth into a really challenging problem. The

task forces were excited by the process of questioning.

Nortel did not rest on its laurels. Once it had gone CFC-free, the company recognized its corporate responsibility to the world and immediately began transferring the technology to its competitors in North America and other parts of the world. The company set up a computer bulletin board system accessible to anyone from around the world who wants to learn the technical details of how the company redesigned its industrial process to eliminate CFCs.

So wherever I work I try to change people's mindsets.

Donald MacDonald Ross, a former member of the party questioned my professional work, saying that some of the companies I work with the Green

Party is dead set against. The following is some of my reflections with comments from Donald with one I pointed out that the Petroleum Engineers Society I had talked about

how ESCOs are going to eliminate the need for 75% of their product so that they had better begin to see their business not as supplying gas which is killing the planet but as energy efficiency and sell an lease appliances to consumers. Also I spoke to the Canadian Home Builders Association and said the same thing.

If you gave a leadership seminar to the executives of C.I.L., and included an admonition to not spill sulfur residue in the local environment while manufacturing weapons and explosives, would that make everything O.K.?

General Motors, who you list amongst your happy employers, is one of the major armaments manufacturers, let alone contributors to the "car culture". All those companies I am sure have "green" programs, but they are still not paragons of virtue. If you do become leader of the Green Party, I think there will be a perceived conflict between your career and position.

No. My career allows me the time to read, to campaign, to write. Food you bought at the store was driven there on a GM truck. So are you going to stop eating food bought at the store? Do you own a car? Is your house R2000? Or even better yet, is it disconnected from all power, electricity, gas, and sewer like the house Greg Allen built? Are you a vegan only? What financial institution do you deal with? If it is a bank you're indirectly investing in dictatorships somewhere. Do you ever use styrofoam? Is the coffee you drink only picked by collectives of workers in democratically elected cooperatives. Do you even know?

If we want to live in a perfect world we have to disengage from living in this world altogether -- and become a hermit living in constant meditation and purity of commune with God and nature. Pretty steep price to pay and a terrible strategy for building a party and the movement -- because under the perfectionist strain fully actualized individuals have to isolate (taking this strain of thought to its logical conclusion). We have to live in an imperfect world. We can't make the barriers to entry to the Green party so high that no one can attain it. We have to live with imperfection while striving for the ideal.

I would ask who needs to be worked with more than the arms manufacturers? If we don't engage them in dialogue how can we create a viable future? If all we can do is vent anger at them how much will we change them? We'll catch far more flies with honey than vinegar. We need to have love, compassion at the center of our actions. We will never change the world by being angry, judgmental and purist? We need to work with all organizations. To challenge them yes. But not to attack.

By the way, the people I was addressing were car manufacturers not arms manufacturers at GM, but I would happily have addressed the arms manufacturers if given the chance. Who better to fund Green activity?

I met a black woman at Queen's University who was on a scholarship from de Beers -- the diamond company. Some people asked her how she could accept this "Blood Money" -- I deserve it more than anyone else was her reply -- because I am black. Taking the money would not silence her criticism of apartheid, or de Beers.

I read this in an e-mail today from the us greens lists server. It catches some of what I am feeling:

DaveLillie@aol.com,Internet writes:

It is a very unfortunate by-product of the military mindset to demonize or dehumanize what they perceive as the enemy, and as a result of horrible experiences during the various wars, most of us carry echoes of this. Resist it. Respect your "enemies" and work to show them the error of their ways.

() THAT in 1997 in March at the request of Rod Dobell I submitted a compilation of all the references to 'water in the documents from UNCED

() THAT on March 17 1997 , I raised the issue of water being described as "good" in the draft of the Earth Summit II

Comment

Comment related to "water" in the draft document for Rio + 5 the document "the follow-up to the United Nations Conference on

and Development", there was a reference to water being designated as an economic good. I pointed out to the Canadian delegation the serious implications for Canada. I was assured that they would contact external affairs in Ottawa about this issue. As far as I understand if it is declared as a good it then it will come under GATT and The World trade Agreement. In NAFTA, if I remember correctly, the definition of good was linked to GATT.

I recently received the subsequent document and I noticed that the statement about water is still in.

I contacted the BC. government and they claim that there was a BC govt rep at the meeting in New York.

-30.-

For more information, please contact:

Dr. Joan Russow, Leader, Green Party of Canada

(250) 598-0071 (home)

Stuart Parker, Leader, Green Party of BC

(604) 733-5763 (home)

(604) 813-3793 (cell)

() THAT in 1997 on March 17, I received a letter from Walter Dorn about the acceptance of the paper I submitted for the World order conference

EXHIBIT

Date: Thu, 27 Mar 1997 17:19:36 -0500 (EST)

From: Walter Dorn <wdorn@alchemy.chem.utoronto.ca>

To: Joan Russow <jrussow@coastnet.com>

Subject: World Order Conference

MIME-Version: 1.0

Dear Dr. Russow,

Thanks for your message, abstract and biographical materials. We're pleased to put you on the programme and look forward to hearing your talks. You should receive a package of conference materials from us in mid-April.

Regards,

Walter Dorn, Ph.D.

() THAT in MARCH , 1997, I am currently working on

a Book of Resolutions

COMMENT

In 1996 as the Chair of the BCEN International Affairs Caucus I was invited by Andy Shadrack to draft a proposal for the international affairs for the Green Party 1997 election Platform so I submitted the following : which I Later described as a Green Book

(A)

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

- GUARANTEEING ECOLOGICAL RIGHTS TO A SAFE ENVIRONMENT (CLEAN AND UNPOLLUTED AIR, WATER, AND LAND); AND TO AN ECOLOGICAL HERITAGE FOR FUTURE GENERATIONS

(B)

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, 197

- GUARANTEEING THE RIGHT TO FOOD (THE RIGHT TO NON GENETICALLY ENGINEERED OR RADIATED FOOD, NUTRITIOUS ORGANICALLY GROWN

- 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 OF GENETICALLY ENGINEERED FOOD, AND IRRADIATED FOOD

(C)

HEALTH , RIGHTS AND ETHICS

- DEVELOPING CRITERIA FOR DETERMINING MEDICAL CHOICES

- ESTABLISHING GUIDELINES FOR REPRODUCTIVE TECHNOLOGIES LIKE SURROGATE MOTHERHOOD
- ENSURING THE RIGHT OF ACCESS TO REPRODUCTIVE CHOICE
- PROMOTING THE AVAILABILITY OF GENERIC OVER PATENTED DRUGS
- DECRIMINALIZING DOCTOR ASSISTED SUICIDE, AND EUTHANASIA
- GENETICALLY MODIFIED ORGANISM AND THE PATENTING OF HUMAN GENES
- LIMITING AND CONTROLLING BIOTECHNOLOGY
- ENSURING THE ETHICAL TREATMENT OF ANIMALS, PHASING OUT THE USE OF ANIMAL IN RESEARCH

(D)

ENVIRONMENT AND HEALTH

“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

(E)

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 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)

F.

CLIMATE CHANGE AND OZONE-DEPLETION PREVENTION

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).

- 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

- ELIMINATION 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

G.

EMISSIONS PREVENTION AND ELIMINATION

“_Zero use, production , and release of persistent and /or bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero. (ZERO TOXIC ALLIANCE, 1994) “

- ENSURNG 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

H.

HUMAN-INDUCED DISASTERS

“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 WASTE
- 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

I.

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 trans-boundary 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

- ENSURING PRESERVATION, PROTECTION AND CONSERVATION FORESTS THROUGH FOREST PROTOCOLS LINKED WITH EXISTING CONVENTIONS

- BANNING clear-cutting 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

J

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

K

MARINE, AND FRESH WATER ORGANISMS

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

- 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

- ESTABLISHMENT OF MARINE PROTECTED AREAS FREE FROM FOSSIL FUEL AND HUMAN WASTE POLLUTION -

- REQUIRING MANDATORY WATER CONSERVATION
- PREVENTING trans-boundary POLLUTION (ENFORCING WHILE MOVING BEYOND BASEL CONVENTION)
- PREVENTING ENVIRONMENTALLY UNSOUND DISCHARGES INTO WATER BODIES

L

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 THE FULL SUBSIDY FOR THE INFRASTRUCTURE FOR THE AUTOMOBILE
- REESTABLISHING A VIABLE RAIL SYSTEM
- 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

M

ENVIRONMENTALLY SOUND ENERGY

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 UNSOUND 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 BASES 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
- CONDEMNING AND BAN THE PROPOSAL TO USE WEAPONS-GRADE PLUTONIUM FROM DISMANTLED RUSSIAN AND U.S. WEAPONS (IN THE FORM OF MOX) IN CANDU REACTORS.
- ELIMINATING OF SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

N

ENVIRONMENTALLY SOUND PRACTICES 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)

- 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
- 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 LIFE-CYCLE ANALYSIS OF EACH PRODUCT WITH 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.

O

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).

- CANCELING DEBT/DEBT FORGIVENESS AND REPARATION

- ENSURING THAT .07% OF GNP (UN UNDERTAKING) FOR FOREIGN “REPARATION”

- CONVERTING VESTED ECONOMIC INTEREST INTO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES

- REQUIRING ADHERENCE TO THE trans-boundary PRINCIPLE BY PREVENTING ALL ENVIRONMENTALLY UNSOUND ACTIVITIES

- 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 ENVIRONMENTALLY HARMFUL ACTIVITIES

- CONDEMNING THE CONTINUED FOREIGN AID POLICY DIRECTION OF STATE AND BUSINESS SELF INTEREST COMPETITION RATHER THAN INTERNATIONAL COOPERATION AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

- SUPPORTING LOCAL MARKETS, LAND REFORM, AND SELF-RELIANCE RATHER THAN CASH CROPS FOR EXPORT;

- 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

- 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 DECOMMISSIONING 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;

- 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.

P

TRADE ENVIRONMENT 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
- COORDINATING 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).

Q

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) Recognised 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 PROVIDING FOR CONSCIENTIOUS OBJECTORS

- SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH JUSTICE

- PROMOTING CIVILIAN RULE

- PREVENTING THE CAUSES OF CONFLICT

- ELIMINATING URANIUM MINING AND THUS PREVENTING THE CONTRIBUTION TO NUCLEAR WEAPONS

R

WEAPONS, MILITARY, WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL ARMS

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)

- 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
- ELIMINATING OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999
- PROHIBITING THE DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES
- ENSURING THAT THE ENVIRONMENT IS NOT ALTERED FOR MILITARY PURPOSES
- 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
- 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

- 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

- 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.

() THAT in 1997 in March I recirculated the following:

PETITION FOR THE ESTABLISHMENT OF AN INTERNATIONAL COURT OF COMPLIANCE

By Joan Russow

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.

REMINDING 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 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 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 1997, 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.

I. RESOLUTION RE FOREST PROTOCOL (PROTOCOLS)

Aware of the existence of legally binding international conventions that are applicable to forests such as the Convention for the protection of Cultural and Natural Heritage, the Convention of Biological Diversity, the Framework Convention on Climate Change, Vienna Convention on Protection of Ozone, the Basel Convention on trans-boundary pollution, the Convention on Environmental Impact Assessment Review trans-boundary Activities, the Convention to Combating Desertification, the Convention Natural Disaster Reduction, Environmental Modification Convention, UN Convention on International Trade in Endangered Species of Wild Fauna and Flora, etc.

Recognizing that many States have neither signed nor ratified these conventions, many States have signed but not ratified, and many States have signed and ratified but failed to enact the necessary legislation to discharge their obligations, and finally many States have failed to enforce the legislation necessary to ensure compliance. In addition, many of the national and regional courts do not find these international instruments judicable.

Aware of the existence of many General Assembly resolutions, declaration and conference action plans that created an expectation that forests will be preserved and protected, and that logging practices will be socially equitable and environmentally sound

Be it resolved that forest protocols be linked with legally binding conventions

Be it also resolved that States sign, and ratify United Nations Conventions related to forests, and that States enact the necessary legislation to ensure compliance with these conventions, and to ensure that the international legally binding instruments can be used by citizens in the national and regional court systems.

RESOLUTION II

RE: Criteria and indicators

Aware that criteria and indicators as currently conceived are neither mandatory, normative nor performance based

Recognizing that voluntary criteria and indicators such as those developed through the ISO 14000 process only assess conformance to self initiated environmental policy

Fearing that criteria and indicators, or ISO 14000 standards will be confused with Mandatory, normative, performance based standards

Understanding that voluntary standards would be in violation of the expectation created in Article 167 of the Platform of Action, Beijing, 1995 that States should ensure that corporations including transnationals comply with all international agreements including international environmental law, and with the expectation created that this would extend to the private sector in article (Istanbul) 1996

Be it resolved that mandatory, normative international standards based on principles established through international law be established

Be it resolved that States fulfill their expectation of ensuring compliance by supporting the establishment of Mandatory International Normative standards (MINS)

Be it further resolved that no labels related to standards be permitted to be placed on forest products unless these standards are mandatory, normative, environmentally sound and performance based

RESOLUTION III

RE: Biodiversity Convention/Framework Convention on Climate Change and forests

Recognizing that under the Biodiversity Convention and the Framework Convention, States party to the Conventions have undertaken to discharge obligations and that under the Convention of the Law of Treaties, signatories of the Convention should not do anything that would defeat the purpose of the Conventions

3.1. Aware that the Convention on Biological Diversity requires the invocation of 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”,

Be it resolved that it is not necessary to establish scientific certainty that clear-cutting and other ecologically unsound practices will cause loss and reduction of biodiversity for the practice of clear-cutting and other ecologically unsound practices to be banned

3.2. Aware that the Biodiversity Convention requires that States party to the Convention identify biodiversity, and

Understanding that States by their own admission have not begun to identify vertebrates let alone invertebrates

Knowing that the original old growth forests are habitats of significant biodiversity

Be it resolved that States are in violation of the Biodiversity Convention by continuing to permit logging in areas of old growth

3.3. Aware that the Biodiversity Convention calls for an environmental impact assessment of activities that could contribute to the loss or reduction of Biodiversity

Convinced that current logging practices have been shown to contribute to a loss and reduction of biodiversity

Be it resolved that there be a full environmental impact assessment of current forest practices.

3. 4. Aware that the Framework Convention on Climate Change requires the conservation of carbon sink

Knowing that old growth forests function as significant forest sinks

Be it resolved that States conserve carbon sinks by preserving old growth forests

RESOLUTION: THE PROTECTION OF GREEN SPACES

Aware that in Habitat II, governments undertook to provide access to open and green spaces

Noting that in Habitat II governments undertook to “to promote a healthy environment that ...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... green belts around urban and rural agglomerations in order to protect their environment and contribute to the provision of food products.

Understanding that there is citizen concern about the potential leeching of chemicals as a result of raising the dam in the Greater Victoria Water District

Committed to both the anticipatory principle, as expressed in General Assembly Resolution 37/7, 1982,

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

And to the anticipatory principle as expressed in Agenda 21

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies.

Committed also to the precautionary principle

Where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation

Call upon governments especially local and regional governments to ensure the protection of green spaces, green belts, and peri-biodiversity

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.

To ensure compliance with the anticipatory and precautionary principle, States shall adopt the reverse-onus principle where 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.

Specific resolution

Call upon the Water District of Greater Victoria

- To preserve the catchment and non-catchment lands as proposed in the Sea to Sea submission

- To embark upon a serious water conservation program which could include environmentally sound water saving devices and a strong campaign for drought-free gardens, and phasing out of lawns

- To immediately cancel all projects related to the proposed raising of the dam in the Sooke Watershed

RESOLUTION: RESPECTING THE CARRYING CAPACITY OF THE ECOSYSTEM

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.

Call upon governments:

- **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**

RESOLUTION: REDUCING THE ECOLOGICAL FOOTPRINT PRINCIPLE

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”.

Call upon Government

* 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

RESOLUTION: REDUCTION OF CAR-DEPENDENCY

• To immediately

*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 that 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 126 bis.) Habitat II, 1996)

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 report from the Standing Committee on the Environment and Development, indicating that there CONTINUEs to be a substantial subsidy given to both nuclear energy and to fossil fuel energy.

We call upon Canada

- 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)

RESOLUTION: DISASTER PREVENTION

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.

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.

Mindful of the existence of numerous UN 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 Governments

- **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 the production and use of land mines**

- **To re-submit a UN General Assembly resolution on a time-bound phasing out of nuclear arms in the General Assembly**

RESOLUTION: NON-TRANSFERENCE OF HARMFUL SUBSTANCES OR ACTIVITIES

Aware of the member States of the United Nations undertaking in the Rio Declaration that States shall prevent the transfer of substances and activities that are harmful to human health and to the environment

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)

Noting that the “Non-transference of Harmful substances and activities shall never be qualified by the excuse that the recipient state is willing to accept the harmful substances or activities. Also the excuse of “Extraterritoriality” shall not be used as an devise to justify the transferring these harmful substances and activities (i.e. what right do we have to impose our standards on other communities, regions or States—self-serving extraterritorialism-avoidance).

Aware also of the member States of the United Nations undertaking Habitat II

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

Convinced that this principle shall be extended to apply to other jurisdictions within a state, and in particular to the territories and land of the disenfranchised and marginal groups in society.

Call upon States

- **To immediately cease the transport of all toxic, hazardous, and atomic wastes within the state and to other States**

RESOLUTION: REDUCING SIGNIFICANTLY OR ELIMINATING ENVIRONMENTALLY HARMFUL SUBSIDIES INCLUDING HIDDEN SUBSIDIES

Concurring with Habitat on the need to “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

Noting that environmentally unsound practices require extensive monitoring to ensure compliance with regulations, and noting also that this monitoring contributes to excessive additional costs that would not be incurred if BEST Environmentally Sound Traditions practices were used

Call upon governments

- to eliminate all environmentally harmful technological subsidies and programs such as the excessive use of pesticides and chemical fertilizers, and the use of civil nuclear power, and forest practices
- To phase out and eventually ban all environmentally unsound practices
- to charge those companies that fail to engage in environmentally sound practices the monitoring costs for ensuring compliance with regulations

RESOLUTION

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. (Article 99 bis Habitat II)

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.

13.12. INVOKING THE REVERSE-ONUS PRINCIPLE

Through mandatory international standards, States shall adopt 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

[NOTE THAT THE HONORABLE SHEILA COPPS, WHEN SHE WAS THE MINISTER OF ENVIRONMENT OF CANADA HAS CALLED FOR THE IMPLEMENTATION OF THE REVERSE ONUS]

RESOLUTION: RELATED TO THE PHASING OUT OF ENVIRONMENTALLY SOUND PRACTICES

RESOLUTION: RELATED TO COMPENSATION, RESTORATION, AND POLLUTER PAY AND COST RECOVERY

Concerned 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

Call upon governments:

- to require the establishment of a “compensation” fund drawn from industry to retroactively pay for past environmental degradation on crown land before being granted permission to CONTINUE using any part of crown land

RESOLUTION: RELATED TO THE NEED FOR ARMS-LENGTH RESEARCH

Concerned 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.

Call upon governments

- **To ensure that governments will no longer fund research from vested economic interests**
- **To ensure that governments will not longer base policy decisions on vested interest research**

RESOLUTION: REDUCTION OF THE MILITARY BUDGET

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.

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 conference 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 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.

25 years ago, in General Assembly resolution 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 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 budget constituted a heavy burden for the economies of all nations, and contributed to undermining 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, 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 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.

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

MOVING FROM VESTED INTEREST DECISION MAKING

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.

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

* 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.

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

TO BE INCORPORATED

13.6 PREVENTING DISASTERS THROUGH BUILDING A CULTURE OF SAFETY

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 (Article * 127 (d) Habitat II, 1996).

In order to prevent technological and industrial disasters, governments at the appropriate levels, including local authorities, as appropriate, should:

(Article * 127 bis :

Pursue the objectives of preventing major technological accidents and limiting their consequences through, inter alia, land-use policies and the promotion of safe technology (Article 127 (a) Habitat II, 1996)

13.7. REMOVING IMMEDIATELY ANTI-PERSONNEL LAND MINES

13.8. PREVENTING POLLUTION AND EXPOSURE TO POLLUTION

DISCOURAGING DISPROPORTIONATE SITINGS

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 (Article * 84 e Ter Habitat II, 1996)

13.9. PREVENTING AND MITIGATING ADVERSE ENVIRONMENTAL IMPACTS

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 (Article 79 Habitat II, 1996).

CONTRIBUTING TO COMMON GOOD

Concurring with Habitat II 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...unity.

(*) THAT on March 25, 1997, I made a submission to an Alternative economic conference which was a parallel conference to the G7 conference in Denver

EXHIBIT

To: hunt@PENDER.EE.UPENN.EDU

From: Bob Wallace <toes97@igc.apc.org>

Subject: TOES '97 Invitation

Sender: bwallace@igc.org

Thank you for letting me know about the Summit TOES. I have sent to the seminar what I describe as “A Modest Proposal” . As you know, the Earth Summit II is starting right after this conference. I think that we should lobby strongly for state and corporate compliance. I am sure at the TOES summit there will be industry lobbying for their scheme of self-initiated standards with voluntary conformance to self-imitated standards (ISO 14000). I was recently at the United Nations where States and UN institutions including UNEP were being obsequious at the foot of industry. They all claimed that it was a given that the only money was out there was corporate money.

Needless to say they regretted to note the reason for such corporate abundance: failure to revoke licenses, failure to have fair taxation, failure to demand compensation for environmental degradation, failure to institute regulations to drive industry, failure to enforce laws,

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.

- 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.

For further information, please contact

Dr. Joan E. Russow, Global Compliance Research Project

Co-ordinator, BCEN International Affairs Caucus

e-mail jrussow@coastnet.com.

1230 St. Patrick St. Victoria, B.C. CANADA

Tel/FAX. 250- 598-0071

(*) THAT in March 25 I wrote an initial draft for a treaty of state and corporate compliance

EXHIBIT

1997 March 25

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.

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Tel/FAX. 250- 598-0071

() **THAT** in March, 1997, the Sierra Legal Defence contacted me about the cabinet document in which the BC government had endorsed the Framework Convention on Climate Change, and the Convention on Biological Diversity. I had obtained the document through freedom of information and had urged lawyers within the Sierra Legal Defence to use this document to demonstrate that the Province of British Columbia was bound by the Conventions and could not rely on the 1937 Supreme Court Labour Convention case, and that the 1936 radio case was a relevant precedent. I had continually urged Greg McDade QC, formerly with the Sierra Legal Defence to use international law in environmental cases, but he ridiculed me and told that judges in BC do not take into consideration international law. He also discredited me for using international law and undermining issues. Another lawyer, also claimed that using international law in the Clayoquot case would muddy the waters.

EXHIBIT: FINAL ACKNOWLEDGEMENT , BY SIERRA LEGAL DEFENCE OF INTERNATIONAL LAW

March 26 1997

ATTENTION LOUISE BLIGHT

FAX 386-3312

I THOUGHT IT WOULD BE EASIER TO TYPE OUT THE REFERENCE

JOAN

CABINET SUBMISSION-EXECUTIVE SUMMARY

MINISTRY: MINISTRY: ENVIRONMENT, LANDS & PARKS

FORESTS

ENERGY, MINES & PETROLEUM RESOURCES

DATE: NOVEMBER 3 1992

TITLE: UNCED FOLLOW-UP: ENDORSEMENT OF INTERNATIONAL CONVENTIONS ON CLIMATE CHANGE AND BIOLOGICAL DIVERSITY

DOCUMENT OBTAINED THROUGH THE FREEDOM OF INFORMATION ACT BY

DR. JOAN E. RUSSOW

Tel/FAX. 250- 598-0071

() THAT in 1997 on march 8 I decided to run for the leadership of the Green Party of Canada

Hi Deborah,

I just got back to Victoria. Thank you for all the work that you have been doing in getting the material out. In the initial material I sent you I had forgotten to mention that I was bilingual (French and English) and I speak Spanish. I know it is too late for the mail-out but could you mention it on the Web site.

Thanks

Bye for now

Joan

please respond to jrussow@coastnet.com

, I returned to Victoria

() THAT in 1997 on March 10, THAT in 1997 I wrote a comment about election unfairness

RE: \$1000 fee for candidates

When I was at a Toronto meeting with Green party members, we were discussing the problem for potential federal Green party candidates of the \$1000 fee.

I proposed that we initiate a Charter challenge under section 15, the equality before the law clause.

In addition we could challenge the fee through the ombuds offices across the country as their being " administrative unfairness" and link it in with the denial of "proportional representation".

I was talking to a lawyer at the meeting and I will be in contact with him.

Before I go any further on this, could you let me know what has already been done. I'm sure that the Green party at some time has taken a stand on this issue.

Joan Russow

() THAT in 1997 in March

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Joan Russow

() THAT in 1997 on March 11,

EXHIBIT

() THAT in 1997, on March 11, I wrote a message to some Green Party members about my possibly running for the leadership of the Federal Green Party

MARCH 11, 1997

MESSAGE TO GREEN PARTY MEMBERS

Dr. Joan Russow (leadership candidate)

One of the key roles for the Green Party will be to expose misplaced spending priorities. The Canadian government CONTINUEs to spend more than 9.6 billion a year on the military when the global community through a general assembly resolution agreed to reduce the military budget in 1981 when it was 50% of what it is now. This 50% should be immediately transferred into replenishing the reduced transfer payments to the provinces.

Another misplaced priority is institutional collusion between government and industry. Rather than governments establishing stiff regulations to drive industry, governments have allowed industry to devise a scheme of voluntary conformance to industry-initiated policy. Governments have not called for industry to pay compensation for the devastation of past practices, they have not called for the necessity of raising corporate taxes, and eliminating tax deferrals.

For the past 5 years I have been lobbying internationally, nationally and locally for compliance. I have widely circulated a document entitled “principles of compliance” through Mandatory International Normative Standards. This document was compiled to counteract what I see as a dangerous movement within primarily the polluting industries to call for voluntary conformance to self initiated standards. Though the phenomena in Canada of the “round table” process competing interests including those of the polluting industries have been at the decision making table. Often environmentalists have been seduced into this process where rather than calling for strong regulations to drive industry they have been part of a consensus process that justifies the voluntary program. So often

those who call for strong regulations to drive industry have been marginalized and considered to be “mean spirited” for not embracing industry’s new felt concern for the environment.

I have just returned from a meeting at the United Nations where governments including Canada have been professing to have seriously addressed the issues raised at the United Nations Conference on the Environment and Development (UNCED) that was held in Rio da Janeiro in 1992. A key issue that is emerging more and more at the international level and that is reflected at the national local level is that governments and institutions are devolving themselves of responsibility, and declaring that the only money that exists to bring about change is private sector money. I pointed out at numerous sessions at the UN that possibly the private sector’s wealth could most likely be because they have not had their licenses revoked for violating human rights, for causing environmental degradation, and for contributing to war and conflict. In addition, States have failed to raise corporate taxes, to disCONTINUE tax deferrals, to require payments for compensation for past performance, and to incorporate externalities such as environment in cost accounting.

One way that the private sector has been thwarting change is by undermining regulatory regimes and calling upon governments and institutions to move away from “command and control” to voluntary conformance. Voluntary conformance message has been manifested at least since 1991 through the ISO (International standardizing process whereby industry sets its own environmental policy with proposed actions to deliver its policy and then is evaluated not on any external mandatory international or national standards but on how well it have conformed its self initiated policy. I organized a meeting on Global Compliance at the United Nations where I called upon member States of the UN to sign and ratify agreements not yet signed and ratified and to enact the necessary legislation to ensure compliance and enforcement. I also called for governments to comply with the undertaking at two recent U.N. conferences to “ensure that corporations including transnational corporations comply with national codes social security and international law, including international environmental law. In addition I called for an International Court of Compliance where citizens could take evidence of state and corporate non-compliance.

The increased involvement of the corporate sector at all levels including determining the philosophical underpinnings of educational programs in the school system, and the direction of research at universities

The Green Party at this time in selecting a leader has to decide whether the party wants to move in the direction of demanding changes in industry behaviour through tough legislation, compensation and taxation, or to embrace industry’s “we may have sinned in the past but we know better now” voluntary approach.

I think that, for over fifty years, through international agreements, the member States, (including CANADA) 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 years of obligations had been discharged, and if these fifty years of expectations had been 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 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 undertaking by States to ensure that the “private sector” also comply (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 to 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 this report principles related to environmental preservation and protection 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.

please respond to jrussow@coastnet.com

Joan Russow

Dear Tom.

I was really pleased to finally meet you in Toronto. I am shocked about the info you passed on to me about Jim's Web site. Why didn't you ask him a question about his corporate connections. Here I am spending my life trying to counteract the intrusion and control of industry. I am giving a talk on Wednesday on "the guise of objectivity corporate involvement in education". I know when I discuss the need for mandatory international normative standards to drive industry, I have never received enthusiastic responses. When I talked to Frank de Jong in Ottawa, he was saying how Jim was doing a great job in bringing about change through talking to companies.

I think that what you sent me should be on the Green Website so that Green party members know his background so that if they choose him there will be no surprises.

Please do not pass on my comments. I think I will try to initiate a discussion about what sort of relationship the Green party should have with industry.

Also as a result of the meeting in Toronto, I am going to find out more about challenging the \$1000 fee as being inequitable and in contravention of section 15 of the Charter. It is hard raise \$1000 for launching a campaign let alone having to pay that up front. I think so many good potential Green Party candidates will not be able to run as candidates.

() THAT in 1997 in March 12 I recirculated a comment about my concern about Globe 1996 and nuclear energy

EXHIBIT

COMMENT

Date: Wed, 12 Mar 1997 03:32:59 -0800

I co-teach a course with Dr Fred Knelman who has been a life-time opponent of civil nuclear power and its link to nuclear arms proliferation.

At Globe 96, the delegates meeting with the Canadian ambassador in Beijing, the ambassador was talking about administrative details about living in Beijing. Three members of the voice of women, including myself, raised the issue of CANDU sales to China. He was completely unprepared for this.

At Globe 96 (the Environment industry Green wash conferences) I was there as a reporter. The ambassador from China was escorted by someone from external affairs. I asked the Ambassador why they were interested in importing CANDU reactors — a technology that was being phased out in Canada. I praised him highly for the innovative technology related to non-motorized transportation, and proposed that perhaps the Chinese people could develop an environmentally sound type of energy that we could import. The representative from external affairs scurried him out.

EXHIBIT

I continually refer to the sale of CANDU reactors as being in violation of a principle agreed to at the UNCED conference where States undertook to prevent the transfer to other States of substances and activities that cause environmental degradation or that cause harm to human health.

I also link the sale with the failure of States to adhere to the “prevention of disasters”

THAT in 1997, I attended the Abolition 2000 meeting in Ottawa. They do not link civil nuclear energy to their proposal although they call for moving towards renewable energy.

() THAT in 1997, I contacted the French Canadian member on the Federal shadow cabinet. I wanted to ask him about the role of French Canadians in the party. In recent material, I am circulating I mentioned that I was trilingual (English, French and Spanish). I am part French Canadian related to Perraults (a line of architects that designed buildings in old Montréal and my great grandfather was mayor of Longueuil) and Heberts. I was brought up in the two solitudes mentality in Ottawa, and have never met any of my French relatives. I did however study art and architecture, and worked in France for three years. If I become leader, I would want to work very hard in making the Green Party a truly national party; respecting the two cultures. I would want to work closely with you to promote French Canadian involvement in the party.

(*) THAT in 1997 since 1996, I have been involved with drafting the International Affairs section of the Election Platform

() THAT in 1997 in March, I wrote: to Jim Harris who was also running for the leadership of the Green Party

EXHIBIT

Hi Jim

When I returned, I read a copy that has

been sent around of your website page with all the glowing comments from

industry. Could you please elaborate a bit further about your approach with industry?

Regards

Joan

General Motors, whom you list amongst your happy employers, is one of the major armaments manufacturers, let alone contributors to the "car culture". All those companies I am sure have "green" programs, but they are still not paragons of virtue. If you do become leader of the Green Party, I think there will be a perceived conflict between your career and Green Party position.

No. My career allows me the time to read, to campaign, to write. Food you bought at the store was driven there on a GM truck. So are you going to stop eating food bought at the store? Do you own a car? Is your house R2000? Or even better yet is it disconnected from all power, electricity, gas, and sewer like the house Greg Allen built? Are you a vegan only? What financial institution do you deal with? If it is a bank you're indirectly investing in dictatorships somewhere. Do you ever use styrofoam? Is the coffee you drink only picked by collectives of workers in democratically elected cooperatives. Do you even know?

If we want to live in a perfect world, we have to disengage from living in this world altogether -- and become a hermit living in constant meditation and purity of commune with God and nature. Pretty steep price to pay and a terrible strategy for building a party and the movement -- because under the perfectionist strain, fully actualized individuals have to isolate (taking this strain of thought to its logical conclusion). We have to live in an imperfect world. We can't make the barriers to entry to the Green Party so high that no one can attain it. We have to live with imperfection

while striving for the ideal.

I would ask who needs to be worked with more than the arms manufacturers?

If we don't engage them in dialogue how can we create a viable future? If all we can do is vent anger at them how much will we change them? We'll catch far more flies with honey than vinegar. We need to have love, compassion at the center of our actions. We will never change the world by being angry, judgmental and purist? We need to work with all Organizations; to challenge them yes, but not to attack.

By the way, the people I was addressing were car manufacturers not arms manufacturers at GM, but if I won, I would I happily have addressed the arms manufacturers if given the chance. Who better to fund Green activity?

Jim

() THAT in 1997 after I read the above , I felt that I was communicating with a corporate executive from the green-wash conference Globe1996. I became very concerned about his becoming the leader of the Green Party. He is very slick and I had mixed feelings about my running against him because I was not a strong candidate with years of experience in the Green Party ; I only joined in 1996. I also had misgivings about the Green Party but it was too late for me to back out it was a dilemma if I won would I even want to lead the Green Party that seems to be ambivalent about corporations and if I lost I would feel badly for running instead of encouraging a stronger candidate to run against Jim?

() THAT in March 1997 I wrote NECESSARY SOCIO-POLITICAL CHANGE THROUGH POLITICAL WILL

Joan Russow PhD

I am the International Affairs critic on the federal Green "shadow cabinet" and I am running for the leadership of the federal Green Party. I have spent years trying to bring about change at the community level by apply international principles from international instruments agreed to by member States of the United Nations.

Corporations have been allowed steadily increasing control over our lives. This increased control is the outcome of many factors, but the greatest factor is the increased influence of the corporations on the major political parties and governments throughout the "developed" world. The increased influence of corporations has grown to the point where corporations seem to be stronger than governments. In recent Canadian history, the Liberal were elected on a platform to dismantle Free Trade and the GST.

Increased corporate influence has even reached the United Nations. With the advent of the U.N. Multilateral Agreement on Investments which will enshrine corporate rights and privileges, the international Green movement has to be more vigilant than ever.

IS THE GREEN PARTY READY TO WELCOME TRANSNATIONAL CORPORATIONS INTO ITS INNER CIRCLE?

More and more governments and public institutions are devolving themselves of their responsibilities and handing over control to the corporate sector. More and more international non-government organizations or “other groups” have become so dependent on grants from large U.S. corporate foundations that they have become little more than industry front groups. Many traditional International NGO’s have more and more industry involvement on the Boards of Directors.

If we are going to be able to make the decisions we want at the Community level we will have to be fully aware of the implications of what is happening internationally.

URGENCY OF THE GLOBAL SITUATION

Twenty five years ago in 1972 the Science Council of Canada recognized the urgency of the Global situation in its publication “Its not too late yet”

Five years ago, Canada and other member States of the United Nations recognized the urgency of the situation; “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).

Subsequently, at the World Conference on Human Rights, global concern was expressed in the following way:

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).

CORRESPONDENCE BETWEEN GREEN PARTY POLICY AND POLICY REFLECTED IN INTERNATIONAL INSTRUMENTS

The policies of the Green Party of Canada are very closely linked with significant policies that have been agreed to internationally, through the Charter, through conventions, treaties, and covenants, and through Declarations, General Assembly Resolutions, and Conference Action Plans.

For example, for over fifty years through international agreements, the member States of the United Nations have undertaken: (i) to promote and fully guarantee respect for human rights; including the rights of women; (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.

If these years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development might have been enabled.

Through international agreements nation States, including Canada, 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 (United Nations Conference on Humans and Environment 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 and for the benefits of humanity, 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);
- (xvii) to ensure that corporations including transnationals comply with national codes, social security measures, and with international law including, international environmental law (Art. 148, Platform of Action, UN Conference on Women, 1995); and from the Habitat II Agenda, 1996 : (xviii) to reduce the ecological footprint (Art. 27 b);
- (xix) to protect fragile ecosystems and environmentally vulnerable areas (27e);
- xx to prevent anthropogenic disasters (27 i);
- (xxi) to prevent environmental damage through knowledge of eco-cycles (Art. 135). and so forth.

SYSTEMIC CONSTRAINTS PREVENTING CHANGE: THE GROWTH AND CONSUMPTION MODEL

At The United Nations Conference on Environment and Development (UNCED) there was a condemnation of the unsustainable pattern of consumption and production.

“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)

The perpetuation of this model of consumption based on economic growth is the fundamental systemic constraint preventing the necessary change. The lack of political will to do what is necessary. Although in international conferences at least since 1992, States have decried the current over-consumptive model of development. Yet, as a result of institutional collusion between governments and industry, no governments have been advocating a no-growth economic policy. In the recent B.C. voice of women publications, there was a citation from the arms industry describing Turkey as being the next growth market. Although some parties criticize corporations, they are not willing to challenge the unions that are willing to demand the continuance of jobs in the military and arms trade, or in environmentally degrading activities.

Some of the systemic constraints preventing change contribute to the weakening of the resolve to demand change could be the following:

(i) Institutional collusion between governments and the corporate sector

SOLUTIONS AND MEASURES FOR BRING ABOUT THE NECESSARY CHANGE

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

should focus on Canadian budget

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.

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 o and achieve the objectives of socially equitable and environmentally sound development will be achieved.

Green party policies are visionary ideas which in the future become the norms of the community

Before I go any further on this, could you let me know what has already been done. I'm sure that the Green Party, at some time, has taken a stand on this issue.

Joan Russow

please respond to jrussow@coastnet.com

() THAT in 1997 on March 12 I was exited about the establishment of the Global Studies Program at UVic until I found out about the corporate funders and that it was chaired chaired by Gordon Smith who once said to me, when I referred to the importance of the UNGA and criticized NATO, He responded: Do we really want countries like Angola making decisions for us?

() THAT in 1997, on MARCH 13, I received voters lists and labels so I could begin calling members

() THAT in 1997 on March 14, I circulate a document related to a request from activist in Brazil

EXHIBIT

DECLARATION OF CURITIBA

Affirming the Right to Life and Livelihood
of People Affected by Dams

APPROVED AT THE FIRST INTERNATIONAL MEETING OF PEOPLE AFFECTED BY DAMS

CURITIBA, BRAZIL

MARCH 14, 1997

We, the people from 20 countries gathered in Curitiba, Brazil, representing organizations of dam-affected people and of opponents of destructive dams, have shared our experiences of the losses we have suffered and the threats we face because of dams. Although our experiences reflect our diverse cultural, social, political and environmental realities, our struggles are one.

Our struggles are one because everywhere dams force people from their homes, submerge fertile farmlands, forests and sacred places, destroy fisheries and supplies of clean water, and cause the social and cultural disintegration and economic impoverishment of our communities.

Our struggles are one because everywhere there is a wide gulf between the economic and social benefits promised by dam builders and the reality of what has happened after dam construction. Dams have almost always cost more than was projected, even before including environmental and social costs. Dams have produced less electricity and irrigated less land than was promised. They have made floods even more destructive. Dams have benefited large landholders, agribusiness corporations and speculators. They have dispossessed small farmers; rural workers; fishers; tribal, indigenous and traditional communities.

Our struggles are one because we are fighting against similar powerful interests, the same international lenders, the same multilateral and bilateral aid and credit agencies, the same dam construction and equipment companies, the same engineering and environmental consultants, and the same

corporations involved in heavily subsidized energy-intensive industries.

Our struggles are one because everywhere the people who suffer most from dams are excluded from decision-making. Decisions are instead taken by technocrats, politicians and business elites who increase their own power and wealth through building dams.

Our common struggles convince us that it is both necessary and possible to bring an end to the era of destructive dams. It is also both necessary and possible to implement alternative ways of providing energy and managing our freshwaters which are equitable, sustainable and effective.

For this to happen, we demand genuine democracy which includes public participation and transparency in the development and implementation of energy and water policies, along with the decentralization of political power and empowerment of local communities. We must reduce inequality through measures including equitable access to land. We also insist on the inalienable rights of communities to control and manage their water, land, forests and other resources and the right of every person to a healthy environment.

We must advance to a society where human beings and nature are no longer reduced to the logic of the market where the only value is that of commodities and the only goal profits. We must advance to a society which respects diversity, and which is based on equitable and just relations between people, regions and nations.

Our shared experiences have led us to agree the following:

- 1) We recognize and endorse the principles of the 1992 'NGO and Social Movements Declaration of Rio de Janeiro' and the 1994 'Manibeli check check check

Declaration' on World Bank funding of large dams.

2) We will oppose the construction of any dam which has not been approved by the affected people after an informed and participative decision-making process.

3) We demand that governments, international agencies and investors implement an immediate moratorium on the building of large dams until:

a. There is a halt to all forms of violence and intimidation against people affected by dams and organizations opposing dams.

b. Reparations, including the provision of adequate land, housing and social infrastructure, be negotiated with the millions of people whose livelihoods have already suffered because of dams.

c. Actions are taken to restore environments damaged by dams - even when this requires the removal of the dams.

d. Territorial rights of indigenous, tribal, semi-tribal and Traditional populations affected by dams are fully respected through providing them with territories which allow them to regain their previous cultural and economic conditions - this again may require the removal of the dams.

e. An international independent commission is established to conduct a comprehensive review of all large dams financed or otherwise supported by international aid and credit agencies, and its policy conclusions implemented. The establishment and procedures of the review must be subject to the approval and monitoring of representatives of the international movement of people affected by dams.

f. Each national and regional agency which has financed or otherwise supported the building of large dams have commissioned independent comprehensive reviews of each large dam project they have funded and implemented the policy conclusions of the reviews. The reviews must be

carried out with the participation of representatives of the affected people's organizations.

g. Policies on energy and freshwater are implemented which encourage the use of sustainable and appropriate technologies and management practices, using the contributions of both modern science and traditional knowledge. These policies need also to discourage waste and over-consumption and guarantee equitable access to these basic needs.

4) The process of privatization which is being imposed on countries in many parts of the world by multilateral institutions is increasing social, economic and political exclusion and injustice. We do not accept the claims that this process is a solution to corruption, inefficiency and other problems in the power and water sectors where these are under the control of the state. Our priority is democratic and effective public control and regulation of entities which provide electricity and water in a way which guarantees the needs and desires of people.

5) Over the years, we have shown our growing power. We have occupied dam sites and offices, marched in our villages and cities, refused to leave our lands even though we have faced intimidation, violence and drowning. We have unmasked the corruption, lies and false promises of the dam industry. Nationally and internationally we have worked in solidarity with others fighting against destructive development projects, and together with those fighting for human rights, social justice, and an end to environmental destruction.

We are strong, diverse and united and our cause is just. We have stopped destructive dams and have forced dam builders to respect our rights. We have stopped dams in the past, and we will stop more in the future.

We commit ourselves to intensifying the fight against destructive dams.

From the villages of India, Brazil and Lesotho to the boardrooms of

Washington, Tokyo and London, we will force dam builders to accept our demands.

To reinforce our movement we will build and strengthen regional and international networks. To symbolize our growing unity, we declare that 14 March, the Brazilian Day of Struggles Against Dams, will from now on become the International Day of Action Against Dams and for Rivers, Water, and Life.

Aguas para a vida, nao para a morte!

Aguas para la vida, no para la muerte!

Water for life, not for death!

Patrick McCully
 Campaigns Director
 International Rivers NetwUSork
 1847 Berkeley Way
 Berkeley, CA 94703, A
 Tel. 510 848 1155
 Fax. 510 848 1008
<http://www.irn.org>

Date: Wed, 12 Mar 1997 03:32:59 -0800

I co-teach a course with Dr Fred Knelman who has been a life-time opponent of civil nuclear power and its link to nuclear arms proliferation.

At the delegates meeting with the Canadian ambassador in Beijing, the ambassador was talking about administrative details about living in Beijing. Three members of the voice of women including myself raised the issue of CANDU sales to China. He was completely unprepared for this.

At Globe 96 (the Environment industry Green wash conferences) I was there as a reporter. The ambassador from China was escorted by someone from external affairs. I asked the Ambassador why they were interested in importing CANDU reactors — a technology that was being phased out in Canada. I praised him highly for the innovative

technology related to non-motorized transportation, and proposed that perhaps the Chinese people could develop an environmentally sound type of energy that we could import. The representative from external affairs scurried him out.

I continually refer to the sale of CANDU reactors as being in violation of a principle agreed to at the UNCED conference where States undertook to prevent the transfer to other States of substances and activities that cause environmental degradation or that cause harm to human health.

I also link the sale with the failure of States to adhere to the “prevention of disasters” principle that was agreed to at Habitat II.

THAT in 1997 (I attended the Abolition 2000 meeting in Ottawa. They do not link civil nuclear energy to their proposal although they call for moving towards renewable energy.

When I was at the meeting I suggested that civil nuclear energy should be included as well as the testing in Nanoose and the circulation and berthing of nuclear powered and nuclear armed vessels.

() THAT , in 1997, I contacted Green Party member from Quebec to find out more about the Green Party in Quebec

COMMENT

I wanted to ask you a question about the role of French Canadians in the party. In recent material I am circulating I mentioned that I was tri-lingual (English, French and Spanish). I am part French Canadian related to Perraults (a line of architects that designed buildings in old Montréal and my great grandfather was mayor of Longueuil) and to the Heberts. I was brought up in the two solitudes mentality in Ottawa, and have never met any of my French relatives. I did however study art and architecture, and work in France for three years. If I become leader I would want to work very hard in making the Green party a truly national party respecting the two cultures. I would want to work closely with you to promote French Canadian involvement in the party.

Joan

() THAT in March April 1997, I Attended NGO meetings at the Prep Com for Rio +5. I worked on a number of proposals related to education, climate change, trade, and environment

V9A 2V8

Thank you

Joan Russow

() THAT on March 18, 1997, I attended the Prep-com for Rio+5

COMMENT

I attended the NGO meeting on Climate Change. DeLong, the Chair of the Energy caucus stated that what was needed to address the issue of climate change was at least a 40% reduction of Greenhouse gas emission, and that currently in the NGO documents the NGOS were calling for a 20% reduction which was less than that called for by the low-lying States. I proposed that if that is what was needed then we should call for at least a 40% reduction. After I spoke, someone Felix Dodd said that we would lose credibility if we called for as much as 40%, and should maintain our position of 20%, [I found out he receives funding from BP] others said 25%, and others supported 40%. It was finally agreed that we would call for at least 25%. Several coalition members who had not spoken during the meeting, came up to me after and said that they agreed with me. I asked them why they did not speak up during the meeting. When I left the meeting, the document contained the expression at least 25%. However, when I saw the finish NGO submission 20% had been the percentage submitted.

Similarly, when we were informed about the proposed MAI, I proposed that there be a strong statement in the NGO lobbying document urging the UN to call upon the OECD to cease negotiations of the MAI because the trade agreement would undermine human rights including labour rights, environment protection, and social justice. My statement was agreed to by the NGO drafting group, and when I saw the final lobbying document, the MAI was not mentioned. I was however placed on an Anti-MAI list and invited to attend the OECD meeting along with three other NGO members from Canada: Maud Barlow, Elizabeth May, and Michell Svenchuk?

() THAT in 1997 on March 24, 1997 -

Steering Committee Members and CSD NGO's:

Greetings to you after a very successful Ad Hoc Inter-sessional

Working Group of the CSD meeting held on February 24, 1997 - March 7, 1997 at the United Nations. (the NGLS summary report of the meeting was sent out in hard copy - as soon as we obtain it in electronic form it will be sent to this list).

We must now utilize every day between now and the upcoming Fifth Session of the CSD in April (April 7 - 25, 1997) to build on what we have accomplished to date.

CSD/NGO Steering Committee:

As you know, the CSD/NGO Steering Committee was established in 1994 at the Fourth Session of the Commission for Sustainable Development at the United Nations. The Steering Committee's task is to facilitate the involvement of the major groups as per Agenda 21 and other NGO's related to the CSD.

Membership of the Steering Committee is determined in annual elections held at the CSD by the regions, and issue caucuses recognized by the Steering Committee.

The work of the Steering Committee includes facilitating NGO's participation on a year round basis in Working Groups, and promoting involvement of NGO's at the Commission for Sustainable Development sessions with special emphasis on NGO's from the South, Eastern and Central Europe.

The Steering Committee also arranges for and coordinates dialogue sessions between governments and NGO's during the CSD sessions.

The Strategy for maximizing participation in the next CSD meeting is as follows:

A: Distribution materials to National groups, Regional groups and Issue Caucuses for discussion and feedback. The Background Paper has been disseminated on the ListServ and is available on the web site:

Non-Governmental Organization Draft Background Paper Towards Earth

Summit II " we delivered at the Inter-sessional.

The official CSD Draft document from the Inter-sessional was also posted to the ListServ and is available online.

B: Specific written language suggestions for change in our document and change in the government document is encouraged from all NGOs around the world. If possible please get it to us by March 31, 1997, one week before the CSD official session begins.

NOTE: It will be assumed that if there is no response that your Network or group does not have anything to add or does not object to what has already been written. We will not change the existing text in our document, only make additions.

Those inputs in writing that represents new language will be organized according to category titles and then put to a vote (up or down) for acceptance on April 8, 1997. Those items accepted will then be worked into a final document.

The final document will be presented to our body of NGO's present and adopted at a meeting on April 9, 1997 at 1:00 P.M. If there are no last minute changes or corrections, the document will be issued that same day. If there are any last minute changes the document will be issued by noon the following day, April 10, 1997.

We will also compile each day in our morning sessions collective reaction to the government document.

The reactions will be in the form of specific request for language change in the government document. (not editorial or visionary comments).

NGO Steering Committee Election: (April 16, 1997)

By April 16, 1997 we will ask for the results of elections by

Regional Caucuses, and Sectoral Groups, to reaffirm or elect the new NGO Steering Committee representatives for the Commission on Sustainable Development. Please come prepared to participate in the selection of the person to represent your region in the days before April 16, 1997

Sub-Committee of Press and Communication:

We wish to bring to your attention the fact that the Steering Committee because of its commitment to facilitate communication with the people of the South, Eastern and Central Europe created a Sub-Committee of Press and Communication at the Inter-sessional meeting in February 1997.

This Sub-Committee is to facilitate international sharing of the work that the CSD NGO's are doing and to disseminate the information on the positions and proposals that come from National Networks, Regional Networks, and our Working Groups.

NGO's Activities in Preparation for CSD 5th Session:

We know that many NGO's groups around the world have local, regional or international activities going on in preparation for the CSD Session, and the General Assembly Special Session. We welcome and encourage these activities and look forward to including and acknowledging their input in our document.

We are arranging for NGO/Government Dialogue Sessions in the evenings of the CSD session date

We are also organizing a parallel NGO Forum during the June General Assembly Special Session

As indicated in the included document on support for participation of Southern and Eastern NGO's, we CONTINUE to try to get assistance from donors to facilitate the attendance by NGO's representatives selected by National Networks in an inclusive, transparent and democratic manner.

You will be hearing more from us again between now and the CSD Session through fax, the electronic mail and regular mail.

If possible, please come two days earlier for Orientation, Strategy and Negotiation Meetings (Saturday, April 5th and Sunday, April 6, 1997) from 9:30 A.M. to 4:00 P.M. both days. Church Center for the United Nations (777 U.N. Plaza)
New York, N.Y. 10017

Finally, we want to congratulate those who are working hard at Sustainable Development activities. We also want to thank you in advance for the help you will give us to make the CSD 5th Session a productive interaction between NGO's and governments at the United Nations.

Sincerely,

Esmeralda V. Brown Michael McCoy

Southern Co-Chair Northern Co-Chair

Dr. Larry T. Gell

IAED

International Agency for Economic Development

PO Box 2260-GCS

New York, NY 10017 USA

) THAT in 1997 on April 8

1997. I Made a presentation on water to CSD on the importance of respecting the 1977 mar del Plata comprehensive action plan on water by incorporating the recommendations from the conference

Follow-up to and implementation of the Mar del Plata Action Plan of the United Nations Water Conference.

Publisher	UN General Assembly
Author	UN General Assembly (34th sess. : 1979-1980)
Publication Date	18 December 1979
Citation / Document Symbol	A/RES/34/191
Reference	34

Cite as	UN General Assembly, <i>Follow-up to and implementation of the Mar del Plata Action Plan of the United Nations Water Conference.</i> , 18 December 1979, A/RES/34/191, available at: https://www.refworld.org/docid/3b00f178c.html [accessed 16 January 2023]
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34. RESOLUTIONS ADOPTED ON THE REPORTS OF THE SECOND COMMITTEE
191. Follow-up to and implementation of the Mar Del Plata Action Plan of the United Nations Water Conference

The General Assembly,

Recalling its resolution 32/158 of 19 December 1977, by which it adopted the report of the United Nations Water Conference [1] approved the Mar del Plata Action Plan contained therein [2] and endorsed Economic and Social Council resolutions 2115 (LXIII) and 2121 (LXIII) of 4 August 1977, concerning the implementation of the Action Plan and the report of the Conference, respectively,

Recalling that the United Nations Water Conference recommended, in paragraph 15 of the Mar del Plata Action Plan, that the decade 1981-1990 should be designated as the International Drinking Water Supply and Sanitation Decade and should be devoted to the implementation of national plans and programmes for drinking water supply and sanitation in accordance with the Plan of Action contained in resolution II of the Conference,

Recalling further Economic and Social Council resolution 1979/31 of 9 May 1979 entitled "International Drinking Water Supply and Sanitation Decade", decision 79/15 of 27 June 1979 of the Governing Council of the United Nations Development Programme on international co-operative action in support of the Mar del Plata Action Plan [3] and World Health Assembly resolution WHA 32.11 of 18 May 1979, entitled "United Nations Water Conference: follow-up to the Mar del Plata Action Plan" all of which were designed to secure the further implementation of the Decade,

Recognizing that the implementation of the Decade will require concerted action by countries, with all possible support by international organizations, as requested,

1. *Takes note* of the report of the Secretary-General on the results of the third special session of the Committee on Natural Resources ; [4]

2. *Endorses* Economic and Social Council resolutions 1979/31 of 9 May 1979 and 1979/67, 1979/68 and 1979/70 of 3 August 1979, concerning the follow-up activities for the implementation of the Mar del Plata Action Plan;

3. *Decides* to hold a special one-day meeting during its thirty-fifth session formally to launch the International Drinking Water Supply and Sanitation Decade, 1981-1990, in accordance with Economic and Social Council resolution 1979/31 and on the understanding that the requirements for documentation set out in that resolution will be reduced;

4. *Requests* the Committee on Natural Resources, at its regular biennial sessions during the 1980s, to review the progress made by Governments in the implementation of the Action Plan and to provide CONTINUED guidance and oversight to the supporting water-related activities undertaken by the organizations of the United Nations system, including the plans and programmes of the Decade.

108th plenary meeting
18 December 1979

[1] *Report of the United Nations Water Conference, Mar del Plata, 14-25 March 1977* (United Nations publication, Sales No. E.77.II.A.12).

[2] *Ibid.*, chap. 1.

[3] See *Official Records of the Economic and Social Council*,

please respond to jrussow@coastnet.com

() **THAT in 1997** I followed up and recirculated a comment with my concern about Globe 1996 and nuclear energy

EXHIBIT

I co-teach a course with Dr Fred Knelman who has been a life-time opponent of civil nuclear power and its link to nuclear arms proliferation.

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() THAT I had been involved with drafting the International Affairs section of the Election Platform

EXHIBIT

=====[Distributed Message]=====

ListServer: gpc-shad (Green Party Shadow Cabinet)

Type: Not Moderated

Distributed on: 27-MAR-97, 11:37:18

Original Written by: IN:segatti@web.net.

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The international Affairs platform

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 the lead-up to which will be getting a lot of press.

[[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, 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]]

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).

Here is a revision

THE INTERNATIONAL AFFAIRS PLATFORM STATE AND CORPORATE COMPLIANCE WITH OBLIGATIONS, EXPECTATIONS AND COMMITMENTS.

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 compliance with international law

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 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

.repeat repeat

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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- (ii) to ensure the preservation and protection of the environment;
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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),

1997 MARCH

REVISITING THE EXPRESSION “SUSTAINABLE DEVELOPMENT”

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

INCREASING THE ROLE OF GOVERNMENT AND THE MINISTRY OF ENVIRONMENT IN ESTABLISHING REGULATIONS AND LOBBYING FOR MANDATORY INTERNATIONAL NORMATIVE STANDARDS BASED ON INTERNATIONAL PRINCIPLES.

- **Socially equitable and environmentally sound development”**

... None the less, the effective use of resources, knowledge and technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for

socially equitable and environmentally sound development has been seriously limited (Preamble 1.1. International Conference on Population and Development, 1994)

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

A. REASON FOR CHANGING

URGENCY OF THE GLOBAL SITUATION

B. SITUATION PREVENTING CHANGE

SYSTEMIC CONSTRAINTS

C. CHANGE THROUGH REDEFINITION OF CONCEPTS AND PRIORITIES

1. REVISITING OF “SUSTAINABLE DEVELOPMENT” IN AGENDA 21

2. REDEFINITION OF DEVELOPMENT IN EQUITABLE AND ECOLOGICAL TERMS

2. REDEFINITION OF SECURITY IN EQUITABLE AND ECOLOGICAL TERMS

TRANSFER MILITARY BUDGET CORPORATE TAXES

D. CHANGE THROUGH PRINCIPLES OF ACTION

3. NGOS OFFER INSIGHTS

– e policies and programs which support sustainable development; and we will give Canadians tools and information to deal with sustainable development in their daily lives.

In doing so, we will be mindful that the broad issues of governance, science and technology and *partnerships* are fundamental in the broader global context and over the longer term. This includes: the way in which we adapt and evolve our collective decision-making and direction setting; the way in which we use and promote the evolving scientific and technological capacity, especially in the information age; and our skill at building new *partnerships* within society, nationally and internationally. These will all be key to achieving our sustainable development objectives.

Integrating the principles and practices of sustainable development into our daily lives will be a continuous, dynamic process that will require patience and persistence. Environment Canada will provide leadership in building a Canada in which the economic, environmental and social signals of government point clearly in the same direction. Our mission commits us to this goal and our first Sustainable Development Strategy lays out the steps we are taking to achieve it.

CHAPTER 1. INTRODUCTION AND OVERVIEW

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT THAT RESPECTS THE RIGHTS OF PRESENT AND FUTURE GENERATIONS TO A SAFE ENVIRONMENT AND TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT

Development should meet the needs of the present without compromising the ability of future generations to meet their own needs

1.1 Introduction

This document is a draft of Environment Canada's first Sustainable Development Strategy pursuant to the 1995 Amendments to the Auditor General Act. It is being presented for review and comment prior to being finalized.

This draft

In preparing its Strategy Environment Canada has taken into close account of the government policy related to sustainable development as outlined in Directions on Greening Government Operations, A Guide to Green Government and the Act to Amend the Auditor General Act. The Strategy has also been based on the concepts and ideas presented in the department's October 1, 1996, Sustainable Development Strategy Discussion Paper.

PROBLEM: ISSUING ORDER IN COUNCIL TO BYPASS ENVIRONMENTAL ASSESSMENT REVIEW PROCESS

PROBLEM: FEDERAL/PROVINCIAL JURISDICTION.

PROBLEM: LEGALLY BINDING/ GLOBALLY ADOPTED, MAJORITY SUPPORT RESOLUTIONS

**SAME STRATEGY AS ISO. STATE POLICY
AND EVALUATE PROGRESS
WITHIN FRAMES OF REFERENCE**

This Strategy is being integrated into part of Environment Canada's integrated approach to planning for and reporting on its directions, programs, expenditures and performance. Our departmental Business Plan represents the detailed Action Plan for the delivery of this Strategy. Our annual Performance Report will include our report on progress in implementing the Strategy.

This document presents the foundation for

Environment Canada's Sustainable Development Strategy will provide the means by which we will move further to make a concept a reality. This draft Strategy presents the

through a description of the department's vision operating definition of sustainable development, a statement of the principles that are the foundation to the department's approach to its Strategy and an overview of the issues and challenges in larger context which make up the context within which the department is pursuing sustainable development.

This document also presents the department's overall strategic directions, its strategies related specifically to sustainable development and an indication of the actions that it proposes to take.

In the appendices to the Strategy, a summary of the consultations that the department has held is provided in the document along with the details on the outcome of the issue that was conducted as part of the preparation of the Strategy. There is also a more detailed presentation of the department's efforts towards greening its operations and a discussion of several cross-cutting issues which are important to considering sustainable development from a government-wide perspective.

The information in the appendices, along with the Discussion Paper prepared earlier, provide the background and foundation for this draft Strategy.

1.2 Vision of Sustainable Development

In the course of preparing its Sustainable Development Strategy, Environment Canada has chosen to work within the following attributes vision of sustainable development which describes a state of sustainability for Canada. for Canada. This vision will CONTINUE to shape and influence the department's efforts and actions in support of sustainable development:

Our Vision for Sustainable Development in Canada

i The health of Canadians and ecosystems is protected by virtually eliminating human-produced, persistent, toxic substances that build up over time in human and animal tissue; by pollution prevention; by protecting representative areas; and by reducing the impact of environmental hazards through **PREVENTION** *effective warning and response*.

DISASTER PREVENTION PRINCIPLE

i PROBLEM . FEDERAL/PROVINCIAL

CANADA IS IN NON-COMPLIANCE WITH THE BIODIVERSITY CONVENTION

MISREPRESENTATION

The global commons are protected through international cooperation and agreements. Canada plays a leadership role in meeting its international obligations, including protecting the atmosphere and oceans, and in conserving biodiversity; meeting consumer demand by providing knowledge, technical advice and clean industrial technologies to producers in Canada and other countries.

i *In their environmental policies and practices, Canadian governments promote equity by ensuring, through a mix of economic and policy instruments, a fairer distribution of costs and benefits of development as they occur in the natural environment. They will also seek a fairer distribution of the costs and benefits of sustainable development among nations of the world, among Canadians, and between generations, so that poverty and environmental degradation are diminished.*

ENVIRONMENTAL DEGRADATION WITH MULTIPLE MINING COMPANIES, SELLING NUCLEAR REACTORS

RECEIVING MOX

i The quality of life and well-being of Canadians are enhanced by fostering improved productivity through environmental awareness and efficiency, by supporting innovation toward sustainable development, and by broadening measures of progress to include non-monetary dimensions.

i *Renewable resources are replenished at a rate equal to or greater than their use in human activities, in a manner that recognizes the full range of values in the ecosystem, for production, as a habitat for wildlife and as parks and wilderness.*

DEPENDENCE ON FOSSIL FUELS, NUCLEAR ENERGY

i Non-renewable resources such as minerals, oil and gas are extracted, manufactured into products and used by Canadians with much greater efficiency than at present. They are covered by life-cycle policies and practices that support corporate and consumer responsibility.

WHAT CONSTITUTES LIFE CYCLE ANALYSIS. NUCLEAR ENERGY, CLEAR CUTTING, DUMPING RAW SEWAGE,

1.3 Principles

The department has also identified a number of principles that it believes to be fundamental to its approach to sustainable development. and to its Sustainable Development Strategy. These are:

Environment Canada's Principles for Sustainable Development

Equity: The costs and benefits of human activity, both current and intergenerational, should be distributed fairly between people.

IN CANADA THE COSTS AND BENEFITS OF HUMAN ACTIVITY ARE NOT DISTRIBUTED EQUALLY

U.S.

Cooperation: The global nature of environmental concerns calls for the widest possible cooperation, in accordance with common but differentiated responsibilities and capability.
 POLLUTERS REGULATORS THOSE WHO CAUSE THE PROBLEMS NOT DOING IT RIGHT THE FIRST TIME

Environment-economy integration: Environmental and economic signals should point the same way. Trade and environmental policies should be mutually supportive.

INTERDEPENDENCE. ENVIRONMENT IS USUALLY COMPROMISED FOR THE ECONOMY

Ecosystem approach: Policies, programs, and operations are designed in consideration of the unique and fundamental characteristics of individual ecosystems and in recognition of the interdependence of social, economic and environmental systems.

Precautionary principle: When there are threats of serious or irreversible damage, scientific uncertainty shall not be used to postpone cost-effective measures to prevent environmental degradation.

...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

Polluter pays: The polluter should, in principle, bear the cost of pollution.

' Governments should include in national planning and legislation an integrated approach to environmental protection, driven by prevention and source reduction criteria, taking into account the 'polluter pays' principle, and adopt programmes for hazardous waste reduction, including targets and adequate environmental control(20.20 b Hazardous Wastes, Agenda 21)

" Governments should ...(b) apply the 'polluter pays' principle, where appropriate, by setting waste management charges at rates that reflect the costs of providing the service and ensure that those who generate the

wastes pay the full cost of disposal in an environmentally safe way (21.42 b
Solid wastes, Agenda 21)

Pollution prevention: The use of processes, practices, materials, products, or energy that avoids *or minimize* the creation of pollutants or wastes and reduce the overall risk to human health or the environment.

NUCLEAR WASTES, TOXIC WASTES

NON TRANSFER TO OTHER States

Environmental assessment:

PROJECT ASSESSMENT Social, economic and environmental factors should be systematically considered during policy, program and project development and decision-making.

ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE

COMPLYING WITH THE ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE

The essence of this principle can also be traced through the 1972 Stockholm Convention, and the UN Resolution 37/7, as well as in the UNCED documents, where it is enunciated in the following way:

ASSERTION OF THE AVOIDANCE OF ACTIVITIES PRINCIPLE

Activities which are likely to cause irreversible damage to nature shall be avoided (UN Resolution 37/7 1982)

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)

REQUIRING A LEGITIMATE ENVIRONMENTAL IMPACT ASSESSMENT

Through mandatory international normative standards, States shall require a legitimate environmental assessment review of any practice, activity or substance that could have significant adverse environmental effects. An actual assessment of the short and long term potentially adverse environmental effects of existing and proposed projects and activities shall be carried out. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.

REQUIRING COST RECOVERY FOR ENVIRONMENTAL IMPACT ASSESSMENT AND FOR MONITORING AND ENFORCING REGULATIONS

Industries that are permitted to engage in environmentally unsound practices that require regulations and enforcement shall bear the full cost of the additional charges incurring as a result of governments having to ensure compliance with regulations. In addition, for all proposals, projects, activities that intervene in an environmentally unsound way in the ecosystem, and that are deemed to require an environmental assessment review governments shall recover the full costs of the review.

Science and technology foundation: A sound scientific understanding of our environment provides the key to meeting the challenges facing Canada and will be crucial to delivering on the sustainable development agenda. Canadians should research, develop, test and implement technologies essential to further environmental quality, human health and economic growth.

• 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)

We call upon the member States of the United Nations:

- To promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

- To prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

- To take measures to ensure that scientific and technological achievements satisfy the material and spiritual needs for all sectors of the population (Art. 3. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

- **To** refrain from any acts involving the use of scientific and technological achievements for the purposes ... waging aggressive wars, suppressing national liberation movements or pursuing a policy of racial discrimination. Such acts are not only a flagrant violation of the Charter of the United Nations and principles of international law but constitute an inadmissible distortion of the purpose that should guide scientific and technological developments for the benefit of mankind (Art. 4. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

- **To** co-operate in the establishment, strengthening and development of the scientific and technological capacity of developing countries with a view to accelerating the realization of the social and economic rights of the peoples of those countries (Art. 5. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

- **To** take the necessary measures, including legislative measures to ensure that the utilization of scientific and technological achievements promotes the fullest realization of human right sand fundamental freedoms without any discrimination; whatsoever on grounds of race, sex, language or religious beliefs (Art. 7. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

1.16. Ensuring long-term monitoring efforts and determining environmental indicators

Long-term monitoring efforts are commonly abandoned as a result of short-term financial and administrative considerations. Irreplaceable information is also being lost because monitoring programs are not in place....[various Examples] underscore the need to select [appropriate~] indicators and begin monitoring immediately so that baselines can be established, and so that the links between natural and human impacts on the environment can be assessed (International Union of Geological Sciences, 1994).

- **To undertake research** 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).

P• To provide arms-length research

Arms-length testing, and monitoring, by the scientific community and with an analysis by a range of government and non-governmental organizations

Government leadership by example: Environment Canada will openly share its knowledge of environmental management and promote the use of sustainable development principles. We recognize the importance of getting our own house in order if we are to promote the Greening of Government Operations to others.

BEST PRACTICES PREVENTION TECHNOLOGY NOT BAT

Continuous improvement: To CONTINUE to improve policies, programs and performance, taking into account technical developments, scientific understanding, client needs and community expectations.

1.4 Mandate and Roles

Environment Canada is a science-based department with a mandate (under the Department of the Environment Act) to preserve and enhance the quality of the natural environment and its renewable resources (including migratory birds and other non-domestic flora and fauna), to carry out meteorology, to enforce the rules of the Canada-U.S. International Joint Commission, and to coordinate federal environmental policies and programs.

WHAT ABOUT INTERNATIONAL INSTRUMENTS

NAFTA CLAUSE 104

In the conduct of its mandate, the department's long-standing and complementary roles are to:

REGULATIONS

- provide leadership nationally and internationally on matters pertaining to the sustainability of the environment;
- act on behalf of all Canadians to address environmental issues of national concern and
- administer federal environmental laws and regulations;
- advocate, promote and encourage practices that lead to environmental sustainability, and to cooperate with others having similar objectives; and
- build capacity and deliver services to Canadians to enable them in their daily lives to sustain and adapt to the environment.

In all its roles, Environment Canada's science is the foundation of its policies, programs and **regulations**, and is essential to achieving results.

The context for delivering on Environment Canada's environmental mandate is sustainable development. Sustainable development is a national goal, a policy of the Government of Canada, and a shaping assumption for environmental management in Canada. Environment Canada contributes every day to sustainable development **but there is more Environment Canada could do**. It is uniquely positioned to provide leadership in building an agenda and mobilizing Canadians to make sustainable development a reality.

While Environment Canada's mandate has not changed since it was founded in 1971, the range and character of the challenges it faces have evolved considerably. Following are summaries of some of these challenges and the actions that must be undertaken to meet them.

1.5 Challenges

Challenge: Environmental, economic and social issues are becoming increasingly interconnected.

Growing consumerism in the developed world and rapid industrialization and urbanization in the developing world are beginning to test the limits of the earth's capacity to absorb waste and provide food, water and energy, as well as IT'S *our* own ability to *adapt* to naturally-occurring and TO PREVENT anthropogenic hazards.

The deeply rooted social and economic causes of this growing gap between economic demands and the Earth's carrying capacity

URGENCY

CONDEMNATION

DEVELOPMENT

are largely beyond the reach of national governments and traditional approaches.

MANDATORY INTERNATIONAL NORMATIVE STANDARDS TO DRIVE INDUSTRY

GAP BETWEEN THOSE THAT ARE CONCERNED ABOUT THE COST TO THE ENVIRONMENT; OF NOT HAVING ENVIRONMENTAL REGULATIONS AND THOSE THAT ARE CONCERNED ABOUT THE COST OF ENVIRONMENTAL REGULATIONS

EVIDENT IN OECD PUBLICATION 1971

Response:

At every level of society and across all jurisdictions, environmental, economic and social considerations need to be integrated in ways that will stimulate sustainable employment and enhance the quality of life. To do so, we must overcome the perception in some sectors that considerations of **environmental sustainability may function to limit Canada's competitiveness in the global economy.**

NEED FOR EVEN GLOBAL PLAYING FIELD THROUGH MANDATORY INTERNATIONAL ENVIRONMENTAL STANDARDS

Challenge: Environmental issues are becoming more complex and global in scale.

SUPPORT FOR MINS GLOBAL COMPLIANCE RESOLUTION

Domestically, the quality of Canada's environment has improved in a number of respects over the past 25 years. Today, however, more and more pollution to which the Canadian environment is subjected originates from beyond our borders.

COMINCO

TRANSFER TOXIC

URANIUM

Some problems are persistent even when the cause has been removed, as in the case of DDT in the Great Lakes. Some are hard to detect, such as toxic substances that accumulate below scientific detection levels before their effects become evident. There is growing potential for surprises as issues are discovered to be interacting in unforeseen ways. And, evidence is mounting that greater atmospheric variability is changing the character and scale of environmental hazards.

SUPPORT FOR PRECAUTIONARY, REVERSE ONUS ANTICIPATORY PRINCIPLES

Compounding these problems is the fact that our scientific understanding of many environmental issues is inadequate. We do not yet fully comprehend the complex linkages within ecosystems, and are only beginning to understand the interactions of various environmental stressors with each other and to trace their effects on ecosystems and the global environment. The rate at which environmental issues can be solved is also slowing. In contrast to environmental improvements achieved through regulation and the reduction of point-source emissions over the past two decades, issues like non-point-source pollution and the *long-range transport of toxics are not as easily remedied by conventional command and control approaches.* **INDUSTRY INPUT**

ISO 14000 WHY NOT

Response:

To address these challenges, Environment Canada must **CONTINUE** to develop much-needed knowledge in a timely fashion, and must learn how to build *consensus among its partners based on imperfect and inadequate information.* **Pollution must be prevented and the thresholds of ecosystem sustainability and resource use respected by**

improving and sustaining public awareness, concern and commitment over the longer term. Above all, Environment Canada must sustain a sense of purpose and progress by delivering on Canada's commitments and measuring results.

OBLIGATIONS AND EXPECTATIONS

Challenge: The focus of responsibility and capacity is shifting.

SETTING PATHWAY FOR VOLUNTARISM. MORE THAN EVER GOVERNMENT NEED TO ESTABLISH REGULATIONS BASED ON INTERNATIONAL PRINCIPLES WITH ENFORCEMENT MECHANISMS

All over the world, we are seeing increasing influence of international bodies on national policy-making. a shift in the locus of policy-making away from national governments toward international bodies. Standards for production and consumption are being harmonized internationally and are influencing international trade rules and regimes. International pressure to use economic instruments to achieve environmental and sustainable development goals is encouraging legislators to eliminate environmental barriers and disincentives.

LEGISLATORS MUST LEGISLATE

Domestically, the information age, the fiscal realities faced by all governments, and perhaps even Canada's changing demographics are combining to shift the focus of capacity and responsibility away from governments toward communities and citizens.

COMMUNITY BASED DECISION MAKING WITHIN AN OVERARCHING FRAMEWORK OF INTERNATIONAL PRINCIPLES

A positive manifestation of this shift is the increased willingness and capability of a more knowledgeable populace to contribute in innovative ways to achieving shared goals.

Response:

Internationally speaking, this shift provides Canada with opportunities to influence environmental outcomes on a global scale, and strengthen the need for a strong federal presence on the international stage **TO CALL FOR MINS AND FOR A GENERAL ASSEMBLY RESOLUTION CALLING UPON States TO SIGN AND RATIFY INTERNATIONAL INSTRUMENTS, AND TO ENACT THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE, AND TO CALL FOR AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE.** To date, Canada's influence in the international environmental community has far outweighed its economic stature, largely because of the credibility it

has gained from its domestic progress on key commitments and from the strength of Environment Canada's science. This international influence must be sustained and enhanced. IF CANADA WISHES TO RECAPTURE ITS INFLUENCE IT MUST BE HONEST WITH THE REST OF THE WORLD, AND ADMIT WHAT IS HAPPENING IN CANADA - CANDU, ETC,

PROVINCES ARE BOUND BY OBLIGATIONS INCURRED BY CANADA, AND EXPECTATIONS CREATED BY CANADA

Domestically speaking, Environment Canada must also develop strategies to increase its influence at the national and community levels. This means basing activities on a broader consensus with other departments and governments, communities, industry, the private sector and non-traditional partners such as First Nations and non-environmental professional organizations. It also means building public support for the environment by leveraging Environment Canada's agenda through local leaders and building social capital at the community level. Community capacity and action should be aligned with international environmental agendas through national strategies and standards.

Challenge: Fiscal constraints are forcing all levels of government to rethink the way they do business.

CORPORATE TAXES SHOULD BE RAISED. LESS THAN MOST OECD COUNTRIES AND COMPENSATION SOUGHT FOR NON-COMPLIANCE AND PAST ENVIRONMENTAL DEVASTATION

licenses OR CHARTERS OF TRANSNATIONALS CORPORATIONS SHOULD BE REVOKED IF EVIDENCE OF HUMAN RIGHTS VIOLATION

At the same time, Canadians are demanding greater accountability for the expenditure of public funds, for results and for the quality of services delivered.

ONLY BECAUSE CORPORATIONS ARE NOT PAYING THEIR FAIR SHARE, AND THUS THE GOVERNMENT ARE FORCING CITIZENS TO PIT THE COST OF HEALTH EDUCATION AND SELF INTEREST AGAINST THE COST OF ENVIRONMENTAL PROTECTION

Response:

Environment Canada must CONTINUE to build a department that finds economical and cost-effective ways to protect human health and the environment, that delivers quality service in innovative ways, and that sustains a dedicated and professional work force appropriate to the challenges of the next century.

1.6 Consultations

6 PEOPLE OUTSIDE GOVERNMENT !!!

Many of these views were confirmed and reinforced during recent consultations on the department's Sustainable Development Strategy Discussion Paper. For example, a territorial government stressed the cultural dimension of sustainable development, and the federal role in science, such as in **defining the carrying capacity of ecosystems.** **NOTING THAT INDUSTRY OFTEN ARGUES THAT POLLUTION IS THE PERCENTAGE OF POLLUTANTS IN A RECEIVING BODY AND USE THIS TO JUSTIFY POLLUTING MORE IN PRISTINE AREAS BECAUSE THE CARRYING CAPACITY IS GREATER** Several provincial respondents recognized the implications of sustainable development on trade goals, and the need to enhance mutual efforts towards meeting those goals. Several other government departments are looking to Environment Canada for leadership on sustainable development, and some identified specific areas for improved collaboration such as increasing resource efficiency, measures of Eco-efficiency, and assessing the social and economic dimensions of sustainable development. *Stakeholder* consultations raised a number of specific issues: including the potential for risk-based decision-making, sustainable development indicators and voluntary approaches to pollution prevention. Students were particularly interested in barriers to sustainable development and how the general public, including themselves, could become more involved in implementing sustainable development principles. More details on the consultations are presented in Appendix B.

1.7 Departmental Directions

The challenges and the department's evolution to date suggest four broad directions for Environment Canada:

LOOK AT MY DEPARTMENT

SHARE HOURS WITH YOU

IN OTTAWA

SET STANDARD

Overall Directions for Environment Canada

Momentum in meeting key commitments: In order to build public support for the environment and keep it on the public agenda, and to sustain Canada's leadership and credibility internationally and domestically, Environment Canada must maintain its momentum toward meeting key commitments. **OBLIGATIONS AND EXPECTATIONS TOO BECAUSE CANADA HAS NOT AND IS THUS LOSING CREDIBILITY**

Enhance Environment Canada's contribution to sustainable development: Over and above its current activities in support of sustainable development, Environment Canada must seek to influence the environmental and socioeconomic actions of others, strengthen its internal capacity to do so by integrating social and economic factors in its own decisions, provide services which help Canadians economic interests adapt to changing environmental conditions, and lead by example in greening our government own operations.

Better manage its inter-dependencies and partnerships: In an era of globalization, information technology, changing capacities and shifting responsibilities, governments must improve their ability to manage interdependence ñ with other governments, the private sector and with citizens. They need to forge new relationships based not upon jurisdiction but upon shared concerns and mutual responsibilities -- harmonization in the broadest sense. In the environmental context, relationships based on interdependence

should ensure the highest level of environmental quality for all Canadians, promote sustainable development, and achieve greater efficiency and accountability across all jurisdictions and sectors.

CONTINUE to build a flexible and adaptive Environment Canada: In the context of fiscal restraint and the government's commitments to sustainable development and harmonization, Environment Canada's management objectives are to build a department that is effective in its leadership, accountable for results and has the skills and tools to deliver on its mandate in creative and cost-efficient ways, that is to "Get Environment Canada Right"

These overall directions also set the framework for how the department will enhance its contribution to sustainable development, through the Strategy described in this document.

CHAPTER 2. ENHANCING ENVIRONMENT CANADA'S CONTRIBUTION TO SUSTAINABLE DEVELOPMENT: STRATEGIES AND PLANNED ACTIONS

Our Strategy for Sustainable Development:

Environment Canada will seek to extend the range of its leadership and enhance the effectiveness of its influence.

Environment Canada will strengthen its internal capacity to integrate sustainable development factors into its policies and programs.

Environment Canada services will enable Canadians to adapt their economic and social decisions to changing environmental conditions.

Environment Canada will provide leadership and set an example in the "Greening" of Government Operations.

2.1 Approach

Virtually everything the department does contributes in some measure to making sustainable development a reality in Canada's sustainable development objectives. The challenge in developing this Strategy has been to identify those opportunities to enhance its contribution to sustainable development and the effectiveness of its influence over social, economic as well as environmental decision-making.

In its earlier Discussion Paper, the department identified several areas of organizational strength and capacity that it proposed to focus on in enhancing its contribution to sustainable development. In delivering its Sustainable Development Strategy, the department will focus on three core areas of capacity. These relate to "**governance**" (our capacity for appropriate policy and decision-making), "science and technology" (making best use of our expertise) and "*partnerships*" (engaging society). These areas of focus represent, to a large degree, the ways and means of pursuing a course towards sustainable development and correspond well to the department's activities and focus in pursuing its other broad directions.

2.2 Actions

The following describes these main elements and identifies the initial goals the department will pursue through its Business Plan. Together, these planned actions and results from Environment Canada's Business Plan, comprise the basis for implementation of the Sustainable Development Strategy. Performance measures will be included in the business plan and will provide the means to report annually on progress through the department's Performance Report.

2.2.1 Strategic Goal #1: To extend the range of Environment Canada's leadership and enhance the effectiveness of its influence. AND TO ENSURE THAT CORPORATIONS, INCLUDING TRANSNATIONALS, COMPLY WITH REGULATIONS...

The department will seek to work among target key decision makers beyond its traditional normal sphere, particularly in the social and *economic sectors*. Its focus will be on establishing innovative, efficient and *effective partnerships* to achieve environmental sustainability and sustainable development.

Priority will be given to: changing the processes of Governance and Decision-making; and building partnerships across social, economic and environmental sectors.

Plans and Priorities:

Enhance Environment Canada's influence with the energy sector: Environment Canada will work with other government departments and natural resource industries to develop clear policy statements related to the greening of energy. **BY CALLING FOR THE PHASING OUT OF THE USE OF CIVIL NUCLEAR ENERGY AND THE MOVING TOWARDS ENVIRONMENTALLY SOUND ENERGY.** It will **CONTINUE** to assess the economic and environmental benefits economic and environmental of renewable energy and conservation and to communicate **the findings broadly to promote the competitiveness of renewable/green energy. GOOD FUNDING**

Build partnerships for the sustainable development of the North: Canada's North is important to all Canadians because of its unique environmental, economic, social, and cultural and health dimensions. The department recognizes the significance of the North and plans to: review its management strategies for the North, including science and technology, the consideration of socioeconomic factors in the implementation of programs, and its advisory role with respect to development proposals;

INDUSTRY IN THE NORTH REVERSE ONUS PRINCIPLE

provide leadership internationally through, and expertise in, support of the Arctic Council and the Arctic Environmental Protection Strategy;

broaden the application of CEPA administrative agreements and equivalency agreements to include First Nations aboriginal governments; and

work with other federal agencies and the Department of Indian Affairs and Northern Development to DIAND in the development of a Federal Strategy for Northern Science and Technology.

INDICATORS OFTEN COUPLED WITH VOLUNTARY CONFORMANCE TO SELF INITIATED STANDARDS

Develop sustainable development indicators: The absence of effective and widely shared indicators undermines efforts to engage the public, define new policy measures, and evaluate progress.

Environment Canada will:

REDEFINITION OF DEVELOPMENT IN EQUITABLE AND ECOLOGICAL TERMS

work with other governments to develop indicators of sustainable development and to incorporate **natural capital values** into indicators of sustainability; and **GOOD**

provide tools such as the Environmental Valuation Reference Inventory to assist in determining the value of non-marketed goods by using cost-benefit and other appropriate types of analysis. ???

Better manage its inter-dependencies and partnerships: The department will contribute to achieving **federal leadership THROUGH ESTABLISHING REGULATIONS, CALLING FOR MINS AND COMPLIANCE** in integrating sustainable development into government policies and operations, partnerships to rationalize environmental policies and practices, to promoting and protecting domestic environmental security and economic interests and to fostering resolution of global commons and trade issues.

Environment Canada will:

Develop joint policy agendas with other government departments: Environment Canada will develop joint policy agendas, share science, integrate its policy development and deliver services in an increasingly horizontal manner, with other government departments,

like Natural Resources, Indian Affairs and Northern Development, Health, Agriculture and Agri-Food, Human Resources Development and Industry OGDs like NRCAN, DIAND, Health, Agriculture, HRDC, Industry Canada.

GOOD SHARING INFO AND RESOURCES

It will work with other government departments OGDs to establish federal positions for **negotiating with the provinces, territories and other countries on environment-related matters and to with the provinces/territories and other countries. ENACT THE NECESSARY LEGISLATION BEFORE ENTERING INTO AGREEMENTS.** It will work with OGDs to ensure that government policies and operations reflect the principles of sustainable development.

Build on the Canada-wide Accord on **Environmental Harmonization UPWARDS EQUAL TO OR ABOVE INTERNATIONAL STANDARDS** to strengthen Environment Canada's partnerships with the Provinces: The fact that there are thirteen different jurisdictions, each with their own environmental regulations and practices. **IT IS NOT DIFFICULT BECAUSE THE PROVINCES AND TERRITORIES ARE BOUND BY THESE CONVENTIONS . LEADERSHIP AND DIRECTION FROM THE FEDERAL GOVERNMENT TO DETERMINE WHAT WOULD CONSTITUTE COMPLIANCE.** *This makes it difficult to adequately deal with environmental problems (ground level ozone, climate change) and creates differing environmental standards among between governments.*

STOPPPPPPPPED HEREEEEEEEEEE

THE HARMONIZATION SHOULD HAVE BEEN DONE

Through the harmonization initiative, federal and provincial governments are working in partnership to achieve the highest standards of environmental quality across the country. will be coordinated. Roles will be based on what makes sense for the environment, and the use of fiscal resources will be maximized by avoiding and overlaps and duplication. avoided. Environment Canada will seek to maintain the momentum created by the Accord, to further strengthen its partnerships with the Provinces;

Focus international efforts on areas that affecting domestic interests: Environment Canada will focus its international agenda to more effectively position itself the department to influence and exploit emerging opportunities and to advance Canadian's interests across different fora and with different international partners.

It will:

promote Canada's interests in environmentally responsible hemispheric trade liberalization through cooperative initiatives to help strengthen national environmental institutions in Latin America;

promote the Commission for Environmental Cooperation as the forum of choice for resolution of North American regional environmental issues and the North American Free

Trade Agreement/North American Agreement on Environmental Cooperation
NAFTA/NAAEC approach to integrating trade and environment interests as a model for broader application;

promote and protect domestic environmental security and economic interests by building environmental advocacy and accountability into international trade and agreements on economic cooperation;

strengthen partnerships that involve scientific and commercial exchange, cooperation on environmental management and development assistance,; and

enhance Environment Canada's role as a source of information provider of knowledge on the "how to" of how to achieve sustainable development, and provide Canadian solutions, and facilitate the dissemination of practical solutions from across the globe.

Foster job creation related to pollution prevention: Environment Canada will CONTINUE to encourage private sector investment and to advance the commercialization of a broad range of environmental technologies for both the domestic and international markets through the Technology Partnerships Canada Program. It will help CONTINUE to position and improve Canadian companies to take advantage of opportunities in access both the domestic and global environmental markets through the Canadian Environmental Industry Strategy., and it will CONTINUE to foster capacity-building through the Environmental Assessment program. Specifically, In the planning horizon of the RPP, Environment Canada will:

COUPLING TECHNOLOGY

work with Canadian industry and others to prevent pollution while creating jobs by helping them identify the economic benefits of pollution prevention;

help industry address environmental and human health protection issues through improved science and technology, and improve their capacity to solve domestic problems at home and to enter foreign markets;

create the national pollution prevention clearinghouse to give Canadians access to the information and the tools necessary to implement pollution prevention; and

accelerate the commercialization of Canadian environmental technologies and processes by supporting the Canadian Environmental Technology Advancement Centers which deliver comprehensive technology transfer services to small-and-medium-sized Canadian environmental enterprises SMEs.

2.2.2 Strategic Goal #2: To strengthen Environment Canada's internal capacity related to sustainable development.

The department will change the way it conducts, employs and communicates its science, and develops policies and programs to make its activities to make the department's business more relevant.

Priority will be given to:

strengthening the linkages between Environment Canada's existing and emerging scientific and technological capacities and the federal government's environmental, social and economic policy making; and

improving the integrating of socioeconomic analysis into its own policies and programs and utilizing socioeconomic tools and strategies to accomplish its objectives.

Plans and Priorities:

In the implementation of Canadian Environmental Protection Act (CEPA), enhance Environment Canada's capacity to employ socioeconomic analysis and market-based approaches: Implementation of the renewed CEPA will require Environment Canada to strengthen its capacity to consider socioeconomic factors in controlling toxic substances and promoting pollution prevention. Environment Canada will:

develop --, together with other government departments and other stakeholders -- OGDs and other stakeholders, economic instruments and market-based approaches to prevent and contain environmental degradation and promote sustainable use of resources; and develop guidelines, programs and other measures for the implementation of these instruments and approaches.

The department will also focus on the implementation of key international commitments:

Press for progress on Climate Change: Climate change is one of our most pressing environmental issues.

STEP BACKWARDS: CANADA'S "COMPROMISE AND INACTION PROGRAM"

CANADA'S NATIONAL ACTION PROGRAM ON CLIMATE CHANGE" (NAPCC): "THE PRELIMINARY DRAFT OF REPORT ON OPTIONS"

DOCUMENT OF COMPROMISE AND INACTION A MAJOR STEP BACKWARDS:

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

Joan Russow

International Law and Obligations Institute (ILOI)

a project of the ERA, Ecological Rights Association

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

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

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

In the Climate Change Convention, there are provisions to "conserve and enhance sinks" and "to document sinks". NAPCC carefully ignores the impact of the failure to preserve carbon sinks such as old growth forests, and of the continuation of current forest practices such as clear-cut

logging. Since June of 1992, numerous carbon sinks including forests and bogs have been destroyed even before they have been properly documented.

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

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

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

OPTION 6 : THE MISSING OPTION

Adherence to three key principles;

The precautionary principle

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

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

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

Future problem avoidance principle:

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

Actions

- 1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention] , in particular preserve large areas of original growth and conservation corridors

2. Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands

3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land

4. . Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED).

5. Establish and enforce a national dedicated program for energy conservation and efficiency

6. Establish extensive networks of alternative ecologically safe and sound means of transportation (Agenda 21), and cease the construction of all new highways

7. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. “Inaction is negligence” (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)

8. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.

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

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

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

12. Transfer a significant proportion of the \$11 billion military budget to assist in implementing the above measures and in job conversion

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

Although climate changes in climate are natural, their magnitude of this change is influenced by increasing concentrations of greenhouse gases in the Earth's atmosphere. Global warming is a reality and there is growing evidence that we will experience more variability and a wider range of extremes in our daily weather. Climate change will likely have major repercussions on economic and ecological systems worldwide. The federal government will CONTINUE to pursue the goal of stabilizing emissions of greenhouse gases at 1990 levels by the year 2000 in partnership with other stakeholders, through research and measures that focus on strengthening voluntary actions, involving all Canadians, and by promoting energy efficiency and renewable energy. Specifically, To do so, the department plans to:

implement the Federal Action Program on Climate Change and CONTINUE to support the implementation of the National Action Program on Climate Change;

make the issue real to Canadians, in part by publishing a Canada-wide study to improve the understanding of climate effects; and

CONTINUE our research into understand the nature of climate change, its likely impacts on Canada in particular, and how Canadians might adapt to a changing climate to take advantage of opportunities and minimize risks.

The United Nations Convention on Biological Diversity is an international agreement to protect native species and natural habitats. The implementation of the Canadian commitments under the Convention will require that attention be devoted to diverse species, habitats and ecosystems. *It will require work in close cooperation with both Canadian and international stakeholders, including the resource and economic sectors, with a focus on building consensus and partnerships among the diverse interests represented.* Key components to address this initiative will be federal research, and legislation such as the proposed Canada Endangered Species Protection Act.

IDENTIFY BIODIVERSITY, PREVENT REDUCTION AND LOSS OF BIODIVERSITY

Engage youth: Environment Canada will implement a multi-track approach to making young Canadians promoters of sustainable development that will engage youth in environmental action and policy development and involve them in the growing international environmental sector.

Increase its efforts aimed at **environmental education** and communication: Building on Environment Canada's very successful effort to engage Canadians on key environmental issues through its ecosystem initiatives and Action Agenda 21, Environment Canada will work to raise public awareness and understanding of issues such as climate change.

ROYAL SOCIETY GLOBAL CHANGE MILT MCLAREN PRINCIPLE BASED EDUCATION. It will synthesize, popularize and communicate scientific information, and It will provide information products and services that help Canadians understand the environment and to factor the environment into their decision-making. And it will use its expertise to offer a mix of products and services for the public good and, on a cost-recovered basis, for clients with special needs.

CHAPTER 36

NON CORPORATE INVOLVEMENT IN DETERMINING THE PHILOSOPHICAL UNDERPINNINGS OF EDUCATION

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)

ensure that departmental EC's products are based on an understanding of client's capacity to receive and use information, as well as on EC's ability to deliver quality services in a timely fashion;

issue, in partnership with academia, other government departments OGDs, and other jurisdictions, a new generation of "state-of-the-environment assessments" " , that are more focused, timely, cost-effective; and increase in **cost recovery revenues** that reflect the demand for information products and services, through the provision of environmental information to clients with special needs; and

use communications technologies to facilitate the dissemination of environmental information including expanding the information products made available on the Green Lane, and using the School Net.

2.2.3 Strategic Goal #3: To enable Canadians to adapt their economic and social decisions to changing environmental conditions.

The department will extend the reach and application of its weather and environmental information services.

Priority will be given to:

providing weather and environmental warnings, forecasts and information that contribute to the competitiveness of Canadian businesses in the global market;

providing weather and environmental warnings, forecasts and information that contribute to the health and safety of Canadians; and

extending its environmental prediction capacity to longer time frames and a wider array of parameters.

Plans and Priorities:

QUESTIONABLE ROLE FOR ENVIRONMENT CANADA

PREVENTIVE TECHNOLOGY

BEST

IS THAT THE ROLE OF GOVERNMENT

Contribute to the competitiveness of Canadian business in the global market: Transportation, recreation, construction, agriculture, fisheries, forestry, energy and water use can all be more competitive, and therefore more sustainable, when decisions are made with the knowledge of expected weather conditions. Within the planning horizon, Environment Canada plans to:

develop targeted products and services that enable clients in the economic sector to understand and consider environmental matters in their decisions, adapt their economic and social decisions to changing environmental conditions, *and find economic opportunities and reduce the risk in dealing with changing environmental conditions*; and
PREVENTION

work with the insurance sector to better understand liabilities so that they can make informed choices and decisions in light of future climate change (e.g., liabilities related to severe storms, floods, rises of sea level).

Warn Canadians of environmental risks to their health and safety: Severe and extreme weather (e.g., snowstorms, tornadoes, heat waves, downpours), smog and UV radiation threaten the health and safety of Canadians. NUCLEAR ENERGY, ENVIRONMENTAL DISASTERS ANTHROPOGENIC POLLUTION CLIMATE CHANGE OZONE DEFORESTATION Canadians' personal decisions directly affect their quality of life, reduce the strain on our social structures, including the **health care system**, **RECOGNIZE ENVIRONMENTALLY INDUCED DISEASE** and contribute to their long-term sustainability. Environment Canada will introduce forecasts of air quality in partnership with other governments. An Air Quality Index will give Canadians information about expected air quality in the coming days allowing them to make choices to minimize their health risks.

Predict a wider variety of environmental parameters on various time scales: As our climate changes naturally, and under the influence of new and increased levels of atmospheric chemicals, Canadians will be subjected to a new range of weather variability. Predictions and scenarios of the probable future States of the environment give citizens, industry and governments the tools to plan their activities, infrastructures and policies in a cost-effective, sustainable manner. Environment Canada will:

NOT MITIGATION BUT PREVENTION RESEARCH ON PREVENTION NOT MITIGATION AND REPORTING ON CHANGE

-build upon its existing physical modeling capacity to develop an integrated environmental prediction capability by utilizing a multi-disciplinary approach and conducting scientific research. It will use its short- and long-term forecasts of the

-atmospheric environment over Canada as the basis for environmental predictions and to improve understanding of ecosystem processes and sensitivities;

build on its warning/response expertise and infrastructure to enhance predictive capacity for modeling future States of the environment, identifying areas of risks and transfer necessary skills to Canadians that will enable them to integrate environmental considerations into their decision-making. Such predictive capacity is based on Environment Canada's monitoring network and will require extensive partnerships with provinces, communities, industries, universities and other countries; and

combine meteorological and hydrological expertise to provide predictions for water levels in basins to minimize flood danger while maximizing the economic potential of water reservoirs.

2.2.4 Strategic Goal #4: To provide leadership and set an example in the “Greening” of Government Operations

The “greening” of government operations forms an integral part of the Sustainable Development Strategy.

Priority will be given to:

greening the department’s own operations; and

advocating for greening operations across governments, domestic and international.

Plans and Priorities:

Environment Canada is playing its advocacy role and providing leadership by example in implementing sustainable development. Environment Canada is dedicated to adopting and implementing **the pollution prevention approach** in the greening of its operations and to make this approach the basis for environmental decision-making in federal departments. The department will:

-commence implementation of an Environmental Management System (EMS) in all Regions and Services by April 1, 1997, in parallel with on-going development and improvement;

implement Federal Buildings Initiative (FBI) projects in up to 100 buildings as part of a national FBI bundle, to make the department much more energy and water efficient;

PATHETIC

purchase 15-20% of our energy from renewable sources by the year 2010 and commence green power pilot projects in fiscal year 1998-99;

by the year 2004, reduce the size of our fleet from 771 vehicles (in August 1995) to 540, and 75% of new vehicles purchased will operate on alternative fuels where economically and operationally appropriate;

using the Canadian Council of Ministers of the Environment (CCME) baseline year of 1988, by implementing waste reduction programs in our facilities, reduce and/or divert 80% of our office waste by the end of 1997;

as stated in our environmental policy, be in compliance with all federal environmental regulations and legislation;

incorporate green accommodation standards into Environment Canada facilities and into our leased facilities through our **Master Occupancy Agreement with Public Works and Government Services Canada (PWGSC);**

introduce tools for managers and employees to use to buy green and monitor the use of these tools;

advocate green operations across governments, domestic and international; and

CONTINUE to draw the federal community together to develop best practices, collective frameworks for common issues and to share information through such mechanisms as the Environmental Accountability Partnership and the Federal Committee on Environmental Management Systems.

2.3 Emerging Issues and Considerations: Future Directions

Cross-Cutting Issues:

Many of the issues that are critical to addressing sustainable development in the federal government cut across departmental mandates and interests and are “cross-cutting” in nature.

What issues

Environment Canada is particularly interested in exploring ways to deal with these issues effectively and efficiently. A discussion of several issues of this type, and how they are being addressed, is presented in Appendix F of this document.

This initial strategy begins the process to build on efforts to date to manage cross-cutting issues. The department will focus more on this issue as it implements this current strategy and begins to look towards updating the strategy in three years' time.

Encourage innovation for environmental solutions:

To narrow the gap between the Earth's carrying capacity and the rate at which we can develop solutions, we need to innovate in a number of different areas: environmental technologies, closed loop processes, etc.; new ways of sharing and disseminating information and strategies; increasing understanding and lifestyle changes; exploring new roles for governments, as catalysts and partners. Environment Canada will explore its opportunities to use its policy and program levers to influence and encourage these different kinds of innovation and the potential synergy between them.

APPENDICES TO THE STRATEGY

Appendix A: Departmental Profile

Mandate

The Department of the Environment was created in June 1971 following proclamation of the Government Organization Act in 1970. The department was created by combining various entities within the federal government responsible for the natural environment.

Environment Canada is a science-based department with a mandate, under the Department of the Environment Act that covers preservation and enhancement of the quality of the natural environment, renewable resources (including migratory birds and other non-domestic flora and fauna), meteorology, enforcement of the rules of the Canada-U.S. International Joint Commission, and coordination of federal environmental policies and programs. Environment Canada is responsible for administering the following acts:

The Canada Water Act;

The Canadian Wildlife Act;

The Canadian Environmental Assessment Act;

The Canadian Environmental Protection Act;

The Canadian Environment Week Act;

The Department of the Environment Act;

The International River Improvements Act;

The Lac Seul Conservation Act;

The Lake of the Woods Control Board Act;

The Migratory Birds Convention Act, 1994;

The National Wildlife Week Act;

The Weather Modification Information Act; and

The Wild Animal and Plant Protection and Regulations of International and Inter-provincial Trade Act.

HAS THE DEPARTMENT CRITICIZED CANDU NUCLEAR POWERED VESSELS ETC

The Department of the Environment Act recognizes that preserving and enhancing the environment is not solely the responsibility of the Minister of the Environment. **It gives the Minister broad advocacy responsibilities to promote and encourage practices**

that lead to environmental enhancement, and to cooperate with others having similar objectives. Science is the foundation of its policies, programs and regulations, and is essential to achieving every result.

In the conduct of its mandate, EC's long standing and complementary roles are to:

provide leadership nationally and internationally on matters pertaining to the sustainability of the environment;

act on behalf of all Canadians to address environmental issues of national concern; and

build capacity and deliver services to Canadians to enable them in their daily lives to sustain and adapt to the environment.

While Environment Canada's mandate has not changed since its inception, the range and character of the issues with which it must deal have evolved considerably. Environment Canada's services to Canadians have encompassed the protection, conservation and restoration of the environment; federal environmental legislation, regulations and policy making; and warnings of, and protection from environmental risks.

Increasingly, we understand that we must not focus on particular, isolated problems, but on entire ecosystems. We are also recognizing the global dimensions of environmental concerns, and we are learning that there are limits to what government can do. Fiscal pressures require an increasingly strategic approach to the expenditure of public funds. Although legislation is one of the tools which the department has traditionally used to influence behaviour, many environmental issues cannot be solved by legislation or regulation alone.

Beyond the growing knowledge of the complexity of environmental issues is the recognition that the environment and economy are inextricably interconnected. This means that the environment can only be managed effectively within the broader context of economic and social development.

In recent years, sustainable development has become a national goal, a key policy thrust of the Government of Canada, and a shaping assumption for environmental management in Canada. Environment Canada's mission is to foster a national capacity for sustainable development that will result in a safe and healthy environment and a sound and prosperous economy.

Structure

Environment Canada plans, administers accountabilities, and reports its performance through three results-focused Business Lines: A Healthy Environment, Safety from Environmental Hazards, and A Greener Society. The first two primarily address environmental issues of today, and the third focuses on building societal capacity to sustain the environment for the future. Environment Canada undertakes and promotes programs to: sustain the environment and reduce environmental risks to human health; provide weather forecasts and warnings and emergency preparedness services; and, give Canadians the tools to build a greener society. Administration provides corporate leadership, integrated systems and common services that support these lines.

A Healthy Environment: Canadians are concerned about risks to the environment from human activities and the danger that these risks pose to human health, and the sustainability of the environment. They expect that environmental risks be understood, monitored and prevented or controlled. In this Business Line, EC responds to these risks by: providing scientific knowledge and expertise; developing national strategies and standards with its partners; establishing federal environmental laws and regulations and ensuring that they are vigorously enforced.

Safety from Environmental Hazards: The lives and property of Canadians are threatened by naturally occurring and human-induced environmental hazards ranging from severe weather to oil spills and tire fires. Environment Canada provides information services to enable Canadians to minimize these risks and protect themselves from hazards by providing timely weather and environmental warnings, predictions of probable future environmental States, and services aimed at reducing the frequency and severity of environmental emergencies. **Safety from Environmental Hazards:** The lives and property of Canadians are threatened by naturally occurring and human-induced environmental hazards; these range from severe weather and airborne volcanic ash to oil spills and tire fires. In order to minimize risk, Environment Canada, through its research and related scientific activities, provides services to enable Canadians to protect themselves from hazards. It does this by providing Canadians with timely weather and environmental warnings, and services aimed at reducing the frequency and severity of environmental emergencies.

A Greener Society: Through its third business line, the department seeks to reconcile environmental and economic interests, remove barriers to environmentally responsible action, and foster the capacity of all sectors of society to act on their environmental values and responsibilities. The department provides Canadians with useful and

accessible information, readily applicable technologies and tools, and policies that integrate social, economic and environmental considerations.

Externally, Environment Canada's accountability is by its Business Lines; internally, management of resource and delivery of results is by responsibility center within existing organizational structures. The structures crosscut the business lines. Environment Canada is organized into seven headquarters services (Office of the Minister and Deputy Minister; Atmospheric Environment Service; Environmental Conservation Service; Environmental Protection Service; Corporate Services; Policy and Communications, and Human Resources Directorate) and into five integrated regions (Atlantic; Quebec; Ontario; Prairie and Northern; and Pacific and Yukon). Environment Canada has approximately 4900 employees, and a current budget of \$546 million.

Environment Canada is shifting in the way it does and how it does its business. The department's strategies and instruments are changing in rather fundamental ways. The department formerly managed a wide range of issue-driven program interventions. It is now moving towards targeted actions based on science, comprehensive monitoring, and careful assessment of relative risks, to secure high leverage and multiple benefits from its interventions.

Environment Canada provides leadership in integrating sustainable development into structures of governance at the international, national and local levels, building shared agendas with other sectors of Canadian society, and promoting and protecting Canadian interests internationally.

Partners

Strong partnerships are required to make sustainable development a practical reality. Environment Canada believes that implementing the principles of sustainable development is a responsibility shared by individuals, governments, industry, Aboriginal peoples and non-governmental organizations.

Partnerships between Environment Canada and all federal departments will be strengthened, paying particular attention to the departments with an economic focus (e.g., Finance, Industry Canada, Foreign Affairs and International Trade), a natural environment focus (e.g., Natural Resources, Agriculture Canada, Fisheries and Oceans, Indian Affairs and Northern Development and Canadian Heritage), and a social focus (e.g., Health Canada, Human Resources Development).

Provincial and territorial governments will CONTINUE to be essential partners in achieving sustainable development across Canada. Individual provinces and territories are developing regional and local examples models of sustainable development.

The harmonization initiative will also provide a solid foundation for cooperative and coordinated effort toward sustainable development. Effective partnerships have been established with municipal governments and these should be strengthened.

Business is a vital partner in ensuring that development is sustainable. Business has taken a proactive role through the World Business Council on Sustainable Development and national sector associations. There are also other national and international forums such as the National Round Table on the Environment and the Economy (NRTEE) and the International Institute for Sustainable Development (IISD) that are bringing together diverse interests in working towards sustainable development.

With the settlement of lands claims settlement and the implementation of self-government, Aboriginal peoples are taking on an increasing role in the environmental management of their lands and in ensuring that development is sustainable over the long term. Environment Canada will need to build new partnerships and strengthen linkages with Aboriginal peoples to assist them in achieving and maintaining be successful in achieving a clean, healthy and productive environment on these lands.

Non-government organizations and other community groups **contribute to the attainment of sustainable development in many ways. They offer insights into environmental issues**; they are closely linked to communities; and they can help build public awareness. It is crucial for Environment Canada to maintain the relationship with these groups because they contribute to mutual understanding of issues and shared solutions.

International cooperation to integrate considerations of the world economy and the shared environment is required to promote sustainable development on a global scale. Canada's approach has been the selective use of international institutions, international law, and bilateral and multilateral arrangements to promote Canadian interests. Environment Canada supports Canadian participation in international conventions (e.g., climate change and biodiversity), environmental, economic and financial organizations (e.g., U.N. Environment Programme (UNEP), OECD and the World Bank), and in

international scientific networks (e.g., International Geosphere-Biosphere Programme (IGBP) and International Council of Scientific Unions (ICSU) and works with other countries, such as the United States, to address shared interests and challenges.

Appendix B: Consultations Summary

Consultation is an important component in the preparation of Sustainable Development Strategies. As indicated in A Guide to Green Government, the strategies are to be prepared in an open and transparent manner. To meet this requirement, the department carried out internal and external consultations. **The intent was to receive a broad and diverse range of informed comments and views, without trying to reach consensus.** As a basis for the consultations, Environment Canada prepared a Discussion Paper which presented the department's views on what the concept of sustainable development meant, how it was being addressed in departmental programs and activities, the key issues related to sustainable development that are facing the department and the proposed priorities for further action in the context of the Sustainable Development Strategy. A second round of consultations, based on a draft of the full Sustainable Development Strategy, is also being undertaken.

Consultations with Partners, Clients and Stakeholders

Consultations were carried out with clients and stakeholders as well as with the provinces, territories and other federal departments. To get as broad a range of views as possible from interests outside government, representatives from Aboriginal peoples, business, environmental, development and social non-governmental organizations (NGOs), women's groups, labour, youth, academia were specifically invited to take part in the consultations process. The Environment Canada Sustainable Development Strategy Discussion Paper was sent to 123 individuals and organizations. A list of stakeholders is presented in Appendix C.

Environment Canada decided to offer the consultations process by electronic means. The department posted its Discussion Paper on its Internet site, the Green Lane, and created an SDS Forum to encourage dialogue. The electronic approach to consultations was perceived to have many advantages. First, it allowed broad additional access to concerned individuals and groups, to be convenient to participants as it would eliminate geographical barriers, and be more environmentally friendly and cost-effective. Although electronic consultations were encouraged, both an electronic version and a hard copy were made available to our key clients and stakeholders for those who do not have access to the new technology or who might feel uncomfortable using the Internet. The option of responding electronically or by more traditional means was therefore given to everyone.

The electronic approach was also intended to give all interested Canadians who visited the Green Lane the opportunity to access the Discussion Paper and to provide comments, with the option to take part in the SDS Forum.

Consultations were launched on October 7, 1996 and ended on December 1, 1996. All invited participants were provided with a copy of Environment Canada's Discussion Paper, "A Guide to Green Government", the department's Business Plan and related Action Plan as well as a copy of the Amendments to the Auditor General Act.

RESULTS ONLY 6 OUT 39 OUTSIDE OF GOVERNMENT

As of December 1996, a total of 39 comments were received. Out of these 39 comments, 6 were provided by groups outside government, and the remaining 33 were from provincial governments and other federal departments. A list of participants is attached in Appendix C.

Youth Consultations

Information sessions on the Sustainable Development Strategy were held in August 1996 in all EC regions in order to build interest in the project and to give the students the opportunity to take part in the consultations. Following the presentations, 85 students expressed an interest in participating in the consultations. A total of 26 responses were gathered nationally. Comments provided by students covered a wide range of issues including the *importance of education, federal role, environment-economy linkages, the format and organization of the paper. Most students agreed with the concept of sustainable development put forth in the Discussion Paper. The main concern was the lack of specifics with regards to how proposed targets were going to be met. Students also expressed the view that the Discussion Paper did not state how the general public, including themselves, could be involved in implementing sustainable development principles. Many also suggested that the strategy should identify barriers to implementing sustainable development.*

SYSTEMIC CONSTRAINTS

Joint Consultations on the North of 60° SDS

The Department of Indian Affairs and Northern Development (DIAND) invited other federal government departments to join them in a coordinated consultations approach on Sustainable Development Strategies with Aboriginal, territorial governments, and stakeholders in the North. Four departments, including EC, agreed to participate in the joint northern SDS consultations. A North of 60° Issues Paper was produced and used as the basis for consultations. The paper contained a "core" section detailing many issues facing the North, as well as individual departmental chapters that described key sustainable development activities and issues that each department wished to address.

Two workshops in the Northwest Territories (Yellowknife, Iqaluit) and one meeting in the Yukon (Whitehorse) took place in December 1996. A total of 24 organizations participated in the three meetings and are listed in Appendix C.

The consultations in the Northwest Territories produced a number of consistent themes. It was felt that the success (or failure) of the SDS in the North will depend upon coordinated communications and consultations between governments and *stakeholders*, and at the community level. Workshop participants acknowledged that the five federal departments at the table were demonstrating unprecedented cooperative consultation and were encouraged to CONTINUE this type of approach.

Aboriginal groups raised the issue of the continuing use of traditional knowledge in scientific investigations. Gender equality was expressed as an issue where the government must take steps to ensure that consultations specifically include women and women's groups since many of the impacts of sustainable development are first felt in the home and by women.

There were strong messages for the need for education and empowerment, especially for youth, so that northern Canadians can make sustainable decisions in their lives. In order to get the message of sustainable development out in a manner that is understood at the community level, governments were encouraged to have more face-to-face education and communication initiatives.

Workshop participants also felt a need to bolster northern scientific expertise and application in support of sustainable development. There were concerns that decisions on northern science were being made based on a short-sighted perspective (deficit fighting) which will result in significant loss of capacity and negative long-term impacts. **Specific issues raised included the need for regulatory reform (i.e., giving industry a clear picture of requirements in relation to sustainable development), sustainable energy sources, the importance of land claims resolution, full-cost accounting of developments (i.e., ecological limitations, more work on cumulative impact assessment), contaminants in the North, and the need for more ecosystem studies.**

Comments and Reactions

VOLUNTARY ISO 14,000

Sectors Outside Government

While there was not a lot of response to the Discussion Paper, comments received were generally supportive. Some stakeholder groups commented that the strategy would need more emphasis on risk-based decision-making, particularly Accelerated Reduction and Elimination of Toxics (ARET), and on *voluntary approaches and their success*. There was interest expressed in participating in the development of sustainable development indicators, and in conducting research in the concept of measurable parameters in the context of Eco-efficiency. There was a desire to follow-up with the department on some issues raised in the Discussion Paper, such as dioxin emissions from waste incineration that may not meet the test of “greatest risk” in the Canadian context. Suggestions were also provided for a framework within which to look at the social aspect of sustainable development.

Provincial and Territorial Governments

Response from the provincial and territorial governments were generally positive and supportive. Some provinces saw the Sustainable Development Strategy as an opportunity to work together in the context of sustainable development. Others identified the need to say more about the roles or relationship with EC’s partners in achieving sustainable development. They also expressed concerns about the implications of sustainable development on trade and Canada’s competitiveness. Comments were also provided about the social and cultural aspects of sustainable development.

Other Federal Departments and Agencies

There was general agreement that EC’s approach to developing its Sustainable Development Strategy was an appropriate one for the department, and also presented a useful example for government. There was strong support for working collaboratively on sustainable development issues. Several departments noted specific areas for collaboration including increasing resource efficiency, determining measures of Eco-efficiency and assessing social and economic dimensions of sustainable development, and ecosystem-based approaches.

Internal Departmental Arrangements

The internal consultations started early in the process of the preparation of the Sustainable Development Strategy. A senior level Steering Committee was put in place to provide overall direction. A Departmental Working Group with representation from all Services and Regions was established to provide a point of departmental coordination for the preparation of the Strategy and to ensure that policy, planning and operational perspectives were included. Every draft of the Discussion Paper was circulated regularly to the Working Group as well as to other EC employees who expressed an interest. A

notice about the Discussion Paper was sent electronically to all EC employees, with an invitation to provide comments.

The internal consultations also consisted of several workshops held in different departmental offices during autumn 1996. The workshops were designed to discuss any new or outstanding issues related to the Discussion Paper, to confirm strategic directions and objectives and to identify deliverables and related performance indicators and measures.

One of the main points raised at the workshops was the need to make the Sustainable Development Strategy meaningful to departmental employees. EC staff also mentioned the need for a “plain language” version of the strategy and more work on defining the broad sustainable development objectives and the means to achieve them. It was noted that the strategy should explicitly state upfront what are the limitations for the department, what it should expect to be able to do regarding sustainable development, who it is trying to reach/affect, and what the expectations are. The department’s Environmental Management System (EMS) was also raised as an essential component of the strategy.

Interdepartmental Arrangements

Environment Canada has taken a strong interest in encouraging and supporting interdepartmental cooperation and coordination on issues related to sustainable development. Of particular interest, is the way in which issues which are shared across departments because of departmental interests, mandates or responsibilities, will be addressed in departmental sustainable development strategies. Some of these issues are discussed in Appendix F. It will be important to promote a degree of consistency and coherence among the various departmental strategies that will be completed by December 1997.

Mechanisms that are in place to promote coordination include the Deputy Ministers’ Sustainable Development Coordinating Committee, the Environmental Accountability Partnership (which includes several working groups such as the Federal Committee on Environmental Management Systems) and the Interdepartmental Network on Sustainable Development Strategies.

Appendix C: Participants in Environment Canada's Sustainable Development Strategy Consultations

National Round Table on the Environment and the Economy

Aboriginal groups

Pauktuutit (Inuit Women's Association)

Inuit Tapirisat of Canada

Assembly of First Nations

Métis National Council

Congress of Aboriginal People

Native Women's Association of Canada

Academic Groups

University of British Columbia, Sustainable Development Research Institute
Brock University, Institute of Urban and Environmental Studies
University of Calgary, Environmental Science Program
Carleton University, Department of Sociology
Dalhousie University, School of Resource and Environmental Studies
David Suzuki Foundation
Groupe d'...tudes et de Recherches sur les Politiques Environnementales, Université
Laval
University of Manitoba, Natural Resources Institute
University of Manitoba, Department of Sociology
McGill University, Centre for Society, Technology and Development
McGill University, Department of Sociology
Université de Moncton, Chaire d'Études K.-C. Irving en d'Éveloppement durable
University of New Brunswick, Environment and Sustainable Development Research
Centre
University of Ottawa, Institute for Research on Environment and Economy
University of Ottawa, Department of Sociology
Royal Society of Canada, Canadian Global Change Program
Saint Mary's University, Atlantic Canada Centre for Environmental Science
St. Mary's University, Department of Sociology
Simon Fraser University, Community Economic Development Centre
Simon Fraser University, Department of Sociology
University of Toronto, Institute for Environmental Studies
University of Waterloo, Faculty of Environmental Studies
York University, Faculty of Environmental Studies

Business Groups

Business Council on National Issues
Business Development Bank of Canada
Canadian Association of Petroleum Producers
Canadian Bankers' Association
Canadian Chamber of Commerce
Canadian Chemical Producers' Association
Canadian Electrical Association
Canadian Environmental Industry Association
Canadian Forestry Association
Centre patronal de l'environnement du QuÉbec
Canadian Petroleum Products Institute
Canadian Pulp and Paper Association
Canadian Standards Association
Canadian Wind Energy Association
Dofasco Inc.
Dow Chemical Canada Inc.
Insurance Bureau of Canada
Laidlaw Inc.
The Mining Association of Canada
Motor Vehicle Manufacturers' Association
Noranda Inc.
Novacor Chemicals Ltd.
Stelco Inc.

Environmental and Labour Organizations

Canadian Environmental Education and Communications Network
Canadian Federation of Labour (CFL)
Canadian Labour Congress
Canadian Parks and Wilderness Society
Canadian Society of Environmental Biologists
Canadian Union of Public Employees (CUPE)
Confederation des syndicats nationaux
Conservation International Canada
Friends of the Earth
Greenpeace Canada
The Planetary Association for Clean Energy, Inc.
The Pollution Probe Foundation
Sierra Club of Canada
Soil Conservation Canada
Solar Energy Society of Canada Inc.
United Steelworkers of America

Non Government Organizations

Association of Canadian Community Colleges
Canadian Association for Business Economics, Inc.
Canadian Association for the Study of International Development
Canadian Climate Program Board
Canadian Council for International Co-operation
Community Planning Association of Canada
Federation of Canadian Municipalities
International Institute for Sustainable Development (IISD)
North-South Institute
Ontario Soil and Crop Improvement Association
Urban Development Institute Canada

Women's Groups

Association of Women in Engineering and Science

Canadian Association for Women in Science

Canadian Biodiversity Institute

Canadian Federation of University Women

Condition FÉminine du Canada

University of British Columbia, Sustainable Development Research Institute

WEED

Women in Science at Trent

Youth Organizations

Canada World Youth
Canadian Federation of Students
Canadian Unified Student Environmental Network
Canadian University Students Environmental Network
Canadian Youth Foundation
Cree Nation Youth Council
Environnement Jeunesse
Environmental Youth Alliance
Generation 2000
Youth Action Network

Social Organizations

Caledon Institute on Social Policy
Canadian Council on Social Development
Ontario Social Development Council
Ontario Municipal Social Services Association
Opportunities 2000
University of Toronto, Faculty of Social Work
Northumberland Community Coalition
LIFT (Low Income Families Together)

LIST OF RESPONDENTS TO ENVIRONMENT CANADA'S SUSTAINABLE DEVELOPMENT STRATEGY DISCUSSION PAPER

Provinces and Territories

Alberta

British Columbia

Manitoba

New Brunswick

Northwest Territories

Nova Scotia

Ontario

Quebec

Saskatchewan

Other Federal Departments and Agencies

Atlantic Canada Opportunities Agency

Federal Office of Regional Development -- QuÈbec

Department of Agriculture and Agri-Food

Department of Canadian Heritage

Department of Citizenship and Immigration

Department of Finance

Department of Fisheries and Oceans

Department of Foreign Affairs and International Trade

Department of Health

Department of Human Resources Development

Department of Indian Affairs and Northern Development

Department of Industry

Department of National Revenue

Department of Natural Resources
Department of Public Works and Government Services
Department of the Solicitor General
Department of Transport
Department of Veterans Affairs
Department of Western Economic Diversification
Statistics Canada
Treasury Board

Stakeholder groups:

Caledon Institute of Social Policy
The Canadian Chemical Producers' Association
Canadian Standards Association
DELPHI Group
Laidlaw Inc.
National Round Table on the Environment and the Economy
Université de Moncton, Chaire d'Études K.-C. Irving en Développement durable

LIST OF PARTICIPANTS IN DIAND'S NORTH OF 60° SDS WORKSHOPS

* Participants were consulted on the basis of the DIAND North of 60° Issues Paper, in which Environment Canada contributed a departmental chapter.

Métis Nation*
Dogrib Treaty 11*
Treaty 8*
Dene Nation*
Native Women's Association of the NWT*
Inuvialuit Joint Secretariat*
Inuvialuit Game Council*
Nunavut Tusaavut*
Arctic Council Secretariat*
Canadian Arctic Resources Committee*
World Wildlife Fund*
NWT Council on Status of Women*
Inuit Circumpolar Conference*
Nunavut Wildlife Management Board*
Inuit Heritage Trust*
Qikiqtaaluk Wildlife Board*
Nunavut Tungavik Inc.*
Qikiqtaaluk Corporation*
Arctic College*
Nunavut Research Institute*

Aurora Research Institute*

BHP Diamonds*

NWT Chamber of Mines*

Canadian Polar Commission*

Appendix D: Greening Government Operations

Environment Canada will demonstrate sustainable development leadership within the Federal government by adhering to the following Operational Environmental Guiding Principles. Senior management, along with every employee in Environment Canada, will be responsible for ensuring that these principles are fully integrated into their day-to-day activities.

Operational Environmental Guiding Principles

Pollution Prevention: We will use and develop processes, practices, materials, products or energy that avoid or minimize the creation of pollutants and waste, and reduce the overall risk to human health or the environment.

Procurement: We will purchase products and services that meet environmental specifications wherever these are available, and consider product life-cycle costs when making purchasing decisions. We will also expect high environmental standards from our suppliers.

Resource Stewardship: We will reduce our consumption, make efficient use of renewable and nonrenewable resources, and reuse and/or recycle waste materials wherever feasible.

Legal Compliance: We will ensure that:

all of our operations and facilities meet or exceed Federal environmental statutes, regulations and standards, and are compatible with Provincial, Territorial, Municipal and First Nations environmental statutes, regulations and standards for the jurisdiction in which they are located.

Assessment and Remediation: We will consider the potential environmental impacts of all new undertakings and contain, mitigate or remediate the risks from our past actions.

Employee Awareness and Training: We will integrate sustainable development principles into our existing training programs and, where necessary, develop new programs and tools to guide our sustainable development thinking.

Monitoring and Reporting: We will monitor and measure our progress towards sustainable development on a regular basis and report this information to Canadians in a timely and forthright manner.

Sharing Knowledge: We will openly share our knowledge of environmental management and promote the use of sustainable development principles.

Environmental Auditing: We will regularly conduct environmental site audits and environmental management systems audits and respond to the findings and recommendations of these audits in a timely manner.

Continuous Improvement: We will work to continuously improve our environmental performance and the integration of sustainable development principles into our planning process.

Background

The government adopted the Code of Environmental Stewardship in 1992 as a commitment to the concept of sustainable development and a pledge to integrate environmental considerations into day-to-day operations. The Greening Government Operations policy, April 1995, took the concept of environmental stewardship farther by outlining recommended best practices in various key priority areas and promoted the use of environmental management systems (EMS) as a method of ensuring that environmental objectives are properly considered and implemented.

Several months later, in June 1995, with the publication of the guidance document entitled A Guide to Green Government, federal departments were directed to take actions to 'green' their operations, policies and programs. Later in the summer of 1995, Environment Canada's Office of Federal Environmental Stewardship (OFES) published Directions on Greening Government Operations, which outlined a comprehensive approach to assist departments in planning how to achieve sustainable operations.

Environment Canada employees, have implemented internal practices to reduce waste and conserve resources in their day-to-day operations on a selective and ad-hoc basis since the formation of the department.

The Code of Environmental Stewardship noted above initiated a more formal approach to greening operations. Many regions and facilities established Green Teams to accelerate the introduction of green practices and to identify local opportunities for action. The Greening Operations Branch, formed in early 1994, has provided leadership, and coordination for greening activities, and fostered corporate, regional and facility level action.

Formalizing Environmental Management and Green Operations: Selecting an EMS Model

In 1994 the Department began to look at options for developing a comprehensive and systematic means of managing environmental obligations associated with internal operations. Based on that review, and on extensive Canadian involvement in developing standards for environmental management through the International Organization for Standardization (ISO), the Department has elected to follow the EMS model outlined in ISO 14004.

In June 1995 Environment Canada launched its EMS process. A National EMS Team was formed to design and begin implementing the department-wide environmental management system. The national team has included an EMS coordinator for each of the Department's five geographic Regions including headquarters, one EMS coordinator for each of the 3 program Services and technical support. Headquarters EMS staff have provided coordination and technical support.

Key Features of Environment Canada's Environmental Management System

As well as being based on the ISO 14004 model, a number of other important characteristics define Environment Canada's EMS.

It is:

designed collaboratively by headquarters, Regions and Services;

based on department-wide system guidelines and minimum requirements which are to be followed consistently across the department, but which provide reasonable flexibility for specific implementation mechanisms and time-lines;

operationally decentralized and modular -- the national EMS consists primarily of a coordinating framework for five Regional, one Headquarters and three Service environmental management systems which aggregate up into the national EMS;

focused on internal operations of the Department of Environment;

organized around a set of priority environmental risk areas (e.g. underground storage tanks, or ozone depleting substances) and green improvement opportunity areas (e.g. vehicle fleet, or building energy conservation) -- these 23 areas are referred to by their ISO 14004 terminology as "environmental aspects" ;

fully integrated with existing Departmental and Regional Management systems;

designed to recognize and incorporate existing greening initiatives in such areas as vehicle fleet, solid waste, and building energy;

aimed at ensuring compliance or preventing environmental risks, and at pursuing opportunities to green operations to achieve continuous improvement in environmental performance; and

structured and resourced to accommodate an initial design and development phase, and an implementation and maintenance phase.

Description and Status of Major EMS Components

Environment Canada has assigned Corporate Responsibility for developing its Environment Management System to the Assistant Deputy Minister of Corporate Services. The Environment Management Board (EMB) and Regional Management Boards (RMB's) are responsible for reviewing and approving components of the system. For example, they have approved the Department's Operational Environmental Policy and Guiding Principles on how the department will conduct its operations with regards to minimizing impact on the environment. Communication of this policy together with a clear statement of senior management commitment and expectations were important early steps in engaging all employees.

An Initial Environmental Review (IER) commenced in early 1995 . All Regional and Site components of the IER, including Initial Site Reviews of representative types of different facilities, are expected to be completed by March 1997 and documentation will be collated by headquarters staff. The information gathered has been fundamental to the design of the EMS, to the identification of both national and Regional priorities for action, as well as to the documentation of a number of sound practices already in place but not "systematically managed". Also, a review of relevant Federal Legislation and Government Policy with which Environment Canada must be in compliance was done as part of the Initial Environmental Review, and each region has responsibility for identifying provincial environmental legislation relevant to its region.

An annotated list of 23 national Environmental Aspects (priority risk and opportunity areas) has been finalized. These are: fume-hood, boiler and incinerator emissions, ozone depleting substances, waste-water discharge, solid waste management, hazardous waste generators, landfill, water and energy conservation, other hazardous substances, PCB's in use and in storage, above- ground and underground storage tanks, ground transportation, land use management, potentially contaminated sites, environmental irritants, spills, procurement, human resource management, and environmental assessment. This will help to provide focus and operational structure for the ongoing planning and implementation components of the EMS.

Aspect-specific working groups, following Environment Canada's EMS Framework and specific Guidance Documents, will complete the planning, implementation and measurement steps of sound environmental management (in short, a mini-EMS) by: developing environmental objectives and targets; and developing environmental performance indicators for the aspect; developing specific action plans or procedures to

reach those targets; and measuring and reporting on results to both operations staff and senior management using the indicators selected.

The EMS Framework Document outlines the specific responsibilities of key departmental positions, the EMB and RMBs, dedicated EMS Coordinators, and EMS teams and committees for various aspects of the EMS. These responsibilities are specified for both the initial design and development phase, and for ongoing operation and maintenance of the EMS. Aspect-specific procedures or action plans, or facility operation guidelines will detail specific environmental protection responsibilities associated with operations managers and specific employee positions.

Other key components of the EMS include CONTINUED selective use of environmental audits on large facilities, periodic department-wide environmental performance reporting, EMS operational documentation and records management, ongoing Legislative Tracking and Updating responsibilities, and procedures for Audit and Review of the EMS itself.

Greening Government Internationally

The Government of Canada began to cultivate a heightened international interest in greening government operations. At a meeting of G-7 Environment Ministers held in Hamilton in 1995, greening government was an agenda item. The OECD also created a working group related to greening government; Environment Canada has played a key role in many of the discussions and much of the work of this forum (e.g. creation of OECD green government Web site). An international workshop was held on greening government operations, co-hosted with Japan, at Globe 96 in Vancouver. Green procurement has also been the topic of various international workshops and will be the focus of an OECD conference in Geneva in the spring of 1997. Canada is clearly showing international leadership when it comes to greening government operations.

Environment Canada has been and CONTINUES to be an active participant in the development and utilization of ISO (International Organisation for Standardisation) environmental standards. These standards will help to raise the level of environmental performance for Canadian industry and will also help to minimize barriers to trade. We have also been instrumental in the design of a national certification scheme to ensure the effective use of these standards. Though these standards have not been aimed strictly at government, the Government of Canada is adopting them.

Planning for Action

As described above, many actions have already been undertaken over the years in Environment Canada. Examples of these and some targets already set follow:

Waste: The department has implemented an innovative waste reduction, which fosters behaviour change among employees. No Waste has achieved a 72% diversion rate (EC objective is 80% by the year 1997) from landfill of total waste generated at EC's office facilities in the NCR. The program has also been exported to regional offices as well as numerous OGD's. The program is also receiving increased recognition on the international scene with info kits forwarded to representatives from Japan, U.S.A, United Kingdom, France, Spain and other members of OECD countries.

Fleet: An action plan and policy for fleet management is already being applied. We are working jointly with Natural Resources Canada (NRCan) to convert many of our vehicles to alternative fuels. By March 1996, we will have converted more than 10% of these. Green Driver training has been developed and provided in all regions. The department has also disposed of many vehicles in the past several months, and will CONTINUE to do so. By the year 2004, we will have reduced the size of our fleet from 771 vehicles (in August 1995) to 540, and 75% of new vehicles will operate on alternative fuels, where economically and operationally feasible.

Energy: The first Energy Performance Contract (EPC) under the Federal Buildings Initiative (FBI) was awarded for a retrofit of the Canada Centre for Inland Waters (CCIW) in Burlington. This project, which also included the installation of an electrical co-generation unit, will provide anticipated energy savings of \$850,000 annually after a 7-year payback period.

As a tenant department in crown owned space, Environment Canada is resident in two Public Works and Government Services Canada (PWGSC) owned facilities which are currently undergoing implementation of the FBI program, the Downsview facility located at 4905 Dufferin Street and the Harry Hays Building in Calgary. Each of these projects should produce annual savings of over \$275,000. An FBI project has also been approved for Place Vincent Massey, the first such project in the federal government for a leased facility.

An opportunity analysis was carried out to determine the feasibility of conducting FBI projects to make all EC-owned facilities energy and water efficient. As a result of an Expression of Interest for a national bundle of all EC facilities which was recently issued, we will be going forward with a Request for Proposal (RFP) this winter. EC was also instrumental in bringing to fruition a PWGSC managed light replacement project for the 66,000 ballasts in Terrasses de la Chaudiere. This project is an example of a situation where a full FBI project is not cost-effective. This will save the Crown over \$200,000 per year.

Water: The FBI project at CCIW also included water efficiency measures, such as using water directly from Hamilton Harbour for landscaping, and using a reverse osmosis system to cut the amount of water required to produce distilled water for experiments by 80%. These measures also generated substantial cost savings. Other measures include using drought-resistant plants in a relatively new office in Kelowna, B.C. and water saving devices such as low-flush toilets and restrictors on shower-heads in many buildings. Similar measures are planned in all FBI projects.

Environment Canada has been a driving force in Canada for greater water use efficiency and related issues (i.e., realistic water pricing, water metering, demand management). Formed in December 1990, the Interdepartmental Advisory Group on Water Conservation at Federal Facilities (WCFF), chaired by Environment Canada, developed the Water Conservation Plan for Federal Government Facilities and the accompanying Manual for Conducting Water Audits and Developing Water Efficiency Programs at Federal Facilities. The WCFF was also instrumental in amending the plumbing fixtures section of the National Master Specifications to reflect water efficiency, and including water in the Federal Buildings Initiative program.

Procurement: A green procurement policy has been developed and issued. A departmental electronic green products directory has been implemented in the Prairie and Northern Region and an additional one is being developed and will soon be released within the National Capital Region (NCR). Green accommodation standards for the department have been produced. These standards, which have been accepted as part of our Master Occupancy Agreement with PWGSC, will also be used by them as standards across the public service. EC also chaired the Material Management National Workshop held in May 1996; Greening Government Operations was part of this event. We organized in the fall of 1996 a national green procurement workshop. This strategic event, with participation from federal, provincial and municipal jurisdictions, and suppliers will be followed by the creation of a federal-provincial green procurement panel to position greener government purchasing as a tool for achieving wider government objectives.

Compliance: Environmental audits have been conducted on all major facilities and remedial action taken in a number of cases of compliance-related issues. The department has an inventory of PCBs in use and in storage and participated in the first shipment of federally-stored PCBs for destruction. Almost all remaining PCB's in storage have been sent for destruction through this PWGSC offering. Ontario Region has developed a Management Strategy for Ozone Depleting Substances (ODS) in federal facilities. This strategy has been successfully piloted at the River Road Environmental Technology Centre and is being rolled out to other EC facilities in Environment Canada. EC has completed an inventory of its contaminated (and potentially contaminated) sites. It has also developed a framework for managing these sites over the coming years and commenced containment and remediation activities.

Labs and Institutes: The laboratory community in EC has always recognized the need to consider the environmental hazards and consequences associated with the things they do and the way they do them. There have been many efforts to green the day-to-day lab operations including the handling of lab wastes and the design and operation of lab facilities. In the case of operations, many policies with beneficial environmental impacts have been implemented. The quantities and types of chemicals used are being reduced and new technology (some of which have been patented and are now generating revenue for the department) is being used to reduce chemical and energy consumption. In waste management, a variety of means to prevent, reduce and dispose of waste is being used, including solvent recycling; on-site solvent re-purification and re-use; donating excess chemicals to other labs/institutions; among others. Maintaining and upgrading buildings has presented many opportunities for environmental stewardship. These include the use of direct groundwater heating and cooling; fume hood upgrades (significantly reducing energy and operating costs); direct digital controls on air handling systems; low-energy lighting; and, inspection, replacement and removal of underground storage tanks.

Conclusion

Environment Canada recognizes the importance of having its own house in order if we are to promote the Greening of Government Operations to others. We have and will CONTINUE to demonstrate this leadership, not by aiming to be the leader in any field but through concrete actions on many fronts. Individual leadership in other federal organizations, possible through the capacity-building of the past several years, can lead to a shared leadership across the federal family.

Background

The government adopted the Code of Environmental Stewardship in 1992 as a commitment to the concept of sustainable development and a pledge to integrate environmental considerations into day-to-day operations. The Greening Government Operations policy, April 1995, took the concept of environmental stewardship farther by outlining recommended best practices in various key priority areas and promoted the use of environmental management systems (EMS) as a method of ensuring that environmental objectives are properly considered and implemented.

Several months later, in June 1995, with the publication of the guidance document entitled A Guide to Green Government, federal departments were directed to take actions to 'green' their operations, policies and programs. Later in the summer of 1995, Environment Canada's Office of Federal Environmental Stewardship (OFES) published Directions on Greening Government Operations, which outlined a comprehensive approach to assist departments in planning how to achieve sustainable operations.

Environment Canada employees have implemented internal practices to reduce waste and conserve resources in their day-to-day operations on a selective and ad-hoc basis since the formation of the department.

The Code of Environmental Stewardship noted above, initiated a more formal approach to greening operations. Many regions and facilities established Green Teams to accelerate the introduction of green practices and to identify local opportunities for action. The Greening Operations Branch, formed in early 1994, has provided leadership, and coordination for greening activities, and fostered corporate, regional and facility level action.

Formalizing Environmental Management and Green Operations: Selecting an EMS Model

In 1994 the Department began to look at options for developing a comprehensive and systematic means of managing environmental obligations associated with internal operations. Based on that review, and on extensive Canadian involvement in developing standards for environmental management through the International Organization for Standardization (ISO), the Department has elected to follow the EMS model outlined in ISO 14004.

In June 1995 Environment Canada launched its EMS process. A National EMS Team was formed to design and begin implementing the department-wide environmental management system. The national team has included an EMS coordinator for each of the Department's five geographic Regions including headquarters, one EMS coordinator for each of the 3 program Services and technical support. Headquarters EMS staff have provided coordination and technical support.

Key Features of Environment Canada's Environmental Management System

As well as being based on the ISO 14004 model, a number of other important characteristics define Environment Canada's EMS. It is:

designed collaboratively by Headquarters, Regions and Services;

based on department-wide system guidelines and minimum requirements which are to be followed consistently across the department, but which provide reasonable flexibility for specific implementation mechanisms and time-lines;

operationally decentralized and modular -- the national EMS consists primarily of a coordinating framework for five Regional, one Headquarters and three Service environmental management systems which aggregate up into the national EMS;

focused on internal operations of the Department of Environment;

organized around a set of priority environmental risk areas (e.g. underground storage tanks, or ozone-depleting substances) and green improvement opportunity areas (e.g., vehicle fleet, or building energy conservation) -- these 23 areas are referred to by their ISO 14004 terminology as "environmental aspects";

fully integrated with existing Departmental and Regional Management systems;

designed to recognize and incorporate existing greening initiatives in such areas as vehicle fleet, solid waste, and building energy;

aimed at ensuring compliance or preventing environmental risks, and at pursuing opportunities to green operations to achieve continuous improvement in environmental performance; and

structured and resourced to accommodate an initial design and development phase, and an implementation and maintenance phase.

Description and Status of Major EMS Components

Environment Canada has assigned Corporate Responsibility for developing its Environment Management System to the Assistant Deputy Minister of Corporate Services. The Environment Management Board (EMB) and Regional Management Boards (RMBs) are responsible for reviewing and approving components of the system. For example, they have approved the Department's Operational Environmental Policy and Guiding Principles on how the department will conduct its operations with regards to minimizing impact on the environment. Communication of this policy, together with a clear statement of senior management commitment and expectations, were important early steps in engaging all employees.

An Initial Environmental Review (IER) commenced in early 1995. All Regional and Site components of the IER, including Initial Site Reviews of representative types of different facilities, are expected to be completed by March 1997 and documentation will be collated by headquarters staff. The information gathered has been fundamental to the design of the EMS, to the identification of both national and Regional priorities for action, as well as to the documentation of a number of sound practices already in place but not "systematically managed". Also, a review of relevant Federal Legislation and Government Policy with which Environment Canada must be in compliance was done as part of the Initial Environmental Review, and each Region has responsibility for identifying provincial environmental legislation relevant to its Region.

An annotated list of 23 National Environmental Aspects (priority risk and opportunity areas) has been finalized. This will help to provide focus and operational structure for the ongoing planning and implementation components of the EMS. Ozone-depleting substances, contaminated sites, hazardous materials, ground transportation and vehicle fleets are some of the key aspects that will receive priority consideration.

Aspect-specific working groups, following Environment Canada's EMS Framework and specific Guidance Documents, will complete the planning, implementation and measurement steps of sound environmental management (in short, a mini-EMS) by: developing environmental objectives and targets; and developing environmental

performance indicators for the aspect; developing specific action plans or procedures to reach those targets; and measuring and reporting on results to both operations staff and senior management using the indicators selected.

The EMS Framework Document outlines the specific responsibilities of key departmental positions, the EMB and RMBs, dedicated EMS Coordinators, and EMS teams and committees for various aspects of the EMS. These responsibilities are specified for both the initial design and development phase, and for ongoing operation and maintenance of the EMS. Aspect-specific procedures or action plans, or facility operation guidelines will detail specific environmental protection responsibilities associated with operations, managers, and specific employee positions.

Other key components of the EMS include CONTINUED selective use of full environmental audits on large facilities, annual department-wide environmental performance reporting, EMS operational documentation and records management, ongoing Legislative Tracking and Updating responsibilities, and procedures for Audit and Review of the EMS itself.

Greening Government Internationally

The Government of Canada began to cultivate a heightened international interest in greening government operations. At a meeting of G-7 Environment Ministers held in Hamilton in 1995, greening government was an agenda item. The OECD also created a working group related to greening government; Environment Canada has played a key role in many of the discussions and much of the work of this forum (e.g. creation of OECD green government Web site). An international workshop was held on greening government operations, co-hosted with Japan, at Globe 96 in Vancouver. Green procurement has also been the topic of various international workshops and will be the focus of an OECD conference in Geneva in the spring of 1997. Canada is clearly showing international leadership when it comes to greening government operations.

Planning for Action

As described above, many actions have already been undertaken over the years in Environment Canada. Examples of these and some targets already set follow:

Waste - The department has implemented an innovative waste reduction, which fosters behaviour change among employees. No Waste has achieved a 72% diversion rate (EC's objective is 80% by the year 1997) from landfill of total waste generated at EC's

office facilities in the NCR. The program has also been exported to regional offices as well as numerous OGDs. The program is also receiving increased recognition on the international scene with info kits forwarded to representatives from Japan, U.S.A, United Kingdom, France, Spain and other members of OECD countries.

Fleet - An action plan and policy for fleet management is already being applied. We are working jointly with Natural Resources Canada (NRCan) to convert many of our vehicles to alternative fuels. As of March 1996, we have converted more than 10% of these. Green Driver training has been developed and provided in all regions. The department has also disposed of many vehicles in the past several months, and will CONTINUE to do so. By the year 2004, we will have reduced the size of our fleet from 771 vehicles (in August 1995) to 540, and 75% of these will operate on alternative fuels.

Energy - The first Energy Performance Contract (EPC) under the Federal Buildings Initiative (FBI) was awarded for a retrofit of the Canada Centre for Inland Waters (CCIW) in Burlington. This project, which also included the installation of an electrical co-generation unit, will provide anticipated energy savings of \$850,000 annually after a 7-year payback period.

As a tenant department in Crown-owned space, Environment Canada is resident in two Public Works and Government Services Canada (PWGSC) owned facilities which are currently undergoing implementation of the FBI program, the Downsview facility located at 4905 Dufferin Street and the Harry Hays Building in Calgary. Each of these projects should produce annual savings of over \$275,000. An FBI project has also been approved for Place Vincent Massey (PVM), the first such project in the federal government for a leased facility.

An opportunity analysis was carried out to determine the feasibility of conducting FBI projects to make all EC-owned facilities energy and water efficient. As a result of an Expression of Interest for a national bundle of all EC facilities which was recently issued, we will be going forward with a Request for Proposal (RFP) this winter. EC was also instrumental in bringing to fruition a PWGSC-managed light replacement project for the 66,000 ballasts in Les Terrasses de la Chaudiere (TLC). This project is an example of a situation where a full FBI project is not cost-effective. This will save the Crown over \$200,000 per year.

Procurement - A green procurement policy has been developed and issued. An electronic green products directory has been implemented in the Prairie and Northern Region and an additional one is being developed and will soon be released within the

National Capital Region (NCR). Green accommodation standards for the department have been produced. These standards, which have been accepted as part of our Master Occupancy Agreement with PWGSC, will also be used by them as standards across the public service. EC also chaired the Materiel Management National Workshop held in May 1996; Greening Government Operations was part of this event. We organized in the fall of 1996 a national green procurement workshop. This strategic event, with participation from federal, provincial and municipal jurisdictions, and suppliers will be followed by the creation of a federal-provincial green procurement panel.

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Appendix E: Issue Scan Summary

An Issue Scan was undertaken as a step in the development of Environment Canada's Sustainable Development Strategy as specified in A Guide to Green Government. It is based on a review of existing domestic and international analysis and from departmental consultations. The goal of the scan was to identify the key issues affecting the department's ability to make further progress towards sustainable development.

The central premise of the scan is that the increasing scale and diversity of sources of environmental pressure (e.g., population growth, industrialization of developing world), and the increasing magnitude and complexity of environmental risks (e.g., environmental scarcity, climate change), will require a proactive role for government, for Environment Canada and for Canadians themselves in defending the public interest. The following summary presents an overview of the conclusions of the scan, according to five main questions.

Question 1: Will the quality of the Canadian environment increasingly be determined by actions beyond our borders?

For example:

long range transport of airborne pollutants such as mercury and PCBs;
 cross border air and water pollution such as SO₂, NO_X, and VOCs;
 loss of migratory species habitat in the Americas; and
 global issues such as climate change, ozone depletion and biodiversity loss.

These pressures will increase in the future as global population and as the level and distribution of manufacturing and other economic activities increases.

Environmental Assessment of policy is not an environmental impact assessment

Policy: **To approve** the continuation of visits to Canadian ports by U.S. and UK nuclear powered vessels (NPVS) and vessels capable of carrying nuclear weapons (NCVs)

2“Assurances of safety, liability and compensation given by the U.S. and UK EXTENT OF LIABILITY

6. POLICY RATIONALE AND OPTIONS

The decision of the Government of Canada to approve the continuation of visits by NPVs and NCVs is intended to safeguard the policy of permitting such visits. This policy is an essential component of Canada’s security policy. Its objectives are to contribute to the strategic deterrent and demonstrate a clear commitment to , and solidarity with our NATO allies.

7. b. A complete and detailed examination of the environmental implications of NPV.NCV visits is being undertaken in compliance with the Green Plan mechanism which directs that all federal agencies review existing policies for their environmental implications.

10 they provide further assurances that all safety measures taken in their home ports will be observed while in Canadian waters. conventional weapons are also stored in their normal safe mode.

[The Government indicated in its submission from The Department of Defence that there would be studies completed and “detailed environmental assessments)

15

Detailed inventories and descriptions of Valued Ecosystem Components (VECs) at each port are not yet available. They will be developed during the harbour and detailed environmental assessments.

ENVIRONMENTAL ASSESSMENT

16. Scoping of issues

the safety risk associated with potential nuclear accidents

17 Risk is defined as the product of the likelihood (Probability) of an event and its consequences. Two broad approaches are possible in assessing the probability of an accident. One involves the theoretical consideration of possible accidents. The other is based on examination of the historical record. In using both approaches, it is acknowledged that risk assessment of low probability events based solely on historical data does not necessarily constitute convincing evidence that such events cannot occur given more time.

[In violation of the precautionary principle]

NCV The risks associated with nuclear weapons involve three types of events:

unauthorized detonation of the nuclear weapon

accidental detonation of the nuclear weapon

and accidents involving the explosion of the conventional explosive or a fire which could result in the dispersion of the weapon's plutonium.

a0 Theoretical risks ...

Evidence

Safety record

There has never been an inadvertent U.S. nuclear detonation. It also indicates however, that as of January 1986 32 less serious accidents had occurred (31 before 1969) and the other in 1980. (accidents with weapons no longer used and in air flights)

(c) based on this knowledge and the assurances provided by the U.S. and U.K., there is a very high degree of confidence that the risks associated with visits of NCVs are not significant. Nevertheless. A further Canadian study is being undertaken to confirm this assessment.

2. NPVs The characteristics of naval nuclear power plants ...

There has never been an accident resulting in a) significant release of radioactive ...**Canadian monitoring of air, water and sediments around berthed NPVs, undertaken over the past twenty years**

(a) theoretical Risks

(b) Safety Record The record indicates that after more than 35 years a reactor needs to be replaced

1. IN order to address

(c) Based on this knowledge and the assurances provided by the U.S. and UK there is a high degree of confidence that the risks associated with visits of NPVs are not significant. Nevertheless , **further study is being undertake to determine event probabilities, calculate source terms, determine potential local air and water dispersion patterns, and determine**

the behaviour and availability of radionuclides, in order to provide a more detailed basis for this conclusion.

18 the Effects on Marine Animals of Exposure to low-level radiation

a. Normal operation of marine nuclear power plants produce low quantities of low-level radioactive waste. In the U.S. a small portion of these wastes can be released to the environment through authorized release, however, no such releases are permitted in Canadian Waters. Consequently, only accidental releases are of concern, The U.S. reports that the total amounts of radioactivity

Canadian monitoring of NPV visits ...over past twenty years, has consistentlyany increased radioactivity. From this, it is concluded that the possibility of accidental release of low-level radiation is probably very low and that the impact on marine animals is likely to be insignificant.

b. Nevertheless, further study is being undertaken to identify the probability of accidents leading to releases of environmentally significant quantities of low-level radioactivity. If required information on the potential pathways leading to effects on marine animals will be investigated to provide a more detailed basis for the assessment conclusion.

b. As was the case for effects on marine animals, further study is being undertaken to compute the probability of accidents leading to releases of environmentally significant quantities of low level radioactivity to provide a more detailed basis for the assessment conclusion.

20. The Economic Impact of the Local Procurement and Tourism/ Recreation Activities. Enjoyed by Crews of Visiting NPVs/NCVs. Visiting NPVs and NCVS will interact with the local communities in the same manner as any visiting ship. Depending on the size of the visiting vessel the positive impact on the local economies of ports can be significant. **Nevertheless, further study is being undertaken to quantify and assess this impact as well as the negative impact that would result from the absence of visits by all U.S. Navy Vessels**

21. The Social Impact of the Presence in the Community of Large Numbers of Allied Military Personnel.

Since the communities concerned have a long history of hosting such visits, and social and recreational facilities to accommodate them are well established, any impacts are likely to be insignificant. **Nevertheless, further study is being undertaken to quantify and assess the impacts (both positive and negative) of this activity.**

22. Water Quality and Waste Disposal Issues Associated with the routine Disposal of Ship Sewage, Grey Water, and Garbage. Depending on the size, visiting NPVs and NCVs can generate large amounts of all of the above waste streams. Since the impact associated with these activities is not different that associated with the presence of other ships, the incremental impact is not considered significant. **Nevertheless, further study is being undertaken to quantify and assess this impact, as well as to assess the cumulative effects.**

23. The effects of the Presence of NPVs/NCVs on Harbour Traffic and the Provision of Berthing Services. Though the effect on harbour traffic and the demand on services can be significant, harbour facilities have evolved to provide these services. Consequently, there is not likely to be significant adverse impacts from the continuation of the visits.

24. The Safety of Submerged Submarine Transits through Fishing Zones.

Doctrine of Legitimate Expectations

24. MITIGATION AND MONITORING

25 It is impossible to provide emergency response for all possible events, particularly those with very low probabilities. However there may be events for which contingency planning is warranted. For this reason, and because of the uncertain probability of some events, it is appropriate that emergency plans be in place and that they be integrated with those of civilian authority. The effective implementation of these plans has been enhanced with the recent approval to acquire approximately ...of equipment which will provide Nuclear **Emergency response teams (NERTs) with enhanced capability in this respect.**

26 Similarly, the uncertainty associated with health risks resulting from long term exposure to low-level radiation require ongoing monitoring of ambient air, water and sediment radiation levels. The requirement for radiation surveys by both Canadian forces and outside agencies remain.

27 On the basis of this assessment, it is concluded that there is sufficient confidence in the safety and high potential for insignificant adverse environmental impacts associated with visits of NCVs and NPVs to permit the visits to CONTINUE. The importance of the

visits to Canadian defence and foreign policy is such that the remaining uncertainties need not be investigated as a precondition to continuing the visits.

Environmental Impact Assessment Act Resolution

28 The Department proposes that the Government grant approval for the continuation of NPV and NCV visits, and that the following measures be implemented.

FOLLOWING MEASURES IMPLEMENTED

a. specific environmental and harbour assessments be CONTINUED to ensure all possible safety and mitigation measures are identified

b. Canadian Forces nuclear emergency response plans be reviewed and improved in accordance with the recommendations resulting from the specific environmental and harbour assessments and integrated with those of civilian authorities.

Affirming the need to ensure environmentally sound and sustainable development (Preamble, Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991

MINDFUL OF THE NEED AND IMPORTANCE TO DEVELOP ANTICIPATORY POLICIES AND OF PREVENTING ,,SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT IN GENERAL ...

(Preamble, Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991

COMMENDING THE ONGOING ACTIVITIES OF States TO ENSURE THAT , THROUGH THEIR NATIONAL LEGAL AND ADMINISTRATIVE PROVISIONS AND THEIR NATIONAL POLICIES, ENVIRONMENTAL IMPACT ASSESSMENT IS CARRIED OUT

(Preamble, Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991

CONSCIOUS of the need to give explicit consideration to environmental factors at an early stage in the decision-making process by applying environmental impact assessment, at al appropriate administrative levels, as a necessary tool to improve the

quality of information presented to decision makers so that environmental sound decisions can be made paying careful attention to minimizing significant adverse impact, particularly in a trans-boundary context,

DEFINITIONS

Affected Party means the Contracting Party or Parties to this Convention likely to be affected by the trans-boundary impact of a proposed activity;

(iv) “Concerned Parties” means the party of origin and the affected Party of an environmental impact assessment pursuant to this convention;

(v) Proposed activities means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;

(vi) Environmental impact assessment means a national procedure for evaluating the likely impact of a proposed activity on the environment

(vii) “Impact” means any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors it also includes effects on cultural heritage or socioeconomic conditions resulting from alterations to those factors.

TAKING ALL APPROPRIATE AND EFFECTIVE MEASURES TO PREVENT, REDUCE AND CONTROL SIGNIFICANT ADVERSE trans-boundary ENVIRONMENTAL IMPACT FROM PROPOSED ACTIVITIES (Art 2 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

TAKING THE NECESSARY LEGAL, ADMINISTRATIVE OR OTHER MEASURES TO IMPLEMENT THE PROVISIONS OF THIS CONVENTION

Each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention including with respect to proposed activities listed in Appendix 1 that are likely to cause significant adverse trans-boundary impact, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Appendix II

(Art 2 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

ENSURING THAT AN ENVIRONMENTAL IMPACT ASSESSMENT IS UNDERTAKEN PRIOR TO A DECISION TO AUTHORIZE

The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse trans-boundary impact. (Art. 2 3 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

Concerned parties shall, at the initiative of any such party, enter into discussions on whether one or more proposed activities not listed in appendix i is or are likely to cause a significant adverse trans-boundary impact and thus should be treated as if it or they were so listed. Where those parties so agree, the activities or activities shall be thus treated. general guidance for identifying criteria to determine significant adverse impact is set forth in appendix iii.

APPENDIX III

GENERAL CRITERIA TO ASSIST IN THE DETERMINATION OF THE ENVIRONMENTAL SIGNIFICANCE OF ACTIVITIES NOT LISTED IN APPENDIX 1

1. In considering proposed activities to which Article 2, paragraph 5 applies, the concerned Parties may consider whether the activity is likely to have a significant adverse trans-boundary impact in particular by virtue of one or more of the following criteria:

(a) Size: proposed activities which are large for the type of the activity

(b) Location: proposed activities which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Ramsar Convention, national parks, nature reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance); also, proposed activities in locations where the characteristics of proposed development would be likely to have significant effect on the population;

(c) Effects: proposed activities with particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained buy the carrying capacity of the environment.

2. The concerned Parties shall consider for this purpose proposed activities which are located close to an international frontier as well as more remote proposed activities which could give rise to significant trans-boundary effects far removed from the site of development. Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

The party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected party is equivalent to that provided to the public of the party of origin. (Article 2.6 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

)

Environmental impact assessments as required by this Convention shall, as a minimum requirement, be undertaken at the project level of the proposed activity. To the extent appropriate, the Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

3. The provisions of this Convention shall not affect the right of Parties to implement national laws, regulations, administrative provisions or accepted legal practices protecting information the supply of which would be prejudicial to industrial and commercial secrecy or national security. Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

The provisions of this Convention shall not affect the right of particular Parties to implement, by bilateral or multilateral agreement where appropriate, more stringent measures than those of this convention. (Art. 2.9. Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

NOTIFYING OF OTHER PARTY OF SIGNIFICANT ADVERSE...IMPACT NO LATER THAN WHEN INFORMING ITS OWN PUBLIC

1. For a proposed activity listed in Appendix I that is likely to cause a significant adverse trans-boundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.

(Art. 3.1 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

2. This notification shall contain, inter alia:

(a) Information on the proposed activity, including any available information on its possible trans-boundary impact;

(b) The nature of the possible decision; and

(c) An indication of a reasonable time within which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity; (Art. 3.1 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

and may include the information set out in paragraph 5 of this Article. (Art. 3.1 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

5. Upon receipt of a response from the affected Party indicating its desire to participate in the environmental impact assessment procedure, the Party of original shall, if it has not already done so, provide to the affected Party;

(a) Revolving information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments; and

(b) Relevant information on the proposed activity and its possible significant adverse trans-boundary impact (Art. 3.5 Convention on Environmental Impact Assessment in a trans-boundary Context. February, 1991)

7 When a Party considers that it would be affected by a significant adverse trans-boundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with paragraph 1 of this Article, the concerned Parties shall, at the request of the affected Party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse trans-boundary impact. If those Parties agree that there is likely to be a significant adverse trans-boundary impact, the provisions of this Convention shall apply accordingly. If those

Parties cannot agree whether there is likely to be a significant adverse trans-boundary impact, any such Party may submit that question to an inquiry commission in accordance with the provisions of Appendix IV to advise on the likelihood of significant adverse trans-boundary impact, unless they agree on another method of settling this question.

*. The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate through the Party of origin.

The undersigned group is concerned about the following issues related to "B.C. Environmental Assessment Act":

Given that the stated purpose of the B.C. Environmental Assessment Act is to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects", and not solely to assess the potential adverse environmental effects of projects and activities, and

Given that the term environmental [impact] assessment is understood internationally as being an actual assessment of the short and long term adverse environmental effects of a project or activity, and that the present name of the Act will likely lead to misunderstanding about the nature of this Act, and

Given that a true environmental assessment is unlikely to occur under the conditions of the present Act,

BE IT RESOLVED THAT

1. the Act be renamed as the "Project and Activities Review Act",

2. the Government draft an Environmental Impact Assessment Review Act which contains the following provisions:

- **that** there is the requirement to carry out an environmental impact assessment of projects which are likely to have adverse effects on biodiversity (Article 14, Biodiversity Convention);

- **that** it is vital to anticipate, prevent and attack the causes of significant reduction of biodiversity at the sources (Biodiversity Convention);
- **that** the precautionary principle shall be invoked in situations “where there is a threat of significant reduction or loss of biodiversity”(Biodiversity Convention) or loss of carbon sinks (Framework Convention on Climate Change);
- **that** forestry licenses and practices be included in the Act;
- **that** all projects or activities producing or using toxic, or hazardous wastes undergo an environmental impact assessment regardless of "approval under another enactment";
- **that** all water diversion and export proposals be included in this act;
- **that** there be a provision to initiate an environmental impact assessment if there is significant public concern or if there is a possibility of adverse environmental effects;
- **that** the so-called Grandfather clause be eliminated, and the Environmental Assessment Review Act be retroactive to all projects and activities;
- **that** the act include provisions for a judicial review and an immediate and extensive public information campaign;
- **that** there shall be established a “project rejection category”; for example there shall be an automatic rejection of projects and activities such as (a) uranium mining and processing, (b) nuclear reactors; (c) the transfer, refinement and disposal of atomic wastes, (d) the bulk export of water;
- **that** a process whereby disinterested (non-stakeholder) individuals with no vested financial interests in the project or activity, and with varying areas of expertise and experience be constituted as the main assessment body.

SIGNED

GROUP

Contact: Joan Russow (ERA Ecological Rights Association) or David White (Sierra Club, Victoria Group); 502 Craigflower Rd, Victoria B.C. V9A V8S, CANADA. Tel. 604-360-2563; FAX. 604-385-0068

January 31, 1995.

Dear Environmental Assessment Caucus member,

Please find attached the "revised" special resolution which we were asked to submit at the end of the Vancouver Environmental Impact Assessment Caucus meeting. An unedited version of this resolution was circulated at the meeting of the Environmental Impact Assessment Caucus, BCEN at the January 21, 1995 meeting and was tabled with the understanding that it would be circulated to member groups for further consideration.

The concerns expressed in the resolution must be addressed if this province is to have meaningful environmental impact assessment legislation. Since our return, we have reviewed an international environmental assessment document, the Convention on Environmental Impact Assessment in a trans-boundary Context (UN., 1991), to determine if the B.C. Environmental Assessment Act reflects the international conception of an Environmental Impact Assessment. In this Convention, an environmental impact assessment is to be carried out whenever a project which may cause significant trans-boundary environmental impacts is proposed and the Convention includes among other projects to be assessed, highway expansion, and deforestation. Both of these activities have been excluded from the B.C. Act.

The Convention, like most environmental impact assessment legislation, examines the impact a proposed project will have on the environment. Although the impact of a proposed project and activity on the environment will be considered in the B.C. Act, there are provisions for trade-offs with considerations for the economic impacts of the project's or activity's not proceeding—a **fundamental difference**. For example, the Barberton Project which should be rejected because of the environmental impact on a unique sensitive ecosystem seems likely to pass an "assessment" because the government will consider primarily the economic costs of the project not going ahead.

In addition, there is no provision in the Act for an environmental impact assessment when there is evidence of significant public concern. This provision was a major part of the EARP Guidelines, and allowed for the assessment of several major projects. The Environmental "stakeholder" team assured us that under "Section 4" of the proposed Act, the Minister is given discretion to initiate a review if it "is in the public interest." However, this is not the same as "significant public concern". Also, in the document "Response to "Key Stakeholders' Report on Proposed Amendments to the EAA", it is stated that Sect. 4 will be "rarely exercised, and used as a last resort", and that "the goal is to use this power as seldom as possible."

We urge your group to express your concerns on this vital issue. Tell the government that the current Act is not acceptable as an Environmental Assessment Review Act. Please send us your comments to the Resolution, and we will distribute the results again to the Caucus.

David White,
Chair, Sierra Club Victoria

Joan Russow,
Chair, Ecological Rights Association

It should be noted that the concerns raised in this letter and resolution were essentially the same as those we raised at the time of public hearings on the proposed act and in submissions to the consultative process.

ASK NOT WHETHER BUT HOW: QUESTIONABLE ENVIRONMENTAL IMPACT ASSESSMENT OF SALMON AQUACULTURE

MEDIA RELEASE AUGUST 26

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) Leader of the Green Party of Canada 250 598-0071

David White, Environment Critic, Green Party of B.C. 250 479-3332

DRAFT:

RESPONSE TO THE FEARO JANUARY 20 DRAFT FOR STANDARDS FOR CIDA PROJECTS

General Comments:

Since I have not been part of the previous discussions related to the regulations, I am not aware of whether the points that I am raising have already been addressed. From the discussion paper , January 20 Draft, I sense that these issues have not yet been

addressed. In some cases I have typed up the original draft and suggested changes; in other cases I have suggested potentially applicable considerations. In general it is important to apply, in all cases, anticipatory and precautionary principles, international principles, prevention technology and public consultation with non-vested interest members of the public with a wide range of expertise and experience. It is suggested that the environmental assessment review should be carried out on existing projects, and through invoking the precautionary principle governments should not permit any projects or activities which could have potential significant adverse effects.

Legend:

plain text: January 20 Draft

italics: suggested deletions

underlined: references to statements from other documents

Bold: proposed additions

Submitted by Joan Russow

Member, IUCN Commission on Education and Communication

Chair, B.C.E.N. International Affairs Caucus

GENERAL PRINCIPLES UNDERLYING CONSIDERATIONS OF PROJECTS AND ACTIVITIES

- FULFILLMENT OF INTERNATIONAL OBLIGATIONS PRINCIPLE

Whereas Canada must be able to fulfill its international obligations in respect of the environment: (CEPA)

- RECOGNITION OF INHERENT WORTH OF NATURE PRINCIPLE

As agreed to in the World Charter of Nature,

(a) 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. (1982)

- APPLICATION OF NON-TRANSFERENCE OF HARMFUL SUBSTANCES OR ACTIVITIES PRINCIPLE

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)*

For years obsolete or harmful products or hazardous (including atomic) , or toxic wastes have been "dumped" in developing countries or within States on the land of indigenous populations. The granting of permission by the sovereign state shall not be a reason to justify the relaxing of standards related to the transference of harmful substances and activities.

- APPLICATION OF ANTICIPATORY AND PRECAUTIONARY PRINCIPLE

The precautionary principle was enunciated in its rudimentary form in the UN Convention on Humans and the Environment (UNCHE, 1972); reasserted in the World Charter of

Nature (1982) and reaffirmed in the UN Convention on Environment and Development (UNCED); it could be considered to have become international customary law and thus binding on the international community. It has been adopted in the Rio Declaration and Agenda 21, and in the legally binding documents such as the Convention on Biological Diversity and the Framework Convention on climate change.

A proposed definition from the B.C. documents drawn from the different versions of the precautionary principle in the UNCED documents is

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 (proposed wording for BC Pollution Prevention Act)

It is important to recognize that the precautionary principle is essential; unfortunately in the context of the EPA, CEPA and ARET lists the principle followed is usually "the innocent until proven guilty" or the converse of the precautionary principle: if there is not scientific certainty that harm will occur the activities will proceed. What is needed is also an anticipatory principle and a cautionary principle.

If the precautionary principle were truly applied the emphasis would be on the following:

- (1) the "exclusion" and banning of harmful substances which would be in violation of the precautionary principle, anticipatory principle and reverse onus principle, and of experimental newly introduced and potentially harmful substances, waste products and activities;
- (2) the reliance on arms-length research;
- (3) the transference of funding for research into long term ecologically safe and sound substances, technologies and activities;
- (4) the adoption of prevention technologies—doing it right the first time;
- (5) the calculation of the true environmental costs of the use of substances and the engaging in activities.
- (6) decisions about standards would not be made by an "interest-based" round table or consultative panel with industry involvement as has been done in the current process in drafting the outline, and has also been done in the development of the Arret program.
- (7) the standards developed would be mandatory not voluntary as they are in the ARET program

The emphasis must be on invoking the precautionary principle, on eliminating potentially harmful pollutants, and on funding research into ecologically safe and sound alternatives. The government must strive to ban and phase out the use of potentially harmful pollutants, and rather than spend time and money on testing of substances that could with time prove harmful, engage in funding research into ecologically safe and sound alternatives.

(8) the ecosystem shall be given primacy

CAUTIONARY OR REVERSE ONUS PRINCIPLE

Given that the Minister of the Environment, the Hon Shelia Copps has agreed that the reverse onus principle shall apply in Canada, this principle shall also apply to all CIDA supported projects. The principle could be enunciated as follows:

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

RESPONSIBILITY OF THE CEAA

As indicated in Section 4 of CEAA, one of the purposes of the Act is to "encourage responsible authorities to take actions that promote conservation and equitable and ecologically sustainable use *sustainable Development* and thereby achieve or maintain a healthy environmental and an equitable distribution of resources. *a healthy economy.*" The interrelationship of conservation, equitable and ecological sound use *trade, economic growth and a healthy environment* is also a factor in the application of CEAA to projects and activities outside Canada. It is thus important that the POC regulation take into account the necessity of ensuring that the environment is given primacy and that projects and activities should facilitate above all humanitarian equitable and ecologically sound development and not exploitative development. Canadian industry shall not interfere with the development of local prevention technologies that do not generate wastes. *that such broad issues as the competitiveness of Canadian industry, transfer of and cooperation in science and technology, trade flows and the emergence of new international arrangements.*

Finally, it should be noted that attempts at cooperating in this area are being carried out bilaterally and in international fora such as the OECD, the World Bank, and the European Community. *With respect to the international context, special attention must be paid to existing and emerging guidelines and practices for environmental assessment of other*

countries and multilateral institutions. In short, while environmental issues are being integrated into public policy by most countries, a coherent international approach could be achieved by carrying out a synthesis of the principles that have already been agreed-to internationally (see Russow, J. Content analysis of international principles) has not yet been achieved.

It is extremely important to be aware of the international principles that have already become binding international obligations. Undoubtedly, the international standards may not be high or strict enough; it is however important to be aware of these standards and to use these standards as a minimum.

One of the reasons for establishing international principles, standards and technical regulations is to ensure either that States will not carry out activities in other States that would be unacceptable by the standards in the State where the activity originated; or where the standards are lower in the state of origin than the international. If either one of the above conditions exist, then the activities would be unacceptable to transfer to a recipient State.

International standards are especially important because the transference of ecologically unsound substances or activities to developing States will be justified on the grounds that even though the activities may not satisfy the standards of the country of origin “extraterritoriality” should not be imposed on other States. In other words, the recipient States have the sovereign right to accept what the state of origin would not accept. This approach reinforces the leaked memo of Summers from the World Bank. In this memo, Summers wrote “ between you and me, it makes good economic sense to transfer dirty industries to the least developed countries”

What might be deemed satisfactory may be ecologically sound within the Canadian context but may become part of the problem because the technology could be used to replace an existing or emerging technology in the recipient country.

[I have not had the opportunity of seeing the proposed criteria by which these projects and activities are to be judged]

Some suggested criteria:

1. No introduced project or activity should introduce technologies that would interfere with the development of prevention technologies that are endogenous to the recipient State. (This criteria was enunciated throughout the UNCED documents in the form of respect and implementation of traditional practices).

2. No introduced project or activity should introduce technologies that rectify an existing problem in a way that could promote the continuation of another ecologically unsound project or activity (For example, nuclear power introduced as a solution to “Climate Change”).

3. The onus of proof shall be on the proponent of the project to demonstrate that the project will not interfere with locally developed projects and activities or with internationally agreed to principles—Reverse Onus Principle.

4. Rather than wait until there is significant public concern that a project or activity could be harmful, it would be important to ensure that the project be put on the "exclusionary list" — the list of projects, substances and activities to be automatically excluded because these projects, substances and activities contribute to toxic, hazardous and atomic wastes.

5. The environmental assessment shall be preventive rather than mitigative: that is, there should be a determination about whether the project or activity should be embarked upon at all, rather than about how to mitigate a project or activity after it has been allowed to proceed. (For example, there has not been an

environmental assessment review carried out on forest practices to determine the impact of forest practices on the loss and reduction of biodiversity — a requirement of the Convention on Biological Diversity: yet the government of Canada, after the Earth Summit in Rio, provided \$143 million to assist “developing countries to manage their forests)

6. No project should solve one problem by creating another which could be equally or more serious. For example an extensive agroforestry project should not be used to justify the elimination of original growth

7. All projects and activities should follow the practice of co-transfer of technology (North/South and South/North) so that the notion that only the technology from the North is acceptable is discarded.

8. The presumption of "Northern wisdom" as the solution must be discouraged, and the emphasis should be on interchanging of knowledge and technology
9. All projects and activities that promote a new technology should be questioned, and examined by applying the reverse onus principle. In an environmental assessment review a full life cycle analysis should be carried out on environmental implications of introducing this new technology.
10. No technology should be introduced that alter cultural values within the recipient state
11. No project or activity shall be supported if it perpetuates the over-consumptive model of development. In Agenda 21, there was a call to move away from the current model of development. The government of Canada shall recognize that Canada CONTINUES to function within a consumptive model of development, and that significant changes must occur within Canada itself so that its contribution to other States will contribute to a global solution rather than a global problem.
12. No project or activity shall be supported that perpetuates the traditional definition of "development". The concept of development should be redefined to foster the ability to integrate with the environment with the least impact. A developed State would then be one in which the State succeeds in integrating with the environment with the least impact, and in integrating environment and equity. An underdeveloped state would be one that fails to integrate with the environment, and fails to integrate environment and equity.

Suggested criteria for redefining development in ecological and equitable terms:

- (i) The degree to which a state has been able to integrate with the ecosystem through ecological sound practices causing its human activity to have little deleterious impact on the environment

- (ii) The degree to which there is an equitable distribution of resources
- (iii) The extent to which a state respects indigenous peoples and practices
- iv) The degree of condemnation, and avoidance of over- consumption
- (v) The ability to minimize the human impact on the environment through fulfilling fundamental rights and thus reducing population
- vi) The degree of compliance with the enshrining of positive rights (right to ecologically sound work, to food, to potable water, and health care to shelter) as well as with negative rights
- (vii) The ability to live within the carrying capacity of the ecosystem and to refrain from contributing to global ecological harm
- (viii) The degree to which no or little funds are spent on the military and on arms production
- ix) The degree to which laws are enacted and enforced to protect environment, human rights, equity, justice and peace
- (x) The degree to which cooperation supersedes competition
- (xi) The degree to which support is given to alternative non-military preventive measures
- (xii) Degree to which citizens are listened to, and citizens make decisions within a framework of ecological principles
- (xiii)...

(from Russow, Redefinition of Development in equitable and ecological terms, presentation at Environmental Law Conference, University of Victoria, 1994)

12. Research and development funds shall be transferred from The Hazardous, Atomic Toxic (THAT) technologies to preventive technologies — technologies that do it right the first time

13. A significant proportion of the current Military budget shall be transferred to projects and activities that are equitable and ecologically sound U.S.

DISTINCTION BETWEEN EXEMPTION, EXCLUSION, AND POTENTIAL EXEMPTION AND INCLUSION .

If the anticipatory, and precautionary principles are to apply any project that could have a significant adverse effect should not even be considered.

If these principles are followed, a long list of projects and activities that should not even be considered could be developed; included in this list would be projects and activities for which there is already substantial evidence that harm could occur, and those for which there is the possibility of significant adverse effects.

"Exclusion" should apply to projects and activities that should be on a list of unacceptable projects and activities that should not even be acceptable; for example the assisting of developing States to "manage" their forests through ecologically unsound technology such as clear-cut logging.

If there is a possibility of significant adverse effects the project and activity should be excluded and not considered

"Exemption" should apply only to projects and activities that are deemed to be completely benign with minimum cultural impact, with prevention technology, supported by both the country of origin and the recipient country and not interfering with locally developed prevention technology;

The only projects and activities that would require an environmental assessment review would be those that have some impact but not any impact that could potentially have significant adverse effects.

"Inclusion" should be projects and activities that may have a little or no effect but that it is important to examine what the effect might be.

CRITERIA FOR EXEMPTION OF PROJECTS AND ACTIVITIES

If projects and activities that are likely to have a significant adverse effect are not excluded from consideration then:

No projects and activities shall be exempt because the substances or activities would usually be examined under another statute. For example in B.C. Forest practices are not included under the B.C. environmental Assessment Act because they are purported to be examined under the Forest Act or the forest Practice Code

To ensure that projects and activities are equitable and ecologically sound, no projects or activities that have been questioned in state of origin because of the their impact on

the environment should be permitted to be transferred to a recipient state. Although, in Canada many practices CONTINUE either without there having been an environmental assessment review or with there having been a less than adequate review. The acceptance of the projects and activities in Canada should not be sufficient to determine that these projects and activities are acceptable enough to be transferred to other States. In many cases ENGOs seriously question practices in Canada. No practices that could be banned or disCONTINUED through the invocation of the precautionary principle[should CONTINUE in Canada] shall be transferred outside of Canada. For example the precautionary principle of the Biodiversity Convention could be used to justify the banning of ecologically unsound practices such as clear-cut logging.

EXEMPTION BECAUSE OF NOTWITHSTANDING CLAUSE

Under no circumstances shall existing projects or activities, which could have significant adverse environmental effects, be exempted because of notwithstanding clauses such as section 5? of C113

No notwithstanding, clauses such as the clause in C 113 related to national security

EXEMPTION THROUGH PASSING OF ORDERS IN COUNCIL

in no case shall orders in council be issued to bypass the environmental assessment review of existing projects or activities which could have significant adverse environmental effects

EXCLUSION OF PROJECTS AND ACTIVITIES BASED ON PREVENTION PRINCIPLES

DEVELOPMENT OF EXCLUSIONARY LISTS

VI POLICY ISSUES

1. One Regulation or More?

The Canadian Environmental Assessment Act provides for a varying and exclusion regulation for two types of projects and activities outside Canada: projects and activities to be carried out outside Canada and any federal lands; and projects and activities to be carried out under international agreements or arrangements. Many, if not most, projects and activities outside Canada are those involving Official Development Assistance (ODA) funding provided by the Canadian International Development agency. Decisions about

projects and activities outside Canada are made in two different ways: by federal authorities acting alone, or in collaboration with international agencies and organizations.

Two types of international agreements are relevant for the purposes of a POC regulation:

- multilateral or bilateral agreements, involving projects and activities whose essential details are specified
- multilateral or bilateral agreements involving a financial contribution for a generally defined purpose involving projects and activities whose essential details are not specified but are to be identified later; or

A third type of international agreement involves general commitments relating to policies or programmes of the Government of Canada that do not involve projects and activities, as defined in CEAA. This type of agreement will not trigger the proposed Projects Outside Canada regulation [WHY?].

Although the Government's original intention was to develop a regulation for ODA projects and activities and then a second regulation for all other projects and activities occurring outside of Canada, given the similarity of issues involved and the desire to minimize confusion, a decision was taken to develop a single POC regulation.

This single POC regulation should also apply to Crown Corporations such as IDRC, EDC, CCC. Enough principles have been established in international documents to indicate international agreement about export support activities.

2. Interaction with other Regulations

[Exclusion or exemption ? : Are projects or activities excluded if they are deemed to be harmless or excluded from the list of projects or activities worthy of consideration because these projects or activities are already deemed to be harmful. I think the term "exempt" should be used for projects and activities that are clearly benign and the term "exclusion", for projects and activities that are clearly harmful (uranium mining, nuclear energy, use of hazardous or toxic materials)]

the regulation-making authority for a POC regulation set out in Paragraph 59 (i) subsections (ii) and (iii) of CEAA authorizes the Governor in Council to make regulations "varying or excluding , in the prescribed circumstances, any procedure of requirement of

the environmental assessment process set out in the Act or the regulations ..." Thus, the Governor in Council is empowered to vary or exclude in the prescribed circumstances Sections 14 to 45 of the Act in the POC regulation.

Once Canadian Environmental Assessment Act is proclaimed, four regulations will come into force. These are the Law List (LL), the inclusion List (IL), the Exclusion List (EL) and the Comprehensive Study List (CSL). *With the exception of the Law List, which deals exclusively* with domestic and international legislation, these regulations will apply to projects and activities outside Canada.

The entries on the Law List Regulation lists international principles from UNCED documents (Agenda 21, Rio Declaration, Convention on Biological Diversity, and the Framework Convention on Climate Change, Vienna Convention on Ozone, and Montreal, London, and Copenhagen protocols, Basel Convention, Law of the Seas, Universal Declaration of Human Rights, International Covenants of Civil and Political Rights, and the International Covenant on Social, economic and cultural Rights, START, UNCHE, World Charter of Nature; sections of statutes and regulations empowering federal departments, ministers or Cabinet to issue permits or licenses for projects and activities in Canada that could have environmental effects; such projects and activities require an environmental assessment under CEAA.

The Inclusion List Regulation includes physical activities not relating to physical works that are subject to an environmental assessment under CEAA [

The *exclusion* Exemption List Regulation consists of a list of undertakings in relation to physical works that have insignificant environmental effects and thus require no environmental assessment.

The Exclusion List Regulations consists of a list of substances and activities that would be in violation of the precautionary principle and should be excluded from consideration

The Comprehensive Study List Regulations contains a list of major categories of projects and activities likely to have significant adverse environmental effects. If triggered under CEAA, the projects and activities on the list are subject to a comprehensive study according to a process prescribed in CEAA

note: as the segment of the industry dealing with preventive and innovative environmental technology thrives on the establishment of high standards with correspondingly high technical regulations, projects that are likely to have significant adverse environmental effects should not be considered by the government of Canada. given that Canada agreed at UNCED to not transfer substances or activities that could be harmful to human health or to the environment. Canada should undertake to promote environmental technologies that do not interfere with the development of local prevention innovative technologies, Canada should contribute to the cleaning up of previously ecologically unsound practices providing the technology that is used is itself not part of the problem. in no case should an environmental technology that has been used for clean up be used to justify the continuation or the introduction of ecologically unsound or culturally inappropriate practices.

Another regulation currently under development which, once promulgated, will apply to projects and activities outside Canada relates to minimum federal involvement. Under the eventual minimum federal involvement regulation, certain projects and activities or classes of projects and activities will not be *excluded* exempted from environmental assessment where the responsible authority's involvement in the project is minimal.

Each of these regulations (i.e LL, II, EI and MFI) can be varied to reflect different situations of projects and activities outside Canada providing at all times internationally established principles will be followed as a minimum

- To ensure that exclusionary lists — lists of substances, projects or activities that shall be reduced or eliminated[in contrast from exemption lists are lists excluding certain projects and activities as being ecologically unsound and consequently not even considered as being necessary for an environmental assessment review] are :
 - not developed through consensus with vested interest involvement because vested interests will interfere with the establishment of strong recommendations
 - based on research that has been arms-length [note the results of the International Biotesting Laboratory's non-arms length scandal in the 1970's].
 - not voluntary standards but mandatory technical regulations.
 - compiled as a result of a full environmental analysis, multimedia, life cycle of all the environmental impacts (toxicity, persistence and bio-accumulation)

from the production, modification, processing, refining, and disposal had not been carried out to develop the list.

- to place projects and activities on a "need not apply list" if there is any evidence that a project or activity could potentially significant adverse effects then the project or activity shall not proceed (apply principle from World Charter of Nature)
- to not fund "sunset industries" — industries being phased out because of environmental impact. For example AECL received at least \$150 million for research related to the nuclear industry; Given the impossibility of dealing with atomic wastes, the Canadian government shall not permit the transfer of any activity that could produce atomic wastes. The government must finally be committed to funding research into ecologically safe and sound alternatives focusing on prevention technology.
- the government shall not support any projects and activities in recipient countries that perpetuate sunset industries or obsolete ecologically unsound.

EXTENT OF JURISDICTION OF STANDARDS

3. Given that Section 59 (j) of CEEA empowers Governor in council to make regulations outline environmental assessment procedures for Crown Corporations.

The Governor in Council shall make regulations consistent with the recommendations for CIDA for projects and activities that shall apply to all projects and activities of crown corporations; even those within the meaning of the Financial Administration Act such as IDRC, the export Development Corporation EDC and the Canadian Commercial Corporation (CCC0

Environmental assessment of export support activities shall be developed.

4. Given that subsection 7(2) applies to situations where a federal authority is providing funding for domestic or international projects and activities, an environmental assessment shall be required where a federal authority makes or authorizes financial assistance to a project, even where the essential details of the project are not specified before or at the time the financial assistance is provided.

Subsection 54 (2) elaborates on subsection 7: this subsection requires the federal authority responsible to ensure, to the extent practicable, that the funding agreement or arrangement will require the recipient state to assess those projects and activities which will benefit from the financial assistance once the essential details of the projects and activities have been specified.

EXTENSION OF APPLICATION OF ENVIRONMENTAL ASSESSMENT REVIEW

- projects and activities already existing shall also be subject to an environmental assessment review

GOVERNMENT AS AN INSTRUMENT OF CHANGE THROUGH ADVOCATING PREVENTION

- If the Canadian government is serious about being an instrument of environmental change; moving from a reactive to a proactive preventive stance, Canada will have to consider incorporating the following principles:

- to revisit the terms of reference for environmental assessment review

basing it on the anticipatory and precautionary principles founded on anticipation and prevention of harm, and on prevention not mitigative technologies

- to acknowledge the urgency of the current environmental situation and of the years of persistent accumulation and indeterminate interaction of pollutants. It is time to move to the anticipatory or "cautionary" principle (Reverse Onus— as recently recommended by the Federal Minister of Environment, Shelia Copps, October, 1994) where there is a shift in the onus of proof from the opponents of an intervention having to demonstrate harm to the proponents having to demonstrate safety
- to bring about change within industry by rewarding those industries that have devoted all of their time and money to the development of prevention technology [providing these prevention technologies are not used to interfere with the endogenous capacities of receiver countries]

ENVIRONMENTAL FACADE AS PUBLIC RELATIONS

- to ensure that industry does not use the government associated projects and activities to promote an environmental facade that will cover ecologically unsound practices engaged in elsewhere by the industry in other activities
- to ensure if industry is involved that the total activity of the industry is ecologically sound [so many industries have an environmental wing that allows them to be part of the decision making process, while continuing to engage in ecologically unsound projects and activities].

SOURCE OF RESEARCH

- to analyze projects and activities, the government must ensure that the source of the research is arms-length

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, one will have to consider *consideration will have to be given to* a number of broad issue 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 providing that the flexibility permits the relaxing of the precautionary principle and the non-transference of harmful substances principle.

- 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 "multistakeholders", 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

ROLE OF STANDARDS AS INSTRUMENTS OF CHANGE

Given that the NAFTA indicated a distinction between 'standards' and 'technical regulations', standards are not mandatory but technical regulations are mandatory standards shall be translated into mandatory technical regulations]

Underlying principle: principles, standards and regulations must drive industry, not industry compromising principles, standards and regulations.

- principle that technical standards shall become increasingly high so as to encourage the development of environmental sound prevention technology.

- to ensure that the technical regulations are so high that no innovative prevention technology will be at a disadvantage [At Globe 94, several innovators working in prevention technology indicated that they were having difficulty promoting their products because the government regulations were not mandatory and were too low. A principle could emerge from this that no innovative prevention technology shall be discouraged because the government fails to have mandatory and high standards.]

- to ensure that those who are part of the solution do not become part of the problem, where mitigative technology is used to promote ecologically unsound technology

[Several engineering firms have come up with prevention technology — doing it right the first time; other engineering firms have come up with mitigative technology— attempting to rectify previous errors; this mitigative technology is often used to promote the continuation of the ecologically unsound technology for which the mitigative technology was devised to rectify.]

- to ensure that a full life cycle analysis of substances and activity [as required in Agenda 21] is carried out in a way that would examine the environmental consequences of introducing the activity or substance into the ecosystem; [this would be moving away from the approach in the ARRET program where only the substances and not the waste products were examined] No substances or activities that could impact on the environment shall be permitted.

- to ensure that no projects or activities that are in violation of international obligations are supported; it is not enough to just state that the projects and activities must comply with these principles; the principles need to be enunciated and the way these principles will be

fulfilled must be indicated [this would entail closely examining actual international principles and the translation of these principles into action, to determine what would constitute compliance with these principles, and to establish a list of exclusionary projects and activities based on the application of these principles]

SOVEREIGNTY AND EXTRATERRITORIALITY

- the avoidance of "Extraterritoriality"— the imposition of country of origin standards and technical regulations must not be used as a reason for supporting the transfer of activities

V. THE INTERNATIONAL CONTEXT

As noted previously, the Canadian Environmental Assessment Act provides for a varying and exclusion regulation from two types of projects and activities outside Canada: projects and activities to be carried out outside Canada and any federal lands and projects and activities to be carried out under international agreements or arrangements. When considering how to ensure that the spirit and intent of CEAA is reflected in the environmental assessment of these categories of projects and activities, both the international context and the realities of Canada's foreign policy objectives, commitments and responsibilities must be taken into account.

Respect for the sovereignty of States is a fundamental principle of international law. In developing and applying the new POC regulations, Canada must avoid any illegal extraterritorial application of its laws for precisely the same reasons that it has consistently resisted attempts of other States to exercise such extraterritorial jurisdiction in Canada. Thus, care must also be taken to avoid action which may be perceived as excessively intrusive. [Re: extraterritoriality: care must also be taken to avoid action which may be perceived as excessively intrusive]. This section must not preclude the compliance throughout the world with international principles enunciated in international obligations, as well as those with legally binding Conventions and treaties. Any state that has signed any of the legally binding Conventions such as the Biodiversity or Climate Change, is bound by Article 18 of the Vienna Convention Treaty which 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"

[Re: extraterritoriality: care must also be taken to avoid action which may be perceived as excessively intrusive] This section V in the draft document, must not

preclude the compliance throughout the world with international principles enunciated in international obligations, as well as those with legally binding Conventions and treaties. Any state that has signed any of the legally binding Conventions such as the Biodiversity or Climate Change, is bound by 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"

5. THE DEPARTMENT OF EXTERNAL AFFAIRS ACT

The Department of External Affairs Act assigns powers for the Conduct of Canada's external affairs. The Secretary of State for Foreign Affairs is responsible for:

- official communications with other countries and international agencies
- the conduct and management of international negotiations as they relate to Canada
- the coordination of Canada's international economic relations - fostering the expansion of Canada's international trade
- the control and supervision of CIDA - fostering the development of international law

The Minister of International Trade has a mandate to promote international trade by:

- assisting Canadian marketers
- improving Canadians' access to external markets
- promoting trade relations with other countries
- enhancing overall world trade conditions

VI CONSULTATION ON THE POC REGULATIONS

Consultation with the public on the POC regulations before it is finalized is essential. As with other regulations, the primary mechanism for consultation outside of the federal government on the first four regulations has been the Regulatory Advisory Committee (RAC). Members include representatives of industry associations, environmental groups, aboriginal organizations, and provincial governments. The RAC presented its first report on the four regulations in April 1993. From the perspective of governments and most

stakeholders, RAC has been a notable success so far. It should also be used for the POC regulation.

A subcommittee should be created under RAC and report to RAC on the POC regulation. It could include RAC members as well as other individuals who represent constituencies not on the RAC, who have the needed experience and knowledge. The sub-committee would report back to RAC which, in turn would submit its recommendations to the Environment Minister.

VII GUIDELINES FOR DRAFTING A PROJECTS OUTSIDE CANADA (POC) REGULATION

- For purposes of the POC regulation, the definitions included in Section 2 of CEAA will apply.

- A single regulation will be established that will vary or exclude in prescribed circumstances Sections 14 to 45 of CEAA for projects and activities outside of Canada.

- The POC process will apply to all projects and activities outside of Canada as triggered by CEAA.

- responsible authorities will develop and apply their own administrative procedures for conducting an environmental assessment as required by the POC regulations and CEAA

- A Users Guide explaining how the new POC process works will be prepared for general circulation within a six months of the POC regulations coming into force

- The inclusion, Exclusion and Comprehensive Study List Regulations that will come into force with the proclamation of the CEAA will apply to projects and activities outside of Canada.

- The responsible authority will decide at what point in the environmental assessment process the public will be involved.

- Responsible authorities will inform the public and make relevant information available as early as is practicable for projects and activities outside Canada which will require environmental assessment as required by Section 55 of the CEAA.

- for projects and activities outside of Canada, where the responsible authority is not the Minister for Foreign Affairs, the responsible authority will coincidentally provide the Minister of Environment, the Minister for Foreign Affairs and the Canadian Environmental Assessment Agency with the environmental assessment of projects and activities on the Comprehensive Study list or other projects and activities likely to have potentially significant environmental effects. Where the responsible authority is the Minister for Foreign Affairs, the Minister for Foreign Affairs will provide the Minister of Environment with the environmental assessment as described above. Where the results of comprehensive studies suggest that a project is not likely to cause significant environmental effects, the Minister of Environment will refer it back to the responsible authority for decision.

Where the results of a comprehensive study suggest that a project's environmental effects are 1) uncertain 2) significant even with mitigation or 3) where there are deemed to be significant public concern, the responsible authority may, in consultation with the Minister of Environment and Minister of Foreign Affairs, establish an Advisory Committee to review the project. The mandate and membership of such advisory Committees will be determined on a case-by case basis by the responsible authority, in consultation with the Minister of the Environment, and when applicable the Minister of Foreign Affairs.

In either case, the Minister of Environment's response to the comprehensive study will be public and the responsible authority will decide whether the significant adverse effects of the project that cannot be mitigated are justified in the circumstances.

A Federal responsible authority may use whatever information it deems appropriate in making its decision. Thus, they may use information generated by previous studies, by other countries or international agencies and other non-Canadian jurisdictions. In the end, the responsible authorities are responsible for their decisions to support or not support a project.

inclusion regulations

Most of my comments relate to what I perceive to be the need to have fundamental principles underlying the principles referred to as GUIDING PRINCIPLES RELATED TO the regulation for projects and activities outside Canada.

States have ...the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction (principle 1 Rio Declaration)

1. Projects that are conducted outside Canada which are supported financially by the Government of Canada will be subject to the Canadian Environmental Assessment Act. [this should be extended to cover projects and activities that are conducted outside of Canada and extended to companies that are registered in Canada. Too often projects and activities that are conducted by Canadian companies could be in violation of the principles enunciated by

what is needed is a charter based on ecological principles agreed to by the international community and what form the basis of all Canadian development. What is done by

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)*

2. Environmental assessment shall *be taken into account as early as is practicable in the decision making process*; be undertaken in all CIDA projects and activities [too often a project is proposed and initiated and is too far along to ensure a preventive review; which will determine whether or not the project should proceed; the review then becomes a "mitigative" review which minimizes the impacts of the project once it has proceeded.

the assessment criteria may not include that

would be deemed ecologically inappropriate

4. Environmental assessment of projects and activities outside Canada will be conducted in accordance with generally-accepted principles of respect for the sovereignty of foreign States, international law and the international agreements and arrangement to which Canada is a part.

Unfortunately, in the name of respecting sovereignty, has been used to justify a number of government projects and activities for example for years DDT which was restricted in use in Canada was shipped to India; to be used for purposes that would not be permitted in Canada on the ground that they have the sovereign right to determine whether or not they wish to use the chemical we cannot impose our standards on them.

similarly with the

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)*

The principle has been altered considerably in practice by the notwithstanding clause that unless 3. In the absence of equally strict or higher standards in the receiving State *or express agreement by the receiving State to the contrary, the relevant standards of the State of origin shall apply* the highest or the most strict of the following standards — international standards , state of origin standards or the receiving state standards — shall apply

the onus of proof for the ecological soundness of the project must fall on the proponent of the project.

So that not every project or activity will require an environmental assessment review process a set of exclusionary principles must be established based on prevention

No project that generates waste that are potentially toxic, hazardous (including atomic wastes) No project or activity that introduces a harmful substance should be introduced

No project that could detract from innovative endogenous technologies should be no matter how safe or ecologically sound the introduced technology might be.

1. Nothing that is proposed that should impact on the Conservation and protection of biodiversity
2. No project should contribute to Climate Change

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

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

POSSIBLE RESEARCH AREAS IN INITIATIVES

PROJECT 1 A.

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

- Preservation/nature involvement/ ecologically sound practices

_ Innovative initiatives Case studies:

- E.g. Innovative initiatives in a region in India that could be relevant to Canada

Such as those suggested in publications like "Down to Earth" from the Institute in New Delhi or in Chipko region

- Eg. Innovative initiatives in Vancouver Island, such as those related to forest practices by Merve Wilkinson who has been using Selection logging for 50 years

_ Sewage Treatment resource or waste)

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

Relevant International principles such as the following:

Precautionary principle

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

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

"Long-term research into the importance of biodiversity for the functioning of ecosystems and the role of ecosystems in producing good, environmental services and other values supporting sustainable development with particular reference to the biology and reproductive capacities of key terrestrial and aquatic species, including native, cultivated and cultured species; observation and inventory techniques; ecological conditions necessary for biodiversity conservation and CONTINUED evolution; and social behaviour and nutrition habits dependent on natural ecosystems, where women play key roles. The work should be undertaken with the widest possible participation, especially of indigenous people and their communities, including women. (Agenda 21, 15.5 f,)

Ecologically-unsound-practices-accumulation-impact principle

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

CHARTER OF ECOLOGICAL PRINCIPLES

This Charter draws from international obligations that have already been agreed to internationally. The Charter draws from both obligations undertaken by States through UN resolutions such as the "World Charter of Nature", globally agreed to documents such as the United Nations Conference on Humans and the Environment (Stockholm, 1972), The Rio Declaration (UNCED, 1992) and Agenda 21 (UNCED, 1992) and the legally binding documents such as the Vienna Convention on Ozone (1986), the Montreal Protocol (1987), The Basel Convention (); 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 should shall not be used as a reason for postponing measures to avoid or minimize such a threat (from the Biodiversity Convention)

Enunciation of the principle of doubt

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

Enunciation of the "Cautionary" Principle

Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes

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

Non-introduction of hazardous products in the environment

the onus of proving the non-hazardous nature of the product will be on the proponent of this new type of product [after a full life cycle analysis of all the potential environmental harm by non-vested interest parties]

Environmental Assessment review

Introduce appropriate procedures requiring environmental impact assessment of its proposed projects and activities that are likely to have significant adverse effects on Biological diversity with a view to avoiding or minimizing such effects, and where appropriate, allow for public participation in such procedures (Article 14, 1A, Convention on Biological Diversity)

Assertion of the avoidance of activities

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

Recognition of 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 inter-generational equity

Reaffirming that man [humans] must acquire the knowledge to maintain and enhance their ability to use natural resources in a manner which ensures the preservation of the species and ecosystems for the benefit of present and future generations

(World Charter of Nature)

Commitment to non-transference of harmful substances and activities

States should [Shall] *effectively cooperate to discourage or prevent* the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Rio Declaration)

(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

(d) IS MISSING

(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 an 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 there under, this Act its regulations and authorizations issued or subsisting under this Act apply, **except when provisions in other Acts or regulations contribute to the fulfillment of the purposes of the Environmental Protection Act better than those contained in this Act**

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

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

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

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

[Not yet commented on rest of section]

Part 2

Environmental Bill of Rights

Public Trust

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

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

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

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

[moved from 41 (1) (Suggested Environment meeting, February 19)

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

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

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

Right of action

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

2. A person may commence an action under subsection (1) without having to establish that there is, has been or is likely to be an infringement of an authorization issued under this Act or an approval, permit, licence, standard, regulation, rule or order issued by or under an Act listed in Schedule A.

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

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

5. the need for intervener funding

Standing

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

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

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

Burden of proof.

33.

(1 a) Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes

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

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

(1) the plaintiff shall establish a prima facie case showing that the defendants activities has 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 worlds 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 are 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 no 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
- Eg. examination of such transfers from Canada to India
- E.g. examination of such transfers from India to other countries

Case studies

- Eg. Transfer from Vancouver Island - British Columbian logging practices - impact on Chipko et.
- Eg. 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....
- Eg. Pulp mill in Gold river adjacent and on Indian Reserve

_ Sewage Treatment (resource or waste)

- Eg. 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 arrangements 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 "multistakeholders" 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-accumulative, and were hailed as the solution. No one would have anticipated the problem with the ozone.

See Financial Administration Act see act schedule III re CEPA 54)

Plain text : original draft document of the proposed BC Environment Protection Act, February, 10, 1994

Italics: Sections or sentences that should be left out

Italics and outline Notwithstanding case

Underlined suggestions from international or national documents, such as CEPA

Bold and underlined: additions from other NGO documents

Bold (September 27) suggestions of modification of documents such as CEPA

Bold (February 19, 1994) suggestions that were presented to the meeting held in Vancouver

Bold (February 20, 1994) suggestions added from the following day

B.C. ENVIRONMENTAL PROTECTION ACT

DECLARATION

It is hereby declared that the preservation and the protection of the environment is essential to the well-being of Canada and British Columbia (CEPA)

PREAMBLE

• Whereas the presence of *Toxic substances* contaminants in the environment is a matter of national and provincial concern.

• **Whereas the diminution of ecosystems and the release of contaminants into ecosystems has occurred**

• Whereas the presence of toxic substances, once introduced into the environment, cannot always be contained within geographic boundaries (CEPA)

• Whereas the Government of Canada, and the Government of British Columbia in demonstrating leadership should establish national and provincial environmental quality objectives, guidelines and codes of practice, and enforceable technical regulations.

Part 1.

• Whereas Canada must be able to fulfill its international obligations in respect of the environment: (CEPA)

DEFINITIONS

NOTE THAT THE DEFINITIONS IN KABEL FONT ARE FROM THE BACT DOCUMENT

Aboriginal government

Administrator means the administrator of Environmental Emergency Services Coordination Office (BCEPA)

Air means the atmosphere but does not include the atmosphere inside

(a) an underground mine, or

(b) a place or category of places exempted by order of the Lieutenant Governor in Council

Adverse effect

means any effect that causes, has caused or contributed to or is likely to cause or contribute to significant damage to [the ecosystem, or loss or reduction of biodiversity, or elimination of carbon sinks] or loss of use of the environment and includes pollution and the effects of an environmental accident (BCEPA).

(a) any significant and widespread effect which any reasonably be anticipated to impair wildlife, aquatic life, *natural resources* or environmental quality, or

b) any effect that results in or contributes damage to the environment (Arizona} BCEPA)

Ambient criteria, or environmental quality criteria

refers to levels of contaminants in the environment that must be zero use, production, and release in all cases where a toxic substance is persistent or bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its productions, use or disposal (zero Toxics Alliance Statement of Principles) that must not be exceeded to protect the [ecosystem — water, air, sediment, soil or biota) and] the use of the air, water or soil, human health and the health of the environment. *The criteria have no legal standing for enforcement purposes.*

The Framework of mandatory standards and technical regulations will have legal standing so that the mandatory standards and technical regulations will be enforceable, and will give incentive to the development of BEST,

Air contaminant means any solid, liquid, gas or odour or combination of any of them that, if emitted into the air, would create or contribute to the creation of air pollution (CEPA)

Air contaminant means a substance that is emitted into the air and that:

(a) injures or is capable of injuring the health or safety of a person

(b) injures or is capable of injuring property or any life form

(c) interferes or is capable of interfering with visibility

(d) interferes or is capable of interfering with the normal conduct of business

(e) causes or is capable of causing material discomfort to a person, or

(f) damages or is capable of damaging the environment (CEPA)

Air pollution means a condition of the air, arising wholly or partly from the presence therein of one or more air contaminants, that:

(a) endangers the health, safety or welfare of persons

(b) interferes with normal enjoyment of life or property

(c) endangers the health of animal life, or

(d) causes damage to plant life or to property: (BCEPA)

(Ambient air or water quality)

refers to the overall or general condition of air or water in a region outside the zone of influence of discharges in contrast to local conditions which may be related to a specific source of contamination. (Water Management Division , Principles for Preparing Water Quality Objectives in B.C, 1986)

Authorization

means a permit, approval, licence, pollution prevention plan, operational certificate, order, certificate, pest management plan, certificate of compliance, conditional certificate of compliance, approval in principles (BCEPA)

Analyst means a person designated by the executive director under section (19 5) (BCEPA)

Analyst means a person or a member of a class of persons designated as an analyst under subsection 99(1)

Biological matter means anything which consists of or includes

(a) tissue or cells (including gametes or propagules) or sub-cellular entities, of any kind, capable of replication or of transferring genetic material or

b) genes or other genetic material, in any form, which are so capable, and it is immaterial, in determining if something is or is not any organism or biological matter, whether it is the product of natural or artificial processes of reproduction and, in the case of biological matter, whether it has ever been part of a whole organism (BCEPA)

Biotechnology

means the application of science and engineering in the direct or indirect use of living organisms or parts or products of living organisms in their natural or modified forms.
(CEPA)

Bio-accumulation

means the increase in levels of toxic substances in an organism over time due to CONTINUED exposure. This can only happen if the substances do not break down quickly and are essentially stored in some part of the organism. (Fox). Bio-concentration of a biologically active contaminant as it moves up the food chain should also be considered under "bio-accumulation". DDT in water could be present in PPB but as it moves up food chain in the top consumer it could appear as parts per million or even greater.

Biodiversity"

is defined as "the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems
(Convention on Biological Diversity, UNCED, 1992)

Biomedical waste means

(a) a substance that is prescribed as a biomedical waste by the Lieutenant Governor in Council, and

(b) Where the Lieutenant Governor in Council prescribes circumstances in which a substance is

Carbon sinks

can be organic as in old growth forests or inorganic as in sedimentary rock

sinks and reservoirs of greenhouse gases, including biomass, forests and oceans, as well as other terrestrial, coastal and marine ecosystems.(Framework Convention on Climate Change, 1992)

Conservation means the planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment against degradation (BCEPA)

Consumer means a user or consumer of a product, substance, or material, but does not include the producer of the product, substance or material

Contaminant

is any solid liquid gas, odor, heat, sound, vibration radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect. (draft regulation for clean Air Program , 1990)

Contaminated soil means

- (a) any soil sediment that is prescribed as a contaminated soil by the Lieutenant Governor in Council and
- (b) where the Lieutenant Governor in Council prescribes circumstances in which a soil or a sediment is a contaminated soil, a soil that is present in those circumstances (BCEPA)

Contingency plan means a plan which documents preparations and procedures for managing environmental accidents, including

- (a) a prior assessment of the potential hazard
- (b) predictions of the probable effects of an environmental accident
- (c) an assessment of the health and environmental costs of an environmental accident
- (d) measures to minimize risk
- (e) shut down procedures

- (f) communication networks to be used
- (g) notification procedures for the public and response agencies including
 - i) police departments in the vicinity
 - (ii) fire departments in the vicinity
 - (iii) emergency response teams
 - (iv) ambulance and medical services
 - (v) federal and provincial governments and local authorities
- (h) evacuation procedures for employees and the public
- (i) activities to protect human health
- (J) abatement, control and containment measures to minimize adverse effects
- (k) inventories of equipment available for spill response and cleanup
- (l) any other items prescribed by regulation (BCEPA)

Criteria means numerical limits or narrative statements approved by the executive director for application province wide and used as general guidance in setting site specific standards (BCEPA)

Criteria (objective?)

means numerical limits or narrative statements with respect to substances which provide policy direction on a provincial basis in the setting of objectives and standards. (BCEPA) [BACT document]

Decision means

- (a) the making of or refusal to make an order
- (b) an exercise of , or refusal to make a power
- (c) the issue, amendment , renewal, suspension, refusal or cancellation of an authorization, not including a regulation or a bylaw, or
- (d) the inclusion of any requirement or condition in an authorization , not including a regulation or a bylaw by manager, director or district director (BCEPA)

Director (BCEPA)

Discharge

the release into the air, land, water, soils, and sediment of substances

Ecosystem

is defined as "Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit. (Convention on Biological Diversity, UNCED, 1992)

Effluent means a substance that is discharged into water or onto land and that

- (a) injures or is capable of injuring the health or safety of a person
- (b) injures or is capable of injuring property or any life form
- (c) interferes or is capable of interfering with visibility in water
- (d) interferes or is capable of interfering with normal conduct of business
- (e) causes or is capable of causing material physical discomfort to a person or
- (f) damages or is capable of damaging the environment (BCEPA)

Environment

means the components of the earth and includes:

- (a) air, land, water, sediment, soils
- (b) all organic and inorganic matter, including living organisms such as humans and non-humans
- (c) the interacting ecological systems that include components referred to in sub-clauses (a) and (b)

Environment means the components of the Earth and includes

- (a) air, land and water
- (b) all layers of the atmosphere
- (c) all organic and inorganic matter and living organisms, and

(d) the interacting natural systems that includes components referred to in Paragraphs (a) to (c) (CEPA) also (BCEPA)

Environmental accident and Emergency Fund means

Minor amendment

means an amendment to a permit or approval for any of the following purposes:

- (a) a change of ownership or name;
- (b) a change of legal address or mailing address;

Federal lands

means

land that belong to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has power to dispose and all waters on and air above such lands CEPA 52, a)

Those submarine areas not with in a province, adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is the greater, and the water and air above those submarine areas (CEPA 52 b)

...

h)a work or undertaking that, although wholly situate within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more of the provinces (CEPA 52

Fuel means any form of matter that in its primary use is combusted or oxidized for the generation of energy; (CEPA)

Hazardous waste

For the purposes of subsection (43.3) and sections 44 and 45 “hazardous waste means

(a) any dangerous goods, within the meaning of the Transportation of Dangerous Goods Act, that are a waste, within the meaning of the regulations made under that Act: or

(b) any substance specified on the List of Hazardous Wastes Requiring Export or Import Notification in Part III of Schedule II (CEPA)

Major amendments

any amendment to a permit or approval which is not a minor amendment , as defined (Public Notification Regulation, May 1994)

THE CHANGES BELOW SHALL ALL BE DESIGNATED AS MAJOR AMENDMENTS;
TOO MUCH DISCRETIONARY POWER GIVEN TO MANAGER

c) a decrease in the authorized quantity of the discharge, emission, or stored material;

(d) and increase in; the authorized quantity of the discharge, emission or stored material that does not exceed 10% of the authorized quantity.

(e) a change in the authorized quality of the discharge, emission or stored material such that, in the opinion of the manager, the change has or will have less impact on the environment;

(f) a change in a monitoring program

(g) a change to the works, method of treatment or any other condition of a permit or approval such that , in the opinion of manager, the change has or will have less impact on the environment. (Public Notification Regulation, May 1994)

Minister or Ministers

“minister” refers to Minister of the Environment (CEPA)

“ministers” refers to Minister of the Environment and Minister of Health and Welfare

Nutrients

means any substance or combination of substances that, if added to any waters in sufficient quantities, provides nourishment that promotes the growth of aquatic vegetation in those waters to such densities as to

a) interfere with their use by human beings or by any animal, fish or plant that is useful to human beings or

Objective

means numerical limits or narrative statement with respect to substances which provide policy direction for application in specified regions, airshed or watersheds used in the setting of standards.

Persistent

means the property of a substance to resist degradation or decomposition in the environment (Fox)

Pollutant

includes not only chemicals but also heat, light and electro-magnetic radiation thermal discharges

Polluting substance

means any substance alone or in combination with other substances that causes or is capable of causing pollution if it were to escape into the environment

Pollution

means the presence in the environment of a substance or an activity that

(a) substantially alters the environment,

(b) impacts on the functioning of the ecosystem substantially or may impair the equitable and ecologically sound use of the environment *impairs the usefulness of the environment* or

(c) *cause a standard to be violated (BCEPA)*

or contributes to the diminution of the ecosystem by extracting substances that could cause the lessening of the functioning of the ecosystem

Pollution prevention

means to avoid the creation of polluting substances or to eliminate the release of these substances to the environment through a *hierarchy of activities including* the :

The following is a list of prevention measures that should be addressed concurrently:

1. Applying the principles of pollution prevention such as the precautionary and the anticipatory principles
2. The prevention of the use, generation and release of any substance into the environment in such a manner or quantity as to cause pollution (Pollution Protection Act)
3. The adoption of BEST — technologies that emphasize "protecting, conserving and sustaining the environment from the beginning, and thus avoiding the cycle of rectification of error.
4. The adoption of the "cautionary principle," which can be expressed as follows:

Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes

5. the elimination of the use of polluting substances
6. The substitution of polluting substance with non-polluting substances that themselves may not become a polluting substance through concentration imbalance
7. The elimination and reduction in the generation of polluting substances
8. The elimination of, and reduction in, the generation of polluting by products;
9. the reduction and phasing out of non-renewable resources in the extraction of resources, the production of substances, and the disposal of wastes
10. exclusion of substances of acute toxicity

Pollution prevention means to avoid the creation of polluting substances or to eliminate the release of these substances to the environment through a hierarchy of activities including the :

(a) avoidance, elimination or substitution of polluting products;

(b) reduction in the use of pollution products;

(c) elimination of, and reduction in, the generation of polluting by products;

(d) reuse and recycling of polluting by-products;

(e) recovery of energy from polluting by-products; and if necessary,

(f) treatment and containment of pollution residual by-products;

(g) remediation of polluting residual by-products.

Precautionary principle

Where a substance has been specified on the Priority Substances List for a period of five years and the Ministers have not yet assessed whether the substance is toxic or capable of becoming toxic, any person may file a notice of objection with the Minister requesting that a board of review be established under section 89

capable of becoming toxic

Product stewardship

means the responsibility of producers for demonstrating that the introduction of a substance or activity will not have harmful ecological consequences *sound environmental stewardship of products* from the point of design or extraction to the point of final use and/or disposal. (Municipal Waste Reduction Branch)

Release includes discharge, spray, inject, inoculate, abandon, deposit, spill, leak, seep, pour, emit, empty, throw, dump, place and exhaust (CEPA)

significant amendment (CEPA)

Remediation means action to eliminate, limit, correct, counteract, mitigate or remove any substance or the negative effects on the environment or human health or any substance and includes, but is not limited to:

- (a) preliminary site investigations, detailed site investigations, analysis and interpretation including tests, sampling, surveys, data evaluation, risk assessment and environmental impact assessment;
- (b) evaluation of alternative methods of remediation;
- (c) preparation of a remediation plan, satisfactory to the manager, including a plan for any consequential or associated removal of soil or soil relocation from the site;
- (d) implementation of a remediation plan;
- (e) monitoring, verification and confirmation of whether the remediation complies with the remediation plan, applicable standards and requirements imposed by the manager
- (f) other actions that the Lieutenant Governor in council may prescribe (BCEPA)

see above under minor amendment)

Substance

means any product, by-product or waste

Substance means any distinguishable kind of organic or inorganic matter, whether animate or inanimate, and includes:

(a) any matter that is capable of being dispersed in the environment or of being transformed in the environment into matter that is capable of being so dispersed or that is capable of causing such transformations in the environment

(b) any element or free radical

(c) any combination of elements of a particular molecular identity that occurs in nature or as a result of a chemical reaction, and

(d) complex combinations of different molecules that originate in nature or are the result of chemical reactions but that could not practicably be formed by simply combining individual constituents,

and except for the proposed sections 25 to 32 which include:

(de) any mixture that is a combination of substances and does not itself produce a substance that is different from the substances that were combined

(f) any manufactured item that is formed into a specific physical shape or design during manufacture and has, for its final use, a function or functions dependent in whole or in part on its shape or design and

(g) any animate matter that is or any complex mixtures of different molecules that are contained in effluents, emissions or wastes that result from any work undertaking or activity; (CEPA)

Substance includes:

(a) any odour, sound vibration heat, electricity, electromagnetic radiation or form of energy and

(b) and genetically modified organism (BCEPA)

Sustainability

means the preservation/protection of nature and the equitable and ecologically sound use, *development and protection* of natural and physical resources

which enable people to meet their needs and the needs of the ecosystem without compromising the ability of future generations to meet their needs and the needs of the ecosystem, and includes the following considerations:

- (a) the maintenance and enhancement of the life-supporting capacity of the environment,
- (b) *the efficient management of natural and physical resources.*

the preservation of ecological heritage

(c) the use, development or protection of natural and physical resources in a way which provides for the social, economic and cultural needs and opportunities of present and future residents,

the preservation/protection of nature and the equitable and ecologically sound use of nature in consultation with indigenous representatives from the inherent indigenous governmental bodies in the areas

(d) where the environment could be *is* modified by human activity, and where there could be a possibility of irreversible damage, the adverse effects of irreversible change are fully recognized then the activity shall not proceed

and avoided or mitigated to the extent practicable.

(e) the use, development or protection of renewable natural and physical resources so that their ability to yield long term benefits is not endangered. (BCEPA) through ecologically unsound and unsafe practices, and through culturally inappropriate practices.

Sustainability means the use, development and protection of natural and physical resources in a way, or at a rate, which enables people to meet their needs now without compromising the ability of future generations to meet their own needs, and includes the following considerations

- (a) the efficient management of natural and physical resources
- (b) the maintenance and enhancement of the life-supporting capacity of the environment
- (c) the use, development or protection of natural and physical resources in a way which provides for the social, economic and cultural needs and opportunities of the present and future residents

(d) where the environment is modified by human activity, the adverse effects of irreversible change are fully recognized and avoided or mitigated to the extent practicable

(e) the use, development or protection of renewable natural and physical resources so that their ability to yield long term benefits is not endangered

[the above definition of 'sustainability' is derived from the NZ Resource Management Act]
BCEPA [note not derived from environmental legislation]

Toxicity

is the potential or capacity of a material of being harmful to the health of a living organism.
(Fox)

NOTE THAT TOXICITY SHALL BE THE GENERIC TERM AND WOULD INCLUDE DISCHARGES THAT WOULD NORMALLY BE ADDRESSED UNDER HAZARDOUS AND ATOMIC WASTES

Toxic [defined in article 11]

A substance is toxic if it is entering or may enter the environment in a quantity or concentration or under conditions

(a) having or that may have an immediate or long-term harmful effect on the environment

(b) constituting or that may constitute a danger to the environment on which human life depends or

(c) constituting or that may constitute a danger in Canada **to ecosystem or** to human life or health

Transition reaction intermediate

means a substance that is formed and consumed in the course of a chemical reaction
(CEPA)

Waste includes

(a) air contaminants

(b) litter,

(c) effluent,

(d) refuse,

(e) biomedical waste

(f) special wastes

(g) contaminated soil, and

(h) any other substance prescribed by the Lieutenant Governor in Council, whether or not the type of waste referred to in paragraphs (a) to (e) or prescribed under paragraph (f) has any commercial value or is capable of being used for a useful purpose BCEPA

Waste stream management license (BCEPA)

water means water as defined in the Water Act and [the Water Resource Preservation and Protection Act] includes marine waters under the jurisdiction of the province, groundwater and ice (BCEPA)

White goods means stoves, refrigerators, freezers, washers, dryers, dishwashers and similar appliance (BCEPA)

“Works” includes

(a) a drain, ditch, sewer and waste disposal system including a sewage treatment plant, pumping station and outfall

(b) a device, equipment, land and a structure that

(i) measures, handles, transports, stores, treats or destroys waste or a substance that is capable of causing pollution, or

(ii) introduces into the environment waste or a substance that is capable of causing pollution

(c) an installation, plant, machinery equipment, land or a process that causes or may cause pollution or is designed or used to measure or control the introduction of waste into the environment or to measure or control a substance that is capable of causing pollution, or

(d) an installation, plant, machinery, equipment, land or a process that monitors or cleans up pollution or waste

Zero use 1.

zero use, production, and release of persistent and /or bio-accumulativetoxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero. (Zero toxicity Coalition, July. 1994)

COMMENTS

Purpose of the Act

1. The purpose of this Act is to provide for the protection, conservation and sustainability of the environment by:

ensuring that the full costs of pollution as reflected in a growing body of scientific evidence documenting pervasive health and environmental impacts must be considered rather than just the cost of implementing emission reduction measures (adapted from Resolution to support the ozone transport commission petition to the U.S. EPA)

(a 0) 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 [humans] must be guided by a moral code of action (World Charter of nature)

(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

(d) protecting the environment by the application of the precautionary principle where there is a threat of serious or irreversible damage, **lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (from the Biodiversity Convention)**

(d 1) 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)

(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)

(a0) the 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.

(a1) ..no product introduced into the environment will be hazardous; the onus of proving the non-hazardous nature of the product will be on the introducer of this new type of product

(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]

participating in the established [National/provincial] advisory committee for national action and cooperative action in matters affecting the environment for the purpose of avoiding conflict between and duplication in, federal and provincial regulatory activity (S5 CEPA)

(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,

requiring to report

Where there occurs or is a reasonable likelihood of a release into the environment of a substance specified on the List of Toxic Substances (36) in Schedule 1 in contravention of a regulation made under section 34 or an order made under section 35,[[of substance in contravention of a regulation made under section 54, 57.1] any person described in subsection (2) shall, as soon as possible in the circumstances

... Report the matter to an inspector or to such person as is designated by regulation (CEPA 36.1 a)

Requirement to take emergency measures

Take all reasonable emergency measures consistent with public safety to prevent the release or, if it cannot be prevented to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and

Take all reasonable emergency measures consistent with public safety to prevent or eliminate any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is releases; and (CEPA 57 1.b)

(c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release

Where any person fails to take any measures required under subsection (1) an inspector may take those measures, cause them to be taken or direct any person referred to in subsection (2) to take them (36.5)

Polluter pay

(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"

Her Majesty in right of Canada may recover the costs and expenses of and incidental to taking any measures under subsection 36.5

from

(a) any person referred to in paragraph 36 (2) (a) and

(b) any person referred to in paragraph 36 (2) (b) to the extent of the person's negligence in causing or contributing to the release. (CEPA 39.)

Her Majesty in right of Canada may recover the costs and expenses of and incidental to taking any measures under subsection 57 (4) from

(a) any person referred to in paragraph 57 (2) (a) and

(b) any person 's negligence in causing or contributing to the release (CEPA 60 1)

the costs and expenses referred to in subsection (1) shall only be recovered to the extent that they can be established to have been reasonably incurred in the circumstances (CEPA 60 2)

A person referred to in paragraph 57 (2) (B) shall not be held liable under subsection (3) to an extent greater than the extent of the person's negligence in causing or contributing to the release. (CEPA 60.4)

57 (2) any person who a0 owns or has charge of a substance immediately before its initial release or its likely initial release into the environment; or (b) cause of contributes to the initial release or increases the likelihood of the initial release. (CEPA)

(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

[The above principles clause is derived from the NZ Resource Management Act]

PURPOSE:

- To establish a framework for the setting of province-wide enforceable mandatory standards and technical regulations designed to ensure the preservation and protection of the environment and the equitable and ecologically sound use of resources, for present and future generations, taking into consideration the advice of indigenous representatives from the inherent indigenous governmental bodies in the area
- to extend this framework to address not only the discharge of substances into the ecosystem but also the diminution of the ecosystem through extractive practices that could cause the reduction or loss of biodiversity or the elimination of carbon sinks. The substances discharged could be toxic or non-toxic. Toxicity has been defined as the potential or capacity of a material of being harmful to the health of a living organism (Fox) (biosphere). Non-toxic substances can through impacting on the non-living environment cause environmental degradation which subsequently causes harm to the biosphere (Agents of ecological degradation). For example, CFC's are not deemed toxic yet

through causing depletion of the ozone layer cause harm to living organism. In addition, there are substances that are themselves naturally occurring and harmless but become harmful to the environment when, through anthropogenic activity, they are increased or decreased in proportional concentration (re concentrated substance—created through imbalance in biogeochemical cycles).

- to apply principles that will enable the setting of high mandatory standards and technical regulations and that will encourage the development and implementation of prevention technology— ecologically sound technology or environmentally benign technology (Benign Ecologically Safe/Sound Technology/Techniques—BEST). BEST is based on the true invocation of International principles, such as the precautionary principle, anticipatory principle, environmental assessment principle, life cycle analysis principle, responsible care principle, cradle to grave principle, polluter pay principle, recognition of inherent worth of nature principle. BAT, in contrast to BEST, may not necessarily be benign or ecologically sound. In the event that there is no BEST which can prevent the release of persistent or bio-accumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out/outlawed, or the demand for the product reduced through public education. In this case, the industry involved shall be assisted in the conversion to alternative processes or products involving BEST.

- to ensure that proposed technologies that appear to be ecologically sound, such as closed circuit technologies, are evaluated in the context of the full life cycle analysis within the environmental context. The environmental context involves examining the potential impact of supplemental industrial activities in the relevant impact area. Often a technology will be presented as being ecologically sound because it is closed circuit; However, it could be that, because of the reliance on other resources such as water, the problem could be compounded by the presence of contaminants in the water through the activities of adjacent industries. For example, in a proposed closed circuit operation, the required water is drawn from a source contaminated by the precursor elements to the formation of dioxins; the proposed closed circuit operation by using catalysts such as copper and nickel along with heat, could cause dioxins to be formed and emitted through the air. It would consequently not be enough to claim that a system is a closed system to justify as an appropriate technology if the closed system itself, is dependent upon potentially adverse transformation processes within the larger environmental context.

- to ensure that a mass balance calculation—a measurement of all of the input material/ a measurement of all the output including the finished products and emissions is carried out.

- to ensure that industry will be held responsible for past ecological harm and past health effects caused through contaminated discharge, and that when in documents there is a provision for carrying out a “clean-up of major long standing environmental and work place health problems” it will apply to past damage to the environment and to the workforce, as well as to past off-site damage to the ecosystem and to human health.
- to ensure that the setting up of Provincial Task Forces to assess past health effects of contaminated discharge does not effect citizens’ rights to sue industry for the health effects caused from the contaminated discharge and emissions.
- to ensure that obligations are undertaken in good faith, that the reduction in contaminants will be in areas where they will have impact, and to ensure the implementation of the “greatest impact reduction principle”. Often when regulations are put in place for reduction, governments follow the path of least resistance. For example in the reduction of CFC’s the regulations are applying for the reduction in production to refrigerators and car air conditioners (R12) and not applying to industrial uses(R12).
- to ensure that the public is presented with the real alternatives: the convenience product and contaminants in the ecosystem, and health impacts or less convenient product and no contaminants in the ecosystem and no health impacts.
- to ensure that compliance with high enforceable mandatory standards and technical regulations, and that adoption of BES, will not place B.C. industry at a disadvantage because of an “uneven playing field”.
- to ensure that there is a provision for the transference of funds from federal and provincial discretionary budgets, such as the federal military budget to assist industry in its compliance, and conversion to BEST.
- to undertake to assist industry in the phasing out of ecologically unsound practices and substances and in the conversion to ecologically sound practices and substances.
- to re-evaluate federal and provincial (Ministry of Employment and Investment) “commercial assistance” designed to bolster employment in ecologically unsound

industries through the purchase of “equity shares”, “fee concessions” the “job Protection Act” (1991) or “job Protection Commission” (1992). Often, government funding is designated for attempted mitigation of the adverse environmental effects rather than through the development of BEST.

- to similarly assess the value of maintaining the production of a product through an ecologically unsound process in one province when a similar product can be produced in an ecologically sound way in another province. For example, Flax stalks — ideal for the production of paper, are being burned in Saskatchewan, while B.C. CONTINUES to reduce biodiversity in the forests and to pollute the waters in the production of paper.

- to reassess current government targets in the light of recent zero emissions recommendations, and in the light of the recent EPA findings.

- to consult with non-vested interest (i.e. financial interest) members of the public with a wide range of expertise and experience during all levels of the development of the framework, including the determination of the terms of reference and thought all States and stages of the process of developing the Framework.

- to take into consideration when evaluating BEST the land base from which the resources are extracted such as the extraction of resources from indigenous territories beyond the treaty frontier.

- to ensure that the ecosystem is given primacy through ecological preservation and equitable and ecologically sound use of resources, and that indigenous representatives from the inherent indigenous governmental bodies in the area are consulted.

- to ensure that the ecological rights of present and future generations are protected

purpose

The purpose of this policy is to establish a framework for setting province-wide discharge criteria and standards designed to protect the environment, to integrate environmental, economic, social considerations and to ensure that sustainability is achieved.

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 a conflict between this Act and international obligations the higher or greater ecological principles of the two shall apply.

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

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

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

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

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

MINISTRY OF ENVIRONMENT, LANDS AND PARKS

4. (1) There shall be a ministry of the public service of the Province called the Ministry of Environment Lands and Parks

(2) the minister shall preside over the ministry and be responsible to the lieutenant Governor in Council for the direction of the ministry

Delegating power

The minister may in writing delegate to any person representing

the government

a government agency

the government of Canada

an aboriginal government or

a local authority

any power or duty conferred or imposed on the minister under this act.

FUNCTIONS AND POWERS OF THE MINISTRY AND OF THE GOVERNOR IN COUNCIL

Administering crown lands

Shall administer the Crown land resource of the Province (BCEPA 6.2.i)

Setting up Advisory committees

5. (1) for the purpose of carrying out their duties under this Act, the Ministers or either Minister may

(a) establish advisory committees to report to the Ministers or either Minister

For the purpose of establishing a framework for national action and taking cooperative action in matters affecting the environment and for the purpose of avoiding conflict between, and duplication in , federal and provincial regulatory activity, the Minister shall,

in cooperation with the governments of the provinces, establish a federal-provincial advisory committee to advise the Minister on

(CEPA 6.1)

regulations proposed to be made under paragraph 34....(CEPA 6.1.a)

other environmental matters that are of mutual interest to the federal and provincial government and to which this Act relates (CEPA 6.1.b)

the Minister shall include in the annual report required by section 138 a report of the activities of the federal-provincial advisory committee (CEPA 2)

The minister may establish advisory committees and retain experts to report to the minister with respect to

(a) the content and administration of this Act and (BCEPA 9 la)

(b) any of the policies, programs, services or other matters under the minister's administration [from Alberta] [new] (BCEPA 9 I b)

When establishing an advisory committee under subsection (1) the minister may specify the functions that the committees and experts are to perform, and the manner and time period in which those functions are to be performed (BCEPA 9.2)

the report of a committee established or an expert retained pursuant to subsection (1) including the recommendations and reasons for them, shall be made public in a prescribed manner (BCEPA 9.3)

A person serving on a committee or an expert retained

shall, while performing his or her duties, be paid for reasonable traveling and living expenses or a reasonable allowance in respect of them as fixed by the Lieutenant Governor in Council, and

may be paid remuneration as the minister determines (

Maintaining liaisons

may as the representative of the government, maintain continuing liaisons with

(i) the Government of Canada and agencies of that government

(ii) the governments of other provinces and agencies of those governments

(iii) the government of States of the United States of America and agencies of those governments, and

(iv) local authorities in British Columbia (BCEPA 6 I)

Integrating with other Ministries

The minister shall, in recognition of the integrated relationship between human health and the natural environment, co-operate with and assist the Minister of Health in promoting human health through environmental protection [from Alberta]

For the purpose of carrying out the functions and duties of the Minister of National Health and Welfare related to preserving and improving public health under this Act, the Minister of National Health and Welfare shall formulate objectives, guidelines and codes of practice with respect to the elements of the environment that may affect the life and health of the people of Canada (CEPA 9.1)

In carrying out the responsibilities conferred by subsection (1), the Minister of National Health and Welfare may

consult with the governments of the provinces; and (CEPA 9.2.a)

Entering into agreements

the minister may on behalf of the government enter into agreements and partnerships relating to any matter pertaining to the environment with

The government of another jurisdiction or a ministry or agency thereof

An aboriginal government (BCEPA 7.a)

a local authority (BCEPA 7.b)

a government agency (BCEPA 7.c)

any person (BCEPA 7d)

[from Alberta]

the minister with the approval of the lieutenant Governor in council may enter into agreements with the federal government with respect to the administration of this Act, the Canadian Environmental Protection Act, the fisheries Act or any other federal enactment of the purpose of protection of the environment ((BCEPA 17.1)

Notwithstanding subsection (1), the minister shall not enter into an equivalency agreement under the Canadian Environmental Protection Act unless the agreement contains a declaration that the Government of Canada will require the provisions of this Act and the regulations to be complied with at all federal facilities and activities including activities undertaken on federal land owned or leased by the Crown in the right of Canada by persons other than agents of the federal government (BCEPA 17.2)

Transferring of administration

The minister may, after appropriate consultation and with the consent of a part listed in (a) to (d) transfer the administration of a provision of this Act to

another minister of the government (BCEPA 13 a)

a government agency (BCEPA 13b)

an aboriginal government (BCEPA 13 c)

a local authority (BCEPA 13d)

and may specify the terms and conditions including the collection of fees and taxes by which the transfer is made and may appoint officials to be responsible for the administration of the provision transferred.

(BCEPA 13) Adapted from Alberta draft

Designating officials

Subject to the Public service Act, the minister may designate an executive director who shall administer that Act and regulations (BCEPA 19.1)

... 19.12

Establishing guidelines

For the purposes of carrying out the Minister's duties and functions related to the quality of the environment, the Minister may, with the approval of the Governor in Council, establish guidelines for use by departments, boards and agencies of the Government of Canada and, where appropriate, by corporations named in Schedule III to the Financial Administration Act and federal regulatory bodies in the exercise of their powers and the carrying out of their duties and functions. (CEPA 53)

making regulations

The Governor in Council may, for the purposes of section 46

No person shall produce or import for use or sale in Canada or sell or offer for sale any fuel that

contains an element component or additive in a concentration or quantity that exceeds the concentration or quantity prescribed with respect to that element, component or additive in relation to the fuel; or

make regulations

Prescriptions

prescribing with respect to any fuel or fuel used for any purpose, the concentration or quantity of any element, component or additive that in the opinion of the Governor in Council, if exceeded, would, on the combustion of the fuel in ordinary circumstances, result in a significant contribution to air pollution. (CEPA 47 a) ...

Where no other Act of Parliament expressly provides for the making of regulations that result in the protection of the environment and apply to federal works or undertaking or federal lands, the governor in Council may, on the recommendation of the Minister and with the concurrence of the minister of the Crown who has the administration and control of or duties and functions in relation to those works, undertakings or lands make regulations applicable thereto for the protection of the environment (CEPA 54 1)

the Governor in Council may, on the recommendation of the Minister make regulations prescribing

limits on the release of emission and effluents ;by departments, boards and agencies of the Government of Canada and where appropriate by corporations named in Schedule III to the Financial Administration Act (CEPA 54 2 b)

Requiring analyses... relating to the environment that is or is likely to be affected by the work

the Minister may require from any person who carries on, or proposes to carry on, any federal work or undertaking or any activity on federal lands such plans, specifications, studies, procedures, schedules, analyses, samples or other information relating to the work, undertaking or activity together with such analyses, samples, evaluation, studies or other information relating to the environment that is or is likely to be affected by the work, undertaking or activity (CEPA 56)

preventing of pollution and protecting of environment

the Ministry, under the direction of the minister, is responsible for the **preservation** protection, enhancement and administration of all matters relating to the environment (BCEPA 6.1)

establish, operate and maintain a system of environmental quality monitoring stations
CEPA 1 (a)

collect, process, correlate and publish on a periodic basis data on environmental quality in Canada from environmental quality monitoring stations and from any other appropriate source CEPA 1(b)

Prohibiting export and import of toxic substances and Waste Materials

The Governor in Council may, on the recommendation of the Ministers, make an order adding to the List of Prohibited Substances in Part 1 or Schedule II any toxic substance the use of which is prohibited in Canada by or under an Act of Parliament and may, in the same manner, delete any toxic substance from that List. (41 a i)

No person shall export any toxic substance specified on the List of Prohibited Substances in Part 1 of Schedule II except *for the purpose of destroying the substance or complying with a direction under subparagraph 41 (b) (ii)*

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

Adding to list of Toxic Substances requiring Export Notification

Adding to the List of Toxic Substances requiring Export Notification in Part II of Schedule II any toxic substance where the Governor in Council is of the opinion

that

the uses of the substance are substantially restricted by or under an Act of Parliament, and CEPA 42 (1)

The Minister shall compile a list, to be known as the List of Toxic Substances Authorities and the List shall specify each country in respect of which a notice is required under subsection (3) and the authority, body or person to whom the notice shall be given. CEPA 42 (2)

A person shall give notice of the proposed export of a substance specified on the List of Toxic Substances Requiring Export Notification in Part II of Schedule II, where the person proposes to export the substance to a country specified on the list of Toxic Substances Authorities and the export of the substance by that person is to be for the first time after (CEPA 43 3)

...

Adding to list of hazardous wastes

Adding to the List of Hazardous Wastes Requiring Export or import Notification in Part III of Schedule II any substance that , in the opinion of the Governor in Council, is a hazardous waste and may, in the same manner, delete any substance from that List. (CEPA 43

Conducting research

conduct research and studies relating to the nature, transportation, dispersion, effects, control and abatement of environmental pollution and provide advisory and technical services and information related thereto: (c)

conduct research and studies relating to environmental contamination arising from disturbances of ecosystems by human activity, and CEPA1 d (i)

changes in the normal geochemical cycling of toxic substances that are naturally present in the environment CEPA1 (d) (ii)

formulate comprehensive plans and designs for the **prevention**, control and abatement of environmental pollution and establish, operate and publicize demonstration projects and make them available for demonstration (CEPA)

may undertake, commission and coordinate environmental studies, base mapping and related photographic and survey control functions (BCEPA 6.2. e)

may compile, study and assess information related ;to the environment for the purpose of better carrying out the minister's functions and responsibilities under this or any other act with a view to providing that information to ministries of the government, government agencies and the public (BCEPA 6.2.m)

may participate in and coordinate research projects related to matters pertaining to the environment (BCEPA 6.2.n)

may maintain a library consisting of publications and other information related to matters pertaining to the environment (BCEPA 6.2o)

Remedial measures principle

Where, in respect of a substance or a product containing a substance, there is a contravention of this Part or any regulation made under this Part, the Minister may, in writing,

Requirement to give public notice

(a) direct any manufacturer, processor, importer retailer or distributor of the substance or product to take any or all of the following measures.

-give public notice in a manner directed by the Minister of any danger to the environment or to human life or health posed by the substance or product (CEPA 40 a i)

Direct any manufacturer, processor, distributor, importer or retailer of the substance or product to take any or all of the following measures:

(i) replace the substance or product with one that does not pose a danger to the environment or to human life or health (i)

Accept the return of the substance or product from the purchaser and refund the purchase price, or

(ii) any other measures for the protection of the environment or of human life or health. (CEPA 40.b iii)

Publishing information

publish or otherwise distribute or arrange for the publication or distribution of

(i) pertinent information to inform the public in respect of all aspects of the quality of the environment, including **the prevention** and the control and abatement of environmental pollution and

Report on the state of the Canadian environment to be prepared on a periodic basis

Minister may in exercising the powers conferred by paragraphs (1 B to (e) act alone or in cooperation with any government, government department or agency, institution or person and may sponsor or assist in any research, studies or planning and development by an government institution or person in relation to the quality of the environment or **the prevention** the control or abatement of environmental pollution (7.3 CEPA)

Developing and distributing educational materials

may unilaterally or in co-operation with other ministries of the government and government agencies, develop, publish and distribute educational materials with respect to the environment and shall co-ordinate, develop and deliver educational programs and services to assist British Columbians to better understand the environment and become responsibly involved in the protection and stewardship of the environment (BCEPA 6.2.p)

Organizing conferences

organize conferences of **individuals, and groups reflecting a wide range of expertise and experience**

representatives of industry and labour, provincial and municipal authorities and any interested persons described in paragraph a (CEPA 8.3.b)

individuals, and groups reflecting a wide range of expertise and experience

Formulating of objectives

Shall encourage the maintenance of an optimum quality environment through specific objectives for the management protection and conservation of land, water, air, plant life and animal life, in the Province (BCEPA 6.2.a))

For the purpose of carrying out the Minister's functions and duties related to the quality of the environment, the Minister shall formulate

(a) environmental quality objectives specifying goals or purposes toward

which an environmental **pollution prevention and control** effort is directed, including goals or purposes stated in quantitative or qualitative terms; (CEPA 8.1a.)

(b) environmental quality guidelines specifying recommendation in quantitative or qualitative terms to support and maintain particular uses of the environment (CEPA 8.1b.)

(c) release guidelines recommending limits, including limits expressed a concentrations or quantities, for the release of substances into the environment from works, undertakings or activities; and (CEPA 8.1c)

may plan, design, construct, operate and maintain works and undertakings for the management, protection or enhancement of the environment, or for any other purpose of function assigned by the Lieutenant Governor in Council, (BCEPA 6.2.h)

The minister, or a person designated by the minister, after engaging in such public consultation as the minister considers appropriate, may develop guidelines, codes, criteria, objectives and standards for emissions, discharges, storage, and ambient environmental quality in qualitative or quantitative terms for management areas in all or part of British Columbia to promote the protection and stewardship of the environment [from Alberta]

undertaking inventories

Establishing management areas

For the purposes of subsection ! the minister may establish management areas in accordance with the regulations

providing for land use (BCEPA 11.1)

may shall undertake inventories and prepare plans for the effective management, protection and conservation of the environment (BCEPA 6.2.d)

preservation of nature, conservation of natural resources and sustainable development (CEPA 8.2 d)

The minister shall give due consideration to public input that he or she has received in developing objectives and regulations policies under subsection 1 (

(BCEPA 11.3)

In carrying out the responsibilities conferred by subsection (1) the Minister may consult with the government of any province, any government department or agency or any person interested in the quality of the environment or the control or abatement of environment of environmental pollution; and (CEPA 8.3.a)

Criteria, objectives, standards and regulations developed under subsection (1) shall be made available to the public in accordance with the regulations

organize conferences of individuals, and groups reflecting a wide range of expertise and experience representatives of industry and labour, provincial and municipal authorities and any persons interested in the preservation and improvement of public health. (CEPA 9.2.b

_____)

Establishing Priority Substances List

Ministers shall compile and may amend from time to time a list, to be known as the Priority Substances List, and the List shall specify substances in respect of which the Ministers are satisfied priority should be given in assessing whether they are toxic or capable of becoming toxic (CEPA 12.1)

Ministers shall publish, in the Canada Gazette, the Priority Substances List and any amendments to the list (CEPA 12.2)

Establishment of priority list

For the purpose of establishing the Priority Substances List, the Ministers may consult the governments of the provinces **individuals, and groups reflecting a wide range of expertise and experience** members or representatives of any labour group or industrial sector, associations or persons concerned with environmental and health matters and any other persons (CEPA 12.3)

The Ministers shall consider a request filed under subsection (4) and within ninety days after the request is filed the Minister shall inform the person who filed the request of how the Minister intends to deal with the request and the reasons for dealing with it in that manner CEPA 12.5)

Determining of toxicity

For the purpose of assessing whether a substance is toxic or is capable of becoming toxic, or for the purpose of assessing the need for measures to control a substance, either Minister may

Collect data and conduct investigations respecting (a)

The nature of the substance (i)

the presence of the substance in the environment and the effect of its presence on the environment or on human life or health (ii)

the extent to which the substance can become dispersed and will persist in the environment (iii)

The ability of the substance to become incorporated or accumulate in biological tissues or to interfere with biological processes (iv)

methods of controlling the presence of the substance in the environment (v)

methods for testing the effects of the presence of the substance in the environment (vi)

development and use of alternatives to the substance (vii)

quantities uses and disposal of the substance, and (viii)

methods of reducing the amount of the substance used, produced or released into the environment (ix)

Developing economic mechanisms

may in co-operation with other ministries of the government develop and implement economic and financial instruments and market-based incentives to achieve environmental protection to achieve environmental quality goals and provide methods of financing programs for environmental purposes in a cost-effective manner, and (BCEPA 6.2 q)

the Minister may, in accordance with the regulations, establish programs and other measures for the use of economic and financial instruments and market-based approaches including, without limiting the generality of the foregoing

emission trading (BCEPA 14.1.a)

incentives (BCEPA 14.1.b)

subsidies (BCEPA 14.1.c)

deposits and refunds (BCEPA 14.1d)

taxes (BCEPA 14.1.e)

emission effluent and waste disposal fees (BCEPA 14.1.f)

differential levies (BCEPA 14.1.g)

product charts and (BCEPA 14.1.h)

grants ... and contributions (BCEPA 14.1i)

Encouraging recreation

shall encourage outdoor recreation. establish parks and conserve the natural scenic and historic features of the Province (BCEPA, 6.2.j)

Monitoring

(d) environmental codes of practice specifying procedures, practices or release limits for environmental protection, pollution prevention, control relating to works, undertakings and activities during any phase of their development and operation including the location

design, construction, start-up, closure, dismantling and clean-up phases and any subsequent monitoring activities. (CEPA 8.1d.)

shall monitor, assess and report to the Lieutenant Governor in Council on general environmental conditions in the Province (6.2.d)

the objectives, guidelines and codes of practice referred to in subsection (1) shall relate to the environment (CEPA 8.2a)

recycling, reusing, treating, storing or disposing of substances or reducing the release thereof into the environment; (CEPA 8.2 b)

works, undertakings or activities that affect or may affect the environment;

or (8.2 c)

Designating laboratories

The minister may designate laboratories as approved laboratories that may conduct laboratory analyzes for the purposes of this Act (BCEPA 15.1)

Enforcing safety standards

shall administer and enforce safety standards respecting recreational activities and services on Crown land

Ordering an inquiry

The minister may order an inquiry with respect to the environment whenever he or she considers it necessary (BCEPA 8.1.)

for the purpose of an inquiry ordered under subsection (1) the minister or a person appointed by the minister to hold the inquiry has the powers, protection and privileges of a commissioner under section 12, 15 and 16 of the Inquiry Act (BCEPA 8.2.)

A person appointed under this subsection shall conduct the inquiry in accordance with terms of reference and any procedural guidelines for the inquiry specified by the minister (BCEPA 8.3.)

An inquiry may be ordered under subsection (1) with respect to the socioeconomic considerations of an environmental issue. (BCEPA 8.4.)

An inquiry may be ordered under subsection (1) with respect to the socioeconomic considerations of an environmental issue (BCEPA 8.4.)

CHECK: THIS SECTION FOLLOWS S7 OF THE ENVIRONMENTAL MANAGEMENT ACT

planning in event of environmental accident

shall plan, coordinate, implement and manage a program to protect the welfare of the public in the event of an environmental accident or emergency (BCEPA 6.2.h)

INDIVIDUAL INITIATIVE

Any person may file in writing with the Minister a request that a substance be added to the Priority Substances List and the request shall state the reasons for adding the substances to the List. (CEPA 12.4)

Where the Ministers make an assessment referred to in subsection (1) and decide not to recommend that the substance be added to the List of Toxic Substances in Schedule 1, any person may, within sixty days after publication of the decision in the Canada Gazette file a notice of objection with the Minister requesting that a board of review be established under section 89 stating the reason for the objection. (CEPA 13.2)

Where a substance has been specified on the Priority Substances List for a period of five years and the Ministers have not yet assessed whether the substance is toxic or capable of becoming toxic, any person may file a notice of objection with the Minister requesting that a board of review be established under section 89 (CEPA 14)

Additional powers

In addition to other powers vested in the Minister, the ministry, in respect of the ministry all the powers, duties and authorities had and exercisable by the officers mentioned as the Commissioner of Lands and Surveyor General, the Chief Commissioner of Lands and Surveyor General, the Chief Commissioner of Lands and Works and Surveyor General and the Surveyor General, in an Act, ordinance or proclamation passed or made in the former Colonies of British Columbia and Vancouver Island.

(BCEPA 6.3)

NOTE, IN SOME CASES, PROVISIONS IN CEPA HAVE BEEN TAKEN OUT OF THE BCEPA DOCUMENT AND PUT INTO THE B.C. ENVIRONMENTAL BILL OF RIGHTS:

Part 2 THE UNIQUE SECTION WILL BE MARKED IN OUTLINE

Environmental Bill of Rights

Public Trust

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

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

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

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

[moved from 41 (1) (Suggested Environment meeting, February 19)

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

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

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

Right to request that a substance be added

Any person may file, in writing, with the Minister, a request that a substance be added to the Priority Substances List and the request shall state the reasons for adding the substances to the List. (CEPA 12.4)

Where the Ministers make an assessment referred to in subsection (1) and decide not to recommend that the substance be added to the List of Toxic Substances in Schedule 1, any person may, within sixty days after publication of the decision in the Canada Gazette file a notice of objection with the Minister requesting that a board of review be established under section 89 stating the reason for the objection. (CEPA 13.2)

Where a substance has been specified on the Priority Substances List for a period of five years and the Ministers have not yet assessed whether the substance is toxic or capable of becoming toxic, any person may file a notice of objection with the Minister requesting that a board of review be established under section 89 (CEPA 14)

Right of action

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

2. A person may commence an action under subsection (1) without having to establish that there is, has been or is likely to be an infringement of an authorization issued under this Act or an approval, permit, licence, standard, regulation, rule or order issued by or under an Act listed in Schedule A.

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

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

5. the need for intervener funding

Standing

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

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

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

Burden of proof.

33.

(1 a) Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes

If the proposal involves anything that could be hazardous, 0 emissions and waste must apply; if 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 is likely to pollute or degrade the environment**

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

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

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

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

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

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

Limitation Period

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

Appointment of minister's environmental mediator

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

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

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

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

Freedom of information [SHOULD BE ADDED]

under the guise of client/solicit relation or confidentially shall not prevent the revealing , disclosing information about any actions that could have [wording from purpose]

40. Whistleblower protection

(1) for the purposes of this section “employee” includes

(a) a person, including a deceased person, in receipt of or entitled to payment for labour services performed for another

(b) a person whom an employer allows, directly or indirectly, to perform work or service normally performed by an employee, and

(c) a person being trained by an employer for the purpose of the employer’s business.

Where a person has knowledge of the occurrence or reasonable likelihood of a release into the environment

of a substance specified in the List of Toxic Substances in Schedule 1, 37 [but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an inspector or to any person to whom a report may be made under section 36. (CEPA, 37)

of a substance in contravention of a regulation made under section 54.. (CEPA 58)

Request of confidentiality

A person may request that the person’s identity and any information that could reasonably reveal the identity not be released (CEPA37 2, and 58.2)

(

Requirement for confidentiality

Where a person makes a request under subsection (2) no person shall release or cause to be released the identity of the person making the request or any information that could be reasonably be expected to reveal the identity, unless the person making the request authorizes the release in writing (37.3)

2) For the purpose of this section, “employer” includes a person who(a) has control or direction of, or

(b) is responsible, directly or indirectly, for the employment of an employee, and includes a person who was an employer

3. No person shall dismiss, threaten to dismiss, cause to be dismissed, discipline, coerce, discriminate against, or impose any type of penalty on an employee or an authorized representative of an employee, because the employee or representative

(a) has reported or proposed to report any violation or perceived violation of this Act or an Act listed in Schedule A or

(b) refuses to carry out work that the employee reasonably believes would be or would lead to a violation of this Act or an Act listed in Schedule A

Notwithstanding any other Act of Parliament, no employee of a department, board commission or agency of the Government of Canada, or of a corporation named in Schedule III to the Financial Administration Act or of a federal regulatory body shall be disciplined, dismissed or harassed for making a report under subsection (1) (CEPA 37.1 and , 57.4

(4) Employers shall keep their employees informed of the protection available under this section

(5) a person who alleges that he or she has been treated in a manner contrary to subsection (3) may file a complaint with the board in the manner set out in the regulations.

(6) The board shall cause an investigation to be made upon the filing of a complaint, and may dismiss a complaint without a hearing where it appears to the board that

(a) the employee or representative was proceeding in bad faith or for an improper purpose [**as defined by the purpose of the act**]

7. the board may conduct a hearing into the complaint, and if the board is satisfied that the employer has contravened subsection (3) the board may make an order directing the employer to do any or all of the following:

(a) cease doing the act or acts complained of

(b) rectify the act or acts complained of

(c) reinstate the person aggrieved with compensation

(d) compensate the person aggrieved in lieu of reinstatement for the loss of earnings or other employment benefits

(e) pay general damages, special damages or pecuniary damages to the employee.

(8) the board may award either party all or a portion of the costs of the hearing as it considers appropriate.

[Further comment to come on subsequent sections]

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 worlds population adequate living conditions — to the inequitable distribution of resources to overconsumption, to the violation of human rights, and to the potentially irreversible degradation of the ecosystem.

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

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

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

4. International ecological standards should be in place so that no short term individual pursuit of self interest, or short sighted national or international regulations (GATT) could jeopardize the environment. The purpose of these standards are 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 no 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)

REGULATIONS RELATED TO PESTICIDES

Authorized body for making regulations related to pesticides

The Lieutenant Governor in Council may make regulations (BCEPA 112.1)

Without limiting subsection (1) the Lieutenant Governor in Council may make regulations

- specifying and defining what constitutes an unreasonable adverse effect in particular or general circumstances ((BCEPA 112.2 a)

- classifying substances as pesticides and designating a pesticide as a restricted use pesticide (BCEPA 112.2)
- respecting the manner in which a pesticide is contained, transported, stored, prepared mixed, applied or sold (BCEPA 112.2c)
- prescribing the conditions for the disposal of a pesticide, pesticide container, equipment or a container used to store, prepare, mix or apply it (BCEPA 112.2d)
- prescribing the records to be maintained by a person or class of persons who stores, prepares, mixes, applies, transports, sells or disposes of a pesticide (BCEPA 112.2e)
- defining standards of competence and requirements for a person to obtain a licence, permit, certificate or pest management plan (BCEPA 112.2f)
- defining standards of competence and requirements for a person training others in the application of pesticides (BCEPA 112.2g)
- requiring that a person or class of persons referred to in paragraph (e) be bonded, subject to terms he or she considers appropriate, under the Bonding Act (BCEPA 112.2h)
- exempting a person, class of persons, body of water or land area from this Act where its application may be unnecessarily restrictive (BCEPA 112.i)
- respecting the requirement and content of pest management plans (BCEPA 112.2j)
- prescribing pesticide monitoring standards and practices (BCEPA 112.2 k)

PRINCIPLES OF COMPLIANCE: MANDATORY INTERNATIONAL NORMATIVE STANDARDS (MINS)

CRITERIA OF PUBLIC TRUST (CPT)

Socially Equitable and Environmentally Sound Development

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Circulated in draft form, at numerous conferences since the United Nations Conference on Environment and Development (UNCED), and on the internet

Included as part of the Charter of Obligations circulated to state delegations at the UN Conference on Women: Equality, Development and Peace, 1995

Submitted to the Working Group for Establishing Criteria for Discharge Emissions, B.C. Canada, 1996

Submitted to the Canadian Standards Association meeting of the Western Caucus March 29, 1996 and extended May 7, 1996 and distributed at May 11,12 Canadian Standards Association meeting on ISO 14000 in Toronto

Distributed to the May 24 meeting of the Western Caucus meeting of the CSA on ISO in Vancouver and presented in summary form to the Committee II partnership consultation meeting at the Habitat II Conference in Istanbul and updated with principles from Habitat for the British Columbia Ministry of Environment, CANADA

Submitted to public consultation meeting on "Cost Recovery and Process efficiency in Environmental Assessment" Canadian Environmental Assessment Agency in September 1996, and given to a representative from CIDA (Canadian International Development Agency)

Displayed at the Forest and Sustainable Ecosystems Conference in Victoria, September, 1996, and circulated in draft form for comment as the environmental section of the "Istanbul Manifesto"

Presented in part at various sessions of the IUCN World Congress of Nature, 1996. These principles have also been submitted to Andrew Speer, the Director of Environment from the World Bank and sent to Maurice Strong from the Earth Council and to Dr Wiwa from the Ogoni tribe in Nigeria

Referred to at a consultation meeting with External Affairs about submission to Commission on Sustainable Development, and presented to Ambassador John Fraser, Canadian Ambassador on the Environment to the UN Sent to Earthwatch, Maurice Strong (Earth Council), and Elizabeth Dowdeswell (UNEP)

Submitted it to Steven Rockefeller for consideration for the Earth Council's Earth Charter.

Circulated for input into the Canada report to the Commission on Sustainable Development.;

Circulated to Environment Canada for discussion about Canadian policy for Sustainable Development

Placed on Environment Canada's web site; left in disk for inclusion on UN NGO Web site.

Requested and submitted to United Nations Environment Program (UNEP) for distribution to U.S. Congress; presented to the Federation of the Green Parties of the Americas

REPORT ON PRINCIPLES OF COMPLIANCE DERIVED FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS: BASIS FOR ESTABLISHMENT OF MANDATORY INTERNATIONAL NORMATIVE STANDARDS (MINS)

LEGEND

plain: International Conventions, Treaties and Covenants; Declarations, Conference Agendas, and General Assembly Resolutions

Plain Italics: sections proposed for deletion

plain: underlined: Proposals by NGOs

Outline: sections that have been proposed in documents but may not have been agreed to

bold: categories and proposals made by Global Compliance Research Project

OVERVIEW

It is necessary for citizens to reveal that years of obligations incurred through the Charter of the United Nations, conventions, treaties and covenants, and expectations created through General Assembly resolutions, and commitments made through Conference Action plans have NOT been undertaken, and that most of the obligations, expectations and commitments have neither been discharged nor fulfilled, and that it is time for compliance through action.

The year 1999 ends the decade dedicated to the respect and furtherance of international law. For over 50 years member States of the United Nations have incurred obligations through conventions, treaties, and covenants, have made commitments through globally adopted action plans and have created expectations through General Assembly Resolutions. This respect and furtherance can only be realized if member States of the United Nations discharge obligations, fulfill expectations and act on commitments 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 through the fulfilling of expectations and the acting on commitments.

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 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 international agreements, member States of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations, and of commitments through enacting the necessary legislation and through enforcing this legislation.

In the Platform of Action from the UN Conference on Women: Equality, Development and Peace(1995), and in the 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).

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 to be bound by its decision. In addition there is no provision for an international court of Compliance where citizens could take evidence of state and corporate non-compliance.

Expectations that have been created from General Assembly Resolutions, Declarations, and commitments made through Conference Action plans could be judicable 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 this report, principles related to environmental preservation and protection 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 commitments made 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.

This report delineates a series of principles drawn from international agreements and couples this series with additional principles suggested by non-governmental organization. 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 submission from the NGOs was included in the official documentation to be circulated by the United Nations.

This report is a preliminary report where the principles are enunciated, and where some of the actions that would need to be undertaken to ensure the adherence to 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.

Following a series of meetings of the Urbanization Caucus at the NGO forum at Habitat II, the members of the Caucus decided to prepare “An Istanbul Manifesto”. This Manifesto will be a 400 page book comprising a collection of resolutions with the preambles drawn from international instruments, and the operative clauses drawn from resolutions from non-governmental sources. Sections from this document will be used to evaluate State compliance with undertakings through various conferences such as UNCED, World Conference on Human Rights, and Habitat II.

PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND EXPECTATIONS CREATED

GENERAL GLOBAL URGENCY RECOGNIZED IN INTERNATIONAL AGREEMENTS BY THE UNITED NATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

(See Charter of Obligations, 1995 for a comprehensive list of global recognition of the urgency of the global situation)

ACKNOWLEDGING THE PERPETUATION OF INEQUALITY AND THE DETERIORATION OF THE ECOSYSTEM

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

ACKNOWLEDGING THE NEGATIVE IMPACT OF UNSTAINABLE PATTERNS OF CONSUMPTION PARTICULARLY IN INDUSTRIALIZED COUNTRIES

2. We recognize 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)

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)

PRINCIPLES

A goal could be described as the final purpose or end to which a design tends or which a person, institution or any other body aims to attain. Principles however, do not establish a goal or vision which is unattainable, and which is to be compromised through trade-offs. A principle is a foundation from which anything proceeds, a comprehensive law or doctrine from which others are derived or on which others are founded. Principles give substance to standards. A standard is that which is set up and established by authority as a rule for the measure of value or that which is established by authority, custom or general consent as an example or criterion. The principle provides the foundation for the standards.

(1)

INTERDEPENDENCE PRINCIPLE

The interdependence principle affirms the interdependence of promoting and fully guaranteeing respect for human rights; ensuring the preservation and protection of the environment; creating a global structure that respects the rule of law, achieving a state of peace, justice and security, and participating in socially equitable and environmentally sound development. 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 and the disenfranchised and the enfranchised gap etc.

1.1. RECOGNIZING THE GROWING AWARENESS OF THE INTERCONNECTION OF ISSUES

... 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).

1.2. UNDERTAKING RESEARCH INTO LINKAGES

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)

1.3. RECOGNIZING DEPENDENCE ON 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 (a) UN Resolution, 37/7, World Charter of Nature, 1982)

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)

ECOSYSTEM PRIMACY PRINCIPLE

Through mandatory international standards, States shall undertake that, in all decisions made about interventions into the ecosystem, the ecosystem shall be given primacy. Through a 1982 General Assembly Resolution 37/7, the majority of States undertook to “Ensuring that every form of life is unique, warranting respect regardless of its worth to humans” (World Charter of Nature, 1982). Also, through General Assembly resolution 37/7, it was recognized 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.

“Ecosystem” is defined in the Convention on Biological Diversity as 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)

Interdependence of biota and the delicate balance and interaction among various ecosystems shall be ensured as well as the integrity of the components themselves.

2.1. RESPECTING OF INHERENT WORTH OF NATURE

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)

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)

2.3. REDUCING THE ECOLOGICAL FOOTPRINT PRINCIPLE

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)

2.4. ACTING UPON THE ACKNOWLEDGMENT THAT THERE ARE LIMITS-TO GROWTH: LIVING WITHIN THE CARRYING CAPACITY OF THE ECOSYSTEM

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, and failure to act upon this acknowledgment is negligence.

* [Find: Quote from Club of Rome]

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.**

2.6. KNOWING 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)U.S.

2.7. PROMOTING THE CONSERVATION AND STAINABLE 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)

2.8. ENSURING EQUAL ACCESS TO... GREEN SPACES

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 (Article *87(a) Habitat)

2.9 BEING ENTITLED TO ... HEALTHY PRODUCTIVE LIFE IN HARMONY WITH NATURE

human beings are entitled to a healthy and productive life in harmony with nature (Article 23, Habitat II, 1996)

2.10. ENSURING SOCIAL PROGRESS IN HARMONY WITH THE ENVIRONMENT

Sustainable settlements development ensures economic development, employment opportunities and social progress in harmony with the environment

(3)

GLOBE-WIDE STANDARDS PRINCIPLE

3.1. ESTABLISHING GLOBE-WIDE STANDARDS

Through mandatory international normative standards (MINS), the invalid argument that, in a pristine environment that has not yet been polluted by industrial activity, emission standards shall be relaxed. A licence to pollute in an pristine area shall not be given to industry because the area has not yet officially been designated as being polluted would be discredited.

Polluting industries that have been regulated under statutory law, shall not through redefinition of practice, be excluded from the previous regulations.

States shall ensure consistency so that point source discharges, no matter where they are located will be equally affected by the standards.

Standards must ensure acceptable ambient environmental conditions globally. No particular area should be penalized due to a preexisting high quality environment.

In no way shall the requirement to ensure consistency be used as a justification for the relaxing of globe-wide standards and technical regulations.

3.2. HARMONIZING UPWARD OF THE "PLAYING FIELD"

Through mandatory international standards (MINS) States shall ensure that the regional, national, and international targets with the highest possible socially equitable and environmentally sound standards shall be drawn upon.

3.3. ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION

Through mandatory international standards (MINS), States shall establish and enforce reduction and elimination targets and ensure that corporations including transnationals meet or exceed, globe-wide reduction and elimination targets, Ambient criteria, or environmental quality standards referring to levels of contaminants in the environment must be zero use, production, and release in all cases where a toxic substance is persistent or bio-accumulative, or where substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its productions, use or disposal (paraphrase of Zero Toxics Alliance Statement of Principles)

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

Zero Toxics Statement of Principles from the "Zero Toxics Alliance Statement of Principles" 7/26/94

1. ... zero use, production , and release of persistent and /or bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero.
2. ... elimination and reduction of the use, production , and release of other toxics substances in the environment, workplace and home.
3.the goal of zero use, production, and release applies in all cases where a toxic substances is persistent or bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its production, use or disposal
4. ... advocat[ing] programs that achieve ...goals through reformulation of industrial processes associated with toxics use and production. Limiting discharges and shifting toxics from one environmental medium to another do not protect people or the environment

5. ...reject[ion] of risk assessments which claim that exposures to toxic substances are safe

In addition, in establishing international standards, drafters shall give serious consideration to “bio-concentration”. For example the discharge of mercury was deemed to be at an acceptable level. The mercury, however, was taken up by small organisms becoming more highly concentrated as it moved up the food chain. Biopathways must always be examined”.

3.4.. STRIVING TO ENSURE THAT THE LOCAL, REGIONAL AND NATIONAL TARGETS IN EACH STATE SHALL DRAW UPON THE HIGHEST POSSIBLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND STANDARDS

Collectively, the member States of the United Nations, are in a position to drive industry through regulations which establish the highest possible equitable and ecological standards and technical regulations and to promote the highest possible level global playing field.

3.5. ENSURING GLOBE-WIDE CONSISTENT PROTECTION OF AMBIENT AIR, WATER, AND SOIL QUALITY

Through mandatory international standards, States shall ensure consistent protection considering both variation in air water and soil conditions locally, regionally, nationally and globally and the variation in effects of different substances emitted. However, ensuring consistent protection also means that States will not transfer their pollution problems onto other jurisdictions nor will States relax or change their standards or technical regulations in order to attract industry.

regulations.

(4)

COMPLIANCE PRINCIPLE

States shall discharge obligations, and fulfill expectations, and shall enact the necessary measures to ensure the discharging of obligations and the fulfilling of expectations through mandatory international normative standards (MINS) , legislation to ensure that corporations comply .

In Art. 60 of the Convention of Treaties, States are bound to not create situations in which it would be impossible to fulfill treaty obligations; in many cases current ecologically unsound practices result in the impossibility of fulfilling treaty obligations. Also, under the Convention of the Law of Treaties, States are bound, unless specifically mentioned, not to invoke internal law to justify non performance of a treaty obligation (Art. 27).

Through mandatory international normative standards (MINS), States shall comply with all international, national, bilateral and regional agreements, protocols and conventions as a minimum. If there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail. In 1995, in the Platform of Action, UN Convention on Women: Equality, Development and Peace, States undertook to ensure that “all corporations, including trans-national 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). This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

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)

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)

4.1. REFRAINING FROM ACTS THAT WOULD DEFEAT THE PURPOSE

The Law of Treaties has established that there exists 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)

4.2. APPLYING THE DOCTRINE OF LEGITIMATE EXPECTATIONS

The Doctrine of Legitimate Expectations has established an institutional obligation to citizens:

- (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).

(See Russow, J. (1995) Charter of Obligations for A survey of obligations compiled by the Global Compliance Research project.

4.3. ENACTING INTERNATIONAL PRINCIPLES IN STATE LAW AND PRACTICE

The obligation to enact the necessary legislation to ensure compliance has been established in international Conventions, Protocols, Declarations, Covenants, and Resolutions, and has thus become a principle of international customary law. Through international mandatory standards States shall ensure that international obligations are reflected in the law and practice of each State. This international customary law principle has been expressed in numerous international documents for over 20 years. An example of the enunciation of the principle can be found in the UN Resolution 37/7. and reads as follows:

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)

If there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail.

4.4 ACKNOWLEDGING THE NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

The World Charter of Nature provided guidance for human respect for and action towards 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), 1982)

4.5. ADOPTING PERFORMANCE STANDARDS

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 **for all industrial activity**, as appropriate (Art. 169 n, Habitat II, 1996)

4.6. 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...(Article 19, Habitat II, 1996)

4.7 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. (Article 50 e, Habitat II)

4.8 ESTABLISHING LEGISLATIVE AND REGULATORY FRAMEWORKS

* 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 (Art. 180 (a), Habitat II, 1996)

4.9 ENSURING OF COMPLIANCE OF PRIVATE SECTOR

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 (Article 148 * e, Habitat II)

4.10 PROMOTING ...ETHICAL PRACTICES

promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks (Article 61* (d) Habitat II)

4.11. ESTABLISHING MONITORING AND EVALUATING COMPLIANCE WITH ENVIRONMENTAL REGULATIONS AND EFFECTIVENESS OF ENFORCEMENT AT ALL LEVELS

Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels (Article 97 (c) Habitat II);

4.12. IMPLEMENTING LOCAL ENVIRONMENTAL PLANS AND LOCAL AGENDA 21

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 (Article 97 (h)Habitat II)

4.13. PROMOTING COMPLIANCE AND ENFORCEMENT

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (Article 75 d Habitat) U.S.

(5)

REGULATOR MT NOT BE PROMOTER PRINCIPLE

This principle holds that regulators must not promote the continuance of the object or activity over which they regulate. For example, IAEA (The International Atomic Energy Association) that has the responsibility of regulating the civil nuclear industry promotes the use of nuclear energy.

(6)

STANDARDS-DRIVING INDUSTRY PRINCIPLE

Through mandatory international normative standards (MINS) , States shall ensure that standards drive industry rather than industry driving standards. States in conjunction with international standards shall establish regulations that will drive industry. The cost to the environment of CONTINUED degradation as a result of not enforcing standards and regulations rather than the cost to industry of environmental regulations shall be paramount.

Socially equitable and sound environmental performance will be determined by mandatory international normative standards (MINS) and technical regulations. These standards and technical regulations have as a foundation international principles related to promoting and fully guaranteeing respect for human rights; to ensuring of the preservation, conservation and protection of the environment; to creating a global structure that respects the rule of law, to achieving a state of peace; justice and security, and to participating in socially equitable and environmentally sound development.

There shall be continuous monitoring to ensure that corporation including transnationals, as well as small operations and the private sector generally are complying with international normative standards and technical regulations. In the event of non-compliance with MINS, the charters of all the corporations including 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. The emphasis of the international mandatory and normative regulatory policy is to ensure that standards drive industry not industry driving standards.

To this end, all promotion shall focus on developing and implementing BEST (Best Environmentally Sound Traditions) practices. The environment and ecosystem will determine BEST practices not be “managed”

MINS establishes absolute requirements for environmental performance to satisfy socially equitable and environmentally-sound development.

“socioeconomic needs”, when referred to in international documents shall be limited to socially equitable and environmentally sound development principles, including fundamental international rights but shall not include a professed right to engage in socially inequitable and environmentally unsound practices.

All impacts of the corporation or business shall be examined even those impacts that normally would be deemed beyond objective quantification. Ignorance by corporations, including transnationals of the deleterious consequences arising from inequitable/ecologically unsound practices shall not absolve corporations from legal responsibility.

6.2 REVOCATION OF CHARTERS PRINCIPLE

In the event of non-compliance with MINS, the charters of all the corporations including 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.

(7)

NON-PROSECUTING FOR DEMONSTRATING FOR COMPLIANCE WITH STANDARDS

States shall not prosecute citizens for demonstrating to protest non-compliance with regional, national or international standards.

(8)

NON-TRANSFERENCE OF MEDIA

Through mandatory international normative standards (MINS) , States shall ensure that polluting substances are not transferred from one media to another (for example from water to air). In other words, pollution prevention is complete prevention instead of displacement of problem

(9)

INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES PRINCIPLE

Through mandatory international standards (MINS) , States shall ensure that every activity or substance that could prevent the protection and, conservation of the environment will be included under regulatory schemes, regardless of whether the activity or substance is presumed to be covered under another Act For example, “atomic wastes” have not been included under the Basel Conventions dealing with hazardous wastes, and currently “forestry” is proposed for exclusion from the Biodiversity Convention rather than being a protocol linked with the Biodiversity Convention, Climate Change Convention, Convention on Desertification or other relative conventions.

(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 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)

This could be generalized into the following form:

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 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 trans-boundary 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.

NOTE: DEFINITION OF 'ENVIRONMENT"

Environment

means the components of the earth and includes:

- (a) air, land, water, sediment, soils
- (b) all organic and inorganic matter, including living organisms such as humans and non-humans
- (c) the interacting ecological systems that include components referred to in sub-clauses (a) and (b)

Adverse effects include the above environmental effects and effect and impacts on human health U.S.

12.2. INVOKING THE REVERSE-ON PRINCIPLE

Through mandatory international standards, States shall adopt 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.

13

DISASTER PREVENTION PRINCIPLE

13.1. ENSURING ADEQUATE REGULATORY ...MEASURES TO PREVENT 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, 1996)

13.2. PROMOTING THE USE OF TOOLS FOR DISASTER PREVENTION OF NATURAL, ANTHROPOGENIC AND INDUSTRIAL DISASTERS

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 (Article 75 (g) Habitat II, 1996) .

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 24. Habitat II, 1996) .

13.3. IMPROVING NATURAL AND HUMAN-MADE DISASTER PREVENTION

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**: (Article 126, Habitat II, 1996)

13.4. INCLUDING PARTICIPATION IN RECOGNIZING VULNERABILITY TO HUMAN-MADE AND NATURAL DISASTERS

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 (Article 126 a bis Habitat II, 1996) ;

13.5 ENSURING REGULATIONS THAT WILL PREVENT PREVENTABLE ANTHROPOGENIC DISASTERS

ensuring regulations that will prevent preventable anthropogenic disasters and encourage CONTINUED *mobilization of* domestic and international resources for disaster reduction activities for non-preventable disasters (Article 126 (b) Habitat II, 1996) ;

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 ⁶⁶eliminate the production of weapons of mass destruction” and twenty years later a Nobel Laureate Declaration called for the phasing out of civil nuclear reactors, and in 1994, and 1996 resolutions from the IUCN have called for the phasing out of the use 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. There is a need for the safe resettlement of displaced populations; especially those from 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.

13.6 PREVENTING DISASTERS THROUGH BUILDING A CULTURE OF SAFETY

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 (Article * 127 (d) Habitat II, 1996)

In order to prevent technological and industrial disasters, governments at the appropriate levels, including local authorities, as appropriate, should

(Article * 127 bis :

Pursue the objectives of preventing major technological accidents and limiting their consequences through, inter alia, land-use policies and the promotion of safe technology (Article 127 (a) Habitat II, 1996)

13.7. REMOVING IMMEDIATELY ANTI-PERSONNEL LAND MINES

Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict (Article 128 (i) Habitat II, 1996) ;

13.8. PREVENTING POLLUTION AND EXPOSURE TO POLLUTION

DISCOURAGING DISPROPORTIONATE SITINGS

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 sittings of polluting industrial facilities in areas inhabited by people living in poverty or those belonging to vulnerable and disadvantaged groups (Article * 84 e Ter Habitat II, 1996)

13.9. PREVENTING AND MITIGATING ADVERSE ENVIRONMENTAL IMPACTS

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 (Article * 79 Habitat II, 1996) .

13.10. REDUCING SIGNIFICANTLY OR ELIMINATING ENVIRONMENTALLY HARMFUL SUBSIDIES

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 122 (e) Habitat II)

13.11. TAKING INTO ACCOUNT INTERNATIONAL AGREEMENTS AND INSTRUMENTS

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. (Article 99 bis Habitat II)

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.

13.12. INVOKING THE REVERSE-ONUS PRINCIPLE

Through mandatory international standards, States shall adopt 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

[NOTE THAT THE HONORABLE SHEILA COPPS, WHEN SHE WAS THE MINISTER OF ENVIRONMENT OF CANADA HAS CALLED FOR THE IMPLEMENTATION OF THE REVERSE ONUS.]

BUTTER FINGERS

(14)

REFUSE OR REUSE TO AVOID MISUSE AND ABUSE PRINCIPLE

Citizens should be encouraged to refuse to use products that originate from inequitable and ecologically-unsound development, and, in other cases where the products have been derived from equitable and ecologically sound development and practices, every effort shall be made to reuse the products.

(15)

NON-TRANSFERENCE OF HARMFUL SUBSTANCES OR ACTIVITIES PRINCIPLE

Through mandatory international normative standards (MINS) , States shall ensure the prevention of the transference of substances or activities, harmful to the environment or human health to other parts of the state or to other States.

15.1. PREVENTING THE TRANSFER OF SUBSTANCES AND ACTIVITIES THAT ARE HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

This principle was globally adopted at the UNCED:

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

This principle shall never be qualified by the excuse that the recipient State is willing to accept the harmful substances or activities. Also the excuse of “Extraterritoriality” shall not be used as an devise to justify the transferring these harmful substances and activities (i.e. what right do we have to impose our standards on other communities, regions or States—self-serving extraterritorialism-avoidance).

15.2. ENSURE AVOIDANCE OF DUMPING OF ENVIRONMENTALLY UNSOUND TECHNOLOGIES

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 (Article *151 b Habitat II)

15.3. RECOGNIZING THAT THE USE AND TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGIES IS A PREREQUISITE FOR “SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT”

The use and transfer of environmentally sound *technologies* **practices** which have a profound impact on consumption and production patterns are 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 151. Habitat II, 1966)

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 (Article 151 *Habitat II, 1966) U.S.

(16)

NOT RELAXING STANDARDS TO ATTRACT INDUSTRY PRINCIPLE

Through mandatory international normative standards (MINS), States shall not relax or change standards and technical regulations to attract industry.

This principle was enunciated in NAFTA:

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 requires consultations with the other Party and the two Parties shall consult with a view to avoiding any such encouragement. (NAFTA Article 1114 ss 2)

In addition, States shall not refrain from establishing the highest standards to correspond to Mandatory International Normative Standards and Technical Regulations based on international principles, or not change existing high standards so as to attract industry

(17)

trans-boundary PRINCIPLE

Through mandatory international normative standards, 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)

(18)

RENEW ABILITY PRINCIPLE

All use of non-renewable resources shall be phased out, with firm time-lines. Renewable resources shall be harvested according to socially equitable and environmentally sound development principles:

(19)

BEST (BEST ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES

ENVIRONMENTAL SOUNDNESS PRINCIPLE

Through mandatory international normative standards (MINS), States shall ensure that they use and that corporations including transnationals use BEST technology (best environmentally sound traditions)

There is no guarantee that the Best Available Technology will be ecologically sound. BAT may be the best available but it may not be good enough. It is important to support and promote the development of and the use of BEST (Best Environmentally Sound Traditions). In the event that there is no BEST practice which can prevent the release of persistent or bio-accumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out / outlawed, or the demand for the product reduced through public education. In this case, the industry involved shall be assisted in the conversion to alternative processes or products involving BEST practices.

Presumably, if there is a commitment to develop alternatives, there will be a concomitant responsibility to relocate funding from the current practices of mitigating of ecologically unsound practices of the “environment industry” to the preventing of ecologically unsound practices and thus to the development of BEST practices.

19.1.SUBSTITUTING ENVIRONMENTALLY SOUND ALTERNATIVES

In the international documents there is a commitment to develop ecologically sound alternatives. In particular, in Agenda 21 (UNCED) alternative ecologically sound practices have been advocated in the following way in the following sections:

There are often alternatives to toxic chemicals currently in use. Thus risk reduction can sometimes be achieved by using other chemicals or even non-chemical technologies. The classic example of risk reduction is the substitution of harmless or less harmful substances for harmful ones. Establishment of pollution prevention procedures and setting standards for chemicals in each environmental medium, including food and water, and in consumer goods, constitute another example of risk reduction (19.45 Toxic chemicals)

Reduce over-dependence on the use of agricultural chemicals through alternative farming practices, integrated pest management and other appropriate means (19.50, Toxic chemicals)

Utilizing and producing environmentally [safe and] sound renewable energy resources, such as solar, wind, geothermal, hydropower and biomass (9.9g Atmosphere, Agenda 21)

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, Agenda 21)

19.2. PROMOTING ENVIRONMENTALLY SOUND TECHNOLOGIES AND BEST PRACTICES

promoting education about, and training on, environmentally sound technologies, materials and products (Article 27 f quater, Habitat II, 1966)

Establish laws and regulations aimed at preventing discrimination and barriers and, where such laws and regulations already exist, ensure their enforcement (Article 73 *(b) Habitat II, 1966)

[Modification of principles from the ten elements of sustainability developed by the Institute for Sustainable Forestry.]

1. BEST practices will protect, maintain and/or restore fully functioning ecosystems at all scales in both the short-and long-terms

2. BEST practices will maintain and/or restore surface and groundwater quality, quantity, and timing of flow, including aquatic and riparian habitat

3. BEST practices will maintain and/or restore natural processes of soil fertility productivity and stability.

4. BEST practices will maintain and/or restore natural processes of soil fertility, productivity and stability.?????????

5. BEST practices will encourage a natural regeneration of native species to protect valuable native gene pools.

6. BEST practices will not include the use of artificial chemical fertilizers or synthetic chemical pesticides

19.3 DEVELOPING ENVIRONMENTALLY SOUND LAND-USE STRATEGIES

Develop, with the participation of all interested parties, comprehensive and environmentally sound land-use strategies at the local level. (Article*85 (d) Habitat II, 1966)

19.4 STIMULATING ...ENVIRONMENTALLY SOUND USE OF LAND

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 (Article 56 (d) Habitat II, 1966)

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].**

(Article [82 Habitat II, 1966)

19.4. PROTECTING WATER RESOURCES FROM HARMFUL EFFECTS OF HUMAN SETTLEMENTS

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.(Article * 82 bis Habitat II, 1966)

19.5 ENCOURAGING AND PROMOTING THE APPLICATION OF LOW-ENERGY ENVIRONMENTALLY SOUND AND SAFE TECHNOLOGIES

ENCOURAGING AND PROMOTING TECHNOLOGY WITH REGULATORY MEASURES

Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures (Article 71 * (b) Habitat II, 1996)

19.6 PROMOTING ENVIRONMENTALLY SOUND TRANSPORTATION

Environmentally sound transportation systems (27 d Habitat II, 1996))

19.7.REDUCING TRANSPORT DEMAND THROUGH PROMOTING OF SPATIAL DEVELOPMENT

promotion of spatial development patterns and communications policies that reduce transport demand (27 d) Habitat II, 1996)

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 (Article *102 Habitat II, 1996) **U.S.**

19.8. ENCOURAGING AND RESEARCHING DEVELOPMENT AND E OF NON-MOTORIZED OR LOW-ENERGY TRANSPORT SYSTEMS

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** (Article 101 (d) Habitat II, 1996).

19.9. EXCHANGING KNOWLEDGE ON ENVIRONMENTALLY SOUND SUBSTITUTE FOR LEAD GASOLINE

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 (Article 101 (e) Habitat II, 1996);

19.10. EDUCING NEGATIVE EFFECTS OF TRANSPORT ON THE ENVIRONMENT

REDUCING UNNECESSARY TRAVEL

DEVELOPING ALTERNATIVES OTHER THAN THE AUTOMOBILE

DEVELOPING ALTERNATIVE FUELS

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 (Article 102 * Habitat II, 1996).

19.11. PROMOTING AFFORDABLE, EFFICIENT AND ENERGY-SAVING MODES OF TRANSPORT

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 (Article *103 bis. Habitat II, 1996).

19.12. REDUCING THE NEED TO TRAVEL

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 (Article 104 * (b) Habitat II, 1996).

19.13. PROMOTING COMMUNICATIONS AND TRANSPORT PLANNING TO REDUCE DEMAND FOR TRANSPORT

Promote the integration of land-use, communications and transport planning to encourage development patterns that reduce the demand for transport (Article *84(g) Habitat II, 1996).

Develop and implement integrated coastal zone management plans to ensure the proper development and conservation of coastal resources (Article *84 (g) bis Habitat II, 1996).

19.14. ENCOURAGING THE USE OF AN OPTIMAL COMBINATION OF MODES OF TRANSPORT

(Article 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 Habitat II, 1996).

19.15. PROMOTING AND IMPLEMENTING DISINCENTIVE MEASURES THAT DISCOURAGE THE INCREASING GROWTH OF PRIVATE MOTORIZED TRAFFIC ACKNOWLEDGING THAT CONGESTION IS DAMAGING ENVIRONMENTALLY

ENCOURAGING ALTERNATIVE TRANSPORT METHODS

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 (Article 104 * (d) Habitat II, 1996).;

19.16. GIVING PRIORITY TO COLLECTIVE MEANS OF TRANSPORT WITH ADEQUATE CARRYING CAPACITY AND FREQUENCY

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 (Article 104 * e Habitat II, 1996).;

19.17. PROMOTING , REGULATING AND ENFORCING QUIET USE EFFICIENT AND LOW-POLLUTING TECHNOLOGIES

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 104 (f) Habitat II, 1996).;

19.18. PROMOTING PRACTICES AND CONSUMPTION THAT WILL CONSERVE...

Promote practices and consumption patterns that will conserve and protect freshwater and saltwater resources and top soil, as well as air and soil quality; (Article 98(a)

* brackets removed

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 (Article *98 bis (c)Habitat II, 1996).

19.19. PROMOTING ENVIRONMENTALLY SOUND RENEWABLE ENERGY

Access to sustainable sources of energy (Article 66* (f) Habitat II)

Reducing energy consumption

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 (Article *69 (h) Habitat II, 1996).

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;] (Article * 71 [(a) Habitat II, 1996).

Encourage and promote the application of low-energy, environmentally sound and safe manufacturing technologies backed by appropriate norms and effective regulatory measures (Article 71 * (b) Habitat II, 1996).

19.20. INTENSIFYING AND SUPPORT RESEARCH INTO SUBSTITUTES

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 (Article 71 [(a) Habitat II, 1996)..

19.21. 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)

19.22. ADVOCATING INTERTRANSFER OF BEST PRACTICES RATHER THAN NORTH-SOUTH TECHNOLOGY TRANSFER

Through mandatory international normative standards (MINS) States shall compile innovative BEST local practices that is not damaging to the environment in the way that the current over-consumptive model of consumption is. Industrialized States shall seriously explore the innovative technological developments of traditional local practices, and thus not presume that the industrialized technological fixes are the most appropriate even in industrialized state context.

(20)

TRADITIONAL PRACTICES PRINCIPLE U.S.

20.1. PROMOTING TRADITIONAL AND INDIGENO PRACTICES

Through international standards States shall refrain from imposing external devised technologies and encourage the development of BEST local and indigenous technologies:

Throughout the UNCED documents there is a call for the respect of indigenous practices, and local technologies:

"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)

20.2. PROMOTING INDIGENOUS PLANNING AND DESIGN TECHNIQUES

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** (Article 69(a) Habitat II, 1996);

20.3. ENCOURAGING AND SUPPORTING THE USE OF ...LOCAL BUILDING MATERIALS

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 (Article 152 * c bis merged with d bis) Habitat II, 1996);

20.4. STRENGTHENING THE INDIGENOUS BUILDING MATERIALS INDUSTRY

strengthening the indigenous building materials industry, based as far as possible on locally available resources. (51 d Habitat II, 1996))

Provide data base on adverse environmental effects of building materials (51d Habitat II, 1996))

(21)

COUPLING-AVOIDANCE PRINCIPLE

The coupling-avoidance principle involves the avoidance of coupling of a “clean-up environment” industry with a toxic, hazardous or atomic waste producer in order to justify the continuation of the production of toxic hazardous or atomic wastes.

Through mandatory international normative standards (MINS) States shall not accept the “environment-industry” being coupled with the toxic hazardous, and atomic waste production industry as a means of justifying the continuation of the toxic, hazardous and atomic waste producing activity.

(22)

SOLUTION-WORSE-THAN-PROBLEM-AVOIDANCE PRINCIPLE

This principle involves the avoidance of the advocating of a “solution” that is potentially worse than the problem to be addressed. For example, the civil nuclear power industry is promoting nuclear energy as the solution to climate change.

Through mandatory international normative standards (MINS), States shall not accept a solution that is worse than the problem.

(23)

ENVIRONMENTAL AUDITS AND ECOLOGICAL CONSEQUENCES PRINCIPLE

States shall ensure environmental audits and the taking into account of all ecological consequences

23.1. INCLUDING OF ECOLOGICAL CONSEQUENCES IN ANALYSIS OF COSTS

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

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

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, 7.42)

23.2. INCORPORATING ECOLOGICAL CONSEQUENCES AND ENVIRONMENTAL AUDITS WITHIN FULL COST METHODS.

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

It is equally important to ensure that, in carrying out an environmental assessment on a particular substance or activity that could have potential adverse environmental effects, other ecologically sound alternative practices shall also be assessed. If the precautionary principle is to be applied in the assessment of costs, the full environmental costs have to be taken into consideration, as well as the full economic costs of monitoring and enforcement of legislation to regulate ecologically unsound practices, and the projected economic costs and environmental costs of accidents, and restoration if accidents occur. If the "ecological costs are horrendous" , no economic benefits will justify the costs.

23. 3. ASSESSING FULL ECONOMIC COSTS OF ECOLOGICALLY UNSOUND PRACTICES AND OF FULL ECONOMIC BENEFITS OF PREVENTION:

The introduction of ecologically unsound practices have inordinate, extensive, unexpected short-term and long term economic costs, including the following:

-the cost of monitoring, investigation, enforcement, and conviction.;

- the costs of subsidies—taking research dollars from developing ecologically sound alternatives;
- the costs of inappropriate funding for attempts to rectify previous errors;
- the costs to displaced disenfranchised indigenous peoples;
- the costs of rehabilitation of ecologically devastated sites;
- the costs of loss of biodiversity; costs of loss of resources— destruction of fish habitat;
- the costs of health impacts on employees.

• Financial benefits associated with toxics use reduction can include reduced raw material costs, reduced effluent and emissions monitoring and control costs, reduced energy use, reduced water use, reduced liability ... (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)

• Companies may be unaware of the benefits or may opt to limit short-term investments despite longer term savings. Thus, in the absence of regulations, they might CONTINUE to avoid very reasonable available technologies that protect the environment better by preventing pollution (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)

- It is incumbent upon society and government to strive towards high standards so that the segment of industry (prevention-technology or techniques industry—BEST industry) dedicated to developing ecologically sound alternatives will be at an economic advantage. The technique of assessing the complexity of the multiple costs must be used. This technique could be extended to reevaluate the totality of spending including the excessive costs of maintaining the global military (800 billion), when the money from the military could be transferred to assist in the conversion to an ecologically sound and equitable society.
- A full life-cycle analysis of the economic and environmental costs through time and space of each substance and activity shall be carried out.
- The independent assessment of full economic costs shall be carried out by the Auditor General's office
- The establishment of the highest possible mandatory standards, legal enforcement mechanism, and support structures for ensuring that prevention techniques are economically feasible.

23.4. ASSESSING OF FULL ENVIRONMENTAL AND HUMAN HEALTH IMPACT COSTS OF INACTION OR NON-PREVENTION

Ecological and equitable “back-casting” — “ going to the future though the present “ moving from vision to measures to implement the vision — must be supported. If the vision is to adopt a prevention and precautionary approach to interventions into the ecosystem, anything that detracts or deters from that vision should be seriously questioned, and the justification of the continuing the questionable practices should come under serious scrutiny. In other words if unacceptable present and future ecological consequences are likely to occur, the activity shall not proceed and the substance shall not be used.

- **the enunciation of an “ecological imperative” as part of a long-term complex solution**

- “The difficulty of assessing environmental impacts cannot be used as an excuse for ignoring them. (from submission to Department of Ecology by Carol Dansereau, Director, Industrial Toxics Project, Washington Toxics Coalition, May 4, 1994)

- **The presence of ecological irreversible consequences shall be deemed to be beyond an acceptable risk, and thus not subject to the usual means of quantification. In this event, the anticipatory, precautionary, and reverse onus principle shall apply, and the activity or substance shall be banned or phased out**

- **Ecological, and equitable consequences, and health impact consequences must be examined in full complexity through time and space**

- **in the event that the activity or substance has been proven to have caused environmental degradation, or to be able to cause long term ecological consequences, the activity shall cease or the use of the substance shall be banned or phased out.**

- **No economic benefit shall be used to justify the violation of ecological rights— right to a safe environment and the right to an ecological heritage, and the integrity of the ecosystem. Economic benefits must be seen in the context of ecosystem primacy; otherwise long term future ecological and humanitarian rights— right to food, safe water, health care and shelter will be compromised**

- In determining whether the [technology] emission limitation is sufficient to protect health, welfare and the environment, {governments} must consider all known and suspected impacts, including but not limited to mutagenicity, teratogenicity, neurological damage, development damage, immune suppression, organ damage, reproductive impairment, and hormone mimicry.

- **Procedures to ensure that an environmental assessment review of any practices or substances that could contribute to the loss or reduction of Biodiversity shall be in place**
- **Assessment of full costs of violating the rights of the disenfranchised shall be carried out. The groups bearing the greatest impact from ecologically unsound practices and disposal of toxic, hazardous, and atomic wastes are often the disenfranchised in society.**

24

ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE

24.1.

24.2 COMPLYING WITH THE ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE

The essence of this principle can also be traced through the 1972 Stockholm Convention, and the UN Resolution 37/7, as well as in the UNCED documents, where it is enunciated in the following way:

ASSERTION OF THE AVOIDANCE OF ACTIVITIES PRINCIPLE

Activities which are likely to cause irreversible damage to nature shall be avoided (UN Resolution 37/7 1982)

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)

24.3 REQUIRING A LEGITIMATE ENVIRONMENTAL IMPACT ASSESSMENT

Through mandatory international normative standards, States shall require a legitimate environmental assessment review of any practice, activity or substance that could have significant adverse environmental effects. An actual assessment of the short and long term potentially adverse environmental effects of existing and proposed projects and activities shall be carried out. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.

23.7. REQUIRING COST RECOVERY FOR ENVIRONMENTAL IMPACT ASSESSMENT AND FOR MONITORING AND ENFORCING REGULATIONS

Industries that are permitted to engage in environmentally unsound practices that require regulations and enforcement shall bear the full cost of the additional charges incurring as a result of governments having to ensure compliance with regulations. In addition, for all proposals, projects, activities that intervene in an environmentally unsound way in the ecosystem, and that are deemed to require an environmental assessment review governments shall recover the full costs of the review.

(25)

COST RECOVERY PRINCIPLE

23 bis 1. REQUIRING COST RECOVERY FOR ENVIRONMENTAL IMPACT ASSESSMENT AND FOR MONITORING AND ENFORCING REGULATIONS

Industries that are permitted to engage in environmentally unsound practices that require regulations and enforcement shall bear the full cost of the additional charges incurring as a result of governments having to ensure compliance with regulations. In addition, for all proposals, projects, activities that intervene in an environmentally unsound way in the ecosystem, and that are deemed to require an environmental assessment review governments shall recover the full costs of the review.

(26)

ENVIRONMENTALLY RESPONSIBLE INVESTMENT PRINCIPLE

24.1. ENCOURAGING SOCIALLY AND ENVIRONMENTALLY RESPONSIBLE COMMUNITY INVESTMENT

(Article * 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 Habitat II, 1996) ;

24.2.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 Habitat II)

(27)

POLLUTER PAY PRINCIPLE

States shall enforce the Polluter Pay Principle to ensure that those who may release polluting substances into the environment pay the full-cost of environmentally safe handling, treatment, disposal, and remediation; in addition, permits shall be suspended and canceled, if the polluter has caused serious irreversible ecological damage, and criminal charges laid. Mens rea shall not have to be proved, executives and directors of the company shall be subject to potential criminal charges, and the excuse of due diligence is no longer acceptable.

25.1.TAKING INTO ACCOUNT THE POLLUTER-PAY PRINCIPLE

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

' Governments should include in national planning and legislation an integrated approach to environmental protection, driven by prevention and source reduction criteria, taking into account the 'polluter pays' principle, and adopt programmes for hazardous waste reduction, including targets and adequate environmental control(20.20 b Hazardous Wastes, Agenda 21)

" Governments should ...(b) apply the 'polluter pays' principle, where appropriate, by setting waste management charges at rates that reflect the costs of providing the service and ensure that those who generate the wastes pay the full cost of disposal in an environmentally safe way (21.42 b Solid wastes, Agenda 21)

25.2. DEVISING ...NEW FISCAL INSTRUMENTS THAT PENALIZE ENVIRONMENTAL DAMAGE FROM BOTH PRODUCTION AND CONSUMPTION ACTIVITIES

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 (140 (c) Habitat II, 1996).

(28)

COMPENSATION PRINCIPLE

Through mandatory international normative standards (MINS) , States shall require corporations including transnationals to pay compensation for environmental degradation, and for human rights violations.

Given that 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 and human rights violations, 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

(29)

REHABILITATION PRINCIPLE

27.1. 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)

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

27.2. PROTECTING THE LIVING ENVIRONMENT AND RESTORING CONTAMINATED LAND

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 (Habitat 97 (j)).

(30)

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)

(31)

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.

(32)

CULTURAL APPROPRIATENESS PRINCIPLE

Through mandatory international standards, States shall ensure that the rights of Indigenous peoples are guaranteed: U.S.

30.1. AFFIRMING OF POSITIVE-DUTY-TO PROTECT-INDIGENO-LANDS

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)

30.2. ACKNOWLEDGING THAT RURAL AND INDIGENOUS PEOPLES ENSURE THE...SUSTAINING SOCIAL AND ECOLOGICAL BALANCE

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. (Art 118 Habitat II)

30.3. DEVELOPING OF POLICIES AND PROGRAMMES TO PREVENT ENVIRONMENTAL DEGRADATION OF LAND THROUGH INTEGRATING INDIGENOUS WOMEN ...

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 (Art 90, quart c Habitat II)

(33)

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)

(34)

COMMON GOOD PRINCIPLE

32.1. CONTRIBUTING TO 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 79 Habitat II)

(35)

EQUALITY and EQUITY PRINCIPLE

33.1. AFFIRMING FUNDAMENTAL HUMAN RIGHTS

... 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)

(36)

COMMUNITY INVOLVEMENT WITHIN A FRAMEWORK OF INTERNATIONAL PRINCIPLES

While decentralized, participatory planning are important features of a decision making process, 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 access to and meaningful participation and involvement of civil society.

(37)

DOCTRINE OF LEGITIMATE EXPECTATIONS

The obligations undertaken by governments in

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

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

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

But that principle does not mean that a corporation can give an undertaking and break it as they please. So long as the performance of the undertaking

is compatible with their public duty, they must honour it. And I should have thought that this undertaking was so compatible....The public interest may be better served; by honouring their undertaking than by breaking it.(Lord Denning, Central London Property Trust Ltd. v High Trees House Ltd. [1947] KB 130, 594

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

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

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

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

- **Expectation is based on an assurance given by a Minister of the Crown as to the way in which discretionary power... would be exercised.**
- **Assurance was given so as to induce this very expectation**

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

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

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

- **Expectation arising from Government holding itself out to do something**

- **Legitimate expectation that Government will discharge this obligation**

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

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

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

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

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

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

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

(38)

Common interest in the European Court of Justice. Court can impose a fine for non-compliance with Pan European environmental law. A way to use transnational rules to enforce state law. Also citizens have limited access Citizen's/citizens', transnational/transnationals' or corporation's/corporations' failure to comply with transnational rules, regulations, and standards.

(39)

PRINCIPLE OF SUBSIDIARY (TO BE EXAMINED)

(40)

SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND PRINCIPLE

After a preliminary analysis of several key Chapters of Agenda 21, the Rio Declaration and the two Conventions a series of components of socially equitable and environmentally sound development 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 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)

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 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. (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 objectivesFood 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 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, fostering 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).

(38)

TRANSFER OF MILITARY BUDGET TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT PRINCIPLE

REDUCTION AND TRANSFER OF THE MILITARY BUDGET

Concerned that currently (1996) 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 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 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

39

• 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)

POST- 50

1996 GLOBAL COMPLIANCE RESOLUTION

We prepared the following draft resolution for the “We the Peoples Conference: the Role of Civil Society in the History and Future of the United Nations”. 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 U.N. 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.

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.

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 U.N. 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.

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 charters, 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 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 discharge this obligation. 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) U.S.

AFFIRMATION OF POSITIVE-DUTY-TO PROTECT-INDIGENO-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"

USENUNCIATION 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 requires 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

Judy o Farrell 811-2828

1.1. [This principle holds that] a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their

context and in the light of its object and purpose (Art.1.Convention on the Law of Treaties, 1968)

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

(2)

OBLIGATION PRINCIPLES

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

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

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

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

2.3. [This principle affirms the Doctrine of Legitimate Expectations which holds that]

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

and that

- (ii) If a government holds itself out to do something even if not legally required to do so, it will be expected to act carefully and appropriately without negligence, and the

citizens have the legitimate expectation that the government will discharge its obligations (Ombudsman Office, Personal Communication).

2.4. This principle also entails commitment to the Public Trust Doctrine

This doctrine provides that submerged and submersible lands are preserved for public use in navigation, fishing and recreation and state, as trustee for the people, bears responsibility of preserving and protecting the right of the public to the use of the waters for those purposes.

(3)

EQUITY PRINCIPLES

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

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

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

(4)

POSSIBILITY OR REVERSIBLE PRINCIPLE

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

SYSTEMIC CONSTRAINT:

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

(5)

HIGHEST TENABILITY PRINCIPLE

INTERNATIONAL OBLIGATIONS AS A MINIMUM PRINCIPLE

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

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained in the legislation of a State Party or

in any other international convention, treaty or agreement in force for that State.
(Paraphrase of Article 23, Convention on the Elimination of all forms of Discrimination Against Women, 1979)

(6)

INTERDEPENDENCE PRINCIPLE

6.1. The interdependence principle affirms the interdependence of respect for human rights, of fulfillment of social justice and equity, of achieving environmental protection, preservation and conservation, and of attainment of peace. These

issues will be perceived to be interdependent facets of a potentially viable solution. It is no longer possible to consider in isolation: threats and impacts of war; the use of ecologically unsafe and unsound energy; the loss of ecological integrity; the disposal of toxic and hazardous wastes, including nuclear waste, the disregard for inter-generational and gender equality /equity; the ignoring of health issues related to population and environmental degradation; the perpetuation of the current model of development; the inequitable distribution of resources; the disenfranchised and the enfranchised gap

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

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

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

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)

trans-boundary PRINCIPLE

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

(19)

PRINCIPLE OF JUSTIFIABLE INTERVENTION

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

(20)

PRINCIPLE OF MORAL IMPERATIVE

PRINCIPLE OF WARRANTED INTERVENTION

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

(21)

PRINCIPLE OF RIGHT TO OBJECT

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

(22)

ARMS LENGTH RESEARCH PRINCIPLE

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

(23)

REGULATOR MUST NOT PROMOTER BE PRINCIPLE

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

(24)

PRINCIPLE OF PROPORTIONAL RESPONSE

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

(25)

PRINCIPLE OF DISCRIMINATION

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

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 bio-regionalism

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, 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 U.S.

PRINCIPLE 9: REQUIRING OF A SHIFT IN THE ON 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 byproducts 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 is the following: to assess both the environmental costs of not converting to ecologically sound practices and the environmental costs of permitting ecologically unsound practices (including the costs to future generations of irreversible environmental degradation) and the environmental costs of potential mitigation, and restoration.

PRINCIPLE 23: 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 a pristine environment that has not yet been polluted by industrial activity, shall be able to have emission standards relaxed, is inherently invalid and should be discounted. In other words, a licence to pollute could be given to industry in an pristine area because the area if 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.

13.

ADMINISTRATIVE NOTES

GAIA-L has 3 simple rules:

PRINCIPLES OF ENVIRONMENTAL COMPLIANCE

...

PRINCIPLE 1. ENDORSING THE INTERDEPENDENCE PRINCIPLE

...

PRINCIPLE 30: EXTENDING CONCEPT OF DISASTER REDUCTION TO COVER NATURAL AND

OTHER DISASTER SITUATIONS INCLUDING ENVIRONMENTAL AND TECHNOLOGICAL DISASTERS (NA-TECHS)

...

PRINCIPLE 18: ENSURING THAT STANDARDS AND TECHNICAL REGULATION WILL NOT BE

RELAXED TO ATTRACT INVESTMENT

...

PRINCIPLE 18: ENSURING THAT REDEFINITION OF PRACTICES WILL NOT ENABLE

INDUSTRY TO BYPASS REGULATIONS

...

Dear Dave,

I like your principles, all 32 of them. I do not stress but check their numbers, please, with attention to the No. 18 used three times. But really I like this MULTI- criteria approach -- life is not easy, and more than 32-dimensional. Compare them with Rio Set, for instance, what took more pages to be published some years ago.

Will you let the Gaians know if you realized contradictory nature of these principles (goals, aims, restrictions), please? What could put them into a Harmony? What penalties you'd suggest to execute these principles, to make them work in our souls, our minds, our hands, please? What about foreseeing possible consequences? Did you ever try to model them in any way? I believe a predictive supermodel (math, not a girl, though she is welcome, of course:) might help it.

Cheers,

Seva

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David and I worked on these principle. He has gone away for a week so I thought I would respond to your input into the principles. We incorporated these principles into “A Charter of Obligations”. This Charter has 350 pages of obligations that States had incurred in areas of peace, environment and human rights during the 50 years of the functioning of the United Nations. I took this Charter to the New York Prep-Com and to the Conference in Beijing. This Charter was officially distributed to the state delegations at the Beijing conference to remind States that they should agree to nothing less than they were already obliged to do.

We would appreciate any refinements, changes etc. you would suggest.

As a result of being at the New York Prep-com for Beijing and in Beijing, I have set up, as part of the Global Compliance Research Project, a network with representatives from over 60 countries including some contacts from Russia. The purpose of this project is to monitor compliance with international obligations—Often by publicly reminding States of what has been agreed to previously.

I worked on the alternative NGO Earth Charter when I was in Rio, and I found that the NGOs were often even asking for less than the governments were obliged to do in previous agreements.

I believe that it is only when citizens are aware of previously undertaken obligations; when they are willing to remind States of these obligations publicly, and when are able to present cases of non-compliance at an International Court of Environmental Law will some change occur.

I think that it would be interesting to see an innovative mathematical portrayal of a set of principles. I often draft large diagrams to communicate the complexity and interdependence of issues.

Thanks for your interest in the principles

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 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 a 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)

" 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 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. (16.7b, 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 a 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 will *environmentally 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.**

...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 trans-boundary 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 the ensuring of compliance of the 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.

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;

(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.

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principle of subsidiarity

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1. Internet Comment and Update Press release 2-3

2 Doctrine of legitimate expectation p. 4-6 [additional information could be sent from recent High Court of Australia case where the doctrine was used]

3. Leave to Appeal submission 7.—71 (without the Affidavits)

4. Notes and background of the appeal

INTERNET COMMENT

In response to the following press release there has been considerable interest in the arguments presented to the court in the Leave to Appeal application in the Appeal court of British Columbia, CANADA. The leave to appeal book with references to the affidavits (but without the actual affidavits) is being circulated through internet. Any comments and responses will be sent to Mr. Justice Carothers for his deliberation and possibly to the Judicial Review Commission in Ottawa.

Note: that Mr. Justice Carothers' judgment was only four pages long. The only reference to international law was the section reproduced in the press release.

FOR IMMEDIATE RELEASE: DECEMBER 7, 1994. To Biodiversity Conference of the Parties, Bahamas.

PRINCIPLES IN BIODIVERSITY CONVENTION "NOT PERTINENT OR APPLICABLE" "WITHIN THE JUDICIAL CAPACITY AND FUNCTION OF THE COURTS OF THIS PROVINCE". DECISION IN THE APPEAL COURT OF BRITISH COLUMBIA, CANADA

ASTOUNDING ADMISSION BY COURTS IN BRITISH COLUMBIA (CANADA) OF THE INAPPLICABILITY OF INTERNATIONAL LAW IN PROVINCIAL COURTS.

In September 1993, there was an application to set aside the Clayoquot Injunction in B.C. CANADA on the grounds that there was a failure to inform the trial judge that the granting of the injunction could contravene Canada's international obligations such as the Biodiversity Convention. Mr. Justice Drake held that "international law not expressed in Canadian law is irrelevant in this inquiry". Leave to appeal this decision was sought on October 25 before Mr. Justice Carothers.

APPEAL FROM FILE # C916306

APPEAL NO. VO1984

OF APPEAL

IN THE SUPREME COURT OF BRITISH COLUMBIA COURT

BETWEEN:

MACMILLAN BLOEDEL PLAINTIFF
(RESPONDENT)

JOAN RUSSOW RESPONDENT
(LEAVE TO APPEAL
APPLICANT)

APPEAL FROM FILE # C916306

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BETWEEN:

MACMILLAN BLOEDEL PLAINTIFF
(RESPONDENT)

JOAN RUSSOW RESPONDENT

(LEAVE TO APPEAL
APPLICANT)

LEAVE BOOK

TABLE OF CONTENTS:*PART I -STATEMENT OF FACTS***PP. 5 — 8 (#1— #17). TAB 1***PART II. REASONS FOR APPEAL***PP. 9— 12 (#18 — #24). TAB 2***PART III. MEMORANDUM OF ARGUMENT:*

A. In the hearing of August 26, 1993, there was a failure to bring to the attention of the Honourable Mr. Justice Hall that the granting of the injunction could contribute to non-compliance with international obligations of Canada and its Courts and that, in the September 15, 1993, application to rescind the injunction, the Honourable Mr. Justice Drake erred in his assessment of the relevance of international law.

PP. 13 — 47 (#25 — #122). TAB 3

- Performance of the treaty in good faith by ensuring the necessary conditions are in place for its performance of the treaty (Article 31, Convention of Law of Treaties)
- International customary law affirmation of requirement to enact the necessary legislation
- Affirmation of a requirement to enact necessary legislation prior to signing
- Provisions for implementing legislation when subject under Provincial jurisdiction
- All levels of Canadian governments, whether federal or provincial, and whether legislative, executive or judicial should endeavour in good faith to comply with treaties
- Principles of guidance from relevant cases from High Court of Australia
- Applicability of section in the Convention on the Law of Treaties on not defeating purpose of treaty from moment of signing (Article 18)
- Applicability of the States being bound not to create the impossibility of performance Article 61

- Consideration of legally binding Conventions
- Failure of federal government to ensure that the treaty obligations would be
- Labour Convention case distinguished
- Evidence of consultation with Provinces
- Criteria derived from the Labour Convention Case for what would constitute "Consultation" with province
- Biodiversity and Climate Change issues considered under residuary powers
- Criteria for inclusion under section 91 residuary powers
- Canada has been obliged not to invoke internal law to justify failure to perform international obligations
- Canada has been in non-compliance since June 1992 because B.C. forest practices have been in contravention of provisions in the Conventions, and has defeated the purposes of the Conventions
- B.C. government applying for an injunction and the Courts granting this injunction which had the result of permitting the continuation of practices that are in violation of the Biodiversity and Climate Change Convention, the courts have inadvertently encouraged non-compliance with international law
- Canada is bound throughout its territory [including the provinces and territories]
- Applicability of section in the Convention on the Law of Treaties on internal law not being invoked to justify non-compliance with obligations
- Failing to identify Biodiversity, failure to carry out an environmental assessment, and failure to invoke the precautionary principles and protect carbon sinks
- Canada, through B.C., is not fulfilling its duty to identify, protect and conserve natural heritage of outstanding universal value, such as Coastal temperate rainforest areas like Clayoquot Sound
- Canada, since 1972, has failed to discharge its obligation to protect the natural heritage of outstanding universal value for future generations
- IUCN condemnation of forest practices and lack of adequate preservation of coastal temperate rainforests
- Applicability of the Common Law Doctrine of Legitimate Expectations
- Expectations related to fulfilling of obligations under globally adopted United Nations Agreements and resolutions

- Non-compliance with globally adopted agreements: Caracas Declaration and Agenda 21

B. This case also addresses the contempt for statutory law that has been demonstrated by industry, and in particular MacMillan Bloedel, in its non-compliance with statutory law, and by governments in their failure to enforce statutory law, particularly in relation to tree farm license (in the manner of a profit a prendre property right claimed by MacMillan Bloedel)

PP. 48 — 53 (#123— #136). TAB 4

- B.C. has not only used internal law — the granting of injunctions to justify non compliance to International obligations but has failed to invoke its own internal law to prevent violations of international obligations
- MacMillan Bloedel in violation of statutory law
- Evidence of violations of forest Act and failure of government and courts to enforce statutory law failure to invoke Sections of the Forest Act
- MacMillan Bloedel was aware of alternative economically viable methods of selection logging which would have enabled Mac Milan Bloedel to have fulfilled its obligations under the Forest Act and thus its obligations under the TFL which they claim bestows a property right
- MacMillan Bloedel has been convicted under section 33 of the Federal fisheries Act for depositing deleterious substances which caused destruction to fish Habitat
- Evidence of type of violations occurring throughout TFL
- Summary of the findings of the Tripp report which was entitled *The Application and Effectiveness of the Coastal Fisheries forestry guidelines in selected cut blocks on Vancouver Island*
- Evidence of violations of the Forest Act, collected by the Valhalla Wilderness Society
- Evidence through Forest Watch that MacMillan Bloedel violating Forest Act in Clayoquot
- Failure to assess the costs of past ecological damage in assessing compensation for taking areas out of TFL
- Non-fulfillment of condition of the granting of the license is that logging has to be "sustained".
- Evidence from leaked document from Inventory Branch of the Ministry of Forests demonstrating MacMillan Bloedel overestimating inventory by over 40% in Queen Charlottes cut block

- Given that MacMillan Bloedel has been in violation over the years of many sections of the Forest Act, Waste Management Act and the Fisheries Act, MacMillan Bloedel has not fulfilled the conditions of the TFL under the Forest Act, and thus, the contracting party has failed to perform its part of the contract. In this case, it would be inappropriate to recognize that MacMillan Bloedel has a property right in the nature of a "profit a Prendre". Surely the Court would recognize that a right cannot be claimed by one who has not fulfilled the responsibilities contingent upon that right.

C. The appeal will rely upon a realistic and objective evaluation of equity. In particular the use of an equitable remedy such as an injunction to justify non-performance of provincial and federal statutory law and to justify non-performance of international legal obligations, and international customary law.

PP. 54 — 58 (#136— #147). TAB 5

Evidence will be submitted that the injunction is an equitable remedy that has been misapplied in the Clayoquot case. Equity could never countenance the destruction of life rearing capacity and life forms in its trust on a massive scale with no genuine regard for future generations

- The remedy [of injunction] of course, is an equitable one. "The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Justice J.A. Norris)
- The requirement to preserve our environmental heritage and the requirement to save a representative sample of natural ecosystems for future generations have been recognized and have become part of international customary law
- An equitable remedy— an injunction, is being used to prosecute citizens of criminal contempt when the justification for the granting of this equitable remedy is still being questioned by the courts
- The "impossibility avoidance" or "the avoidance of a disappearing object principle": (not having object disappear while object is under consideration). This principle is enunciated as follows: claimant will not find at the end of a successful trial that the subject matter is gone
- Embodiment of a principle of international customary law which is eloquently stated in the Vienna Convention on the Law of Treaties (Article 18 and 61): a State is obliged to "not defeat the object and purpose of a treaty prior to the entry into force" and not to make performance of the treaty impossible
- The granting of the injunction would be in violation of the above principle because proceeding with logging when the logging could and would defeat the purpose of any treaty protecting the "ecological rights" within the public trust would defeat the purpose of the treaty

- Implications of the principle ("impossibility avoidance" or "the avoidance of a disappearing object principle") should be considered in relation to the Public Trust Doctrine (Friends Patrai Doctrine)
- Requirement to take into account the costs of any ecological consequences is a particularly relevant consideration in assessing "irreparable harm" in injunctions
- An advisory opinion from the International Court of Law is going to be sought to determine whether Canada, through the actions of B.C., has been in violation of the Biodiversity Convention since the signing of the Convention in June 1992. Until this case is heard, nothing should be done on crown lands which could diminish the value of the public trust rights
- Since MacMillan Bloedel has been in violation of statutory law as well as international law, it should not be able to benefit from the granting of an equitable remedy such as an injunction
- Violations of guarantees in the International Covenant of Civil and Political Rights have occurred in the Clayoquot injunction trials (one Judge in response to a Clayoquot Arrestee's citing of a section from the International Covenant of Civil and Political Rights was "that sounds like some international something or other")
- When all domestic remedies fail redress can be sought through the Optional Protocol of the International Covenant of Civil and Political Rights

AUTHORITIES

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TAB 6

International legally binding agreements:

Globally adopted Resolutions, Charters and Declarations:

NGO/State Resolutions:

Statutory Law:

Government Documents and Correspondence:

Reports:

Doctrines:

Authors cited:

Cases considered:

Cases referred to:

PART 1 -STATEMENT OF FACTS

1. This is an application for Leave to Appeal Mr. Justice Drake's judgment in which he dismissed the Appellant's application to rescind the injunction that was extended by Mr. Justice Hall.
2. August 26, 1993 Mr. Justice Hall dismissed the two applications and granted the application of MacMillan Bloedel to extend the injunction.
3. September 15, 1993 Dr. Betty Kleiman and Joan Russow made an application to rescind the Clayoquot injunction.
4. September 17, 1993 Mr. Justice Drake dismissed the application.
5. October 21, 1993 Russow served a notice of leave to appeal Mr. Justice Drake's decision on MacMillan Bloedel.
6. November 8, 1993 MacMillan Bloedel filed a "Notice of appearance"
7. December 1993 Russow received correspondence from John Hunter, lawyer for Mac Millan Bloedel about participating in the Appeal that would be heard in Vancouver in late January. Russow informed MacMillan Bloedel that she was presenting a paper at the IUCN Annual General Meeting as a member of the IUCN Commission on Education and Communication, and consequently it would be impossible for her to be part of the appeal at that time.
8. Ron Adams, Clerk of the Appeal Court in Victoria, informed Joan Russow that she was under no obligation to appear at that time, and that even, if the injunction were overturned she could still appeal Judge Drake's decision.
9. Ron Adams, Clerk of the Appeal Court in Victoria also informed Joan Russow that there was no particular time limit for proceeding with the leave to appeal application, and that only if MacMillan Bloedel sought to set aside the appeal would she be required to proceed expeditiously with the leave to appeal.
10. July 21, 1994, Russow filed a praecipe for a Leave to Appeal hearing and served it on MacMillan Bloedel. The proposed date for the Chambers hearing August 16

11. July 22, 1994, John Hunter sent a FAX in which he stated that he would be away on August 16 and wished to change the date and proposed alternatives later on in August. Joan Russow phoned him and expressed concern about the possibility of MacMillan Bloedel's applying for a new order prior to hearing the arguments presented in the Leave to Appeal, and asked him when MacMillan Bloedel would be proceeding with the application to extend the order. He declined to divulge that information. Russow then suggested that someone should appear in his place. She expressed surprise that he would be contesting the Leave to Appeal application, given that in the September 15 application he had stated that the proper place for the submission to be heard was in the Court of Appeal, and given that at the September 15 application he also stated that the issue of applicability of international law had never been raised:

the central point raised by the applicants as to the international law aspects of this, and the applicants are quite correct that no point was made before Mr. Justice Hall as to the international commitments that may have been made by Canada in Rio de Janeiro, by any council.

(John Hunter, Transcripts of September 15, Application

He said that he would consult with his clients but would probably formally apply for an extension. No formal request for an extension was made.

12. August 5, 1994. MacMillan Bloedel served a Notice of Motion seeking to have the application of Appellant Joan Russow for Leave to Appeal be adjourned generally. (See response by Joan Russow in Affidavit, dated August 10, and sworn August 15, 1994)

In the Notion of Motion John Hunter stated that

The injunction as extended by Mr. Justice Hall expires on August 31, 1994. No application to extend the injunction has been filed and I do not currently have instructions to bring such an application. Such an application may be brought, and I am prepared to ensure that Ms. Russow is advised if such an application is brought. On the other hand such an application may not be brought.

13. August 7, 1994 With the above assurance, Russow canceled a trip so that she would be able to propose to John Hunter that she could accommodate John Hunter's initial request to adjourn the Leave to Appeal to a future date.

14. August 8, 1994 Given that John Hunter had written in his affidavit that he did not have "instructions to bring such an application [an application to extend the injunction], Russow contacted the office of John Hunter and proposed that if he would agree to adjourn the application to set aside the Leave to Appeal generally then she would agree to adjourn her application for a Leave to Appeal to August 23, one of the dates originally requested by John Hunter.

EXHIBIT: A Letter written by Russow to Hunter

15. August 8, 1994 Russow received correspondence from Davis & Company, the firm to which John Hunter belongs:

Mr. Hunter is away from the office until August 22, 1994 and in his absence Mr. Peter Voith is handling this matter, and Mr. Voith, however, is out of the office until August 9, 1994 at which time your fax will be brought to his attention.

EXHIBIT: B Response from Peter Voith

Russow had understood that the reason that Mr. Hunter had wanted to change the date of the hearing was that he believed:

it would be of assistance to the judge hearing this application if I were able to participate as counsel for MacMillan Bloedel to advise of any details in this course

of proceedings which may not be apparent from this Affidavit" (John Hunter, Affidavit, August 4, 1994).

16. August 9, 1994 10:15 a.m. There was no reply from Mr. Voith, and Russow CONTINUED to prepare her affidavit for the August 12th hearing of MacMillan Bloedel's application.

Russow phoned at 10: 15 on Tuesday morning and was informed by Karen, John Hunter's secretary, that Voith had been there since 9:00 but with clients. Russow received a phone call from Shirley, Mr. Voith's secretary who said that he would be responding to my request later on in the afternoon. When Russow said that it was important for her to know as soon as possible because she had to file not only the Leave to Appeal book but also an affidavit for the August 12 application (both of which Russow would have had to have ready to submit on Wednesday, August 10), Shirley stated that he would be responding within 20 minutes. When Russow repeated "within twenty minutes" Shirley countered with it is his decision and he will respond as soon as possible.

At 11:00, Russow received a FAX indicating that he would be prepared to adjourn the Application to adjourn the Leave to Appeal generally, and would proceed with Russow's Leave to Appeal on August 23, as requested.

EXHIBIT: C Letter agreeing to adjourn Leave to Appeal Application to August 23, 1994

17. August 10 1994 Dr. Betty Klieman, submitted a letter stating the reasons that she had not be able to be part of the Appeal , and expressed the wish that Merv Wilkinson serve in her place:

EXHIBIT: D Letter from Betty Klieman. Re: Appeal

PART II - REASONS FOR SEEKING LEAVE TO APPEAL

18. The issues of law that are raised in this application are of great import, and bring into question serious discrepancies between the legal obligations undertaken by Canada internationally, and the discharging of these obligations in Canada, both federally and provincially. This application also raises the issue that a positive duty is placed on States to enact the necessary legislation so as to enable the performance of treaties which have been signed by the Federal government with the endorsement of the government of British Columbia. In addition this appeal will also raise questions of legal responsibility for non-compliance with and non-enforcement of international and statutory law, and with the implications arising from the non-performance of those legal responsibilities. Serious legal issues about the direction being taken within the administration of the law of equity will also be considered on this appeal; in particular, the issue that an equitable remedy—an injunction, is being wrongfully used to prosecute citizens for criminal contempt.

19. The implications of international law were not considered by either of the applicants, namely Greenpeace Canada and Valerie Langer, who were seeking to rescind the injunction before Mr. Justice Hall, on August 26.

At the September 15 hearing, before Mr. Justice Drake in this matter, John Hunter, lawyer for MacMillan Bloedel, affirmed that Mr. Justice Hall had not considered the international commitments:

Now the last thing I wanted to say, just to address the central point raised by the applicants as to the international law aspects of this, and the applicants are quite correct that no point was made before Mr. Justice Hall as to the international commitments that may have been made by Canada in Rio de Janeiro, by any council. (Transcript of application from September 15, 1993).

20. The international law and other grounds for rescinding the injunction, presented by Dr. Betty Kleiman and Joan Russow in the September 15 submissions, were not more than cursorily considered and were not given a fair hearing.

On September 15, 1993 Dr. Betty Kleiman and Joan Russow made an application to rescind the Clayoquot injunction order dated August 26 and pronounced by Mr. Justice

Hall on the following grounds outlined in the oral submission and the exhibits submitted to Judge Drake.

1. Failure to bring to Mr. Justice' Hall's attention that the granting of the injunction could contribute to non-compliance with international obligations
2. Failure to bring to Mr. Justice Hall's attention that the Clayoquot TFL's, are rights in the light of a "profit a prendre", which is a conditional right, and entails a complementary responsibility. Non-compliance with statutory law and previous convictions by the forest company, MacMillan Bloedel, should have been taken into consideration when the equitable remedy of an injunction was granted
3. Failure to bring to the judge's attention that the injunction is an equitable remedy moving with time and circumstances.

On September 17, 1993, Mr. Justice Drake ruled :

Mr. Hunter informs that an application for leave to appeal from the order of Mr. Justice Hall is afoot and is set down for hearing in the Court of Appeal on Tuesday next... In these circumstances, there is no point in dealing with the extensive submission of the applicants, interesting as they were (From p. 2-3 transcript of judgment, September 17).

21. John Hunter also submitted to the judge a copy of an article on international law by L.C. Green in which the 1937 case, Attorney-General for Canada v Attorney-general for Ontario . Supreme Court of Canada A.C. 1937, pp. 326 -354 [Labour Convention Case] was submitted as evidence that B.C. was not bound by international law. There was no opportunity to distinguish this case from the present case because Hunter submitted the written document to the judge without orally introducing the case into his submission. In the appeal, the relationship between the Federal and Provincial governments in response to International legally binding treaties in the Labour Convention case will be distinguished from that in response to the UNCED Conventions . In addition, there was no opportunity to raise the "Franklin Dam" decision from the High Court of Australia (High Court of Australia, Australian Law Reports 1983 PP 625-831). Constitutional law [Australian conservation case] which is particularly relevant to the discussion of the relevance of international law to the "inquiry" into the justification of granting the injunction. The Franklin Dam case deals with the following issues:

Protection of natural and cultural heritage — Prohibition of dam construction authorized by Tasmania Whether with Commonwealth power External affairs power. Whether mere existence of treaty enough Whether treaty "obligation" necessary Convention for Protection of the World Cultural and Natural Heritage (UNESCO).

The Franklin Dam case will be examined in the Appeal.

22. It should be noted as a preliminary comment that in the Hunter's submission to Judge Drake there was a reference to L.C. Green:

MR. HUNTER

And it may be of assistance to your lordship to have an excerpt from Elsie[L.C.] Green's work on International Law, Canadian Perspective, and I want to read a portion of what Professor Green has to say about treaty rights and I don't think there's any suggestion there that there has been a treaty but taking its at tits extreme --

COURT: Well there has to be some statutory recognition before the court.

MR. HUNTER: that is the point. And it starts at the bottom of 288 and goes to 289, but that is the simple point, there has to be statutory recognition and there has not been statutory recognition of anything that went on at Rio. I don't know what went on at Rio, ... and in the absence of legislation international matters are not of any relevance to this application.
(Transcripts of submission from John Hunter, September, 15, 1993)

John Hunter mentioned Green and the page numbers 288-289 but did not actually cite from Green. The Judge had been subsequently given the aforementioned pages from Green by Hunter. The actual citation from Green was not in the transcripts. Green stated on pp. 288-289 that :

In Canada, treaties are not self-executing and do not constitute part of the law of the land merely by virtue of their conclusion. Treaties require implementing legislation in order to change domestic law. (Canada v. (AGO Labour Conventions Case, [1937] per Lord Atkin: "Within the British Empire there is a well-established rule that the making of a treaty is an executive act, while the performance of its obligations, if they entail alternation of the existing domestic law requires legislative action. [note this case will be examined further on pages...]

This assertion is, however, substantially altered by two significant further statements by Green:

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted [cite references, including 1982 document circulated by External Affairs "Canadian Reply to Questionnaire on Parliaments and the Treaty-making power"]

The full context of this statement comes from the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power". It is an External Affairs Department communiqué which was put together in 1982 to assist the External Affairs Officers in explaining the division of powers and constitutional conventions in Canada in relation to International obligations:

Many international agreements require legislation to make them effective in Canadian domestic law. The legislation may be either federal or provincial or a combination of both in fields of shared jurisdiction. Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

In concluding this section which was referred to by John Hunter, Green, makes a very significant remark, which suggests that Canada is bound by the treaty prior to the enactment into national law:

The fact that a treaty has been signed and ratified but not yet enacted into national law does not preclude the international liability of the signatory under the treaty.

23. It will be submitted that John Hunter, lawyer for MacMillan Bloedel, erred in stating that "nothing that happens in Rio affects the law of British Columbia until the province of British Columbia, acting through its legislature, determines that it shall affect the laws of British Columbia"(Hunter, Transcript, September 15 p. 22):

In my submission, it would have been inappropriate to make such a point because that is not a relevant consideration and the reason it is not relevant consideration is that nothing that happens in Rio affects the law of British Columbia until the province of British Columbia acting through its legislature determines that it shall affect the laws of British Columbia. And it may be of assistance to your lordship to have an excerpt from L.C. Greens work on International Law, Canadian perspective [note in this piece there was reference to the 1937 labour case (Attorney-General for Canada v Attorney-general for Ontario . Supreme Court of Canada A.C. 1937. [Labour Convention Case] pp. 326 -354 and to the External Affairs document "Canadian Reply to Questionnaire on Parliaments and the Treaty-making power"].

24. It will also be submitted that Mr. Justice Drake failed to consider the complexity inherent in the legal issues related to international obligations when he ruled. "International agreements and resolutions, these not being expressed in Canadian law, are not relevant" (Mr. Justice Drake, Transcript of Judgment, September 17, p. 3).

Mr. Justice Drake, in his judgment, made the following comment about international agreements and resolutions:

However, I will simply say, as far as their merits are concerned, that the argument relating to international agreements and resolutions, these not being expressed in Canadian law, are not relevant to this inquiry." (Mr. Justice Drake, Transcript of Judgment, September 17, p. 3).

Even though the order of Mr. Justice Hall will be expiring on August 31, 1994, it is important that this leave to appeal, his order, be granted so that the issues raised in the September 15 application to rescind this injunction, could be fairly and judiciously considered and so that the September 17 judgment by Mr. Justice Drake could be re-evaluated. If this order, and if the decision by Mr. Justice Drake is not challenged, they will be used, in subsequent similar cases, as precedents.

PART III - ARGUMENT

A. In the hearing of August 26, 1993, there was a failure to bring to the attention of the Honourable Mr. Justice Hall that the granting of the injunction could contribute to non-compliance with international obligations of Canada and its Courts, and that, in the September 15, 1993 application to rescind the injunction, the Honourable Mr. Justice Drake erred in his assessment of the relevance of international law.

25. It will be submitted that Canada, as a signatory, is bound to perform any treaty in good faith by ensuring the necessary conditions are in place for the performance of the treaty.

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 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 conditions 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 observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)

(iv) 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)

Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties.'

26 This principle is reinforced throughout international customary law and extended to include the enacting of the legislation and laws necessary to ensure performance of treaty obligations.

The requirement to enact enabling legislation, is evident in the International Covenant of Civil and Political Rights. International customary law places a duty on States to adopt such legislative, judicial or other measures as may be necessary to give effect to international treaties.

In the International Covenant of Civil and Political Rights—adopted 1976, signed and acceded to by Canada and in force in 1976, the principle of "duty-to-adopt-legislative ...measures" is enunciated;

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

The principle is then further elaborated in the UN Resolution 37/7 World Charter of Nature (1982):

The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as at that international level (Article 14).

27. This principle is further entrenched in External Affairs policy in Canada by the constitutional convention of ensuring that necessary legislation is enacted before signing international treaties.

In an External Affairs document, "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", which deals with Canada's responsibility related to international obligations, it is stated that Canada will "not normally become party to an international agreement until the necessary legislation has been enacted by the provinces".

In the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", the following references are made to international law and federal and provincial legislation:

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.

28. The "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" appeared to ensure that the treaty would be performed either by enacting the necessary legislation prior to becoming a party:

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.

In either case, it would appear that Canada has indicated in this document that the necessary legislation will be in place in order to perform the obligations under the treaty.

In an internationally legally binding document such as the Biodiversity Convention, and the Framework Convention on Climate Change, either the enabling legislation was in place prior to signing the treaties, or Canada is bound to enact legislation to enable Canada to perform its Treaty obligations in such a way as to ensure that it will not defeat the purpose of the treaty. This external affairs convention has to also be considered in conjunction with article 18 of the Vienna Convention on the Law of Treaties. Canada, it would appear, would not be able to defeat the purpose of the treaty from the moment of signing, and in order to comply with this provision Canada would have to ensure that the necessary legislation would be in place to prevent Canada from defeating the purpose.

29. In the appeal the following questions related to obligations will be examined;

i. If Canada followed the usual constitutional convention as indicated in the above provision, Canada will not normally become a party .. until the necessary legislation has been enacted. Thus, we can assume from the federal point of view, the Federal government believed that the necessary legislation to ensure that Canada would not defeat the purpose of the Convention on Biological Diversity and of the Climate Change Convention. If, prior to the moment of signing these conventions in June 1992, if the Federal government was not certain that the necessary legislation was in place to prevent the defeating of the purpose of the Conventions, then implementing legislation would have to have been in place in June 1992.

ii. In the appeal, it will be contended that the Biodiversity Convention and the Climate Change Convention are relevant to the injunctions given by Canadian courts to lumber companies. Canada, by its own conventions is liable to comply, in its judicial, executive and legislative actions.

30. The principles of ensuring legislation enacted or implementing necessary legislation for performance of treaties are further placed in a provincial context when the matters in the treaty are usually deemed to be within provincial jurisdiction.

The 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" further indicated in reference to the ratification and accession to treaties:

A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

Canada thus only proceeds to ratify a treaty when the provinces have been consulted and the provincial laws and regulations are in place to carry out the treaty obligations.

31. The Applicant, Joan Russow contends that all levels of Canadian governments, whether federal or provincial, and whether legislative, executive or judicial should endeavour in good faith to comply with the Biodiversity Convention, the Framework Convention on Climate Change, and the UN Convention for the Protection of Cultural and Natural Heritage. An injunction is judge-made law. Just as Canadian legislators must ensure that their statutes reflect their international treaty obligations, so must judicially made law, such as injunctions. Arguments

must be aired in the Court as to this injunction's contravention of international treaty obligations. The proof readily exists that the Biodiversity Convention and the Framework Convention on Climate Change are violated by the activities of MacMillan Bloedel in Clayoquot Sound. The threat to biodiversity from clear-cutting in Clayoquot Sound was clearly recognized and found as fact by the scientific panel appointed by the Harcourt government to review their logging plans for Clayoquot Sound. The panel also recognized that the standards of international law should serve as a minimum (First Report from the Clayoquot Sound Scientific Panel, March 1994).

No branch of government and no other law-making authority has a higher obligation than judges to apply the whole of the law and ensure that their own judge made injunctions are complying with the international obligations of Canada. This examination for compliance with international law was not conducted for the series of injunctions which have been granted to MacMillan and Bloedel in Clayoquot Sound.

32 If the provinces have followed the External Affairs convention then they would have assured the federal government that the necessary legislation either was or would be in place; to ensure not only the fulfillment of obligations under the treaty but also the prevention of activities that could defeat the purpose of the treaty. If so, it can be presumed that the provinces will be equally responsible for fulfilling the obligations. The implications of this constitutional convention will be considered further in relation to the subsequent section dealing with the Labour Convention case which examines constitution provisions and treaties.

33. With internationally legally binding document such as the Biodiversity Convention or the Framework Convention on Climate Change, it is necessary for the appropriate legislative body, federal or provincial, to enact legislation to enable Canada to discharge its treaty obligations, and in particular, from the moment of signing the Conventions in June 1992, so that nothing will defeat the purposes of the treaties.

34. It will be argued in appeal that, in Canada, the existence of a treaty obligation (under the legally binding Conventions on Biological Diversity and Climate Change), is sufficient to give rise to an "external affair". The legal issues to be addressed in this appeal have been eloquently addressed in a series of Commonwealth cases including: the cases from the High Court in Australia, where the constitutional division of powers between the Commonwealth (Federal Government) and the State (Province) were examined, and the responsibility of the Commonwealth government to ensure compliance to the international obligations was recognized. The discussion of these cases and the principles that have been used will follow; the discussion will be further extended in the Appeal if in the Leave to Appeal Application on August 23, 1994 the Chambers deems that the principles and decisions, given the similar federal structure of the Australian Constitution, from the High Court of Australia are applicable. The Labour Convention case from Canada was referred to by the dissenting judge in the following case: Commonwealth of Australia and Another v State of Tasmania and Others of (C6 of 1983) High Court of Australia, Australian Law Reports 1983 pp. 625-831 Constitutional law (Franklin Dam Case). Note that in the 1937 Labour Convention Case, the Federal government referred to the Australian Case.

It was held in the *Commonwealth of Australia and Another v State of Tasmania and Others* of (C6 of 1983) High Court of Australia, Australian Law Reports 1983 pp. 625-831 Constitutional law (Franklin Dam Case) ; Note that in the 1937 Labour Convention Case, the Federal government referred to the Australian case.

1. Existence of a treaty obligation (as there was under the Convention) was sufficient (though not necessary) to give rise to an external affair; there was no additional, independent requirement that the subject-matter of the treaty be of international concern.

Note: Article 34 UN Convention on the Preservation of Cultural and Natural Heritage the following provisions shall apply to those federal or non-unitary States

a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States.

b) With regard to the provisions of this convention, the implementation of which comes under the legal jurisdiction of individual constitutional system

The following was also held in the Franklin Dam Case by Mason:

Article 34 of the convention, the Federal clause, does not relieve Australia from performance of its obligations under the convention. Para (a) of the article makes it clear that in the case of a central legislative power possessing legal jurisdiction to implement the provisions of the convention. the state party to the convention has an obligations to implement the provisions of the Convention.

35. The role of the courts to determine particular provisions was also addressed in the Franklin Dam case:

In *Airlines of NSW Pty Ltd v New South Wales (No. 2)* (1965) 113 CLR 54, Barwick CJ said (at 86) that "... where a law is to be justified under the

external affairs power by reference to the existence of a treaty or convention, the limits of the exercise of the power will be set by the terms of that treaty or convention, that is to say, the Commonwealth will be limited to making laws to perform the obligations or to secure the benefits which the treaty imposes or confers on Australia. Whilst the choice of the legislative means by which the treaty or convention shall be implemented is for the legislative authority, it is for this court to determine whether particular provisions, when challenged, are appropriate and adapted to that end."

the same view was expressed by Starke, Evatt and McTiernam JJ in *Burgess* (at 658, 688) and Menzies J in *Airlines of NSW (No2)* at 141.

Parliament's power to legislate so as to give effect to a treaty conforms to the approach which this court has adopted in deciding whether legislative controls designed to achieve an end within power are themselves within power. (p696)

36. In the *Franklin Dam* case it was held that the country has the responsibility of giving effect to the principle of international customary law:

Whether failure on the part of Australia to enact domestic legislation incorporating the rules in the convention ... the Convention did not impose an obligation in specific terms to enact domestic legislation of a particular kind. .. It may be said that the legislation was valid because it gave effect to the principles of customary international law as declared by the Convention. But if Australia became a party to a convention which enacted a new set of rules in relation to the territorial sea and the contiguous zone, but that convention did not attract sufficient support to constitute its provisions as principles of customary international law. domestic legislation giving effect to it would none the less still constitute a valid exercise of the power. [citing *new South Wales v Commonwealth (the Seas and submerged Lands case)* (1975) 135 CLR 337; 8 ALR)

37. In *Commonwealth of Australia and Another v State of Tasmania and Others* of (C6 of 1983) High Court of Australia, Australian Law Reports 1983 pp 625-831 the Court decided that all domestic law must conform to the treaty:

The law must conform to the treaty and carry its provisions into effect. The fact that the power may extend to the subject matter of the treaty before it is made or adopted by Australia, because the subject matter has become a matter of international concern to Australia, does not mean that Parliament may depart from the provisions of the treaty after it has been entered into by Australia and enact legislation which goes beyond the treaty or is inconsistent with it.

38. In the Franklin Dam case (1983), the principles established in the *Koowarta v Bjelke-Petersen* (1982) 56 ALJR 625: 39 ALR 417 (Koowarta Case), were referred to in the deciding opinion. These principles, cited below in the Australian Commonwealth case, are particularly relevant to the external affairs power of the Federal Government in relation to Provincial Governments:

39. In the Koowarta case, the following principle was upheld that becoming a party to a convention entails the undertaking of actions that would discharge obligations under the Convention:

In the *Koowarta v Bjelke-Petersen* (1982) 56 ALJR 625: 39 ALR 417, decided as to the scope of the external affairs power because the correctness of Koowarta was common ground between the parties. There the validity of ss 9 and 12 of the Racial Discrimination Act 1974 (CTH) was upheld as an exercise of the power conferred by s 51 (xxix) of the Constitution on the footing that the enactment of the two sections was a discharge of Australia's obligation under the International Convention on the Elimination of all Forms of Racial Discrimination. By becoming a party to that convention, Australia undertook to prohibit and eliminate racial discrimination in all its forms by appropriate means, including legislation. ...

Effect to an obligation imposed by international convention

section gave effect to an obligation imposed by an international convention

40. In the Koowarta case, the following principle was upheld that entering into a genuine treaty, the state assumes international obligations to enact domestic laws:

The Majority opinion was voiced by the following judges:

Stephen J. at 418.

There existed a quite precise treaty obligation on a subject of major importance in international relationships, which called for domestic implementation within Australia

Mason J. at 418

It would seem to follow inevitably from the plenary nature of the external affairs power that it would enable the parliament to legislate not only for the

ratification of a treaty but also for its implementation by carrying out any obligation to enact a law that Australia assumed by the treaty

Brennan J. at 418

If Australia, in the conduct of its relations with other nations accepted a treaty obligation with respect to an aspect of Australia's internal legal order, the subject of the obligation thereby because (if it was not previously) an external affair, and a law with respect to that subject was a law with respect to external affairs.

41. The Labour Convention case was used by the dissenting judges at 434 but was not considered to be a relevant precedent. Even one of the Judges, Wilson, who alluded to the case stated at p. 480 that "The decision in that case, though not the accuracy of the observation to which I have referred was subjected to a good deal of criticism". The Majority of the Judges in the Koowarta case followed the principles enunciated in the *R v Burgess: Ex parte Henry* (1936) 55 CLR 608.

42. In the Koowarta case the changed role of international agreements was examined. Stephen at 452 identified the changed role as being "national governments' increased concern regarding domestic observance of internationally agreed norms of conduct":

"So long as treaties departed little from their early nature as compacts between princes, having no concern with domestic affairs, the conflict was muted: but in the century international conventions have come to assume a more extensive role. They prescribe standards of conduct for both governments and individuals having wide application domestically in areas of primarily regional concern, the very areas which, in federations, have tended to be entrusted to the legislative competence of the regional units of governments. This has necessarily exacerbated the problem which federations encounter in the implementation of international treaties while emphasizing the need for regional units in federations to recognize the legitimacy of national governments' increased concern regarding domestic observance of internationally agreed norms of conduct. "

Thus, areas of what are of purely domestic concern are steadily contracting and those of international concern are ever expanding (Stephen at 453).

post war growth in consensual international law (Stephen at 454)

What has occurred is rather a growth in the content of "external affairs". This growth reflects the new global concern for human rights and the international acknowledgment of the need for universally recognized norms of conduct particularly in relation to the suppression of racial discrimination (Stephen at 454)

43. In the Koowarta case there was also the recognition of the importance and binding nature of international customary law:

Stephen at 456:

Even where Australia not a party to the Convention, this would not necessarily exclude the topic as a part of its external affairs. It was contended on behalf of the Commonwealth that, quite apart from the Convention, Australia has international obligations to suppress all forms of racial discrimination because respect for human dignity and fundamental rights and thus the norm of non-discrimination on the grounds of race, is now part of customary international law, as both created and evidenced by state practices and as expounded by jurists and eminent publicists.

44. In the Koowarta case, there was also the enunciation of the principle that if there exists a precise treaty obligation on a subject of major importance there should be domestic implementation.

Stephen at 456:

In the present cases, it is not necessary to rely upon this aspect of the external affairs power since there exists a quite precise treaty obligation on a subject of major importance in international relationships, which calls for domestic implementation within Australia.

Mason at 459:

It would seem to follow, inevitably, from the plenary nature of the power, that it would enable the parliament to legislate not only for the ratification of a treaty but also for its implementation by carrying out any obligation to enact a law that Australia assumed by the treaty.

45. In the Appeal the *R v Burgess: Ex parte Henry* case of 1936 will be examined and compared to the Canadian Labour Convention case of 1937.

Even though judges acknowledged that in Australian Law treaties were not self-executing, they acknowledged the power to the Commonwealth to enact implementing legislation:

Mason 459 recognize that it is a well settled principle of the common law that a treaty not terminating a state of war has no legal effect upon the rights and duties of Australian citizens and is not incorporated into Australian law on its ratification by Australia (Chow Hung Ching v R (1948)...not self-executing'

... to achieve this result, the provisions have to be enacted as part of our domestic law; whether by Commonwealth or State statute. Section 51 (xxix), arms the Commonwealth Parliament with a necessary power to bring this about. So much was unanimously decided by the court in R v Burgess: Ex parte Henry (1936) 55 CLR 608.

There the power enabled the Commonwealth Parliament to legislate so as to incorporate into their law the provisions of the Paris Convention for the regulation of aerial navigation.

46. The recognition of the disturbing outcome of the fragmentation of power in relation to international treaties was made in the R. v Burgess case:

Mason at 459 stated:

The consequence of the failure [of the R. v Burgess: Ex parte Henry (1936)] would have been to leave the decision on whether Australia should comply with its international obligations in the hands of the individual States as well as the Commonwealth, for the commonwealth would then lack sufficient legislative power to fully implement the treaty. The ramifications of such a fragmentation of the decision-making process, as it affects the assumption and implementation by Australia of its international obligations are altogether too disturbing to contemplate. Such a division of responsibility between the Commonwealth and each of the States would have been a certain recipe for indecision and confusion, seriously weakening Australia's stance and standing in international affairs. Fortunately, the approach in Burgess has since been confirmed by R v Poole; Ex parte Henry (no.2) 1939 61 CLR...

47. The appropriateness of ensuring that State responsibilities will be discharged. was recognized in the Koowarta Case:

Mason at 462. stated:

doubtless the framers of the Constitution did not foresee accurately the extent of the expansion in international and regional co-operation which has occurred since 1900. ...There is no reason at all for thinking that the legislative power conferred by s 51 (xxix) was intended to be less than appropriate and adequate to enable the Commonwealth to discharge Australia's responsibilities in international and regional affairs.

48. It will be contended in the appeal that, as in Australia, Canada must be able to commit the whole of Canada to giving effect to obligations:

In the Koowarta case, Mason at 463 stated:

Increasing emphasis is given in the United Nations and in regional organizations to the pursuit by international treaties of idealistic and humanitarian goals. It is important that the Commonwealth should retain its full capacity through the external affairs power to represent Australia, to commit it to participation in these developments when appropriate and to give effect to obligations thereby undertaken. `

49. In the Koowarta case, Mason at 466 and 467 recognized that Australia in common with other nations is bound to enact domestic legislation to enable the implementation of treaties:

Broadly speaking the test which they favoured was whether in substance the legislation carries out or gives effect tot the Convention. (at 466)

On the broad view which I take of the power it extends to the implementation of the International convention on the... on the Elimination of all forms of Racial Discrimination. It is an international treaty to which Australia is a party which binds Australia in common with other nations to enact domestic legislation in pursuit of the common objective of the elimination of all forms of racial discrimination.

But I would go further and say that even on the more cautious expression of the scope of the power by Dixon in Burgess, it would extend to the implementation of the convention.

50. In the Koowarta case, Mason at 468 affirmed the imposition of and obligation and the consequences of not performing the obligation:

At the level of international law, the means chosen to attain this end was the formulation of the Convention. It imposes on each of the many parties to it an obligation to eliminate racial discrimination in its territory. The failure of a party to fulfill its obligations becomes a matter of international discussion, disapproval, and perhaps action by way of enforcement.

51. In the Koowarta case Murphy at 471 discussed "the obligations to take legislative measure...

52. Murphy at 472 dissolved the distinction between internal and external affairs: .

Preservation of the world's endangered species, maintenance of universal standards of human rights.. are for Australia as well as other nations, internal as well as external affairs.

53. Murphy at 473 also affirmed the entitlement of the people to have legislation enacted that will fulfill obligations under a treaty:

The people of the States are entitled, as well as obliged, to have the legislative and executive conduct of those affairs which are part of Australia's external affairs carried out by the Parliament and executive Government of Australia.

54. A country could be in breach of an obligation imposed on it, if it failed to enact law. In the Franklin Dam, in 1983, issues were raised related to external affairs power. In the appeal, these issues will be discussed in relation to the Canadian /B.C / international legal obligations context:

55. In the Vienna Convention on the Law of Treaties which Canada adopted in 1969 there was the affirmation that, in addition to the duty to ensure that the necessary legislation has been enacted prior to signing a treaty, there is an obligation not to defeat the purpose of treaties.

Under Article 18 of the Vienna Convention on the Law of Treaties, Canada is obliged to not defeat purpose and object of international conventions from the moment of signing the treaty or convention.

Canada signed (June 5,1992) and ratified (December, 1992) two legally binding Conventions: the Convention on Biological Diversity and the Framework Convention on Climate Change. Under Article 18 of the Vienna Convention on the Law of Treaties (1969), Canada is obliged to "not defeat the object and purpose of a treaty prior to the entry into force". This provision in the Vienna Convention on the Law of Treaties, would indicate that as of June 1992, Canada was bound not to defeat the purpose and object of both the Convention on Biological Diversity and the Framework Convention on Climate Change.

56. States are also bound not to create a situation which would make it impossible to fulfill the obligations under a treaty.

Canada is bound not to create a situation such as the reduction and the loss of biodiversity in the coastal temperate rain forest ecosystems, the disappearance of significant carbon sinks or the fragmentation of sites of outstanding universal value. All these situations would make it impossible to fulfill its obligations under the conventions.

Article 61

Supervening impossibility of performance, a party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent

disappearance or destruction of an object indispensable for the execution of the treaty". ...

2. 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.

Canada, by not ensuring that the necessary legislation and enforceable law were in place to prevent activities that could defeat the purpose of the Conventions, could permanently "destroy ... an object indispensable ..." such as the biodiversity in significant old growth stands or the carbon sinks of the old growth forest. The reduction and loss of biodiversity, as well as the elimination of carbon sinks of old growth forest could be contributing to a situation that would make it impossible for Canada to fulfill its obligations under the Conventions. By continuing with clear-cut logging and fragmenting currently unfragmented areas, Canada, through B.C.'s practices of fragmenting old growth forests, may be creating a situation where the object (the pristine old growth forest of outstanding universal value) could fail to fulfill the criteria for being identified as World Heritage Site under the UN Convention for the Protection of Cultural and Natural Heritage (1972).

57. In the appeal the acceptability of Canada's current policy of preserving 12% of the land as parks will be questioned.

Evidence will be submitted that internationally, at meetings such as the IUCN Annual General Meeting, the representatives from Parks Canada, including the Assistant Deputy Minister, did not admit that the 12% solution was Canadian Policy.

When it was mentioned in a contact group meeting — a meeting to discuss resolutions, that if we commend B.C., in the resolution, for its current conservation proposals and for the CORE process, that we would be endorsing the "12 % solution". Biologist, Elliot Norse, laughed and stated "Surely no country is still linking conservation to percentages". The representatives from the Canadian government were not prepared to admit at that meeting that the "12 % solution" is Canadian and B.C. government policy.

Also evidence will be submitted that will demonstrate that the current position of the IUCN on percentages and conservation, is that the linking should be avoided because it has no basis in biology or ecology, and that governments will use it as a minimum, and will justify preserving what has been referred to as "rock and ice" in lieu of significant ecosystems that are under demand from resources. (Comments made from the floor of

the Annual General Meeting when a resolution linking percentages and conservation was being discussed.)

The reason that the position of the IUCN is significant is that the IUCN was the international organization that first linked the two in 1982, and CONTINUED to do this even at the Earth Summit. It has only been since the Earth Summit, that the IUCN has recognized the way the percentage figures have been used. Groups like "Share B.C" have been using the linking of percentages to conservation to support the claim that "12% and no more". The notion of 12% can be used to legitimize the reduction of significant areas of biodiversity, such as the Clayoquot, and thus contribute to the defeating of the purpose of the Biodiversity Convention.

58. In the appeal, the degree of consultation and the nature of the subject matter of the Attorney-General for Canada v Attorney-general for Ontario Supreme Court of Canada A.C. 1937 (Hereafter referred to as the Labour Convention Case), will be distinguished from the degree of consultation and the nature of the subject matter current matter to be dealt with in the appeal. This Labour Convention case has been purported to be the precedent to support the claim, by provinces, that they are not bound by international Conventions signed by Canada.

It would appear that the Labour Convention case turned on two legal points:

(i) the fact that the provinces on the matter in that case were not consulted prior to Canada's undertaking obligations under international law; criteria were established for consultation.

(ii) the designation of "labour" issues as not fulfilling the criteria for invoking Article 91 Constitutional powers

In the Biodiversity Convention and the Framework Convention on Climate Change both sets of criteria were adhered to in a way that would make the decision in the Labour Convention case no longer applicable.

59. It will be submitted that the degree of consultation surrounding the "International Labour Convention" — the subject matter in the Labour Convention case can be distinguished from the degree of consultation surrounding the Biodiversity and Climate Change Conventions and

UNCED adopted documents. In the latter, there is evidence that B.C. was consulted prior to both the signing and the ratifying of the Biodiversity and Climate Change Conventions, as well as prior to the adoption of Agenda 21.

In the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" there is reference to a constitutional convention to consult provinces prior to signing and ratifying Treaties and Conventions. It would appear that the Labour Convention case could be distinguished on the grounds that there was not consultation with the provinces during the negotiation process of the International Labour Convention. Unlike the Labour Convention, the negotiations surrounding the UNCED conventions took place in Canada with the full consultation of the provinces. The provinces were fully consulted before the signing and ratifying of the Biodiversity and Climate Change Conventions. This commitment to consult is expressed as follows in the Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", 1982:

The practice of the Canadian Government, in cases where the subject matter of an international agreement falls either wholly or partly within provincial jurisdiction, is to consult each of the provincial governments. The process of consultation is informal and is usually conducted by letters exchanged between the federal and provincial governments.

A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty. (Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", 1982).

60. It should be noted that there appears to be a serious inconsistency within the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" document. On the one hand, the document calls for consultation with the provinces prior to signing, along with the assurances that the necessary legislation has already been enacted, and yet the document still considers the applicability of the Labour Convention case which the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" claims has never been overturned.

In the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" the following references were made to the Labour case:

The federal government is not entitled, merely because it has entered into a treaty, to legislate on matters that fall within the competence of the provinces. This is the effect of the Labour Conventions case. *Attorney-General of Canada v. Attorney-General of Ontario (labour Conventions)* (1937) A.C.

Although it has been argued that legislation to implement a treaty is within the federal power over the peace, order and good government of Canada, and that Section 132 should be interpreted in the light of changing circumstances, the Supreme Court of Canada has yet to rule on this question, which would involve a reconsideration of the reasoning in the Labour Conventions case. (Parliaments and the Treaty-making power — "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power")

61. In the Labour Convention case, criteria for being part of the decision making process were proposed.

Several of the Counsels objected to the imposition of federal legislation to comply with international obligations because the provinces were not part of the decision. They cited the following aspects of being part of the decision: "cooperation", "obtaining advice", "obtaining consent" or "asking for approval":

- *Cooperation* (at 327)

...from her new international status, Canada incurred obligations, they must, so far as legislation was concerned, when they dealt with Provincial classes of subjects, be dealt with by the totality of powers — by co-operation between the Dominion and the Provinces.

- *Obtaining advice* (at 340)

said that in treaties affecting subject-matters within the legislative competence of the Provincial Legislatures and bring into operation the provisions of s 132 of the BNA act, the King should have his assent on the advice of his Provincial advisers as distinct from his dominion advisers.

- *Obtaining consent* (at 339)

The dominion has not brought the draft Conventions before the authority or authorities ' within whose competence the matter lies' and has not obtained the consent of those authorities as required by art 405., paras 5 and 7.

- *Asking for approval* (at 331)

It is ordinary constitution practice to ask the approval of the body which will, in the event of the engagement being entered into, have the power to enact the legislation.

62. In the Appeal, it will be shown that B.C., through consultations with the Federal Government at the ministerial level prior to the signing and the ratifying of the treaties, B.C., was consulted through the Federal governments engaging in "cooperation", "obtaining advice", "obtaining consent" or "asking for approval":

On August 8, 1994, the Strategic Planning Committee of the Council of Ministers of the Environment was contacted by Appellant and asked to forward a chronology of the Federal /Provincial Consultation process that occurred leading up to the Earth Summit and the signing of the UNCED Conventions (June, 1992), and leading up to the ratification of the UNCED Conventions (December, 1992).

63. It is expected that this chronology from their Strategic Planning Committee will have been made available in time to present it at the Leave to Appeal hearing. This evidence, which will be submitted, will demonstrate that, in reference to the Biodiversity Convention and the Framework Convention on Climate Change, the provinces were consulted prior to the signing of the Convention (at numerous Ministerial meetings at the Prep Coms leading up to June, 1992) and prior to ratification (November 23, 1992 meeting prior to the ratification of the document in December of 1992).

64. It would appear that prior to signing and ratifying the Convention, the federal government consulted with the provinces and if the federal government followed the External Affairs principle of ensuring that the necessary legislation was in place to enable performance of the treaty obligations under the Convention, there had been opportunities during the consultation meetings to ensure that the necessary legislation was in place.

65. It would appear that B.C. played a significant role in the provincial endorsement of the UNCED Conventions by moving the endorsement at the November, 1992 Ministerial meeting, and by obtaining Cabinet support:

Jaime Alley, former representative for Corporate Affairs in the Ministry of the Environment said:

"...that the provincial governments insisted on not being just another stakeholder in the consultation process but on having government to government consultation"

..."The Province endorsed the ratification. We agreed with Canada to ratify it. There was provincial endorsement. The move to endorse the Conventions was made by John Cashore, the then B.C. Minister of Environment". Cashore then went to Cabinet, sought their support and endorsement of the ratification and then stated that the Cabinet had approved the Conventions to the CCME meeting.

"Barbara MacDougal wrote to all provincial constitutional ministers seeking their advice prior to ratification, "there was continuous consultation; you need to contact the CCME for details"

(Personal Communication, August, 1994)

66. In a document obtained through the Freedom of information Act, there was evidence of the Provincial cabinet endorsement for the ratification of the Biodiversity and Climate Change Conventions:

EXHIBIT: E "UNCED follow-up: Endorsement of International Convention on Climate change and Biological diversity" November 4, 1992.

67. Through the "UNCED follow-up: Endorsement of International Convention on Climate change and Biological diversity" November 4, 1992, there has been the B.C. Provincial cabinet endorsement of the Biodiversity and Climate Change Conventions.

68. In the Appeal, it will be contended that B.C., through a letter prior to August 1992, the then Constitutional Minister of B.C., the Hon Moe Sihota, conveyed by letter to the Hon. Barbara McDougall, Secretary for External Affairs, B.C.'s support for the Biodiversity and Climate Change Conventions.

On August 29, the Hon Barbara McDougall, Minister of State for External Affairs, wrote to the Hon Moe Sihota, Minister responsible for Constitutional Affairs, to acknowledge B.C's support and to indicate that Canada plans to complete the ratification process by the end of 1992 (P. 05 of FAX of Exhibit E)

[The Appellant has made an application (July 17, 1994) through the Freedom of Information Act for a copy of this correspondence.

69. In this Cabinet submission, dated November 4, 1992, the B.C. Government affirmed that it was bound by the Biodiversity Convention and the Framework Convention on Climate Change:

Canada signed binding International Conventions on climate Change and Biodiversity

..and indicated its support for ...a "Global Green Plan" for sustainable development, entitled Agenda 21.

70. In the event that the Appeal Court will not concur that the Labour Convention case can be distinguished on the basis of the argument that there was sufficient consultation prior to the signing and the ratification of the Convention on Biological Diversity and the Framework Convention on Climate Change, then a subsequent argument will be presented that the subject matter "Biodiversity " and "Climate Change" could come under the residuary powers of Section 91 of the Constitution. At the appeal, the Labour Convention case will also be distinguished on the ground that the decision in that case followed the Supreme Court case "In the Matter of Legislative Jurisdiction over Hours of Labour, [1925] Can. S.C. R. 505, where the Judge stated without discussion, that "labour" issues" could come under the head of #13— "Property and civil Rights" or under # 16 "Local and Private Matters Within the Provinces". Thus, labour issues were not perceived to fulfill the categories outlined for justifying the invoking of residuary powers under Section 91. It will be submitted that the "International Labour Convention" — the subject matter in the Labour Convention case can be distinguished from the "Biodiversity" and "Climate Change" — the subject matter United Nations Convention on Environment and Development (UNCED).

71. In the Labour Convention case, properties were set out for the designation of matters that could be deemed to come under residuary powers.

It would appear that "labour" issues' not warranting the invoking of residuary powers, could be distinguished from "biodiversity" and "climate change issues because both the latter issues fulfilled most of the criteria or properties set down by the judges for determining inclusion in section 91. The subjects of "Biodiversity" and "Climate change" could be justifiably a subject that would not come under Section 92, and thus would fall to federal residuary powers. "Biodiversity" and "Climate Change" could be distinguished from labour on a number of grounds:

In the Labour Convention case, Mr. Justice Atkin summarized the distinction between S 91 and S. 92 of the BNA act as follows:

section 91 under the general powers, sometimes called the residuary powers, given by s. 91 to the dominion parliament to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this act assigned exclusively to the legislatures of the provinces, p. 342 Atkin's judgment

In the Labour Convention case the criteria for determining whether the subject fell under section 92 were the following:

If the new functions affected the classes of subjects enumerated in s. 92 legislation to support the new functions was within the competence of the provincial legislatures only. If they did not the competence of the Dominion Legislature was declared by s 91 and existed ab origine.

It was decided, in this case, that Labour relations would quite legitimately be placed under the subjects in section 92. "Property and civil rights in the Province" which was assigned exclusively to the legislature of the Provinces by head 13 of s92 of the BNA Act.

It was noted in the Labour case at 328, that there must be some grounds for taking the subjects out [of 13 of s 92). The Court was not satisfied that the federal government had established sufficiently the grounds for taking the subject of "labour issues" out of the subject area in section 92, as noted above in the 1925, Supreme Court case.

72. In the Labour Convention case, Counsels for the Attorney General of Canada and for the Attorney Generals for the provinces referred to a number of properties of a subject which would enable the subject to be designated as a new function and then come under the residuary

powers of section 91. It was decided that "labour relations" did not fit into this category. In the appeal, an attempt will be made to demonstrate that "biodiversity" and "Climate Change" are categories of subjects that could be deemed to invoke the residuary powers because these subjects would fulfill the properties advocated in the Labour Convention case, as well as in re: Regulation and Control of Radio Communication in Canada (Radio Case) (1932] A.C., p. 304 and in Re: The Regulation and Control of Aeronautics in Canada (Aeronautics Case) [1931] A.C. 1932, p. 54.

- *New subject:*

Counsel acting for the Attorney General of New Brunswick distinguished the Radio case on the ground that the subject matter in the radio case, in contrast to that of the Labour Convention Case, was a "new subject not embraced within the enumerated heads of s.92.(338.). It is quite likely that "biodiversity" and "climate change" would fall into this category. Biodiversity, and climate change are issues that transcend national, provincial and state boundaries are certainly new subjects that were not deemed to be limited to regional control.

73. It will be contended in the Appeal that Biodiversity and Climate Change because of the responsibility to not have activities under one jurisdiction impact on other jurisdiction would surely be considered to be activities that would come under "new subjects" and thus come under residuary powers of the federal government. If these two issues would be deemed as new subjects, then the federal government would be obliged to invoke its residuary powers and ensure that as of June 1992, no activities in Canada would defeat the purpose of these treaties. Consequently federal government would be both entitled and bound to enact legislation that could override provincial legislation in the event that the provincial legislation would not be able to prevent the defeating of the purposes of the Conventions.

- *Matter of "such general importance"*

Further, the present legislation was not concerned with matters of such general importance as to justify the overriding of the normal distinction of powers in SS 91 and 92 (head note of Labour Convention case)

- *"Exceptional Circumstances"* Mr. Justice Atkin at 353

EXHIBIT F: AFFIDAVIT: Affirmation of the urgency of the global situation

EXHIBIT F* Exhibit submitted in the September 15 Application and presented in transcripts Statements from Royal Society, Science Council, presented before Mr. Justice Drake.

74. From the B.C. government's own "State of the Environment Reporting" document , 1993, the "importance" and "exceptional conditions" of biodiversity are stressed:

Biodiversity is the variety of life on the planet. It is important for a number of reasons. First, we have an ethical stewardship responsibility for other living things with which we share the planet. Second, high species diversity contributes to ecosystem stability. Third, biodiversity has immeasurable aesthetic value; provides food medicine and other products of enormous economic value; and generates critical ecosystem services essential to all life:

"

Standard of necessity" Mr. Justice Atkin at 353

75. From the B.C. government's own "State of the Environment Reporting" document the essence and necessity of Biodiversity is affirmed because of its links to other cycles

Biodiversity is essential to maintain ecosystem processes that support all life. These include; Maintaining the gaseous compositions of the atmosphere, climate control, regulating the hydrological cycle, generating and maintaining soils, cycling nutrients necessary for the growth of living things, and decomposing waste materials.

76 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 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.

77. From the B.C. government's own "State of the Environment Reporting" document the importance of the biodiversity of coastal temperate rainforests is acknowledged

Trees in coastal temperate rain forests grow to very large sizes and exceptionally old ages. Such ecosystems have the highest standing biomass of any ecosystem on earth and provide for tremendous biodiversity. Coastal temperate rain forests occur in a few scattered spots around the world, and are considered rare on a global scale. North America has the largest continuous tract of coastal temperate rain forests on earth, approximately half of which is in B.C.

- *Matters of national importance* at 335

Matters of national importance, of such wide import as to affect the body politic of the dominion in the overriding way that was found in *Russell v the Queen.*, if they were taken out of the specific heads of s. 92, then Ontario is satisfied to see this legislation supported. (at 335 Labour Convention case)

In the press release issued at the time of ratifying the Biodiversity Convention, Prime Minister Brian Mulroney indicated Canada's commitment:

to [fulfill] Canada's commitment to ratify the Convention before the end of 1992. Canada is the first industrialize country to ratify both agreements. The Convention which emerged from last June's Earth Summit in Brazil, exemplified a global commitment to the principles of sustainable development ...as embodied in Agenda 21 and agreed to at the Earth Summit.

the Convention on Biological Diversity provides a framework for conserving the planet's animal and plant life and maintaining their habitats.

WHAT IS CANADA'S POSITION ON THE BIODIVERSITY CONVENTION

Canada supports the international effort to conserve biodiversity. Canadian representatives participated fully in negotiations of the Convention and the federal, provincial and territorial governments all believe that the Convention is a good basis for tackling this international problem.

- "*Extraordinary peril to the National life of Canada*", Mr. Justice Atkin at 353

The federal government, in its backgrounder to this press release, at the time of ratification of the Biodiversity Convention on December 4, 1992, also affirmed that without Biodiversity, "humanity's ability to survive is threatened".

What is biodiversity? ". ..Biodiversity provides the very foundation for human life and life support systems. Without healthy and stable biological resources, humanity's ability to survive is threatened.

(Press Release on Ratification of the Biodiversity Convention, Dec. 4, 1992)

- Canada is continuing to play an active international role in discussion about the Convention. It has been actively involved in preparing for the implementation of the Convention by participating in all the UN meeting on biodiversity since the Earth Summit.
- The federal, provincial and territorial governments in Canada are proud of Canada's leadership on the issue of biodiversity conservation. As one of the first countries to sign the Convention and being the first industrialized country to ratify it. Canada has demonstrated its commitment and leadership to the world. We must, of course, CONTINUE to ensure that our performance at home lives up [to] that commitment.

From these statements, both by the provincial government and by the federal government, it would appear that "biodiversity" is of "general importance".

- *Not foreseen matters*

Robertson, KC indicated p.340 (arguing the federal position]

One of the things upon which the parties were able to agree at confederation, in respect of matters not provided for not foreseen, was that they were to go to the Dominion. One of the outstanding dangers at the time of confederation and to-day, is that of sectional interests and prejudices and private interests interfering with the good government of Canada as a whole. Reliance is placed on the residuary powers as conferring the performance of treaty obligations: ... Radio case (1932] A.C. 304, 311, 313.

Residual powers for environmental issues which are all pervasive, a similar argument could be made for climate change. The principle that could apply is the consequences cannot be controlled by a particular jurisdiction within Canada, let alone even within Canada. The impact of anthropogenic actions on biodiversity and climate change are not "restrictable" to traditional jurisdictional boundaries. Presumably the largest unit of jurisdictional power should be in control of the fulfillment of obligations under the Convention.

- *Importance which outweighs the civil right of the individual*

Robertson K.C. supporting the federal position indicated:

When a matter has attained an importance which outweighs the civil right of the individual; once it has reached that stage, then the civil right is lost sight of and the matter from an international aspect outshines it, and is the one to which attention should be directed. Here, an international obligation has arisen and it is the duty of Canada to see that obligation is performed. Canada alone can perform it and Canada, therefore, in these particular circumstances and while the obligation endures, is the body to legislate because it is an international obligation. Is not the proper view that once Canada has properly created international obligation that it is necessary for the peace, order and good government of the Dominion, that Canada should perform them? p. 341

Note: the references to the aeronautics case were not in the original submission. They were, however, referred to in the oral submission. The following references and a subsequent page of documentation was written into the leave to the appellant's appeal book but not fully referred in the court submission:

Note: Applicability of Aeronautics case at 71, AC 1931

cites propositions from Attorney General of Can. V Attorney General of B.C., AC 1930

1. the legislation of the parliament of the Dominion, so long as it strictly relates to subjects of legislation expressly enumerated in s91, is of paramount authority

at 71

2. the general power of legislation conferred upon the subjects, expressly enumerated, must be strictly confined to such matters as are unquestionably of national interest and importance. And must not trench on any of the subjects enumerated in s92, as within the scope of provincial legislation, unless these matters have attained such dimensions as to affect the body politic of the Dominion.

4. There can be a domain in which Provincial and Dominion legislation may overlap, in which case neither legislation will be ultra virus if the field is clear but if the field is not clear and the two legislations meet the Dominion legislation must prevail.

at 73

it is obvious, therefore, that there may be cases of emergency where the Dominion is empowered to act as a whole" also by reason of the plain terms of s132

78. In the Appeal, the relevance of Section 132 of the B.N.A. Act, will be reconsidered in the light of the fact that it is the only section that does refer explicitly to obligations under treaties.

The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any

Province thereof, as part of the British Empire, towards foreign countries arising under treaties between the Empire and such foreign countries.
(Section 132, B.N.A.)

In the "Aeronautics case" s. 132 was still deemed to be relevant.

At 73, Mr. Justice Swanky held that:

by reason of the plain terms of s 132, where Canada, as a whole having undertaken an obligation, is given the power necessary and proper for performing that obligation

at 70 also held:

The underlying objective of the BNA Act was to establish a system... the real object of the Act was to give the central Government those functions and almost sovereign powers by which uniformity of legislation might be secured on all questions which were of common concern to all provinces as members of a constituent whole

at 73 he stated:

...there may be cases where the dominion is entitled to speak for the whole...by reason of plain terms of S 132, where Canada as a whole having undertaken an obligation, is given the power necessary and proper for performing that obligation.

In the 1992 United Nations Convention on Environment and Development (UNCED) Action plan, Agenda 21, in the Biodiversity Chapter 15, — a positive duty is assumed by governments adopting Agenda 21:

" At the same time, it is particularly important, in this context, to stress that States have the sovereign right to exploit their own biological resources pursuant to their environmental policies as well as the responsibility to conserve their biodiversity and use their biological resource 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. " (15.3. Agenda 21).

It would appear that it would be possible, in the light of "changing circumstances", that a convention such as the Biodiversity Convention which deals with a phenomena that does not respect proprietary divisions; that subject areas such as biodiversity and climate change would come under federal purview. In this context, it could be argued that biodiversity, because of the responsibility to not have activities under jurisdiction impact on other jurisdiction, that biodiversity would come under section 132 which bestows upon the federal government overriding powers, in the light of changing circumstances — which, in this case, would be the pervasiveness of biodiversity. In 1867, no one was thinking of incurring environmental obligations.

79. At the Appeal, evidence will be presented to indicate the assessment of Canada's responsibility to other States for B.C.'s practices:

At the IUCN (World Heritage Union) 1994 Annual General meeting of the IUCN Commission on Environmental Law, the question of federalism and international law was raised. In particular, the Appellant raised the question about the responsibility under a treaty of the federal state when there is non-compliance within the sub-unit. As a specific example, Canada's responsibility for B.C.'s actions was raised. Several of the lawyers, some of whom had served as advisers to the International Court of Law or to the United Nations, concurred that Canada could be held responsible under the Conventions, to other countries, if, through B.C.'s actions, Canada was in non-compliance with international legal obligations under the two Conventions signed at UNCED.

80. In the Appeal, it will be noted that under the Convention of Law of Treaties, Canada has been obliged not to invoke internal law to justify failure to perform international obligations.

Under Article 27 of the Vienna Convention on the Law of Treaties, Canada is bound to not invoke Internal law to justify failure to perform a treaty:

A party may not invoke the provisions of its internal law as justification for failure to perform a treaty.

Neither the internal law of the B.C. Government's land use decision regarding Clayoquot Sound, nor the internal law of judicial injunctions, justifies failure to meet the provisions within the Conventions.

81. In the Appeal, it will be argued that, as a result of MacMillan Bloedel's applying for an injunction and the Court's granting this injunction, the Courts have permitted the continuation of practices that are in violation of the Biodiversity and Climate Change Conventions. The Courts have inadvertently encouraged non-compliance with international law.

In addition, Canada, if not having notified otherwise, is bound by what occurs in B.C.

Under Article 29 of the Convention of Law of Treaties, "territorial scope of treaties", Canada is bound throughout its territory including all provinces and territories:

Unless a different intention appears for the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

If Canada has expressed a different intention, then it is important that the other States of the world know that when Canada signs an international agreement in areas over which provinces have jurisdiction, the provinces are not bound. Citizens from countries that have endorsed the self-executing principle related to international law, presume that if Canada signs and ratifies a treaty, that the treaty obligations are binding on all the parts of the country including provinces and territories

EXHIBIT: G Affidavit from a citizen from the U.S. — a country that has endorsed the self-executing principle.

82. It will be contended that Canada has been in non-compliance since June 1992 (UNCED) because B.C. forest practices have been in contravention of provisions in the Conventions, and Canada has thus defeated the purposes of the Conventions.

83. It will be submitted in the Appeal, that it can be demonstrated not only that Canada, through the practices of B.C., has been defeating the purpose of the Conventions signed in June, 1992 at UNCED but also that Canada has been defeating the purpose of another Convention that is particularly relevant to Clayoquot and the injunction granted to MacMillan Bloedel: the UN Convention for the Protection of Cultural and Natural Heritage (1972).

The UN Convention for the Protection of Cultural and Natural Heritage was signed in 1972. Canada has been obligated to identify and nominate sites as being sites of "outstanding

universal value". Canada and B.C. have been remiss in not identifying and nominating an extensive network of ancient coastal temperate rainforests, including Clayoquot Sound as being a natural heritage of "outstanding universal value".

84. From the B.C. government's own "State of the Environment Reporting" document, the importance of the biodiversity of coastal temperate rainforests is acknowledged:

Trees in coastal temperate rain forests grow to very large sizes and exceptionally old ages. Such ecosystems have the highest standing biomass of any ecosystem on earth and provide for tremendous biodiversity. Coastal temperate rain forest occur in a few scattered spots around the world, and are considered rare on a global scale. North America has the largest continuous tract of coastal temperate rain forest on earth, approximately half of which is in B.C.

85. Canada has failed to comply with the Biodiversity Convention and the Climate Change Convention because B.C. since the moment of signing the Biodiversity and Climate Change Conventions has CONTINUED to log in an ecologically unsound way, such as clear-cutting primary growth coastal temperate rain forests.

86. Canada has contravened the Convention because, B.C. 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, speech by Prime Minister Mulroney, he informed the public of about the state of identification of species in Canada and admitted that there were an equally large number 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 not described 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 while play crucial roles in ecosystem function — is not known.

Yet Canada, through ecologically unsound practices in B.C., CONTINUES to log primary forest ecosystems that contain the biodiversity that will be lost before it is identified.

87 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 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. In the event of the government's own admission that it is virtually impossible to identify species; it should not defeat the purpose of the Biodiversity Convention by ensuring that the storehouses of biodiversity not be logged.

88. Canada since June 1992 has defeated the purpose of Biodiversity Convention through B.C.'s having failed to carry out an environmental assessment review of anything that could contribute to a reduction or loss of biodiversity,

The former Canadian Ambassador for the Environment to the United Nations, Arthur Campeau, who was the head of the Canadian Delegation at UNCED concurred that Canada had been in non-compliance with the Convention because of Canada's failure to carry out an environmental assessment review of anything that could contribute to a reduction or loss of biodiversity [such as clear cut logging and other ecologically unsound practices]. (Personal communication, March 1994)

In jurisdictions where an environmental impact assessment has been carried out, practices, typical of those carried out currently in BC forests, have been assessed as being destructive of biodiversity. For example, a German biologist, Dr. Schutt, specializing in biodiversity indicated the following about "clear-cutting":

The practice of clear-cutting, followed by artificial reforestation has undoubtedly many technical and organizational advantages. In the course of time, however, soil scientists and ecologists found out that the practice of clear-cutting 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)

89. Canada since June 1992 has defeated the purpose of Biodiversity Convention through B.C. government's and its courts' having failed to avoid or minimize the threat of significant reduction or loss of biological diversity through their not invoking 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, Canada 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.

Undoubtedly the "modern forestry practices" he was referring to were the silviculture regimes of clear-cutting and replanting.

90. It will be brought to the attention of the judges in the Appeal that experts throughout the world recognize that the practice of clear-cut logging destroys biodiversity, and that if Canada were to invoke the precautionary principle, clear-cut logging and other ecologically unsound selective logging practices would be disCONTINUED.

There is sufficient evidence that clear-cut logging destroys biodiversity as defined under the convention. Dr. Richard Mittermeir, President of Conservation International, has correctly, stated that the precautionary principle, if invoked, would justify the banning of clear-cut logging (Personal Communication, IUCN Annual General Meeting, 1994)

91. Canada, since June 1992, is in non-compliance with the Framework Convention on Climate Change through B.C.'s failure to conserve carbon sinks, and through B.C.'s destruction of sinks, Canada has defeated the purpose of the Convention.

B.C. since June 1992 has defeated the purpose of Climate Change Convention by having failed to protect carbon sinks; it has CONTINUED to permit the harvesting in significant carbon sinks like primary coastal temperate rainforest such as those of Clayoquot Sound.

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.

92. Canada, through B.C.'s not fulfilling its duty to identify, protect and conserve natural heritage of outstanding universal value, such as Coastal temperate rainforest areas like Clayoquot Sound, has since 1972, when it signed the UN Convention for the Protection of Cultural and Natural Heritage, failed to discharge its obligation to protect the natural heritage of outstanding universal value for future generations under 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 UN Conference on Humans and Environment 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),

This international obligation was reaffirmed in the UN Resolution 37/7 (1982):

Reaffirming that man 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 1988 the trend gravity of the situation for "generations to come" was recognized by the Science Council of Canada

THE ECOLOGICAL CRISIS

The continuing and accelerating deterioration of the planet's ecological base poses a significant threat to the long-term viability of our world. Evidence concerning global warming, ozone depletion, species depletion and elimination, the spread of the deserts, forest destruction, soil degradation, acidified lakes, rivers and streams, and groundwater pollution exists in abundance in the scientific literature. (1988, Science council of Canada)

Much of the evidence is subject to many qualifications and even scientific debate, but the overall trend and its gravity for our planet, to its multitude of species and to the generations to come, are beyond question. (11)

This Commitment to future generations was restated in the Caracas Declaration in February 1992:

To support the development of national protected area policies which are sensitive to customs and traditions, safeguard the interest of indigenous people, take full account of the roles and interests of both men and women, and respect the interests of children of this and future generations (Caracas Declaration in February 1992, p.3)

It will be noted that throughout the UNCED documents, there was expressed the responsibility to 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.

Not only has Canada been remiss in not ensuring compliance to this principle of international customary law but also, since June 1992, Canada is in non-compliance with both the Biodiversity Convention and the Climate Change Convention for failing to conserve and sustainably use biological diversity for future generations. Under the Biodiversity Convention, Canada has indicated its determination to do the following:

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

In the appeal there will be an affidavit indicating the impact on the youth of governments undertaking obligations and not fulfilling them

EXHIBIT: H Affidavit by Christopher Scott along with affidavits from representatives of future generations

In the appeal, there will be an affidavit indicating the impact on the youth of governments undertaking obligations and not fulfilling them

EXHIBIT: I Affidavit by Susan Gage

Since 1972, Canada has been remiss in not fulfilling its duty under the UN Convention for the Protection of Cultural and Natural Heritage (1972)

In 1972, through this Convention, Canada, along with the other States that are parties to this Convention, recognized the urgent need to address the disappearance of natural heritage and acknowledged the global responsibility to preserve 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 [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... (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

Under Article 4 of this Convention, Canada undertook a positive duty of ensuring the identification of 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. It will do all it can to this end to the utmost of Its own resources and where appropriate with any international assistance and co-operation ...

and under article 5 d, the appropriate legal measures must be taken to ensure identification:

- To take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage. (Article 5d)

Canada and B.C. have failed to fulfill their duties by not identifying a network of coastal temperate rainforests, including Clayoquot Sound, and nominating this network as a World Heritage Site. In 1981, Australia, nominated a large area of its temperate rainforest and in 1993, nominated an additional network of temperate rain forests. With the CONTINUED fragmentation of the forests in B.C., if we do not act immediately, it will be too late to nominate a network of temperate rainforests and conservation corridors because the forested areas in B.C. will no longer be able to fulfill the criteria for being designated as a World Heritage site.

94. In the Appeal, the Franklin Dam case will be examined in relation to the UN Convention for the Protection of Cultural and Natural Heritage

In the Franklin Dam case, the area under dispute — a network of temperate old growth forest had already been proposed in 1981 by the state and confederation governments as a World Heritage Site. The network was inspected by the IUCN, the World Conservation Union, which is the body responsible for determining if a proposed site fulfills the criteria for protection as a World Heritage Site.

Although Clayoquot Sound has not yet been nominated by B.C and Canada as a World Heritage site, it was part of a proposal contained in a resolution passed at the 1994 Annual General Meeting of the IUCN. The proposed network was deemed to fulfill the criteria for nomination, even though B.C. and Canada have not undertaken to nominate a network of old growth temperate rainforest as a World Heritage Site.

A network of temperate rainforests, including Clayoquot Sound, would fulfill the criteria for nomination as a world heritage site.

95. A network of old growth temperate rainforests , including Clayoquot Sound, would fulfill the following criteria for inclusion in the World Heritage list:

(ii) be outstanding examples representing significant ongoing geological processes... biological evolution and man [human] interaction with his [its] natural environment; as distinct from the periods of the Earth's development, this focuses upon ongoing processes in the development of communities of plants and animals, land-forms and marine areas and fresh water bodies;

(iii) contain superlative natural phenomena formations or features for ... outstanding examples of the most important ecosystems, areas of exceptional natural beauty or exceptional combinations of natural and cultural elements;

(iv) containing the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive

96. The IUCN (the World Conservation Union) the organization that has been given the responsibility under the UN Convention for the Protection of Cultural and Natural Heritage, passed a resolution at the January 1994 Annual General Meeting. This resolution called upon B.C. to preserve and nominate a network of temperate coastal rainforests, taking into consideration the proposals by the Western Canada Wilderness Committee (whose proposal included Clayoquot Sound).

97. A resolution on North American Coastal Temperate Forests "19.72REV2 North American Coastal Temperate Forests") was passed by the IUCN General Assembly meeting at Buenos Aires, Tuesday, January 25, 1994. The IUCN is an international organization of State, professional and non-governmental representation from over 125 countries. In order to pass, the resolution has to pass the two houses: the State house, composed of State representation from 125 countries and the NGO house with representation from the same countries. This resolution was passed with only one country abstaining - Canada.

This resolution recognized the uniqueness of the area:

UNDERSTANDING that many endemic and unusual plants and animals occur only in these forests; and that in biomass productivity, the old growth forests (ancient forests) of this biome are unequaled anywhere:

This resolution also acknowledged that on Vancouver Island forest practices have been the cause of the disappearance of these forests:

MINDFUL of the fact that such ancient forests on Vancouver Island and on the mid-coast of British Columbia are disappearing at a rapid rate as a result of practices that have, to date, not been ecologically sustainable;

This Resolution also called upon the governments of Canada and B.C. to consult with groups like the Western Canada Wilderness Committee (WCWC) about networks of protected areas. The network proposed by WCWC does include Clayoquot Sound

UNDERSTANDING that the Raincoast Conservation Society, the Sierra Club, and the Western Canada Wilderness Committee have proposed a large network of protected areas, including conservation corridors, in areas of such ancient forests on Vancouver Island and the mid-coast of British Columbia;

IUCN

2. CALLS UPON the Governments of Canada and British Columbia to substantially expand the amount of land in networks of protected areas with conservation corridors, on Vancouver Island and the mid-coast of British Columbia, taking into consideration the recommendations of environmental groups active in the regions such as the Raincoast Conservation Society, the Sierra Club and the Western Canada Wilderness Committee;

EXHIBIT: J 19.72 REV2 North American Coastal Temperate Forests

98. In the Appeal, it will be pointed out that the Western Canada Wilderness Committee proposal for a network does include Clayoquot Sound.

EXHIBIT: K Information to be submitted by the Western Canada Wilderness Committee. Copy of vision of Vancouver Island.

99. This appeal will also refer, as was done in the original September 15 submission to Mr. Justice Drake, to the Common Law Doctrine of Legitimate Expectations. If this doctrine were applied it could be argued that citizens of Canada have a legitimate expectation that Canada will fulfill its international legal obligations.

100. Citizens of B.C. have the right to expect that B.C., as part of Canada, will fulfill international obligations undertaken by Canada after consultation with B.C.:

In Re: Canada Assistance plan (Canada) 1991 (2SCR at 525), the B.C. government recognized the importance of using the Doctrine of Legitimate Expectation in a dispute with the Federal Government. Even though at the Supreme Court of Canada, the B.C. argument was dismissed, the case supports the contention that the Government of British Columbia, including the Attorney General's office endorsed the doctrine.

Canada has continually conveyed its professed concern for the environment in a way that should entitled Canadians to expect actions that reflect this concern. For example, in the preface of Canada's National Report, which was submitted to the Earth Summit in Rio, the Canadian Government gave the impression that Canadians were "stewards" observing their "environmental responsibility":

as stewards of a vast and beautiful land and as a people intimately connected to the environment, Canadians are aware of their environmental responsibilities. (Canada's National Report, Preface)

And further in the section on the "quality of life", the Canadian government stated:

As a small population with a large land mass, Canadians have access to relatively unspoiled wilderness areas rich in wildlife ... Canada has an international reputation as a beautiful, safe and mostly unspoiled country. (Canada's National Report, p.49)

If the Government of Canada CONTINUEs to convey the impression to the global community, through official Internationally circulated documents, that Canadians are concerned about being "stewards" of a "relatively unspoiled wilderness", then the citizens of Canada should legitimately expect that Canada will fulfill this obligation.

There is a maxim of equity which States that "Equity imputes an intention to fulfill an obligation."

This maxim was reaffirmed by the former Ombudsman of British Columbia, Steven Owen: "To create an expectation is an empty gesture without a promise to fulfill it. Before creating an expectation, an organization must assure itself of its ability to fulfill the promise it implies" (Introduction, Ombudsman Annual Report, 1991)

101 Citizens of Canada can justifiably expect that Canada will adhere to international principles that are part of international agreements signed by Canada, and citizens of Canada can justifiably expect that the courts of Canada will abide by international commitments undertaken by Canada.

102. The Prime Minister, Brian Mulroney, in his address to the General Assembly at the Earth Summit in Rio de Janeiro, 12, June, 1992, indicated the following commitment to the international community:

Our generation has seen our planet from space. We know its beauty and we understand our fragility. We know that nature is part of us as we are a part of nature.

Canada's national soul breathes its life from or forests and plains and mountains and lakes. Our native peoples depend on the environment for their spiritual sustenance and material well-being. Canadians are the stewards of 10 per cent of the world's forests. ...

For Canada, sustainable development is not a slogan; it is a prerequisite of our prosperity and a safeguard of our identity. It is also the standard of our responsibility. ...

We are the leaders. We must assume our responsibilities to our own peoples, to each other and to history. We are here to commit our governments to action. The prevention of global climate change and the preservation of the world's animal and plant species is on the top of our agenda.

Countries have a right to manage their forest resources, and humanity has a right to expect that those management decisions will be ecologically wise. Canada wants clear guidelines, on which we all can agree, and a binding international convention which codifies our rights as well as our responsibilities.

... the agreements on climate change and biodiversity require urgent and constructive follow-up...

As political leaders, our job is to force the pace and stretch out the limits of international cooperation. The nations gathered here today have the human genius to create a world free from deprivation and secure from degradation. What remains is for governments to provide the leadership the world so desperately needs.

Let us find that will and marshal it to the task at hand on behalf of the five billion people we represent.

Our children, the Rio generation, will be our judges and our beneficiaries.

103. In the press release issued at the time of ratifying the Biodiversity Convention in December, 1992, Prime Minister Brian Mulroney conveyed Canada's recognition of the importance of the Convention:

The Convention which emerged from last June's Earth Summit in Brazil, exemplify a global commitment to the principles ... as embodied in Agenda 21 and agreed to at the Earth Summit.

the Convention on Biological Diversity provides a framework for conserving the planet's animal and plant life and maintaining their habitats.

104. Not only has the previous Conservative government conveyed to the global community its commitment to "provide the leadership the world so desperately needs" but also the current Liberal Government conveyed the impression to the citizens of Canada that it would demonstrate leadership by ensuring that international obligations under the UNCED Conventions would be adhered to in the case of Clayoquot.

[The Liberal Party, in its pre-election promises, affirmed that it would preserve Clayoquot Sound by making it part of Pacific Rim national Park.]

105. The Appeal will not only address the obligations under legally binding documents but also those under globally adopted documents. The fulfillment of these obligations also draws upon the Common law Doctrine of Legitimate Expectations.

Not only was there evidence of Canada's and B.C.'s agreement at the UN Conference on the Environment and Development (UNCED) to the legally binding documents but also to the globally adopted document such as Agenda 21.

106. In the appeal, evidence will be supplied that the representatives from the B.C. Government, the Assistant Deputy Minister of Forests, Wes Cheston, and from the Commission on Resources and Environment, Commissioner Steven Owen indicated B.C.'s commitment to fulfill the obligations under all the UNCED documents, the legally binding as well as the globally adopted. This evidence was referred to in a report on an inquiry requested by the appellant into how B.C. was going to be complying with UNCED obligations. Scotty Gardiner, the Senior Investigator in Resource Issues in the Ombudsman's office, stated that he would not release the information, that the information cannot be requested through the Freedom of Information Act, and that the ombudsman's office and officers are not "compelled" to appear in court to testify.

107. In the Ombudsman's Report from Senior Investigator of Resource Issues, (Russow/Gage Complaint and Inquiry, File No. 91 06247) April 1993, to a request for an inquiry into how the B.C. Government was going to fulfill its obligations under UNCED, the Senior investigator from the Ombudsman's office, in his report on the inquiry, responded indicating that he had received confirmation of the government's commitment to comply with International agreements from UNCED:.

Compliance with International Agreements.

Direct personal discussions were held with Mr. Cheston, Assistant Deputy Minister of Operations Division, Ministry of Forests, and Mr. Owen, Commissioner on Resources and Environment. Both Mr. Cheston's and Mr. Owen's responsibilities reflect the government's priority for those issues of concern to you...

From these meetings, as well as from additional discussions with senior staff from the Ministry of Forests and the Ministry of Environment, Lands and Parks, we have determined that BC intends to comply with the agreements signed at the UNCED in June 1992.

He does not specify that the government will comply with only the legally binding Conventions; it would thus appear from his statement, that the government will be complying with other globally adopted documents such as Agenda 21. Through this statement, the Provincial Government has demonstrated its intention to adhere to principles from Agenda 21, the Rio Declaration and the Biodiversity Convention.

When asked whether a copy of these expressed commitments could be made available for the Leave to Appeal hearing, the Senior Investigator responded that he would not release the information. A request to proceed, through the Freedom of Information Act, was denied and the senior investigator indicated that only the documents submitted to the office by the complainant are accessible to the complainant and that none of the other documents could be released. The Ombudsman's office is beyond the Freedom of information Act. It is thus difficult to confirm part of the commitment because Cheston was recently released from his position. Steven Owen has been contacted. His response will be included in the Appeal.

108. Agenda 21 is a comprehensive plan of action which was adopted by the members of the United Nations participating in UNCED. There are numerous principles that form an intrinsic part of this document.

There is, throughout the document, a consistent recognition of the urgency of the global situation.

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

109. An essential principle from the UNCED documents is the requirement to carry out environmental audits, or full environmental accounting; and to take into account the costs of ecological consequences.

A principle that was affirmed at UNCED and agreed to by Canada, was the need to carry out a full life cycle analysis of activities that could have significantly adverse effects. This principle, if complied with, in the forest industry would entail an examination of the environmental impacts of each stage of current forest practices — impact of the disruption and sudden elimination of a significant portion of an ecosystem through clear cutting; impact of broadcast burns; impact of treatment by pesticides; impact of off-site planting; impact of replacing a forest with a tree farm; impact of planting monocultures; impact of denying species succession; impact of creating increased susceptibility to forest fires; impact of loss of ecologically sound forest associated employment etc. At UNCED, there was also a call for "environmental audits", and "full environmental accounting and "taking into account ecological consequences" of aspects related to life cycles of ...resources", and "for taking into account the costs of any ecological consequences".

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (7.42)

A full environmental audit of current forest practices has not been undertaken in B.C. The Auditor General has not been requested by government to carry out a full scale audit of the true costs of the current logging practices, and to compare these costs to those incurred by alternative forestry practices such as Eco-forestry. When the Assistant Auditor General was asked by the Appellant if the Office was going to undertake such an inquiry, which undeniably

would be within its mandate, he responded that it would be an almost impossible task and not economically feasible (Personal Communication, 1993).

110. The requirement to take into account the costs of any ecological consequences is a particularly relevant consideration in assessing "irreparable harm" [see other grounds section B, and the MacMillan Bloedel v Mullin case]

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (7.42)

111. Another principle that came out of UNCED and was agreed to by Canada is the positive-duty-to-protect-indigenous-lands principle. This principle reads as follows:

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)

EXHIBIT: K Affidavit Saul Arbess (to be submitted for the Appeal)

112. Similarly at the Provincial level if the provincial government imputes that it intends to fulfill an obligation, the citizens should be justified in requiring the government to have the obligation fulfilled.

In a letter dated March, 1992, from both the Provincial Ministry of Forests and the Provincial Ministry of Environment (sent to members of the public presumably from a government mail-out list), the following intention is imputed:

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.

EXHIBIT: L Letter from Ministries making commitments to the Caracas Declaration.

B.C. has 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)

113. It will be contended in the Appeal that not only has B.C. not complied with commitments made to the international conference on Parks at Caracas, but also B.C., through its actions in Clayoquot Sound, has failed to adhere to recommendations by the Caracas Congress on means to fulfill the Caracas Declaration

114. Obligations under the "Parks, Protected Areas and the Human Future: The Caracas Declaration" (February, 1992), and under recommendations by the Caracas Congress (CHECK Ref.).

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).

3.2. Conserving Biodiversity

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 and tree plantations in previously deforested areas; or - where this is not possible sustainable forest harvesting systems which favour natural species diversity should be developed and introduced. p 8

3.3. Conservation on a regional scale

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". Protected areas, therefore need to be part of broader regional approaches to land management. The term bioregion was used to describe extensive areas of land and water which include protected areas and surrounding lands, preferably including complete watersheds, where all agencies and interested parties have agreed to collaborative management.

recommendation 3

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 World Charter for nature in 1982. 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.

the IVth World Congress on national Parks and Protected Areas recommends that:

- a) governments make the protection of biological diversity, including species and habitat richness, representativeness and scarcity a fundamental principle for the identification, establishment, management and public enjoyment of national parks and other protected areas;
- b) 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 and tree plantations in previously deforested areas; or — where this is not possible — sustainable forest harvesting systems which favour natural species diversity should be developed and introduced: p. 30

Recommendation 4:

entitled legal regimes for protected areas.

Protected areas require a mutually reinforcing system of international and national environmental law for their establishment, maintenance and management. International treaties establish a harmonized set of obligations with regard to areas within national jurisdictions and activities having effect beyond national jurisdictional boundaries. These obligations

must be reflected in national legislation; other wise, the treaties cannot be implemented. In turn, innovative national legislation provides a basis and impetus for further international law. The dynamic interaction between the two levels is thus conducive to further progress. p. 31

The Caracas Congress which is responsible for interpreting the Declaration made the following recommendations that have been ignored by B.C.:

115. B.C. has failed 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

116. B.C. has failed to ensure sustainable forest harvesting systems which favour natural species diversity should be developed and introduced: p. 30

117. B.C. has failed 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".

118. The Congress also addressed 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 sever 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.

119. It will be shown that it is not only the levels of government that have failed to live up to their stated intentions to fulfill obligations but resource ministries, institutions, organizations and industry have also "imputed an intention to fulfill an obligation". Through the Forest Accord, a document which has been signed by Canadian Pulp and Paper Industry, the Council of Forest Industry, Wildlife habitat, Canadian Nature Federation, National Aboriginal Forestry Association, Minister of Forestry, Lands and Wildlife, Alberta, Minister of Natural resources Manitoba, Minister of Forests, B.C. Minister of Parks and Renewable Resources Saskatchewan, Minister of Natural Resources and Energy, New Brunswick, Minister of Natural Resources, Minister of Forestry Canada, Minister of Natural resources Ontario, the following concern and intention was expressed:

- Our forest heritage is part of our past, our present and our future identity as a nation. It is important to maintain a rich tapestry of forests across the Canadian landscape that sustains a diversity of wildlife:
- The spiritual qualities and the inherent beauty of our forests are essential to our physical and our mental well-being
- We will fulfill our global responsibilities in the care and use of forests, maintaining their importance of the environment and the well-being of all living things.]

March, 2, 1992

120. It will be shown that international customary law places a positive duty to act :

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, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto," (26.1 Convention for the Protection ...of Natural Heritage, 1972).

121. In not agreeing to preserve Clayoquot Sound and in permitting ecologically unsound practices in Clayoquot, Canada and B.C. have failed to comply with legally binding conventions such as the Biodiversity Convention, the Climate Change Convention and the UN Convention on the Protection of Cultural and Natural heritage, and also have failed to comply with obligations undertaken through globally adopted commitments, such as the Caracas Declaration and Agenda 21. Citizens of Canada should be able to justifiably expect that Canada will adhere to international principles that are part of international agreements signed by Canada. The citizens of Canada also should be able to justifiably expect that the courts of Canada will abide by international commitments made by Canada.

B. This case also addresses the contempt for statutory law that has been demonstrated by industry, and in particular MacMillan Bloedel, in its non-compliance with statutory law, and by governments in their failure to enforce statutory law, particularly in relation to tree farm license (in the manner of a profit a prendre property right claimed by MacMillan Bloedel)

122. Evidence will be submitted, that B.C. has not only used internal law — the granting of injunctions to justify non compliance to International obligations but has failed to invoke its own internal law to prevent violations of international obligations.

B.C. has failed to even invoke its own provincial legislation to ensure that it is not in violation with international obligations. The B.C. Ministry of forests has not invoked section 60 of the Forest Act; a section which has given the government discretionary powers to suspend Tree Farm Licenses indefinitely if there is evidence of damage to the natural environment through non-compliance with the Act. There is evidence that the Federal Government and Provincial Government have failed to enforce their own legislation. Although, there have been some convictions against MacMillan Bloedel, the legislation has not been sufficiently enforced, and as a result of non-enforcement international obligations have not been fulfilled.

This section has been enforced by the Ministry of Forests not in a punitive way but in a mitigative way, and consequently, no licenses have been suspended for forest practices that have caused serious damage to the natural environment or canceled under section 61 (cancellation of licenses). If the Ministry of Forests had voluntarily enforced its own legislation, or if there had been a writ of mandamus from the courts to require the Ministry to enforce the Forest Act, then the "serious damage to the natural environment" which has occurred, would have been minimized. The demonstrations in the forests in the little remaining old growth forests could be attributed in part to the years of the Forest Industries non compliance to the Forest Act and to the years of reluctance on the part of government and the courts to enforce the Forest Act.

123. In the Appeal, affidavit evidence will be submitted, that not only has the Ministry of Forests been not enforcing its own legislation but that it has also contributed to the violation of the silviculture sections of the Forest Act.

There has been evidence for years that the forest industry has failed to fulfill its obligations related to silviculture and that the government of B.C. has failed to enforce sections in the Forest Act, which require adequate silviculture.

Evidence will also be submitted that the Inventory Branch of the Ministry of Forests became aware of a serious discrepancy between the original estimation of inventory in a block currently being logged by MacMillan Bloedel. It was found through a research study, Omule A.Y., and K.D. Tudor. Report, "Ratio Sampling Analysis" by A.Y. Statistical Decision Support, Forest Inventory Branch, B.C. Ministry of Forests. (March 11), 1993) by inventory specialists, that the inventory in Block 6 in the TFL 39 in the Queen Charlottes had been overestimated by over 40 percent. Rather than releasing this document to the public or calling for suspension of licenses under section 59, the Inventory Branch of the Ministry of Forests asked McMillan Bloedel to check the findings with their own data. The Appellant and David White became aware of the document and obtained the document through the Freedom of Information Act. It was only at that time, that the Ministry of Forests released the information.

EXHIBIT: M. Affidavit from David White, former president of Greenpeaks, a silviculture contracting firm, and researcher responsible for uncovering the Inventory document.

124. In the Appeal, affidavit evidence will be submitted that MacMillan Bloedel was aware of alternative economically viable methods of selection logging which would have enabled Mac Milan Bloedel to have fulfilled its obligations under the Forest Act and thus its obligations under the TFL which they claim bestows a property right.

EXHIBIT: N Affidavit from Merv Wilkinson, Forester and internationally recognized specialists in selection logging

125. MacMillan Bloedel has not fulfilled its responsibility to protect fisheries, and in fact MacMillan Bloedel has been convicted under section 33 of the Federal fisheries Act, for depositing deleterious substances which caused destruction to fish Habitat.

EXHIBIT: O Convictions under the Fisheries Act

Request through Freedom of Information Act for Charges.

126. Evidence was compiled by John Stephen from the Department of Fisheries on non-compliance with Ministry of Forest's TFL Engineering Specifications.

In this document, Stephen examined sections in the Engineering Specifications and submitted photographs demonstrating Non-compliance of the Forest Company with the Engineering Specifications. He describes the photographs as being random samples illustrating the ineffectiveness to date of environmental protection regulations attached to the TFL 46 document and its cutting Permits. These photographs are specific to the Loop Creek site in TFL 46, and referred to non-compliance of a company that is not MacMillan Bloedel. However, this type of evidence has been commonplace throughout the forest industry in British Columbia.

EXHIBIT: P John Stephen: M.O.F. 's TFL Engineering Specifications (1991)

127. Recently, there has been further evidence of MacMillan Bloedel's non fulfillment of responsibility under the Forest Act. The following is a summary of the findings of the Tripp report which was entitled *The Application and Effectiveness of the Coastal Fisheries forestry guidelines in selected cut blocks on Vancouver Island*:

(D. Tripp, April, 1992)

Abstract

The Coastal Fisheries Forestry Guidelines, alone or in combination with site specific prescriptions, can effectively reduce the number and severity of the impacts experienced on streams in recently logged areas. Compliance with the guidelines and many prescription, however, was generally poor, regardless of location or the type of forest license involved. These were the findings of a recent survey of 21 logged cut blocks on Vancouver Island.

There was, on average, one major or moderate impact on one stream for every cut block inspected. Half of these impacts involved a Class 1 or 11 stream. The other half involved Class III or IV streams that were likely to have a negative effect in the near future on more valuable habitat downstream. Since most of the impacts were the result of debris torrents, large build-ups of sediment and debris were the main types of major impacts recorded in all stream classes. ..

Approximately 60% of the major problems observed were attributed to excess debris loads in steep gully systems, and a failure to appreciate the transport capabilities of such streams during heavy rains. Other contributing factors were failures to fall and yard away from the streams and failures to clean out the excess debris where cross stream yarding was permitted. Poor drainage controls on roads, and spur roads in particular, were

responsible for approximately another 25% of the most significant problems, while a combination of land slides and a poorly located gravel pit accounted for the rest of the problems. Some questionable harvest practices in Streamside Management Zones, accounted for six minor or moderate problems but the long term implication of the problems was beyond the scope of the present survey.

128. In the appeal evidence of violations of the Forest Act, collected by the Valhalla Wilderness Society, will be submitted.

EXHIBIT: Documentation of over 150 violations of statutory law prepared by the Valhalla Wilderness Society for a previous court case (to be submitted for the Appeal)

129 There has also been a failure on the part of the Ministry of forests to use its discretionary powers to suspend licenses under the Forest Act to address "serious damage to the natural environment"

The government, in its response to Steven Owen June 2, 1993, indicated that "the government intends to firmly enforce standards." The government then indicated that, "imminent environmental damage could result in the immediate suspension of operations under Section 60 of the Forest Act" (p.15).

Section 60 of the Forest Act, reads as follow:

Suspension of rights

the regional manager, a district manager or a forest officer authorized by either of them may, by written order and without notice, suspend in whole or part the rights under an agreement where he believes on reasonable and probable grounds that its holder has failed to perform an obligation to be performed by him under the agreement or has failed to comply with this Act or the regulations, and that the failure of performance or compliance is causing or may imminently cause serious damage to the natural environment. 1978.

Since 1978 this section has been in place, and since 1978 "serious damage to the natural environment has occurred. (see EXHIBIT, as an example of this damage).

This section has neither been enforced by the Ministry of Forests in a punitive way, nor been requested to be enforced by the Ministry of the Environment. When the Appellant contacted an enforcement officer who had been with the Ministry of Environment for 20 years, and asked him "how often the Ministry of Environment had called upon the Forest Ministry to invoke sections 59,60, and 61 of the Forest Act, his response was that he was unaware of these sections.

Sections 59 and 60 have been enforced by the Ministry of Forests not in a punitive way but in a mitigative way, and consequently no licenses were suspended for forest practices that had caused serious damage to the natural environment, and canceled under section 61 (cancellation of licenses). If the Ministry of Forests had voluntarily enforced its own legislation or if there had been a writ of mandamus from the courts to require the Ministry to enforce the Forest Act then the "serious damage to the natural environment" which has occurred would have been minimized. The demonstrations in the little remaining old growth forests on Vancouver Island could be attributed in part to the years of the Forest Industries' non compliance to the Forest Act and to the years of reluctance on the part of government and the courts to enforce the Forest Act.

130. The Government claims that the Forest Practice Code will have a strong enforcement component. On the one hand it is reassuring that the government is finally willing to enforce its legislation but on the other hand, it is not reassuring that for years environmental harm has occurred because past governments, as well as the current government, have not been willing to enforce sections 59, 60 and 61 of the Forest Act. For years, environmental groups have brought to the attention of the government that the Forest Act was not being complied with and as a result of non-compliance environmental harm has occurred. For years there has been contempt of the law by both industry and government.

131. In the Appeal it will be noted that a strong enforcement policy — enforcing "kinder and gentler" destructive forest practices such as clear-cut logging will not suffice to enable governments to fulfill international obligations under the Biodiversity Convention.

132. It would appear that the government, in making its decision to log Clayoquot Sound, took into consideration the possible cost of compensation to MacMillan Bloedel that would have resulted from setting aside Clayoquot Sound.

Often intact ecosystems that have been deserving of preservation have been irreversibly destroyed because it was deemed necessary, if these ecosystems were to be withdrawn from an existing tree farm license, for governments to pay compensation. In the past, compensation has been assessed purely on an economic basis without taking into consideration the true environmental costs. In order to assess the environmental costs of the destruction of significant ecosystems, one may need to examine if damage to the natural environment within a significant ecosystem has occurred. Section 60 of the Forest Act does permit the suspension of licenses if environmental damage to the natural environment has occurred as a result of non-compliance with the Forest Act. The potential environmental costs of destroying significant ecosystems as a result of the Ministry of Forests not suspending tree farm licenses when there was evidence of destruction to the natural environment is necessary to include in the assessment of compensation. (Complaint submitted to the Ombudsman's office for investigation by appellant and Andrew Gage, 1991-1993)

133. Not only has the government been notified about non-enforcement of Section 60 of the Forest Act, but also the ombudsman's office has been notified about this non-enforcement (even at the time that Steven Owen was the Ombudsman). To investigate the lack of enforcement of section 60 of the forests act appears to be certainly within the mandate of Ombudsman's office.

It would appear then that the forest industry has, when causing environmental harm been outside the law, because neither the Government, the Ministry of Forest, the Ministry of Environment or the Ombudsman's office, has demanded that section 60 be enforced and licenses be suspended, and that licenses be canceled under section 61. If licenses had been suspended under section 60 and canceled under section 61 because of the harm caused to the natural environment (section 60), the environmental harm such as the harm reported in the TRIPP report would not have occurred.

EXHIBIT: Q Affidavit re: data on MacMillan Bloedel's current forest practices in Clayoquot Sound submitted by representative from "Forest Watch".

134. In section 28 of the Forest Act, there is an indication that one condition of the granting of the license is that logging has to be "sustained". Environmental researcher, Jack Etkin expressed the following concern about non compliance with the responsibilities under the Act.

MacMillan Bloedel States in their management and working plans that in TFL 44 they will be able to cut about 2.4. million cubic metres of wood a year for the next 200 years. Because they say that 2.4. million is "sustained". ...we asked the company how they knew that they could cut 2.4. million cubic metres of wood sustainably for the next 200 years....they assured us that they have proof that their tree farms will grow sustainably.

(press release, 1993)

In a follow-up letter received by Etkin from MacMillan Bloedel , the company stated

"In conclusion, there is no hard, scientific proof that third and fourth generation forests are viable [not viable is defined as being able to survive and grow]. On the other hand, what evidence there is overwhelmingly positive (July 6, 1990).

Etkin (1993) in the Bridge newspaper indicated the following:

"The most frequently cited piece of evidence was FORCYTE, a computer simulation model out of UBC. According to the Director General of Forestry Canada, models like FORCYTE provide "Perhaps the strongest scientific evidence that B.C. forests can be sustainably managed..."

But here is what the developers of FORCYTE have to say about their model. "The model predictions should be viewed with caution...The model has not been validated against any long term experimental data. Hence the precision and accuracy of the results are unknown'

EXHIBIT: R Letter received by Jack Etkin from MacMillan Bloedel (1990)

This suggests that MacMillan Bloedel cannot claim to be fulfilling section 28 of the Forest Act and consequently, one of the conditions that would limit its "right to profit a prendre" has not been fulfilled.

135 Given that MacMillan Bloedel has been in violation over the years of many sections of the Forest Act, Waste Management Act and the Fisheries Act, MacMillan Bloedel has not fulfilled the conditions of the TFL under the Forest Act, and thus the contracting party has failed to perform its part of the contract. In this case, it would be inappropriate to recognize that MacMillan Bloedel has a property right in the nature of a "profit a 'Prendre". Surely the Court would recognize that a right cannot be claimed by one who has not fulfilled the responsibilities contingent upon that right.

C. The appeal will rely upon a realistic and objective evaluation of equity. In particular, the use of an equitable remedy such as an injunction to justify non-performance of provincial and federal statutory law and to justify non-performance of international legal obligations, and international customary law.

136. Evidence will be submitted that the injunction is an equitable remedy that has been misapplied in the Clayoquot case. Equity could never countenance the destruction of life rearing capacity and life forms in it trust on a massive scale with no genuine regard for future generations.

In the BC Litigation publication, Justice J.A. Norris described the nature of the injunctive remedy in British Columbia Law in the following way:

The remedy [of injunction] of course, is an equitable one. ' The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Justice J.A. Norris)

Although there is a beginning of the recognition of ecological rights in *McMillan Bloedel vs. Mullin* [1985, BCD Civ 1892-08] there does not yet appear to be a recognition in B.C. courts of the rights of the public to ecological preservation. In *McMillan Bloedel vs. Mullin* it was decided that

The claim by an Indian band for 'aboriginal " title to land cannot be 'rejected summarily' and certainly not at the early stages of litigation. Nor must the right to log crown land given by license to a logging Company be ignored. However, in light of the fact that unless the issue of title to the subject land is settled before logging occurs, if successful, the Indians will be deprived of valuable ecological rights and in further light of the fact that irreparable harm will not result to the logging company if timber harvest is delayed pending an expedited adjudication of issue of title, the principles applicable to the issue of interlocutory injunctions will militate that the status quo. be maintained.

Although the above decision does recognize the concept of ecological rights when there is a dispute over ownership of property, it does not go far enough to accommodate the current and emerging evidence of time and circumstances. The international law and treaties and the public, including scientists and all reasonable persons who seriously consider the impact of our actions on future generations, are now demanding preservation of unfragmented areas of biological complexity. In the UN Conference on Humans and the Environment 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 issues of preservation of ecosystems and ecological rights, perhaps the courts should look to international researchers for guidance and to international documents for substance of moral suasion. Research from the international community and international documents could reflect a more accurate estimate of "the time and circumstance" in the domain of forestry issues than affidavits from forestry companies that seek to perpetuate what is perceived by a substantial sector of the international community as contributing to environmental degradation, soil depletion, loss of biodiversity, loss of genetic diversity and even loss of productivity in their own industry.

The issue that an equitable remedy— an injunction is being used to prosecute citizens of criminal contempt when the justification for granting of this equitable remedy is still being questioned by the courts, will be examined. Reference will be made to the fundamental principle that it appears to be ethically questionable to CONTINUE to convict people under an equitable remedy where the legitimacy of the remedy was still under question in the courts.

137. There is the recognition in the MacMillan Bloedel vs. Mullin case of what could be called the "impossibility avoidance" or "the avoidance of a disappearing object principle": This principle is enunciated as follows:

Seaton, who delivered the judgment in the *MacMillan v Mullin* case, at 151 stated

The proposal is to clear-cut the area. Almost nothing will be left. I cannot think of any native right that could be exercised on lands that have recently been logged. It follows that rights far short of outright ownership might well warrant retaining the area until after a trial.

Seaton affirmed at 151:

I am firmly of the view that the claim to Indian title cannot be rejected at this stage of litigation. The questions raised by the claim are not the type of questions that should be decided on an interlocutory application. A great amount of factual evidence will have to be heard and considered, opinion evidence of those knowledgeable in these matters, will have to be assembled and related to the factual evidence, there will have to be a meticulous study of the law.

Seaton , (at p. 157), stated:

Each of the decisions {[from cases such as *Amer. Cyanamid Co. v Ethicon Ltd.*, [1975] A.C. 396, to *Siebart Rustproofing Ltd. v. Ottawa Rustproofing Ont.* H.C. 8th February 1978 (unreported)}, represents an attempt on the part of the court to see that justice is done. Often it is an attempt to preserve property so that a claimant will not find at the end of a successful trial that the subject matter is gone, and always there is an attempt not to impede others unnecessarily.

Seaton at 157 cited Cotton L.J in *Preston v Luck* (1884) 27 Ch. D 497 (at 505) referred to an interlocutory injunction:

...The object of which is to keep things in status quo, so that if, at the hearing, the Plaintiffs obtain a judgment in their favour, the Defendants will have been prevented from dealing, in the meantime, with the property in such a way as to make that judgment ineffectual

Seaton at 157 further cited Spry in the Principles of Equitable Remedies, 2nd ed. (1980) after quoting the above, said at p. 423:

A need for protection of this kind most commonly arises where property as to which there is a dispute between the parties is threatened with damage, destruction or removal or where the value of other rights of the plaintiff may be diminished.

Seaton at 157 further referred to this principle as enunciated in *Preston v Luck* (1884) 27 Ch. D. 497 at 505, referred to an interlocutory injunction:

...the object of which is to keep things in status quo, so that at the hearing the plaintiffs obtain a judgment in their favour, the Defendants will have been prevented from dealing in the meantime with the property in such a way as to make that judgment ineffectual.

Spry in the Principles of Equitable Remedies, 2nd ed. (1980) after quoting the above, said at p. 423

A need for protection of this kind most commonly arises where property as to which there is a dispute between the parties is threatened with damage, destruction or removal or where the value of other rights of the plaintiff may be diminished.

Even MacDonald who dissented in part stated at 168:

"In order to prevent the alleged illegal activity pending trial, an interlocutory injunction is sought. That is so that the question of a permanent injunction after trial will not be rendered academic."

MacDonald stated at 169:

And the clear message from this court to judges hearing those applications will be that the existing situation should be present while the litigation CONTINUEs. "

138. This principle enunciated above is, to a certain extent, an embodiment of a principle of international customary law which is eloquently stated in the Vienna Convention on the Law of Treaties: Under Article 18, a state is obliged to "not defeat the object and purpose of a treaty prior to the entry into force".

139. In the September 15, 1993, before Mr. Justice Drake, application to rescind the injunction the court was asked to consider the requirement of international obligations related to both the legally binding Conventions from UNCED, signed in 1992, and the globally adopted agreements from UNCED 1992. It was argued that the granting of the injunction would be in violation of the above principle because proceeding with logging when the logging could and would defeat the purpose of any treaty protecting the "ecological rights" within the public trust.

140 The implications of the principle ("impossibility avoidance" or "the avoidance of a disappearing object principle") enunciated in the MacMillan Bloedel v Mullin case, as well as in Article 18 and 61 of the Vienna Convention on the Law of Treaties, should be considered in relation to the Public Trust Doctrine (Friends Patrai Doctrine). It would appear that if there is a question raised about the legitimacy of eliminating ecological rights within areas coming under the public trust, that full consideration should be given that prior to the discussion and resolution of the question, nothing in the interim should be permitted that would eliminate the ecological rights contained therein. The affirmation of ecological principles contained in the UNCED document; such as the principle of an environmental assessment of any activities that could contribute to a reduction or loss of biodiversity or the principle that would require environmental audits or taking into account ecological consequences or accounting would mean that when considering the irreparable harm and thus the balance of convenience, ecological rights in areas under the public trust doctrine (Friends Patrai Doctrine) should and would have to be taken into consideration.

141. The requirement to take into account the costs of any ecological consequences is a particularly relevant consideration in assessing "irreparable harm" in injunctions. In

Agenda 21, the globally agreed to UNCED Action Plan the affirmation of the need to ensure that the costs of any ecological consequences was taken into consideration:

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (7.42 Agenda 21, UNCED. 1992)

142. In *MacMillan Bloedel vs. Mullin*, it was decided (at p. 146) that "Monetary damages would not be adequate compensation for the potential injury to Indian culture and social structure.

143. In the BC Litigation publication, Justice J.A. Norris described the nature of the injunctive remedy in British Columbia Law in the following way:

The remedy [of injunction] of course, is an equitable one. ' The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Justice J.A. Norris, B.C. Litigation, 1991)

144. As stated in *MacMillan Bloedel vs Mullin* by Seaton at 157 there is an affirmation of the essence of injunctive law (interlocutory injunctions) related to attempting on the part of the court to see that justice is done:

Each of the decisions represents an attempt on the part of the court to see that justice is done. Often it is an attempt to preserve property so that a claimant will not find at the end of a successful trial that the subject matter is gone, and always there is an attempt not to impede others unnecessarily.

145 A case is being researched and will be initiated to determine whether Canada, through the actions of B.C. has been in violation of the Biodiversity Convention since the signing of the Convention in June 1992. Until this case is heard, nothing should be done on crown lands which could diminish the value of the public trust rights.

146. The equitable principle of "he who comes to equity must come with clean hands" is a well established principle of equity.

This principle as stated above should have been applied and if a company like MacMillan Bloedel has been in violation of statutory law as well as international law it should not be able to benefit from the granting of an equitable remedy such as an injunction. There is also evidence that the injunction is an equitable remedy that has been misapplied in the Clayoquot case, and the injunction should be rescinded, and Mr. Justice Drake's decision related to the applicability of International agreements should be overturned.

There is also evidence that the injunction is an equitable remedy that has been misapplied in the Clayoquot case.

147. In addition, in the Clayoquot trials, the court has condoned not only violations of guarantees in the Canadian Charter of Rights and Freedoms but also, violations of guarantees in the International Covenant of Civil and Political Rights, such as the following:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him {Article 14 3 (e)}.

[NOTE THAT IN THE CLAYOQUOT TRIALS IN VICTORIA FEW WITNESSES HAVE BEEN PERMITTED TO APPEAR FOR THE DEFENCE]

EXHIBITS: S Affidavits. Ann and Merv Wilkinson

There appears to be little recourse for the Clayoquot Protectors than to eventually seek redress through the Optional Protocol International Covenant of Civil and Political Rights which provides the following remedy:

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the committee for consideration. (Article 2)

AUTHORITIES:**International legally binding agreements:**

UN Conference on the Human Environment, 1972

(#106);

[Also referred to as "Stockholm Convention]

(#92 and #136)

UN Convention for the Protection of Cultural and Natural Heritage, (1972).

(#21, #31, #56, #83, #92, #93, #94, #96, #120 Note: error on page 37 #51 should read #93)

International Covenant of Civil and Political Rights, (1976).

(#26, #147)

Vienna Convention on the Law of Treaties, (1969).

(#25, #26, #28, #55, #80, #81, #138)

Vienna Convention for the Protection of Ozone, (1985)

[referred to in Affidavit, Exhibit F]

Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 (and London and Copenhagen Protocols).

[referred to in Affidavit, Exhibit F linked to #73]

Convention on Biological Diversity, (1992).

(#29, #34, #55, #55, #68, #70, #77, #89, #103)

[also referred to as the Biodiversity Convention]

(#28, #29, #31, #57, #58, #63, #69, #77, #78, #85, #86, #87, #88, #89, #92, #103, #107, #121, #131, #145)

UN Framework Convention on Climate Change (1992).

(#31, #33, #55, #58, #63, #68, #69, #70, #71, #81, #91)

[Also referred to as "Climate Change Convention]

(#29, #34, #59, #66, #67, #68, #85, #92, #121)

Globally adopted Resolutions, Charters and Declarations:

Agenda 21, UNCED (1992).

(#59, #69, #77, #78, #79, #103, #105, #107, #108, #112, #121, #141)

Caracas Convention (Parks Protected Areas and the Human Future: the Caracas Declaration, February 1992)

(#92, #112, #113, #114, #121)

Implementation of the Caracas Declaration: Recommendations by the Caracas Congress.
IUCN Nov. 1973

(#113, #114, #115, #117, #121)

World Charter of Nature, UN Resolution 37/71982

(#26, #92, #112, #118)

NGO/State Resolutions:

19.72REV2 North American Coastal Temperate Forests

IUCN Resolution passes at the 1994 IUCN Annual General Meeting, Buenos Aires

(#97)

Statutory Law:

Forest Act (in particular Sections, 11, 28, 59, 60, 61, and Sections on silviculture, and inventory.

(#122, #123, #124, #127, #128, #129, #131, #132, #133, #134, #135)

Fisheries Act (in particular, section 33)

(#125, #135)

Waste Management Act (in particular, evidence of MacMillan Bloedel's violations)

in EXHIBIT O

Government Documents and Correspondence:

Backgrounder to this press release at the time of ratification of the Biodiversity Convention on December 4, 1992

(#77)

B.C. "State of the Environment Reporting" document , (1993).

(#74, #76, #77, #84, #87)

Draft: Canadian Biodiversity Strategy. (June 1994).

the Federal-Provincial-Territorial Biodiversity Working Group

(#87)

The UNCED Follow-up: Endorsement of International Conventions on Climate Change and Biological Diversity. Cabinet Submission (November, 1992).

(#66, #67, #68)

Reports:

Greenpeace. Report on Forest Watch (1994).

(#134)

Science Council Annual Report, 1988

Ottawa: Science Council of Canada

(#92)

Tripp, D. *The Application and Effectiveness of the Coastal Fisheries Forestry Guidelines in Selected Cut Blocks on Vancouver Island*

cited in Text as TRIPP

(#133)

Report from the Clayoquot Sound Scientific Panel, (March 1994).

(#34) [Referred, in error, to in text as International Scientific Panel]

Letter from MacMillan Bloedel to Jack Etkin: Re: Forests Forever (1990)

(#134)

Omule A.Y., and K.D. Tudor. report, "Ratio Sampling Analysis" by A.Y. Statistical Decision Support, Forest Inventory Branch, B.C. Ministry of Forests. (March 11), 1993)

(#123)

Ombudsman Annual Report. (1991)

(#100)

Ombudsman's Report from Senior Investigator of Resource Issues, (Russow/Gage Complaint and Inquiry, File No. 91 06247) April 1993

(#107)

Stephen, John, "20 Year Development Plan - Loup Creek. (1991)

Fisheries and Oceans. TFL Engineering Specifications.

(#126)

Doctrines:

Public Trust Doctrine(Friends Patrai Doctrine).

(#99, #100, #105)

Doctrine of Legitimate Expectations.

(#99, #100, #105)

Authors cited:

L.C. Green. International Law, Canadian perspective. ()

(#21, #22, #23)

MacWhinney, Edward. (1967). "The Changing United Nations Constitutionalism" in the Canadian Yearbook of International Law.

Norris, J.A. (1991) "Conduct of Civil Litigation in B.C"., Chapter 42, August.

(#136, #143)

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 Maxiwell,

Spry, *Principles of Equitable Remedies*, 2nd ed. (1980)

(#137)

Cases considered:

Attorney-General for Canada v Attorney-general for Ontario Supreme Court of Canada A.C. 1937. pp. 326 -354 .

[Referred to as the "Labour Convention Case]

(#21, #22, #23, #32, #34, #41, #45, #58, #59, #60, #61, #70, #71, #72, #73, #77, #78)

Canada Assistance Plan (Canada) 1991 (2SCR at 525).

(#100)

Commonwealth of Australia and Another v State of Tasmania and Others of (C6 of 1983) High Court of Australia, Australian Law Reports 1983 pp 625-831 Constitutional law [Franklin Dam Case] :

(#21, #34, #35, #36, #38, #54, #94)

Koowarta v Bjelke-Petersen (1982) 56 ALJR 625: 39 ALR 417 (Koowarta Case)

(#38, #39, #40, #41, #42, #43, #44, #47, #48, #49, #50, #51)

[also spelled Kooarta]

MacMillan Bloedel v. Mullin 61 BCR MacMillan Bloedel and Mullin 61 BCLR

(#110, #136, #137, #140, #142, #144)

R v Burgess: Ex parte Henry (1936) 55 (at 645/453)

(#35, #41, #46, #49)

Cases referred to:

Airlines of NSW Pty Ltd v New South Wales (No. 2) (1965) 113 CLR 54

(#35)

Amer. Cyanamid Co. v Ethicon Ltd., [1975] A.C. 396

(#137)

Preston v Luck (1884) 27 Ch. D 497 (at 505)

(#137)

New South Wales v Commonwealth (the Seas and submerged Lands case (1975) 135 CLR 337; 8 ALR

(#36)

Radio case (1932] A.C.

(#72, #78)

R v Poole; Ex parte Henry (no.2) and They were repeated in Airlines of NSW (No 2) by Windeyer J (at 152

(#46)

Siebart Rustproofing Ltd. v. Ottawa Rustproofing Ont. H.C. 8th February 1978 (unreported). }

(#137)

EXHIBITS:

AFFIDAVITS

Chris Scott

Bruce Torrie

David White

Saul Arbess

Al

Ray Travers

Mathew Re: Forest Watch

Western Canada Wilderness Committee

Susan Gage

EXHIBITS

19.72REV2 North American Coastal Temperate Forests

(retyped with January 25 Amendments from the floor)

RECOGNISING that temperate coniferous forests, and especially rain forests, constitute a very rare type of ecosystem in the world, originally covering less than one-fifth of one percent of the earth's land surface, and that one half of the earth's original forest of this type occurs along the pacific Coast of North America from northwestern California to southeastern Alaska;

UNDERSTANDING that many endemic and unusual plants and animals occur only in these forests; and that in biomass productivity, the old growth forests (ancient forests) of this biome are unequaled anywhere;

AWARE that more than one half of the Earth's original coastal coniferous forests (ancient forests) have been logged, including more than 40 % of the ancient forests of this type on North America, and that few large unfragmented examples of this type of forest, other than in protected areas, exist outside of British Columbia and Alaska;

MINDFUL of the fact that such ancient forests on Vancouver Island and on the mid-coast of British Columbia are disappearing at a rapid rate as a result of practices that have, to date, not been ecologically sustainable;

ALSO MINDFUL that past management practices have been controversial, while the U.S. government has enacted legislation to ensure sustainable management of all forests, questions CONTINUE to arise;

UNDERSTANDING that the Raincoast Conservation Society, the Sierra Club, and the Western Canada Wilderness Committee have proposed a large network of protected areas, including conservation corridors, in areas of such ancient forests on Vancouver Island and the mid-coast of British Columbia;

AWARE of the fact that none of the protected areas that Canada maintains in forest areas along the Pacific Coast have been designated as World Heritage sites under the provisions of the World Heritage Convention[s] and that these ancient forests may be of outstanding universal value;

The General Assembly of IUCN — the World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. URGES the Government of Canada and the United States to properly manage the temperate coastal coniferous forests of the Pacific Coast of North America by establishing appropriate protected areas and by adopting ecologically oriented systems of forest management which can be permanently sustained and which protect biodiversity;
2. CALLS UPON the governments of Canada and British Columbia to substantially expand the amount of land in networks of protected areas, with conservation corridors, on Vancouver Island and the mid-coast of British Columbia, taking into consideration the recommendations of environmental groups active in the regions such as the Raincoast Conservation Society, the Sierra Club and the Western Canada Wilderness Committee;
3. URGES the Government of Canada to consider nominating sites or combinations of sites (such as networks), in these forests as World Heritage sites under the World Heritage Convention[s];
4. RECOMMENDS that special efforts be made by these parties and their citizens to restore degraded parts of these forests and to secure the overall integrity of the biome by linking now separate forest stands

Resolution proposed by Michael McCloskey, Sierra Club U.S.A, in collaboration with Joan Russow (B.C. Canada) member of the IUCN Commission on Education and Communication

27. The dissenting judges had attempted to apply the 1937 Labour Convention case see **EXHIBIT**

27. The 1937 case was distinguished by Brennan J. at 482

Lord Atkin in delivering the reasons for judgment....distinguished between the formation and the performance of treaty obligations. The making of a treaty is a function of the executive but legislation to implement a treaty is a matter for the legislature. He said in reference to the Canadian constitution (at 348): The obligations imposed by treaty may have to be performed, if at all, by several legislatures and the executive have the task of obtaining the legislative assent not of the one parliament to whom they may be responsible, but possibly of several Parliaments to whom they stand in no direct relation. The question is not how is the obligation formed, that is the function of the executive but how is the obligation to be performed, and that depends upon the authority of the competent legislature or legislatures. "

Brennan at 485

When the subject matter of a law is the subject of a treaty obligation and is 'indisputably international in character', para (xxix) is available to support the law, the present questions whether a law which creates or affects rights, duties powers or privileges regulating a field of activity which is the subject of a treaty obligation is a law with respect to an external affair or whether some additional quality "indisputably international", must be found in the subject of the treaty obligations. ...in Burgess..." at 30: "The external affairs power authorizes the parliament to make a law for the purpose of carrying out or giving effect to a treaty, at least if the treaty is in reference to some matter indisputably international in character." and Mason J said (at 470/91): "There is abundant authority for the proposition that the subject matter extends to Australia's relationships with other countries and in particular to carrying into effect treaties and conventions entered into with other countries and in particular to carrying into effect treaties and conventions entered into with other countries provided at any rate that they are truly international in character.

Brennan at 487

Where a particular aspect of the internal legal order of a nation is made the subject of a treaty obligation, there is a powerful indication that subject does affect the parties to the treaty and their relations one with another. They

select that aspect as an element of their relationship, the obligee nations expecting and being entitled in international law to action by the obligor nation in performance of the treaty. And therefore to subject an aspect of the internal legal order to treaty obligations stamps the subject of the obligation with the character of an external affair. This is consistent with the view of the majority of the court in *R v Burgess*... at 644 said: "The Commonwealth Parliament was given power to legislate to give effect to international obligations binding the Commonwealth or to protect national rights internationally obtained by the commonwealth whenever legislation was necessary or deemed to be desirable for this purpose." Starke J (at 657) said: The constitution, in the legislative power to make laws with respect to external affairs, recognizes that the Commonwealth will have political relations with other Powers and States, and legislative power is conferred upon it in comprehensive terms, so that it may control those foreign or external relations and implement obligations that may have been assumed in the course of those relations. And Evatt and McTiernan JJ said (at 681): " in truth, the King's power to enter into international conventions cannot be limited in advance of the international situations which may from time to time arise. And in our view the fact of an international convention having been duly made about a subject brings that subject within the field of international relations so far as such subject is dealt with by the agreement."

27. Brennan at 487 affirmed that the mere acceptance of a treaty obligation related to an internal matter, makes the matter an external affairs matter

These views were adhered to in *R v Poole; Ex parte Henry (no.2)* and they were repeated in *Airlines of NSW (No 2)* by Windeyer J (at 152): "A law necessary to give effect to a particular treaty obligation of the Commonwealth is a law with respect to external affairs." If Australia, in the conduct of its relations with other nations, accepts a treaty obligation with respect to an aspect to Australia's internal legal order, the subject of the obligation thereby becomes (if it was not previously) an external affair, and a law with respect to that subject is a law with respect to external affairs.

27. Brennan at 487 proposed a criterion for assessing the external affairs nature

I would agree, however, that a law with respect to a particular subject would not necessarily attract the support of para (xxix) if a treaty obligation had

been accepted with respect to that subject merely as a means of conferring legislative power upon the Commonwealth Parliament. 26. The power to effect the obligation imposed by a convention lies on the Confederation (federal)

In *RV Burgess: Ex parte Henry* (1936) 55 (at 645/453) the judgment of Stephen J...

His Honour stated (at 646/454) that the content of the external affairs power must be determined by what is generally regarded at any particular time as part of the external affairs of the nation, describing that as "a concept the content of which lies very much in the hands of the community of nations of which Australia forms a part" ... (p. 689)

Case is authority for the proposition that the power authorizes a law which gives effect to an obligation imposed on Australia by a bona fide international convention or treaty to which Australia is a party (689)

EXHIBIT

Stephen J. at 445

The constitution confers upon the Parliament of the commonwealth power to make laws for the peace, order and good government of the Commonwealth with respect to "...

It should be made clear that no question arises as to the power of Australia to enter into the convention. The Governor-General exercising the prerogative over of the Crown can make treaties on subjects which are not within the legislative power of the Commonwealth. However, the treaties when made, are not self-executing: they do not give rights to or impose duties on members of the Australian community unless their provisions are given effect by statute. The power of the parliament to carry treaties into effect, is not necessarily as wide as the executive power to make them. This was made clear by the Judicial Committee in *Attorney-General for Canada v Attorney-General for Ontario* [1937] AC 326 at 348, where their lordships said: "... in a federal State where legislative authority is limited by a constitutional document or is divided up between different legislatures in accordance with the classes of subject-matter submitted for legislation, the problem is complex. The obligations imposed by treaty may have to be performed, if at all, by several legislatures; and the executives have the task of obtaining the legislative assent not of the one Parliament to whom they may be responsible but possibly of several Parliaments to which they stand in no direct relation. The question is not how is the obligation formed, that is the function of the executive, but how is the obligation to be performed, and that depends upon the authority of the competent legislature or legislatures."

... and at 435 ..in the Labour Convention 1937 case at 353-4 their lordships pointed out that their decision in that case that legislation of the Dominion of Canada giving effect to certain conventions was ultra vires did not have the result that Canada was incompetent to legislate in performance of treaty obligations. They said (at 354): in totality of legislative powers, Dominion and Provincial together, she is fully equipped. But the legislative powers remain distributed, and if in the exercise of her new functions derived from her new international status, Canada incurs obligations they must, so far as legislation be concerned, when they deal with Provincial classes of subjects, be dealt with by the totality of powers, in other words by co-operation between the Dominion and the Provinces."

Koowarta v Bjelke-Petersen and others Queensland v Commonwealth of Australia

2-4 March, 11 May 1982 High Court of Australia, Aust. Law Reports. Constitutional law — Commonwealth — Legislative Powers — act implementing an international treaty

it was held Sections 9 and 12 were valid laws with respect to external affairs within s 51 (xxix) of the Constitution,

Per Stephen J. at 418. There existed a quite precise treaty obligation on a subject of major importance in international relationships, which called for domestic implementation within Australia

Per Mason J. at 418 It would seem to follow inevitably from the plenary nature of the external affairs power that it would enable the parliament to legislate not only for the ratification of a treaty but also for its implementation by carrying out any obligation to enact a law that Australia assumed by the treaty

Brennan J. at 418 If Australia in the conduct of its relations with other nations accepted a treaty obligation with respect to an aspect of Australia's internal legal order, the subject of the obligation thereby because (if it was not previously) an external affair, and a law with respect tot hat subject was a law with respect to external affairs.

Wilson at 480 state" the task of ensuring the co-operation of the States may present a political challenge, although the developing practices of including State representation in commonwealth delegations to international conferences on subjects which may call for implementation by State legislatures augurs well for future co-operation in the pursuit of an effective foreign policy and the maintenance of good international relations:

Wilson at 480 [dissenting] raised the Judicial Committee in *Attorney-General for Canada v Attorney-General for Ontario* [1937]

Where their Lordships expressed the view that in the totality of Dominion and Provincial legislative powers, Canada was fully equipped to implement any international obligations

that might be incurred. The decision in that case, though not the accuracy of the observation to which I have referred, was subjected to a good deal of criticism.

However, a recent assessment appears in an article by Edward McWhinney in the Canadian Yearbook of International law (1969) vol. 7 p3 wherein (at 4-5) the author wrote: 'Not merely has the Labour Convention decision not rendered impossible the conduct of a national Canadian foreign policy. In fact, no single example has ever been cited, in the years since 1937...where its rationale has presented any practical difficulties, or even mild inconvenience, in the conduct of Canada's foreign relations. At the concrete, empirical level, it has in fact proved easily possible for Canadians to live with the decision...'`

The 1937 Canadian Labour case was used by the dissenting judge at 434

It should be made clear that no question arises as to the power of Australia to enter into the convention. The Governor-General, exercising the prerogative over of the Crown, can make treaties on subjects which are not within the legislative power of the Commonwealth. However, the treaties, when made, are not self-executing: they do not give rights to or impose duties on members of the Australian community unless their provisions are given effect by statute. The power of the parliament to carry treaties into effect is not necessarily as wide as the executive power to make them. This was made clear by the Judicial Committee in *Attorney-General for Canada v Attorney-General for Ontario* [1937] AC 326 at 348, where their lordships said: "... in a federal State where legislative authority is limited by a constitutional document, or is divided up between different legislatures in accordance with the classes of subject-matter submitted for legislation, the problem is complex. The obligations imposed by treaty may have to be performed, if at all, by several legislatures; and the executive have the task of obtaining the legislative assent not of the one Parliament to whom they may be responsible, but possibly of several Parliaments to work they stand in no direct relation. The question is not how is the obligation formed, that is the function of the executive, but how is the obligation to be performed, and that depends upon the authority of the competent legislature or legislatures."

... and at 435 ..in the Labour Convention 1937 case at 353-4 their lordships pointed out that their decision in that case that legislation of the Dominion of Canada giving effect to certain conventions was ultra vires did not have the result that Canada was incompetent to legislate in performance of treaty obligations. They said (at 354): in totality of legislative powers, Dominion and Provincial together, she is fully equipped. But the legislative powers remain distributed, and if in the exercise of her new functions derived from her new international status, Canada incurs obligations they must, so far as legislation be concerned, when they deal with Provincial classes of subjects, be dealt with by the totality of powers, in other words by co-operation between the Dominion and the Provinces."

Stephen J. at 445

The constitution confers upon the Parliament of the commonwealth power to make laws for the peace, order and good government of the Commonwealth with respect to "...

[In the Australian Act , the Racial Discrimination Act" there is the following statement:

" to make provision for giving effect tot he Convention

Stephen at 452

"So long as treaties departed little from their early nature as compacts between princes, having no concern with domestic affairs, the conflict was muted: but in the century international conventions have come to assume a more extensive role. They prescribe standards of conduct for both governments and individuals having wide application domestically in areas of primarily regional concern, the very areas which, in federations, have tended to be entrusted to the legislative competence of the regional units of governments. This has necessarily exacerbated the problem which federations encounter in the implementation of international treaties while emphasizing the need for regional units in federations to recognize the legitimacy of national governments' increased concern regarding domestic observance of internationally agreed norms of conduct. "

Stephen at 453 Thus areas of what are of purely domestic concern are steadily contracting and those of international concern are ever expanding.

Stephen at 454 post war growth in consensual international law.

Stephen at 454 What has occurred is rather a growth in the content of "external affairs". This growth reflects the new global concern for human rights and the international acknowledgment of the need for universally recognized norms of conduct particularly in relation to the suppression of racial discrimination.

Stephen at 456

Even were Australia not a party to the Convention, this would not necessarily exclude the topic as a part of its external affairs. It was contended on behalf of the Commonwealth that, quite apart from the Convention, Australia has an international obligations to suppress all forms of racial discrimination because respect for human dignity and fundamental rights and thus the norm of non-discrimination on the grounds of race, is now part of customary international law, as both created and evidenced by state practices and as expounded by jurists and eminent publicists.

Stephen at 456. In the present cases it is not necessary to rely upon this aspect of the external affairs power since there exists a quite precise treaty obligation on a subject of major importance in international relationships, which calls for domestic implementation within Australia.

Mason at 459 It would seem to follow inevitably from the plenary nature of the power that it would enable the parliament to legislate not only for the ratification of a treaty but also for its implementation by carrying out any obligation to enact a law that Australia assumed by the treaty.

Mason 459 recognize that It is a well settled principle of the common law that a treaty not terminating a state of war has no legal effect upon the rights and duties of Australian citizens and is not incorporated into Australian law on its ratification by Australia (Chow Hung Ching v R (1948)...not self-executing'

... to achieve this result the provisions have to be enacted as part of our domestic law, whether by Commonwealth or State statute. Section 51 (xxix, arms the Commonwealth Parliament with a necessary power to bring this about. So much was unanimously decided by the court in R v Burgess: Ex parte Henry (1936) 55 CLR 608. There the power enabled the Commonwealth Parliament to legislate so as to incorporate into our law the provisions of the Paris Convention for the regulation of aerial navigation.

Mason at 459 ... the consequence of the failure [of the R. v Burgess: Ex parte Henry (1936)] would have been to leave the decision on whether Australia should comply with its international obligations in the hands of the individual States as well as the Commonwealth, for the commonwealth would then lack sufficient legislative power to fully implement the treaty. The ramifications of such a fragmentation of the decision-making process as it affects the assumption and implementation by Australia of its international obligations are altogether too disturbing to contemplate. Such a division of responsibility between the Commonwealth and each of the States would have been a certain recipe for indecision and confusion, seriously weakening Australia's stance and standing in international affairs. Fortunately, the approach in Burgess has since been confirmed by R v Poole; Ex parte Henry (no.2) 1939 61 CLR...

Mason at 462. doubtless the framers of the Constitution did not foresee accurately the extent of the expansion in international and regional co-operation which has occurred since 1900. ...There is no reason at all for thinking that the legislative power conferred by s 51 (xxix) was intended to be less than appropriate and adequate to enable the

Commonwealth to discharge Australia's responsibilities in international and regional affairs.

Mason at 463 Increasing emphasis is given in the United Nations and in regional organizations to the pursuit by international treaties of idealistic and humanitarian goals. It is important that the Commonwealth should retain its full capacity through the external affairs power to represent Australia, to commit it to participation in these developments when appropriate and to give effect to obligations thereby undertaken.

Mason 466 Broadly speaking the test which they favoured was whether in substance the legislation carries out or gives effect to the Convention.

Mason at 467 "On the broad view which I take of the power it extends to the implementation of the International convention on the... on the Elimination of all forms of Racial Discrimination. It is an international treaty to which Australia is a party which binds Australia in common with other nations to enact domestic legislation in pursuit of the common objective of the elimination of all forms of racial discrimination.

But I would go further and say that even on the more cautious expression of the scope of the power by Dixon in *Burgess*, it would extend to the implementation of the convention.

Mason at 468 At the level of international law the means chosen to attain this end was the formulation of the Convention. It imposes on each of the many parties to it an obligation to eliminate racial discrimination in its territory. The failure of a party to fulfill its obligations becomes a matter of international discussion, disapproval, and perhaps action by way of enforcement.

Murphy at 471 discussed "the obligations to take legislative measure...

Murphy at 472 Preservation of the world's endangered species, maintenance of universal standards of human rights.. are for Australia as well as other nations, internal as well as external affairs.

Murphy at 473 The people of the States are entitled as well as obliged to have the legislative and executive conduct of those affairs which are part of Australia's external affairs carried out by the Parliament and executive Government of Australia.

Wilson at 480 State" the task of ensuring the co-operation of the States may present a political challenge, although the developing practices of including State representation in commonwealth delegations to international conferences on subjects which may call for

implementation by State legislatures augurs well for future co-operation in the pursuit of an effective foreign policy and the maintenance of good international relations:

Wilson at 480 [dissenting] raised the Judicial Committee in *Attorney-General for Canada v Attorney-General for Ontario* [1937]

Where their Lordships expressed the view that in the totality of Dominion and Provincial legislative powers, Canada was fully equipped to implement any international obligations that might be incurred. The decision in that case, though not the accuracy of the observation to which I have referred was subjected to a good deal of criticism.

However, a recent assessment appears in an article by Edward McWhinney in the *Canadian Yearbook of International Law* (1969) vol. 7 p3 wherein (at 4-5) the author wrote: 'Not merely has the Labour Convention decision not rendered impossible the conduct of a national Canadian foreign policy. In fact, no single example has ever been cited, in the years since 1937...where its rationale has presented any practical difficulties, or even mild inconvenience, in the conduct of Canada's foreign relations. At the concrete, empirical level, it has in fact proved easily possible for Canadians to live with the decision...'`

Brennan J. at 482 also referred to *Labour Convention Case*... Lord Atkin in delivering the reasons for judgment....distinguished between the formation and the performance of treaty obligations. The making of a treaty is a function of the executive, but legislation to implement a treaty is a matter for the legislature. he said in reference to the Canadian constitution (at 348): The obligations imposed by treaty may have to be performed, if at all, by several legislatures and the executive have the task of obtaining the legislative assent not of the one parliament to whom they may be responsible, but possibly of several Parliaments to whom they stand in no direct relation. The question is not how is the obligation formed, that is the function of the executive: but how is the obligation to be performed, and that depends upon the authority of the competent legislature or legislatures. "

Brennan at 485 when the subject matter of a law is the subject of a treaty obligation and is 'indisputably international in character', para (xxix) is available to support the law . the present questions whether a law which creates or affects rights, duties powers or privileges regulating a field of activity which is the subject of a treaty obligation is a law with respect to an external affair, or whether some additional quality, "indisputably international" must be found in the subject of the treaty obligations. ...in *Burgess*..." at 30: "The external affairs power authorizes the parliament to make a law for the purpose of carrying out or giving effect to a treaty, at least if the treaty is in reference to some matter indisputably international in character." and Mason J said (at 470/91): " There is

abundant authority for the proposition that the subject matter extends to Australia's relationships with other countries and in particular to carrying into effect treaties and conventions entered into with other countries and in particular to carrying into effect treaties and conventions entered into with other countries provided at any rate that they are truly international in character.

Brennan at 487 Where a particular aspect of the internal legal order of a nation is made the subject of a treaty obligation, there is a powerful indication that subject does affect the parties to the treaty and their relations one with another. They select that aspect as an element of their relationship, the obligee nations expecting and being entitled in international law to action by the obligor nation in performance of the treaty. And therefore to subject an aspect of the internal legal order to treaty obligations stamps the subject of the obligation with the character of an external affair. This is consistent with the view of the majority of the court in *R v Burgess*... at 644 said: "The Commonwealth Parliament was given power to legislate to give effect to international obligations binding the Commonwealth or to protect national rights internationally obtained by the commonwealth whenever legislation was necessary or deemed to be desirable for this purpose." Starke J (at 657) said: The constitution, in the legislative power to make laws with respect to external affairs, recognizes that the Commonwealth will have political relations with other Powers and States, and legislative power is conferred upon it in comprehensive terms, so that it may control those foreign or external relations and implement obligations that may have been assumed in the course of those relations. And Evatt and McTiernan JJ said (at 681): "in truth, the King's power to enter into international conventions cannot be limited in advance of the international situations which may from time to time arise. And in our view the fact of an international convention having been duly made about a subject brings that subject within the field of international relations so far as such subject is dealt with by the agreement."

Brennan at 487 "These views were adhered to in *R v Poole; Ex parte Henry (no.2)* and They were repeated in *Airlines of NSW (No 2)* by Windeyer J (at 152): A law necessary to give effect to a particular treaty obligation of the Commonwealth is a law with respect to external affairs." If Australia, in the conduct of its relations with other nations, accepts a treaty obligation with respect to an aspect to Australia's internal legal order, the subject of the obligation thereby becomes (if it was not previously) an external affair, and a law with respect to that subject is a law with respect to external affairs.

Brennan at 487 I would agree, however, that a law, with respect to a particular subject, would not necessarily attract the support of para (xxix) if a treaty obligation had been accepted with respect to that subject merely as a means of conferring legislative power upon the Commonwealth Parliament. 26. The power to effect the obligation imposed by a convention lies on the Confederation (federal)

In *RV Burgess: Ex parte Henry* (1936) 55 (at 645/453) the judgment of Stephen J...

His Honour stated (at 646/454) that the content of the external affairs power must be determined by what is generally regarded at any particular time as part of the external affairs of the nation, describing that as "a concept the content of which lies very much in the hands of the community of nations of which Australia forms a part" ... (p. 689)

Case is authority for the proposition that the power authorizes a law which gives effect to an obligation imposed on Australia by a bona fide international convention or treaty to which Australia is a party (689)

EXHIBIT: EXCERPTS FROM THE FRANKLIN DAM CASE

1. does the enactment of the law constitute an implementation by Australia of an obligation imposed on it by the Convention? Conversely, would Australia be in breach of an obligation imposed on it by the Convention if it failed to enact the law or some law substantially to the same effect?
2. Does the subject-matter of the Convention to which the law gives effect in the manner in which it is treated, involve in some way a relationship with other countries or with persons or things outside Australia?
3. Is the subject-matter of the convention to which the law gives effect, something which, although it relates to domestic activity, affects relations between Australia and another or other countries?

The first of the three tests seeks to express the idea that it is the implementation of an obligation imposed on Australia by a treaty that attracts the external affairs power, that it is the treaty obligation and its implementation that constitutes the relevant subject or matter of external affairs. .. As I pointed out in *Koowarta* (at 648-50/457-62), the treaty itself is a matter of external affairs, as is its implementation by domestic legislation. The insistence in *Burgess* of the legislation to carry into effect provisions of the convention in accordance with the obligations which that Convention imposed on Australia is not inconsistent with what I have said, though it does raise a question as to the scope of the legislative power in this application to a treaty, ...

At this point, it is sufficient to say that there is no persuasive reason for thinking that the international character of the subject matter or the existence of international concern is confined to that part of a treaty which imposes an obligation on Australia. A provision in a treaty which is

designed to secure to Australia; a benefit may be just as much a matter of international concern, possessing an international character, with a potential to affect Australia's relationships with other countries, as a provision in a treaty which imposes an obligation upon Australia.

... But when we have regard to international affairs as they are conducted today, when the nations of the world are accustomed to discuss, negotiate, co-operate and agree on an ever widening range of topics, it is impossible to enunciate a criterion by which potential for international action can be identified from topics which lack this quality.

... p691

It is suggested that if a topic becomes the subject of international cooperation or an international convention it is necessarily international in character —

...

The fact of entry into and of ratification of, an international convention, evidences the judgment of the Executive and of Parliament that the subject matter of the convention is of international character and concern and that its implementation will be a benefit to Australia. ...

...the court should accept and act upon the decision of the Executive government and upon the expression of the will of Parliament in giving legislative ratification to the treaty or convention. (p. 692)

... Koowarta makes the point that the content of the external affairs power has expanded greatly in recent times along with the increase in the number of international conventions and the extended range of matters with which they deal (ALJR) at 645-6, 650; (ALR) at 453-4, 462-3

Section 51(xxix)

"There is no reason at all for thinking that the legislative power conferred by s51(xxix) was intended to be less than appropriate and adequate to enable the Commonwealth to discharge Australia's responsibilities in international and regional affairs... As the object of conferring the power was to equip the Commonwealth with comprehensive capacity to legislate with respect to external affairs, it is not to the point to say that such is the scope of external affairs in today's world that the content of the power even to the Commonwealth is greater than it was thought to be in 1900."

Accordingly, it conforms to established principle to say that s51 (xxix) was framed as an enduring power in broad and general terms enabling the Parliament to legislate with respect to all aspects of Australia's participation in international affairs and of its relationship with other countries in a changing and developing world and in circumstances and situations that could not be easily foreseen in 1900 (p693). This circumstance is often overlooked by those who are preoccupied with the impact that the exercise of the power may have in areas of legislation traditionally regarded by the States as their own. The consequences to Australia resulting from an inadequate Commonwealth legislative power with respect to external affairs — which represents the price to be paid for the preservation to the States of these areas of legislation — were emphasized in *Koowara* (ALJR) at 650-1, 656; (ALR)

... it must always be remembered that we are interpreting a Constitution broad and general in its terms, intended to apply to the varying conditions which the development of our community must involve."

Despite Norris' assessment of the "equitable remedy of the injunction" in most injunctive cases, the condition for granting an injunction appears to be restricted to a "balance of convenience" (the term "convenience" appears to be interpreted as meaning suitability; and the term "just" appears to be absent indicating perhaps that the courts do not believe that there is a significant distinction between "suitability" and "just".) It is understandable that the courts, in deciding between two competing economic claims, would approach the claims as being a balance of convenience. Not all conflicts however, can always be justly resolved by balancing conveniences. Further, cases between short term economic claims and long term ecological concerns of potential irreversible destruction surely must not be resolved by misconstruing an ecological right as being one of convenience, and an economic privilege as being one of irreparable harm as had been done in *Wiigyet vs District Manager*. ∞ FULL

In judicial decisions related to conflicts between short term economic interests and long term ecological concerns the courts in using equitable remedies must reexamine fundamental principles of justice and equity, so as to ensure that the legal system fosters not inhibits justice and equity. It may also be necessary to accept a limitation on freedoms: i.e. that which was considered to be a right may now only be deemed to be a privilege, and in being a privilege it should receive different and more intense scrutiny.

The global system is presently attaining or approaching an ecological state of irreversibility or privation. The time has past for the perpetuation of precedence reflecting the exclusive reliance on narrowly defined "convenience" and "balance of convenience" or conflict between "convenience and irreparable damages or harm", and reliance on Forest Company affidavits as a basis for granting injunctions. There appears to be a serious discrepancy or lack of correspondence between the criteria for making injunctive decisions and the current recognition of time and circumstance as reflected by concerns in the international scientific and academic community and by proclamations in international documents.

The need to redefine irreparable damage is made evident in the previously mentioned *Wiigyet vs. District Manager* case. International and national documents could assist the court in defining irreparable damage so that the court could "move with time and circumstance" (Norris).

A F I D A V I T

I, Joan Russow, of 1230 St. Patrick St. of the city of Victoria, Province of British Columbia
MAKE OATH AND SAY AS FOLLOWS:

1. THAT I am a Sessional lecturer in Global Issues in the Environmental Studies Program at the University of Victoria; the Chair of the International Affairs Caucus of the British Columbia Network (BCEN); a member of an International Commission-the IUCN (World Conservation Union) Commission on Education and Communication, and founder of the International Law and Obligations Institute (ILOI) — an institute established to monitor compliance to International obligations.

2. THAT I attended the New York Prep Com (March 1992), the UNCED Earth Summit and Global Forum (June, 1992), the meeting of the World Heritage Committee, and the Annual General Meeting of the IUCN.

3. THAT I am a researcher in an international Harvard -based project, which examines climate change, ozone depletion and acid rain documentation and implementation of policy in eight different countries; and that I am involved in coordinating a "Global Compliance Project" for the 1995 UN Conference in Beijing.

4. THAT I have extensive experience in analyzing and categorizing research data and in carrying out content analysis in different disciplines.

Since 1985, I have been doing a content analysis of international documents. I have analyzed statements in the following International legal instruments and UN resolutions:

Universal Declaration of Human Rights, 1948; Stockholm Conference on the Human Environment, 1972; UN Conservation of Natural Heritage, 1972; UN Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973; International Covenant of Social, Cultural Rights; International Covenant of Civil and Political Rights, 1976; the Vienna Convention of Treaties, 1978; the World Charter of Nature, 1982; Non-proliferation of Nuclear weapons; Vienna Convention for the Protection of Ozone, 1985; Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 (and London and Copenhagen Protocols); UN Convention on the Rights of the Child, 1989; Convention for the Control of trans-boundary Movements of Hazardous Wastes (Basel Convention 1989); Environmental Assessment Review of trans-boundary Projects; 1991

ASEAN; Jakarta Declaration. the Caracas Declaration, 1992; Rio Declaration and Agenda 21, 1992, Convention on Biological Diversity, 1992; UN Framework Convention on Climate Change, 1992.

In particular, I have done a content analysis of the UNCED documents, and extracted over 200 principles enunciated in those documents. In October, 1993, at the University of Victoria, I also organized a panel discussion on "International Law and Obligations: Implications for the Clayoquot" .

5. THAT I am currently involved in a university project examining B.C. and Canadian environmental legislation

6. THAT I have had input into the drafting of several international documents: a proposed Earth Charter for UNCED; the NGO Earth Charter at the UNCED Global Forum; and the IUCN "Covenant" prepared by the IUCN Commission on Environmental Law.

7. THAT I have reviewed international documents such as the UNCED Forest Principles document, and indicated its inconsistency with other international documents; I have reviewed federal documents such as the proposed Charlottetown Accord, and the CIDA guidelines for international projects, and indicated the inconsistency of these documents with other international and federal documents. I have 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.

8 THAT I will submit evidence about the following:

6.1. THAT there is a strong indication from statements from international documents, and from experts that there is an urgency to address the global environmental situation, and that "inaction is negligence" (Digby McLaren, Past President of the Royal Society of Canada, Keynote address, Global Issues Conference, 1991).

EXHIBIT A: Evidence of statements about urgency by Science Council of Canada; by the Royal Society of Canada; by the Concerned Scientists, Warning to Humanity; and by the international community in international documents.

6.2. THAT there is a duty expressed in international documents to act to address this urgency, and through international customary law as expressed in the International Covenant on Civil and Political Rights, and in UN Resolution 37/82, a duty has been placed on States to adopt such legislative or ... measures as may be necessary to give effect ... to international documents, and BC has undertaken this duty as a result of this international customary law.

EXHIBIT B: Evidence of statements of duty expressed internationally, nationally and provincially.

6.3. THAT Canada as well as B.C. has failed in many cases to exercise this duty and comply with its obligations. In particular, Canada has failed to comply with the Convention on Biological Diversity which Canada signed (June, 1992) and ratified (December, 1992); and which has been in force since December 1993; and that Canada under Article 18 of the Convention of Treaties, must not "defeat the purpose of the Treaty in the interim between the signing of the treaty and the coming into force of the treaty".

EXHIBIT C: Evidence that Canada has defeated the purpose of the Treaty since June 1992 by failing to conserve biodiversity, by failing to identify biodiversity, by failing to invoke the precautionary principle to justify the banning of ecologically unsound practices, and by failing to carry out an environmental assessment review of anything that could contribute to the loss or reduction of biodiversity.

6.4. THAT Canada has invoked internal law to justify not complying with these obligations (through claiming that B.C. is not bound by these documents and thus not required to comply. Under Article 27 of the Vienna Convention of Treaties, Canada is bound not to invoke internal law to justify non-compliance to international treaties.

EXHIBIT D1: Evidence that Canada under the Convention of Treaties has undertaken not to invoke internal law to justify not fulfilling international treaty obligations.

EXHIBIT D2: Evidence that indicates that B.C. as well as Canada is bound by these international obligations whether through legally binding documents such as the Biodiversity Convention and the Climate Change Convention, or through international customary law including the Common Law Doctrine of Legitimate Expectation, and evidence that the 1937 International Labour Supreme Court Decision can be distinguished in the case of the Convention on Biological Diversity.

6.5. THAT Canada has invoked internal law to justify not complying with these obligations through granting injunctions that prevent the fulfilling of these obligations. Under Article 27 of the Vienna Convention of Treaties, Canada is bound not to invoke internal law to justify non-compliance to international treaties.

EXHIBIT E : Evidence that B.C. has not only used internal law — the granting of injunctions to justify non compliance to International obligations but has failed to invoke its own internal law to prevent violations of international obligations.

6.6. THAT many of the Clayoquot Protectors were informed through circulated material and proclamations that there were international obligations undertaken by Canada and B.C., and that these obligations were being violated in the Clayoquot.

EXHIBIT F: Evidence of examples of documents about B.C. 's non-compliance to international obligations circulated to Clayoquot protectors.

6.7. THAT there has been international condemnation of British Columbia through a resolution from IUCN, an international organization with representation from 125 countries, including representation from governments and non-governmental organizations. I am a member of the Commission on Education and Communication of the IUCN (the World Conservation Union) —an organization that has both non-governmental and governmental representation, and academic and professional representation from 125 countries. I was instrumental in January 1994, in assisting in the drafting of 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.

EXHIBIT G: Evidence of International condemnation of forest practices in British Columbia, and of international call for the protection of a large network of original temperate rainforests as recommended by the Western Canada Wilderness Committee whose proposal for a network includes Clayoquot Sound.

6.8. THAT it may not be equitable to prosecute citizens through the use of an equitable remedy— an injunction- when the granting of the equitable remedy is still under question in the courts, and when the equitable remedy is being used against those who call for the adherence to international obligations. I also propose that the issuance of equitable remedy such as an injunction which has usually been issued to prevent irreparable harm, has in this case of Clayoquot sound been issued against those who strive to prevent irreparable harm and call for the adherence to international obligations. [Note: that there have been several attempts to set aside the injunction, the last one being heard in January with no decision yet being handed down in June, and citizens are still being tried as criminals for contempt of court for their not complying with the injunction]

EXHIBIT H: Evidence that the injunction is an equitable remedy that has been misapplied in the Clayoquot case.

In the BC Litigation publication, Justice J.A. Norris described the nature of the injunctive remedy in British Columbia Law in the following way:

The remedy [of injunction] of course, is an equitable one. The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Justice J.A. Norris)

6.9 . THAT there is a positive duty upon citizens to ensure that a state adheres to its international obligations.

EXHIBIT I : Evidence to support the proposal that it is the responsibility and duty of individuals to act to ensure compliance with international obligations

6.10 .THAT in cases of potential irreversibility there may not be time for citizens to wait to exhaust all domestic measures before bringing their concerns to the international forum; and

THAT the exercising of this positive duty as was done in Clayoquot Sound by peacefully assembly to protest the non-compliance with international obligations should not be considered to be a demonstration of criminal contempt of court. When established members of the community, such as representatives of government at international

conferences, senior scientists from national institutions indicate the gravity and urgency of the global situation, including deforestation, it is inequitable for the courts to impose injunctions that were traditionally an equitable remedy to prevent irreparable harm on those who try to prevent irreparable harm. It is equally inequitable to charge those who call upon governments to live up to their commitments as criminals while those who do not adhere to international commitments, federal laws and provincial statutes are fined occasionally for their "transgressions".

Since Canada has made these commitments outlined in the above exhibits, and because these commitments are inconsistent with the continuing to log in significant stands of unfragmented watersheds the injunction should have been rescinded because the injunction is contributing the non-fulfillment of international, national and provincial obligations.

In my opinion the court has violated principles of equitable law, such as the principle that "he who comes to equity must come with clean hands," by granting an equitable remedy to a party, MacMillan Bloedel, that itself has been in violation of international, federal and provincial law. When the ignoring of this equitable principle was brought to the attention of Judge Drake, he ruled that, in equity, "equity follows the law". If that were the case, and if international laws, such as the UN Resolution 37/7 (1982), federal laws, such as the Fisheries Act, and provincial laws, such as the Forest Act had been applied years ago, tree Farm licenses would have been suspended and canceled, and forest practices changed. In the absence of the court's willingness to enforce international law and federal and provincial statutory law, "equity has not followed the law".

In the Clayoquot, the court failed to invoke the law, and instead has demonstrated contempt for its own laws, by misconstruing the purpose of the equitable remedy of an injunction, which is to prevent irreparable harm. In circumstances where the state has failed to exercise its duty to act, and the court has failed to enforce the law, it is the state and the court that has demonstrated contempt for the law. This contempt has been shown at all three levels: international, federal and provincial.

In addition, in the Clayoquot trials, the court has condoned not only violations of guarantees in the Canadian Charter of Rights and Freedoms, but also violations of guarantees in the International Covenant of Civil and Political Rights, such as the following:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him {Article 14 3 (e)}.

[NOTE THAT IN THE CLAYOQUOT TRIALS IN VICTORIA FEW WITNESSES HAVE BEEN PERMITTED TO APPEAR FOR THE DEFENCE]

It is institutions not individuals that have demonstrated contempt for law and justice.

There appears to be little recourse for the Clayoquot Protectors than to eventually seek redress through the Optional Protocol International Convention of Civil and Political Rights which provides the following remedy:

Subject to the provisions of article 1 individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the committee for consideration. (Article 2)

Ombudsman

In a letter from the Ombudsman's office indicating the findings of the Ombudsman's office (1993) related to the Russow/Gage inquiry into the way the B.C. government will be fulfilling international commitments: the senior investigator for the Ombudsman's office conveyed the commitment of B.C. to the UNCED obligations:

Compliance with International Agreements.

Direct personal discussions were held with Mr. Cheston, Assistant Deputy Minister of Operations Division, Ministry of Forests, and Mr. Owen, Commissioner on Resources and Environment. Both Mr. Cheston's and Mr Owen's responsibilities reflect the government's priority for those issues of concern to you...

From these meetings, as well as from additional discussions with senior staff from the Ministry of Forests and the Ministry of Environment, Lands and Parks, we have

determined that BC intends to comply with the agreements signed at the UNCED in June 1992.

Canada and B.C. is also bound by the UN convention on Cultural and natural Heritage

Not to do anything that could

not to invoke internal law to justify the performance of a treaty

no through it s

JEN.

Here are two letters that I wrote in relation to the designation of a network of forests being designated as international heritage sites.

1. letter to Arthur Campeau ; I think this letter got lost in the government shift. Usually Campeau is good at responding to letters. Unfortunately I did not follow up with another letter. A redraft of the letter could be resubmitted to John Fraser's office. Perhaps signed by the Friends and the Ecological Rights Association.

2. letter to President of World Heritage Committee. I did receive a response from the president of the World Heritage Committee

He did not agree with my interpretation of the "heritage in peril clause". He contends that this designation only applies to sites that have already been nominated by the state, approved by the IUCN, and accepted by the World Heritage Committee to be placed on the heritage list. Once a site has been placed on a world heritage list, and the state does not protect it then the site can be placed on the heritage in danger list. I think that we can argue that the intention of the Convention was expressed in the Preamble (the duty placed on the international community to identify sites of outstanding universal value), and that the drafters of the Convention did not envision that States would not be interested in preserving these sites.

Arthur Campeau
 Canadian Ambassador for the Environment
 External Affairs

Sunday, August 22, 1993

CANADA FAILS TO FULFILL ITS INTERNATIONAL DUTY TO DESIGNATE OLD
 GROWTH SITE AS BEING ONE OF OUTSTANDING INTERNATIONAL WORTH

When I was in Paris in June, I attended the meeting of the Heritage Committee, of the Convention of the Preservation of Cultural and Natural Heritage. (1972)

For some time I have been concerned with the way Canada, especially B.C., has been remiss in not fulfilling its duty under the Convention for the Preservation for Cultural and Natural Heritage, to identify sites of potential international worth. At the meeting of the Heritage Committee, I raised the question of the apparent discrepancy between the strong preservation intention expressed in the preamble:

"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... (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

and article 11 which places the obligation to identify significant sites on the State. I also mentioned that I believed that the Convention appeared to have presumed that States would have wanted to have sites designated as being of outstanding universal value; the drafters of the Convention did not envision the case that is occurring in Canada where the state, for essentially commercial reasons, fails to fulfill its duty to identify sites of potential universal value.

At that meeting of the Heritage Committee, it was indicated that States had been requested to submit a list of potential future sites to the Committee. I asked the official Canadian Observer, to let me see the list of sites proposed by Canada. I noticed that there was no significant network of temperate rainforests proposed for preservation.

The omission of a significant network of preserved temperate rainforests was particularly disturbing in the light of the fact that the Observer from Australia had a forty

page document supporting a request from the Australian government to preserve a network of temperate rainforests in Australia.

It would appear that International intervention without the consent of the state is permitted, however, in cases of World Heritage Sites in Danger when the state fails to protect sites that have already been designated. In Article 11.4 of the United Nations Convention for Protection of the World Cultural and Natural Heritage, there is, however, a specific intervention which enables the committee to carry out the following action:

The committee may at any time, in case of urgent need, make a new entry in the list of World Heritage in Danger and publicize such entry immediately (United Nations Convention for the Preservation of Cultural and Natural Heritage, article 11, 4)

This clause appears to be ambiguous, and given the statement referred to above from the preamble, could be interpreted as meaning without the permission of the State.

Enclosed please find a copy of the proposal that I submitted to the President of the Heritage Committee.

Joan Russow

ERA Ecological Rights Association

1230 St Patrick St.
Victoria, B.C. V8S 4Y4
Canada
PH 604-598-2740
FAX 604-385-0068

Dr Bernd von Droste
Director of the World Heritage Centre
UNESCO
7 place de Fontenoy
75352, Paris 07 SP, France

July 13, 1993

Dear Dr. Von Droste

I would like to apologize for my unofficial intrusion at the meeting of the World Heritage Committee.

I would, however, like to raise a series of points related to the United Nations Convention of World Cultural and Natural Heritage, and then make a resolution. Some of these points arose because of a rereading of the Convention, the criteria for nomination and the regulations for operation.

The points are outlined in the enclosed proclamation which has been prepared for signatures, and then submission to the provincial and federal governments.

Yours sincerely,

Joan Russow

ERA Ecological Rights Association

The "unofficial Canadian observer" at the June World Heritage Committee meeting in June.

PROCLAMATION SENT TO THE PRESIDENT OF THE WORLD HERITAGE
COMMITTEE

UNESCO

"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...
(Convention for the Protection of the World cultural and Natural Heritage, preamble, **1972**)

WE REQUEST

THAT THE WORLD HERITAGE COMMITTEE COMPLY WITH THE URGENT NEED TO MAKE A NEW ENTRY IN THE LIST OF WORLD HERITAGE IN DANGER (ARTICLE 11, 4):

THE PRESERVATION ON VANCOUVER ISLAND, BRITISH COLUMBIA OF

A WORLD COMPOSITE NATURAL AND CULTURAL HERITAGE SITE

CONTAINING THE FOLLOWING COMPONENT SITES:

1. CLAYOQUOT SOUND,
2. INTACT WATERSHEDS CONTAINING SIGNIFICANT STANDS OF UNFRAGMENTED OLD GROWTH (SUCH AS THE WALBRAN, THE UPPER CARMANAH),
3. ASSOCIATED CULTURAL HERITAGE OF INDIGENOUS PEOPLES

AND THE FOLLOWING PATHWAYS

1. NATURAL CONSERVATION CORRIDORS
2. CULTURAL PATHWAYS OF INDIGENOUS PEOPLES

REASONS FOR PROPOSED INCLUSION

1. FULFILLMENT OF WORLD HERITAGE CRITERIA

GIVEN THAT this composite natural and cultural site fulfills criteria for both natural and cultural heritage

Natural heritage criteria (ii), (iii) and (iv) of the criteria for inclusion in the World Heritage list.

(ii) be outstanding examples representing significant ongoing geological processes... biological evolution and man [human] interaction with his [its] natural environment; as distinct from the periods of the Earth's development, this focuses upon ongoing processes in the development of communities of plants and animals, land-forms and marine areas and fresh water bodies;

(iii) contain superlative natural phenomena formations or features for ... outstanding examples of the most important ecosystems, areas of exceptional natural beauty or exceptional combinations of natural and cultural elements;

(iv) containing the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive

and criteria (i), (ii) (v) and (vi) for the inclusion in cultural property

(i) represent a unique artistic achievement, a masterpiece of the creative genius;

(ii) have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or town planning and landscaping;

(v) an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change;

(vi) be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance

2. FULFILLMENT OF CRITERIA OF URGENCY TO BE INCLUDED AS A NEW WORLD HERITAGE ENTRY

Given In Article 11.4 of the United Nations Convention for Protection of the World Cultural and Natural Heritage, there is a specific intervention which enables the committee to carry out the following action:

The committee may at any time, in case of urgent need, make a new entry in the list of World Heritage in Danger and publicize such entry immediately (United Nations Convention for the Preservation of Cultural and Natural Heritage, article 11, 4)

3 FULFILMENT OF GOAL OF CONVENTION TO BRING TOGETHER NATURAL AND CULTURAL HERITAGE

Given, the in its publication Nature and Resources UNESCO has recognized the significance of linking natural and cultural heritage in the recent formation of the World Heritage Centre

Establishment of World Heritage Centre in 1992, to bring together what had been separate secretariats for natural and cultural heritage. .. to provide new impetus to heritage conservation at the interface of culture and nature .

() THAT IN 1997, I DRAFTED AND CIRCULATED A RESOLUTION ON INDIGENOUS ISSUES

COMMENT

When I returned from UNCED I brought back a hard copy of Agenda 21 the over 400 page document aAgenda 21, Agenda 21 was a document adopted by all States. While Agenda 21 is not deemed legally binding it does reflect a reflection of international comment. I wrote a summary in which I extracted the strongest commitments I could find in agenda 21

Exhibit of the Resolution I drafted on indigenous issues including chapter 26 which was devoted to indigenous issues; along with references in other chapters where there were reference to indigenous issued Resolution

4. FULFILLMENT OF NATURAL AND CULTURAL COMMITMENTS IN UNCED

Given that the global community has made commitment to preserving natural and cultural heritage through various documents from UNCED

4.1. AGENDA 21: BIODIVERSITY CHAPTER (CHAPTER 15)

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. " (15.3 Biodiversity)

" 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. 15.3 Biodiversity

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)

" 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 Biodiversity

" 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)

" 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)

" Introduce appropriate environmental impact assessment procedures for proposed projects likely to have significant impacts upon biological diversity... and encourage the assessment of the impacts of relevant policies and programmes on biological diversity (Agenda 21, 15.5 k)

4.2. CHAPTER 26, AGENDA 21 COMMITMENTS TO INDIGENOUS PEOPLE

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, 26.1)

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:

(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;

) to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992);

5. FULFILLMENT OF SIGNIFICANT INTERFACE CULTURE AND NATURE THROUGH ETHNOBOTANY

Aboriginal people of the region are closely tied to the ecosystems of the coast and the forest, of and their knowledge of ecosystems is very detailed and profound. Without the preservation of the life forms their knowledge will be lost (Dr. N. Turner, Ethnobotanist)

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)

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- (a) Establishment of a process to empower indigenous people and their communities through measures that include:
 - (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;

In the UNESCO publication, *Nature & Resources*, it is indicated that international designation without prior state designation is within the intention of the original Convention:

Among other steps, the World Heritage Committee intends to amend its Operational Guidelines to allow a site to be included on the List of World Heritage in Danger without a preliminary request from the State concerned, a possibility that is not ruled out by the Convention and was actually envisaged by its authors. (3)

This statement is ambiguous because it does not say whether the "site" must or must not already be on the List of World heritage sites.

It would appear that this prerogative of the committee falls outside the Guidelines for inclusion (i) the property under consideration is on the World Heritage List. (operational Guidelines for the United Nations Convention for Protection of the World Cultural and Natural Heritage, March 17, 1992)

For years Canada has signed international agreements and undertaken obligations, and for years Canada has deluded the global community about its concern for the environment.

Canada has made international commitments, and the public can impute an intention to fulfill these obligations, and before making these commitments Canada should have been able to ensure the international community that it had the ability to comply with its obligations.

Chapter 26

Agenda 21 – Chapter 26 RECOGNIZING AND STRENGTHENING THE ROLE OF INDIGENOUS PEOPLE AND THEIR COMMUNITIES PROGRAMME AREA Basis for action 26.1. 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

26.2. Some of the goals inherent in the objectives and activities of this programme area are already contained in such international legal instruments as the ILO Indigenous and Tribal Peoples Convention (No. 169) and are being incorporated into the draft universal declaration on indigenous rights, being prepared by the United Nations working group on indigenous populations. The International Year for the World's Indigenous People (1993), proclaimed by the General Assembly in its resolution 45/164 of 18 December 1990, presents a timely opportunity to mobilize further international technical and financial cooperation. Objectives

26.3. In full partnership with indigenous people and their communities, Governments and, where appropriate, intergovernmental organizations should aim at fulfilling the following objectives: 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; iv. Recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, CONTINUE to be essential to the cultural, economic and physical well-being of indigenous people and their communities; v. Development and strengthening of national dispute-resolution arrangements in relation to settlement of land and resource-management concerns; vi. Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development; vii. Enhancement of capacity-building for indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource-management practices, to ensure their sustainable development; b. Establishment, where appropriate, of arrangements to strengthen the active participation of indigenous people and their communities in the national formulation of policies, laws and programmes relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programmes; c. Involvement of indigenous people and their communities at the national and local levels in resource management and conservation strategies and other relevant programmes established to support and review sustainable development strategies, such as those suggested in other programme areas of Agenda 21. Activities

26.4. Some indigenous people and their communities may require, in accordance with national legislation, greater control over their lands, self-management of their resources, participation in development decisions affecting them, including, where appropriate, participation in the establishment or management of protected areas. The following are some of the specific measures which Governments could take: a. Consider the ratification and application of existing international conventions relevant to indigenous people and their communities (where not yet done) and provide support for the adoption by the General Assembly of a declaration on indigenous rights; b. Adopt or strengthen appropriate policies and/or legal instruments that will protect indigenous intellectual and cultural property and the right to preserve customary and administrative systems and practices.

26.5. United Nations organizations and other international development and finance organizations and Governments should, drawing on the active participation of indigenous people and their communities, as appropriate, take the following measures, inter alia, to incorporate their values, views and knowledge, including the unique contribution of indigenous women, in resource management and other policies and programmes that may affect them: a. Appoint a special focal point within each international organization, and organize annual inter-organizational coordination meetings in consultation with Governments and indigenous organizations, as appropriate, and develop a procedure within and between operational agencies for assisting Governments in ensuring the coherent and coordinated incorporation of the views of indigenous people in the design and implementation of policies and programmes. Under this procedure, indigenous people and their communities should be informed and consulted and allowed to participate in national decision-making, in particular regarding regional and international cooperative efforts. In addition, these policies and programmes should take fully into

account strategies based on local indigenous initiatives; b. Provide technical and financial assistance for capacity-building programmes to support the sustainable self-development of indigenous people and their communities; c. Strengthen research and education programmes aimed at: i. Achieving a better understanding of indigenous people's knowledge and management experience related to the environment, and applying this to contemporary development challenges; ii. Increasing the efficiency of indigenous people's resource management systems, for example, by promoting the adaptation and dissemination of suitable technological innovations; d. Contribute to the endeavours of indigenous people and their communities in resource management and conservation strategies (such as those that may be developed under appropriate projects funded through the Global Environment Facility and the Tropical Forestry Action Plan) and other programme areas of Agenda 21, including programmes to collect, analyse and use data and other information in support of sustainable development projects.

26.6. Governments, in full partnership with indigenous people and their communities should, where appropriate: a. Develop or strengthen national arrangements to consult with indigenous people and their communities with a view to reflecting their needs and incorporating their values and traditional and other knowledge and practices in national policies and programmes in the field of natural resource management and conservation and other development programmes affecting them; b. Cooperate at the regional level, where appropriate, to address common indigenous issues with a view to recognizing and strengthening their participation in sustainable development. Means of implementation (a) Financing and cost evaluation

26.7. The Conference secretariat has estimated the average total annual cost (1993-2000) of implementing the activities of this programme to be about \$3 million on grant or concessional terms. These are indicative and order-of-magnitude estimates only and have not been reviewed by Governments. Actual costs and financial terms, including any that are non-concessional, will depend upon, inter alia, the specific strategies and programmes Governments decide upon for implementation. (b) Legal and administrative frameworks

26.8. Governments should incorporate, in collaboration with the indigenous people affected, the rights and responsibilities of indigenous people and their communities in the legislation of each country, suitable to the country's specific situation. Developing countries may require technical assistance to implement these activities. (c) Human resource development

26.9. International development agencies and Governments should commit financial and other resources to education and training for indigenous people and their communities to develop their capacities to achieve their sustainable self-development, and to contribute to and participate in sustainable and equitable development at the national level. Particular attention should be given to strengthening the role of indigenous women.

C. GLOBALLY ADOPTED OBLIGATIONS

1. FAILURE TO ABIDE BY RECOMMENDATIONS FROM CARACAS CONGRESS

D. INTERNATIONAL OBLIGATIONS AND THE CLAYOQUOT INJUNCTION

In September I tried to set aside the injunction because I thought that the granting of the injunction was a flagrant abuse of the justice system. here, those who were calling for Canada to enforce its own statutory laws and abide by its international obligations were been condemned as criminals.

In the application to grant the injunction and to extend the injunction, there was a failure to inform the Judge that Canada has not lived up to its international commitment to preserve a significant area of international worth: a network of intact old growth watershed, conservation corridors including Clayoquot sound (this type of extensive preservation has currently been carried out in Australia, and Australia has applied to have this network of temperate rainforests designated as an international heritage site at the recent meeting in 1993 of the World Heritage Committee at UNESCO)

1. Under the Convention of Treaties Canada is also bound to not invoke internal law to justify non performance of treaty obligations

B.C. has invoked internal law by granting an injunction that could contribute to the non performance of international obligations. It is for this reason that the court should seriously reconsider the justifiability of issuing an injunction to permit activities that could be in contravention of international obligations. We bring this request to rescind the injunction primarily because we are concerned that contempt for international, national and provincial environmental law reflected in years of non compliance by industry, and non-enforcement by government, has resulted in environmental degradation of the forest ecosystems.

()that In 1997 I drafted the following report card on Compliance with international obligations: prepared by the International Law and Obligations Institute (ILOI) for circulation. The ILOI is preparing a series of reports related to different international obligations

RECALLING THAT

THE IUCN PASSED THE FOLLOWING RESOLUTION

Resolution passed by the IUCN General Assembly meeting at Buenos Aires, Tuesday, January 25, 1994

19.72REV2 North American Coastal Temperate Forests

(Retyped with January 25 Amendments from the floor)

RECOGNISING that temperate coniferous forests, and especially rain forests, constitute a very rare type of ecosystem in the world, originally covering less than one-fifth of one percent of the earth's land surface, and that one half of the earth's original forest of this type occurs along the pacific Coast of North America from northwestern California to southeastern Alaska;

UNDERSTANDING that many endemic and unusual plants and animals occur only in these forests; and that in biomass productivity, the old growth forests (ancient forests) of this biome are unequaled anywhere;

AWARE that more than one half of the Earth's original coastal coniferous forests (ancient forests) have been logged, including more than 40 % of the ancient forests of this type on North America, and that few large unfragmented examples of this type of forest, other than in protected areas, exist outside of British Columbia and Alaska;

MINDFUL of the fact that such ancient forests on Vancouver Island and on the mid-coast of British Columbia are disappearing at a rapid rate as a result of practices that have, to date, not been ecologically sustainable;

ALSO, MINDFUL that past management practices have been controversial, while the US government has enacted legislation to ensure sustainable management of all forests, questions continue to arise;

UNDERSTANDING that the Raincoast Conservation Society, the Sierra Club, and the Western Canada Wilderness Committee have proposed a large network of protected areas, including conservation corridors, in areas of such ancient forests on Vancouver Island and the midcoastal of British Columbia;

AWARE of the fact that none of the protected areas that Canada maintains in forest areas along the Pacific Coast have been designated as World Heritage sites under the

provisions of the World Heritage Convention[s] and that these ancient forests may be of outstanding universal value;

The General Assembly of IUCN — the World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. URGES the Government of Canada and the United States to properly manage the temperate coastal coniferous forests of the Pacific Coast of North America by establishing appropriate protected areas and by adopting ecologically oriented systems of forest management which can be permanently sustained and which protect biodiversity;
2. CALLS UPON the Governments of Canada and British Columbia to substantially expand the amount of land in networks of protected areas, with conservation corridors, on Vancouver Island and the midcoast of British Columbia, taking into consideration the recommendations of environmental groups active in the regions such as the Raincoast Conservation Society, the Sierra Club and the Western Canada Wilderness Committee;
3. URGES the Government of Canada to consider nominating sites or combinations of sites (such as networks), in these forests as World Heritage sites under the World Heritage Convention[s];
4. RECOMMENDS that special efforts be made by these parties and their citizens to restore degraded parts of these forests and to secure the overall integrity of the biome by linking now separate forest stands

Moved by Michael McClosky International Sierra Club and Joan Russow member of the IUCN Commission on Education and communication 1994

While in 1997 the B.C. government has initiated a series of processes which have been purported to bring about compliance with international obligations. However, while deliberation proceeds under these processes, activities which are in violation of international obligations, also proceed. International obligations are either not being fulfilled, or if fulfilled, only minimally. This is a report card which evaluates the B.C. government's compliance with its international obligations under the Convention on Biological Diversity which was signed (June 13, 1992) and ratified (December 4, 1992) by Canada, and which is now in force (December, 29, 1993).

Report card: on B.C. compliance to the Convention on Biological Diversity:

1. Demonstration of the importance of Biological

Diversity through actions

D

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

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

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

2. Invoking of "the precautionary principle"

F

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

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

3. Application of the "environmental impact assessment" principle

F

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

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

4. Identification of processes and categories of significant adverse impacts

F

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

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

5. Sufficient identification of components of biodiversity

F

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

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

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

C

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

for setting up scientific panel on biodiversity A

for limiting scientific panel to single regionD

for continuing to permit the loss of biodiversity before it has been identified
and studied F

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

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

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

Determined to conserve and sustainably use biological diversity for the benefit
of present and future generations, .(Preamble Convention on Biological Diversity)

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

to protect ecosystems (8d) D
to promote the protection of natural habitats (8d) D
to promote the maintenance of viable populations (8d) D

11. Failure to promote environmentally sound and sustainable D
development

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

In the Carmanah Valley, the B.C. government has protected the lower part , but it may permit the logging of the upper part in a way that may jeopardize the protection of the lower park. This approach seems to be the government's 'balanced' approach to biodiversity.

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

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

tree farm "restoration"	F
some restoration work promising	C

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

F

1. B.C. since June 1992 has defeated the purpose of Biodiversity Convention by failing to have carried out an environmental assessment review of anything that could contribute to a reduction or loss of biodiversity

The former Canadian Ambassador for the Environment to the United Nations, Arthur Campeau, and the head of the Canadian Delegation at UNCED indicated that Canada was in non compliance with the Convention because of its failure to carry out an environmental assessment review. (Personal communication, March 1994)

In jurisdictions where an environmental impact assessment has been carried out, practices, typical of those carried out currently in BC forests, have been assessed as being destructive of biodiversity. For example, a German biologist specializing in biodiversity indicated that:

The practice of clear-cutting, followed by artificial reforestation has undoubtedly many technical and organizational advantages. In the course of time, however, soil scientists and

ecologists found out that the practice of clear-cutting 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)

2. B.C. since June 1992 has defeated the purpose of Biodiversity Convention by failing to avoid or minimize threat of significant reduction or loss of biological diversity through invoking the precautionary principle

As of June 1992, Canada undertook the obligations under the Biodiversity Convention 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)

- 'Biodiversity is defined in the Convention as

the variability among living organisms from all sources...and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems".

- 'Ecosystem' is defined as

a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

- There is sufficient evidence that clear-cut logging destroys biodiversity as defined above,

Dr. Richard Mittermeier, President of Conservation International, has stated that the precautionary principle, if invoked, could justify the banning of clear cut logging which contribute to loss and reduction of biodiversity (Personal Communication, IUCN Annual General Meeting, 1994)

3. B.C. since June 1992 has defeated the purpose of Biodiversity Convention through failing to have identified biodiversity

- Under the Convention the parties are required "to identify biodiversity"
- 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

Purpose to monitor, through sampling and other techniques, the components of biological diversity ... paying particular attention to those requiring urgent conservation measures ... (Article 7)

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

Purpose to identify a system of protected areas or areas where special measures need to be taken to conserve biological diversity (Article 8. In-situ conservation)

Purpose to protect ecosystems natural habitats and the maintenance of viable populations of species in natural surroundings (8c)

Purpose to promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protecting of these areas; (8E)

purpose to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of these components. (* i)

Purpose to develop or maintain necessary legislation and/ or other regulatory provisions for the protection of threatened species and populations (8k)

Purpose *. l

Purpose to adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity (10b)

Purpose to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation of sustainable use requirements. `

27B Submission of the dispute to the International Court of Justice

1. ENVIRONMENTAL ASSESSMENT OF ACTIVITIES THAT COULD HAVE A SIGNIFICANT ADVERSE EFFECT ON BIODIVERSITY

B.C. has failed to carry out an environmental impact assessment of proposed projects that are likely to have significant adverse effects

- Since the signing of the Convention, B.C. has refused to carry out an environmental impact assessment of forest practices that could have impact on biodiversity. In the Convention B.C. was required to do the following:

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 a)

2. INVOKING THE PRECAUTIONARY PRINCIPLE TO JUSTIFY THE BANNING OF CLEAR CUT LOGGING

B.C. has failed to invoke the precautionary principle and call for the banning of clear-cut logging and other ecologically unsound practices that destroy biodiversity

- Canada has undertaken international obligations related to biodiversity; and
- 'Biodiversity is defined in the Convention as

the variability among living organisms from all sources...and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems".

- 'Ecosystem' is defined as

a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

- There is sufficient evidence that clear-cut logging destroys biodiversity as defined above,
- The practice of clear-cut logging destroys the prospect of forest regeneration and promotes erosion and permanent loss of forest and habitat

- One of the obligations of the Convention on Biological Diversity is to invoke the Precautionary Principle related to biodiversity:

...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)

B.C. does not have to wait until there is "scientific certainty" that clear-cut logging and other ecologically unsound practices "contribute to the reduction and loss of biodiversity for British Columbia to "avoid and minimize such as threat" by banning clear-cut logging.

3. PROTECTION AND IDENTIFICATION OF BIODIVERSITY

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

- Under the Convention the parties are required "to identify biodiversity"

Identify components of biological diversity important for its conservation ...(Article 7, a)

4 PROTECTION OF CARBON SINKS

British Columbia under the Framework Convention on Climate Change 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.

Clear Cutting down old growth forests that have acted as carbon sinks for centuries would lead to non-compliance with the requirement to protect carbon sinks.

Major international organization condemns forest practices in B.C. calling for " ecologically oriented systems of forest management which protect biodiversity.

Canada has undertaken under the UN Convention for the Protection of Cultural and Natural Heritage to identify sites of "outstanding universal worth". The IUCN the organization given the responsibility of recommending whether nominated sites should be so designated by the World Heritage Committee is an organization composed of representatives of 125 countries from both government and non-government organizations. At the 1994 Annual General Meeting of the IUCN, a resolution was passed linking the destruction of the coastal rain to current forest practices in B.C., and calling upon the governments of Canada and B.C. to substantially expand the amount of land in networks of protected areas, taking into consideration the recommendations of environmental groups active in the region such as ...the Western Wilderness. [Note that in the Western Wilderness proposal Clayoquot Sound was included]. and that Canada consider nominating sites or combination of sites (such as networks), in these forests as World Heritage sites under the UN Convention for the Protection of Cultural and Natural Heritage". This resolution passed unanimously with one country abstaining, Canada.

On July 19, 1994, Russow is filing documents seeking leave to appeal Drake's decision " that international law, not expressed in Canadian law, is irrelevant in the inquiry into the legitimacy of granting the injunction.

In the Convention for the Protection of Cultural and Natural Heritage the urgency of the global situation is noted:

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

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).

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... (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

F

1994 APPLICABILITY OF AUSTRALIAN CASE

SIMILARITIES

1. BOTH CASES ADDRESS THE ISSUE OF EXTERNAL AFFAIRS POWER WHAT IS THE VALID EXERCISE OF THE EXTERNAL AFFAIRS POWER
2. BOTH CASES DEAL WITH A NETWORK OF TEMPERATE RAINFORESTS
- 3 BOTH CASES DEAL WITH A SITE THAT HAS BEEN RECOGNIZED BY THE IUCN

THE BODY GIVEN THE RESPONSIBILITY FOR DETERMINING WHETHER A PROPOSED SITE IS OF OUTSTANDING UNIVERSAL VALUE

DIFFERENCE

AUSTRALIAN GOVERNMENT AND THE STATE GOVERNMENT OF TASMANIA HAD FULFILLED THEIR OBLIGATIONS UNDER THE CONVENTION FOR THE PROTECTION OF CULTURAL AND NATURAL HERITAGE BY NOMINATING IN 1981 A NETWORK OF TEMPERATE RAINFORESTS. CANADA AND B.C. ON THE OTHER HAND HAS FAILED TO IDENTIFY THE TEMPERATE RAINFORESTS OF B.C. AS BEING OF OUTSTANDING UNIVERSAL VALUE

() in 1997 on March 21, with Stuart Parker, I sent out a press release

EXHIBIT

(*) THAT on March 27, I made a proposal for the World order Conference at Ryerson in Toronto

EXHIBIT

1997 March 26

ATTENTION: DR WALTER DORN, AND DR. HELMUT BURKHARDT

THE ROLE OF THE UNITED NATIONS TODAY AND TOMORROW

DRAFT ABSTRACT:

UNITED NATIONS AFFIRMING ITS MANDATE THROUGH INTERNATIONAL STANDARDS DERIVED FROM INTERNATIONAL INSTRUMENTS

For fifty two years through international instruments, 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.

At a recent Intercession meeting of the Commission on Sustainable Development in March, member States of the United Nations, and UN institutions appeared to be devolving themselves of power and responsibility, and advocating the transferring of this power more and more to the corporate sector. Even at a time where at two recent conferences, the UN Conference on Women: Equality, Development and Peace, and the Habitat II conference members state of the United Nations undertook: “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”.

For the United Nations to strengthen its role internationally it must build on the over 50 years of obligations incurred, expectations created and commitments made through international instruments. The elements of a blueprint for change already exists scattered throughout international instruments; what is essential is a further synthesis of the principles crafted through the years of operation of the United Nations. Principles drawn from these instruments could form a new protocol linked with the Charter of the United Nations; this protocol could establish a comprehensive body of International standards and regulations that would contribute to the “Evolution into a world order that is

built on a foundation for Peace". An example of significant principles from a United Nations instrument is contained in the "Declaration on the Use of Scientific Technology for Peace and for the Benefit of Humanity". Another significant undertaking was through a 1981 General Assembly resolution to reduce the military budget and transfer it into social programs. (In 1981, the Global military budget was less than 50% of what it is now).

To achieve the "world order building on a foundation for Peace", the global community should move to a time where obligations are discharged, expectations fulfilled and commitments acted upon. The United Nations has laid the elements of the blueprint, it is time that United Nations fully establish this blueprint, and that the member States summon up the political will to move from years of rhetoric to action.

In June 1997, the Earth Summit II meeting of government leaders will take place in New York. This meeting will present an opportunity for the Toronto conference to circulate resolutions coming out of the conference deliberations.

Proposed by Joan E. Russow Ph.D

Joan E. Russow Ph.D

Background

Masters degree in education developing a method of teaching human rights linked to peace and environment within a context of international instruments.

Ph.D. in Interdisciplinary Studies.

Attended the United Nations Conference on Environment and Development (UNCED) as a member of an accredited organization, and worked on the alternative Earth Charter. Since 1992, sessional lecturer in Global Issues, Environmental Studies Program, University of Victoria

Co-ordinator, Global Compliance Research project. Received a Canadian International Development Association (CIDA) grant to carry out a content analysis of UN instruments of statements related to peace, human rights, environment and social justice; the research was compiled in a 350 page book entitled "the Charter of Obligations"; this book was sanctioned as a research document and circulated to every state delegation at the UN Conference on Women: Equality, Development and Peace. A subsequent version was prepared and circulated at the Habitat II Conference; in this version the proposed articles in the Habitat II were placed in the context of commitments from Habitat I and in the context of previous obligations incurred through international instruments. Currently circulating internationally a 50 page document containing significant environmental principles drawn from international instruments. I attended the recent Intercession meeting of the Commission on Sustainable Development, and have submitted a critique of the current government follow-up document.

Group affiliation:

Director, Vancouver Island Peace Society

Director, Council of Canadians (Victoria Branch)

Representative for the Canadian Voice of Women on the Abolition 2000 committee

Founder of the Global Compliance Research Project, and the ERA Ecological Rights Assoc.

Member of the World Conservation Union (IUCN) Commission on Education and Communication

Co-founder, Vancouver Island Human Rights Coalition

Member of the United Nations Assoc. (Victoria Branch). Attended recent Intercession meeting in New York under the auspices of the United Nations Association.

“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

- 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.

For further information, please contact

Dr. Joan E. Russow, Global Compliance Research Project

Co-ordinator, BCEN International Affairs Caucus

e-mail jrussow@coastnet.com.

1230 St. Patrick St. Victoria, B.C. CANADA

COMMENT ABOUT JIM hARRIS

hilton

Corporations need to be

treated like machines, robots, not persons.]

Corporations have been governments? Do you mean they have placed their friends into political leadership positions through money and other methods of influence - see ****On the Take: The Mulroney Years**** by Cameron, for example. This is an important point that connects well in relationship to Jim Harris with his cozy relationship with certain segments of the corporate world. How come he only surfaces into Green politics when there is a leadership contest? Prior to the 1995 Ontario election, Jim ran for leader of the GPO. He lost to incumbent Frank de Jong. Then Jim disappeared into his corporate workshop world. Now, just before the next Federal election, he reappears again. If he isn't elected leader is he going to disappear once again? And what compromising opportunities are we in store for if he is elected leader?]

MORE ON CHARTER CHALLENGE

even habits" and Jim was conducting workshops at General motors on this. Check out the internet for info on this. Covey is from Utah and has been described as a religious Robbins.

I have spent so many years of my life addressing intolerance in religion (I worked with the civil liberties in 1988 to get mandatory bible reading out of the school system in B.C.).

I have also taken a strong stand against the corporate sector by calling for regulations, enforcement, revoking of charters, compensation, raising taxes, eliminating tax deferrals. There are also well meaning people that work with industry condemning the activists for always being divisive (we/they format). Unfortunately those that embrace industry and work for change from within undermine the stronger command and control position of the activists.

I would appreciate your comments on these matters.

I think one criterion for running for the leadership of the Green party should be to reveal any past or present activities that could in some way be detrimental to the party. We are required to submit a bio but bios are selective.

Joan

>section 81 j the amount of 1000 must be deposited with the returning officer at the same time as the nomination papers and 1/2 of the deposit shall be returned to the candidate on satisfaction of the conditions set out in para 84/3/a

3. the amount deposited by a candidate pursuant to section 81 shall be dealt with in the following way

a. where the candidate's return referred to in section 228 has been transmitted within the time provided therefore and the candidate has complied, to the satisfaction of the CEO Chief election officer with ss 219-2. 50% of the deposit shall be returned to the candidates official agent other wise, that amount belongs to her majesty in right of Canada

while the other half shall be returned on satisfaction of the conditions set out in para 84/3 b

b. where the candidate receives at least 15% of the votes cast in an election in the electoral district in which the candidate is nominated pursuant to this act 50% of the deposit shall be returned to the candidates official agent.

Political party deposit

registration of a political party 50 candidates

even if they differentiate between no deposit require however, there is requirement for party logo, records

MORE ON JIM HARRIS [Might this have something to do with Jim? Please be bold!

Move from the general to the specific. Not necessarily at this point, but sooner or

later I want to see you say exactly what you mean. Is Harris a spy? A

plant for the big corporations? An innocent dupe? A simple puppet? What

is he doing in the Green Party? Why doesn't he have Dalton McGuinty's job

(the new leader of the Liberal Party of Ontario)? Richard Thomas tried

for it before and did rather well, coming in third after David Peterson

and Shiela Copps. Are we better off having him with his corporate ties close

to us or not?]

JOAN JOAN

FEIGNED CORPORATE CONCERN FOR THE ENVIRONMENT

The corporate approach to the environment was revealed early in 1971

prior to the Stockholm United Nations Conference on Humans and the Environment (UNCHE). The Organization for Economic Cooperation and Development (OECD), representing the most developed nations,

expressed concern about not the environmental costs resulting from increased regulation but the economic costs of new environmental regulations.

This corporate approach has been carried through until in 1991 when [the] International Standardization Organization (ISO) repositioned itself as a "standard setting body". The ISO supported by the major international polluters set up a whole new scheme for deregulation through self- initiated standards. Through this mechanism, corporations would state their own environmental policy and then be assessed on how well they conformed with this self initiated policy. They have convinced governments and international institutions that they are enlightened and capable and willing to go way beyond current external standards.through this voluntary process.

Part of this approach is a strong public relations program dedicated to persuading government and citizens of their concern for the environment. Their newly expressed concern is reflected in the advocating of a shift in response to the corporate sector from no longer being the enemy but to being a “partner” in this monumental task of redressing the ills of the past.

The partnership role has been reinforced by many “environmentalists” who are willing to work with industry on incremental changes like retrofitting and “Eco-efficiency”.

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[[m

SYSTEMIC CONSTRAINTS PREVENTING CHANGE

Some of the systemic constraints preventing change contribute to the weakening of the resolve to demand change could be the following:

- (i) Institutional collusion between governments and the corporate sector
- (ii) wooing adversaries such as environmentalists with corporate funding
- (iii) environmental critics who participate in the round tables are often seduced by the process and agree to the decision achieved through consensus. In addition, this happens when environmentalists work too closely with industry in a partnership arrangement. Industry is only too happy to coopt the unsuspecting.

(iv) too many people who should be criticizing

corporations are working with them and being used to justify the CONTINUED socially inequitable and environmentally unsound practices; and they back off from proposing mandatory, regulatory, measures to bring about change.

(v) too many people rationalize self interest

For example, unions continually misuse their legitimate right to work to justify working in the arms industry, the uranium mining industry, the toxic, hazardous, and atomic product and waste industry, the ozone depleting, forest extraction etc.

Another example comes from individuals who purport to be concerned about change but are willing to work with industry to bring about change from “within”. At a recent meeting of the the World Conservation Union (IUCN) , Sir Martin Holgate, the former Secretary General of this organization was asked about his involvement with a dam project in India where hundreds of thousands of people had been displaced. There was a hush over the 2000 members in attendance waiting for denial. Rather than deny the veiled accusation, he replied that surely it is better to have an environmentalist monitoring the project. Unfortunately, his working for the company engaged in the project only served to endorse the project.

PROPOSALS FOR CHANGE

I have been reviewing international documents. I've found governments in recent UN conferences have undertaken "to "ensure that corporations including transnationals comply with national codes, social security, and international law, including environmental law.

It is time for governments to not just say that they will ensure compliance but act through regulations to ensure compliance. for too long States have been devolving themselves of responsibilities and not exercising power over the corporate sector.

In many ways the situation is worsening because civil society and governments are not prepared to stand up to the corporations.

The corporate sector has been violating human rights, degrading the environment, contributing to war and conflict, and denying socially equitable and environmentally sound development for too long!

We need to demand a number of measures. As leader of the Green Party of Canada I would ensure the following demands get heard:

1. that licenses 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 over-consumptive 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 extoling a decision making 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 (is0) 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.

ENEMIES OR PARTNERS

An e-mail from the U.S. Greens lists server was brought to my attention yesterday.

davelillie@aol.com,internet writes:

It is a very unfortunate byproduct of the military mindset to demonize or dehumanize what they perceive as the enemy, and as a result of horrible experiences during the various wars, most of us carry echoes of this.

Resist it. Respect your "enemies" and work to show them the error of their ways".

I believe that this type of statement epitomizes the problem. Apart from the famous recognition that "we have found the enemy and it is we [us]" we know who the enemy is.

IN HIS RESPONSE JIM HARRIS CITED A SIMILAR QUESTION THAT SOMEONE MUST HAVE POSED:

General Motors, which you list amongst your happy employers, is one of the >major armaments manufacturers, let alone contributors to the "car >culture". All those companies I am sure have "green" programs, but they

>are still not paragons of virtue. If you do become leader of the Green
>Party, I think there will be a perceived conflict between your career and
>position.

HE THEN DEFENDED HIS POSITION BY STATING THE FOLLOWING

“No. My career allows me the time to read, to campaign, to write. Food you bought at the store was driven there on a GM truck. So are you going to stop eating food bought at the store? Do you own a car? Is your house R2000? Or even better yet is it disconnected from all power, electricity, gas, and sewer like the house Greg Allen built? Are you a vegan only? What financial institution do you deal with? If it is a bank you're indirectly investing in dictatorships somewhere. Do you ever use Styrofoam? Is the coffee you drink only picked by collectives of workers in democratically elected cooperatives. Do you even know? “

AT A RECENT MEETING AT THE UNIVERSITY WHERE I WAS CRITICIZING CORPORATE INTRUSION INTO EDUCATION, AN ECONOMIST RAISED THE SAME SLIPPERY SLOPE ARGUMENT, WHICH HAS BEEN ETERNALLY POPULAR WITH THE POLLUTING AND MILITARY INDUSTRIES. I FEEL THIS ARGUMENT IS SYMPTOMATIC OF THE UNWILLINGNESS OF MEMBERS OF THE COMMUNITY TO TAKE A STRONG STAND AGAINST CORPORATIONS OR TO DEMAND OF GOVERNMENTS TO TAKE A STRONG STAND AGAINST THE CORPORATE SECTOR.

THE CORPORATE CONCERN ABOUT THE ENVIRONMENT WAS EXPRESSED EARLY IN 1971 PRIOR TO THE STOCKHOLM CONFERENCE ON THE ENVIRONMENT WHERE OECD EXPRESSED CONCERN ABOUT THE COST OF ENVIRONMENTAL MEASURES TO PROTECT THE ENVIRONMENT RATHER THAN BEING CONCERNED ABOUT THE COST OF NOT HAVING ENVIRONMENTAL MEASURES.

THIS CORPORATE THEME HAS BEEN CARRIED THROUGH UNTIL IN 1991 ISO (INTERNATIONAL STANDARDIZATION ORGANIZATION) SET UP A WHOLE NEW SCHEME FOR DEREGULATION, SELF- INITIATED STANDARDS WITH CONFORMANCE ASSESSMENT.

AS EARLY AS 1972, AT THE STOCKHOLM CONFERENCE ON HUMANS AND THE ENVIRONMENT, GOVERNMENTS UNDERTOOK MEASURES SUCH AS ELIMINATING WEAPONS OF MASS DESTRUCTION.

IN 1974 GOVERNMENTS AGREED THAT SCIENCE AND TECHNOLOGY SHOULD BE USED FOR PEACE AND FOR THE BENEFIT OF HUMANITY

IN 1976, AT HABITAT 1 GOVERNMENTS UNDERTOOK TO MOVE TOWARDS RENEWABLE ENERGY

IN 1981 IN A GENERAL ASSEMBLY RESOLUTION GOVERNMENTS UNDERTOOK TO REDUCE THE MILITARY BUDGET AND TRANSFER IT INTO SOCIAL PROGRAMS (AT THAT TIME THE BUDGET WAS 50% OF WHAT IT IS NOW)

IN 1982, IN THE WORLD CHARTER OF NATURE, GOVERNMENTS AGREED TO RESPECT THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE.

WE ARE MOVING BACKWARDS. ONE OF THE REASONS IS THE SHREWDNESS OF THE CORPORATIONS. THEY HAVE BEEN COLLUDING WITH GOVERNMENTS (OR HAVE BEEN GOVERNMENTS) AND WOOING ADVERSARIES SUCH AS ENVIRONMENTALISTS WITH MONEY. SHELL HAS HAD ITS LUCRATIVE ENVIRONMENTAL FUND FOR YEARS. ACCEPTANCE OF FUNDING FROM THIS TYPE OF CORPORATE SPONSOR CONTRIBUTES TO THE WEAKENING OF THE RESOLVE TO DEMAND CHANGE. ENVIRONMENTAL CRITICS WHO PARTICIPATE IN THE ROUND TABLES ARE OFTEN SEDUCED BY THE PROCESS AND AGREE TO THE DECISION ACHIEVED THROUGH CONSENSUS. TOO MANY PEOPLE WHO SHOULD BE CRITICIZING CORPORATIONS ARE WORKING WITH THEM AND BEING USED TO JUSTIFY THE CONTINUED SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND PRACTICES. UNIONS CONTINUALLY MISUSE THEIR LEGITIMATE RIGHT TO WORK TO JUSTIFY WORKING IN THE ARMS INDUSTRY, THE URANIUM MINING INDUSTRY, THE TOXIC, HAZARDOUS, AND ATOMIC PRODUCT AND WASTE INDUSTRY, THE OZONE DEPLETING, FOREST DEVASTATION, AND THEY BACK OFF ON SERIOUS RECOMMENDATIONS TO ADDRESS CLIMATE CHANGE.

AT A RECENT MEETING OF THE IUCN, THE WORLD CONSERVATION UNION, SIR MARTIN HOLGATE, THE FORMER SECRETARY GENERAL OF THIS ORGANIZATION WAS ASKED ABOUT HIS INVOLVEMENT WITH A DAM PROJECT IN INDIA. THERE WAS A HUSH OVER THE 2000 MEMBERS IN ATTENDANCE WAITING FOR DENIAL. BUT HE SAID ISN'T BETTER TO HAVE AN ENVIRONMENTALIST MONITORING THE PROJECT. UNFORTUNATELY, HIS PRESENCE WORKING FOR THE COMPANY ENGAGED IN THE PROJECT WOULD ONLY SERVE TO ENDORSE THE PROJECT.

EVERY OTHER PARTY RUNNING IN THE ELECTION IS EITHER SUPPORTED BY THE CORPORATE SECTOR OR BY ALL UNIONS INCLUDING THOSE THAT ENGAGE IN DESTRUCTIVE PRACTICES.

THE GREEN PARTY SHOULD STAND UP TO THE CORPORATIONS AND TO UNIONS THAT ASSERT THEIR RIGHT TO WORK IN DESTRUCTIVE PRACTICES.

I HAVE BEEN REVIEWING INTERNATIONAL DOCUMENTS AND GOVERNMENTS IN RECENT UN CONFERENCES HAVE UNDERTAKEN TO “ENSURE THAT CORPORATIONS INCLUDING TRANSNATIONALS COMPLY WITH NATIONAL CODES, SOCIAL SECURITY, INTERNATIONAL LAW, INCLUDING ENVIRONMENTAL LAW. FOR TOO LONG States HAVE BEEN DEVOLVING THEMSELVES OF RESPONSIBILITIES AND NOT EXERCISING POWER OVER THE CORPORATE SECTOR.

THE CORPORATE SECTOR HAS BEEN VIOLATING HUMAN RIGHTS, DEGRADING THE ENVIRONMENT, CONTRIBUTING TO WAR AND CONFLICT, AND DENYING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT FOR TOO LONG.

WE NEED TO DEMAND A NUMBER OF MEASURES:

1. THAT licenses OF CORPORATIONS THAT VIOLATE HUMAN RIGHTS, CAUSE ENVIRONMENTAL DEGRADATION, CONTRIBUTE TO CONFLICT AND WAR, AND 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 AND INDIGENOUS PEOPLES, AND DISENFRANCHISED PEOPLE WHOSE LAND HAS BEEN DEGRADED, WHOSE RIGHTS HAVE BEEN VIOLATED AND WHOSE LIVES HAVE BEEN DESTROYED THROUGH CORPORATE SUPPORT FOR OPPRESSIVE REGIMES
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 PERPETUATES SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT BE IMMEDIATELY DISCONTINUED
5. THAT ALL DEFERRED TAXES FOR CORPORATE ACTIVITIES THAT HAS PERPETUATED SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT
6. THAT ALL MULTI-STAKEHOLDER ROUND TABLES THAT EXTOL A DECISION MAKING PROCESS THAT GLORIFIES CONFLICT OF INTEREST BE DISCONTINUED. THESE TABLES IN PRACTICE INVITE CORPORATE INTERESTS TO DETERMINE THROUGH CONSENSUS POLICIES THAT DIRECTLY AFFECT THEM
7. THAT ALL ATTEMPTS BY INDUSTRY THROUGH ISO 14,000 TO MOVE FROM “COMMAND AND CONTROL” AND REGULATIONS WITH EXTERNAL STANDARDS

TO VOLUNTARY CONFORMANCE TO SELF-INITIATED STANDARDS 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, AND ENACT THE LEGISLATION TO ENSURE
COMPLIANCE AND ENFORCEMENT.

RE RIO + 5 REPORT FROM THE UN

Dear Committee working on the platform

As you know, I have been circulating a rather lengthy document related to platform and policy. I think it is absolutely essential to be as inclusive as possible and we should certainly think seriously about preparing at least about a 25 page document with issues and actions.

I just came back from the Inter-sessional meeting —an update to United Nations Conference on Environment and Development (UNCED), in New York where governments are discussing the best way of preparing a document for the upcoming Earth Summit II in June in New York.

The meeting in New York was a replay of our discussion. The Non governmental organization (NGO) document was not inclusive and did not follow the original set up of Agenda 21—the 700 page action document coming from the Earth Summit in 1992. When I was there I went through the document that I had prepared for circulation to the Green Party — the seven part document that was circulated, and I placed all the sections into the different chapters of Agenda 21.

I also added a few new chapters related to democracy and proportional representation.

The Chair of the Government meeting had also prepared a working document based on submissions by the different governments. This document was also short and did not address all the issues that were noted as urgent in Rio.

I PRESENTED THE GREEN PARTY/UNCED DOCUMENT TO THE CHAIR OF THE GOVERNMENT MEETING. JUST AFTER I PRESENTED THE DOCUMENT TO THE CHAIR, THE HEAD OF THE G77 AND CHINA—REPRESENTING MOST OF THE “DEVELOPING” COUNTRIES REPORTED FROM A MEETING THE PREVIOUS DAY WHERE THEY HAD CALLED FOR THE TYPE OF DOCUMENT THAT I HAD SUBMITTED TO THE CHAIR. IN ADDITION THE DELEGATE FROM COLUMBIA STATED THAT UNLESS WE ARE INCLUSIVE WE WILL be ignoring key concerns of the members

Canada and New Zealand on the other hand advocated the selection of a few key issues.

I have not yet seen what the governments have decided on.

I think in many ways it takes longer to agree on a reduced document that excludes issues than one that is inclusive.

I was wondering if it might be strategic to reconsider the new document that I have prepared because of the linking with Agenda 21; it needs a tremendous amount of work but it is quite inclusive. The Rio process will be continually in the News, and if we can say that we have linked out platform to the UNCED as well as going beyond UNCED by including principles from subsequent conferences, we would be able to demonstrate additional international support for our policies.

CHARTER CHALLENGE

RE: \$1000 fee for candidates

When I was at a Toronto meeting with Green party members, we were discussing the problem for potential federal Green party candidates of the \$1000 fee.

I proposed that we initiate a Charter challenge under section 15, the equality before the law clause.

In addition we could challenge the fee through the ombuds offices across the country as being "administrative unfairness" and link it in with the denial of "proportional representation".

I was talking to a lawyer at the meeting and I will be in contact with him.

Before I go any further on this, could you let me know what has already been done. I'm sure that the Green party at some time has taken a stand on this issue.

Joan Russow

() THAT in 1997 on March 25,-2 I sent out e-mails to some Green Party members about my concerns about Jim Harris and about his support for corporations and I reported back about rio+5

() THAT in 1997 I received a response from: cpb@gatewest.net (Chris Paul Billows)

To: jrussow@coastnet.com (Joan Russow)

Subject: Re: To do away with a regressive elections act...

Date: Tue, 25 Mar 1997 04:19:46 GMT

Organization: Canadians for Proportional Representation

To Chris

Thank you for your response

It is amazing that the government could pass so regressive a message "The other part of the unfairness is that achieving 15% of the vote results

>in a public grant of 50% of the cost of the election. For major party
>candidates, this grant often has a value that exceeds \$20,000."bill.

I am

dismayed that the minor parties did not work more closely together.

I hope that will be one thing that will happen in the future, something I personally will work towards. The minor parties have to unite if they wish to change our electoral system.

Perhaps following the GPC Leader election, a committee dedicated to this goal should be struck?!

I mentioned this idea at the Green Party meeting to a couple of the members when I was in Toronto.

Joan

() in 1997 on March 21, with Stuart Parker, I sent out a press release

EXHIBIT

() THAT in 1997, on March 27, I submitted the draft international affairs platform

>() THAT in 1997 I submitted Original Written by: IN:segatti@web.net.

EXHIBIT

>=====

>The international Affairs platform

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 the lead-up to which will be getting a lot of press.

[[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, 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]]

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).

Here is a revision

THE INTERNATIONAL AFFAIRS PLATFORM STATE AND CORPORATE COMPLIANCE WITH OBLIGATIONS, EXPECTATIONS AND COMMITMENTS.

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 could support 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 could 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 overconsumptive 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 overconsumptive 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]]

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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 could 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 could lobby internationally to ensure state and corporate compliance with international obligations, expectations and commitments.

EXHIBIT

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 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:

- (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.

- 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.

() THAT in 1997, I wrote an outline of what governments have agreed to do

EXHABIT

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) 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) 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) (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) (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) (xv) to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity);
- (xvi) (xvi) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda:
- (xvii) (xvii) to reduce the ecological footprint (Art. 27 b)
- (xviii) xviii) to protect fragile ecosystems and environmentally vulnerable areas (27e);
- (xix) to prevent anthropogenic disasters (27 i);
- (xx)
- (xxi) (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

- COORDINATING 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 an 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 trans-boundary 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 DECOMMISSIONING 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.
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- 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 U.S. 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 trans-boundary 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 TRANSCENDS JURISDICTIONAL AND PROPRIETORIAL BARRIERS

- IDENTIFYING AND CONSERVING BIODIVERSITY THROUGH PRESERVING REMAINING OLD GROWTH FORESTS

- BANNING clear-cutting 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

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 net-cage fish to wild stocks; risks of introduction of exotic diseases from the CONTINUED importation of off-site 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 net-cage 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 net-cage 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 trans-boundary 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 bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero. (ZERO 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, AND 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

(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
TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

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

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

- 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.

(*) THAT on March 27, I made a proposal for the World order Conference at Ryerson in Toronto

EXHIBIT

1997 March 26

ATTENTION: DR WALTER DORN, AND DR. HELMUT BURKHARDT

THE ROLE OF THE UNITED NATIONS TODAY AND TOMORROW

DRAFT ABSTRACT:

UNITED NATIONS AFFIRMING ITS MANDATE THROUGH
INTERNATIONAL STANDARDS DERIVED FROM INTERNATIONAL INSTRUMENTS

For fifty- two years, through international instruments, 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.

At a recent inter-session meeting of the Commission on Sustainable Development in March, member States of the United Nations, and UN institutions appeared to be devolving themselves of power and responsibility, and advocating the transferring of this power more and more to the corporate sector. Even at a time where, at two recent

conferences, the UN Conference on Women: Equality, Development and Peace, and the Habitat II conference members state of the United Nations undertook: “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”.

For the United Nations to strengthen its role internationally it must build on the over 50 years of obligations incurred, expectations created and commitments made through international instruments. The elements of a blueprint for change already exists scattered throughout international instruments; what is essential is a further synthesis of the principles crafted through the years of operation of the United Nations. Principles drawn from these instruments could form a new protocol linked with the Charter of the United Nations; this protocol could establish a comprehensive body of International standards and regulations that would contribute to the “Evolution into a world order that is built on a foundation for Peace”. An example of significant principles from a United Nations instrument is contained in the “Declaration on the Use of Scientific Technology for Peace and for the Benefit of Humanity”. Another significant undertaking was through a 1981 General Assembly resolution to reduce the military budget and transfer it into social programs (In 1981, the Global military budget was less than 50% of what it is now).

To achieve the “world order building on a foundation for peace”, the global community should move to a time where obligations are discharged, expectations fulfilled and commitments acted upon. The United Nations has laid the elements of the blueprint, it is time that United Nations fully establish this blueprint, and that the member States summon up the political will to move from years of rhetoric to action.

In June 1997, the Earth Summit II meeting of government leaders will take place in New York. This meeting will present an opportunity for the Toronto conference to circulate resolutions coming out of the conference deliberations.

Proposed by Joan E. Russow Ph.D.

APRIL APRIL

) THAT ON APRIL 2

Dr. Larry T. Gell

IAED

International Agency for Economic Development

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From: "Larry T. Gell" <lgell@nygate.undp.org

Subject: Re: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP

Status: RO

Dr. Joan E. Russow, Global Compliance Research Project

Nice work!

see www.ngo.org and look for the NGO/NGO LINK.. Upcoming Events...meeting
on the Corporations. Then Read new book by Robert Kutner, Everything for
sale! Powerful!

Good luck.

Cheers,

Dr. Larry T. Gell

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sale! Powerful!

Good luck.

Cheers, APRIL APRIL

RESENT

**() THAT in1997, on APRIL 2, I WROTE A RESPONSE TO THE APRIL 2 AD HOC
INTERSESSIONAL**

EXHIBIT

1997 SUBMISSION MADE TO THE RIO+5 INTERSESSION: SECTION BY SECTION
COMMENT

BY Joan Russow PhD

Global Compliance Research Project. To the Rio+5 intersession

This submission was a response to an invitation by Environment Canada to have input
into their submission.

April 2, 1997

NOTE THAT COMMENTS BY 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 WERE COGNIZED "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 ACHIEVEMENTS 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, RADIOACTIVEMATERIALS, 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 ANDCONTROL". 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 CONTRIBUTION 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.

LESS WE FORGET

CHAPTER 33. ARTICLE 16e TO ARTICLE -ARTICLE 18 of AGENDA 21

THE REALLOCATION OF RESOURCES AT PRESENT COMMITTED TO MILITARY PURPOSES.

A SUPPORTIVE INTERNATIONAL AND DOMESTIC ECONOMIC CLIMATE CONDUCIVE TO SUSTAINED ECONOMIC GROWTH AND DEVELOPMENT IS IMPORTANT, PARTICULARLY FOR DEVELOPING COUNTRIES, IN ORDER TO ACHIEVE SUSTAINABILITY.

THE SECRETARIAT OF THE CONFERENCE HAS ESTIMATED THE AVERAGE ANNUAL COSTS (1993-2000) OF IMPLEMENTING IN DEVELOPING COUNTRIES THE ACTIVITIES IN AGENDA 21 TO BE OVER \$600 BILLION, CHAPTER 33 AGENDA IN 1997 THE WORLD MILITARY BUDGET WAS 736 BILLION

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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Precedence: bulk

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 UNITEDNATIONS DECLARATIONS, AND GENERAL ASSEMBLY RESOLUTIONS; AND COMMITMENTS MADE THROUGH UN CONFERENCE ACTION PLANS.

IF THESE YEARS OF OBLIGATIONS HAD BEEN DISCHARGED, IF THESE FIFTYYEARS OF EXPECTATIONS HAD BEEN FULFILLED, AND IF YEARS OF COMMITMENTS HAD BEEN ACTED UPON, RESPECT FOR HUMAN RIGHTS COULDHAVE BEEN GUARANTEED, PRESERVATION AND PROTECTION OF THEENVIRONMENT COULD HAVE BEEN ENSURED, THREATS TO PEACE PREVENTED ANDREMOVED, 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

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.

fi 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".

TO 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 HOUSING, 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, INTO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND WORK, AND

(II) 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 socio-economic 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 CANEXPRESS THEIR CONCERNS BUT THEIR CONCERNS ARE NOT ADDRESSED. THEPRIVATE 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 TENABLEPRINCIPLES FROM STATES SO THAT THERE IS ALSO HARMONIZING UPWARDS.STATES MUST TAKE BACK CONTROL OF INDUSTRY AND IMPLEMENT THEUNDERTAKING 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 OFCORPORATIONS THAT HAVE VIOLATED HUMAN RIGHTS, CAUSED ENVIRONMENTALDEGRADATION, 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 transboundary 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

CULTURAL 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 Nation 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 FORESTS., 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, OF 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 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 STRICT REGULATIONS. THIS OBSERVATION 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 SOCIALPROGRAMS 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 ITSMEMBER STATES. 425 BILLION SHOULD BE TRANSFERRED TO SOCIALLYEQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT PRIMARILY IN THESOUTH BUT ALSO IN THE NORTH, AS WELL AS TO STRENGTHEN THE ROLE OFTHE 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 (HIPCs) 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. PERHAPSWHAT 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 FROMCORPORATIONS 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 NOTECONOMIC 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 A GLORIFICATION 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 ARENAS 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 GLOBAL ENVIRONMENT IS THE UNSUSTAINABLE PATTERN OF CONSUMPTION AND PRODUCTION, 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 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 THISBUDGET SHOULD BE TRANSFERRED INTO THE UNITED NATIONS AND ITSPROGRAMS SO THAT THE INTERNATIONAL BODY CAN PROPERLY FUNCTION TOBRING 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.

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 socio-economic 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 ECOLOGICALFOOTPRINT PRINCIPLES, ENVIRONMENTAL ASSESSMENT PRINCIPLE, THEANTICIPATORY PRINCIPLE, THE REVERSE ONUS AND THE PRECAUTIONARYPRINCIPLE polluter pays principle and encouraging producer responsibility and adopting a sectoral

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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 measure to internalize environmental costs and benefits in the price of goods and services, particularly with a view to encouraging the use of environmentally preferable 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 BESTSHOULD 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. FOREXAMPLE IN A DOCUMENT ON FOREST INDICATORS THERE WAS AN INITIALDISCLAIMER STATING THAT THE INDICATORS WERE VOLUNTARY, AND THENMENTION THE FIRST INDICATOR AS BEING TO CONSERVE BIODIVERSITY THUS POSSIBLY 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, 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 IN REACTORS] energy and material efficiency, with timetables for their implementation AND TIMETABLES 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 INTERNATIONAL ENVIRONMENTAL 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 THAT CONTRIBUTE 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 REGULATIONS.

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 PHILOSOPHICAL UNDERPINNINGS OF EDUCATION [FOR EXAMPLE THERE IS A PROGRAM "LEARNING FOR SUSTAINABILITY" THAT HAS BOARD MEMBERS FROM INDUSTRY. IN ADDITION, RATHER THAN ENCOURAGE CORPORATE INVOLVEMENT IN UNIVERSITIES, CORPORATE TAXES SHOULD BE RAISED, TAX DEFERRALS COLLECTED AND DISCONTINUED, AND THE MONEY SO GAINED SHOULD GO IN PART TO PROMOTING EDUCATION. IN CHAPTER 36, INDUSTRY IS DESIGNATED AS THE RECIPIENT OF ENVIRONMENTAL EDUCATION NOT THE ONE TO DETERMINE THE PHILOSOPHICAL UNDERPINNINGS 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 ANDPRESERVING 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 undisguised 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 **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:

A 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.

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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 SCHEME 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 SMALL- 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 THAT SUGGESTED 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 replenishments 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 transboundary 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, transboundary 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 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 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 AND 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.

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 THERECOGNITION OF NA-TECHS DISASTER. IN HABITAT II STATES UNDERTOOK TOPREVENT DISASTERS. INCLUDING ANTHROPOGENIC DISASTERS. DISASTERPREVENTION 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 OFGREENHOUSE 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 ONTHE 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 article 16 e-18

THE REALLOCATION OF RESOURCES AT PRESENT COMMITTED TO MILITARY PURPOSES.

A SUPPORTIVE INTERNATIONAL AND

THE SECRETARIAT OF THE CONFERENCE HAS ESTIMATED THE AVERAGE ANNUAL COSTS (1993-2000) OF IMPLEMENTING IN DEVELOPING COUNTRIES THE ACTIVITIES IN AGENDA 21 TO BE OVER \$600 BILLION,

THE WORLD MILITARY BUDGET IN 1997 WAS 736 BILLION IN 1997

DOMESTIC ECONOMIC CLIMATE CONDUCIVE TO SUSTAINED ECONOMIC GROWTH AND DEVELOPMENT IS IMPORTANT, PARTICULARLY FOR DEVELOPING COUNTRIES, IN ORDER TO ACHIEVE SUSTAINABILITY.

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 DECISION-MAKING 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 URGENT 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 recognised. 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 a Date: Wed, 2 Apr 1997 08:37:26 -0500

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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 pre-requisite 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. 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

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EXHIBIT

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1997 SECTION BY SECTION COMMENT ON CANADA'S SUBMISSION TO 1997 PREP
COM FOR RIO+5 AT THE COMMISSION ON SUSTAINABLE DEVELOPMENT (CSD)

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 Inter-sessional 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: recognize 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 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 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.

() THAT in 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 global 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 world military is 736billion . 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..

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 736 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.

3. 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 LICENSES 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)

4. 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 , 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 CULTURAL 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 Nation 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 o 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, OF 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 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. THIS 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. "SO CALLED THE TRICKLE DOWN DELUSION"

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 AND EVEN BEFORE, 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.

AT UNCED, IN CHAPTER 33 18E ALL STATES AGREED TO

ALSO 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)

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 (HIPCs) 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. Licenses 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 licenses, 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 A GLORIFICATION 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 ARENAS 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 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)

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 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.

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 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 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 INITIAL DISCLAIMER STATING THAT THE INDICATORS WERE VOLUNTARY, AND THEN MENTION THE FIRST INDICATOR AS BEING TO CONSERVE BIODIVERSITY THUS POSSIBLY 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 IN REACTORS] energy and material efficiency, with timetables for their implementation AND TIMETABLES 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 INTERNATIONAL ENVIRONMENTAL 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 THAT CONTRIBUTE 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 PHILOSOPHICAL UNDERPINNINGS OF EDUCATION [FOR EXAMPLE THERE IS A PROGRAM "LEARNING FOR SUSTAINABILITY" THAT HAS BOARD MEMBERS FROM INDUSTRY. IN ADDITION, RATHER THAN ENCOURAGE CORPORATE INVOLVEMENT IN UNIVERSITIES, CORPORATE TAXES SHOULD BE RAISED, TAX DEFERRALS COLLECTED AND DISCONTINUED, AND THE MONEY SO GAINED SHOULD GO IN PART TO PROMOTING EDUCATION.

IN CHAPTER 36, INDUSTRY IS DESIGNATED AS THE RECIPIENT OF ENVIRONMENTAL EDUCATION NOT THE ONE TO DETERMINE THE PHILOSOPHICAL UNDERPINNINGS 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 A 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 U.S. 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 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-labelling, taking into account differing environmental and developmental conditions across countries;

UNFORTUNATELY ECO-LABELLING 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 A 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. MAI IS NOT POSITIVE AND IT UNDERMINES INTERNATIONAL PEREMPTARY NORMS

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 WHICH INCLUDES REPRODUCTIVE RIGHTS AND A CALL TO REDUCE THE MILITARY BUDGET

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. UNFORTUNATELY, WHILE CANADA HAS RATIFIED THE INTERNATIONAL COVENANT ON ECONOMIC AND CULYURAL RIGHTS BUT FAILE TO ENSHRINE IT IN THE CHARTER OF RIGHTS AND FREEDOMS

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 widespread lack of access to safe water supply and suitable sanitation in many developing countries. AND IN INDIGENOUS COMMUNITIES 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 OFTEN DUMPED INTO BODIES OF WATER

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 U.S. 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. YET RAW SEWAGE IS STILL DUMPED INTO THE 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: CANADA HAS NOT YET RATIFIED THE 1982 UN LAW OF THE SEAS BUT UNDER THE VIENNA CONVENTION ON THE LAW OF TREATIES CANADA IS BOUND TO NOT DEFEAT THE PURPOSE OF THE TREATY IN THE INTERIM BETWEEN THE SIGNING AND THE RATIFICATION

CANADA SHOULD BE URGED 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.

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, CANADA MUST UNDERTAKE TO RATIFIED THE UNCLOS 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 inter-agency 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: CANADA MUST END SUBSIDIES FOR BOTH THE FOSSIL FUEL INDUSTRY AND THE NUCLEAR INDUSTRY

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 ENERGIES [SEE RECENT IUCN RESOLUTION ON THIS TOPIC] ENVIRONMENTALLY SOUND RENEWABLE [NOTING THAT RENEWABLE DOES NOT INCLUDE NUCLEAR AND BREEDER REACTORS, OR SCHEME TO USE PLUTONIUM FROM DISMANTLED NUCLEAR WEAPONS IN REACTORS] RE MOX PROJECT

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. , 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 THAT SUGGESTED 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 3 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 3 should call upon the industrialized world to endorse a substantial reduction target for GHGs from 1990 levels by the year 2005 [BY THE END OF THE CENURY AS PER UNFCCC, and to agree on coordinated measures to ensure the target's implementation.by 2000

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. BUT AL[SO IN CANADA 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 BE 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 "CLEARCUT 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 agro-biodiversity. 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,

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

ADDITIONAL MEASURES

1. THAT licenses 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 DECISION MAKING 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. ISO 14000 IS FLAWED BECAUSE IT IS NOT AN EXTERNAL STANDARD II IS A CORPORATE STANDARD WHERE CORPORATION STATE WHAT THEY ARE GOING TO DO AND THEN ARE EVALUATED BY A STANDARD THAT THEY SET THEMSELVES

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 URGENT 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 inter-mediation 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 al 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 recognised. 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 a 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"

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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 has 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 inter-governmental 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 t 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.

2/ The question of international institutional arrangements in the area of sustainable development should be seen in the overall framework of the ongoing UN reform process.

/

1. GENERAL COMMENT

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.[other than a commitment in Chapter 33 to re-allocate military expenses] . .

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 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. .

() THAT 1997. In April Made a submission on water to CSD I brought to the attention of the CRD, the 1977 Mar del Plata action plan

...

() THAT in 1997 in April, I developed the principles of compliance and Mandatory International Normative Standards

EXHIBIT

PRINCIPLES OF COMPLIANCE: MANDATORY INTERNATIONAL NORMATIVE STANDARDS (MINS)

CRITERIA OF PUBLIC TRUST (CPT)

Socially Equitable and Environmentally Sound Development

1997

() THAT in 1997, in April, I wrote 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.

() THAT in 1997 on June 23 at the UN I circulated a Modest Proposal of Suggested actions for Rio + 5

EXHIBIT

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.

fl 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".

fl 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

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.

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.

4. On June 26, 1997, we 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.

For further information, please contact

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2. SECTION 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 Inter-Sessional 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, RECOGNIZE 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 U.N. 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.

Date: Wed, 2 Apr 1997 08:37:26 -0500

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From: jrussow@coastnet.com (Joan Russow) (by way of information habitat <jrussow@coastnet.com)

Subject: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

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.

f) 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".

f) 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 HEALTHCARE, 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 licenses 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 SUCCEDED 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 CULTURAL 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 Nation 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, OF 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 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. THIS OBSERVATIONS SHOULD SERVE TO JUSTIFY THE STRENGTHENING OF STANDARDS FOR CONDITIONAL FUNDING.

Date: Wed, 2 Apr 1997 08:37:26 -0500

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Precedence: bulk

Subject: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)

Mime-Version: 1.0

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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 (HIPCs) 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 STATES HARMONIZED CONTINUALLY UPWARDS. MINS WILL THEN DRIVE INDUSTRY TO BEST(BESTEQUITABLE/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. licenses 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 licenses, 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 "TO'S", 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 A GLORIFICATION 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 ARENAS 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 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)

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 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.

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 PRECAUTIONARY PRINCIPLE, polluter pays principle and encouraging producer responsibility and adopting a sectoral 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.

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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 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 I. 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 INITIAL DISCLAIMER STATING THAT THE INDICATORS WERE VOLUNTARY, AND THEN MENTION THE FIRST INDICATOR AS BEING TO CONSERVE BIODIVERSITY THUS, POSSIBLY 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 IN

REACTORS] energy and material efficiency, with timetables for their implementation AND TIMETABLES 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 INTERNATIONAL ENVIRONMENTAL LAW THROUGH ENSURING MANDATORY INTERNATIONAL NORMATIVE STANDARDS AND in changing consumption patterns by improving their own environmental performance with time-tabled, 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 THAT CONTRIBUTE 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 PHILOSOPHICAL UNDERPINNINGS OF EDUCATION [FOR EXAMPLE THERE IS A PROGRAM "LEARNING FOR SUSTAINABILITY" THAT HAS BOARD MEMBERS FROM INDUSTRY. IN ADDITION, RATHER THAN ENCOURAGE CORPORATE INVOLVEMENT IN UNIVERSITIES, CORPORATE TAXES SHOULD BE RAISED, TAX DEFERRALS COLLECTED AND DISCONTINUED, AND THE MONEY SO GAINED SHOULD GO IN PART TO PROMOTING EDUCATION. IN CHAPTER 36, INDUSTRY IS DESIGNATED AS THE RECIPIENT OF ENVIRONMENTAL EDUCATION NOT THE ONE TO DETERMINE THE PHILOSOPHICAL UNDERPINNINGS 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 U.N. 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 A 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 U.S. 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 U.N. 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 A 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 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 U.S. 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. 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 U.N. 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.

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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 SCHEME 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 SMALL-SCALE HYDROPOWER; 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 U.N. 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; 1998. 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 THAT SUGGESTED 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, transboundary 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 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 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 BE 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. 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.

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 ecosystems 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 ecotourism, 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 operational 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, EVERY STATE MADE A COMMITMENT TO RE-ALLOCATE MILITARY EXPENSES]

ADDITIONAL MEASURES

1. THAT licenses 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 DECISION MAKING 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 SME's, 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 inter-mediation 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 a 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.

Date: Wed, 2 Apr 1997 08:37:26 -0500

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To: csdgen@nygate.undp.org

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 SUBMISSION 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.

() THAT in 1997, on April 5, I wrote a letter to the Council of Canadians

Attention Brent Thompson

Council of Canadians

I am on the Board of Directors of the Victoria Branch of the Council of Canadians, and am responsible for submitting the resolution calling upon governments to comply with international obligations by signing and ratifying international agreements and by enacting the necessary legislation to ensure compliance.

I have had a paper accepted for an International law conference in Washington. The Conference is sponsored American Society of International Law's wildlife section:

- Greenlife Society - North America
- Georgetown International Environmental Law Review
- Colorado Journal of International Environmental Law & Policy
- Environmental Law Society, American University School of Law
- Detroit College of Law-Michigan State University

The papers will be published in the Colorado Journal of International Law. I will be on the first panel on the precautionary principle with the following academics:

Drs. Jonathan Verschuuren & Chris Backes, Faculty of Law, Tilburg

University, Netherlands, "The Precautionary Principle in European and Dutch Wildlife Protection Law and Policy;"

· Dr. Joan E. Russow, Co-ordinator, Global Compliance Research project & Sessional lecturer, Global Issues, Environmental Studies Program, U. Of Victoria, "The Implications of Compliance with the Precautionary Principle: Report to the Commission on Sustainable Development;"

() THAT in 1997. April. 6 I Wrote and presented a paper "Precautionary Principle" as a principle of international common law

part of a Panel on the Washington DC Precautionary

Principle "The Implications of Compliance with the Precautionary

Principle: Report to the Commission on Sustainable Development;"

at International Environmental Law Conference in Washington

I presented a paper with precedents related to the Precautionary Principle and I was arguing that the Precautionary Principle is a principle of international customary law, and as such legally binding on member States of the United Nations

Panelist.: Precautionary Principle "The Implications of

Compliance with the Precautionary Principle: Report to the

Commission on Sustainable Development;" at International Environmental Law Conference in Washington

() THAT IN 1997 Presented paper "The Implications of Precautionary Principle: Report to the Commission on Sustainable Development"; on a panel on at International Environmental Law Conference in Washington, DC

· Dr. W.M. von Zharen, College of Wildlife and Agriculture; College of Geosciences and Maritime Studies, Texas A&M University, Galveston, Texas, U.S.A, "Stewarding Marine Species: Beyond the Precautionary Principle;"

· William C. Burns, Director, GreenLife Society - North America, "Using Reverse Listing to Implement the Precautionary Principle in the Context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;"

· Dr. Sudhir K. Chopra, Visiting Professor, Department of Environmental Science and Policy and Department of International Relations, Central European University, Budapest, Hungary & Craig Hanson, Member, Illinois state bar, "Deep Ecology to the Precautionary Principle: Ethical Principles Evolve into Customary International Law."

At this conference, I will be trying to put a resolution on the floor calling upon States to sign what they have not yet signed, to ratify what they have not ratified and to enact the necessary legislation to ensure compliance and enforcement.

I am writing to ask if the Council of Canadians might be able to make a contribution to my airfare.

Thanks.

Yours sincerely

Joan Russow

PS Chretien will be in Washington at the same time.

In my talk, I will be referring primarily to the Precautionary Principle and the Prevention Principle and pointing out that the transfer of nuclear technology such as the CANDU, the circulating and berthing of nuclear powered and nuclear armed vessels, and the using of plutonium in the form of MOX from dismantled nuclear weapons are all contravening these principles. I also hope to put on the floor a resolution calling upon both the United States and Canada to sign the international instruments that they have not yet signed, ratify these agreements and enact the necessary legislation to ensure compliance (hopefully to encourage them to issue a press release). I will be there co-incidentally at the same time as Prime Minister Chretien.

I am writing to you to ask if you might be able to make a contribution to my airfare which will be

Thank you for taking the time to consider this request.

Sincerely,

Joan

Conference Contact

Will Burns

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() THAT in 1997 on April 4, I added suggestions to GreenPeace's submission to the CSD

EXHIBIT

APRIL 4, 1997

Clifton Curtis

Political Advisor, Greenpeace international

Dear Cliff

Thank you for sending me a copy of your priorities.

I think you are right to stress the urgency. I did a content analysis of the UNCED documents and one of the categories that I used, was the expression of urgency. I also expanded on that in a 350 page document that I prepared and officially circulated at the UN conference on Women.

A key issue in relation to water in the working group document is "water as an economic good". It is essential that NGO's oppose this notion and declare water as being not an economic good but an ecological right. In addition, any privatization of the dispensing of water from community watersheds should also be strongly opposed.

I think that we have to take a much stronger corporate compliance stance. Greenpeace is one of the few organizations that does not take corporate funding. I know that you have been working on a consensus document with the other NGOs. Normally I would think that it would be the best route but after I was at Habitat, the IUCN meeting, and the recent CSD meeting, I have become more and more concerned about corporate support of NGOs. For example, I was astonished when Felix told me that British Petroleum, among others, was on his board. Jean Parras, who is sitting in as an observer for education, has or had as chair of his board a former CEO from Shell, and works closely with industry. Not only does the corporate sector have a direct conduit to governments in

its capacity as “stakeholder”, it now appears to have access as “other groups” through being on boards of directors of NGOs. You mentioned that you did not include a section on NGO access. What concerns me is the need to determine what constitutes an NGO?

When I returned to Canada, I gave a talk at the University of Victoria on corporate involvement at the University and encouraged the public interest groups to start a campaign across Canada. Ciba Geigy (biology, of course— the department has 85% corporate funding) along with MacMillan Bloedel (forest transnationals) etc. funding a Global studies program. I was astounded at the range of corporate involvement.

I have been a member of Greenpeace off and on over the years and have worked with Greenpeace on issues such as 24D in Okanagan lake in 1970s; on doing a report card on Canada’s non-compliance; on trying to set aside the injunction in Clayoquot sound; on a boycott demonstration against Shell. etc.

The position that there is “no we and they”, is becoming more and more prevalent- the position we should not criticize corporations but work with them as “partners”. But as someone said to me the other day, “...if we do not distinguished between we and they; there will only be they!”

Joan

I have made comments on your list of priorities.

April 1997

Greenpeace International's Priority Issues

for CSD and Earth Summit 2

“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). .

The recent United Nations Environment Programmer’s (UNEP) Global Environment Outlook (GEO) and UN Secretary-General's Earth Summit-related overview and trends reports, inter alia, provide revealing, comprehensive accounts of the challenges facing all of us.

They also make for disturbing reading, as is the case with the following excerpt from UNEP's GEO (page 3):

From a global perspective, the environment has CONTINUED to degrade during the past decade, and significant environmental problems remain deeply embedded in the socioeconomic fabric of nations in all regions. Progress towards a global sustainable future is just too slow. A sense of urgency is lacking. Internationally and nationally, the funds and political will are insufficient to halt further global environmental degradation and to address the most pressing environmental problems - even though technology and knowledge are available to do so. As a result, the gap between what has been done thus far and what is realistically needed is widening.

Given the critical decision making roles that governments and the private sector occupy, much though by no means all of the blame for grim findings, such as the above, lies at their door. With few exceptions, too many governments and too many businesses have been far too willing to sacrifice the environment for the sake of short-term financial gain and special interests. There are some success stories and heroes, but they are way too few, given what is needed.

For these reasons, this year's session of the Commission on Sustainable Development (8-25 April) and the UN General Assembly's Special Session (23-27 June) - Earth Summit 2 - must be seen as a real WAKE UP CALL! Their results must include a clear, strong message that "business as usual," which created most of the problems, is no longer acceptable. Enough is enough! We're killing ourselves and our common home, planet Earth. We've got to stop. Together, we can and must

turn things around!

In Greenpeace's view, governments, as well as U.N. / international agencies and the private sector, need to agree on four changes if Earth Summit 2 is to have any chance of succeeding. First, they need to accept the urgency of the situation. Denial, finding fault with the details of various grim reports, or wishing the problems would just go away won't get the job done. Second, they need to very clearly recognize that nowhere near enough is being done to chart development along a sustainable course. Third, they need to ensure that Earth Summit 2 comes together around a set of concrete, inspirational actions and targets that directly and adequately respond to the nature of the threats. Fourth, they need to agree a package of substantial first steps that are measurable, allowing for accountability.

Greenpeace remains committed to helping implement strong commitments, wherever we can. Not only will we CONTINUE to let government and corporate leaders know our views on what they are and are not doing right, but we also will help show that paradigm shifts are possible in habits and ways of thinking. We will point to behaviours, policies and technologies (some even commissioned by Greenpeace!) which prove that faster, positive change is possible, now.

From all the evidence humankind now has, it is abundantly clear that environmental change is inevitable. The choice, therefore, is between change we choose to undertake, proactively, or change that is forced upon us (e.g., climate change) due to our failure to act responsibly.

With regard to the need for concrete, inspirational actions and targets that are measurable, we call upon Heads-of-Government and

other government leaders, at Earth Summit 2, to make bold decisions in relation to the following eight (8) issues, among others:

1. **SAVE THE CLIMATE:** The planet's climate system, the web of life and various social and economic systems based on it, face potentially massive disruption from climate change. Fossil fuels, such as coal and oil, are the main sources of polluting "greenhouse gases." A clear political commitment is required to shift global energy dependence from polluting fossil fuels to more abundant clean, renewable energy within a generation. As a first step, OECD governments should commit to reduce CO₂ emissions 20% below 1990 levels by 2005 at the Climate Summit to be held in Kyoto, Japan in December 1997. In conjunction with that central commitment, the leaders of OECD countries also should pledge at Earth Summit 2 a) not to pursue new exploration for fossil fuels such as coal and oil, nor to develop as yet untapped reserves, and b) to eliminate, as soon as possible, fossil fuel subsidies;

OR TO PRESENT, AS SOLUTIONS, ENERGY SOURCES THAT ARE EQUALLY OR MORE DANGEROUS

2. **SAVE THE FORESTS:** Industrial, consumer and agricultural practices are devastating the remaining rich reservoirs of social and biological diversity on the planet, including intact natural forest ecosystems. On critical issues, the intergovernmental policy dialogue on forests, under CSD auspices, should CONTINUE. At the same time, rather than enter into the lengthy negotiation of a likely "chainsaw" convention that also risks deferring or delaying needed action, now, leaders must commit, at Earth Summit 2, to implementing - at sub-national, national and international levels - the more than 100 "action" items that were

agreed in the recent global forest policy dialogue (IPF/CSD, Programme Elements I-IV), with sustainable forest management as the objective.

As a complement to those wide-ranging action initiatives, leaders should pledge their government's support for: a) halting further destruction of primary and old-growth forests around the world by 2000,

GIVEN THE URGENCY OF GLOBAL DEFORESTATION. AND IMMEDIATE COMMITMENT MUST BE UNDERTAKEN. NOTE THAT IN THE IUCN INTERPRETATION OF THE CARACAS DECLARATION IN 1992, THERE WAS A CALL TO MOVE AWAY FROM LOGGING PRIMARY OLD GROWTH FOREST . THE CONTINUED LOGGING OF OLD GROWTH FORESTS PLACES GLOBAL GOVERNMENTS, SIGNATORIES TO THE BIODIVERSITY CONVENTION IN POTENTIAL NON-COMPLIANCE.

IN THE BIODIVERSITY CONVENTION, THERE WAS AN UNDERTAKING TO IDENTIFY BIODIVERSITY, AND GIVEN THAT THE FULL RANGE OF BIODIVERSITY IN OLD GROWTH FORESTS HAS NOT BEEN IDENTIFIED, CONTINUED DESTRUCTION OF THESE FORESTS COULD BE DEEMED IN CONTRAVENTION OF THE CONVENTION.

IN ADDITION THERE WAS A REQUIREMENT IN THE CONVENTION TO CARRY OUT AN ENVIRONMENTAL ASSESSMENT OF PRACTICES THAT COULD CONTRIBUTE TO LOSS OR REDUCTION OF BIODIVERSITY; THE IMPACT OF THE CONTINUATION OF FOREST PRACTICES SUCH AS CLEAR-CUTTING IS WELL DOCUMENTED AND THERE IS SUFFICIENT EVIDENCE THAT CLEAR-CUTTING DESTROYS BIODIVERSITY. AND IF THE PRECAUTIONARY PRINCIPLE IN THE BIODIVERSITY CONVENTION WERE INVOKED, CLEAR-CUTTING AND SIMILAR PRACTICES WOULD BE DISALLOWED.

and b) doubling the total global area of ecologically representative and socially appropriate forest protected areas by 2000, followed by a second doubling by 2005;

3. BAN TOXIC CHEMICALS: Industrial processes produce thousands of new chemicals each year; the long term environmental effects of which are

largely unknown and untested. Many chemicals are toxic and persistent, building up and concentrating in higher trophic levels of species, including humans. Ultimately, there is no place to hide. Yet the warnings have largely been ignored and that must change. A commitment is necessary to shift to a global system of clean or closed production within a generation. As a first step, leaders should pledge their countries to conclude, by year 2000 at the latest, a legally binding, global treaty on persistent organic pollutants (POPs). In that context, OECD countries should undertake a concerted effort to assist developing countries in relation to difficulties in the shift to clean production; FOR YEARS VARIOUS VERSIONS OF THE REVERSE ONUS PRINCIPLE HAVE BEEN ENUNCIATED IN INTERNATIONAL DOCUMENTS INCLUDING CONFERENCE STATEMENTS, AND GENERAL ASSEMBLY RESOLUTIONS.

GIVEN THE URGENCY OF THE UBIQUITOUSNESS OF TOXIC, HAZARDOUS AND ATOMIC SUBSTANCES, THE MEMBER STATES OF THE UNITED NATIONS SHOULD INSTITUTE THE REVERSE ONUS PRINCIPLE. WHEREBY THE PROPONENT OF AN INTERVENTION INTO THE ECOSYSTEM SHALL DEMONSTRATE THE SAFETY RATHER THAN THE OPPONENT OF THE INTERVENTION BEING REQUIRED TO DEMONSTRATE HARM.

3.2. PREVENT TRANSFER TO OTHER States OF HARMFUL SUBSTANCES AND ACTIVITIES

IN THE RIO DECLARATION, THE MEMBER STATES OF THE UNITED NATIONS MADE A COMMITMENT TO PREVENT THE TRANSFER, TO OTHER STATES, OF SUBSTANCES AND ACTIVITIES THAT COULD CONTRIBUTE TO ENVIRONMENTAL DEGRADATION OR THAT COULD BE HARMFUL TO HUMAN HEALTH. (APPROX OF PRINCIPLE 14).

TOXIC, HAZARDOUS, AND ATOMIC ACTIVITIES, SUBSTANCES AND WASTES WOULD COME UNDER THE RUBRIC OF SUBSTANCES OR ACTIVITIES THAT CAUSE ENVIRONMENTAL DEGRADATION, AND THAT ARE HARMFUL TO HUMAN

HEALTH. ALL States SHALL IMMEDIATELY DISCONTINUE THE TRANSFER OF THESE SUBSTANCES AND ACTIVITIES. INFORMED PRIOR CONSENT SHALL NOT BE USED TO JUSTIFY THE TRANSFER OF THESE ACTIVITIES AND SUBSTANCES; THE RIGHT TO CHOOSE TO BE HARMED SHALL NOT BE ENSHRINED AS A "HUMAN RIGHT".

4. RESPONSIBLE FISHING: The capacity of the world's fishing fleet is far in excess of the amount of fish that can be harvested on a sustainable basis. In the past 40 years alone, the world fish catch has increased more than four-fold. The result, as concluded by FAO studies, and others, is that most of the world's major fisheries are now either depleted, over-exploited or fully-exploited. Leaders must commit to: a) reducing fishing capacity in particular large-scale, industrialized fishing vessels, by 25% by year 2000, and by another 25% by 2005; b) promoting gear selectivity and reduction of catch and waste by 60% by year 2000; and c) agreeing on a global moratorium on further expansion of shrimp aquaculture in 1998 (the Year of the Oceans), while also ensuring that future aquaculture development be ecologically sound and socially equitable;

AQUACULTURE CANNOT BE ECOLOGICAL SOUND, GREENPEACE SHOULD CALL FOR A BAN OF SALMON AQUACULTURE

5. DISARMAMENT: Conventional and nuclear weapons CONTINUE to offer no security against the threat of global pollution and environmental destruction - the real enemies of the planet in the next century. In spite of some positive trends in areas to reduce military budgets and weapon numbers, they still command far too high a share of national budgets. Leaders must commit to concluding an agreement by year 2000, that would ban the production and use of weapons-usable fissile material

immediately, and nuclear weapons between 2000-2010;

IT SHOULD BE NOTED, THAT IN A 1981 GENERAL ASSEMBLY RESOLUTION, THE MAJORITY OF THE MEMBER STATES OF THE UNITED NATIONS UNDERTOOK TO REDUCE THE MILITARY BUDGET AND TRANSFER THE SAVINGS INTO SOCIAL PROGRAMS. AT THAT TIME THE MILITARY BUDGET WAS LESS THAN 50% OF WHAT IT IS NOW. GIVEN THE URGENCY OF THE GLOBAL SITUATION, AND THE CONTINUED SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT, THERE MUST BE AN IMMEDIATE 50 % REDUCTION OF THE MILITARY BUDGET AND THE TRANSFER INTO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT.

GIVEN THE RECENT DECISION OF THE INTERNATIONAL COURT OF JUSTICE THAT THE USE OR THREAT TO USE NUCLEAR WEAPONS WAS CONTRARY TO INTERNATIONAL HUMANITARIAN LAW (JULY, 1996) AND GIVEN THE RECENT MALAYSIAN GENERAL ASSEMBLY RESOLUTION WHICH DECLARED THAT THE CONTINUING EXISTENCE OF NUCLEAR WEAPONS POSES A THREAT TO ALL HUMANITY AND THEIR USE WOULD HAVE CATASTROPHIC CONSEQUENCES FOR ALL LIFE ON EARTH. (DECEMBER 10), THE MEMBER STATES OF THE UNITED NATIONS, MUST UNDERTAKE, AT THE EARTH SUMMIT II, TO EMBARK IMMEDIATELY AND CONCLUDE BEFORE 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, AND THE DISCONTINUING OF THE CIRCULATION AND BERTHING OF NUCLEAR POWERED AND NUCLEAR ARMED VESSELS .

6. FINANCING CHANGE: Sustainability requires fundamental structural changes in society. While many changes can be made at a net economic saving (e.g., energy and processing efficiency), many will require the injection of large amounts of private and public finance. Leaders

should pledge, at the Earth Summit 2, to establish an Inter-Governmental Finance Panel with the achievement of ecologically sound and socially just development as its central, guiding tenet. Given the dominant role of private capital as a source of development and international project financing, among other tasks, the panel participants should propose mechanisms to enable a global environmental audit of private sector finance in relation to the goal of sustainable development.

THE URGENCY OF THE GLOBAL SITUATION HAS RESULTED, IN PART, FROM GOVERNMENTS AND INSTITUTIONS EITHER BEING IN COLLUSION WITH THE CORPORATE SECTOR OR DEVOLVING RESPONSIBILITY TO THE CORPORATE SECTOR.

A NUMBER OF MEASURES COULD BE IN PLACE TO ADDRESS THE SITUATION. HERE ARE SOME SUGGESTED MEASURES TO ADDRESS THE URGENCY:

1. THAT CHARTERS AND LICENSES 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 DECISION MAKING 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, 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 WITH INTERNATIONAL LAWS. .

Simultaneously, OECD countries should meet the 0.7% of GNP target for aid by year 2002 and achieve half (0.35%) of that target by 1999, including a 50% increase in the current Global Environmental Facility (GEF) replenishment, and targeted debt reductions in the most indebted, least developed countries (in return for initiatives to further sustainable development);

7. SUSTAINABLE TRADE: The role of international trade in contributing to sustainable development remains unclear. Currently, the World Trade Organization is not accountable to the UN General Assembly nor are its activities audited in relation to their potential environmental impact. Moreover, there is a disturbing trend in the WTO, to overrule national and international laws that limit trade, with little or no regard for their importance in achieving sustainable development. Leaders must commit to ensuring that environmental laws will not be set aside, and follow that up, (e.g. with a formal understanding) by 1998 that multilateral, environmental agreements (MEAs) shall not be bound by WTO-imposed requirements or restrictions.

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.

THESE OBLIGATIONS, EXPECTATIONS AND COMMITMENTS SHALL TAKE PRECEDENCE OVER TRADE AGREEMENTS. IN ADDITION, NO STATE SHALL CHANGE [MAKE LESS STRINGENT] OR RELAX ENVIRONMENTAL STANDARDS TO ATTRACT INDUSTRY.

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 SHOULD BE INSTITUTED. MINS WILL THEN DRIVE INDUSTRY TO BEST (BEST EQUITABLE/ENVIRONMENTALLY SOUND TRADITIONS) PRACTICES.

On related fronts, a trade and environment Ministers summit should be convened before the next WTO Ministerial, and transparency and effective opportunities for NGO participation in trade fora should be ensured; and

8. CORPORATE [COMPLIANCE] ACCOUNTABILITY:

AT THE EARTH SUMMIT II, THE MEMBER STATES OF THE UNITED NATIONS SHALL 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".

The globalization of the economy has meant that corporations have benefited most from the ability to shift finance and production around the planet. TO ACHIEVE A EVEN GLOBAL FIELD, MANDATORY INTERNATIONAL NORMATIVE STANDARDS/REGULATIONS (MINS), DRAWN FROM INTERNATIONAL PRINCIPLES AND FROM THE HIGHEST AND STRONGEST REGULATIONS FROM MEMBER STATES, HARMONIZED CONTINUALLY UPWARDS, SHOULD BE INSTITUTED.

While it is a governmental prerogative to set and implement local production and investment standards, multinational corporations and host governments must acknowledge a responsibility to ensure that regulations and corporate behaviour add to, rather than set back, efforts to achieve global sustainability. As a matter of principle, "double standards," e.g., observing one level of conduct in one place and a lower level in another, must be rejected. In this respect, governments should commit to full and transparent environmental audits of corporate operations. With that objective in mind, leaders should agree at Earth Summit 2 to create a permanent Corporate Accountability Sub-Commission of the CSD, with a mandate to develop internationally agreed mechanisms ensuring far greater accountability of multinational corporations.

*11. LANDS OF INDIGENOUS PEOPLES

* *

THROUGH MANDATORY INTERNATIONAL STANDARDS, STATES SHALL ENSURE THAT THE RIGHTS OF INDIGENOUS PEOPLES ARE GUARANTEED: AFFIRMING OF POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS

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)

NOTE: For further information, contact Greenpeace International in Amsterdam (Siubhan Leslie, tel: 31.20.523.6228, fax: 31.20.523.6200; e-mail: sleslie@ams.greenpeace.org), Washington, D.C. (Clifton Curtis, tel: 1.202.319.2473, fax: 1.202.462.4507, e-mail: clif.curtis@wdc.greenpeace.org), or via the Greenpeace office nearest to you.

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() THAT in 1997 April 5

Events related to Food and Agriculture Issues to be held at the April meeting of the Commission on Sustainable Development. locations of meetings will be announced as soon as scheduling of rooms in the U.N. permits.

All meetings are open unless otherwise noted and participation is encouraged. Meetings inside the U.N. Headquarters may be attended by representatives of organizations accredited to the U.N. Meetings

outside the U.N. are open and do not require accreditation.

Email Contact: tforster@igc.apc.org (Thomas Forster, Coordinator,
Sustainable Agriculture/Food Systems Caucus, CSD V) Telephone
contact in New York between April 10 and 18: (212) 925-1911

() in 1997 on April 5 I made a presentation on the Precautionary principle on a Panel

1997- Presented paper - C Principle: Report to the Commission on Sustainable Development;" on a panel on at International Environmental Law Conference in Washington, DC

Wrote and presented a paper "precautionary principle" as part of a Panel on the Washington DC Precautionary Principle "The Implications of Compliance with the Precautionary Principle: Report to the Commission on Sustainable Development;" at International Environmental Law Conference in Washington

I presented a paper with precedents related to the precautionary principle and I was arguing that the precautionary principle is a principle of international customary law, and as such legally binding on member States of the United Nations Panelist.: Precautionary Principle "The Implications of Compliance with the Precautionary Principle: Report to the

Commission on Sustainable Development;" at International Environmental Law Conference in Washington

· Dr. Joan E. Russow, Co-ordinator, Global Compliance Research project &
Sessional lecturer, Global Issues, Environmental Studies Program, U. Of
Victoria, "The Implications of Compliance with the Precautionary Principle:
Report to the Commission on Sustainable Development;"

I was on a panel with the following:

Evolve into Customary International Law."

Conference Contact

Wil Burns

Director, GreenLife Society - North American Chapter

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For my presentation ,I made an ideagraph drawing upon the data in the following document

EXHIBIT

1. PRECEDENTS, OF THE PRECAUTIONARY PRINCIPLE

1.1 the international precedents of the precautionary principle

Excerpts from a presentation on Panel on the Precautionary Principle April 5,1997 at the Greenlife International Environmental Conference in Washington DC:

The precautionary principle, because of the longevity of its existence and because of the prevalence in a wide range of international documents, is deemed to be a principle of international customary law and as such is automatically the law of all member States of the United Nations. Institutional memory is short and corporate sympathetic governments through years of negligence, have CONTINUED to disregard the commitment made in 1972 - a commitment to embrace in essence the precautionary principle:

"A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference, we can do massive and irreversible harm to the earthly environment (Declaration of the United Nations Conference on Humans and the Environment, 1972)

This admonition was reinforced in the World Charter of Nature; that was passed as a General Assembly Resolution in 1982 with only one country abstaining, the United States. Through the World Charter of Nature, member States of the United Nations created an expectation that they would seriously be guided by the following dictate:

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

Again, institutional memory was short and governments soon forgot that this expectation was created.

Ten years later, at UNCED in 1992, the precautionary principle surfaced again in the Rio Declaration which was adopted by all member States of the United Nations, in the Convention on Biological Diversity which was signed and ratified by most of the member States of the United Nations and in the Framework Convention on Climate Change which was signed and ratified by most member States of the United Nations.:

"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 "(principle 15, Rio Declaration)

"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, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost" (Article 3. Framework Convention on Climate Change)

Again after 1992, the precautionary principle was not implemented.

Institutional memory coupled with corporate sympathetic administrations, ignorant judges, short-sighted lawyers, and "the 'misplaced credibility" of activist groups are some of the systemic constraints preventing the implementation of this principle.

The precautionary principle has been extended to apply also the health issues (Russow, 1991, Wingspread Conference 1998, Peter Montague [Rachel] 1998) and has been applied to issues as widespread as genetically engineered organisms to prevention of nuclear disasters to discharge gas emissions affecting kayakers. Each case where there is the call for the implementation of the precautionary principle different precedents are cited.

To support the precautionary principle's applying to Ocean shipments of radioactive materials the original enunciation of the precautionary principles was cited as the Trail

Smelter case (Trail Smelter Arbitration (U.S. v Can.) 3 R. Int' Ar. Awards 1905 (1941). In the Trail Smelter Arbitration, the arbitrators required Canada to pay damages even though the causal link between the emissions in Canada and the damages remained somewhat uncertain. The principles enunciated in this case has subsequently been referred to as the trans-boundary principle and has appeared in subsequent documents such as the Convention on the Law of the Seas and the Basel Convention. The Trans-Boundary principle is a complementary principle to the precautionary principles and will be examined later in the section of this guide on associated and complementary principles that clarify and strengthen the Precautionary Principle.

Draft outline of references to the Precautionary Principle (to be completed)

Legend:

• Russow

•• Natasha Parassram GRACE

* Jon M. Van Dykel

** Kaitilin Gaffney

*** Robert J. Wilder Department of Political Science, University of Massachusetts, Dartmouth,

**** Boehmer Christiansen cited in Tim O'reardon

**** 1930 "the precautionary principle evolved out of the German socio- legal tradition, created in the heyday of democratic socialism in the 1930s, centering on the concept of good household management. This was regarded as a constructive partnership between the individual, the economy and the state to manage change so as to improve the lot of both society and the natural world upon which it depended for survival. This invested the precautionary principle with a managerial or programmable quality, a purposeful role in guiding future political and regulatory action.

As Boehmer Christiansen argues, the German concept of Vorsorgeprinzip means much more than the rough English translation of foresight planning. It absorbs notions of risk prevention, cost effectiveness but in a looser economic framework, ethical responsibilities towards maintaining the integrity of natural systems, and the fallibility of human understanding. The right of nature means, in part, giving it room to accommodate to human interference, so precaution presumes that mistakes can be made. For the Germans, therefore, precaution is an interventionist measure, a justification of state involvement in the day to day lives of its landau and its citizenry in the name of good government. Social planning in the economy, in technology, in morality and in social initiatives all can be justified by a loose and open-ended interpretation of precaution. As we shall see, it is precisely the unreliability that makes precaution both feared and welcomed.

- 1928 Trail Smelter case: final decision 1941

“A dispute between Canada and U.S. arising out of damage allegedly done to the State of Washington from fumes crossing the border from the privately-owned Trail smelter. Two of the most important principles emerged from this case: that a state does not have the right to so use its territory as to damage the territory of another state; and that the offending state, Canada, was required to pay compensation and establish a remedial regime which would prevent further damage and thus apply the “precautionary principle” (Alan Beasley, Canadian Ambassador for the marine environment and foreign ministry advisor for the environment)

() THAT in 1997 the following statement that I wrote in 1993 is still relevant, old growth forests of universal value are still not being protected

Joan Russow national leader of the Green Party of Canada

CANADA FAILS TO FULFILL ITS INTERNATIONAL DUTY TO DESIGNATE OLD GROWTH SITE AS BEING ONE OF OUTSTANDING INTERNATIONAL WORTH

When I was in Paris in June, 1993, I attended the meeting of the Heritage Committee, of the Convention of the Preservation of Cultural and Natural Heritage. (1972)

For some time, I have been concerned with the way Canada, especially B.C., has been remiss in not fulfilling its duty under the Convention for the Preservation of Cultural and Natural Heritage, to identify sites of potential international worth. At the meeting of the Heritage Committee, I raised the question of the apparent discrepancy between the strong preservation intention expressed in the preamble:

"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..."(Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

...and article 11 which places the obligation to identify significant sites on the State. I also mentioned that I believed that the Convention appeared to have presumed that States would have wanted to have sites designated as being of outstanding universal value; the drafters of the Convention did not envision the case that is occurring in Canada where the state, for essentially commercial reasons, fails to fulfill its duty to identify sites of potential universal value.

At that meeting of the Heritage Committee, it was indicated that States had been requested to submit a list of potential future sites to the Committee. I asked the official Canadian Observer, to let me see the list of sites proposed by Canada. I noticed that there was no significant network of temperate rain-forests proposed for preservation.

The omission of a significant network of preserved temperate rain-forests was particularly disturbing in the light of the fact that the Observer from Australia had a forty

page document supporting a request from the Australian government to preserve a network of temperate rain-forests in Australia.

It would appear that International intervention without the consent of the state is permitted, however, in cases of World Heritage Sites in Danger when the state fails to protect sites that have already been designated. In Article 11.4 of the United Nations Convention for Protection of the World Cultural and Natural Heritage, there is however, a specific intervention which enables the committee to carry out the following action:

The committee may at any time, in case of urgent need, make a new entry in the list of World Heritage in Danger and publicize such entry immediately (United Nations Convention for the Preservation of Cultural and Natural Heritage, article 11, 4)

This clause appears to be ambiguous, and given the statement referred to above from the preamble, could be interpreted as meaning without the permission of the State.

Enclosed please find a copy of the proposal that I submitted to the President of the Heritage Committee.

Joan Russow

ERA Ecological Rights Association

() THAT in 1997 I wrote an update of the ILOI REPORT

EXHIBIT

() THAT in 1997, I circulated an update of ILOI B.C. Government Report Card:

Compliance with international obligations: prepared by the International Law and Obligations Institute (ILOI) for circulation. The ILOI is preparing a series of reports related to different international obligations;

The B.C. government has initiated a series of processes which have been purported to bring about compliance with international obligations. However, while deliberation proceeds under these processes, activities which are in violation of international obligations, also proceeds. International obligations are either not being fulfilled, or if fulfilled, only minimally. This is a report card which evaluates the B.C. government's compliance with its international obligations under the Convention on Biological Diversity which was signed (June 13, 1992) and ratified (December 4, 1992) by Canada, and which is now in force (December, 29, 1993).

Report card: on B.C. compliance to the Convention on Biological Diversity:

1. Demonstration of the importance of Biological

Diversity through actions

D

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

The conservation of biological diversity is a common concern of humankind.

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

2. Invoking of "the Precautionary Principle"

F

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

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

3. Application of the "Environmental Impact Assessment" principle **F**

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

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

4. Identification of processes and categories of significant adverse impacts

F

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

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

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

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

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

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

C

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

for setting up scientific panel on biodiversity A
 for limiting scientific panel to single regionD
 for continuing to permit the loss of biodiversity before it has been identified

and studied

F

8 Failure to adhere to the objective of the

convention: "the conservation of biological diversity ..

F

" (Article 1)

failure to anticipate, prevent and attack the causes of significant reduction or loss

of biological diversity by preventing ecologically unsound timber extraction practices.....D

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

Determined to conserve and sustainably use biological diversity for the benefit of present and future generations, .(Preamble Convention on Biological Diversity)

10. failure to establish a system of protected areas D

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

to protect ecosystems (8d) D

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

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

11. Failure to promote environmentally sound and sustainable D

development

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

In the Carmanah Valley, the B.C. Government has protected the lower part but it may permit the logging of the upper part in a way that may jeopardize the protection of the lower park. This approach seems to be the government's 'balanced' approach to biodiversity.

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

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

tree farm "restoration"	F
some restoration work promising	C

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

\ **F**

In article 11, there is the possibility of "adding a new site to the list in the case of urgency". It appears from the wording of this clause that it may be possible to enter a site that has not yet been put on the list. The clause is ambiguous because it does not specify that it is only at the request of a state. I believe that this clause needs a legal interpretation, and that it is possible that this clause does permit a form of international intervention that has not yet been used.

The problem might be to effectively demonstrate that there is a state of urgency and that the site will be irreversibly lost as a potential international heritage site if international action is not taken.

The letter addressed to the president of the Heritage Committee, was a follow-up to the presentation that I made at the Heritage Committee meeting in Paris, in June. At that meeting, I raised the question of the discrepancy between the statement in the preamble that addresses the seriousness of the loss of international significant sites and the statement in the body of the convention that requires the consent of the state. I also indicated the seriousness of the problem in Canada where the state is remiss in permitting sites that are worthy of international designation. to be irreversibly destroyed, and in failing to preserve these sites and submit them for designation as international heritage sites. At that meeting significant areas of Australian temperate rain forests were designated as international Natural Heritage Sites.

3 FULFILMENT OF GOAL OF CONVENTION TO BRING TOGETHER NATURAL AND CULTURAL HERITAGE

Given that in its publication, Nature and Resources, UNESCO has recognized the significance of linking natural and cultural heritage in the recent formation of the World Heritage Centre:

Establishment of World Heritage Centre in 1992, to bring together what had been separate secretariats for natural and cultural heritage. .. to provide new impetus to heritage conservation at the interface of culture and nature .

4. FULFILLMENT OF NATURAL AND CULTURAL COMMITMENTS IN UNCED

Given that the global community has made commitment to preserving natural and cultural heritage through various documents from UNCED

of the document reflecting the worth of sites within sovereign States for the international community, and the intention of the Convention appears to be PROCLAMATION SENT TO THE PRESIDENT OF THE WORLD HERITAGE COMMITTEE

UNESCO

WE REQUEST

THAT THE WORLD HERITAGE COMMITTEE COMPLY WITH THE URGENT NEED TO MAKE A NEW ENTRY IN THE LIST OF WORLD HERITAGE IN DANGER (ARTICLE 11, 4):

THE PRESERVATION ON VANCOUVER ISLAND, BRITISH COLUMBIA OF

A WORLD COMPOSITE NATURAL AND CULTURAL HERITAGE SITE

CONTAINING THE FOLLOWING COMPONENT SITES:

1. CLAYOQUOT SOUND,
2. INTACT WATERSHEDS CONTAINING SIGNIFICANT STANDS OF UNFRAGMENTED OLD GROWTH (SUCH AS THE WALBRAN AND THE UPPER CARMANAH)
3. ASSOCIATED CULTURAL HERITAGE OF INDIGENOUS PEOPLES

AND THE FOLLOWING PATHWAYS

1. NATURAL CONSERVATION CORRIDORS
2. CULTURAL PATHWAYS OF INDIGENOUS PEOPLES

REASONS FOR PROPOSED INCLUSION:

1. FULFILLMENT OF WORLD HERITAGE CRITERIA

GIVEN THAT this composite natural and cultural site fulfills criteria for both natural and cultural heritage

Natural heritage criteria (ii), (iii) and (iv) of the criteria for inclusion in the World Heritage list.

(ii) be outstanding examples representing significant ongoing geological processes... biological evolution and man [human] interaction with his [its] natural environment; as distinct from the periods of the Earth's development, this focuses upon ongoing processes in the development of communities of plants and animals, land-forms and marine areas and fresh water bodies;

(iii) contain superlative natural phenomena formations or features for ... outstanding examples of the most important ecosystems, areas of exceptional natural beauty or exceptional combinations of natural and cultural elements;

(iv) containing the most important and significant natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive

and criteria (i), (ii) (v) and (vi) for the inclusion in cultural property

(i) represent a unique artistic achievement, a masterpiece of the creative genius;

(ii) have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or town planning and landscaping;

(V) an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change;

(vi) be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance

2. FULFILLMENT OF CRITERIA OF URGENCY TO BE INCLUDED AS A NEW WORLD HERITAGE ENTRY

DISTINGUISHED

AUSTRALIAN CASE

Commonwealth of Australia and Another v State of Tasmania and others C6 of 1983

The substantial question at issue was the constitutional validity of the Commonwealth legislation and regulations, and their application to the HEC (Hydro-Electric Commission of Tasmania

held per Mason, Murphy, Brennan and Deane, that the commonwealth had validly prohibited construction of the dam, by virtue both of s9 (1) of the World Heritage Act and the regulations thereunder..

Section 69 of the national parks Act and the regulations passed thereunder were a valid exercise of the external affairs power. -

- the external affairs power **supported legislation implementing** the Convention and s9 (1) (h) was such an exercise of power

section 11 of the World Heritage Act was a valid exercise of the people of a any race power (though the question of whether the proclaimed sites were of 'particular significance' was the question of fact).

any implied constitutional restriction that the Commonwealth could not destroy the States or impair their capacity to function had no application in the present case.

Summary of Reasons

1. External Affairs power

2. Existence of a treaty obligation (as there was under the Convention) was sufficient (though not necessary) to give rise to an external affair; there was no additional, independent requirement that the subject-matter of the treaty be of international concern.

It will be argued, in the leave to appeal, that in Canada, the existence of a treaty obligation (under the legally binding Conventions on Biological Diversity and Climate Change) is sufficient to give rise to an external affair.

The dissenting judges indicated that there was an independent requirement of "international concern" and that the subject-matter of the convention, unlike that the race relations in Koowarta's case, did not exhibit a sufficient degree of concern.

In the Clayoquot injunction leave to appeal, it can be argued that the " protection of biodiversity" is an international concern.

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

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

Per Curiam: In exercising its power to implement treaty obligations, the Commonwealth could not legislate generally on the subject-matter of the treaty; the legislation had to be an appropriate means of giving effect to the obligations.

Implied limits concerning interference with State Function. The principle that the Commonwealth cannot place some discriminatory burden on the States or threaten the CONTINUED existence of States or impair their capacity to function...had no application in the present case. The prerogatives of the Crown in the right of the State were not immune from Commonwealth legislation, and the overriding and superseding of State legislative and executive functions was the ordinary consequence under s109 of the Constitution of the operation of any valid Commonwealth law in an area of concurrent power.

Legal question addressed

Gibbs Dissenting

"However, the Government of the commonwealth wishes to stop the construction of the dam, which it considers, will inundate significant Aboriginal archaeological sites and will cause damage to a wilderness area which is of great natural significance, and which satisfies the criteria for listing on the World Heritage List maintained under the Convention for the Protection of the World Cultural and Natural Heritage (the Convention) "

Legal question: Whether the Commonwealth regulations and the Commonwealth statute are within constitutional power?

FACTS:

Sept 22, 1981, the Premier of Tasmania wrote to the then Prime Minister requesting that a nomination of the Parks, for listing in the World Heritage List, should be forwarded to the World Heritage Committee. A nomination was submitted by the Commonwealth to the World Heritage Committee on 13 No., 1981. The IUCN, a body recognized by the Convention and entitled to send a representative to attend meetings of the World Heritage Committee in an advisory capacity (see art 8.3. of the Convention), reported to the World Heritage Committee on 15 April, 1982, recommending that the Parks be listed. The report reveals that the question whether the Gordon below Franklin dam should be built, was already a controversial issue in Australia.

On 28 June, 1982, the Gordon River Hydro-Electric Power Development Act 1982 was assented to and on the same day the premier of Tasmania (by that time Mr. Gray) requested the Prime Minister to withdraw the nomination of the parks for inclusion in the World Heritage List. The Prime Minister declined to do so and Mr. Gray strongly objected to this rejection of his request.

On 17 August, 1982, by proclamation made under the national Parks and Wildlife Act 1970 (Tas), an area of 14,125 hectares was excised from the Franklin-Lower Gordon Wild Rivers National Park as from 2 September, 1982 and a further area of 780 hectares is to be excised from that national Park as from 1 July, 1990. By a proclamation made on 7 Sept, 1982, under the Hydro-Electric Commission Act 1944 (Tas) the area of 14, 125 hectares was vested in the Commission on 16 Sept, 1982 and the area of 780 hectares is to vest in the Commission on 2 July 1990.

The commission intends to construct the works authorized by the Gordon River hydroelectric Per Development Act 1982 on the area of 14,125 hectares already mentioned.

In the meantime, the Bureau of the World Heritage Committee had met in June 1982 to consider nominations which had been received of the inclusion of a number of properties on the World Heritage List, and in relation to the nomination of the Parks had resolved to request the Australian authority to provide, inter alia, a statement of intent regarding the construction of dams and the possibility of extending the protected area. On 8 December, 1982, the World Heritage Committee received from the Australian Government a response to this request.

The Australian Government **considers** that the committee should inscribe the Western Tasmania Wilderness National Parks on the World heritage List at its current session."

The World Heritage Committee met from 13 to 17 December, 1982 and decided to enter in the World Heritage List a number of properties including the Parks.

Comment from the Committee

"The Committee is seriously concerned at the likely effort of dam construction in the area on those natural and cultural characteristics which may be properly of outstanding universal value. In particular, it considers that **flooding of parts of the river valleys would destroy a number of cultural and natural features of great significance, as identified in the ICOMOS and IUCN reports.** The Committee therefore recommends that the **Australian authorities take all possible measures to protect the integrity of the property.** The Committee suggests that the Australian authorities should ask **the Committee to place the property on the List of World Heritage in Danger until the question of dam construction is resolved.**

IUCN, in its report, relied both on the fact that the area of the Parks is "one of the World's last great remaining temperate pristine wildernesses" and on the archaeological and anthropological importance of the area. It recommended that the Parks be added to the World Heritage List and that the Committee should express concern about the deleterious impact of the dam on the property.

The Commonwealth contends that the Parks, including the 14,125 hectares, which are now vested in the Commission, "...comprise most of the last great temperate wilderness remaining in Australia and one of the last remaining in the world". It alleges that the Parks satisfy all the criteria required for nomination to the World Heritage List and goes into some detail in describing the features which it alleges make the Parks of outstanding universal value.

"The protection or conservation of the property by Australia, is a matter of international obligations, whether by reason of the Convention or otherwise.

The protection or conservation of the property by Australia is a necessary or **desirable for the purpose of giving effect to a treaty (including the convention) or for the purpose of obtaining for Australia any advantage or benefit under a treaty (including the Convention).**

d. The protection or conservation of the property by Australia is a matter of international concern (whether or not it is also a matter of domestic concern) whether by reason that a failure by Australia to take proper measures for the protection (p. 644)

(d) The property is part of the heritage distinctive of the Australian nation by reason of its international or national renown

[not power conferred by s 51 (xxix) of the constitution]

The Convention

As has already appeared, the Commonwealth, in seeking to uphold the validity of the (World Heritage 9, Western Tasmania Wilderness) Regulations and of the Act, relies in part, upon the external affairs power (s 51 9xxix) and on its obligations under the Convention.

...

"

UN convention for the Protection of cultural and natural heritage "

" Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world"

APPLICATION TO CANADA AND B.C.

"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 as a whole..."

"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, by the granting of collective assistances..."

Article 4

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. It will do all it can to this end, to the utmost of its own resources and where appropriate with any international assistance and co-operation ...

To integrate the protection of that [cultural and natural heritage] into comprehensive planning programmes (Article 5a); to develop scientific and technical studies and researched to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage (Article 5c)

- To take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection , conservation, presentation and rehabilitation of this heritage. (Article 5d)

Article 6

1. ...whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this convention, recognize that such

heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate. (Article 6 1)

Each State Party to this convention, undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate (Article 6, 1)

Each State Party to this convention, undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this convention

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States parties to the convention in their efforts to conserve and identify that heritage.

1. Every State Party to this convention shall, in so far as possible, submit an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. (Article 11, 1)

On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish under the title of "World Heritage List", a list of properties forming part of the cultural heritage and natural heritage as defined in Articles 1 and 2 of this convention, which it considers as being of outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years. (11, 2)

The inclusion of a property in the World Heritage list requires the consent of the State concerned. (11 3)

The Committee may, at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately. (11.4)

Article 34

The following provisions shall apply to those federal or non-unitary constitutional system:

- a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal states;
- (b) with regard to the provisions of this convention, the implementation of which comes under the legal jurisdiction of individual constituent states, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such states, countries, provinces or cantons of the said provisions, with its recommendations for their adoption."

Mason (Deciding Judgment)

The External Affairs power

... referred to *Koowarta v Bjelke-Petersen* (1982) 56 ALJR 625: 39 ALR 417, decided as to the scope of the external affairs power because the correctness of *Koowarta* was common ground between the parties. There, the validity of ss9 and 12 of the Racial Discrimination Act 1974 (CTH), was upheld as an exercise of the power conferred by s 51 (xxix) of the Constitution on the footing that the enactment of the two sections was a discharge of Australia's obligation under the International Convention on the Elimination of all Forms of Racial Discrimination. By becoming a party to that convention, Australia undertook to prohibit and eliminate racial discrimination in all its forms by appropriate means, including legislation. ...

Effect to an obligation imposed by international convention

section gave effect to an obligation imposed by an international convention

Entering into Genuine treaty state assumes international obligations to enact domestic laws.

In *Koowarta* case, the judges thought that it was enough that by entering into a genuine international treaty, Australia had assumed an international obligation to enact domestic laws of the kind already described.

"subject matter of treaty and of legislation of international concern"

Demonstration that subject matter of treaty and of legislation is "of international concern"

In *RV Burgess: Ex parte Henry* (1936) 55 (at 645/453) the judgment of Stephen J...

His Honour stated (at 646/454) that the content of the external affairs power must be determined by what is generally regarded at any particular time as part of the external affairs of the nation, describing that as " a concept the content of which lies very much in the hands of the community of nations of which Australia forms a part" ... (p. 689)

Case is authority for the proposition that the power authorizes a law which gives effect to an obligation imposed on Australia by a bona fide international convention or treaty to which Australia is a party (689)

Issues raised related to External affairs power and international concern:

1. Does the enactment of the law constitute an implementation by Australia of an obligation imposed on it by the Convention? Conversely, would Australia be in breach of an obligation imposed on it by the Convention if it failed to enact the law or some law substantially to the same effect?
2. Does the subject-matter of the Convention to which the law gives effect in the manner in which it is treated, involve in some way a relationship with other countries or with persons or things outside Australia?
3. Is the subject-matter of the convention to which the law gives effect, something which, although it relates to domestic activity, affects relations between Australia and another or other countries?

The first of the three tests seeks to express the idea that it is the implementation of an obligation imposed on Australia by a treaty that attracts the external affairs power, that it is the treaty obligation and its implementation that constitutes the relevant subject or matter of external affairs. ... As I pointed out in *Koowarta* (at 648-50/457-62), the treaty itself is a matter of external affairs, as is its implementation by domestic legislation. The insistence in *Burgess* of the legislation to carry into effect provisions of the convention in accordance with the obligations which that Convention imposed on Australia is not inconsistent with what I have said, though it does raise a question as to the scope of the legislative power in its application to a treaty, ...

At this point it is sufficient to say that there is no persuasive reason for thinking that the international character of the subject matter or the existence of international concern is confined to that part of a treaty which imposes an obligation on Australia. A provision in a treaty which is designed to secure to Australia, a benefit, may be just as much a matter of international concern possessing an international character, with a potential to affect Australia's relationships with other countries; as a provision in a treaty which imposes an obligation upon Australia.

... But when we have regard to international affairs as they are conducted today, when the nations of the world are accustomed to discuss, negotiate, co-operate and agree on an ever widening range of topics, it is impossible to enunciate a criterion by which potential for international action can be identified from topics which lack this quality.

... p691

It is suggested that if a topic becomes the subject of international cooperation or an international convention it is necessarily international in character —

...

The fact of entry into and ratification of an international convention, evidences the judgment of the Executive and of Parliament; that the subject matter of the convention is of international character and concern and that its implementation will be a benefit to Australia. ...

...the court should accept and act upon the decision of the Executive government and upon the expression of the will of Parliament in giving legislative ratification to the treaty or convention. (p. 692)

... Koowarta makes the point that the content of the external affairs power has expanded greatly in recent times, along with the increase in the number of international conventions and the extended range of matters with which they deal (ALJR) at 645-6, 650; (ALR) at 453-4, 462-3

Section 51(xxix)

"There is no reason at all for thinking that the legislative power conferred by s51(xxix) was intended to be less than appropriate and adequate to enable the Commonwealth to discharge Australia's responsibilities in international and regional affairs... As the object of conferring the power was to equip the Commonwealth with comprehensive capacity to legislate with respect to external affairs, it is not to the point to say that such is the scope of external affairs in today's world that the content of the power given to the Commonwealth is greater than it was thought to be in 1900."

Accordingly, it conforms to established principle to say that s51 (xxix) was framed as an enduring power in broad and general terms enabling the Parliament to legislate with respect to all aspects of Australia's participation in international affairs and of its relationship with other countries in a changing and developing world and in circumstances and situations that could not be easily foreseen in 1900 (p693). This circumstance is often overlooked by those who are preoccupied with the impact that the exercise of the power may have in areas of legislation traditionally regarded by the States as their own. The consequences to Australia resulting from an inadequate Commonwealth legislative power with respect to external affairs — which represents the price to be paid for the preservation to the States of these areas of legislation — were emphasized in Koowara (ALJR) at 650-1, 656; (ALR)

... it must always be remembered that we are interpreting a Constitution broad and general in its terms, intended to apply to the varying conditions which the development of our community must involve."

In *Airlines of NSW Pty Ltd v New South Wales (No. 2)* (1965) 113 CLR 54, Barwick CJ said (at 86) that "... where a law is to be justified under the external affairs power by reference to the existence of a treaty or convention, the limits of the exercise of the power will be set by the

terms of that treaty or convention, that is to say, the Commonwealth will be limited to making laws to perform the obligations or to secure the benefits which the treaty imposes or confers on Australia. Whilst the choice of the legislative means by which the treaty or convention shall be implemented, is for the legislative authority, it is for this court to determine whether particular provisions, when challenged, are appropriate and adapted to that end."

The same view was expressed by Starke, Evatt and McTiernan JJ in *Burgess* (at 658, 688) and Menzies J in *Airlines of NSW (No2)* at 141.

Parliament's power to legislate so as to give effect to a treaty conforms to the approach which this court has adopted in deciding whether legislative controls designed to achieve an end within power are themselves within power. (p696)

Failure to act

Whether failure on the part of Australia to enact domestic legislation incorporating the rules in the convention ... the Convention did not impose an obligation in specific terms to enact domestic legislation of a particular kind. .. It may be said that the legislation was valid because it gave effect to the principles of customary international law as declared by the Convention. But if Australia became a party to a convention which enacted a new set of rules in relation to the territorial sea and the contiguous zone, but that convention did not attract sufficient support to constitute its provisions as principles of customary international law. domestic legislation giving effect to it would none the less still constitute a valid exercise of the power. [citing *New South Wales v Commonwealth (the Seas and submerged Lands case (1975) 135 CLR 337; 8 ALR*

Influence of Nature of a particular treaty

The extent of the Parliament's power to legislate so as to carry into effect a treaty will, of course, depend on the nature of the particular treaty, whether its provisions are declaratory of international law, whether they impose obligations or benefits and if so what the nature of these obligations or benefits are, and whether they are specific or general or involve significant elements of discretion and value judgment on the part of the contracting parties. (p. 696)

Law must conform to the treaty

The law must conform to the treaty and carry its provisions into effect. the fact that the power may extend to the subject matter of the treaty before it is made or adopted by Australia ...because the subject matter has become a matter of international concern to /Australia, does not mean that Parliament may depart from the provisions of the treaty after it has been entered into by Australia and enact legislation which goes beyond the treaty or is inconsistent with it.

Convention for the Protection of the World Cultural and Natural Heritage

p697 {need to distinguish}

Article 4

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. It will do all it can to this end, to the utmost of its own resources and where appropriate with any international assistance and co-operation ...

To integrate the protection of that [cultural and natural heritage] into comprehensive planning programmes (Article 5a) to develop scientific and technical studies and research and to work out such operating methods as will make the state capable of counteracting the dangers that threaten its cultural or natural heritage (Article 5c)

- To take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection , conservation, presentation and rehabilitation of this heritage. (Article 5d)

Article 6

1. whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this convention recognize that such heritage constitutes a world heritage for woe protection it is the duty of the international community as a whole to co-operate. (Article 6 1)

(p 697) Much emphasis has been given to features in the form of expression of arts 4-6 which are said to support the view that the convention stopped short of imposing an actual obligation on a party to protect its heritage. The word "undertakes", which is apt to create such an obligation, is conspicuous by its absence from arts 4 and 5. Its absences in these articles is to be contrasted with its presence in arts 6.2 and 6.3. By art 6.2 each party undertakes to give its help in identification protection, conservation and preservation of a property on the World Heritage List or on the world Heritage in Danger list at the request of the State in which it is situated. By art 6.3, each party undertakes not to take any deliberate measures which might damage the cultural and natural heritage of another State.

On the other hand, art 4, which speaks of the duty of each State to ensure "the identification , protection, conservation, presentation and transmission to future generations of the cultural and natural heritage...situated on its territory" [even though terms like endeavour are

not used, from the ordinary meaning of the words (a requirement for interpretation cited in the convention of treaties) terms like "recognizing the duty to ensure" would appear to place an obligation on the state to "identity...". Judge Mason does, however, suggest that though the terms of "endeavour" is used with the modification of "in so far as possible" or "as appropriate for each country" and with para (d) ... the taking of "appropriate legal" and other measures for protection...of the heritage, there may be an element of discretion and value judgment on the part of the state to decide what measures are necessary and appropriate. [However the intention behind the whole document was expressed in the preamble where the urgency of the situation was expressed and the duty of the global community was recognized to address this urgency]. Article 6 Mason contends that, despite these features, it seems to me that art 5 itself imposes a series of obligations on parties to the convention, one of which is the obligation dealt with in para. (d) which includes the taking of legal measures. The imposition of this obligation is an element in a general framework which has as its foundation (a) the responsibility of each State, under art 3, to identify and delineate the different properties situated in its territory which answer the descriptions of "cultural heritage" in art 1 and "natural heritage" in art 2; and (b) the first sentence in art 4 which amounts to a recognition of the general or universal responsibility for the protection, preservation etc., of the heritage and a declaration that it "belongs primarily to" the State in which the heritage is situated. The sentence which follows, is a strong and positive declaration of what each State will do in the discharge of the responsibility affirmed by the first sentence (p. 698).

Article 5 then goes further. What it does, is to impose obligations on each State, with the object set out in the opening words of the article are to ensure that effective and active measures are taken for the protection... of the heritage in the discharge of the responsibility acknowledged by art 4. Article 5 cannot be read as a mere statement of intention. It is expressed in a form of a command requiring each party to endeavour to bring about the matters dealt with in the lettered paragraphs. Indeed, there would be little point in adding the qualifications "in so far as possible" and "as appropriate for each country" unless the article imposed an obligation. The first qualification means 'in so far as is practicable' and the second takes account of the difference in legal systems. Neither of these qualifications, nor the existence of an element of discretion and value judgment in para (d), is inconsistent with the existence of an obligation. There is a distinction between a discretion as to the manner of performance and a discretion as to performance or non-performance. The latter but not the former is inconsistent with a binding obligation to perform. (see *Thorsby v Goldberg* (1964) 112 CLR 597 604-5); and it is only natural that in framing a command to States to take measures of the kind described in para (d) in relation to their heritage the command will be expressed in terms of endeavour, subject to the qualifications mentioned. (698)

p699 The World Heritage List is established from inventories submitted by each State party to the convention, each State being required by art 11, in so far as possible, to submit to the committee an inventory of property forming part of the cultural and natural heritage situated in its territory and suitable for inclusion in the list. Inclusion in the property in the World Heritage List requires the consent of each State concerned (art 11.3). This provision does not detract

form the obligations imposed by art 11.1.; on a State to submit an inventory of property to the Committee but it does prevent a State from placing a property in another State on the World Heritage List in cases of disputed sovereignty or jurisdiction. (p. 699)

p. 7000 The convention to which 74 nations have acceded, reflects a vigorous endeavour on the part of the community of nations, under the auspices of the United Nations, to take common action in the pursuit of a common objective essential to the welfare of mankind_ the preservation and conservation of the world heritage.

p. 700 no doubt, in the end, the success of the enterprise will largely depend on the extent to which each nation discharges its primary responsibility for preserving the heritage in its territory, but the formulation of the convention, its adoption by so many nations resulting in co-operative international action and the assumption by the parties to it of obligations to preserve the heritage will enhance the likelihood of a party discharging its primary responsibility.

Federal Clause 34 (p 700)

Mason maintained that article 34 of the convention, the federal clause, does not relieve Australia from performance of its obligations under the convention. Paragraph (a) of the article makes it clear that in the case of a central legislative power possessing legal jurisdiction to implement the provisions of the convention, the State party to the Convention has an obligations to implement the provisions of the convention. It is otherwise where the central legislative power has no jurisdiction to implement the provisions. Then the obligations of the state party to the convention, is to inform the constituent organs in the federation and make recommendations for adoption of the provisions. The existence of the power conferred by s51 (xxix) has the consequences that para (a) of art 34 imposes an obligation in the commonwealth of Australia to implement the provisions of the convention by legislation enacted by the Commonwealth parliament.

Infringement of Section 100 of the Constitution

Background to British Columbia's obligations under the treaty

1. B.C. has failed to carry out an environmental impact assessment of proposed projects that are likely to have significant adverse effects

- Since the signing of the Convention, B.C. has refused to carry out an environmental impact assessment of forest practices that could have impact on biodiversity. In the Convention, B.C. was required to do the following:

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 a)

2. B.C. has failed to invoke the precautionary principle and call for the banning of clear-cut logging and other ecologically unsound practices that destroy biodiversity

- Canada has undertaken international obligations related to biodiversity; and
- 'Biodiversity is defined in the Convention as:

the variability among living organisms from all sources...and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems".

- 'Ecosystem' is defined as:

a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

- There is sufficient evidence that clear-cut logging destroys biodiversity as defined above,

- The practice of clear-cut logging destroys the prospect of forest regeneration and promotes erosion and permanent loss of forest and habitat

- One of the obligations of the Convention on Biological Diversity, is to invoke the Precautionary Principle related to biodiversity:

...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)

B.C. does not have to wait until there is "scientific certainty" that clear-cut logging and other ecologically unsound practices "contribute to the reduction and loss of biodiversity for British Columbia to "avoid and minimize such as threat' by banning clear-cut logging.

3. 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

- Under the Convention the parties are required "to identify biodiversity"

Identify components of biological diversity important for its conservation ...(Article 7, a)

4. To Protect Biodiversity

Canada's obligations under the Convention of Treaties

Under the Convention of Treaties, Canada is obliged to undertake the following obligations when it signs a Convention.

1. In Article 18

UN Convention for the Protection of Cultural and Natural Heritage

and agreed to live up to the provisions of the treaty, and British Columbia is bound by the obligations under the Biodiversity Convention Treaty

Russow notes that both the Biodiversity Convention and the Framework convention on Climate Change have been violated through the CONTINUED clear-cutting of Clayoquot sound"

The Friends of Clayoquot are supporting this application and will hold a press conference, to launch the "injunction appeal" on the grounds of non-compliance with international law.

Whereas Canada has signed (June 5, 1992) and ratified (December, 1992) the Biodiversity Convention Treaty and agreed to live up to the provisions of the treaty, and British Columbia is bound by the obligations under the Biodiversity Convention Treaty

Whereas "clear-cutting and other 'corporate" forest practices are a significant threat to biodiversity and definitely contravene Canada's and B.C.'s international (global) obligations

Be it resolved that the B.C. Government immediately stop permitting the cutting of Ancient Forests on publicly owned land in order to preserve the ecological integrity of our future Ancient Growth Eco- Systems, and thus fulfill its obligations to identify, to prevent the reduction and to conserve biodiversity under the Biodiversity Convention Treaty

•BACKGROUND ON EVIDENCE OF B. C. STATED COMMITMENT TO THE BIODIVERSITY CONVENTION

Prior to August, 1992, the Hon. Moe Sihota , the then Minister Responsible for Constitutional Affairs communicated to the Hon Barbara McDougall, Minister of State for External Affairs for Canada B.C."s support for the Convention on Biological Diversity. ("UNCED Follow-up: Endorsement of International Conventions on Climate Change and Biological Diversity" November 4, 1992)

GIVEN that following the Tri-council Meeting in September 21, 1992, the Hon. John Cashore communicated to the Hon. Barbara Mc Dougall, Minister of State for External Affairs, B.C. 's support for the ratification of the Convention by the end of 1992 ("UNCED Follow-up: Endorsement of International Conventions on Climate Change and Biological Diversity" November 4, 1992)

AWARE that "Canada's position on the two conventions was developed from an intensive series of consultations with key stakeholder groups in Canada including provincial and territorial Ministries of Environment, Energy and forests. ("UNCED Follow-up: Endorsement of International Conventions on Climate Change and Biological Diversity" November 4, 1992)

NOTING that the Government of Canada, on behalf of the citizens of Canada, has signed the Convention on Biological Diversity in June 1992, and ratified the Convention in December 1992. Prior to signing and ratifying the Convention, the federal government consulted with the provinces to ensure that the necessary legislation was in place to ensure compliance with obligations under the Convention. The convention came into force, December 1993.

UNDERSTANDING that the requirement that "Canada will not normally become party to an international agreement until necessary legislation has been enacted in the provinces" (Communiqué, External Affairs, 1982), and

CONCURRING that Canada, explicitly or by necessary implication, undertook to fulfill this requirement, as it relates to the object and purpose enshrined in the Biodiversity Convention which it signed (June, 1992) and ratified (Dec, 1992) and

RECOGNIZING that Canada has signed and ratified Article 18 of the Vienna Convention Treaty which stipulates that there is an "obligation not to defeat the object and purpose of a treaty prior to the entry into force"

Article 27 Internal law and observance of treaties

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46

Article 29 territorial scope of treaties

Unless a different intention appears for the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

• INTERPRETATION OF THE CONVENTION

GIVEN that under Interpretation of Treaties Article 31 Vienna Convention of Treaties

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.

CONCURRING that provisions in the Biodiversity Convention have direct application to practices and activities throughout British Columbia; practices and activities that have CONTINUED since the signing of the Biodiversity Convention

The International Affairs Caucus of the British Columbia Environmental Network understands that from the ordinary meaning of the Convention the following practices and activities occurring in British Columbia are not in compliance with legal obligations undertaken by British Columbia under the Convention on Biological Diversity

• Understanding there is sufficient scientific evidence that policies and practices of corporate logging, such as clear-cutting and other ecologically unsound practices, pose significant threats to biological diversity, and

• Noting that the Biodiversity Convention Treaty calls upon States to invoke the precautionary principle, "which reads

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.

Whereas the biodiversity in original growth forests has not been identify as required under the Biodiversity Convention Treaty,

Whereas British Columbia has failed to carry out an environmental impact assessment of projects that are likely to have significant adverse effects on biological diversity

BE IT RESOLVED THAT FOR BRITISH COLUMBIA TO COMPLY WITH THE BIODIVERSITY CONVENTION TREATY THAT ALL LOGGING CEASE IN OLD GROWTH TEMPERATE RAINFORESTS, AND THAT CLEAR-CUTTING AND ECOLOGICALLY UNSOUND

PRACTICES BE TERMINATED IMMEDIATELY, AND THAT BRITISH COLUMBIA TAKE STEPS TO TRANSITION INTO A JOB-BASED, FIBRE BASED ECONOMY.

o

n the following grounds

1. that Judge Drake failed to consider two of the three grounds for rescinding the injunction
2. Judge Drake failed to recognize that one of the arguments relating to international agreements did refer to a Convention that has been signed and ratified in Canada
3. that Judge Drakes decision was dependent on the leave to appeal in Vancouver

The leave to appeal was served on John Hunter, on October 21, 1993

John Hunter then filed a "Notice of Appearance" on November 8, 1993

John Hunter subsequently wrote to me suggesting that I attempt to appear at the same time as the other injunction appeals will be heard January 19-21

I responded to John Hunter, that, at that time I would be in Buenos Aires, serving on an international commission on education and communication.

On December 31, I was informed that it would be possible to appear through a lawyer

On January 4 I have submitted the leave to appeal book and the factum

It is my understanding that the appropriate time to hear the appeal, if granted, would be at the same time as the other dianer appeals.

APPEAL

(IF LEAVE TO APPEAL IS GRANTED)

FACTUM

A. FACTS

On September 15, Dr. Betty Kleiman and I made an application to rescind the Clayoquot injunction on the following grounds:

- 1. Failure to bring to the judge's attention that the granting of the injunction could contribute to non-compliance with international obligations**
- 2. Failure to bring to the judge's attention that the injunction should be set aside because there was a failure to bring to the attention of the Judge that the TFL, as the right to "profit a prendre" is a conditional right, and entails a complementary responsibility.**
- 3. Failure to bring to the judge's attention that the injunction is based on the nature of the injunction as an equitable remedy moving with time and circumstances**

In Chambers, John Hunter, acting for MacMillan Bloedel indicated that on the previous day, September 14, he "had been served with an application — on behalf of MacMillan Bloedel with an application by Greenpeace Canada through counsel to apply for leave to appeal the decision of Mr. Justice Hall and that application is pending and is scheduled to be heard in the court of Appeal the following Tuesday:

and so the first and primary thing I have to say with respect to this application is that — and your lordship will have heard reference made to Justice Hall's reasons by the applicants, it is apparent that it is a kind of appeal of Judge Hall's order and in my respectful submission the place to do that is in the Court of Appeal. Not that-- the applicants don't have a right, an absolute right of course to enter upon the appeal but if leave is obtained

THE COURT: It is an application for leave is it?

Mr. Hunter There is an application for leave, that's right. If leave is granted then it would be open to the applicant to apply to intervene in the appeal and make these arguments.

September 17, 1993. Decision

Judge Drake concurred with John Hunter, and ruled that the application should be dismissed. I contend that because the leave to appeal was to be heard on the following Tuesday, Judge Drake deferred consideration of the arguments presented by Dr. Kleiman and myself. He also concurred with John Hunter, that international law not expressed in Canadian law was irrelevant in this case:

the argument relating to international agreements and resolutions, these not being expressed in Canadian law, are not relevant to this inquiry.

October 13, 1993, I then sought leave to appeal on the following grounds

1. that Judge Drake failed to consider two of the three grounds for rescinding the injunction
2. Judge Drake failed to recognize that one of the arguments relating to international agreements did refer to a Convention that has been signed and ratified in Canada
3. that Judge Drakes decision was dependent on the leave to appeal in Vancouver

October 21, 1993. The leave to appeal was served on John Hunter

November 8, 1993. John Hunter then filed a "Notice of Appearance"

November 22? John Hunter subsequently wrote to me suggesting that I attempt to appear at the same time as the other injunction appeals will be heard January 19-21

November 23? I responded to John Hunter, that, at that time I would be in Buenos Aires, serving on an international commission on education and communication, and would not be able to appear

December 31. I was informed that it would be possible to appear through a lawyer

January 4. I have submitted the leave to appeal book and the factum

Issues:

Background:

In a decision handed down from the Supreme Court of British Columbia Judge Drake ruled that "the argument relating to international agreements and resolutions, these not being expressed in Canadian law, are not relevant to this inquiry {the inquiry was an application by Joan Russow and Dr. Betty Kleiman to rescind the Clayoquot injunction; one of the grounds for the application to rescind the Clayoquot injunction was that the granting of the injunction could contribute to non-compliance with international obligations)

As mentioned in the Factum, a leave to appeal has been sought on the following grounds.

1. that Judge Drake failed to consider two of the three grounds for rescinding the injunction
2. Judge Drake failed to recognize that one of the arguments relating to international agreements did refer to a Convention that has been signed and ratified in Canada
3. that Judge Drakes decision was dependent on the leave to appeal in Vancouver

As the first point refers to the fact that two of the three grounds for rescinding the injunction was not examined in the Chambers on September 15, the issues related to those two grounds for rescinding the injunction are essentially those contained in the lower court submission, and are contained in the trial transcripts. In the transcripts, there is mention of a second document which was handed to and accepted by Judge Drake as being part of the proceedings. This second document is similar to the oral submission; it does, however, contain the exhibits that are referred to in the trial transcripts.

As the third point will presumably have been dealt with in the leave to appeal application, in this factum I will only examine the issues in the second point and present arguments to address these issues.

Judge Drake failed to recognize that one of the arguments relating to international agreements did refer to a Convention that has been signed and ratified in Canada and Canada is legally obligated vis a vis other States to live up to it and abide by it.

In the original presentation different international documents were referred to. Before delineating the issues related to international law and obligations, a distinction has to be made among different and international documents:

1. legally binding Conventions; Biodiversity Convention and the Climate Change Conventions which have been signed (June 1992) and ratified (December, 1992) and now in force (December, 1993)
2. non legally binding documents adopted by consensus by the member States of the United Nations: Agenda 21
3. obligations contained in the documents that have become or in the process of developing into internationally binding customary law; either because other States act as though the obligations were binding, or if the International court has included such obligations as being binding as international customary law.

During the Chambers hearing, the following information relevant to the discussion on international law, was presented and the following dialogues took place:

- Russow: you state that international law does not apply until it is in statute form, is that correct"

Court: that's about the size of it.

Mr.. Hunter: Treaty or Convention.

The Court: that is the law of the country.

Russow: Now as you know, Canada has signed and ratified the Biodiversity Convention ... and as I understand, it is not fully in effect yet because it requires a certain number of countries for it to become fully in effect; but as far as Canada is concerned, the signing and the ratification of the agreement should mean that it is part of the law of Canada (transcripts, September 15, in Chambers, Judge Drake presiding)

- It would have been quite inappropriate to make such a point [the relevance of the international commitments that may have been made by Canada in Rio de Janeiro] by any Council because that is not a relevant consideration and the reason it is not a relevant consideration is that nothing that happens in Rio affects the law of British Columbia until the province of B.C., acting through its legislature, determines that it shall affect the laws of B.C.; and it may be of assistance to your lordship to have an excerpt from Elsie [L.C.] Green's work on International Law, Canadian Perspective, and I say about treaty rights and I don't think there's any suggestion there that there has been a treaty but taking it at its extreme

THE COURT; Well there has to be some statutory recognition before the court

- The attack of the applicant seems to be on the decision to permit logging in the area. What the court is asked to do is to enforce private rights
- there have been a number of orders about but to focus in on Judge Tysoe's of July 16th, 1992, he made an order for one year which was to expire July 17th 1993

" what happened at Rio does not affect the laws of British Columbia until the province of British Columbia acting through its legislature determines that it shall affect the laws of British Columbia (Transcript of hearing)

- It may be of assistance to your lordship to have an excerpt from Elsie [L.C.] Green's work on international law, Canadian Perspective, and I want to read a portion of what professor Green has to say about treaty rights and I don't think there's any suggestion there that there has been a treaty but taking it at its extreme --

Court Well there has to be some statutory recognition before the court.

Mr. Hunter. That is the point. And it starts at the bottom of 288 and goes to 289, but that is the simple point, there has to be statutory recognition and there has not been statutory recognition of anything that went on at Rio. (transcript September 15)

These statements and dialogues raise a series of issues that are of general public importance and of relevance to the litigation

a. Related to Legally binding international documents

1. Is the "legally binding" Biodiversity Convention binding on Canada if no legislation has been specifically enacted or if it is not "expressed in Canadian Law"
2. In signing the Biodiversity Convention was Canada required to ensure that the implementing legislation both federally and provincially was already in place prior to signing
3. Given that an accepted constitutional convention, is the provision for consultation with provinces prior to signing and ratifying the Convention, does this enable the courts to distinguish the 1937 case on the grounds that the provinces were fully consulted before the

signing and ratifying. If so, the Biodiversity Convention would be binding across Canada regardless of jurisdiction

4. In signing the Biodiversity Convention in June, would that mean that Canada was obliged to not undertake any actions that could jeopardize future fulfillment of the Convention once it came into force (Article 18) Convention of Treaties)

5. Should all activities in Canada after the signing of the Convention ensure that Canada and the provinces not jeopardize the fulfillment of the Convention once it came into force

6. Which activities permitted by granting the injunction would lead to violation of the Biodiversity Convention

B. related to internationally adopted documents and statement about compliance to international documents

1. Is the common law doctrine of legitimate expectations applicable to intentions expressed by governments to fulfill these obligations.

C. related to international customary law

1. If it is held, however, that the Biodiversity Convention is not legally binding, which is not admitted but denied, even so certain obligations contained in the Convention are applicable because they have become or are in the process of becoming internationally binding customary law.

ARGUMENT

a. Related to Legally binding international documents

Throughout this section I will be referring to the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" ("Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power"). It should be noted that this document was sent to me when I contacted the senior legal adviser for External Affairs in Ottawa about Canada's legal obligations under the Convention. He responded by faxing me this document on October 12,

1993. He indicated to me that this document, in his mind, best dealt with the question I had raised. I think that we can presume that this is still relevant in the legal department of external Affairs, and that it is also deemed to be relevant because it was one of the documents cited for support by Green who was deemed by John Hunter to be an authority in these matters.

1. Is the "legally binding" Biodiversity Convention binding on Canada if no legislation has been specifically enacted or it has not been expressed in Canadian law

Judge Drake ruled in reference to the September 15 chambers application that

"the argument relating to international agreements and resolutions, these not being expressed in Canadian law, are not relevant to this inquiry.

On September 15 in the Chambers, the "legally binding" Biodiversity Convention was presented to the judge as being relevant to the case.[Note that throughout the deliberations of UNCED the Biodiversity Convention was described as being "legally binding".]

From the transcripts, it would appear that John Hunter was referring to the non-legally but adopted documents that I had mentioned in the principal part of the submission, when he stated the following:

I don't think there's any suggestion there that there has been a treaty but taking it at its extreme --

I would presume that what he meant by taking it to the extreme was that , even if there were a treaty [it would not be applicable] and then he referred to L.C. Green's work. It should be noted as a preliminary comment that in the reference before judge Drake that there was a statement in Green about Canada's international obligations related to treaties. John Hunter mentioned Green and the page numbers 188-189 but did not actually cite from Green. I believe that the Judge had been subsequently given the references from Green. The actual citation from Green were not in the transcripts. I have undertaken to cite from pages 188 - 189 what I deem to have been the passages referred to by Hunter, and I have included statements from the same that

also would indicate that legally binding internationally with a legally binding document does not require domestically expressed legislation.

Green States that :

In Canada treaties are not self executing and do not constitute part of the law of the land merely by virtue of their conclusion. Treaties require implementing legislation in order to change domestic law. (Canada v. (AGO Labour Conventions Case. [1937] per Lord Atkin: "Within the British Empire there is a well-established rule that the making of a treaty is an executive act, while the performance of its obligations, if they entail alteration of the existing domestic law requires legislative action . [note this case will be examined further on pages...]

This assertion is, however, substantially altered by two significant further statements:

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted [cite references, including 1982 document circulated by external affairs Canadian Reply to Questionnaire on Parliaments and the Treaty-making power]

The full context of this statement comes from the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power". It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis a vis International obligations

Many international agreements require legislation to make them effective in Canadian domestic law. The legislation may be either federal or provincial or a combination of both in fields of shared jurisdiction. Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

In concluding this section which was referred to by John Hunter, Green, makes a very significant remark, which suggests that Canada is bound by the treaty prior to the enactment into national law:

the fact that a treaty has been signed and ratified but not yet enacted into national law does not preclude the international liability of the signatory under the treaty.

This raises a subsequent issue for the court to consider: Can Canada be internationally liable under a legally binding treaty but not held to be legally binding to fulfill the obligations under the treaty by the courts of Canada?

2. In signing the Biodiversity Convention was Canada required to ensure that the implementing legislation both federally and provincially was already in place prior to signing, not only federally but also provincially?

In the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", the following references are made to international law and federal and provincial legislation:

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.

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 through executive action.

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

It appears to be apparent that in an international legally binding document such as the Biodiversity Convention that "it is necessary for the appropriate legislative body, federal or provincial to enact legislation to enable Canada to discharge its treaty obligations. At least two scenarios could emerge from these statements about Canada's policy: 1. as indicated in the last paragraph, Canada will not normally become a party .. until the legislation has been enacted.. therefore, one could presume that Canada deemed that the necessary legislation was already in place. There are two implications that arise from this: that Canada was accurate in its assessment and that the necessary legislation was in place or that Canada was inaccurate and was mistaken and the necessary legislation was not in place. I would contend that if the Biodiversity Convention is raised in Court and a judge indicates that it is irrelevant because it has not become expressed in Canadian law, then Canada may have been inaccurate in its assessment.

The second scenario is that Canada did not follow its usual constitutional convention and ensure that the implementing legislation was in place, and signed the agreement without undertaking to ensure that the legislation is in place. If so, Canada may have been remiss in fulfilling its commitment to other countries through the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power"

The "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" further indicated in reference to the ratification and accession to treaties that

A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

This also suggests two scenarios, either that this constitutional convention was followed, and if so we can again presume that the provinces will be equally responsible for fulfilling the obligations or that this constitutional convention was not followed. The implications of this constitutional convention will be considered further in relation to the subsequent section dealing with the 1937 Labour case which examines constitutional relations vis a vis treaties..

3. Given that, in the constitutional convention that was accepted, there was a provision for consulting provinces prior to signing and ratifying the Convention, does this enable the courts to distinguish the 1937 Labour case on the grounds that the provinces were fully consulted before the signing and ratifying? If so, would the Biodiversity Convention be binding across Canada? Would the changed concern about the environment justify invoking "change in circumstance" under section 132? Could the subject "biodiversity" be deemed to come under "residue" powers, be "?

30 Does the federal constitution and/or constitutional practice permit the federal government to enter into treaties dealing with subject matters which are otherwise within the competence of the member units?

30 (b) If so, does the constitution and /or constitutional practice then oblige the federal government to consult the member units or to acquire the prior consent of the member units before entering into treaties dealing with subject matters otherwise within the competence of the member units?

Although the government of Canada has the legal power to enter into treaties dealing with matters within provincial jurisdiction it will not do so without prior consultation with the governments of the Provinces.

The practice of the Canadian Government, in cases where the subject matter of an international agreement falls either wholly or partly within provincial jurisdiction, is to consult each of the provincial governments. The process of consultation is informal and is usually conducted by letters exchanged between the federal and provincial governments.

A multilateral treaty dealing with matters within provincial jurisdiction would be signed by Canada only after consultation with the provinces had indicated that they accepted the basic principle and objectives of the treaty. Assurances would be obtained from the provinces that they are in a position, under provincial laws and regulations, to carry out the treaty obligations dealing with matters falling within provincial competence, before action is taken by the Government of Canada to ratify or acceded to such a treaty.

32 Can treaties concluded by the central government affect the distribution of powers under the constitution? The answer should be:

No.

Treaties entered into by the Government of Canada cannot supersede the constitution or affect the distribution of powers between the federal and provincial governments

we suggest the following reply:

The federal government is not entitled, merely because it has entered into a treaty, to legislate on matters that fall within the competence of the provinces. This is the effect of the Labour Conventions case: Attorney-General of Canada v. Attorney-General of Ontario (Labour Conventions) (1937) A.C. 326

This case has been cited as a precedent for the Biodiversity Conventions not being legally binding in B.C. (Calvin Sandborn, lawyer with CORE (Commission of Resources and Environment, personal communication).

In the "Canadian Reply to Questionnaire on Parliaments and the Treaty-Making Power" the following references were made to the Labour case:

The federal government is not entitled, merely because it has entered into a treaty, to legislate on matters that fall within the competence of the provinces. This is the effect of the Labour Conventions case. 1. (Attorney-General of Canada v. Attorney-General of Ontario (Labour Conventions) 1937 A.C. 326).

Although it has been argued that legislation to implement a treaty is within the federal power over the peace, order and good government of Canada, and that Section 132 should be interpreted in the light of changing circumstances, the Supreme Court of Canada has yet to rule on this question, which would involve a reconsideration of the reasoning in the Labour Conventions case. (Parliaments and the Treaty-making power — PTMP)

Note all page numbers refer to the Labour Conventions case. 1. (Attorney-General of Canada v. Attorney-General of Ontario (Labour Conventions) 1937 A.C. 326).

It would appear that the decision about jurisdiction in 1937 Labour case vis a vis International obligations could be distinguished from the jurisdictional questions raised by the Biodiversity Convention on a number of grounds:

1. that the subject Biodiversity could be justifiably a subject that would not come under Section 92, and thus would fall to federal residuary powers

2. that because of the consent of the provinces was obtained that this would allow for the federal government to call upon its "overriding powers" under s. 132

3. that the provinces were consulted and even endorsed the Conventions at the Cabinet level (see, Endorsement of UNCED Conventions

1. that the subject Biodiversity could be justifiably a subject that would not come under Section 92, and thus would fall to federal residuary powers

1.1. nature of the subject, Biodiversity, may not neatly fall under Section 92, and thus might come under residuary powers of the federal government under Section 91.

In the Labour case Judge Atkin summarized the distinction between S 91 and S. 92 of the BNA act as follows:

section 91 under the general powers, sometimes called the residuary powers, given by s. 91 to the dominion parliament to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this act assigned exclusively to the legislatures of the provinces. p. 342

Atkin's judgment:

In the labour case the criteria for determining whether the subject fell under section 92 was the following:

If the new functions affected the classes of subjects enumerated in s. 92 legislation to support the new functions was within the competence of the provincial legislatures only. If they did not the competence of the Dominion Legislature was declared by s 91 and existed ab origine.

It was decided in this case that Labour relations would quite legitimately be placed under the subjects in section 92. "Property and civil rights in the Province" which was assigned exclusively to the legislature of the Provinces by head 13 of s92 of the BNA act.

It was noted in the Labour case p. 328 that there must be some grounds for taking the subjects out [of 13 of s 92). The Court was not satisfied that the federal government had established sufficiently the grounds for taking the subject of labour out of the subject area in section 92.

In the Labour case, the justices referred to a number of properties of a subject which would enable the subject of be designated as a new function and then come under the residuary powers of section 91. These properties were deemed to be significant enough to transfer powers to the federal government. It was decided that "labour relations" did not fit into this category.

Categories of subjects that could be deemed to invoke the residuary powers. I will attempt to show that "biodiversity" could comply with the properties advocated in the Labour case.

- *New subject:*

338. One of the judges distinguished the radio case on the ground that the radio case was a "new subject not embraced within the enumerated heads of s.92. Although in the Labour case, the decision did not consider labour to fall into the "new subject" category, it is quite likely that "biodiversity" would fall into this category.

The concern for biodiversity and for issues that transcend national boundaries is certainly a new subject that was not deemed to be limited to regional control.

biodiversity because of the responsibility to not have activities under jurisdiction impact on other jurisdictions that biodiversity would surely be considered to be an activity that would come under "new subject" and thus come under residuary powers of the federal government.

This would consequently entitle the federal government to enact legislation that could override provincial legislation in the event that the provincial legislation would not

- *Matter of "such general importance"*

Further, the present legislation was not concerned with matters of such general importance as to justify the overriding of the normal distinction of powers in SS 91 and 92 (head note of Labour case)

From the B.C. government's own "State of the Environment Reporting" report, 1993, the importance of biodiversity is stressed:

Biodiversity is the variety of life on the planet. It is important for a number of reasons. First, we have an ethical stewardship responsibility for other living things with which we share the planet. Second, high species diversity contributes to ecosystem stability. Third, biodiversity has immeasurable aesthetic value; provides food medicine and other products of enormous economic value; and generates critical ecosystem services essential to all life. ...

Ecosystem services

Biodiversity is essential to maintain ecosystem processes that support all life. These include: maintaining the gaseous compositions of the atmosphere, climate control, regulating the hydrological cycle, generating and maintaining soils, cycling nutrients necessary for the growth of living things, and decomposing waste materials.

the government also recognized the importance of identifying species

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.

The report also points out the significance of Coastal temperate rain forests

Trees in coastal temperate rain forests grow to very large sizes and exceptionally old ages. Such ecosystems have the highest standing biomass of any ecosystem on earth and provide for tremendous biodiversity. Coastal temperate rain forest occur in a few scattered spots around the world, and are considered rare on a global scale. North America has the largest continuous tract of coastal temperate rain forest on earth, approximately half of which is in B.C.

- *Matters of national importance*

Matters of national importance of such wide import as to affect the body politic of the dominion in the overriding way that was found in *Russell v the Queen*, if they were taken out of the specific heads of s. 92, then Ontario is satisfied to see this legislation supported. (335)

In the press release issued at the time of ratifying the Biodiversity Convention, Prime Minister Brian Mulroney indicated Canada's commitment:

to [fulfill] Canada's commitment to ratify the Convention before the end of 1992. Canada is the first industrialized country to ratify both agreements. The Convention which emerged from last June's Earth Summit in Brazil, exemplify a global commitment to the principles of sustainable development ...as embodied in Agenda 21 and agreed to at the Earth Summit.

the Convention on Biological Diversity provides a framework for conserving the planet's animal and plant life and maintaining their habitats.

The federal government in its background to this press release at the time of ratification of the Biodiversity Convention, also stated the following:

GLOBAL CONVENTION ON BIOLOGICAL DIVERSITY

What is biodiversity: ...Biodiversity provides the very foundation for human life and life support systems. Without healthy and stable biological resources, humanity's ability to survive is threatened.

WHY IS CANADA CONCERNED WITH BIODIVERSITY CONSERVATION?

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

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.

WHAT IS CANADA'S POSITION ON THE BIODIVERSITY CONVENTION

- Canada supports the international effort to conserve biodiversity. Canadian representatives participated fully in negotiations of the Convention and the federal provincial and territorial governments all believe that the Convention is a good basis for tackling this international problem.
- Canada is continuing to play an active international role in discussion about the Convention. It has been actively involved in preparing for the implementation of the Convention, by participating in all the UN meeting on biodiversity since the Earth Summit.
- the federal, provincial and territorial government in Canada are proud of Canada's leadership on the issue of biodiversity conservation. As one of the first countries to sign the Convention and the first industrialize country to ratify it, Canada has demonstrated its commitment and leadership to the world. we must of course, CONTINUE to ensure that our performance at home lives up [to] that commitment

From these statements both by the provincial government and by the federal government, it would appear that "biodiversity" is of "general importance".

- *Not foreseen matters*

Robertson, KC indicated p.340 (arguing the federal position]

One of the things upon which the parties were able to agree at confederation in respect of matters not provided for not foreseen, was that they were to go to the Dominion. One of the outstanding dangers at the time of confederation and to-day, is that of sectional interests and prejudices and private interests interfering with the good government of Canada as a whole. Reliance is placed on the residuary powers as covering the performance of treaty obligations: ... Radio case (1932] A.C. 304, 311, 313.

Residual powers for environmental issues which are all pervasive, similar argument could be for climate change. The principle that could apply is the consequences cannot be controlled by a particular jurisdiction within Canada let alone even within Canada. The impact of anthropogenic actions on biodiversity and climate change are not "restrictible" to traditional jurisdictional boundaries. Presumably the largest unit of jurisdictional power should be in control of the fulfillment of obligations under the Convention. Biodiversity should not be deemed to be included in as:

- *Importance which outweighs the civil right of the individual*

Robertson K.C. supporting the federal position indicated:

When a matter has attained an importance which outweighs the civil right of the individual, once it has reached that stage, then the civil right is lost sight of and the matter from an international aspect outshines it, and is the one to which attention should be directed. here an international obligations has arisen and it is the duty of Canada to see that obligations is performed Canada alone can perform it and Canada, therefore, in these particular circumstances and while the obligation endures, is the body to legislate because it is an international obligations. .. Is not the proper view that once Canada has properly created international obligations then it is necessary for the peace, order and good government of the Dominion that Canada should perform them? p. 341

2. that because of the consent of the provinces was obtained that this would allow for the federal government to call upon its "overriding powers" under s. 132

333 case Section 132 of the BNA act gives no treaty-making power to the Dominion Government, but it does confer on the parliament authority to carry out the obligations of treaties validly made on behalf of both the Dominion and the provinces.

Obviously because the provinces were not consulted in the labour case this would not apply. It is more likely that this might apply in the carrying out of obligations under the Biodiversity Convention, where there was extensive consultation about and endorsement of the Convention.

As was decided in the labour case, the power given by s 132 is not an exclusive power; it may be an overriding power. (p. 333)

1. Changing circumstance that would require "overriding power" relevance of section 132 of the Constitution

SECTION 132: LEGISLATION "NECESSARY OR PROPER FOR PERFORMING THE OBLIGATIONS OF CANADA, OR OF ANY PROVINCE THEREOF, AS PART OF THE BRITISH EMPIRE, TOWARDS FOREIGN COUNTRIES:

In the Labour case, Judge Atkin pointed out that section 132

333 case Section 132 of the BNA act gives no treaty-making power to the Dominion Government, but it does confer on the parliament authority to carry out the obligations of treaties validly made on behalf of both the Dominion and the provinces.

In the UNCED Action plan, Agenda 21, in the Biodiversity Chapter 15, it would appear that the intention was to both recognize sovereignty but to limit sovereignty in relation to other jurisdictions and in relation to an additional responsibility to conserve biodiversity — a positive duty being placed on the government:

" At the same time, it is particularly important in this context to stress that States have the sovereign right to exploit their own biological resources pursuant to their environmental policies, as well as the responsibility to conserve their biodiversity and use their biological resource 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. " (15.3. Agenda 21).

It would appear that it would be possible in the light of "changing circumstances" that a Convention such as the Biodiversity Convention which deals with a phenomena that does not respect proprietary divisions; that subject areas such as biodiversity and climate change would come under federal purview. In this context it could be argued that biodiversity because of the responsibility to not have activities under jurisdiction impact on other jurisdiction that biodiversity would come under section 132 which bestows upon the federal government overriding powers, in the light of changing circumstances — which in this case would be the pervasiveness of biodiversity. In 1867, no one was thinking of incurring environmental obligations.

Criteria for being part of the decision making process.

Several of the judges objected to the imposition of federal legislation to comply with international obligations because the provinces were not part of the decision. They cited the following aspects of being part of the decision "obtaining advice", "cooperation", "asking for approval"

- Obtaining advice

p. 340 roebuck K.C. said that in treaties affecting subject-matters within the legislative competence of the Provincial Legislatures and bring into operation the provisions of s 132 of the BNA act the King should have his assent on the advice of his Provincial advisers as distinct from his dominion advisers.

- Asking for approval

pl. 331 Atkin. it is ordinary constitution al practice to ask the approval of the body which will, in the event of the engagement being entered into, have the power to enact the legislation.

As mentioned earlier the federal government in the deliberations on the Biodiversity Convention sought the approval of the provincial government who had the power to enact the legislation.

- Obtaining consent (339)

Although J.D. de B. Garris acknowledged that

The dominion has not brought the draft Conventions before the authority or authorities ' within whose competence the matter lies' and has not obtained the consent of those authorities as required by art 405., paras 5 and 7.

- Cooperation

In the 1937 case the federal government undertook an obligation under a treaty without consulting the provinces. In the brief of the decision it was indicated that [327]:

...from her new international status Canada incurred obligations, they must , so far as legislation was concerned, when they dealt with Provincial classes of subjects, be dealt with by the totality of powers — by co-operation between the Dominion and the Provinces.

- Bringing it before the authority within whose competence "the matter lay"

In the labour case, the federal government failed to bring the draft Convention before the authority, whereas with the Biodiversity Convention and the Climate Change Convention, all levels of competence were part of the drafting procedure.

In the Biodiversity Convention there was extensive consultation with the provinces throughout the process and as has been seen the usual constitutional convention is to ensure that the implementing legislation is already in place prior to signing or ratifying the Convention. Presumably because of the nature of the consultation the provincial government had assured the federal government that the necessary legislation was in place.

The extent of support by the provinces can be discerned in the following letter which was addressed to "friend of biodiversity". This letter was circulated by John Herity Director Biodiversity Convention Office, Environment Canada.

Since the Earth Summit, the media attention surrounding the Summit and the Biodiversity Convention has faded. Canada became the first major industrialized country to ratify the Convention when Prime Minister Mulroney signed the necessary documents in B.C. at the end of 1992. The provincial and territorial government supported this quick ratification

and are now working with the federal government to produce a Canadian Biodiversity strategy.

1.4. In signing the Biodiversity Convention in June, would that mean that Canada was obliged to not undertake any actions that could jeopardize further fulfillment of the Convention once it came into force (Article 18, Convention of treaties)

Canada under Article 18 of the Vienna Convention of Treaties, has undertaken to not, in the interim between the signing of the treaty and the coming into force of the treaty, do anything to jeopardize the fulfillment of obligations under the treaty once it is in force,

The Convention on Biological Diversity is in force as of December 29, 1993

Under the Convention on Biological Diversity and under the Framework Convention on Climate Change, there were several obligations that would be violated, if after the signing of the agreement logging were to proceed in Clayoquot Sound. It would appear that the injunction was extended and altered after the two Conventions were signed , and in fact MacMillan Bloedel brought an ex parte motion under the original action , and obtained (1) an Order from Mr. Justice Hamilton increasing the geographical scope of the Order... (2) and order July , 1992 (Judge, Tyshoe) and in August, 1993 (Judge Hall) did not take into consideration the Obligations under the Convention on Biological Diversity or under the Climate Change Conventions .

1.5. Should all activities in Canada, after the signing of the Convention, ensure that Canada and the provinces not defeat the purpose of the Convention once it came into force.

- The usual constitutional convention in Canada, as stated in External Affairs Communiqué (1982), is to ensure that prior to signing a Convention or Treaty, the necessary legislation has been enacted in the Provinces,
- Under the Convention the parties are required "to identify biodiversity"

- British Columbia had not sufficiently identified biodiversity at the time of signing the Convention, and given that British Columbia has CONTINUED to permit practices that contribute to the loss of biodiversity
- Canada under Article 18 of the Vienna Convention of Treaties, has undertaken to not, in the interim between the signing of the treaty and the coming into force of the treaty, do anything to jeopardize the fulfillment of obligations under the treaty once it is in force,
- The Convention on Biological Diversity is in force as of December 29, 1993

Government of B.C. has failed to fulfill its obligations under the Convention on Biological Diversity because the government failed to identify biodiversity prior to the signing of the Convention, and it CONTINUES to permit timber extraction in areas of significant biodiversity.

citation from press related to undiscovered species

1. 6. Which activities permitted by granting the injunction would lead to violation of the Biodiversity Convention

1.6.1. the injunction has permitted the continuation of the practice of clear-cut logging in Clayoquot Sound.

- Canada has undertaken international obligations related to biodiversity; and
- 'Biodiversity is defined in the Convention as

the variability among living organisms from all sources...and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems".

- 'Ecosystem' is defined as

a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

- There is sufficient evidence that clear-cut logging destroys biodiversity as defined above: a summary of the destructive impact of biodiversity can be seen from the following comment by a biologist from Munich:

The practice of clear-cutting, followed by [broadcast burn] artificial reforestation has undoubtedly many technical and organizational advantages. In the course of time, however, soil scientists and ecologists found out that the practice of clear-cutting 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 occur

-An accelerated decomposition of organic matter occurs, combined with a wash out of nutrients, and the eutrophication of ground water, rivers and lakes (Dr Schutt, Biological Department, University of Munich, Environmental Ethics Conference, 1992, Vancouver)

- The practice of clear-cut logging destroys the prospect of forest regeneration and promotes erosion and permanent loss of forest and habitat

- It is now clear that Biological organisms will be severely stressed by high levels of Ultraviolet radiation; radiation reaching earth because of a severely depleted ozone layer. To remove the forest canopy is to condemn these organisms to death.

- One of the obligations of the Convention on Biological Diversity is to invoke the Precautionary Principle related to biodiversity:

...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)

The Government of B.C. failed to invoke the Precautionary Principle. B.C. does not have to wait until there is "scientific certainty" that clear-cut logging and other ecologically unsound practices "contribute to the reduction and loss of biodiversity for British Columbia to "avoid and minimize

such as threat' by banning clear-cut logging. The granting of the injunction after the signing of the Biodiversity Convention and allowing the CONTINUE practice of clear-cut logging to CONTINUE could be in violation of the Biodiversity Convention.

1.6.2. The granting of the injunction has permitted logging to proceed in Clayoquot Sound and biodiversity has not yet been identified in the area. Canada proceeds to reduce and possibly contribute to loss of biodiversity which has not yet even been fully identified.

- The usual constitutional convention in Canada, as stated in External Affairs Communiqué (1982), is to ensure that prior to signing a Convention or Treaty, the necessary legislation has been enacted in the Provinces,
- Under the Convention the parties are required "to identify biodiversity"
- British Columbia had not sufficiently identified biodiversity at the time of signing the Convention, and given that British Columbia has CONTINUED to permit practices that contribute to the loss of biodiversity
- Canada, under Article 18 of the Vienna Convention of Treaties, has undertaken to not, in the interim between the signing of the treaty and the coming into force of the treaty, do anything to jeopardize the fulfillment of obligations under the treaty once it is in force,
- The Convention on Biological Diversity is in force as of December 29, 1993
- Even the government of British Columbia, in its State of Environmental Reporting recognized the importance and difficulty of identifying species

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.

Government of B.C. has failed to fulfill its obligations under the Convention on Biological Diversity because the government failed to identify biodiversity prior to the signing of the Convention, and it CONTINUES to permit timber extraction in areas of significant biodiversity.

citation from press related to undiscovered species

1.6.3. the granting of the injunction contributes to the reduction of conservation of biodiversity

One of the principal objectives of the Convention on Biological Diversity is to conserve biodiversity.

The government of B.C. in its only report indicates how few watershed — areas with abundant biodiversity have been preserved.

A study of 354 primary watersheds in the coastal temperate rainforests in B.C. found that 20% of them are undisturbed by industrial activity, 213 % are slightly modified, and 67 % have had some level of development. Ten of the 354 watershed are protected in their entirety and 14 are partially protected. Six of the fully protected watersheds are pristine. Most of the fully protected watersheds are relatively small. (B.C. State of Environment Reporting, 1993)

B. related to internationally adopted documents and statement about compliance to international documents

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

The first issue that was raised in the lower court was that for years Canada has been undertaking international obligations related to the environment. For years both the Canadian Government and the B.C. Government through statements made and through personal communication, letters, press releases, and government publications have led the people of B.C. to believe that the government would fulfill the obligations reflected in these statements. (doctrine of legitimate expectations, see original submission)

the doctrine of legitimate Expectations has been expressed in several ways:

1. representation or conduct amounting to a representation intended to induce a course of conduct on the part of the person to whom the representation is made.
2. an act or omission resulting from the representation whether actual or by conduct, with the person to whom the representation is made
3. detriment to the person as a result of the act of omission

(Greenwood v. Martin's Bank Ltd. [1933] A.C. 51 (H.L.))

This doctrine could be linked with not individuals but with the "public trust" doctrine.

1. Is the common law doctrine of legitimate expectations applicable to intentions expressed by governments to fulfill these obligations.

• **Canada and specifically both the B.C. Minister of Environment Lands and Parks and the Ministry of Forests have endorsed the principles enunciated in the Caracas Declaration, (letter circulated to the public in March, 1992, see original submission). Also the B.C. Minister of Environment, the Hon Moe Sihota)**

• **The Caracas Congress called for the moving away from the logging of old growth to second growth;**

Would this mean that the public in B.C. should be able to expect that, particularly in areas under public trust, that the government to comply with its international obligations which it has claimed that it would live up to? For example, should the public in B.C. legitimately expect that the Governments of B.C. should, is the government States that it will abide by the Caracas Declaration, that in areas under public trust i.e. crown land, there should be moving away from logging old growth to logging second growth.

(1) By moving away from logging old growth temperate rain-forests to second growth on Crown Lands and privately owned lands

(2) By ensuring that timber resource extraction from wild or old growth forests be curtailed when cumulative fragmentation and plantations management has impacted on biodiversity (including those in privately-owned forest management lands)

(3) By requiring that only Eco forestry management practices shall be used, and that the onus of proof shall be on the proponent of resource extraction to demonstrate that resource extraction will not have a negative impact on the biodiversity of the ecosystem in these areas.

PRESERVATION AND DESIGNATION OF WORLD HERITAGE SITE

- Canada has undertaken under the Caracas Declaration

to take urgent action to consolidate and enlarge national systems of well managed protected areas with buffer zones and corridors ..

- Canada has undertaken under the Convention on Biological Diversity to preserve biodiversity through in situ protection.

- Given that Canada under the Convention for the Preservation of Cultural and Natural Heritage recognized in 1972:

that in the 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

It is upon the Government of Canada to protect a large network of old growth temperate rain-forests and connection corridors, and to nominate this network as a World heritage site under the Convention for the preservation of Cultural and Natural Heritage.

In the light of the possibility that the granting permission to log in an area where it might be incumbent for B.C. to preserve the area under International obligations, and where current logging practices may be in contravention of international legal obligations.

There appears to be a failure to recognize that the government has failed to consider that the continuation of current logging practices and the failure to protect and identify biodiversity could

be in contraventions of the Biodiversity Convention, should not mean that the courts fail to call upon government to live up to its legal obligations because

C. related to international customary law

If, however is held that the Convention of Biological Diversity is not binding, which is not admitted but denied, then even so B.C. would be bound by international customary law.

1. Even if the court decides that the whole Convention on Biological Diversity is not binding on B.C., and even if the Doctrine of legitimate expectations should not apply, certain principles contained in the international documents could be applicable because they have become or they are in the process of developing into internationally binding customary law. Once principles are deemed to be part of international customary law these principles would automatically become the law of Canada (Linda Reif, specialist in International Environmental Law, at presentation to the Panel discussion On "International Law and Obligations: Implications for Clayoquot Sound, October, 18, 1993). Three of these principles are "the environmental assessment review principles", the "precautionary principle", and "the non-jeopardizing fulfillment of future obligations principle". As mentioned in the September 15 submission, the environmental assessment principle has been advocated for years in National and international legislation. In B.C., an environmental assessment of forest practices that could cause harm to the environment or to biodiversity has not been undertaken. Similarly the precautionary principle has not been invoked in the case of destructive forest practices which could reduce or cause the loss of biodiversity. The precautionary principle was possibly first enunciated in the Trail Smelter Case, and at least appeared formulated internationally in a rudimentary form in 1972 at UNCHE (Stockholm Convention), and it was reformulated in the World Charter of Nature, and then fully expressed in the UNCED documents (the Rio Declaration, The Convention on Biological Diversity, and the Convention on Climate Change, as well as throughout Agenda 21). The principle related to not jeopardizing the fulfillment of obligations in the interim between the signing of a document and the coming into force of a document has been part of international customary law at least since the formulation of the Convention of Treaties, in 1968.

In the original submission that was heard in Chambers by Judge Drake I was referring to principles that are in the process of developing into international customary law as the "environmental assessment review principle", " full life cycle analysis principle", " Positive mandate to conserve" Assessment of Environmental costs" and

recognition of urgency

- *Biological diversity is being significantly reduced by certain human activities, (preamble, Convention of Biological Diversity)*
- *Importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere, (preamble, Convention of Biological Diversity)*
- *Conservation of biological diversity is a common concern of humankind,(preamble, Convention of Biological Diversity)*

Principles that demonstrate this intention Obligation to fulfill these principles

Principle that international law shall be reflected in the law and practice of the state

14. The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as a that international level.

Principle of moral code of action regarding every form of life

(a) Every form of life is unique, warranting respect regardless of its worth to man, and to accord other organisms such recognition's, man must be guided by a moral code of action, (World Charter of Nature (a))

Persuaded that:

Principle of maintenance of essential ecological processes

(a) Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man

Persuaded that:

(a) Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man

Principle of limit of natural capacity for regeneration

Living resources shall not be utilized in excess of their natural capacity for regeneration; (World Charter of Nature, 3 a)

Principle of burden of proof of benefit being placed on the proponent of intervention into the ecosystem

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

Principle of rehabilitation of areas degraded by human activity

Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations 16. All planning shall include, among its essential elements, the formulation of strategies for the conservation of nature, the establishment of inventories of ecosystems and assessments of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to the public by appropriate means in time to permit effective consultation and participation. (11 e World Charter of Nature)

Principle of early intervention and monitoring to protect ecosystems

The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods. (19, World Charter of Nature)

• Principle of intrinsic value of biological diversity

• Recognition of the intrinsic value of biological diversity ... (Preamble Biodiversity Convention)

- nature has intrinsic worth and warrants respect regardless of its usefulness to humanity
Caracas Declaration

- **Principle of informed action**

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

(preamble, Convention of Biological Diversity)

- **Principle of anticipation and reduction at source**

it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source, (preamble, Convention of Biological Diversity)

- **Precautionary principle**

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

- **Principle of in-situ conservation**

the fundamental requirement for the conservation of biological diversity is the *in-situ* conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

- **Principle of inter-generation equity:**

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

- **Principle of sustainable use and intergenerational equity**

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, Biodiversity convention)

- **Principle of ecological diversity**

means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this

includes diversity within species, between species and of ecosystems. (Definition. Convention of Biological Diversity)

- **Principle of ecosystem as a dynamic complex**

"*Ecosystem*" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit. (Definition. Convention of Biological Diversity)

- **Principle of in-situ conservation**

"*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 of Biological Diversity)

- Principle of informed ??

(a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to sub-paragraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

Principle of identification of activities likely to have significant adverse impacts on the conservation

Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and (7 c Convention for Biological Diversity)

Principle of establishing system of protected areas

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

Principle of sustainable use of biological diversity

Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (8 c, Convention for Biological Diversity)

Principle of protection of ecosystems

Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings; (8 d, Convention for Biological Diversity)

Principle of environmentally sound development adjacent to protected areas

Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas (8 e, Convention for Biological Diversity)

Principle of rehabilitation and restoration of degraded ecosystem

Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;

(8 f, Convention for Biological Diversity)

Principle of protecting and encouraging traditional cultural use (10c, Convention for Biological Diversity)

Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements (10 c Convention for Biological Diversity)

Principle of remedial action

Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and (10d Convention for Biological Diversity)

Principle of promoting understanding of importance and measures required for conservation of biological diversity and sustainable use

- Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes (13, a. Convention of Biological diversity)
- Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

(13, b. Convention of Biological diversity)

Principle of environmental impact assessment of projects likely to have significant adverse effects on biodiversity

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; Biological diversity (14 a Convention of Biological Diversity)

Principle of taking into account environmental consequences

Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account (14 a Convention of Biological Diversity)

Press Conference at Robson Square, 10 a.m., July 19/1994

Leave to appeal a decision of Mr. Justice Drake, delivered on September 17, 1993, is being sought by Joan Russow, a Canadian member of the IUCN (World Conservation Union) Commission on Education and Communication. The press conference will immediately follow the filing of documents at the Vancouver Court Registry.

"Issues raised in this case are of great import, and bring into question serious discrepancies between the obligations undertaken by Canada internationally and the actions carried out in Canada, provincially and federally" says Russow, "This case could go to the Supreme Court of Canada, and overturn the 1937 Labour Convention case, which held that provinces are not bound by international law".

" It could be also that if there were no satisfaction through domestic courts" stated Bruce Torrie, Environmental Policy Expert, "this case could be brought to the International Tribunal on Civil and political rights".

"The protectors of Clayoquot Sound on the Blockade," says Valerie Langer "were calling for adherence to international obligations at a time when both levels of governments were not prepared to demand for compliance to these obligations". "Both the Convention on Biological Diversity and the framework Convention on Climate Change have been violated", says Langer, "through the CONTINUED clear-cutting of Clayoquot Sound."

Valerie Langer, Director of Friends of Clayoquot Sound, Joan Russow, Member of the IUCN, and Chair of the International Affairs Caucus of the BCEN, Bruce Torrie (LLB), member of the executive of the international law section of the B.C. Branch of the Canadian Bar Assoc. will discuss, the appeal, outline the international obligations that have been violated since the signing of the Biodiversity Convention and the Framework Convention on Climate change in 1992, and explain the implications for the Clayoquot trials of the rescinding of the injunctions.

Contact: Valerie Langer or Jen Saini, Friends of Clayoquot 604- 725-4218

Joan Russow 604-380-2563

Bruce Torrie 604-477-0555

Purpose to represent the intrinsic value of biological diversity ...and the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Purpose to recognize the urgent need to develop, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures

Purpose to recognize that when there is a threat of significant reduction or loss of biological diversity, the precautionary principle should apply

Purpose to note the fundamental requirement for the conservation of biological diversity is in-situ conservation of ecosystems and natural habitats and the maintenance and recover of viable populations of species in their natural surroundings

Purpose to share equitably benefits arising from the use of traditional knowledge

Purpose: to prevent loss and reduction of biodiversity : elements in the Biodiversity Convention

Purpose to be aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential

purpose to enhance and complement existing international arrangements for the conservation of biological diversity [

purpose to conserve and suitable use biological diversity for the benefit of present and future generations.

purpose to conserve biological diversity

Article 3 Biodiversity Convention

Basis for action Agenda 21

15.3 At the same time, it is particularly important in this context to stress that States have in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own biological resources pursuant to their own environmental policies, as well as 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 to the environment of other States or of areas beyond the limits of national jurisdiction. Objectives (Chapter 15, Agenda 21) [note Objective was underlined in the agenda 21] ``

WE RECOGNIZE THAT:

- nature has intrinsic worth and warrants respect regardless of its usefulness to humanity (CD)
- the future of human societies depends upon people living in peace among themselves and in harmony within nature; (CD)
- development depends on the maintenance of the diversity and productivity of life on Earth; (CD)
- this natural wealth is being eroded at an unprecedented rate, because of the rapid growth in human numbers, the uneven and often excessive consumption of natural resources, mistaken and socially harmful styles of development, global pollution and defective economic regimes, so that the future of humanity is now threatened; (CD)
- this threat will not be averted until these problems have been redressed, the economies of many countries have been strengthened and poverty has been conquered through processes of sustainable development; (CD)
- many people must modify their styles of living and the world community must adopt new and equitable styles of development, based on the care and sustainable use of the environment, and the safeguarding of global life-supporting systems (CD)

WE CONSIDER THAT the establishment and effective management of networks of national parks and other areas in which critical natural habitats, fauna and flora are protected must have high priority and must be carried out in a manner sensitive to the needs and concerns of local people. These areas are of crucial, and growing , importance because:

- they safeguard many of the world's outstanding areas of living richness, natural beauty and cultural significance, are a source of inspiration and are an irreplaceable asset of the countries to which they belong; (CD)
- they help to maintain the diversity of ecosystems, species, genetic varieties and ecological processes (including the regulation of water flow and climate) which are vital for the support of all life on Earth and for the improvement of human social and economic conditions; (CD)
- they protect genetic varieties and species, which are vital in meeting human needs, for example in agriculture and medicine, and are the basis for human social and cultural adaptation in an uncertain and changing world; (CD)
- they may be home to communities of people with traditional cultures and irreplaceable knowledge of nature; (CD)
- they may contain landscapes which reflect a long history of interaction between people and their environment; (CD)
- they may have immense scientific, educational, cultural, recreational and spiritual value; (CD)
- they provide major direct and indirect benefits to local and national economies and modes for sustainable conservation which may be applied elsewhere in the world (CD)

ACCORDINGLY, and bearing in mind the message of *Caring for the Earth: A strategy for Sustainable Living*, *The Global Biodiversity Strategy*, launched at this Congress, and the earlier messages of the World Conservation Strategy, the World Charter for Nature and the World Commission on Environment and Development, WE, the PARTICIPANTS OF THE CARACAS CONGRESS

1. REAFFIRM the responsibility of humanity to safeguard the living world; (CD)
2. EMPHASIZE the spiritual, social, economic, scientific and cultural importance of national parks and other kinds of protected area; (CD)
3. STRESS that the conservation of global biological diversity and the achievement of sustainable development depends upon effective and vigorous international action to reform the world's economic and trading systems, and to halt the global pollution that threatens to bring about climate change; (CD)
4. STRONGLY URGE all governments, regional and local authorities and international institutions to include protected areas as integral elements in development policies, programmes, plans and projects; (CD)
5. ENCOURAGE communities, non-governmental organizations, and private sector institutions to participate actively in the establishment and management of national parks and protected areas; (CD)

6. 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; (CD)
7. INSIST THAT industry (including tourism, agriculture, forestry and the extraction of oil and minerals) must adopt the highest standards of environmental protection and eliminate damaging impacts on protected areas; (CD)
8. STRONGLY URGE industry, especially multi-national corporations, and governments, to ensure that any exploitation of biodiversity conforms with rigorous controls established by the sovereign State concerned (CD)
9. EMPHASIZE the vital role of environmental education and urge all governments to strengthen their programmes, especially in and relating to national parks and protected areas, constituting appropriate national organizations to develop and coordinate this process (CD)
10. EMPHASIZE that although national parks and other protected areas are of special importance, all lands and seas should be managed so as to maintain (or restore) the highest environmental quality. (CD)
11. STRESS the need for international cooperation and assistance to place the latest knowledge and best available technology at the disposal of all governments and especially their protected area managers.(CD)

TO THESE ENDS WE STRONGLY URGE ALL GOVERNMENTS AND APPROPRIATE NATIONAL AND INTERNATIONAL BODIES;

1. 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 (CD)
2. To ensure that the environmental and economic benefits which protected areas provide are fully recognized in national development strategies and national accounting systems. (CD)
- 3 To support the development of national protected area policies which are sensitive to customs and traditions, safeguard the interest of indigenous people, take full account of the roles and interests of both men and women, and respect the interests of children of this and future generations (CD)
4. To ensure that effective international, national, regional and local administrative, legal, accounting and financial mechanisms for supporting protected areas are established as a matter of priority and regularly reviews. (CD)
5. To allocate adequate financial and other resources so that, once designated, protected areas are managed effectively, to achieve their intended objectives. (CD)

6. To strengthen environmental education, and to provide training that will improve professionalism in the management of protected areas. (CD)
7. To facilitate the establishment of effective and efficient networks of NGOs cooperating at a local, national and international level to further national part and protected area objectives.(CD)
8. To recognize the significance of demographic change and its consequences for the survival of biological diversity and to take appropriate actions to reduce this threat. (CD)
9. To foster publicly funded scientific research and monitoring that will improve the planning and management of protected areas, and to use such areas as sites for studies that will improve understanding of the environment. (CD)
10. To develop mechanisms that will allow all sectors of society, especially long-standing local populations, to be partners in the planning, establishment, and management of protected areas, and will ensure they share equitably in the associated costs and benefits. (CD)
- 11 To participate actively in global and regional Conventions and other legal instruments, action programmes, and procedures to promote protected terrestrial, coastal and marine areas and the conservation of biological diversity. (CD)
12. To work energetically to safeguard the world's tropical forests, particularly those of Amazonia, which are reservoirs of outstanding biological diversity and under sever pressure (CD)
13. To strengthen international technical and financial cooperation that will assist developing countries to establish and manage protected areas and to safeguard biological diversity. (CD)
14. To cooperate to safeguard species, ecosystems and landscapes that extend across national borders and therefore require protection through the collaboration of neighbouring countries. (CD)

RECOGNIZING that action to safeguard the living riches and natural beauty of the Earth depends on the commitment of all people, WE PLEDGE OURSELVES to work wholeheartedly to implement the provisions of this Declaration

EMPHASIZING that the establishment and maintenance of protected areas is essential to sustaining human society and conserving global biological diversity, WE INVITE THE PRESIDENT OF THE REPUBLIC OF VENEZUELA to convey this Declaration to the Earth Summit, to be held at Rio de Janeiro, Brazil, in June 1992 with the purpose of ensuring that its conclusions are incorporated in Agenda 21, the agreed world action plan for the next century (CD)

- this natural wealth is being eroded at an unprecedented rate, because of the rapid growth in human numbers, the uneven and often excessive consumption of natural resources, mistaken and socially harmful styles of development, global pollution and defective economic regimes, so that the future of humanity is now threatened; Caracas declaration
- many people must modify their styles of living and the world community must adopt new and equitable styles of development, based on the care and sustainable use of the environment, and the safeguarding of global life-supporting systems Caracas declaration

I have pointed out that since that time in 1992 there has been the Caracas Convention and the publication on the proceedings edited by McNeely. and in it there is the criticism of the protection prescription based on percentages and stresses the need to...

- **move away from "island protection"**
- **move from logging old growth to logging second growth**

We, over fifteen hundred leaders and participants deeply committed to world conservation, brought together by the World Conservation Union for the fourth World Congress on National Parks and Protected Areas in Caracas, Venezuela, between 10 and 21 February 1992, ADOPT this Declaration of our belief in the vital importance of well-managed national parks and protected areas to all people. (CD)

Purpose to monitor, through sampling and other techniques, the components of biological diversity ... paying particular attention to those requiring urgent conservation measures ...(Article 7)

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

Purpose to identify a system of protected areas or areas where special measures need to be taken to conserve biological diversity (Article 8. In-situ conservation)

Purpose to protect ecosystems natural habitats and the maintenance of viable populations of species in natural surroundings (8c)

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

purpose to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components. (* i)

Purpose to develop or maintain necessary legislation and/ or other regulatory provisions for the protection of threatened species and populations (8k)

Purpose *. I

Purpose to adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity (10b)

Purpose to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation of sustainable use requirements. `

The federal government in its backgrounder to this press release at the time of ratification of the Biodiversity Convention, also stated the following:

GLOBAL CONVENTION ON BIOLOGICAL DIVERSITY

What is biodiversity: ..Biodiversity provides the very foundation for human life and life support systems . without healthy and stable biological resources, humanity's ability to survive is threatened.

WHY IS CANADA CONCERNED WITH BIODIVERSITY CONSERVATION

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

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.

WHAT IS CANADA'S POSITION ON THE BIODIVERSITY CONVENTION

- Canada support the international effort to conserve biodiversity. Canadian representatives participated fully in negotiations of the Convention and the federal provincial and territorial governments all believe that the Convention is a good basis for tackling this international problem.

- Canada is continuing to play an active international role in discussion about the Convention. It has been actively involved in preparing for the implementation of the Convention, by participating in all the UN meeting on biodiversity since the Earth Summit.

- the federal, provincial and territorial government in Canada are proud of Canada's leadership on the issue of biodiversity conservation. As one of the first countries to sign the Convention and the first industrialize country to ratify it, Canada has demonstrated its commitment and leadership to the world. we must of course, CONTINUE to ensure that our performance at home lives up [to] that commitment

From these statements both by the provincial government and by the federal government, it would appear that "biodiversity" is of "general importance".

Are International laws and obligations, irrelevant in the Clayoquot?

Joan Russow

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

On September 15, Betty Klieman and I made an application to rescind the Clayoquot injunction. One of the grounds for the application was that there was a failure to inform the Judge that the granting of the injunction could contribute to non-compliance with international obligations. On September 17 Judge Drake ruled that "International Law not expressed in B.C. law, is irrelevant in this case".

I have currently served MacMillan Bloedel with a leave to appeal this decision.

For years, Canada has been undertaking international obligations, from the "UN Convention on Human and Environment" (UNCHE, Stockholm, 1972); the UN Convention for the Preservation of Cultural and Natural heritage, 1972; the World Charter of Nature, 1982; the Caracas Declaration, 1992, and The UNCED documents (1992).

For years, Canada continually indicated its professed concern for the environment in a way that should entitled Canadians to expect actions that reflect this concern. For example, in the preface of Canada's National Report, which was submitted to the Earth Summit in Rio, the Canadian government gave the impression that Canadians were "stewards" observing their "environmental responsibility".

as stewards of a vast and beautiful land, and as a people intimately connected to the environment, Canadians are aware of their environmental responsibilities. (Canada's National Report, Preface)

And further in the section on the "wilderness", the Canadian government stated

As a small population with a large land mass, Canadians have access to relatively unspoiled wilderness areas rich in wildlife ... Canada has an international reputation as a beautiful, safe and mostly unspoiled country. (Canada's National Report, p.49)

The Provincial government, as a result of a request to the Ombudsman's office into the nature and extent of B.C.'s compliance with obligations from UNCED.(Gage & Russow), gave the following assurance to the senior investigator of resource issues in the Ombudsman's office:

From these meetings, as well as from additional discussions with senior staff from the Ministry of Forests and the Ministry of Environment, Lands and Parks, we have determined that BC intends to comply with the agreements signed at the UNCED in June 1992.

Canada signed (June, 1992) and ratified (Dec. 1992) the Biodiversity Convention. Although the convention will not be in force until December 29, 1993, Canada under article 18 of the Convention of Treaties is called upon to refrain from any activities that could jeopardize the fulfillment of the obligations under the Convention once the Convention is in force. External Affairs in a communiqué indicated that the usual protocol with international conventions is that, prior to signing the convention in areas of Provincial jurisdiction, there is a requirement to ensure that the provinces have enacted the required legislation that will enable Canada to comply with its obligations. In the Biodiversity Convention, there is a requirement to "identify biodiversity" and to invoke the precautionary principle which requires that "one does not have to wait until there is scientific certainty that harm will be caused to biodiversity for one to take precautionary measures. These requirements suggest that to comply with the obligations B.C. should either have already enacted legislation that had accomplished the identification of biodiversity or have instituted a moratorium on logging of old growth so as to identify biodiversity before running the risk of losing it.

B.C. has yet to comply with the obligation under the Biodiversity Convention "to carry out an environmental review of anything that could harm biodiversity [i.e.. clear-cut logging]; or under Agenda 21, to assess true environmental costs"; or to evaluate non-destructive use of forests ; or to prevent activities on indigenous lands that could be harmful to the environment or culturally inappropriate...

Similarly, the Ministry of Parks and Environment and Ministry of Forests confirmed their intention to adhere to international obligations in a letter which indicated that under the aegis of CORE,

"we will be mindful of this Declaration [the Caracas Declaration : Parks Protected Areas and the Human Future, 1992] and its implications. Our objective will be to have a system of protected areas which we are proud to present to the world. (March, 1992)

And through this commitment, the Ministries have agreed to the recommendations emanating from the Caracas Congress:

- Conserving Biodiversity

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 and tree plantations in previously deforested areas; or - where this is not possible - sustainable forest harvesting systems which favour natural species diversity should be developed and introduced. (8)

- Conservation on a regional scale

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".

- 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 World Charter for nature in 1982. 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.

With statements reflecting both the federal and provincial governments intention to fulfill international obligations, and with the extensive consultation between Canada and British Columbian governments that occurred prior to the signing of the Biodiversity Convention, can the citizens of British Columbia, not legitimately expect that British Columbia will comply with its international obligations? Through the common law doctrine the "Doctrine of Legitimate Expectation" the public has a right to be concerned about actions or omissions which indicate non-compliance with these obligations.

It would appear from the obligations made by Canada and B.C. that the following should occur:

1. Relocation of logging from primary growth to secondary growth (Caracas Congress recommendation)
2. Avoidance of the "island mentality" in preservation (Caracas Congress)
3. Identification of biodiversity (Biodiversity Convention)
4. Invoking of the precautionary principle that we do not have to wait for scientific certainty that harm to biodiversity will occur through clear cut logging for us to ban clear-cut logging and other similarly ecologically unsound practices (Biodiversity Convention)
5. Evaluate non-destructive use of the forests, which may be more profitable than destructive uses (Agenda 21)

If the province were to live up to the legitimate expectations coming from international obligations, then Clayoquot Sound would be preserved.

It is those who act to prevent irreparable ecological harm that are prosecuted by the courts and those who act to contribute to irreparable ecological harm that have been protected by the courts through the granting of injunctions.

Joan Russow, 1230 St. Patrick St. Victoria, V8S 4Y4

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concept of obligation in International Law and as to the nature of obligations created by treaties — see for example: "the legal Character of International Agreements" (1953) 30 British Year Book of International Law 381; Widdows: "what is an agreement in International Law? (1979) 50 British Year Book of International Law 117.

MEDIA RELEASE

Clayoquot Injunction could contravene Canada's International treaty obligations

IN THE MATTER OF CIVIL DISOBEDIENCE: ADHERENCE TO INTERNATIONAL OBLIGATIONS IN THE CLAYOQUOT TRIALS

A F I D A V I T

I, Joan Russow, of 1230 St. Patrick St., of the city of Victoria, Province of British Columbia MAKE OATH AND SAY AS FOLLOWS:

1. THAT I am a Sessional lecturer in Global Issues in the Environmental Studies Program at the University of Victoria; the Chair of the International Affairs Caucus of the British Columbia Network (BCEN); a member of an International Commission-the IUCN (World Conservation Union) Commission on Education and Communication, and founder of the International Law and Obligations Institute (ILOI) — an institute established to monitor compliance to International obligations.

2. THAT I attended the New York Prep Com (March 1992), the UNCED Earth Summit and Global Forum (June, 1992), the meeting of the World Heritage Committee, and the Annual General Meeting of the IUCN.

3. a. THAT I am a researcher in an international Harvard -based project, which examines climate change, ozone depletion and acid rain documentation and implementation of policy in eight different countries; and that I am involved in co-ordinating a "Global Compliance Project" for the 1995 UN Conference in Beijing.

3. b. THAT I have extensive experience in analyzing and categorizing research data and in carrying out content analysis in different disciplines.

Since 1985 I have been doing a content analysis of international documents. I have analyzed statements in the following International legal instruments and U.N. resolutions:

Universal Declaration of Human Rights, 1948; Stockholm Conference on the Human Environment, 1972; UN Conservation of Natural Heritage, 1972; U.N. Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973; International Covenant of Social, Cultural Rights; International Covenant of Civil and Political Rights, 1976; the Vienna

Convention of Treaties, 1978; the World Charter of Nature, 1982; Non-proliferation of Nuclear weapons; Vienna Convention for the Protection of Ozone, 1985; Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 (and London and Copenhagen Protocols); UN Convention on the Rights of the Child, 1989; Convention for the Control of trans-boundary Movements of Hazardous Wastes (Basel Convention 1989); Environmental Assessment Review of trans-boundary Projects; 1991 ASEAN; Jakarta Declaration. the Caracas Declaration, 1992; Rio Declaration and Agenda 21, 1992, Convention on Biological Diversity, 1992; U.N. Framework Convention on Climate Change, 1992.

In particular, I have done a content analysis of the UNCED documents, and extracted over 200 principles enunciated in those documents. In October, 1993, at the University of Victoria, I also organized a panel discussion on "International Law and Obligations: Implications for the Clayoquot" .

4. THAT I have had input into the drafting of several international documents: a proposed Earth Charter for UNCED; the NGO Earth Charter at the UNCED Global Forum; and the IUCN "Covenant" prepared by the IUCN Commission on Environmental Law.

5. THAT I have reviewed international documents such as the UNCED Forest Principles document, and indicated its inconsistency with other international documents; I have reviewed federal documents such as the proposed Charlottetown Accord, and the CIDA guidelines for international projects, and indicated the inconsistency of these documents with other international and federal documents. I have 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.

6 THAT I will submit evidence about the following:

6.1. THAT there is a strong indication from statements from international documents, and from experts that there is an urgency to address the global environmental situation, and that "inaction is negligence" (Digby McLaren, Past President of the Royal Society of Canada, Keynote address, Global Issues Conference, 1991).

EXHIBIT A: Evidence of statements about urgency by Science Council of Canada; by the Royal Society of Canada; by the Concerned Scientists, Warning to Humanity; and by the international community in international documents.

6.2. THAT there is a duty expressed in international documents to act to address this urgency, and through international customary law as expressed in the International Covenant on Civil and Political Rights, and in U.N. Resolution 37/82, a duty has been placed on States to adopt such legislative or ... measures as may be necessary to give effect ... to international documents, and BC has undertaken this duty as a result of this international customary law.

EXHIBIT B: Evidence of statements of duty expressed internationally, nationally and provincially.

6.3. THAT Canada as well as B.C. has failed in many cases to exercise this duty and comply with its obligations. In particular, Canada has failed to comply with the Convention on Biological Diversity which Canada signed (June, 1992) and ratified (December, 1992); and which has been in force since December 1993; and that Canada under Article 18 of the Convention of Treaties, must not "defeat the purpose of the Treaty in the interim between the signing of the treaty and the coming into force of the treaty".

EXHIBIT C: Evidence that Canada has defeated the purpose of the Treaty since June 1992 by failing to conserve biodiversity, by failing to identify biodiversity, by failing to invoke the precautionary principle to justify the banning of ecologically unsound practices, and by failing to carry out an environmental assessment review of anything that could contribute to the loss or reduction of biodiversity.

6.4. THAT Canada has invoked internal law to justify not complying with these obligations (through claiming that B.C. is not bound by these documents and thus not required to comply. Under Article 27 of the Vienna Convention of Treaties, Canada is bound not to invoke internal law to justify non-compliance to international treaties.

EXHIBIT D1: Evidence that Canada under the Convention of Treaties has undertaken not to invoke internal law to justify not fulfilling international treaty obligations.

EXHIBIT D2: Evidence that indicates that B.C. as well as Canada is bound by these international obligations whether through legally binding documents such as the Biodiversity Convention and the Climate Change Convention, or through international customary law including the Common Law Doctrine of Legitimate Expectation, and evidence that the 1937 International Labour Supreme Court Decision can be distinguished in the case of the Convention on Biological Diversity.

6.5. THAT Canada has invoked internal law to justify not complying with these obligations through granting injunctions that prevent the fulfilling of these obligations. Under Article 27 of the Vienna Convention of Treaties, Canada is bound not to invoke internal law to justify non-compliance to international treaties.

EXHIBIT E : Evidence that B.C. has not only used internal law — the granting of injunctions to justify non compliance to International obligations but has failed to invoke its own internal law to prevent violations of international obligations.

6.6. THAT many of the Clayoquot Protectors were informed through circulated material and proclamations that there were international obligations undertaken by Canada and B.C., and that these obligations were being violated in the Clayoquot.

EXHIBIT F: Evidence of examples of documents about B.C. 's non-compliance to international obligations circulated to Clayoquot protectors.

6.7. THAT there has been international condemnation of British Columbia through a resolution from IUCN, an international organization with representation from 125 countries, including representation from governments and non-governmental organizations. I am a member of the Commission on Education and Communication of the IUCN (the World Conservation Union) —an organization that has both non-governmental and governmental representation, and academic and professional representation from 125 countries. I was instrumental in January 1994 in assisting in the drafting of 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.

EXHIBIT G: Evidence of International condemnation of forest practices in British Columbia, and of international call for the protection of a large network of original temperate rain-forests as recommended by the Western Canada Wilderness Committee whose proposal for a network includes Clayoquot Sound.

6.8. THAT it may not be equitable to prosecute citizens through the use of an equitable remedy— an injunction- when the granting of the equitable remedy is still under question in the courts, and when the equitable remedy is being used against those who call for the adherence to international obligations. I also propose that the issuance of equitable remedy such as an injunction which has usually been issued to prevent irreparable harm, has in this case of Clayoquot sound been issued against those who strive to prevent irreparable harm and call for the adherence to international obligations. [Note: that there have been several attempts to set aside the injunction, the last one being heard in January with no decision yet being handed down in June, and citizens are still being tried as criminals for contempt of court for their not complying with the injunction]

EXHIBIT H: Evidence that the injunction is an equitable remedy that has been misapplied in the Clayoquot case.

In the BC Litigation publication, Justice J.A. Norris described the nature of the injunctive remedy in British Columbia Law in the following way:

The remedy [of injunction] of course, is an equitable one. ' The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Justice J.A. Norris)

6.9 . THAT there is a positive duty upon citizens to ensure that a state adheres to its international obligations.

EXHIBIT I : Evidence to support the proposal that it is the responsibility and duty of individuals to act to ensure compliance with international obligations

6.10 .THAT in cases of potential irreversibility there may not be time for citizens to wait to exhaust all domestic measures before bringing their concerns to the international forum; and

THAT the exercising of this positive duty as was done in Clayoquot Sound by peacefully assembly to protest the non-compliance with international obligations should not be considered to be a demonstration of criminal contempt of court.

When established members of the community, such as representatives of government at international conferences, senior scientists from national institutions, indicate the gravity and urgency of the global situation, including deforestation, it is inequitable for the courts to impose injunctions that were traditionally an equitable remedy to prevent irreparable harm on those who try to prevent irreparable harm. It is equally inequitable to charge those who call upon governments to live up to their commitments as criminals while those who do not adhere to international commitments, federal laws and provincial statutes are fined occasionally for their "transgressions".

Since Canada has made these commitments outlined in the above exhibits, and because these commitments are inconsistent with the continuing to log in significant stands of unfragmented watersheds the injunction should have been rescinded because the injunction is contributing the non-fulfillment of international, national and provincial obligations.

In my opinion the court has violated principles of equitable law, such as the principle that "he who comes to equity must come with clean hands," by granting an equitable remedy to a party, MacMillan Bloedel, that itself has been in violation of international, federal and provincial law. When the ignoring of this equitable principle was brought to the attention of Judge Drake, he ruled that, in equity, "equity follows the law". If that were the case, and if international laws, such as the UN Resolution 37/7 (1982), federal laws, such as the Fisheries Act, and provincial laws, such as the Forest Act had been applied years ago, tree Farm licenses would have been suspended and canceled, and forest practices changed. In the absence of the court's willingness to enforce international law and federal and provincial statutory law, "equity has not followed the law".

In the Clayoquot, the court failed to invoke the law, and instead has demonstrated contempt for its own laws, by misconstruing the purpose of the equitable remedy of an injunction, which is to prevent irreparable harm. In circumstances where the state has failed to exercise its duty to act, and the court has failed to enforce the law, it is the state and the court that has demonstrated contempt for the law. This contempt has been shown at all three levels: international, federal and provincial.

In addition, in the Clayoquot trials, the court has condoned not only violations of guarantees in the Canadian Charter of Rights and Freedoms, but also violations of guarantees in the International Covenant of Civil and Political Rights, such as the following:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him {Article 14 3 (e)}.

[NOTE THAT IN THE CLAYOQUOT TRIALS IN VICTORIA FEW WITNESSES HAVE BEEN PERMITTED TO APPEAR FOR THE DEFENCE]

It is institutions not individuals that have demonstrated contempt for law and justice.

There appears to be little recourse for the Clayoquot Protectors than to eventually seek redress through the Optional Protocol International Convention of Civil and Political Rights which provides the following remedy:

Subject to the provisions of article 1 individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the committee for consideration. (Article 2)

SWORN BEFORE ME at the
City of Victoria, in the Province of
British Columbia, this 10th of June, 1994

A Commissioner for taking Affidavits
for British Columbia.

Joan Russow

THIS IS EXHIBIT A OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

A. Urgency expressed by Scientists

1. URGENCY EXPRESSED BY THE SCIENCE COUNCIL OF CANADA STATEMENTS

In a Science Council Report, "Its not too late yet!: in 1972, the urgency of the environmental situation is acknowledged:

As an added element, environmental impacts now transcend national and continental limits, and we have gained direct appreciation of the greater quantity of human activity everywhere in the world. Beginning with the news of world-wide radioactive fallout, there has been increasing evidence of the global air circulations that disperse contaminants widely and imply the need for global action. ...It is now necessary for every nation to ponder not only the abuses it tolerates in its own territories, but also the problems it creates for others or receives from others (p. 13, 1972).

and in 1988 this was further described as a crisis

THE ECOLOGICAL CRISIS

The continuing and accelerating deterioration of the planet's ecological base poses a significant threat to the long-term viability of our world. Evidence concerning global warming, ozone depletion, species depletion and elimination, the spread of the deserts, forest destruction, soil degradation, acidified lakes, rivers and streams, and groundwater pollution exists in abundance in the scientific literature (1988, Science council of Canada).

Much of the evidence is subject to many qualifications and even scientific debate, but the overall trend and its gravity for our planet, to its multitude of species and to the generations to come, are beyond question (11).

2. URGENCY EXPRESSED IN STATEMENTS BY THE ROYAL SOCIETY OF CANADA, IN ITS 1991 CONFERENCE ON GLOBAL ISSUES

Increased depletion of the ozone layer exceeds all predictions • increased species impoverishment • Increased loss of species habitat • Fragmentation of habitats • Decreasing biodiversity • Increased species impoverishment • Increased deforestation • Increased loss of temperate and tropical rain forests • Increased loss of carbon sink • Increased desertification • Increase in population beyond the carrying capacity • Increase in inequitable distribution of resources • Increased technological malfunctioning • Increased dependency on fossil fuels • Increased energy production and consumption • Increased expenditure of resources and human ingenuity on short term solutions • Increased susceptibility to ecological disasters as development increases • Increased production of waste • Increased difficulty of waste disposal • Reduction of capacity to defend itself • Increased "global imbalance" re. hydroxide • Increased "concentration of carbon dioxide" • Increased potential of global warming • Increase in green house effect • Increased destruction through acid rain • Increased persistence of chemicals • Increased bioaccumulation of chemicals • Increased bio-magnification of chemicals • Increased dispersal of toxic and hazardous chemicals into the ecosystem • increased exposure to chemicals • Increased entry into the food chain of deleterious chemicals • Increased impact of environmentally induced toxins •

(Identification of urgency of global situation at "Global Conference," sponsored by the Royal Society of Canada, 1991).

3. URGENCY EXPRESSED IN THE WORLD SCIENTIST WARNING TO HUMANITY IN 1993

This "Warning to Humanity" signed by 1,680 signatories, members are fellows or members of one or more national or international science academies, including 104 Nobel laureate scientists States the following:

Introduction : Human beings and the natural world are on a collision course. Human activities inflict harsh and often irreversible damage on the environment and on critical resources. If not checked, many of our current practices put at serious risk the future that we wish for human society and the plant and animal kingdoms, and may so alter the living world that it will be unable to sustain life in the manner that we know. fundamental changes are urgent if we are to avoid the collision our present course will bring about.

The environment

the environment is suffering critical stress:

...

Living species

...Our massive tampering with the world's interdependent web of life—coupled with the environmental damage inflicted by deforestation, species

loss and climate change could trigger:

widespread adverse effects, including unpredictable collapses of critical biological systems whose interactions and dynamics we only imperfectly understand.

Uncertainty over the extent of these effects cannot excuse complacency or delay in facing the threats.

B. Urgency acknowledged in the International documents (1972- 1992)

1. THE RECOGNITION OF THE URGENCY OF THE GLOBAL ENVIRONMENTAL SITUATION IN 1972

In the Convention for the Protection of Cultural and Natural Heritage the urgency of the global situation is noted:

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

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).

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... (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972)

2. THE RECOGNITION OF THE URGENCY OF THE GLOBAL ENVIRONMENTAL SITUATION IN 1992 AS STATED IN AGENDA 21 THE UNCED PROGRAM OF ACTION.

- Extent and scope of urgency

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

- Extent of Unsustainable consumption

[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).

- Extent of trans-boundary air pollution

trans-boundary air pollution has adverse health impacts on humans and other detrimental environmental impacts, such as tree and forest loss and the acidification of water bodies... (9.22, Atmosphere).

- 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 (9.19 Atmosphere).

- Extent of loss of Biodiversity

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

- Possible reduction of resilience of ecosystem to climatic variation because of 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).

- 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 development (11.12. Deforestation).

- 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. ...As a result, most global mountain areas are experiencing environmental degradation (13.1. Fragile ecosystems).

- Increased watershed deterioration

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

- 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 (14.34 Agriculture).

- Land degradation

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

- Loss of biodiversity through ecologically unsound practices

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

- Increased deterioration of the environment through anthropogenic actions

The improvement of human health is one of the most important objectives of development. The deterioration of environmental quality, notably air, water and soil pollution owing to toxic chemicals, hazardous wastes, radiation and other sources, is a matter of growing concern...(16.12 Biotechnology).

- increased erosion and soil loss in river basins

Poor land-use management, including deforestation and non-sustainable agriculture, mining and urbanization, could lead to a considerable increase in erosion problems and related soil loss in the river basins. The sedimentation in large reservoirs may have serious adverse effects downstream by reducing the quantity of natural nutrients available to agricultural land and coastal waters. .. Acidification of surface waters and groundwaters due to atmospheric deposition of air pollutants can lead to depletion of freshwater living resources and thereby contribute to the loss of biodiversity (18.3 Freshwater).

- Increased loss of Freshwater quality through ecologically unsound products and practices

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, 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... although the means to monitor them are inadequate or non-existent in many countries. There is a widespread lack of perception of the linkages between the development, management use and treatment of water resources and aquatic ecosystems. A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies (18.45 Fresh water).

- CONTINUED impact of mismanagement and overexploitation

Soil erosion, mismanagement and over-exploitation of natural resources and acute competition for water have all influenced the extent of poverty, hunger and famine in the developing countries. Soil erosion caused by overgrazing of livestock...Most often, the development of irrigation schemes is supported neither by environmental impact assessments identifying hydrologic consequences within watersheds of inter-basin transfer...(18.76, Fresh water).

THIS IS EXHIBIT B OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT B: Evidence of statements of duty expressed internationally, nationally and provincially.

INTERNATIONAL CUSTOMARY LAW PLACES A DUTY ON States TO ACT

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, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto," (Convention for the Protection ...of Natural Heritage, 1972).

INTERNATIONAL CONVENTION PLACES A DUTY TO REFRAIN FROM IMPACTING ON INDIGENOUS LANDS

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).

INTERNATIONAL CUSTOMARY LAW PLACES A DUTY ON States TO ADOPT SUCH LEGISLATIVE OR .. MEASURES AS MAY BE NECESSARY TO GIVE EFFECT TO INTERNATIONAL DOCUMENTS

In the international Covenant of Civil and Political Rights the principle of "duty-to-adopt-legislative ...measures" is enunciated

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

The principle is then further elaborated in the World Charter of Nature:

The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as a that international level.

The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as a that international level (Article 14).

APPLICATION OF THE COMMON LAW'S DOCTRINE OF LEGITIMATE EXPECTATIONS

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).

Citizens have the right to expect that governments will live up to international obligations.

This expectation has even been used by the British Columbia Government against the federal government. Government, 1991 (exhibit to be submitted).

Citizens of Canada can justifiably expect that Canada will adhere to international obligations that are part of international agreements signed by Canada, and citizens of Canada can justifiably expect that the courts of Canada will abide by international obligations made by Canada.

If the government of Canada CONTINUES to give the impression to the global community that Canadians are concerned about being "stewards" of a "relatively unspoiled wilderness" (Canada Report—Canada's submission to UNCED, 1992), then the citizens of Canada can legitimately expect that Canada will fulfill this obligation to be the steward of "relatively unspoiled wilderness" (Doctrine of legitimate expectation).

Similarly at the Provincial level if the provincial government imputes that it intends to fulfill an obligation, the citizens should be justified in having the obligation fulfilled.

In a letter from both the Provincial Ministry of Forests and the Provincial Ministry of Environment (March, 1992) the following intention is imputed:

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 [the Caracas Declaration : Parks Protected Areas and the Human Future] 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 declaration the Provincial government has recognized the following:

- nature has intrinsic worth and warrants respect regardless of its usefulness to humanity
- this natural wealth is being eroded at an unprecedented rate, because of the rapid growth in human numbers, the uneven and often excessive consumption of natural resources, mistaken and socially harmful styles of development, global pollution and defective economic regimes, so that the future of humanity is now threatened;
- many people must modify their styles of living and the world community must adopt new and equitable styles of development, based on the care and sustainable use of the environment, and the safeguarding of global life-supporting systems (CD)

ACCORDINGLY, and bearing in mind the message of *Caring for the Earth: A strategy for Sustainable Living, The Global Biodiversity Strategy*, launched at this Congress, and the earlier messages of the World Conservation Strategy, the World Charter for Nature and the World Commission on Environment and Development,

From the Commitment in the Caracas Declaration, it would appear that the Provincial government has also reaffirmed Canada's commitment to UN Resolution 37/7 (1982), the World Charter of Nature, which States that the UN Assembly is:

Convinced that:

(a) Every form of life is unique, warranting respect, regardless of its worth to man and to accord other organisms such recognition's, man must be guided by a moral code of action,

Persuaded that:

(a) Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man

Persuaded that:

(a) Lasting benefits from nature depend upon the maintenance of essential ecological processes and life support systems, and upon the diversity of life forms, which are jeopardized through excessive exploitation and habitat destruction by man.

3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.

(a) Living resources shall not be utilized in excess of their natural capacity for regeneration.

The government is also committed to reflect these obligations in the law of the state:

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

In addition, in 1982, Canada undertook to proceed with caution:

Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed (3b).

Section 3b appears to suggest that there is the intention to shift the burden of proof from the opponents of an intervention having to demonstrate harm to the proponents of the intervention having to demonstrate the expected benefits. If this were applied to the injunction it would be the responsibility of industry to have to demonstrate that the expected benefits [jobs] outweigh the potential damage to nature.

Canada, since endorsing the UN Resolution 37/7 (1982), and B.C. in reaffirming this endorsement in March 1992, has agreed to carry out the following:

Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations 16. All planning shall include, among its essential elements, the formulation of strategies for the conservation of nature, the establishment of inventories of ecosystems and assessments of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to the public by appropriate means in time to permit effective consultation and participation (e).

The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods (19).

In the Ombudsman's office's letter, "re: the Russow/Gage investigation into government's enforcement of the Forest Act and inquiry into Government's intention to comply with International Obligations", the Ombudsman's Senior Investigator of Resource Issues, Scotty Gardiner, described the following results from his inquiry:

Ombudsman's office inquiry into the way the B.C. government will be fulfilling international commitments :

Compliance with International Agreements.

Direct personal discussions were held with Mr. Cheston, Assistant Deputy Minister of Operations Division, Ministry of Forests, and Mr. Owen, Commissioner on Resources and Environment. Both Mr. Cheston's and Mr. Owen's responsibilities reflect the government's priority for those issues of concern to you...

From these meetings, as well as from additional discussions with senior staff from the Ministry of Forests and the Ministry of Environment, Lands and Parks, we have determined that BC intends to comply with the agreements signed at the UNCED in June 1992.

Undoubtedly, to comply with the principles from UNCED such as those stated in Exhibit A., the government would be required to institute a moratorium on the logging of old growth until an environmental assessment review of the forest practices that could have a significant impact on biodiversity could be assessed; until the full life cycle analysis and true environmental accounting could be carried out; until indigenous rights have been settled; and until non-destructive use values, examined. It would appear to be against all principles of equity that the research into impacts on biodiversity should be carried out after much of the biodiversity has been altered. If the precautionary principle, life cycle analysis principle, environmental impact assessment principle, and the positive duty to indigenous people is to be fulfilled, there should be an injunction preventing all activity which could be irreversible, irreparable harm.

There appears to be an intention expressed through government documents either directly stated or through their adoption of international agreements, to fulfill environmental obligations. An analogy could be made

between a case where an injunction was not granted to MacMillan Bloedel because there was a pending obligation.

In MacMillan Bloedel vs. Mullin, it was decided that an injunction would not be granted because granting an injunction could deprive the native community of their "ecological rights" in the case of pending land title, and that MacMillan Bloedel would not suffer "irreparable harm"

the claim, by an Indian, band for 'aboriginal " title to land cannot be 'rejected summarily' and certainly not at the early stages of litigation. Nor must the right to log Crown land given, by licence, to a logging company be ignored. However, in light of the fact that **unless the issue of title to the subject land is settled before logging occurs, the Indians, if successful, will be deprived of valuable ecological rights, and in further light of the fact that irreparable harm will not result to the logging company if timber harvest is delayed pending an expedited adjudication of issue of title, the principles applicable to the issue of interlocutory injunctions will militate that the status quo. be maintained.**

It is not only the levels of government that failed to live up to their stated intention to fulfill obligations but resource ministries, institutions, organizations and industry have also "imputed an intention to fulfill an obligation". Through the Forest Accord, a document which has been signed by Canadian Pulp and Paper Industry, the Council of Forest Industry, Wildlife habitat, Canadian Nature Federation, National Aboriginal Forestry Association, Minister of Forestry, Lands and Wildlife, Alberta, Minister of Natural resources Manitoba, Minister of Forests, B.C. Minister of Parks and Renewable Resources Saskatchewan, Minister of Natural Resources and Energy, New Brunswick, Minister of Natural Resources, Minister of Forestry Canada, Minister of Natural resources Ontario, the following concern and intention was expressed:

Our forest heritage is part of our past, our present and our future identity as a nation. It is important to maintain a rich tapestry of forests across the Canadian landscape that sustains a diversity of wildlife:

- the spiritual qualities and the inherent beauty of our forests are essential to our physical and our mental well-being

- We will fulfill our global responsibilities in the care and use of forests, maintaining their importance of the environment and the well-being of all living things.]

March, 2, 1992

Article 18 of the Vienna Convention places an obligation upon the State to refrain from activities that could prevent the purpose of a treaty.

obligation not to defeat the object and purpose of a treaty prior to the entry into force (Article 18).

THIS IS EXHIBIT C OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT C: Evidence that Canada has defeated the purpose of the Treaty since June 1992 by failing to conserve biodiversity, by failing to identify biodiversity, by failing to invoke the Precautionary Principle to justify the banning of ecologically unsound practices, and by failing to carry out an environmental assessment review of anything that could contribute to the loss or reduction of biodiversity.

- Failure to prevent loss and reduction of biodiversity : elements in the Biodiversity Convention

1. Purpose of Biodiversity Convention : to prevent loss and reduction of biodiversity

Obligations to carry out an environmental assessment review of anything that could contribute to a reduction or loss of biodiversity

During the public hearings about the B.C. Environmental Assessment Act, the government representative, Dale Lovick, revealed that at almost every meeting, citizens had requested that forest practices be included under the environmental Assessment Act. The draft version does not include forest practices, and since June, 1992, ecologically unsound forest practices that could contribute to a reduction and loss of biodiversity have CONTINUED.

Former Canadian Ambassador, Arthur Campeau — the Canadian Ambassador for the Environment to the United Nations, and the head of the Canadian Delegation at UNCED, indicated that Canada was in non-compliance with the Biodiversity Convention because of the Canadian government's (in particular the B.C.'s government's) failure to carry out an environmental assessment review of anything that could contribute to a loss or reduction of biodiversity (Personal communication, March 1994).

In jurisdictions where an environmental impact assessment has been carried out, practices typical of those carried out currently in BC forests, have been assessed as being destructive of biodiversity. For example, a German biologist specializing in biodiversity indicated that:

The practice of clear-cutting, followed by artificial reforestation, has undoubtedly many technical and organizational advantages. In the course of time, however, soil scientists and ecologists found out that the practice of clear-cutting 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)

2. Purpose of Biodiversity Convention : to avoid or minimize threat of significant reduction or loss of biological diversity

As of June 1992, Canada undertook the obligations, under the Biodiversity Convention, 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)

- 'Biodiversity' is defined in the Convention as:

the variability, among living organisms, from all sources...and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

- 'Ecosystem' is defined as

a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

- There is sufficient evidence that clear-cut logging destroys biodiversity as defined above

Dr. Richard Mittermeier, President of Conservation International, has stated that the precautionary principle, if invoked, could justify the banning of clear-cut logging because clear-cut logging contributes to loss and reduction of biodiversity (Personal Communication, IUCN Annual General Meeting, 1994)

3. Purpose of Biodiversity Convention: to identify biodiversity

- Under the Convention the parties are required "to identify biodiversity"
- 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

4. Purpose of the Biodiversity Convention: to conserve biodiversity

- The Canadian and British Columbian governments have CONTINUED to link percentages to the conservation of biodiversity. This practice has been ridiculed at the International level because there is no basis in biology to justify the arbitrary association of a fixed percentage with the conservation of biodiversity. When Canadian government officials are in international fora, in some cases, they refuse to acknowledge that Canada has made a commitment to conserve, as a minimum, 12% (At the IUCN Convention, representatives from Parks Canada failed to acknowledge Canada's commitment to the minimum of the "12% Solution" when the biologist, Dr. Elliot Norse, laughed and stated, "surely no country is still adhering to a percentage solution").

THIS IS EXHIBIT D1 OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT D1: Evidence that Canada under the Convention of Treaties has undertaken not to invoke internal law to justify not fulfilling international treaty obligations.

CANADA IS UNDER OBLIGATION OF ARTICLE 27 OF THE VIENNA CONVENTION OF TREATIES (1978), TO NOT INVOKE INTERNAL LAW AS JUSTIFICATION FOR ITS FAILURE TO PERFORM A TREATY

Article 27 Internal law and observance of treaties reads

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty....

Article 31 related to interpretation of treaties reads:

1. 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.

An ordinary meaning of Article 27 would be that Canada can not invoke its internal law such as the invoking constitutional division of powers or invoking equitable remedies like injunctions to justify the failure to perform a treaty

THAT, UNDER THE VIENNA CONVENTION TREATIES (ARTICLE 18), CANADA IS BOUND TO UNDERTAKE THE OBLIGATION TO NOT DEFEAT THE OBJECT AND THE PURPOSE OF THE BIODIVERSITY CONVENTION AND THE CLIMATE CHANGE CONVENTIONS AS OF THE SIGNING OF THE CONVENTION 91992)

Article 18 of the Vienna Convention Treaty stipulates that there is an "obligation not to defeat the object and purpose of a treaty prior to the entry into force"

and thus that Canada, explicitly or by necessary implication, undertook to fulfill this requirement, as it relates to the object and purpose enshrined in the Biodiversity Convention and Climate Change Convention which Canada signed (June, 1992) and ratified (Dec, 1992) and is thus bound as of June 1992.

In the Vienna Convention of Treaties the role of international customary law is affirmed:

Affirming 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:

UNDER ARTICLE 29 OF THE VIENNA CONVENTION OF TREATIES IF NOT STATED OTHERWISE B.C. IS BOUND BY THE CONVENTIONS

Article 29 territorial scope of treaties

Unless a different intention appears for the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

THAT B.C. IS ALSO BOUND BECAUSE OF COMMITMENTS MADE TO THE FEDERAL GOVERNMENT AT THE CABINET LEVEL

(Note document is not included because the cabinet document which was obtained through the Freedom of Information Act, has excluded sections under Section 12 of the Freedom of Information Act. For the court purposes, I would presume that the complete document could be obtained).

THIS IS EXHIBIT D2 OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT D 2: Evidence that indicates that B.C., as well as Canada, is bound by these international obligations, whether through legally binding documents such as the Biodiversity Convention and the Climate Change Convention, or through international customary law, including the Common Law Doctrine of Legitimate Expectation, and evidence that the 1937 International labour Supreme Court Decision can be distinguished in the case of the Convention on Biological Diversity.

THE 1937 ILO SUPREME COURT CASE THAT HAS BEEN USED TO SUPPORT THE
CLAIM THAT PROVINCES ARE NOT BOUND CAN BE DISTINGUISHED

THIS IS EXHIBIT E OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT E Evidence that B.C. has not only used internal law — the granting of injunctions to justify non compliance to International obligations but has failed to invoke its own internal law to prevent violations of international obligations.

B.C. has failed to even invoke its own provincial legislation to ensure that it is not in violation with international obligations. The B.C. Ministry of forests has not invoked section 60 of the Forest Act; a section which has given the government discretionary powers to suspend Tree Farm licenses indefinitely if there is evidence of damage to the natural environment through non-compliance with the Act. There is evidence that the Federal Government and Provincial Government have failed to enforce their own legislation. Although there have been some convictions against MacMillan Bloedel, the legislation has not been sufficiently enforced and as a result of non-enforcement international obligations, have not been fulfilled.

Macmillan Bloedel has however not fulfilled its responsibility to protect fisheries, and in fact, Macmillan Bloedel has been convicted under section 33 of the Federal fisheries Act which reads:

33.1 Every person who carries on or proposes to carry on any work or undertaking that results or is likely to result in

a) the deposit of a deleterious substance in water frequented by fish or in any place under any conditions where that deleterious substance or any other deleterious substance that results from the deposit of that deleterious substance may enter any such water, or

b) the alteration, disruption or destruction of fish habitat

shall on the request of the Minister... (a) provide the Minister with such plans, specifications, studies, procedures, schedules, analyses, samples or other information relating to the work or undertaking and with such analyses, samples, evaluations, studies or other information relating to the water, place or fish habitat that is or is likely to be affected by the work or undertaking as will enable the Minister to determine

c) whether there is or is likely to be a deposit of a deleterious substance by reason...d) whether the work or undertaking results or is likely to result in any alternation, disruption or destruction of fish habitat ...

Recently there has been further evidence of MacMillan Bloedel's non fulfillment of responsibility under the Forest Act. The following is a summary of the findings of the Tripp report which was entitled *The Application and Effectiveness of the Coastal Fisheries forestry guidelines in selected cut blocks on Vancouver Island*

(D. Tripp, April, 1992)

Abstract

The Coastal Fisheries Forestry Guidelines, alone or in combination with site specific prescriptions, can effectively reduce the number and severity of the impacts experienced on streams in recently logged areas. Compliance with the guidelines and many prescriptions, however, was generally poor, regardless of location or the type of forest license involved. These were the findings of a recent survey of 21 logged cut blocks on Vancouver Island.

There was, on average, one major or moderate impact on one stream for every cut block inspected. Half of these impacts involved a Class 1 or 11 stream. The other half involved Class III or IV streams that were likely to have a negative effect in the near future on more valuable habitat downstream. Since most of the impacts were the result of debris torrents, large build-ups of sediment and debris were the main types of major impacts recorded in all stream classes. ..

Approximately 60% of the major problems observed were attributed to excess debris loads in steep gully systems, and a failure to appreciate the transport capabilities of such streams during heavy rains. Other contributing factors were failures to fall and yard away from the streams and failures to clean out the excess debris where cross stream yarding was permitted. Poor drainage controls on roads, and spur roads in particular, were responsible for approximately another 25% of the most significant problems, while a combination of land slides and a poorly located gravel pit accounted for the rest of the problems. Some questionable harvest practices in Streamside Management Zones accounted for six minor or moderate problems but the long term implication of the problems was beyond the scope of the present survey.

There has also been a failure on the part of the Ministry of forests to use its discretionary powers to suspend licenses under the Forest Act to address "serious damage to the natural environment"

The government, in its response to Steven Owen June 2, 1993, indicated that "the government intends to firmly enforce standards." The government then indicated that, "imminent environmental damage could result in the immediate suspension of operations under Section 60 of the Forest Act" (p.15).

Section 60 of the Forest Act, reads as follow:

Suspension of rights

the regional manager, a district manager or a forest officer authorized by either of them may, by written order and without notice, suspend in whole or part, the rights under an agreement where he believes on reasonable and probable grounds that its holder has failed to perform an obligation to be performed by him under the agreement or has failed to comply with this Act or the regulations, and that the failure of performance or compliance is causing or may imminently cause serious damage to the natural environment. 1978.

Since 1978, this section has been in place, and since 1978, "serious damage to the natural environment has occurred (see exhibit G, as an example of this damage). This section has neither been enforced by the ministry of forests, nor been requested to be enforced by the Ministry of the Environment.

On the one hand, it is reassuring that the government is finally willing to enforce its legislation but on the other hand, it is not reassuring that for years environmental harm has occurred because past governments, as well as the current government, have not been willing to enforce section 60 of the Forest Act. For years, environmental groups have brought to the attention of the government, that the Forest Act was not being complied with and as a result of non-compliance, environmental harm has occurred. For years there has been contempt of the law by industry and government.

It would appear that the government, in making its decision to log Clayoquot Sound, took into consideration the possible cost of compensation to MacMillan Bloedel that would have resulted from setting aside Clayoquot Sound.

Often intact ecosystems that have been deserving of preservation have been irreversibly destroyed because it was deemed necessary, if these ecosystems were to be withdrawn from an existing tree farm licence, for governments to pay compensation. In the past, compensation has been assessed purely on an economic basis without taking into consideration the true environmental costs. In order to assess the environmental costs of the destruction of significant ecosystems, one may need to examine if damage to the natural environment within a significant ecosystem has occurred. Section 60 of the Forest Act does permit the suspension of licenses if environmental damage to the natural environment has occurred as a result of non-compliance with the Forest Act. The potential environmental costs of destroying significant ecosystems as a result of the Ministry of Forests not suspending tree farm licenses when there was evidence of destruction to the natural environment, is necessary to include in the assessment of compensation.

Not only has the government been notified about non-enforcement of Section 60 of the Forest Act but also the Ombudsman's office has also been notified about this non-enforcement (even at the time when Steven Owen was the Ombudsman). To investigate the lack of enforcement of section 60 of the forests act appears to be certainly within the mandate of Ombudsman's office.

It would appear then, that the forest industry has, when causing environmental harm, been outside the law because neither the government: the Ministry of Forest, and the Ministry of Environment, nor the ombudsman's office, has demanded that section 60 be enforced and licenses be suspended. If licenses had been suspended, the environmental harm, such as the harm reported in the TRIPP report would not have occurred. **Section 60 has been**

In section 28 of the Forest Act, there is an indication that one condition of the granting of the licence is that logging has to be "sustained". Environmental researcher Jack Etkin, expressed the following concern about non compliance with the responsibilities under the Act:

Macmillan Bloedel States in their management and working plans that in TFL 44, they will be able to cut about 2.4. million cubic metres of wood a year for the next 200 years. Because they say that 2.4. million is "sustained". ...we asked the company how they knew that they could cut 2.4.

million cubic metres of wood sustainably for the next 200 years....they assured us that they have proof that their tree farms will grow sustainably.

(press release, 1993)

In a follow-up letter received by Etkin, from MacMillan Bloedel (see EXHIBIT H), the company stated:

"In conclusion, there is no hard, scientific proof that third and fourth generation forests are viable [not viable is defined as being able to survive and grow]. On the other hand, what evidence there is overwhelmingly positive.

Etkin (1993) in the Bridge newspaper indicated the following:

"The most frequently cited piece of evidence was FORCYTE, a computer simulation model out of UBC. According to the Director General of Forestry Canada, models like FORCYTE provide "Perhaps the strongest scientific evidence that B.C. forests can be sustainably managed..."

But here is what the developers of FORCYTE have to say about their model. "The model predictions should be viewed with caution...The model has not been validated against any long term experimental data. Hence, the precision and accuracy of the results are unknown'

This suggests that MacMillan Bloedel cannot claim to be fulfilling section 28 of the Forest Act, and consequently one of the conditions that would limit its "right to profit a prendre" has not been fulfilled.

THIS IS EXHIBIT F OF THE AFFIDAVIT OF JOAN RUSLOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT F: Evidence of examples of documents about B.C.'s non-compliance to international obligations circulated to Clayoquot protectors.

I know through personal experience, that many of the Clayoquot Protectors were informed through circulated material and proclamations that there were international obligations that Canada and B.C. had undertaken, and that were being violated in the Clayoquot.

I widely distributed information about the violation of international obligations throughout Vancouver Island, and in particular, among groups and citizens concerned about the environment:

1. In March, 1992, I prepared an "Old Growth Proclamation" {Exhibit F (i)} based on B.C.'s non-compliance with UN Resolution 37/82: The World Charter of Nature. This proclamation was read as a statement by some of the Clayoquot protectors in the spring and summer of 1992 as a response to the serving of the injunction.

2. I had a position piece published in the Times Colonist { Exhibit F(ii)} in August, 1992. In this piece, the discrepancy between the internationally agreed to obligations and the lack of fulfillment of these obligations in the forest industry, was made and the acknowledgment that the Clayoquot Protectors were the Canadians that were calling for the compliance to international law. This position piece was circulated widely beyond Victoria. At the request of the Vancouver Island Network of Environmentalists (VINE) in (October 1992), I prepared a document relating international obligations to the proposed Core Land Use Charter and a press release on the arrests in Clayoquot and on how it was the Clayoquot protectors that were exercising their duty calling upon the government to comply with international obligations {Exhibit F (iii)}

4. Since October, 1992, I circulated the "UN Proclamation for Translating Rhetoric into Action" in which I delineated international obligations from 1972 through 1982 to 1992 {Exhibit F (iv)}.

5. Since July, 1992, I have continually lectured on the connection between international obligations and the Clayoquot; indicated that it is the protesters protectors that have been calling for the compliance with international law. I have given workshops and presentations in which I have indicated the failure of B.C. to comply with international obligations by not fulfilling its obligations under the Biodiversity Convention and Climate Change Convention.

THIS IS EXHIBIT G OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT G: Evidence of International condemnation of forest practices in British Columbia, and of international call for the protection of a large network of original temperate rain-forests as recommended by the Western Canada Wilderness Committee whose proposal for a network, includes Clayoquot Sound.

Resolution passed by the IUCN General Assembly meeting at Buenos Aires, Tuesday, January 25, 1994.

19.72REV2 North American Coastal Temperate Forests

(retyped with January 25 Amendments from the floor)

RECOGNISING that temperate coniferous forests, and especially rain forests, constitute a very rare type of ecosystem in the world originally covering less than one-fifth of one percent of the earth's land surface, and that one half of the earth's original forest of this type occurs along the pacific Coast of North America from northwestern California to southeastern Alaska;

UNDERSTANDING that many endemic and unusual plants and animals occur only in these forests; and that in biomass productivity, the old growth forests (ancient forests) of this biome are unequaled anywhere;

AWARE that more than one half of the Earth's original coastal coniferous forests (ancient forests) have been logged, including more than 40 % of the ancient forests of this type on North America, and that few large unfragmented examples of this type of forest, other than in protected areas, exist outside of British Columbia and Alaska;

MINDFUL of the fact that such ancient forests on Vancouver Island and on the mid-coast of British Columbia, are disappearing at a rapid rate as a result of practices that have, to date, not been ecologically sustainable;

ALSO MINDFUL that past management practices have been controversial, while the U.S. government has enacted legislation to ensure sustainable management of all forests, questions CONTINUE to arise;

UNDERSTANDING that the Raincoast Conservation Society, the Sierra Club, and the Western Canada Wilderness Committee have proposed a large network of protected areas, including conservation corridors, in areas of such ancient forests on Vancouver Island and the midcoast of British Columbia;

AWARE of the fact that none of the protected areas that Canada maintains in forest areas along the Pacific Coast, have been designated as World Heritage sites under the provisions of the World Heritage Convention[s] and that these ancient forests may be of outstanding universal value;

The General Assembly of IUCN — the World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. URGES the Government of Canada and the United States, to properly manage the temperate coastal coniferous forests of the Pacific Coast of North America by establishing appropriate protected areas and by adopting ecologically oriented systems of forest management which can be permanently sustained and which protect biodiversity;
2. CALLS UPON the Governments of Canada and British Columbia to substantially expand the amount of land in networks of protected areas, with conservation corridors, on Vancouver Island and the midcoast of British Columbia, taking into consideration the recommendations of environmental groups active in the regions such as the Raincoast Conservation Society, the Sierra Club and the Western Canada Wilderness Committee;
3. URGES the Government of Canada to consider nominating sites or combinations of sites (such as networks), in these forests as World Heritage sites under the World Heritage Convention[s];

4. RECOMMENDS that special efforts be made by these parties and their citizens to restore degraded parts of these forests and to secure the overall integrity of the biome by linking now separate forest stands

Resolution proposed by Michael McCloskey, Sierra Club U.S.A, in collaboration with Joan Russow (B.C. Canada) member of the IUCN Commission on Education and Communication

THIS IS EXHIBIT H OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
 MONTH 1994

 A Commissioner, ETC.

EXHIBIT H: Evidence that the injunction is an equitable remedy that has been misapplied in the Clayoquot case.

In the "Conduct of Civil Litigation in B.C. 1991", J.A. Norris indicated the nature of the remedy injunctions:

The remedy [of injunction] of course, is an equitable one. ' The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Norris, J.A.) Equity is not to be presumed to be of an age past childbearing.' (Harman, J) " (Conduct of Civil Litigation in B.C., Chapter 42, August, 1991)

Maxims of equity

- 1 Equity will not suffer a wrong without a remedy
2. Equity follows the law
3. Where there is equal equity, the law shall prevail
4. Where the equities are equal, the first in time shall prevail
5. He who seeks equity must do equity
6. He who comes into equity must come with clean hands
7. Delay defeats equity
8. Equality is equity
9. Equity looks to the intent rather than to the form
- 10 Equity looks on that as done which ought to be done

11. Equity imputes an intention to fulfill an obligation

12. Equity acts in personam

(on the maxims, see generally Roscoe Pound in Cambridge Legal Essays (1926), pp259 et seq., cited from P.V. Baker and P. St Langar (1990).

Snell's Equity London Sweet and Maxwell,

I propose that the issuance of equitable remedy such as an injunction which has usually been issued to prevent irreparable harm, has in this case of Clayoquot Sound been issued against those who strive to prevent irreparable harm and call for the adherence to international obligations.

PRECEDENCE FOR AN INJUNCTION'S BEING ACCEPTED IN THE COURTS AS AN EQUITABLE REMEDY TO PREVENT IRREPARABLE HARM

Despite Norris' assessment of the "equitable remedy of the injunction" in most injunctive cases, the condition for granting an injunction appears to be restricted to a "balance of convenience" (the term "convenience" appears to be interpreted as meaning suitability; and the term "just" appears to be absent indicating perhaps that the courts do not believe that there is a significant distinction between "suitability" and "just"). It is, understandable that the courts, in deciding between two competing economic claims, would approach the claims as being a balance of convenience. Not all conflicts, however, can always be justly resolved by balancing conveniences. Further, cases between short term economic claims and long term ecological concerns of potential irreversible destruction surely must not be resolved by misconstruing an ecological right as being one of convenience, and an economic privilege as being one of irreparable harm as had been done in *Wiigyet vs District Manager*.

In judicial decisions related to conflicts between short term economic interests and long term ecological concerns, the courts in using equitable remedies, must re-examine fundamental principles of justice and equity so as to ensure that the legal system fosters, not inhibits, justice and equity. It may also be necessary to accept a limitation on freedoms (i.e that which was considered to be a right may now only be deemed to be a privilege, and in being a privilege it should receive different and more intense scrutiny).

The global system is presently attaining or approaching an ecological state of irreversibility or privation. The time has past for the perpetuation of precedents reflecting the exclusive reliance on narrowly defined "convenience" and "balance of convenience" or conflict between "convenience and irreparable damages or harm", and reliance on Forest Company affidavits as a basis for granting injunctions.

There appears to be a serious discrepancy or lack of correspondence between the criteria for making injunctive decisions and the current recognition of time and circumstance as reflected by concerns in the international scientific and academic community and by proclamations in international documents.

The need to redefine irreparable damage is made evident in the previously mentioned *Wiigyet vs District Manager* case. International and national documents could assist the court in defining irreparable damage so that the court could "move with time and circumstance" (Norris).

Although there is a beginning of the recognition of ecological rights in *McMillan Bloedel vs Mullin* [1985, BCD Civ 1892-08], there does not yet appear to be a recognition in B.C. courts, of the rights of the public to ecological preservation. In *McMillan Bloedel vs Mullin* it was decided that:

the claim by an Indian band for 'aboriginal " title to land cannot be 'rejected summarily' and certainly not at the early stages of litigation. Nor must the right to log Crown land given, by licence, to a logging Company be ignored. However, in light of the fact that unless the issue of title to the subject land is settled before logging occurs, the Indians, if successful, will be deprived of valuable ecological rights, and in further light of the fact that irreparable harm will not result to the logging company if timber harvest is delayed pending an expedited adjudication of issue of title, the principles applicable to the issue of interlocutory injunctions will militate that the status quo. be maintained.

Although the above decision does recognize the concept of ecological rights when there is a dispute over ownership of property, it does not go far enough to accommodate the current and emerging evidence of time and circumstance in which the international community and the public are now demanding preservation of unfragmented areas of biological complexity. In the Stockholm Convention, as early as 1972, the need to preserve our environmental heritage and the need to have a representative sample of natural ecosystem, 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 issues of preservation of ecosystems and ecological rights perhaps the courts should look to international researchers for guidance and to international documents for substance of moral suasion. Research from the international community and international

documents could reflect a more accurate estimate of "the time and circumstance" in the domain of forestry issues than affidavits from forestry companies, that seek to perpetuate what is perceived by a substantial sector of the international community as contributing to environmental degradation, soil depletion, loss of biodiversity, loss of genetic diversity and even loss of productivity in their own industry.

THIS IS EXHIBIT I OF THE AFFIDAVIT OF JOAN RUSSOW SWORN THE DAY
MONTH 1994

A Commissioner, ETC.

EXHIBIT I Evidence to support the proposal that it is the responsibility and duty of individuals to act to ensure compliance with international obligations

INTERNATIONAL CUSTOMARY LAW'S AFFIRMATION OF THE POSITIVE DUTY OF INDIVIDUALS TO ACT

Each person has a duty to act in accordance with the provisions of the present Charter; acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met (24. UN Resolution 37.7 (1982)).

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant (International Covenant of Civil and Political Rights)

States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall: (c) Implement the applicable international legal provisions for the conservation of nature and the protection of the environment (21. UN Resolution 37.7 (1982)).

[THE CHARTER THEN PROCEEDS TO LIST COLLECTIVE RESPONSIBILITIES]

23. All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to

means of redress when their environment has suffered damage or degradation (23. UN Resolution 37.7 (1982).

SWORN BEFORE ME at the
 City of Victoria, in the Province of
 British Columbia, this 10th of June, 1994

A Commissioner for taking Affidavits
 for British Columbia

Joan Russow

Optional Protocol to the International covenant on Civil and Political Rights

The States parties to the present Protocol

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the covenant) and the implementations of its provisions, it would be appropriate to enable the Human Rights committee set up in part IV of the covenant ... to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant

irreversibility

We bring this request to rescind the injunction primarily because we are concerned that contempt for international, national and provincial environmental law reflected in years of non compliance by industry, and non-enforcement by government, has resulted in environmental degradation of the forest ecosystems.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations. (Article 15 1, Covenant of Civil and Political Rights)

International protocol

Optional Protocol to the International covenant on Civil and Political Rights

The States parties to the present Protocol

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the covenant) and the implementations of its provisions, it would be appropriate to enable the Human Rights committee set up in part IV of the covenant ... to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant, have been violated and who have exhausted all available domestic remedies, may submit a written communication to the committee for consideration.

irreversibility

1991)

As an indication of "time and circumstances" the States, represented at UNCED, endorsed the "Precautionary Principle which reads as follows:

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

If this principle is to be applied, no longer should the international community accept that 'the prevention of irreparable harm' — an equitable reason for granting injunctions — be inequitably construed as meaning the "irreparable harm" of economic loss to industry.

Precautionary Principle

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the committee for consideration.

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations. (Article 15 1, Covenant of Civil and Political Rights)

International protocol

Optional Protocol to the International covenant on Civil and Political Rights

The States parties to the present Protocol

Considering that, in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the covenant) and the implementations of its provisions, it would be appropriate to enable the Human Rights committee set up in part IV of the covenant ... to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant

irreversibility

(ix) in cases of potential irreversibility

The Atomic Energy Control Act, R.S. C A-19, S 1

The Emergency Preparedness Act, 1988, C 11.

The Canadian Environmental Protection Act, 1988, C 22.

The Environmental Contaminants Act, 1974-75-76, C 72.

The Fisheries Act, 1977, C 35

The Department of the Environment Act, R.S., C 14 (2nd Supp.), s2

The Government Organization Act 1979, C 13

The Hazardous Products Act, R.S., C H-3, S 1

5. That in all the statutes, which I examined, dealing with either hazardous materials or the pollution caused by hazardous materials, importance is placed on the determination of the safety of the hazardous materials. And it is recognized that in order to determine safety, it is necessary to have information about the materials and their uses. This principle is enunciated in the following examples drawn from the statutes.

- a) In section 11 (Disclosure) of the Hazardous Products Act, "disclosure of information is required where the Minister has reason to believe that a product or substance may be dangerous... The Minister may send a written notice to the manufacturer of the product or substance requesting the manufacturer to disclose to the Minister the formula, composition or chemical ingredients of the product or substance and such other information in the possession of the manufacturer as the Minister deems necessary for the purpose of determining whether the product or substance is or is likely to be a danger to the health or safety of the public". (the Hazardous Products Act. R.S., CH-3, S 1)

- b) Pursuant to 7 (2) Of the Environment Contaminants Act "where the Minister of National Health and Welfare believes that a substance will constitute a significant danger to human health or the environment, the Minister may send a written notice to any person engaged in any commercial, manufacturing or processing activity involving the substance or any member of a classes of substances of which the substance is a member requiring that person to furnish the Minister with such information specified in the notice". (The Environmental Contaminants Act. 1974-75-76, C 72)

- c) Section 33. 1 of the Fisheries Act States the following:
 - "Every person who carries on or proposes to carry on any work or undertaking that results or is likely to result in
 - a) the deposit of a deleterious substance in water frequented by fish or in any place under any conditions where that deleterious substance or any

other deleterious substance that results from the deposit of that deleterious substance may enter any such water, or

b) the alteration, disruption or destruction of fish habitat

shall on the request of the Minister... (a) provide the Minister with such plans, specifications, studies, procedures, schedules, analyses, samples or other information relating to the work or undertaking and with such analyses, samples, evaluations, studies or other information relating to the water, place or fish habitat that is or is likely to be affected by the work or undertaking as will enable the Minister to determine

c) whether there is or is likely to be a deposit of a deleterious substance by reason...d) whether the work or undertaking results or is likely to result in any alternation, disruption or destruction of fish habitat". ...

(Federal Fisheries, 1977, C. 35)

6. That the principle is repeatedly seen in these statutes that the government has a duty to provide the public with crucial and essential information about the environment

a) In section 5 of the Department of the Environment Act it is written:

"The Minister, in exercising his powers and carrying out his duties and functions ... shall...

(iii) provide to Canadians environmental information in the public interest".

(Department of the Environment Act, R.S., R.S., C 14 ,2nd Supp., S 2)

b) Also in section 19 (6) of Canadian Environmental Protection Act, the Minister may disclose information

"where

a) the disclosure is in the interest of public health, public safety or the protection of the environment

and

b) the public interest in the disclosure clearly outweighs in importance any material financial losses or prejudice to the competitive position of the person who provided the information or on whose behalf it was provided".

(Canadian Environmental Protection Act, 1988, C 2)

c) In section 6 of the Government Organization Act, the mandate is given:

“6(iii) to provide to Canadians environmental information in the public interest”. (Government Organization Act, 1979, C 13)

7. That the principles are repeatedly enunciated in these statutes that the environment is worthy of protection and that government has a duty to protect the environment and to prevent environmental harm

a) “It is hereby declared that the protection of the environment is essential to the well-being of Canada”. (Canadian Environmental Protection Act, 1988, C 22)

b) “Whereas the presence of toxic substances in the environment is a matter of national concern”. (Canadian Environmental Protection Act, 1988, C 22)

c) In the Department of the Environment Act, under the division of "Powers, duties and functions of the Minister, it is stated that “the duties of the Minister include providing for:

a) the preservation and enhancement of the quality of the natural environment, including water, air and soil quality; and to

2(i) endeavour to protect the environment from the release of toxic substances”. (Canadian Environmental Protection Act, 1988, C 22)

d) The duty of the Federal Government is that it shall (a) take both preventative and remedial measures in protecting the environment, (section 2, Canadian Environmental Protection Act, 1988, C 22).

e) In section 5 Department of the Environment Act

“The Minister in exercising his powers and carrying out his duties and functions under section 4 shall...

5(ii) ensure that new federal projects, programs and activities are assessed early in the planning process for potential adverse effects on the quality of the natural environment and that a further review is carried out of those

projects, programs, and activities that are found to have probable significant adverse effects and the results thereof taken into account”,

- f) Furthermore in Section 2 of the Environmental Contaminants Act, consideration is given to effects that are persistent and cumulative:
- “(iii) the extent to which the substance or any class of substances of which it is a member can become dispersed and will persist in the environment.
- (iv) the ability of the substance or of any class of substances of which it is a member to become incorporated and to accumulate in biological tissues and to cause biological change”.(The Environmental Contaminants Act. 1974-76)
8. That the principle is set out in the regulations related to the Atomic Energy Board Act that extreme precautions must be taken in the transport of atomic materials:
- a) “*(2) Any person who transports or causes to be transported any radioactive material ...” (see Exhibit A for the list of stipulated regulations for atomic materials)
9. That the principle is expressed in the Emergency Preparedness Act that the government has a duty to make extensive provisions for civil emergency preparedness
- a) “5 (1) c to provide education and training related to civil preparedness or emergencies”. (Emergency Preparedness Act, 1988, C 11)
- b) “5 (1) e to analyze and evaluate civil preparedness for emergencies and conduct related research.” (Emergency Preparedness Act, 1988, C 11)

• **Extent and scope of urgency**

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

- **Poverty and inequity**

"The eradication of poverty and hunger, greater equity in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1 combating poverty)

- **Extent of Unsustainable consumption**

[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)

- **Increase in global population**

"The growth of world population and production combined with unsustainable consumption patterns places increasingly severe stress on the life-supporting capacities of our planet. ..(5.2, Demographic dynamics)

- **Linking of population and over-consumption**

["Health and development are intimately interconnected. both insufficient development leading to poverty and inappropriate development resulting in over-consumption, coupled with an expanding world population, can result in severe environmental health problems in both developing and developed nations.] 6.1 Health

- **Extent of 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. (6.40, Protection of health)

- **Nature of inequity between "developed" and "undeveloped" States**

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

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

" The rising costs of urban land prevent the poor from gaining access to suitable land. In rural areas, unsustainable practices, such as the exploitation of marginal lands and the encroachment on forests and ecologically fragile areas by commercial interests and landless rural populations, result in environmental degradation, as well as in diminishing returns for impoverished rural settlers (7.28, Settlement)

- **Extent of trans-boundary air pollution**

" trans-boundary air pollution has adverse health impacts on humans and other detrimental environmental impacts, such as tree and forest loss and the acidification of water bodies. ... (9.22, Atmosphere)

- **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 (9.19 Atmosphere)

- **Possible reduction of resilience of ecosystem to climatic variation because of 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) cross link with clear cut

- **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 development. (11.12. Deforestation)

- **Urgent need for conservation**

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

see quote on original proposal for UNCED

- **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 rangeland, constituting 73 per cent of the rangeland with a low potential for human and animal carrying capacity decline in soil fertility and soil structure on about 47 per cent of the dryland areas constituting marginal rained 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)

- **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)

- **Increased watershed deterioration**

"There are serious problems of ecological deterioration in these watershed areas. ... In many areas this is accompanied by excessive livestock grazing, deforestation and loss of biomass cover.(13.13 Fragile ecosystems)

- **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. (14.34 Agriculture)

- **Increased poverty and malnutrition**

"Poverty and malnutrition are already endemic in many regions. The destruction and degradation of agricultural and environmental resources is a major issue (14.35 Agriculture)

- **Acute land degradation**

"Land degradation is the most important environmental problem affecting extensive areas of land in both developed and developing countries. The problem of soil erosion is particularly acute in developing countries, while

problems of salinization, water-logging, soil pollution and loss of soil fertility are increasing in all countries. (14.44 Agriculture)

- **Acute 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)

- **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)

- **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. 15.3 Biodiversity

- **Increased deterioration of the environment through anthropogenic actions**

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

- **Extent of 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)

- **Nature of 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. (17.19. Marine)

- **Extent of vulnerability of marine environment to change**

" The marine environment is vulnerable and sensitive to climate and atmospheric changes. (17.101, marine)

"Small increases in sea level have the potential of causing significant damage to small islands and low-lying coasts (17. 102 Marine)

- **increased erosion and soil loss in river basins**

" Poor land-use management, including deforestation and non-sustainable agriculture, mining and urbanization, could lead to a considerable increase in erosion problems and related soil loss in the river basins. The sedimentation in large reservoirs may have serious adverse effects downstream by reducing the quantity of natural nutrients available to agricultural land and coastal waters. .. Acidification of surface waters and groundwaters due to atmospheric deposition of air pollutants can lead to depletion of freshwater living resources and thereby contribute to the loss of biodiversity. (18.3 Freshwater)

- **Increased impact of global climate changes**

"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. (18.7, Fresh water)

• Increased loss of Freshwater quality through ecologically unsound products and practices

" 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, 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... although the means to monitor them are inadequate or non-existent in many countries. There is a widespread lack of perception of the linkages between the development, management use and treatment of water resources and aquatic ecosystems. A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies. (18.45 Fresh water)

•CONTINUED lack of basic requirements

"One in three people in the developing world still lacks these two (safe drinking-water and sanitation) basic requirements for health and dignity. (18.58 Fresh water)

•Increased impact of population growth and industrialization

" Rapid urban population growth and industrialization are putting severe strains on the water resources and environmental protection capabilities of many cities (18.67, Fresh water)

- **CONTINUED impact of mismanagement and overexploitation**

" Soil erosion, mismanagement and over-exploitation of natural resources and acute competition for water have all influenced the extent of poverty, hunger and famine in the developing countries. Soil erosion cause by overgrazing of livestock...Most often, the development of irrigation schemes is supported neither by environmental impact assessments identifying hydro-logic consequences within watersheds of inter-basin transfer...(18.76 , Fresh water)

- **Potential outcome of climate change**

" There is uncertainty with respect to the prediction of climate change at the global level. Although the uncertainties increase greatly at the regional, national and local levels, it is at the national level that the most important decisions would need to be made. Higher temperatures and decreased precipitation would lead to decreased water-supplies and increased water demands; they might cause deterioration in the quality of freshwater bodies, putting strains on the already fragile balance between supply and demand in many countries. Even where precipitation might increase, there is a guarantee that it would occur at the time of year when it could be used; in addition there might be a likelihood of increased flooding. Any rise in sea level will often cause the intrusion of salt water into estuaries, small islands and coastal aquifers and the flooding of low-lying coastal areas; this puts low-lying countries at great risk. (18.93 Fresh water)

- **Continuous degradation of human health and the environment**

"Human health and environmental quality are undergoing continuous degradation by the increasing amount of hazardous wastes being produces. there are increasing direct and indirect costs to society and to individual citizens in connection with the generation, handling and disposal of such wastes. (20.9 Hazardous waste)

- **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)

• **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 radionuclides increases. The high-level waste contains about 99 percent of the radionuclides and thus represents the largest radiological risk. (22.1. Radio active wastes)

• **CONTINUED trafficking in toxic and dangerous products**

illegal traffic in toxic and dangerous products (toxic and dangerous products are those that are banned, severely restricted, withdrawn or not approved for use or sale by governments in order to protect public health and the environment). see resolutions 42/183 and uu/226 (19.67 Toxic chemicals)

"(21.28 Solid wastes)

• **CONTINUED non-provision for basic sanitation**

" by the end of the century, over 2.0 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.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which at the time when it was committed, was criminal according to the

general principles of law recognized by the community of nations. (Article 15 1, Covenant of Civil and Political Rights Civil and Political Rights Article 14 3 (e))

BACKGROUND FOR PRESS CONFERENCE

International agreements, not being expressed in B.C. law, was held to be "irrelevant" by B.C. Supreme court Judge

On September 15, 1993. Dr. Betty Klieman and Joan Russow tried to set aside the Clayoquot injunction on the ground that "there had been a failure to inform the judge that the granting of the injunction could contribute to non-compliance with international obligations". On September 17, 1993, Judge Drake ruled that "the argument related to international agreements and resolutions, these not being expressed in Canadian law, are not relevant to this inquiry" [the inquiry being the application to set aside the Clayoquot injunction].

2. that the labour matter does fall under the provincial powers

This case can be distinguished from the 1937 case in that issues and questions related to biodiversity and climate change could come under residuary power

3. that since 1937, the UN Convention of Treaties was signed in 1969 and this treaty makes the case irrelevant since there is a provision in the Convention for a State to specifically exclude a state and if this is not done what applies to the whole applies to the part.

Lois Adam

Find evidence about when leave to appeals have been granted

3875629

90

Cam Ward 6886881

387-5855 Susie Ombudsman's office

Commission on Freedom of information David Flaherty

Jaime Alley 356-8118

Steven Owen

Wes Cheston no longer in the Civil Service

Deputy Minister of Forests 387-4809

Lois Adam

Vicky Berry 356-6160

Re: Canada assistance plan (Canada) 1991 [2SCR at 525]

Terry Brown 8pm Bob Osleeb 3820 Synod St Luke's

Parks, Protected Areas and the Human Future: The Caracas Declaration (February, 1992)

Letter form the Ombudsman's office, April 5, 1993

McMillan Bloedel vs Mullin [1985, BCD Civ 1892-08]

UN Resolution 37/7 (1982) World Charter of Nature

Commonwealth of Australia and Another v State of Tasmania and Others of (C6 of

1983) High Court of Australia, Australian Law Reports 1983 pp 625-831

Constitutional law [Australian conservation case]

Protection of natural and cultural heritage — Prohibition of dam construction authorized by Tasmania Whether with Commonwealth power External affairs power. Whether mere existence of treaty enough Whether treaty "obligation" necessary Convention for Protection of the World Cultural and Natural Heritage (UNESCO)...

Attorney-General for Canada v Attorney-general for Ontario . Supreme Court of Canada A.C. 1937. [Labour Convention Case] pp. 326 -354

Regulation and Control of Radio Communication in Canada [1932] A.C. 304

Distinguish Tolton Manufacturing Co. v. the Advisory Committee. Ontario Reports

Constitutional Law subject matters of Legislation Regulation of wages and hours in Particular Industry the Industrial Standards Act, RSO 1937, c. 191

Throughout this section I will be referring to the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It should be noted that this document was sent to me when I contacted the senior legal adviser for External Affairs in Ottawa about Canada's legal obligations under the Convention. He responded by faxing me this document on October 12, 1993. He indicated to me that this document in his mind best dealt with the question I had raised. I think that we can presume that this is still relevant in the legal department of external Affairs, and that it is also deemed to be relevant because it was one of the documents cited for support by Green who was deemed by John Hunter to be an authority in these matters.

a. Related to Legally binding international documents

1. Is the "legally binding" Biodiversity Convention binding on Canada if no legislation has been specifically enacted or it has not been expressed in Canadian law

Judge Drake ruled in reference to the September 15 chambers application that

"the argument relating to international agreements and resolutions, these not being expressed in Canadian law, are not relevant to this inquiry.

On September 15 in the Chambers, the "legally binding" Biodiversity Convention was presented to the judge as being relevant to the case.[Note that throughout the deliberations of UNCED the Biodiversity Convention was described as being "legally binding".]

From the transcripts it would appear that John Hunter was referring to the non-legally, but adopted documents that I had mentioned in the principal part of the submission, when he stated the following:

I don't think there's any suggestion there that there has been a treaty but taking it at its extreme --

I would presume that what he meant by taking it to the extreme was that , even if there were a treaty [it would not be applicable] and then he referred to L.C. Green's work.

This raises a subsequent issue for the court to consider: Can Canada be internationally liable under a legally binding treaty but not held to be legally binding to fulfill the obligations under the treaty by the courts of Canada?

2. In signing the Biodiversity Convention, was Canada required to ensure that the implementing legislation both federally and provincially was already in place prior to signing, not only federally but also provincially?

This case has been cited as a precedent for the Biodiversity Conventions not being legally binding in B.C. (Calvin Sandborn, lawyer with CORE (Commission of Resources and Environment, personal communication).

Canada signs international agreements in areas over which provinces have control, we agree in words not in acts. The public and the media know that we can not claim as a principle, an "ecological approach to the management of forest" and CONTINUE to destroy biodiversity in old growth temperate rainforest before we have identified it as required under the Convention of Biological Diversity, we cannot claim to invoke the precautionary principle or the environmental assessment principle as required in the Biodiversity Convention, by continuing to clear cut.

There is a duty expressed in international documents to act to address this urgency, and through international customary law as expressed in the International Covenant on Civil and Political Rights, and in UN Resolution 37/82, a duty has been placed on States to adopt such legislative or ... measures as may be necessary to give effect ... to international documents, and BC has undertaken this duty as a result of this international customary law.

EXHIBIT B: Evidence of statements of duty expressed internationally, nationally and provincially.

INTERNATIONAL CUSTOMARY LAW PLACES A DUTY ON States TO ACT

26. In the Koowarta case

"subject matter of treaty and of legislation of international concern"

Demonstration that subject matter of treaty and of legislation is "of international concern"

Influence of Nature of a particular treaty

the extent of the Parliament's power to legislate so as to carry into effect a treaty will, of course, depend on the nature of the particular treaty, whether its provisions are declaratory of international law, whether they impose obligations or benefits and if so what the nature of these obligations or benefits are, and whether they are specific or general or involve significant elements of discretion and value judgment on the part of the contracting parties. (p. 696)

Given In Article 11.4 of the United Nations Convention for Protection of the World Cultural and Natural Heritage, there is a specific intervention which enables the committee to carry out the following action:

The committee may at any time, in case of urgent need, make a new entry in the list of World Heritage in Danger and publicize such entry immediately (United Nations Convention for the Preservation of Cultural and Natural Heritage, article 11, 4)

ATTENTION: JOHN HUNTER

12 P.M. AUGUST 8

THIS IS A CLEARER VERSION OF THE LETTER THAT I SENT YOU AT 10:30 (THE PRINTER WAS OUT OF INK)

COULD YOU FILE THIS VERSION WITH THE DOCUMENTS

JOAN RUSSOW

1230 St. Patrick St
Victoria, B.C.

August 8, 1994

Mr. John Hunter
Davis & Company
666 Burrard St.
Vancouver, B.C. V6C 2Z7

Fax No. 687-1612

Dear Mr. Hunter W/O Prejudice

Re: Notice of Motion dated August 4, 1994 (Between MacMillan Bloedel Ltd and Joan Russow)

I write to propose the following:

1. You withdraw your application to adjourn generally my application for Leave to Appeal hearing.
2. I agree to adjourn my Application for Leave to Appeal hearing to 9:30 A.M. August 1994 in Vancouver. This is a date which you earlier suggested was convenient to yourself.

May I please hear back from you by FAX by 5p.m., Monday, August 8, 1994.

Yours Truly,

Joan Russow
FAX. (604) 385-0068

Mr. Peter G. Voith
Davis & Company
666 Burrard St.
Vancouver, B.C. V6C 2Z7

Fax No. 687-1612

Dear Mr. Voith W/O Prejudice

Re: Notice of Motion dated August 4, 1994 (Between MacMillan Bloedel Ltd and Joan Russow) to be heard on August 12, and Application to seek leave to appeal to be heard on August 16.

I am in receipt of your letter of August 8, which indicated that you would be replacing John Hunter on August 12. and which indicated that you would be away until August 9 and would respond to my FAX at that time. On August 12, one of the questions that Mr Hunter indicated would be addressed would be the merits of the case. The reason that I wrote to you on Monday about accommodating the wishes of Mr Hunter to adjourn the hearing to August 23 when he would be in Vancouver, was that Mr. Hunter had expressed his wish to be present. When he served me with the Notice of Motion for a hearing on August 12, I had presumed that he was going to be present at this hearing. Given that he feels that you would be capable of addressing the merits of the case at the August 12 hearing, would it not also be possible for you to forego the hearing on August 12 and address the merits on August 16 at the Leave to Appeal Application hearing, which was the original date set.

I was informed by your office when I phoned at 10: 15 on Tuesday morning, by Karen, John Hunter's secretary, that you had been there since 9:00 but with clients. I received a phone call from Shirley your secretary who indicated that you would be responding to my request later on in the afternoon. When I indicated that it was important for me to know as soon as possible because I had to prepare for tomorrow, Shirley stated that he would be responding within 20 minutes. When I repeated within twenty minutes she countered with it is his decision and he will respond as soon as possible.

Yours Truly,

Joan Russow

FAX. (604) 385-0068

Could you please respond by 11: a.m.

This is Exhibit A referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

.....
A Commissioner for signing affidavits
for British Columbia

This is Exhibit B referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

.....
A Commissioner for signing affidavits
for British Columbia

This is Exhibit C referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

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for British Columbia

This is Exhibit D referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

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A Commissioner for signing affidavits
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This is Exhibit E referred to in the affidavit of Joan Russow
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This 9 August 1994

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EXHIBITS

This is Exhibit A referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

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A Commissioner for signing affidavits
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19.72REV2 North American Coastal Temperate Forests
(retyped with January 25 Amendments from the floor)

RECOGNISING that temperate coniferous forests, and especially rain forests, constitute a very rare type of ecosystem in the world, originally covering less than one-fifth of one percent of the earth's land surface, and that one half of the earth's original forest of this type occurs along the pacific Coast of North America from northwestern California to southeastern Alaska;

UNDERSTANDING that many endemic and unusual plants and animals occur only in these forests; and that in biomass productivity, the old growth forests (ancient forests) of this biome are unequaled anywhere;

AWARE that more than one half of the Earth's original coastal coniferous forests (ancient forests) have been logged, including more than 40 % of the ancient forests of this type on North America, and that few large unfragmented examples of this type of forest, other than in protected areas, exist outside of British Columbia and Alaska;

MINDFUL of the fact that such ancient forests on Vancouver Island and on the mid-coast of British Columbia are disappearing at a rapid rate as a result of practices that have, to date, not been ecologically sustainable;

ALSO MINDFUL that past management practices have been controversial, while the U.S. government has enacted legislation to ensure sustainable management of all forests, questions CONTINUE to arise;

UNDERSTANDING that the Raincoast Conservation Society, the Sierra Club, and the Western Canada Wilderness Committee have proposed a large network of protected areas, including conservation corridors, in areas of such ancient forests on Vancouver Island and the midcoast of British Columbia;

AWARE of the fact that none of the protected areas that Canada maintains in forest areas along the Pacific Coast have been designated as World Heritage sites under the provisions of the World Heritage Convention[s] and that these ancient forests may be of outstanding universal value;

The General Assembly of IUCN — the World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. URGES the Government of Canada and the United States to properly manage the temperate coastal coniferous forests of the Pacific Coast of North America by establishing appropriate protected areas and by adopting ecologically oriented systems of forest management which can be permanently sustained and which protect biodiversity;
2. CALLS UPON the Governments of Canada and British Columbia to substantially expand the amount of land in networks of protected areas, with conservation corridors, on Vancouver Island and the midcoast of British Columbia, taking into consideration the recommendations of environmental groups active in the regions such as the Raincoast Conservation Society, the Sierra Club and the Western Canada Wilderness Committee;
3. URGES the Government of Canada to consider nominating sites or combinations of sites (such as networks), in these forests as World Heritage sites under the World Heritage Convention[s];

4. RECOMMENDS that special efforts be made by these parties and their citizens to restore degraded parts of these forests and to secure the overall integrity of the biome by linking now separate forest stands

Resolution proposed by Michael McCloskey, Sierra Club U.S.A, in collaboration with Joan Russow (B.C. Canada) member of the IUCN Commission on Education and Communication

This is Exhibit B referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

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A Commissioner for signing affidavits
for British Columbia

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This 9 August 1994

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ENDORSEMENT OF UNCED CONVENTIONS BY CABINET

This is Exhibit D referred to in the affidavit of Joan Russow
sworn before me at Victoria, B.C.

This 9 August 1994

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A Commissioner for signing affidavits
for British Columbia

This is Exhibit E referred to in the affidavit of Joan Russow
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This 9 August 1994

.....
A Commissioner for signing affidavits
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At an international Press Conference at the Earth Summit, when Jean Charest was introduced as coming from a country with deep concern for the environment, Russow stated that the Earth Summit should be a time to dispel myths not perpetuate them , and that Canada should be honest with the rest of the world about what is actually happening in Canada.

1. Planning:

8.01. B. Avoid locating roads through unstable areas, areas sensitive to road construction and where other resources are threatened

Evidence of Non-compliance:

Red Creek, Nov. 28, 1990

Loup Creek 2000, feb26, 1991

Drainage Structures:

2. Culverts.

(b) Install culverts as required to ensure the natural drainage patter of all continuous and seasonal streams is maintained. Install additional culverts as necessary to drain ditches and minimize ditch erosion.

Evidence of non-compliance:

Pixie Creek, Nov 24, 1990

Mercer Creek Dec.

Field Practices and water Resources

9.01.

EXHIBIT:

Canada signed binding International Conventions on climate Change and Biodiversity

On August 15, at a Conference at St Johns

C.B.C Report. Canada was calling for an international convention to prevent the extinction of fish. a conventions on trans-boundary impact.

Convention on Environmental impact assessment in a trans-boundary context done at Espoo (Finland) 25 Feb. 1991

54. The nomination of a composite network could fulfill of goal of convention to bring together natural and cultural heritage

In its publication Nature and Resources UNESCO has recognized the significance of linking natural and cultural heritage in the recent formation of the World Heritage Centre

Establishment of World Heritage Centre in 1992, to bring together what had been separate secretariats for natural and cultural heritage. .. to provide new impetus to heritage conservation at the interface of culture and nature .

Those of the High Contracting Parties whose laws do not at present make adequate provision for the punishment of infractions of laws and regulations enacted with a view to giving effect to the purposes of the present Convention undertake to adopt the necessary measures in order that severe penalties may be imposed in respect of such infractions.

Article 7

the High Contracting Parties undertake to communicate to each other and to the Secretary-General of the UN any laws and regulations which they may enact with a view to the applications of the provision of the present Conventions. (Article 6 Slavery Convention (Geneva, September 1926, as amended by the Protocol agreed at New York on the 7th December, 1953

TEXT OF CANADA'S RESERVATION

"inasmuch as under the Canadian constitutional system legislative jurisdiction in respect of political rights is divided between the provinces and the Federal government, the government of Canada is obliged, in acceding to this convention, to make a reservation in respect of rights within the legislative jurisdiction of the provinces." (Convention on the Political rights of Women adopted by the General Assembly of the UN at its seventh Session. 1957) p. 60

Opened for signature March 31, 1953 Instrument of acceptance of Canada deposited January 30, 1957

In force for Canada April 30, 1957

291 4360 Speaker MAI

19 Thursday

Friday

shahaa@sfu.ca

TABLE OF CONTENTS

ANNEX: APPLICATION OF INTERNATIONAL LAW

Vienna Convention on the Law of Treaties 1969

The States Parties to the present Convention.

...

Noting that the principles of free consent and of good faith and the pacta sunt servanda rule are universally recognized,...

Recalling the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

Affirming 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:

Use of terms

1. For the purposes of the present convention:

a) "Treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

b) "ratification", "acceptance", "approval" and "accession" mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

e negotiating State" means a State which took part in the drawing up and adoption of the text of the treaty;

f Contracting state means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

g) "party means a State which has consented to be bound by the treaty and for which the treaty is in force;

Article 11

Means of expressing consent to be bound by a treaty

The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.

Article 18

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

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

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

Part III

OBSERVANCE, APPLICATION AND INTERPRETATION OF TREATIES

Section 1. Observance of Treaties

Article 27

Internal law and observance of treaties

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46

Article 29

territorial scope of treaties

Unless a different intention appears for the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

section 3. Interpretation of Treaties

Article 31

1. 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 43

Obligations imposed by international law independently of a treaty

The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention or of the provisions of the treaty shall not in any way impair the duty of any state to fulfill any obligation embodied in the treaty to which it would be subject under international law independently of the treaty.

Article 53

Treaties conflicting with a peremptory norm of general international law (jus cogens)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. for the purposes of the present convention, a peremptory norm of general international law is a norm accepted and are recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

Article 64

Emergence of a new peremptory norm of general international law (jus cogens)

If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.

The Minister of Environment, Moe Sihota, in his address to the

indicated that "Because international law lacks a central lawmaking authority and a comprehensive enforcement mechanism, its effectiveness depends upon the willingness of its participants to cooperate in developing laws and to comply with those laws. (73, Douglas Hamilton)

Accordingly, the standards imposed by international law and the enforcement mechanisms employed to enforce those standards are developed consensually by States. The standards and enforcement mechanisms are found in international treaties, customary law and general principles of law. (see 38 (1) of the Statute of the International

Court of Justice for a list of the recognized sources of international law). Treaties can be considered a form of contract and thus represent the clearest form of consent among States. Norms of customary international law are established by consistent and widespread practice by States which consider themselves obligated to follow those customs. General principles of law refer to norms, substantive or procedural, which are accepted by all or most domestic systems of law. (73, Hamilton)

Generally speaking international law imposes liability on a State if an act or omission attributable to that state is a breach of an international obligation.

(74, Hamilton)

Private acts are not attributable to the state. the relevance of this to issues of corporate responsibility for environmental damage is that "the State is not responsible for the acts or omissions of business corporations and state-owned enterprises so long as they are not exercising de facto power and authority of the State (either in actual effect or as covert agent). Therefore, the traditional doctrine of state responsibility exempts the state of a corporate polluter from liability under international law. As the corporate polluter is not a subject of international law, and because the traditional doctrine of state responsibility does not impose responsibility on an offending corporation's home state, one might conclude that international law is ill-equipped to effectively regulate corporate activities which damage the environment.

However, the picture is not this bleak. Despite the traditional law of state responsibility, international law can regulate corporate polluters both directly and indirectly. Direct regulation of corporate polluters can be achieved through standards set by international organizations and through international agreements that directly regulate the activities of corporations without the involvement of home or host States. Corporate polluters can also be indirectly regulated by requiring home and host States to police the activities of these corporations. (Hamilton, 74)

Strictly speaking, the obligations imposed by international law only directly bind States and not corporations. However, when a state enacts legislation to ensure that it fulfills its obligations under international law, corporations must comply with that legislation. Therefore, international law can have the effect of imposing indirect obligations on corporations not to cause trans-frontier pollution. (Hamilton, 75)

These conventions are examples of obligations imposed on States to prevent trans-frontier environmental pollution. These obligations inherently extend to the control or regulation of corporate conduct within a State's jurisdiction. Failure to fulfill these obligations engages the responsibility of the State under international law. When

transfrontier environmental pollution occurs, an affected State may claim against the state in which the corporation responsible is located. Such a claim may be based on customary international law or, in some circumstances, on an international environmental treaty. In this way corporations are indirectly regulated through standards imposed directly on States by international law. (Hamilton, 78)

...There is still uncertainty and lack of consensus regarding certain key concepts of international environmental law. For example, the general standard of liability underlying state responsibility for trans-frontier pollution appears to be fault, rather than strict liability. (Handl, G. 1980 "State Liability for Accident Transnational Environmental Damage by Private Persons". (1980) 74 American Journal of International Law 525 at 539.

Therefore, the duty on a state to prevent trans-frontier environmental damage is limited to exercising reasonable care and "does not automatically entail the international liability of the controlling state if such damage occurs." (p. 540)

However, it has been argued that international law at present recognizes the principle of strict state liability for "'abnormally dangerous' or 'ultra hazardous' private activities of transnational concern. While the definition of such activities remains uncertain, activities that could cause radioactive pollution are likely to be considered "' abnormally dangerous.'" (ibid, at 553)

The third weakness of the indirect method of regulating corporations under international law is that many domestic States simply do not enact legislation which fully implements international law standards. As a result, effective indirect regulation of corporate activities which may damage the environment is not achieved. (Bhopal)

the final weakness of the indirect method of regulating corporations is that this method may not effectively regulate the activities of multinational corporations that are operating outside the jurisdiction of their home state. Under international law, a corporation is deemed to possess the nationality of the state in which it is incorporated and in whose territory its head office is located. (Barcelona Traction Case, ICJ Reports 1970 at 3) cited in Hamilton p. 81

Solutions to the first three of the aforementioned weaknesses can be achieved through the cooperation of States in the development and application of international laws and standards to more effectively regulate corporate polluters. However, a solution to the fourth weakness may require a more fundamental change, such as an extension of the responsibility of a corporation's home state to regulate the corporation's foreign activities. (Hamilton, 81)

Christenson (1983) has argued for the existence of a duty on a state to prevent an international wrong caused by a corporation under its jurisdiction.

the Christenson argument proceeds from the suggestion in the Barcelona Traction Case that 'the state of incorporation might have a duty to control or regulate corporate activity at the risk of being responsible if it fails to exercise such control. (Hamilton, 81)

To be most effective, the development of such a duty on the home state of a multinational corporation would have to extend to the duty to control the foreign activities of the multinational corporation's subsidiaries. This would require a broadening of the Christenson argument as the home state of the multinational may not be the same as that of its subsidiary. The subsidiary of a multinational corporation may be a separate legal entity incorporated under the laws of the jurisdiction in which it operates. Some observers have advocated just such a broadening of the Christenson argument. Thus, for example Stephen McCaffrey has noted arguments that ...p. 82

Although under current international law States are not responsible for the foreign activities of corporations for which they act as home state, it is interesting to note recent international initiatives which indicate a movement in this direction. For example, the Parliament of the European communities has called upon the EC Commission to see that European firms maintain comparable levels of safety at their subsidiary companies abroad. (JJ. Eur. comm. (No. C12) 84 (1985)

A/RES/37/112

16 December 1982

Convention on the Law of Treaties between
States and International Organizations or
between international organizations

The General Assembly,

Recalling that, following consideration of a recommendation adopted by the United Nations Conference on the Law of Treaties, held at Vienna in 1968 and 1969, the General Assembly, by its resolution 2501 (XXIV) of 12 November 1969, recommended that the International Law Commission should study, in consultation with the principal international organizations, as it may consider appropriate in accordance with its practice, the question of treaties concluded between States and international organizations or between two or more international organizations, as an important question,

Noting that, pursuant to General Assembly resolution 36/114 of 10 December 1981, the International Law Commission, taking into account the written comments of Governments and of principal international organizations as well as views expressed in debates in the Assembly, completed at its thirty-fourth session the second reading of the draft articles on the said
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question,

Noting that, as reflected in paragraph 57 of the report of the International Law Commission on the work of its thirty-fourth session, the Commission decided to recommend that the General Assembly should convoke a conference to study the draft articles on the law of treaties between States and international organizations or between international organizations prepared by the Commission and to conclude a convention,

Recalling the adoption of the Vienna Convention on the Law of Treaties of 23 f69, the Vienna Convention on the Representation of States in Their

Relations with International Organizations of a Universal Character of 14 March 1975 and the Vienna Convention on Succession of States in Respect of Treaties of 23 August 1978,

Mindful of Article 13, paragraph 1 a, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that the successful codification and progressive development of the rules of international law governing treaties between States and international organizations or between international organizations would contribute to the development of friendly relations and co-operation among States, irrespective of their differing constitutional and social systems, and would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

1. Expresses its appreciation to the International Law Commission for its valuable work on the law of treaties between States and international organizations or between international organizations and to the Special Rapporteur on the topic for his contribution to this work;

2. Invites States to submit, no later than 1 July 1983, their written comments and observations on the final draft articles on the law of treaties between States and international organizations or between international organizations, prepared by the International Law Commission, as well as on the questions referred to in paragraph 60 of the report of the Commission on the work of its thirty-fourth session;

3. Invites also the principal international intergovernmental organizations to submit within the same period their written comments and observations on the subject;

4. Requests the Secretary-General to circulate such comments so as to facilitate the discussion on the subject at the thirty-eighth session of the
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General Assembly;

/tmp/gopheXBAAa28383 line 70/86 (END)

5. Decides that an international convention shall be concluded on the basis of the draft articles adopted by the International Law Commission;

6. Takes note of the recommendation of the International Law Commission on the subject and agrees to decide at its thirty-eighth session upon the appropriate forum for the adoption of the convention in the light of the comments received in accordance with the present resolution;

7. Decides to include in the provisional agenda of its thirty-eighth session an item entitled "Convention on the Law of Treaties between States and International Organizations or between International Organizations".

Yesterday

(*) **THAT**in 1997, I circulated a position piece on corporate compliance, and ISO 14,000

EXHIBIT

Before leadership vote: 1997 this statement was sent out by Joan Russow Candidate for the Federal Leadership of the Green Party of Canada

CORPORATIONS AND MANDATORY INTERNATIONAL NORMATIVE STANDARDS.

I have been a strong supporter of command and control with high mandatory international standards and regulations to drive industry towards socially equitable and environmentally sound practices. These standards and regulations should be drawn from principles enunciated through UN documents, and from the highest most stringent standards and regulations from state legislation continually harmonizing upwards. In this way, no state would be penalized for having higher standards as is now being done under International trade agreements. In this way, no corporation could threaten to move away from a state with high standards and regulations to a state which is willing to lower standards and regulations to attract industry. Corporations continually use the fear of loss of jobs and claim that high standards and regulations would make them not globally competitive because there would not be an even playing field. A Green party government could assist the corporation to have an even global playing field by ensuring that they have no haven to move to where they could violate human rights, degrade the environment or contribute to war and conflict.

Perhaps the Green party wants to approach industry in a different way by working more closely from within to bring about change. The party should be aware of these two different approaches.

I have been monitoring industry for some time through the ISO 14,000 process of voluntary conformance to industry self-initiated policy. I spoke out at a "business partnership" meeting with representatives of all the member States of the United Nations at the UN Conference of Habitat II where I introduced the need for Mandatory International Normative Standards/Regulations. I spoke out recently at numerous meetings in United Nations in New York about the need to establish stiff regulations at the international level, to raise corporate taxes, to revoke corporate charters, to demand compensation and reparation from corporations. I organized a workshop on state and corporate compliance with international law.

Industry's input is at every level. At a meeting of the United Nations Environment Program—the organ at the UN to seriously ensure compliance, one of the directors talked about working with industry on voluntary conformance programs. The Chair of the NGO organizing committee at the meeting I was at in New York has British Petroleum among others on his board, the representative for education has Shell among others on his board etc..

Over and over I heard in New York that the only money that is out there is private sector money. Governments, institutions are completely devolving themselves of responsibility and are groveling at the foot of industry.

Since 1992 I have been teaching a course in global issues in the Environmental Studies Program; the other day I spoke at the University on the corporate intrusion into education and revealed all the corporate connections at the University. I think the Green party should be uncompromising in calling for regulating and controlling industry and for calling for banning, and phasing out certain substances and activities. The reason I am emphasizing this approach is that governments throughout the world are cutting back on essential services, throwing up their hands and saying only the private sector can solve the problems.

With a 50% reduction in the Global military budget plus fair corporate taxation the right to food, to sanitation and safe drinking water, to shelter, to universal health care, to education, and to work in socially equitable and environmentally sound employment could be realized. It is a question of misplaced priorities.

One does not receive glowing comments from industry when one takes that position

Over the years I have been marginalized for taking a strong stand against industry. For example at the International education meeting (ECOED) held in Toronto in 1992, there was a meeting of "environmental educators" I spoke out against industry's involvement in education. The group EECOM was formed with a representative from the mining sector, the petroleum sector and the forest sector (all members of industry front societies).

CORPORATE INVOLVEMENT

At a recent meeting at the University of Victoria, where I was criticizing corporate intrusion into education, an economist raised a slippery slope argument, which has been eternally popular with the polluting and military industries. This type of argument suggests that if you criticize the car industry for example then “are you going to stop eating the food that is brought to a store by the truck” I think this type of argument is a symptom of the unwillingness of members of the community and their elected members in government to take a strong stand against corporations, and against the corporate intrusion in all aspects of the community.

Taken to its ultimate conclusion it suggests there is a difference in degree between the action of individuals who would want to find alternatives and the corporate sector that has prevented the development of alternatives.

FEIGNED CORPORATE CONCERN FOR THE ENVIRONMENT

The corporate approach to the environment was revealed early in 1971

prior to the Stockholm United Nations Conference on Humans and the Environment (UNCHE). The Organization for Economic Cooperation and Development (OECD), representing the most developed nations,

expressed concern about not the environmental costs resulting from increased regulation but the economic costs of new environmental regulations.

This corporate approach has been carried through until in 1991 when [the] International Standardization Organization (ISO) re-positioned itself as a “standard setting body” . The ISO supported by the major international polluters set up a whole new scheme for deregulation through self- initiated standards. Through this mechanism, corporations would state their own environmental policy and then be assessed on how well they conformed with this self initiated policy. They have convinced governments and international institutions that they are enlightened and capable and willing to go way beyond current external standards through this voluntary process.

Part of this approach is a strong public relations program dedicated to persuading government and citizens of their concern for the environment. Their newly expressed concern is reflected in the advocating of a shift in response to the corporate sector from no longer being the enemy but to being a “partner” in this monumental task of redressing the ills of the past.

The partnership role has been reinforced by many “environmentalists” who are willing to work with industry on incremental changes like retrofitting and “Eco-efficiency”.

SYSTEMIC CONSTRAINTS PREVENTING CHANGE

Some of the systemic constraints preventing change contribute to the weakening of the resolve to demand change could be the following:

(i) Institutional collusion between governments and the corporate sector

(ii) wooing adversaries such as environmentalists with corporate funding

(iii) environmental critics who participate in the

round tables are often seduced by the process and agree to the decision

achieved through consensus. in addition this happens when environmentalists work too closely with industry in a partnership arrangement. Industry is only too happy to co-opt the unsuspecting.

(iv) too many people who should be criticizing

corporations are working with them and being used to justify the CONTINUED socially inequitable and environmentally unsound practices. and they back off from proposing mandatory, regulatory, measures to bring about change.

(v) too many people rationalize self interest

For example, unions continually misuse their legitimate right to work to justify working in the arms industry, the uranium mining industry, the toxic, hazardous, and atomic product and waste industry, the ozone depleting, forest extraction etc.

Another example comes from individuals who purport to be concerned about change but are willing to work with industry to bring about change from "within". At a recent meeting of the World Conservation Union (IUCN) , Sir Martin Holgate, the former Secretary General of this organization was asked about his involvement with a dam project in India where hundreds of thousands of people had been displaced. There was a hush over the 2000 members in attendance waiting for denial. Rather than deny the veiled accusation he replied that surely it is better to have an environmentalist monitoring the project. Unfortunately, his working for the company engaged in the project only served to endorse the project.

PROPOSALS FOR CHANGE

I have been reviewing international documents. I've found governments in recent UN conferences have undertaken "to ensure that corporations including transnationals comply with national codes, social security, and international law, including environmental law. It is time for governments to not just say that they will ensure compliance but act through regulations to ensure compliance. for too long States have been devolving themselves of responsibilities and not exercising power over the corporate sector.

In many ways the situation is worsening because civil society and governments are not prepared to stand up to the corporations.

The corporate sector has been violating human rights, degrading the environment, contributing to war and conflict, and denying socially equitable and environmentally sound development for too long! A number of measures could be in place to address the situation:

Misplaced priorities.

1. That the current military budget of 10.6 billion be reduced by 50% and that the savings be transferred into

Five years later the urgency expressed in 1992 has become not only even more apparent but has worsened. At a time where the global military budget is over 800 billion dollars, the right to shelter, the right to food, the right to safe drinking water, the right education, the right to universal health care, the right to a safe environment, the right to respect and tolerance of difference, and the rights of future generations have been virtually ignored.

If the urgency of the global situation is to be addressed, the complexity and interdependence of human rights, environment, peace, social justice, socially equitable and environmentally sound development has to be recognized and actions have to be taken immediately to reestablish global priorities..

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.

1. that charters and licenses 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 over-consumptive 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.

That the current military budget of 10.4 billion be reduced by 50% 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 decision making 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.

6 that the emphasis should be on conflict prevention

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 with international laws.

EVENT AND MEETING SCHEDULE (as known by 4/3/97)

April 10

6-8 pm Reception at UN for Humane Society in honor of their
ECOSOC accreditation to the UN (by invitation)

10 am Planning meeting for Sustainable Agriculture/Food Systems
Caucus at CSD for week of April 14 (meet outside
Conference Room C)

1-2 pm Briefing on new report from WSAA: Publicly Funded
Programs for Sustainable Agriculture. Sponsored by World
Sustainable Agriculture Association and Humane Society

U.S./Humane Society International. Conference Room 8
(requested).

2-3 pm Briefing on Sustainable Agriculture Networking and
Extension (SANE). Sponsored by UNDP in cooperation with
the Sustainable Agriculture/Food Systems Caucus,
Conference Room 8, United Nations

April 12/13

All Day Sat/Sunday: International Sustainable Communities
Conference: food/agriculture will be emphasized

Site: The Learning Alliance, 3224 Lafayette, 7th floor
Nearest subway stop is Bleeker Station, number 6 subway
line. Bleeker by subway is five minutes ride from Grand
Central Station. For more information, please call:
Mary Steinmaus at 319-264-1500,
email mcsteinmaus@stanleyfdn.org
or Michael McCoy at 212 431 3922
email mmccoy@undp.org

April 12

TBA Informal introductory session for participation in food/ag issues at UN April meetings facilitated by Sustainable Agriculture/Food Systems Caucus for the Fifth Session of the Commission on Sustainable Development - designed for conference participants after conference session in late afternoon.

April 14

10 am Sustainable Agriculture/Food Systems Caucus
(meet outside Conference Room C)

10-1 pm Women's Dialogue with Governments; theme: "Diverse Women for Biodiversity"

April 15

10 am Sustainable Agriculture/Food Systems Caucus
(meet outside Conference Room C)

TBA Meeting with U.S. government agriculture/natural resources staff, (Adella Backiel and Ann Carey)

April 16

3-6 pm Farmers' Dialogue with UN government representatives

Farmers from different parts of the world have been invited to share their views on progress made since 1992 towards implementing Agenda 21. Organized by International Federation of Organic Agriculture Movements (IFOAM), International Federation of Agricultural Producers (IFAP), Via Campesina and World Sustainable Agriculture Association (WSAA).

7-9 pm The Worldwide Organic Agriculture Movement
Organized by IFOAM. (Place TBA)

Further postings will be made to add meetings related to food and agriculture and to fill in on specific times and places.

Date: Fri, 4 Apr 1997 11:52:07 -0500

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: spatton@igc.apc.org (sharyle patton) (by way of information habitat <spatton@igc.apc.org>)

Subject: International Sustainable Communities Forum

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

International Sustainable Communities Forum

Sponsored by the Citizens Network for Sustainable Development and the Stanley Foundation in partnership with the Northern Alliance for Sustainability (ANPED) and the Environment Liaison Centre International (ELCI). We invite you to attend, participate, and work with us in continuing to build the sustainability movement.

APRIL 12 AND 13, 1997

at the offices of The Learning Alliance 324 Lafayette, 7th floor
Between Houston and Bleeker, in the East Village neighborhood of
Manhattan, New York City, New York

The International Sustainable Communities Forum, a free public event, is being convened to engage international dialogue and action strategies among civil society activists working to create sustainable communities around the world. Despite differences in culture and political systems, there are issues of poverty, environmental degradation, gender discrimination, economic globalization common to all the world's people. This forum provides an opportunity for community activists from the South and North to work "interlocally." that is, to work together to share experiences, learn from, and teach each other as we work to

reach shared goals for ecologically sustainable development, locally, regionally, and globally.

April 12th, Saturday

8:30-9:00 Registration

9:00-9:15 Welcome and Introductions - Representatives from Stanley Foundation, ANPED, CitNet, and ELCI

9:15-9:45 Sustainable Communities: The Concept and Vision

A global sustainable communities movement is taking shape around the need to advance sustainable development, participation, social justice and democracy where people live. This session will describe the concept of sustainable communities as well as present some of the moral, ethical and spiritual imperatives for their development. Examples of promising sustainability initiatives will also be shared.

Anders Wijkman

Assistant Administrator, UNDP

and

Director

UNDP, Bureau for Policy and Programme Support

10:00-11:00 Our Strengths: Sustainability Working in Communities

This panel will feature presentations on "what works" in communities in different parts of the world. Each speaker will present an overview of community sustainability initiatives that demonstrate integrative approaches which include environmental, economic and social considerations and show how nonprofit organizations, businesses, public agencies and others can work together for a sustainable future.

Kathy Lawrence - New York City Food System Alliance

(U.S.A)

Inviolatta Moyo - ORAP/GROOTS

(Zimbabwe)

Ilse Marks - ELCI

(Netherlands)

11:00-11:15 Break

11:15-12:30 Tools and Strategies for Building Sustainable
Communities

Four Break-out Groups

International Law - Why is international law concerning trade and economic issues often more rigorously conceived and more readily enforced than international law concerning environmental issues? Why are intellectual property rights more "important" than human rights? What distinguishes "hard law" from "soft law?" How can

NGOs use international law to promote sustainability? This workshop will give activists an overview of the formulation and implementation of international law and will present suggestions for more effective activist involvement in each process. Learning more about how international law penetrates domestic decision-making can make our work more effective

Daniel Magraw

Director, Office of General Counsel, Intl. Activities Division,
U.S. EPA
(U.S.A)

John Dernbach

Professor of Law, Wiedner Law School
Harrisburg, Pennsylvania
(U.S.A)

Phakiso Mochochoko

Legal Affairs
Mission of Lesotho
(Lesotho)

Felicity Wong

New Zealand Mission, NYC
Delegate to UN Sixth Committee
(New Zealand)

Transportation and Sustainable Communities: Linking Community,

Ecology and Justice.

This workshop will address the interrelationships between transportation, community economic development, urban revitalization, land use, energy efficiency, environmental justice and ecological sustainability. Community-based planning strategies will be shared, as well as domestic and international perspectives on these issues. Transportation, sustainable communities and sustainable development in the context of UN Agenda 21 and the Habitat Agenda will also be addressed.

Henry Holmes, Director

Global Plan of Action

Earth Island Institute

San Francisco, CA

(U.S.A)

Jonas Rabinovitch

City of Curitiba, Brazil

Manager, Urban Development Team

UNDP

Community Indicators: What, How and Why?

Indicators projects have sprung up around the globe as a means to bring stakeholders to the table to develop common visions for sustainable futures. This workshop discusses the various processes by which communities develop sustainability indicators

as a means to create and preserve a decent quality of life for their inhabitants, and how the process has been used to determine sustainable community targets, time-lines, and goals. Panelists will give overviews of their experiences, present case studies from around the globe and compare their indicators policies with those of the UN CSD indicators project.

Maureen Hart

Sustainable Production University of Massachusetts

Lowell, Massachusetts

(U.S.A)

Geeta Pradhan

Public Facilities Department

City of Boston, Massachusetts

(U.S.A)

Helena Bank

CAPSCAN

(Norway)

Chris Castle

Rural Action Network Indicators Project Ohio

(U.S.A)

Lowell Flanders, DPCSD

(UN)

Connecting Sustainable Community to Food: Food Security and
Follow-up to the World Food Summit

This roundtable will provide a diverse overview and exchange of food and agriculture programs and actions championed by sustainable agriculture farmer and non governmental networks in both the North and South. The focus will be on the connection of food production systems that are humane, organic and sustainable to sustainable communities, both urban and rural.

Tom Forster

World Sustainable Agriculture Association
(U.S.A)

Denise O'Brien

National Family Farm Coalition
(U.S.A)

12:30-2:00 Lunch Break (on your own)

2:00-3:00 Local Agenda 21 and Sustainable Community
Initiatives

In the 1992 Earth Summit agreement, the world's governments agreed to promote the idea of "Local Agenda 21" planning processes in their municipalities, which would see local authorities consulting with their citizens and communities about the kind of future they would like to see and how to make this

happen. While only a small handful of towns, cities and countries have actively taken up the LA 21 challenge (as in Sweden and the UK), we are seeing the emergence of sustainable community initiatives arising on their own from the grassroots. Also, the recent Habitat II conference in Istanbul witnessed thousands of individuals and organizations from around the world discussing strategies and projects for realizing "sustainable human settlements." What do these different approaches and experiences have in common? where are they headed?

Chris Church

ANPED

(UK)

Michael Shuman

Institute for Policy Studies

(U.S.A)

Joshua Wolfe

International Council for Local Environmental Initiatives (ICLEI)

(U.S.A)

Shi Han

The Administrative Centre for China's Agenda 21 (invited)

(China)

3:00-4:00 Challenges and Obstacles: Globalization and the Sustainable Communities Movement

As Transnational Corporations (TNCs) have more impact and power over local communities, sanctioned by agreements such as NAFTA, the WTO, and the new Multilateral Agreements on Investment, (MAIs), local environmentalists, labor leaders and community activists are forging new alliances to protect their communities. and ensure corporate accountability. This panel will look at some of the ways in which economic globalization is affecting local communities around the world, the strategies being used to protect the community and achieve economic sufficiency, and what "inter-local" lessons can be learned and applied from these experiences.

Goodluck Diigbo

Movement to Save the Ogoni people
(Nigeria)

Yash Tandon

International South Group Network
(Zimbabwe)

Stephen Schrybman

Greenpeace
(Canada)

4:00-4:15 Break

4:15-5:15 Tools and Strategies for Sustainable Communities

Break-out Groups

Sustainable Production & Consumption: A Framework for Sustainable Communities

Successfully building sustainable communities depends on changing the local system of production and consumption. However, this is not simply a matter of eco-efficient production processes and appropriate consumer values and habits. Unsustainable consumption involves more than the problem of over-consumption among affluent populations but also of under-consumption by the non-affluent. The quest ranges from the personal psychology of lifestyle change to the implications of international trade agreements and investment flows. How can the production and consumption perspective provide a framework to help build sustainable communities?

Ize Kruszewska

ANPED

(Poland)

Mari Linlokken/Helene Bank

CAPSCAN

(Norway)

Ellen Furnari

Center for a New American Dream

(U.S.A)

Sustainability and the Web

What's new on the Internet? How can we exchange information, access resources, develop partnerships, and plan collaboratively using the Web? This interactive workshop will be an opportunity to demonstrate how you can use electronic tools to help create sustainable communities

Robert Pollard

Information Habitat: Where Information Lives
(U.S.A)

Susan Boyd and Susanna MacKenzie Euston
Sustainable Communities Network
(U.S.A)

Noah Maffitt
Citizens Network for Sustainable Development
(U.S.A)

Engaging the CSD

This workshop will bring NGOs up to date on the most salient issues discussed at recent UN CSD meetings and discuss strategies and lobbying techniques that NGOs will find useful for the 1997 CSD session.

Barbara Adams
 Non-Governmental Liaison Service
 (UN)

6:00 Dinner break (on your own)

9:30 Saturday Night Dance Party! at the North River Bar!!

Bring your favorite CDs for the DJ to play and teach us all your favorite moves!

Free Admission Cash Bar Dress - Casual

DJ - courtesy of Center for Respect for Life and Environment

The North River Bar

145 Hudson, between Hubert and Canal on the West side of
 Manhattan

Take local IRT trains 1 or 9 - Get off
 at Franklin or at Canal stops

Or, walk from the Learning Alliance, takes about 20 minutes

April 13th, Sunday

9:30 -12:00 Space for Regional Meetings is available at the

Learning Alliance on Sunday morning

CitNet Assembly and Regional Coordinator Meeting

Others TBA

1:00 International Sustainable Communities Forum

Day Two - April 13th Program formally begins.

1:00 Looking Ahead: Communities by Choice

What happens when two diverse communities develop plans to cooperate together to work on mutual issues of sustainability?
Can this case study be a model for other communities seeking to develop a strong sustainability movement based on working "Inter-locally?" This presentation will illustrate how a new, innovative approach using community to community linkages has successfully developed strategies and policies during the past few years.

Carol Kuhre

Rural Action Network

(Ohio, U.S.A)

Don Harker/Jeanne Gage

Mountain Association for Community Economic Development

(Kentucky, U.S.A)

1:30 - 3:00 Sustainable Community Roundtables

Three concurrent Sustainability Roundtables:

"Creating Community"

"Sustainable Land Use and Economic Development"

"Protecting Natural Resources"

Each Roundtable will focus on identifying examples of effective approaches and then develop strategies for action. To lay the groundwork for charting the future, each Roundtable will address the following questions: Where are we? Where do we want to be? How do we get there? and What are the respective roles of the private, public and civil sectors?

3:00-3:15 Break

3:15-4:30 Building the Sustainable Communities Movement

This Panel will feature report-backs from the Roundtables and closing remarks from ELCI, CitNet, ANPED representatives, and from Zehra Aydin, UN DPCSD.

5:00 Reception at The Learning Alliance

From: Scott Anderson <sanderson@iisdpost.iisd.ca

To: "jrussow@coastnet.com" <jrussow@coastnet.com

Subject: RE: Canadian Progress Since Rio

Date: Fri, 4 Apr 1997 14:16:03 -0600

MIME-Version: 1.0

Greetings Joan

Thanks for your message. I don't know if you remember, but I met you at the CEN annual meeting in the Maritimes (PEI??) a few years ago (...in '93 or 94 i think)...we tramped off into a muddy field and talked one afternoon. I was working with the Friends of the Earth and UNAC at the time.

-----Original Message-----

From: jrussow@coastnet.com [SMTP:jrussow@coastnet.com]

Sent: Thursday, April 03, 1997 2:05 PM

To: Scott Anderson

Subject: Re: Canadian Progress Since Rio

Did you receive the comment that I made on the current document that is being negotiated at the CSD meetings.

[Scott] if you mean the earth charter stuff, yes.

i also have the "revised a modest proposal" message ("STATE AND CORPORATE COMPLIANCE WITH OBLIGATIONS, EXPECTATIONS AND COMMITMENTS")

and the "RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)" message. but the ad hoc inter-sessional message has the "modest proposal" near the beginning and then again part way through in your "section by section comment".

could you please resend that to ensure that i have the correct version?

I have circulated the document that I submitted to Foreign Affairs last week.

[Scott] which one was that?

I was requested as a "stakeholder" in the consultation process across Canada to submit comments on the Canada report prior to the submission to the CSD. I have enclosed my submission under an attachment "Comment on Canada report to CSD"

[Scott] thank you very much for that.

if you know of any other submissions to the DFAIT process, i'd appreciate your help in tracking them down (dfait won't give the list of participants or submissions made to them).

Thanks for your help.

I look forward to hearing from you.

Regards,

scott

Scott Anderson

Project Assistant, Information and Communications

International Institute for Sustainable Development

161 Portage Ave. E., 6th Fl.

Winnipeg, MB, R3B 0Y4 Canada

Tel: (204) 958-7720

Fax: (204) 958-7710

3. NGO Forum Felix Dodds 30 Minutes

4. Accountability of NGOs Waldaba Stewart 20 Minutes
in Intersessional period

5. Annual Report Felix Dodds 5 Minutes

6. Morning Strategy Session Esmeralda Brown 10 Minutes

7. Meeting with Government Michael McCoy 10 Minutes
Blocks

8. Future Political Strategy Waldaba Stewart 20 Minutes

9. Report by Sub-Committee Waldaba Stewart 30 Minutes
on Media & Communication

10. Funding Felix Dodds 15 Minutes

11. Other Business and Esmeralda Brown
Announcements & Michael McCoy 20 Minutes

Lunch (take out sandwiches will be ordered and eaten during meeting)

2:00am - 3:45pm Opportunities for Issue Caucuses and Regional Meetings

4:00pm Since the building closes at 4:00pm, we ask
everyone to leave at 4:00pm promptly

-=-=-=-=-=-

Sunday, 6 April 1997 - Church Center - 2nd Floor

9:30am - 2:00pm Continuation of Issue Caucuses and Regional
Meetings

Lunch (take out sandwiches will be ordered and eaten during
meeting)

2:00pm - 3:45pm NGLS Training for new NGOs
(orientation)

4:00pm Building closes

-=-=-=-=-=-

Monday, 7 April 1997 - Church Center - 8th Floor "Boss Room"

9:30am - 5:00pm Discussion of 10 Major Points - Additions
Intersessional Documents

-=-=-=-=-=-

From: Scott Anderson <sanderson@iisdpost.iisd.ca

To: "jrussow@coastnet.com" <jrussow@coastnet.com

Subject: RE: Canadian Progress Since Rio

Date: Fri, 4 Apr 1997 17:41:08 -0600

MIME-Version: 1.0

greetings joan

-----Original Message-----

From: jrussow@coastnet.com [SMTP:jrussow@coastnet.com]

Sent: Friday, April 04, 1997 5:25 PM

To: Scott Anderson

Subject: RE: Canadian Progress Since Rio

Of course I remember you. At that time you were with Friends of the Earth working on a project linked with UNEP.

[Scott] yes indeed. good memory. (-:

I have prepared two documents:

1. input into the Canada report; I submitted that comment to Foreign affairs prior to their submission of the Canada report to the CSD

2. input into the current document that was prepared by the governments. My comments were circulated on the net at the UN.

I will send you a copy as an attachment.

[Scott] great....the DFAIT submission came with your last message, and the CSD one seems to be fine, and the "modest proposal" just came through.

thanks.

alas, i won't be going to the CSD. There will be an IISD presence there though.

ciao,
scott

Date: Fri, 4 Apr 1997 21:11:05 -0800 (PST)
Mime-Version: 1.0
To: csdgen@nygate.undp.org
From: jrussow@coastnet.com (Joan Russow)
Subject: Lest we forget: Global Urgency
Sender: owner-csdgen@nywork3.undp.org
Precedence: bulk

LEST WE FORGET THE
URGENCY
OF THE GLOBAL SITUATION
RECOGNITION IN UNCED OF
THE URGENCY OF THE GLOBAL SITUATION

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

(1)

IMPACT OF CONTINUED IMPOSITION OF
CONSUMPTIVE MODEL OF DEVELOPMENT

- 1.1. CONTINUED stress on global ecosystem from the pattern of over-consumptive development in industrialized countries
- 1.2. CONTINUED deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption
- 1.3. CONTINUED failure to reduce the ecological footprint through CONTINUED adherence to the consumptive model of development
- 1.4. CONTINUED elimination of the ecological heritage of future generations
- 1.5. CONTINUED depletion of resources upon which future generations depend
- 1.6. CONTINUED political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation
- 1.7. CONTINUED reliance on economic growth paradigm as the solution to global problems
- 1.8. CONTINUE negative impact of structural adjustment programs based on the imposition of over-consumptive model of development
- 1.9. CONTINUED promoting of socially inequitable and environmentally unsound employment and development
- 1.10. CONTINUED failure to redefine "development" in equitable and ecological terms

(2)

INEQUITABLE DISTRIBUTION OF RESOURCES
AND DENIAL OF BASIC RIGHTS AND NEEDS

- 2.1. CONTINUED inequitable distribution of natural resources

- 2.2 CONTINUED inequality/inequity between "developed" , "developing" and "underdeveloped" States
- 2.3. CONTINUED gravity of the economic and social situation of the least developed countries
- 2.5 CONTINUED lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care
- 2.6. CONTINUED lack of access to basic sanitation and adequate waste disposal services
- 2.7. CONTINUED lack of access to food and water
- 2.8. CONTINUED lack of access of poor to suitable arable land
- 2.9. CONTINUED increase in the number of people who do not have access to safe, affordable and healthy shelter
- 2.10. CONTINUED food crisis violating right to life and human dignity
- 2.11. Increased use of manipulative Biotechnology
- 2.12. Increased introduction of genetically modified food
- 2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world's food supplies
- 2.14. CONTINUED unethical patenting of seeds by multinationals
- 2.15 CONTINUED experimentation in the human genome project
- 2.16. Increased corporate control of their crop varieties
- 2.17. Increased modification of seeds for profit
- 2.18. Increased modification of organisms through "genetically modified organisms"
- 2.19 CONTINUED widespread unemployment and underemployment
- 2.20 CONTINUED failure to link health to overconsumption and inappropriate development
- 2.21 CONTINUED failure to address and prevent environmentally-induced

diseases

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

2.23. Continuing spread of communicable infections

2.24 CONTINUED unequal access to basic health resources

2.25 CONTINUED high birth mortality rate

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

(3)

DETERIORATION OF ENVIRONMENTAL QUALITY
AND IMPLICATIONS FOR HUMAN HEALTH

- 4.1. CONTINUED impact on health from environmental degradation
- 4.2. Increased impact on health and environment from toxic and hazardous chemicals
- 4.4. Increased air, water and land pollution
- 4.5. CONTINUED adverse health and environmental effects of transboundary air pollution
- 4.6. CONTINUED transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment
- 4.7. CONTINUED risks of damage to human health and the environment from trans-boundary hazardous waste
- 4.8. Increased generation and trans-boundary movement of hazardous waste causing threat to human health and environment
- 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
- 4,10 CONTINUED disregard for the precautionary principle
- 4.11. CONTINUED awareness of the harm of exporting banned or withdrawn products on human health
- 4.12. Increased deterioration of the environment and health through anthropogenic actions
- 4.13. CONTINUED ecological and human health effects of environmentally destructive model of development
- 4.14. CONTINUED use of banned and restricted pesticides designated as

being hazardous to human or environmental health

4.15. Increased resistance of antibiotics

(4)

ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

- 5.1. CONTINUED loss of biological diversity
- 5.2. CONTINUED threat to genetic diversity
- 5.3. Increased deforestation and land degradation
- 5.4. Increased soil erosion
- 5.5. Increased desertification
- 5.6. Increased loss and degradation of mountain ecosystems
- 5.7. increased erosion and soil loss in river basins
- 5.8. Increased watershed deterioration
- 5.9. Increased marine environment degradation
- 5.10. Increased vulnerability of marine environment to change
- 5.11. Increased risk of impact from increase in sea level
- 5.12. Increased of carbon sinks
- 5.13. Increased impact of global climate change
- 5.14. Increased potential of climate change
- 5.15. Increased depletion of the ozone layer
- 5.15. Increased threats to the ecological rights of future generations
- 5.16. Increased environmental damage from waste accumulation
- 5.17. Unprecedented Increase in environmentally persistent wastes
- 5.18. CONTINUED trafficking in toxic and dangerous products
- 5.19. CONTINUED export to developing countries of substances and activities that are banned or restricted in country of origin
- 5.20. Increased generation of nuclear wastes

5.21. Increased Loss of biodiversity through ecologically unsound practices

5.22. Increased ignoring of carrying capacity of ecosystem

5.23. CONTINUED violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5)

ACKNOWLEDGMENT OF URGENCY

VIOLATION OF HUMAN RIGHTS

6.1. CONTINUED violation of human rights on the basis of gender, sexual orientation, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions

6.2. CONTINUED violations of human rights through the following activities:

- * 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
- * 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

6.3. CONTINUED critical situation of children

6.4. CONTINUED concern about discrimination against women CONTINUES despite Human Rights instruments

6.5. CONTINUED barriers faced by women

6.6. CONTINUED female genital mutilation and other harmful practices

6.7. Denial of fundamental rights and freedoms

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

6.8. CONTINUED denial of moral and humanitarian values through religious
intolerance and extremism

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

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

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

6.12. CONTINUED ethnic cleansing

6.13. CONTINUED xenophobia

Fear and aversion to foreigners CONTINUES throughout the world

6.14. CONTINUED violation of human rights during armed conflict

6.15. CONTINUED discrimination of and violence against women

6.16. CONTINUED violation against indigenous peoples

6.17. Increased violations of the rights of refugees

6.18. CONTINUED insufficient protection of the rights of migrant workers

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

6.20. CONTINUED Insufficient protection of the rights of migrant workers

6.21. CONTINUED multiple discrimination against indigenous women

6.22. CONTINUED gender inequities

(7)

DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

- 7.1. Perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms
- 7.2. Forcing developing countries to undertake inequitable structural adjustment
- 7.3. Increased poverty
- 7.4. CONTINUED excessive military expenditures while basic needs are not fulfilled
- 7.5. CONTINUED massive humanitarian problems through military intervention
- 7.6. CONTINUED circulation
- 7.7. CONTINUED war crimes against humanity, including genocide ethnic massacres , and "ethnic cleansing"
- 7.8. Increased human and environmental destruction through land mines
- 7.9. Increased war and civilian amputees as a result of land mines
- 7.10. CONTINUED death and displacement of people through war
- 7.11. CONTINUED impact of radiation from nuclear testing on present and future generations
- 7.12. CONTINUED exposure to radiation on present and future generations
- 7.13. CONTINUED mining of uranium for use in nuclear weapons
- 7.14. CONTINUED production, proliferation and testing of nuclear arms
- 7.15. CONTINUED circulating and berthing of nuclear armed or nuclear powered vessels

DR JOAN RUSSOW

GLOBAL COMPLIANCE RESEARCH PROJECT

1230 ST. PATRICK ST VICTORIA, B.C., V8S 4Y4 CANADA

e-mail jrussow@coastnet.com

Date: Sun, 06 Apr 1997 08:34:51 -0400

From: "Douglas B. Hunt" <dhunt@center1.com

Reply-To: dhunt@center1.com

Organization: Faith in Action

Mime-Version: 1.0

To: csdgen@nygate.undp.org, CitNet List <citnet-list@igc.org

Subject: Report of Expert Group on Agenda 21 & Financing

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

Since financing may be one of the most contentious issues during CSD5 I thought this might be of interest.

This document has been posted online by the United Nations Department for Policy Coordination and Sustainable Development (DPCSD). Reproduction and dissemination of the document - in electronic and/or printed format - is encouraged, provided acknowledgement is made of the role of the United Nations in making it available.

ADVANCE UNEDITED TEXT

FOURTH EXPERT GROUP MEETING ON FINANCIAL ISSUES OF AGENDA 21

FINANCE FOR SUSTAINABLE DEVELOPMENT: THE ROAD AHEAD

Santiago, Chile, 8-10 January 1997

Organized by:

United Nations Department for Policy Coordination and Sustainable Development

(UN/DPCSD), United Nations Economic Commission for Latin America and the

Caribbean (UN/ECLAC), and Inter-American Development Bank (IDB).

Sponsored by Governments of The Netherlands and Chile.

CHAIRMAN'S SUMMARY

Tan Sri Dato Dr. Lin See-Yan

Executive Chairman, Pacific Bank, Malaysia

OVERVIEW

1. The Fourth Expert Group Meeting on Financial Issues of Agenda 21, sponsored by the Governments of The Netherlands and Chile and organized by United Nations Department for Policy Coordination and Sustainable Development (UN/DPCSD), United Nations Economic Commission for Latin AmericasANTIA and the Caribbean (UN/ECLAC), and the Inter-American Development Bank (IDB), was held at UN/ECLAC Headquarters in Santiago, Chile, on

January 8-10, 1996.

The goals of the Meeting were: (i) to assess progress in the mobilization of financial resources for sustainable development since the 1992 United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil; (ii) to provide a state-of-the-art review and analysis of unresolved issues related to traditional and innovative international and domestic financial mechanisms; and (iii) in these and other ways, to generate information and recommendations that will assist the United Nations Commission on Sustainable Development (CSD) in preparing for the 1997 Special Session of the United Nations General Assembly. The Special Session aims at revitalizing and energizing the global commitment to sustainable development and defining priorities for the post-1997 period.

2. More than 70 international experts in finance and sustainable development from international organizations, governments, nongovernmental organizations (NGOs), universities, and the private sector attended the Meeting. They came from both developing and developed countries and participated in their personal capacities, not as official representatives of their organizations. As on previous occasions, Dr. Lin See-Yan of Malaysia, the chairman of the CSD Ad Hoc Inter-sessional Working Group on Finance, chaired the sessions. The agenda of the Meeting and the list of participants can be found in annexes I and II to this Summary.

3. The experts took note of the conclusions and recommendations of reports from previous meetings and confirmed the continuing relevance of those conclusions and recommendations in ongoing discussions about financing sustainable development. They reaffirmed the notion that sustainable development has economic, social, and environmental dimensions; it is not simply a matter of environmental protection. Trade-offs among objectives related to the different dimensions are inevitable.

4. Addressing such trade-offs remains a national matter, best served by decision-making processes that involve all relevant stakeholders. The creation of sustainable development strategies is one way of doing this and thereby ensuring that financial and other resources are directed toward the highest priority national objectives. While recognizing the importance of issues and actions at the national level, the experts emphasized that sustainable development has many global dimensions, which require concerted and coordinated actions by nations and the provision of international financial transfers, especially from developed to developing countries.

5. The experts also reaffirmed that financial resources are essential for sustainable development but are not, on their own, sufficient for achieving it. In the absence of appropriate policies, consumer and producer behaviour will not shift toward more sustainable patterns, and the financing gap will remain unnecessarily large. Implementation of appropriate policies holds the promise of not only mobilizing additional financial resources, but also of reducing the need for such resources by, for example, minimizing the amount of environmental degradation requiring remedial action and minimizing the costs to consumers and producers of complying with environmental regulations (cost-effectiveness). Many of these policies were discussed at the Meeting and are described in this report.

6. This report does not attempt to reflect all the views and suggestions made at the Meeting, nor does it represent a negotiated text. Nevertheless, it does reflect the general thrust of the discussions. It covers discussions related to the following topics:

- (i) Trends in finance for sustainable development since Rio;
- (ii) Developing policies for improved access to external finance;
- (iii) Domestic resource mobilization policies; and
- (iv) Innovative international financial mechanisms.

7. A final section summarizes some broad conclusions for future activities emerging from the meeting.

I. Trends in finance for sustainable development since Rio

8. Three major trends in finance for sustainable development have occurred since Rio. First, and qualitatively, interest and activity in developing innovative domestic and international financial mechanisms, especially ones based on policy reforms, have risen. For example, a number of countries have reduced environmentally damaging subsidies and begun experimenting with environmental charges, user fees, and emissions-trading programmes. As discussed below, such mechanisms have the potential to generate a substantial portion of the domestic resources called for by Agenda 21. In the international arena, private companies and governments in several countries have initiated pilot joint implementation activities and signed biodiversity prospecting agreements. Given that developing countries possess low-cost opportunities to sequester carbon and are rich in biodiversity, such international mechanisms could potentially transfer substantial financial resources, as well as technology, from developed to developing countries.

9. Second, and quantitatively, both official development assistance (ODA) and domestic resource mobilization have fallen far short of the commitments made at Rio. Official development assistance as a percentage of gross national product (GNP) in countries of the Organisation for Economic Co-operation and Development (OECD) as a whole has in fact declined, from 0.34 per cent in 1992 to only 0.27 per cent in 1995. Funding for the Global Environment Facility (GEF) and the Multilateral Fund of the Montreal Protocol has expanded, but not as greatly as many had hoped. Domestically, many developing countries have increased their investments in the social and environmental sectors, in several cases through the establishment of off-budget environmental funds as well as by more traditional budgetary allocations. These increases have typically been small, however. Assessing trends in domestic resource mobilization for sustainable development is complicated by conceptual problems related to defining and identifying sustainable development expenditures and by the lack of cross-country data on public- and private-sector expenditures disaggregated by social and environmental activities. For this reason, it is impossible to be precise about the amount of the shortfall relative to the \$500 billion annual target given in Agenda 21. Despite the disappointing achievements on ODA and the need to make further progress on domestic resource mobilization, one should not conclude that the impact of Rio has been insignificant. It is likely that achievements would have been less had Rio not occurred.

10. Third, and more positively, private flows of financial resources from developed to developing countries have expanded enormously. Foreign private capital has become the dominant source of capital for many developing countries, especially those in Asia and increasingly those in Latin America. Ten years ago, private flows represented just a third of total capital flows to developing countries. According to World Bank estimates, they now represent more than 80 per cent. In 1996, estimated aggregate net private flows to developing countries totaled more than \$230 billion. Although private flows will fluctuate over time and vary across countries, they should CONTINUE growing, due to CONTINUED globalization of production, trade liberalization, and financial integration. Developing countries that are currently receiving substantial private flows face the challenge of harnessing those flows to promote sustainable development and not simply short-term, unsustainable economic growth. Developing countries that hope to join this group face the challenge of creating economic and political environments that are attractive to foreign private investors.

II. Developing policies for improved access to external finance

A. Official development assistance

11. Most donor countries that accepted the United Nations' ODA target of 0.7 per cent of GNP have not achieved it. There are several reasons for that, most of which are likely to persist in the immediate future.

In donor countries, the political commitment to aid is being challenged by chronic budgetary pressures, the end of Cold War rationales for aid, the perception of aid dependence among the poorest countries, a decreasing need for aid among middle-income countries, and skepticism about the historical effectiveness of aid in promoting development and reducing poverty. At the same time, the paradigm shift within development circles from development being equated to growth and led by public-sector planning efforts, toward a more complex, multidimensional concept of development being people-centred, participatory, and market-driven, has led to uncertainty about the most appropriate role of aid. Aid remains an essential ingredient for sustainable development in developing countries, but there is a crisis of confidence in its utility, especially in countries that are heavily aid-dependent.

12. Three strategies can help restore donor support for aid programmes and reverse the decline in ODA relative to donor GNP. These three strategies are consistent with the paradigm shift in development thinking and point, encouragingly, toward a constructive and cooperative approach to aid:

- First, both donors and recipients need to reassert the primacy of the sustainable development goals of aid over short-term commercial and political motivations. This needs to be supported by greater transparency with regard to the objectives of aid programmes and the consistency of actual allocations and end uses with those objectives. Transparent objectives and allocations can help reduce donors' use of tied aid, recipients' use of aid for short-term political and economic gains, and temptations to divert aid to private pockets. Evidence that

aid programmes are successfully promoting sustainable development goals provides the best case for renewing and strengthening political support for aid.

- Second, recipients need to maintain progress toward implementing sound economic, social, and environmental policies. The contribution of aid to sustainable development is greatest when it occurs in the context of a stable and open macroeconomic environment with competitive productive sectors and effective policies and programmes to alleviate poverty, provide education and health care, and protect the environmental resource base. Evidence indicates that aid in a good policy environment does work. Donors should be willing to provide concessional support to eligible recipients who have made a credible commitment to creating such a policy environment.

- Third, donors and recipients need to improve aid coordination to reduce the risk of programme duplication and programmes working at cross-purposes. The best mechanism for coordination is a clear, recipient-driven strategy for sustainable development. National and sectoral sustainable development strategies can serve as the basis for designing investment programmes using both domestic and international financial resources. Although they face difficulties in disentangling the interrelated effects of aid flows, systems such as the environmental marker system in the annex to the 1996 report of the OECD Development Assistance Committee (DAC) will help donors and recipients determine the degree to which aid is indeed contributing to sustainable development.

13. To be fully effective, aid efforts must recognize the changes in international national finance. Wherever appropriate, aid should be used to leverage greater foreign and domestic private investments consistent with sustainable development. Aid can play a strong role in catalyzing private investment in countries that are not currently receiving significant private flows. Aid recipients that are already receiving significant private flows need to consider ways to use aid to improve the contribution of private flows to sustainable development.

B. Debt

14. Heavy debt burdens have been a major hindrance to sustainable development in many developing countries. Although the debt situation of middle-income countries has, on the whole, improved significantly, with many of those countries having reentered international capital markets, many heavily indebted poor countries (HIPCs) CONTINUE to face heavy external debt burdens, despite a decade of international efforts to address the debt problem. The joint World Bank/IMF HIPC Initiative, which was approved in September 1996, aims at reducing the debt burden of HIPCs to sustainable levels and at exiting those countries from the rescheduling process within six years. It is an innovative approach in that it addresses external debt in a comprehensive way and involves all creditors.

15. Effective and flexible implementation of the Initiative promises to reduce debt as an impediment to sustainable development in participating countries and to enable those countries to focus on the removal of remaining impediments. The Initiative is not, however, a panacea for all the economic, let alone developmental problems facing HIPCs. Although it involves strong programmes of adjustment and reform, countries will need to adopt, implement, and sustain additional reforms to get on and stay on a sustainable development track. It may not eliminate all the underlying conditions that have resulted in unsustainable levels of debt, nor the need for CONTINUED flows of concessional finance to eligible countries after their debt burdens have been reduced to more sustainable levels.

C. Foreign private capital flows

16. Foreign private capital flows to developing countries have not only grown rapidly since Rio but shifted from commercial lending toward foreign direct investment (FDI) and portfolio investment. Foreign direct investment is now the largest single source of private flows to developing countries, reaching nearly \$100 billion in 1996 according to World Bank estimates. Portfolio investment was estimated to be nearly half as large. Although FDI remains heavily concentrated in a small number of countries (80 per cent of all FDI goes to twelve countries), the number is growing. Foreign-direct-investment flows between developing countries are also growing.

17. The net impacts of FDI and portfolio investment upon sustainable development are difficult to determine. Relevant data are difficult to come by, and quantitative models relating FDI and portfolio investment to social and environmental impacts are difficult to develop. In most cases, it appears that FDI has strong positive effects on host country economies. It provides risk capital that can contribute to economic growth, employment, and poverty alleviation, and it can also create positive externalities in the form of increased domestic competition and international competitiveness, improved management skills, increased market access, and a broader, deeper and potentially cleaner set of production technologies.

18. Although country experience does not indicate that environmental regulation deters FDI, or that transnational corporations are less environmentally responsible than domestic firms, FDI that is made in the absence of effective environmental policy regimes can, like any type of investment, result in the creation of pollution problems and other forms of environmental degradation. This is a particular risk in countries experiencing large FDI flows that overwhelm the regulatory capacity of environmental authorities. Similar concerns can arise in regard to impacts on social equity.

19. Host country governments can undertake a number of policy actions to raise and improve the contribution of foreign private capital flows to sustainable development. Foreign investors are primarily interested in the overall economic and business environment in host countries. The key determinants of foreign private flows are stable macroeconomic policies, transparent and fair laws and public administration, open trade and investment policies, and adequate infrastructure and human resources. Actions to create an environment with these characteristics will stimulate higher levels of domestic investment as well.

20. To minimize potential negative impacts of foreign investment on sustainable development, host country governments need to strengthen social and environmental policies and programmes. Although some foreign investors may act out of enlightened self-interest to minimize the environmental impacts of their activities and to ensure the welfare of their work-forces and neighbouring communities, this is no substitute for effective national social and environmental policies and regulations.

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Subject: Report of Expert Group on Agenda 21 & Financing

Sender: owner-csdgen@nywork3.undp.org

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Home-country governments might consider making risk guarantees for FDI conditional on sound environmental management by investors.

21. In cooperation with national authorities, international organizations should support the development of better information on the likely impacts of foreign private flows upon sustainability.

International organizations, such as the World Bank, should also CONTINUE their efforts to assist national governments with the development and implementation of "green" accounting methods, which provide essential information on the degree to which public and private investments offset the depletion and degradation of natural resources and enhance human capital.

III. Domestic resource mobilization policies

22. As in previous Meetings, the experts emphasized that the governments of both developed and developing countries have a wide range of options for mobilizing domestic financial resources. These options include, inter alia:

(i) actions to raise additional fiscal resources, such as

- reforming present tax systems;
- levying appropriate levels of user charges and fees; and
- imposing environmental taxes;

(ii) actions to mobilize financial resources through public expenditure reforms, such as

- curtailing unproductive expenditures;
- reducing subsidies inconsistent with sustainable development; and
- reducing military expenditures;

and (iii) actions to redirect financial resources through other reforms, such as:

- macroeconomic reforms; and
- structural reforms.

23. One study presented at the Meeting estimated that, under conservative assumptions, the actions in categories (i) and (ii) could in the long run generate more than \$1 trillion per year on a global basis, with about a quarter of the total being generated in developing

countries. These findings are consistent with rougher estimates presented at previous meetings. The study was unable to quantify the amounts that might be generated by the actions in category (iii), but it suggested that they would be very large, due to static and dynamic efficiency effects that increase the pool of domestic savings.

24. Several of the options listed above, such as reducing subsidies that are inconsistent with sustainable development and expanding the use of user charges and environmental taxes, are attractive because they not only generate financial resources but also shift consumer and producer behaviour toward more sustainable patterns. They achieve the latter objective by causing the prices of goods to reflect more of the social and environmental costs of production and consumption (full-cost pricing). This raises economic efficiency in the broad, social welfare sense and puts market forces in line with sustainable development.

25. The experts emphasized that resource mobilization efforts must be accompanied by actions on the expenditure side to ensure that available funds are used effectively and directed toward the activities that make the greatest contribution to sustainable development. In this regard, a key option is the formulation of national sustainable development strategies through the joint effort of government, the business community and civil society.

A. Subsidies

26. Historically, governments in both OECD and non-OECD countries have introduced a wide range of direct and indirect subsidies, including cash transfers, tax exemptions, below-cost pricing of capital and natural resources, and price controls, in an effort to stimulate economic growth and exports, to support particular industries, to maintain or create jobs, and to improve the welfare of the poor. Subsidies are expensive: global estimates of their magnitude range from \$0.5 to 1 trillion per year, most of which occurs in OECD countries (although the ratio of subsidies to GNP is highest in non-OECD countries).

27. With some exceptions, studies have found that subsidies, especially ones on inputs (e.g., energy, water, pesticides and fertilizer), are usually inefficient means of achieving their stated ends. Except in cases of market failure, subsidies tend to distort economic incentives, channeling investments to less-profitable activities and reducing social welfare. They tend to be regressive, working against the poor whom they were intended to benefit, and to promote depletion of natural resources (e.g., water, forests and fisheries) and overuse of polluting inputs (fossil fuels, fertilizers, etc.). In many cases, sectoral subsidies have undermined competitiveness by distorting resource allocation in the economy as a whole and by promoting the unsustainable use of natural resources.

28. Once created, many subsidies are politically difficult to remove, because their benefits are usually concentrated on well-defined groups while their costs are widely diffused among producers in non-subsidized sectors and consumers. Nevertheless, budgetary pressures, economic crises, and efficiency considerations have led many countries to begin reducing subsidies. China and Russia have made significant progress in reducing energy subsidies, and a number of Asian and Latin American countries have reduced agricultural subsidies and raised fees on the use of natural resources. Several developed countries (e.g., New Zealand, the Netherlands, and the United States) have also reduced agricultural subsidies, at least relative to gross domestic product (GDP) (and in some cases in absolute terms), through both unilateral domestic actions and multilateral trade negotiations. Despite this progress, the scope for additional action by developed and developing countries to reduce subsidies remains large.

29. These considerations suggest that governments should:

30.

- minimize the creation of new subsidies;
- consider modifying budgetary procedures and reports to make the magnitude of subsidies, including indirect ones such as tax exemption and below-cost natural resource charges, more transparent;
- increase understanding and awareness of the impacts of existing subsidies by sponsoring and disseminating the results of studies that measure their economic, social, and environmental costs and benefits and identify those who bear their costs and those who reap their benefits;

- take a comprehensive approach to the reduction of subsidies inconsistent with sustainable development by coordinating subsidy reductions with the privatization of state-owned enterprises, market liberalization, and the implementation of environmental and social policies to offset potential negative spillover effects (e.g., improved forestry policies may be necessary to prevent reductions in kerosene subsidies from causing increased deforestation); and:

- consider initiating international consultations at the appropriate level (e.g., regional or sub regional; not necessarily global) to determine whether coordinated subsidy reductions across countries are needed to minimize perceived impacts of such reductions on international competitiveness.

30. These measures should contribute toward creating the political will necessary to overcome the vested interests that typically block subsidy reform efforts.

B. Economic instruments for environmental management

31. Economists have long advocated the use of economic instruments, which include charges on pollution and polluting inputs, tradable emission permits, and deposit-refund schemes. In theory, these instruments can achieve environmental quality goals at a lower cost than traditional command and control regulations, which typically apply uniform environmental standards across polluters and mandate the use of costly technology. Various empirical studies have estimated that greater application of economic instruments might enable developing countries to reduce the costs of achieving some pollution control objectives substantially, in some cases by as much as 60-90 per cent. While these are rough estimates, they are consistent with those for developed countries.

32. There is now considerable experience in developing countries and economies in transition as well as in developed countries, with the application of these instruments. This experience confirms that these instruments can improve cost-effectiveness relative to conventional regulations, but it has also highlighted the need for strong institutions in the environmental sector, the importance of avoiding bureaucratic restrictions that reduce the effectiveness of economic instruments, and frequent complementarities between conventional regulatory approaches and economic instruments. A recent comparative study of the use of economic instruments in Latin America has underscored the need to take institutional constraints seriously, and to pilot-test instruments in order to "learn by doing" before implementing them on a national level.

33. The major barriers to expanded use of economic instruments include policy makers' lack of familiarity with them, the challenge of adapting instruments to serve domestic objectives within the constraints of administrative capacity and economic development, the new skills and information required of both government and private parties involved in implementation, and the management of distributional issues when the costs of environmental protection shift more directly onto polluters.

Several actions may be helpful in overcoming these barriers:

- Governments and international organizations should expand their efforts to: (i) collect and share information on the use of economic instruments, especially practical lessons on building political support for economic instruments, tailoring instruments to institutional constraints, and minimizing the administrative costs of monitoring and enforcement, and (ii) introduce pilot schemes for economic instruments, with the intention of identifying appropriate opportunities for implementing them at a broader level and overcoming factors that might diminish their effectiveness.

- When designing economic instruments, regulatory agencies should consult with pertinent national and local government agencies, businesses, and civic groups, both to generate political support for the instruments and to ensure that they work effectively in practice.

- When introducing economic instruments that raise the costs of economic activities for households and small and medium-size enterprises (SMEs), governments should consider gradual phase-ins, public education

programmes, and targeted technical assistance as strategies to reduce negative distributional impacts.

C. Private sector initiatives

34. In the past five years, many large domestic firms and transnational corporations have significantly expanded their environmental management capacity. Some have formed national and international business groups such as Business Councils for Sustainable Development, which promote environmentally and socially responsible management and investment. These groups, as well as international standard setting organizations such as the International Standards Organization (ISO), have established environmental standards. Business groups and NGOs have also introduced eco-labelling schemes, which enable consumers to make purchasing decisions that are more fully informed about the environmental characteristics of production processes and provide a potential market advantage to producers that satisfy specified criteria.

35. A number of private investment funds have also begun offering individual and institutional investors the opportunity to invest in companies that have been selected not only for their financial performance, but also for their performance according to environmental and social indicators. "Green" investment funds enable investors to bring their investment decisions in line with their environmental

preferences. In so doing, they monetize investors' willingness to pay for environmental protection and channel funds to companies that are more environmentally responsible.

36. A shortcoming of "green" funds and other private-sector initiatives, however, is that they often include only minimal involvement by SMEs. Small and medium-size enterprises frequently lack the scale economies, technologies and human and financial resources to invest in environmental and social improvements. They are further discouraged from taking environmental and social responsibilities seriously due to insufficient oversight from regulatory agencies. In an effort to improve the environmental performance of SMEs that are their suppliers and distributors, some large firms in both developed and developing countries have begun furnishing technical and financial assistance and linking CONTINUED business relationships to demonstrable evidence of improved performance.

37. To support these and other voluntary private-sector initiatives, governments should:

- create a competitive business environment consistent with sustainable development by implementing appropriate and stable economic, social, and environmental policies and regulations, and allocate adequate human and material resources for monitoring and enforcing these policies and regulations and increasing their transparency to businesses;

- consider the use of public procurement policies to create incentives for private-sector suppliers to improve their environmental and social performance;

- consider ways of increasing the availability and transparency of information about the environmental and social performance of firms to the public and the business community (for example, Thailand has approved a proposal making disclosure of environmental performance a requirement for listing on its national stock exchange, and the United States publishes a Toxic Release Inventory that ranks firms according to level of release);

- institute awards programmes that publicly recognize efforts by individual firms and business groups to improve their environmental and social performance.

IV. Promoting innovative international financial mechanisms for sustainable development

38. The dominant approach for financing global environmental protection has been financial transfers of voluntary contributions through intergovernmental mechanisms such as the Global Environment Facility and the Montreal Protocol Multilateral Fund. Conservation trust funds organized by international, governmental, and nongovernmental organizations, and financed similarly by (largely) voluntary sources, have also become increasingly important. Although these direct-transfer mechanisms will CONTINUE to play an essential role in financing sustainable development, the voluntary basis of their funding reduces their reliability and, unless they are structured as endowment funds, their sustainability. Moreover, their contribution relative to the magnitude of international transfers called for by Agenda 21 remains small and largely limited to the environmental dimension of sustainable development.

39. In this regard, various individuals and organizations have recently proposed implementing some limited form of international taxation as a means of ensuring significant and automatic financing of international transfers from developed to developing countries to support sustainable development. The international taxes receiving the greatest attention have been a tax on foreign exchange transactions (the "Tobin tax"), a tax on international air transport, and a tax on carbon. Each tax has several variants, representing varying degrees of full-cost pricing and having varying implications for economic efficiency. Each one also raises difficult political issues, the most obvious and most serious of which is national governments' reluctance to delegate the sovereign right of taxation.

40. Studies suggest that an international tax is more likely to be economically justified and politically acceptable if it meets the following criteria:

(i) it is introduced as a voluntary scheme;

(ii) it is legislated and collected nationally, with its rate and administration nationally determined;

(iii) its base is large, permitting its rate to be very low without preventing it from generating significant amounts of revenue;

(iv) it is levied on an activity that generates negative externalities that are both obvious and global;

(v) most of its revenue is retained by national governments, with the amount retained being nationally determined;

(vi) remaining revenue is allocated in an automatic and transparent fashion to an international financial transfer mechanism, ideally one that already exists and has proven its reliability;

(vii) that revenue is allocated according to clear and transparent criteria to activities closely linked to reducing the negative externalities generated by the taxed activities, thus giving the tax aspects of a user fee; and

(viii) allocations are limited to countries participating in the scheme.

41. The carbon tax would appear to match up best against these criteria, especially (iii) and (iv).

42. It is unlikely that the time for international taxes has come. They do, however, have a conceptual appeal. Moreover, they may eventually be an inevitable consequence of regional integration, globalization of the world economy, and rising concern about global environmental degradation. For these reasons, the CSD should request appropriate organizations (for example, the World Bank and the IMF) to conduct forward-looking studies of the economic rationale and political feasibility of some form of international carbon tax.

V. Future work on finance

43. In support of the above-mentioned recommendations, the CSD should CONTINUE promoting global and regional expert meetings on cross-sectional and sectoral financial issues of Agenda 21. In this context, the CSD should also CONTINUE to support the exchange of information on financial mechanisms among interested parties through meetings, publications and the development of electronic databases. The CSD should make a special effort to involve in its activities, and to disseminate information to, representatives of ministries of finance and other ministries concerned with economic management, in order to make them more receptive to the integrated view of resource mobilization and policy reform that the Expert Group has developed in its four meetings.

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- (iv) it is levied on an activity that generates negative externalities that are both obvious and global;
- (v) most of its revenue is retained by national governments, with the amount retained being nationally determined;
- (vi) remaining revenue is allocated in an automatic and transparent fashion to an international financial transfer mechanism, ideally one that already exists and has proven its reliability;
- (vii) that revenue is allocated according to clear and transparent criteria to activities closely linked to reducing the negative externalities generated by the taxed activities, thus giving the tax aspects of a user fee; and
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Subject: report of the processing subcommittee

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Precedence: bulk

report of the processing subcommittee

the nucleus of a processing subcommittee has been established,
with the following initial members appointed by the co-chairs:
pauulu kamarakafego; waldaba stewart, joceyln dow, felix dodds,
robert pollard

waldaba nominated pauulu to serve as chair of the subcommittee;
the nomination was approved unanimously

the processing committee will be expanded to include a
representative and an alternate from each of the caucuses and
with a representative and an alternate from each region

three working groups of the processing subcommittees are being
established:

1. negotiation process / amendments to the official document

proposed changes to the language of the co-chairs report
should be provided - on disk and in hard copy - by 9:30 am
tuesday

2. ngo document

proposed revisions to the existing ngo document should be

provided on disk and in hard copy by 2 pm tuesday

3. participation issues

dialogue sessions, facilitation and complaints

the processing subcommittee will convene at the vienna cafe every evening at 6 pm

Date: Thu, 10 Apr 1997 00:53:54 -0400

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Subject: revised draft ngo recommendations for earth summit two

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Precedence: bulk

Dear friends;

Here is the revised draft recommendations from ngos re the earth summit.

We agreed at Wednesday night's process subcommittee meeting that we would plan to reach agreement on a revised version by Friday 18 April so that it would be available for distribution on Monday 21 April and that all suggestions would need to be given in - via email and/or on diskette provided that is possible - no later than 6 pm on Wednesday 16 April

Robert Pollard

information habitat - where information lives

<http://www.igc.apc.org/habitat/csd-97/pc2ngo1d1.html>

Towards Earth Summit II

Manhattan Island, New York City

23-27 June 1997

es2/1997/pc.2/csdngo/1/draft.1

9 April 1997

original: English

commission on sustainable development

fifth session

Manhattan island, new York city

7 - 25 April 1997

Recommendations for Actions and Commitments at Earth Summit II

Non-Governmental Organization Revised Draft Background Paper

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This document is a working draft in development by the CSD/NGO Steering Committee and reflects a revision of the earlier draft recommendations that were distributed at the Intersessional Ad Hoc Working Group of the Commission on Sustainable Development. There remain a number of areas where proposed language has not been resolved. In particular, it should be noted that the current draft does not yet incorporate concerns that have been raised concerning the integration of human rights issues, and of the agreements of the 1993 World Conference on Human Rights, with those of the United Nations Conference on Environment and Development. The next version of the document will include a section on Human Rights and fuller consideration of human rights issues.

The document does not claim to speak for all non-governmental organizations, it does, however, reflect a commitment by the CSD/NGO Steering Committee to set up an open and transparent process of consultation among NGOs - and to use a variety of mechanisms for consultation - including online distribution and distribution by fax and conventional mail of drafts of versions of this document.

The CSD/NGO Steering Committee plans to reach agreement on a revised version of this document by Friday 18 April. Input to the revised version must be received by the Steering Committee - preferably on diskette - no later than 6 pm on Wednesday, 16 April, 1997 - so that there will be an adequate opportunity for non-governmental organization representatives to review the proposed changes.

Recommendations for Actions and Commitments at Earth Summit II
Non-Governmental Organization Draft Background Paper

1 Access to Earth Summit II and the General Assembly

We call for: Ensuring that the arrangements for the UN General Assembly Special Session are based on the newly revised Arrangements for Consultation with Non-Governmental Organizations - Part VII of Resolution 1996/31 - and that these arrangements should apply to strengthening NGO access to and participation in the General Assembly and its committees.

Implementation: As part of the CSD process, Members States, in close collaboration with the General Assembly President, needs to undertake to expeditiously achieve agreement on the adoption of NGO arrangements for the Special Session based on the above-referenced Resolution 1996/31, Part VII.

Rationale: The CSD's Member States agreed at their 1996 session, inter alia, that the General Assembly should ensure "appropriate arrangements for the most effective contribution to and active involvement of major groups, including non-governmental organizations, in the special session of the Assembly in 1997" (E/CN.17/1996/38).

The 51st Session of the General Assembly adopted Resolution 51/181, which provides, inter alia, that the General Assembly "Recognizes the important contributions made by major groups, including non-governmental organizations, at the United Nations Conference on Environment and Development and in the implementation of its recommendations, and the need for their effective participation in preparations for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Conference, for the substantive contributions to and active involvement in the preparatory meetings and the special session, and in that context invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for the effective involvement of major groups in the special session..." (A/RES/51/181).

As agreed by governments, it is imperative that NGOs be able to participate in the manner called for in the UNGA resolution. NGOs have a great deal to contribute to the discussions, not as

negotiators, but as consultants on the substantive issues involved. Therefore, the arrangements for NGOs in consultative status with ECOSOC, as agreed to in Part VII of Resolution 1996/31, should form the basis for arrangements in the Special Session.

Beyond the Special Session, those 1996/31 arrangements should also apply to the General Assembly and its Main Committees. Moreover, we are keenly interested in ensuring effective NGO arrangements throughout the UN system. But the only issue facing Member States in this CSD preparatory process, consistent with the GA resolution, is that of ensuring effective NGO participation in the Special Session. That is the task that we ask to be accomplished as expeditiously as possible.

2 Sectoral Issues

2.1 Climate Change

We call for: Revise the opening paragraph to read: The endorsement of a legally binding commitment to reduction of CO₂ emissions to 20% below 1990 levels by the year 2005, and substantial reductions in other greenhouse gases, to be agreed at Kyoto, Japan in December 1997.

Implementation: The Special Session makes a declaration on CO₂ emissions to go to the Conference of Parties meeting in Kyoto.

Rationale: In spite of some limited progress most industrial countries will not meet that target. Earth Summit II will offer the opportunity for a key political message to be sent to the upcoming Kyoto meeting of the Parties to the Climate Change Convention in December 1997. (See also sections on Energy and Transport).

2.2 Forests

We call for: The continuation and enhancement of the intergovernmental policy dialogue on forests under the CSD. This dialogue would include a high-level component and should promote in a transparent, participatory manner an action-oriented approach to solving critical forest-related problems involving all types of forests.

Implementation: This process should work towards the implementation of the Forest Principles, forest-related sections of Agenda 21, such as Chapter 11, and Proposals for Action developed under the IPF. Progress on the implementation of this work program would be reported annually to the CSD. The intergovernmental policy dialogue would also consider other arrangements and mechanisms, including legal arrangements, covering all types of forests and report on these matters to the CSD, at a special "Post-Rio" 10-year review.

Rationale: The Intergovernmental Panel on Forests made significant progress and reached consensus on a large number of

Proposals for Action. However the Panel did not reach a consensus on the need for any new legal instrument on forests. Thus, the primary rationale for the continuation of the policy dialogue is to focus on implementation and action with clearly defined targets and timetables. At the risk of repetitiveness, the focus must be on implementation and action, now. This work should start immediately and not be distracted by a costly and time consuming debate over the need for a forest convention. At the same time, all options for exploring the efficacy of existing instruments and institutions, in relation to sustainable forest management, should be thoroughly pursued.

2.3 Chemicals

We call for: the expeditious negotiation of a legally binding instrument on Persistent Organic Pollutants (POPs) that will focus on 'reducing and eliminating' those dangerous chemicals, not just controlling them; come to an agreement on Prior Informed Consent and a global harmonized system for the classification and labeling; and develop a Framework Chemicals Convention without delaying the expeditious negotiation of a treaty on POPs.

Implementation: UNEP should be entrusted with overseeing the establishment of an Intergovernmental Negotiating Committee (INC) for POPs, as agreed at UNEP's Governing Council 19, and the expeditious negotiation of that new, global POPs instrument, the conclusion of a global PIC instrument, and the development of a framework approach or convention for integrating chemicals-

Related actions and activities.

Rationale: We have approximately 100,000 chemicals now in commercial use and their potential impacts on human health and ecological function represent largely unknown risks. We have a number of agreements on chemicals moving to completion, such as the control of the production and use of Persistent Organic Pollutants (POPs)- with negotiations set to begin in early 1998 and to conclude by 2000; the Prior Informed Consent procedure for international trade in hazardous chemicals, including a harmonized systems for classification and labeling of chemicals - with that new global instrument scheduled to be adopted and opened for ratification in late 1997; and the future elaboration of a framework approach or arrangement for integrating chemicals-related initiatives. There are approximately 100,000 chemicals now in commercial use and their potential impacts on human health and ecological function represent largely unknown risks. Other chemicals, such as lead (Pb), are elements which often remain on the earth's surface where its toxic effects expose generation after generation.

2.4 Oceans

We call for: The setting up of a more effective forum or mechanism for ocean-related dialogue and action, e.g., an Intergovernmental Panel on Oceans (IPO) or a sub Commission of the CSD, meetings of States Parties to the Law of the Sea Convention, and/or other appropriate mechanisms. Such an entity

should contribute to the preparation of a comprehensive scientific assessment of the state of the oceans and the necessary policy recommendations, taking into account the related activities of UNEP and GESAMP - the Joint Group of Experts on Scientific Aspects of Marine Pollution. We also request the Special Session to instruct the FAO to analyze the efficiency of current fishing fleet decommissioning schemes associated with excess of fishing capacity, on the basis of the objectives of the UN Fish Stocks agreement, the FAO Code of Conduct on Responsible Fisheries and related emerging strategies, with a view towards reducing capacity to sustainable levels, especially in relation to large-scale, industrial class vessels. Immediate action is also necessary to address problems of wasteful fishing practices, fisheries and oil platforms, and unsustainable aquaculture.

Implementation: The ocean dialogue and action forum would have close ties with or be subsidiary to the CSD, reporting annually to the CSD up to the year 2002, at which time it would make full recommendations to the 10th Anniversary Review of Rio. Given that the Law of the Sea Treaty is now in force, and agreement also offers possibilities for forums within which ocean-related dialogue and action can be discussed, with recommended actions forwarded to the UNGA as well as the CSD. The UN Division on Ocean Affairs and Law of the Sea, the ACC Subcommittee on Coastal and Ocean Areas (SOCA) and/or a subgroup of the CSD should be considered for purposes of serving as the Secretariat.

Rationale: There is no question that the present international

machinery regarding Oceans lacks coherence. After all, the oceans are a vital food source, a global carbon sink and home to some of the most beautiful and diverse species on the planet. We know that 70% of the world's marine fisheries are being fished at their maximum level of productivity, are over-fished or are threatened, endangered or commercially extinct.

2.5 Freshwater

We call for: a negotiated international agreement or arrangement on freshwater by 2002. In the meantime, all nations must work to make freshwater quality, conservation and supply a priority of local, national and international policy, implementing the watershed approach.

Implementation: Agree to discuss freshwater in the CSD session of 1998 and give UNEP the mandate and funding to provide the international community with examples of best practice, drawing on relevant expertise such as UNEP's regional seas program.

Rationale: Today 20% of the world's population lacks access to safe water and 50% to safe sanitation with over 5 million people dying each year from the results of waterborne diseases. The Comprehensive Assessment of the Freshwater Resources of the World produced for the June meeting by the Stockholm Institute on Environment has raised freshwater to the top of the international political agenda. The report predicts that if current trends in water use CONTINUE, around 2/3 of the world's population will

suffer water shortages in the next 25 years. In developed and developing countries the current systems for water use are frequently not sustainable. Therefore, nations need to protect water resources. The watershed approach includes: development of methodology, establishment of policy, creation of basin teams, improving local capacity to protect water resources, and sharing responsibility for sustainable watershed and airshed protection and management through outreach, research, assessment, planning, implementation and evaluation.

We also call for: Recognition that it is essential to manage the water cycle as a whole. Development of resources, abstraction for use and treatment of waste water must be an integrated process.

Rationale: Water management areas must match supply with demand. River basins, or combinations of river basins, provide ideal boundaries. It is not sufficient just to recognize the importance freshwater for water supply purposes, it is equally important to understand the consequences of used water being put back into rivers. The challenge for the future is to accommodate all stakeholder interests. Water management processes need to take holistic approach probably across national boundaries.

We also call for: Governments to immediately enact laws to stop industrial use of water where it puts communities at risk. Through legislation governments should also force industry to use alternatives to freshwater in their production methods.

2.6 Energy

We call for: Sustainable energy policies that reflect the true costs of fossil fuels, including eliminating fossil fuel subsidies by 2005, substantially increased programs for energy conservation, renewable energy, and energy efficiency and a phasing out of nuclear power; governments to pledge not to develop untapped reserves of fossil fuels such as coal, oil, and gas, nor pursue new exploration of these fuels.

Implementation: Governments to adopt legislation to remove subsidies for, and increased taxes on, unsustainable forms of energy - such as fossil fuels, nuclear power, and large-scale hydropower - and increase funding for energy conservation, including passive solar design, energy efficiency and renewable energy programmes - especially to encourage solar, wind, fuel cells, and small-scale hydropower.

Rationale: Current energy practices in industrialized countries which rely heavily on fossil fuels are wasteful and environmentally harmful. Fossil fuel combustion contributes to global warming, acid rain and air pollution which threatens human health, property and the environment. Nuclear energy is also threatening to human health with regard to the lack of waste disposal methods. Clean renewable power sources are readily available. Since Rio, there has been little movement toward fundamental changes in energy production and consumption and no significant new investments in promoting renewable energy systems. Fossil

fuel prices do not take into account various other internal costs such as direct and indirect economic subsidies and incentives for the exploration, generation, transmission and distribution of fossil fuel-based energy, plus external costs such as health and environmental costs. When these are calculated, the true costs of fossil fuel are many times that of current costs of renewable energy.

2.7 Transport

We call for: Transport to be adopted as a priority area in the five year work programme for the CSD; increase allocation of road space for public transport and non-motorized transport modes; measures which implement the polluter pays principle for transport; support for car-free areas in cities; promotion of land use planning which reduces the need to travel by car.

Implementation: International Development Agencies and governments should: actively promote public transport and non-motorized travel as the most sustainable forms of travel and prioritize their access to the street network; amend financial instruments to benefit people who choose to travel by more energy and cost efficient modes and at the same time remove subsidies to automobile travel by charging the full social cost of transport externalities; review existing land use planning policies to ensure that new development and infrastructure projects reduce car dependency and provide safe access by a choice of modes of transport; identify both direct and indirect impacts in

undertaking their assessment and economic appraisals of infrastructure projects, ensuring consistent evaluation criteria between all modes.

Rationale: The sustainability of the Earth is increasingly threatened by the increasing use of private motor vehicles. Currently, transport accounts for 58% of global oil consumed, and 25% of primary energy use, of which road traffic accounts for some 72%. CO₂ emissions from the transport sector, constitute the fastest growing and most threatening contributors to global warming as these emissions are projected to rise between 40% and 100% by the year 2025 unless action is taken to prevent this. Agenda 21 already endorses investment in pedestrian facilities, bicycle infrastructure and mass transit as effective pollution control measures. It further encourages the implementation of land use planning which reduce car dependency and overall travel. Habitat II reinforces these measures and specifically called for the polluter pays principle to be applied to the transport sector thus making the real costs of motorized transport more transparent. Translating these commitments into strategies for action should be a priority for the CSD. Reducing transport demand and car dependency also meets a range of cross-sectoral objectives such as these relating to human health and safety, urban and rural sustainable settlements and the conservation of natural resources and habitats.

2.8 Sustainable Agriculture and Food Security

We call for: Implementation of the provisions of Chapter 14 of Agenda 21 that call for sustainable and ecological food production and distribution systems to protect the environment and contribute to the well-being of human and non-human inhabitants of the earth; and ensure the human right to food for all women, men, youth and children.

Implementation: Commit to capacity, building opportunities and structures to support farmers, women and men, especially small-scale producers, to enable them to employ agricultural methods that are ecologically sound and sustainable.

Rationale: Long-term food and nutritional security depends upon the ability of primary food producers to achieve sustainable food systems both now and in the future; local ecologically-based happiness when they are improving and unhappiness when they are getting worse. If the change doesn't matter to the community, then you are not monitoring the right thing. If the process of developing the shared knowledge, shared understanding and shared vision for the future of your community isn't enjoyable, then you should figure out a different way to do it. In assessing progress toward the goals in Chapter 40 of Agenda 21, it will be much easier to measure activity than to evaluate results. There have been many important and well-conducted international, national and local initiatives dedicated to producing better and more relevant data. No one process represents any major groups or

communities nor speaks for them. In developing information and indicators there is no one right way for a community to proceed. There are a variety of models from which one might choose, and there are more models all the time. Communities all over the world in vastly different economic, political, social and environmental circumstances, are experimenting with ways and means to develop information and indicators for neighborhoods, communities or nations. Through the process they are also building consensus on what actually matters to the future of the groups involved.

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4.3 Corporate Accountability

We call for: The Special Session to effectively address the issue of corporate accountability, moving beyond simply the discussion of corporate responsibility. We recommend the following steps to accomplish this task:

- * Acknowledge the need for greater corporate accountability to society
- * Establish mechanisms to monitor and assess corporate practices (e.g., to examine claims to best and worst practices)
- * Strengthen public access to information (e.g., right-to-know legislation; information on externalized social and environmental costs)
- * Reform current economic incentives (e.g., eliminate unsustainable subsidies and tax breaks) and improve liability instruments to discourage corporate wrong-doing
- * Create mechanisms which empower local communities rather than large corporations (e.g., reforming international trade agreements which undermine rather than enhance the sustainability of local production and consumption systems; encouraging "good neighbor practices" which require corporations to establish meaningful dialogues and negotiations with the communities in which they locate)

- * Make clean production a required standard (e.g., adopt and implement the Precautionary Principle as part of industrial policy; adopt and implement the Principle of Extended Producer Responsibility); and
- * Reduce political influence of corporations on governments (e.g., implement appropriate reforms to end financial contributions to political campaigns and lobbying of public representatives).

Implementation: The CSD should set up a Sub-Commission on Corporate Accountability for governments to examine and define their role and responsibilities to ensure corporate accountability to society. Such responsibilities to be examined, should include but not be limited to the above recommendations. This Sub-Commission should provide mechanisms for consultation with and active participation by NGOs and community organizations, allowing for valuable inputs from populations and communities directly affected by various corporate policies and practices.

Rationale: Corporate accountability is an intrinsic but neglected element of Agenda 21. The Habitat II agenda calls for governments to create "regulatory and legal frameworks" to promote socially and environmentally responsible corporate investment and reinvestment in and partnership with local communities." With economic globalization, privatization, and

the replacement of foreign assistance with an emphasis on private investment, there is a growing need for governments to ensure that corporations, especially TNCs, are accountable to society and the communities which they impact.

4.4 Information Ecology

We call for: A major commitment to exploring the opportunities and implications of information and communication technology for sustainability - and to developing an understanding of the ecology of information - and the design and establishment of a participatory enabling environment within which information and communications technologies, systems and processes can facilitate a transition to sustainability and equitable development.

Implementation: The CSD should convene a Working Group - with participation of non-governmental organizations as well as of member States - to conduct a systematic review of the opportunities and implications for sustainability of an ecologically sound approach to information, and to set in process the design of a comprehensive information and communication environment that can facilitate an integrated and coordinated treatment of information relating to the implementation of the agreements of the "Rio cluster" series of global conferences.

The Working Group should also consider how the CSD can best utilize and support the adoption of online interactive, participatory processes in its own work - including

identification of obstacles to such adoption - and how it can facilitate use of such processes by member States and major groups.

The Working Group should also address, inter alia, critical sustainability issues regarding the transition from a predominantly material to a predominantly virtual economy - including opportunities in terms of the resource savings from exchanging bits instead of transporting material goods and people, as well as the economic, cultural, social and environmental impacts of the introduction of information technology.

This should include attention to the significance of the evolving information ecosystem in terms of equitable access to information, including intellectual property rights and access to information infrastructure, and should review the implications of the fact that a rapidly increasing proportion of capital formation is in the realm of intellectual property - with the correlate that access to information and communication infrastructure is a critical issue in enabling access to wealth.

Rationale: The evolution of the information and communications revolution in the five years since the first Earth Summit has been dramatic. The integrative power of information technology is increasingly clear, as is its progressively growing capacity to model and map the properties of whole systems, the rapid growth in access to the global information infrastructure and the

inequities in access confirm that the implications of information technology extend far beyond its role as a support system for decision-makers.

4.5 Local Sustainability

We call for: A recognition of the progress made by over 2,000 local authorities worldwide, in concert with their local communities, in developing Local Agenda 21s and to give further impetus to the initiative by encouraging national governments to support national associations of local governments NGOs and other major groups to establish national Local Agenda 21 campaigns.

Implementation: The CSD should work with ICLEI and the international associations of local government to prepare a review of possible measures by national governments to provide a supportive policy and fiscal framework for successful implementation of Local Agenda 21s.

Rationale: One of the most successful and meaningful outcomes since Rio has been action at the local level to prepare local plans for sustainable development, notably through the Local Agenda 21 initiative (Chapter 28 of Agenda 21 encourages local authorities to prepare local action plans - Local Agenda 21 - in consensus with their local communities). Progress has been most widespread in countries which have national Local Agenda 21 campaigns organized and supported by national associations of local government.

4.6 Social Services

We call for: More adequate provision for the role of social service organizations, a new provision is needed which would enable such organizations (both governmental and non-governmental, to participate directly in the development and monitoring of the implementation of the social objectives. There should also be a clarification of the different nature and use of physical services and social services. The confusion on this issue is particularly evident in the current provisions concerning the eradication of poverty. Similarly provision for social impact assessments is lacking in the provisions - mostly dealing with health - calling for environmental impact assessments.

Another limitation in the existing texts is that they only refer to urban areas and sustainable human cities. We suggest that social services are equally required rural areas and that the words sustainable human settlements should be substituted for sustainable cities. Another issue is related to capacity building: we feel that social services are needed and should be developed as a tool for increasing the capacity building of individuals as well as communities.

Finally in developing information tools to measure progress emphasis should be placed on the use of social indicators and the role of non-governmental organizations in the development of such

indicators.

Rationale: More adequate provisions for integrating the conclusions of the World Summit for Social Development into the work of the Commission on Sustainable Development. A holistic approach to the need for, and provision of, social services needs to be reflected in the documents.

There is also a need to distinguish between basic services - eg water, sanitation, road, and transportation, etc, and "social services" - eg welfare, social security, community organization, community services. The existing provisions in the text focus on categorical social areas such as health, mental health, family, education, housing, children, the aging, etc. and do not cover the role of social service organizations and the social services they provide to individuals and communities through integrated programs and projects which are developed by governments as well as private institutions at every level.

4.7 Education

We call for: Recognition of the crucial importance of lifelong education and empowerment for sustainable living and of the key role the Education Community has played in promoting sustainable development by agreeing to grant them Major Group status; charging the Education Community with realizing the educational policies of Agenda 21 and other relevant UN documents through a comprehensive and international Education 21 programme. The

Education Community should report to the CSD session in 2001 on its work. To promote sustainability governments must facilitate and fund non-formal education as well as adapt and provide resources for formal curricula. Governments must facilitate and fund the work of youth NGOs and networks in innovative empowerment and inter-generational partnerships for sustainability and global citizenship.

Implementation: The Special Session should grant the Educational Community major group status, and support the role of grassroots Youth NGOs and inter-generational partnerships for empowerment and education for sustainable development. The Education Community must be alert to the danger posed by promotional materials justifying non-sustainable practices.

Rationale: Chapter 36 of Agenda 21 in many ways is the most crucial chapter of Agenda 21. Without its global implementation, the chance of any of the other chapters being successfully implemented is significantly reduced. The promotion of sustainable development is unthinkable without the active involvement of representatives of the Education Community, a group including students and learners in all contexts, teachers, policy makers and all those with an educational role in both formal and non-formal sectors.

4.8 Health

We call for: Insuring human health globally, for current and future generations, governments need to address the following environmental issues: treatment and prevention of: global warming; hazardous waste, including nuclear, chemical and biological materials; contamination of fresh water supplies; ocean pollution; contamination of air quality; deforestation; and desertification.

Rationale: There is clear evidence of globally rising rates of cancers, tuberculosis, lung diseases, lead poisoning, all of which are associated with various forms of environmental degradation. The most important consequence of environmental sustainability is the health and productive capacity of human beings. Healthy, productive people sustain healthy societies and economies.

4.9 Culture of Peace

We call for: Governments to move from a culture of violence and war to a culture of peace by structuring their economies so that they are not dependent on the military. The UN should encourage transparency in arms transfers by expanding its register and should facilitate in non-violent prevention and resolution of conflicts.

Implementation: The Special Session should acknowledge the need

to reduce military production, spending and arms trafficking in order to provide funds for development; reduce military expenditures by 5% per year for 5 years, redirecting a portion of those funds to sustainable development; shift research and development from defense-based industries to equitable development and socially responsible production to rectify environmental degradation and human rights violations; respect the rule of law by acting upon the recent decision of the International Court of Justice on the use and threat of use of nuclear weapons; embark immediately and conclude by 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; clean up and dispose of all toxic military waste in an environmentally sound manner; implement an immediate ban on the production, use, stockpiling and transfer of antipersonnel landmines; allocate funds and technology for removal of the more than 100 million mines already planted in 64 countries; promote an international voluntary military force under Chapter 7 of the United Nations Charter to be used when absolutely necessary and promote environmentally friendly non-violent resolution to conflict whenever possible; make non-violent conflict prevention and resolution training and human rights education a part of all formal and informal curricula in all sectors of society as mandated in the Plan of Action of the UN Decade for Human Rights Education; End obligatory military service; promote community planning to prevent conflicts; Develop a new science "Public Peace" based on the model of "Public Health." This would involve

keeping track throughout the world of where man-made violence was breaking out. Analysis of the data would show how it might be controlled. Early intervention would alleviate the need for military solutions and the resulting environmental degradation; Report responsibly to the UN Register of Conventional Weapons and adopt a Code of Conduct for Arms Transfers in order to restrain weapons proliferation; require compensation to be paid by the military for past environmental degradation and human rights violations including harm to human health. Enter into a moratorium to cease all military activities that could cause environmental degradation (General Assembly Resolution - UN Charter of Nature) and human rights violations.

Rationale: In keeping with the UN Agenda for Development, we believe that peace and development are indivisible and development cannot proceed easily in societies where military concerns are at or near the center of life. Societies whose economic effort in substantial part is devoted to military production inevitably diminish the prospect of their people for development.

5 Major Groups and Partnerships

5.1 Dialogue

We call for: Continuing the formal Dialogue Sessions between major groups and Governments through the next five year programme of the CSD and convene Major Group Dialogue Sessions at the CSD

Inter-sessional Meetings beginning in 1998. The formal Dialogue Sessions would, inter alia, assist Major Groups to focus on the issues being discussed that year.

5.2 New and Additional Partners

We call for: Extending the concept of major groups to a partnership model as developed in the Habitat Agenda and grant partner / major group status to parliamentarians, older persons, and the education community.

5.3 Indigenous Peoples

We call for: The application of the principles contained in the UN Draft Declaration on the Rights of Indigenous Peoples. This declaration should be adopted in its present form. The recognition of the Indigenous Peoples' human rights, territorial rights, cultural rights, their knowledge systems, their sustainable land use systems and their rights to self-determination is a necessary precondition to their playing a meaningful role in global sustainability. This includes the recognition of the right of Indigenous Peoples to identify themselves and be recognized as Indigenous Peoples. The CSD should examine how these rights are being undermined by international finance and financial institutions and trade liberalization within the WTO framework. The CSD should monitor the Human Genome Diversity Project.

Implementation: The CSD to more effectively review Indigenous Peoples' contributions to global sustainability. The CSD should focus more on Indigenous Peoples' issues in a proactive and coordinated manner. Earth Summit II should reinforce the call for the involvement of Indigenous Peoples at the highest levels within the UN structure, including the creation of a permanent forum for Indigenous Peoples.

We also call for: Indigenous Peoples rights to their ancestral lands to be ensured above any consideration for national, private or other economic activities such as mining and logging.

Rationale: Forced evictions and displacement of Indigenous people creates a high risk of impoverishment both economically and culturally including; land loss, marginalization, food insecurity, morbidity, unemployment and continuation of language. The preservation of Indigenous Peoples land base is essential to the existence and perpetuation of tribal society and culture.

5.4 Women

We call for: A pledge to enhance all governance structures, global and national, through the next century by adhering to the fundamental principles of equal representation and accountability; a pledge to achieve gender balance in governance, expanding, enhancing and improving affirmative action programs or other incentives that will encourage and support the leadership and involvement of women in political decision-making; a pledge to apply a gender perspective in all aspects of the

implementation of Agenda 21; a commitment to promote grass roots women's participation, particularly those involved in the Habitat process, and gender training for local Agenda 21 groups.

We call for: The removal of legislative, policy, administrative, and customary barriers to women's equal rights to natural resources, including access to and control over land and other forms of property, credit, inheritance, information and appropriate new technology.

Implementation: Recognition of the pervasive and systemic violation of women's human rights, that women are significant agents for local and global change, and that gender equality is essential to achieving sustainable and equitable development.

5.5 Youth

We call for: Governments to implement Earth Summit commitments by ensuring the involvement of youth in all levels of decision-making; recognition of youth NGO initiatives towards social justice, economic equity, micro-enterprise development and ecosustainability; establishment of mechanisms and increased funding for North-South grassroots youth partnership; governments to ensure that youth have increased access to information and documentation; youth to be allowed to initiate and develop their own ways of working towards sustainable development.

Implementation objective: Increased support on all levels for

awareness, skill-sharing and empowerment of youth as present and future leaders and agents of change.

Implementation activities: The Special Session must support and be open to new and innovative ways of actively involving youth NGOs in the Sustainable Development process and debate. Therefore we strongly urge the establishment of a system to ensure regular, democratic and balanced representation of young people at the CSD. Each National Delegation should include an NGO Youth Representative to facilitate the exchange of information to and from youth. The host country should ensure the widest possible representation of youth NGOs, in particular southern youth NGOs, in the process. If CONTINUED youth participation in the implementation of Agenda 21 is to be assured, firm governmental financial commitments must be made and adhered to. Young people should be partners in the development of educational curricula around all aspects of sustainable development. Young people should be encouraged to promote Agenda 21 through peer education. Further youth participation in the Agenda 21 process can be achieved through open dialogue sessions between youth and government at all levels. At a Local Agenda 21 level, youth should be enabled to take an active role in the auditing processes.

Rationale: Too few governments have taken strong steps to work with youth in recent years and achieving good inter-generational partnership. More remains to be done, and governments must find financial mechanisms to support youth involvement and empowerment

Date: Thu, 10 Apr 1997 00:53:54 -0400

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Subject: revised draft ngo recommendations for earth summit two

Mime-Version: 1.0

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Precedence: bulk

in all regions.

5.6 Older Persons

We call for: Recognition of the critical importance of the growing global aging population in relation to sustainability and include older persons as a major group.

Implementation - Goals: Identify and utilize the skills of the older person at the local, national, and international level; Promote older person involvement in the activities of civil society; Ensure that each country supports, practices and enforces the United Nations Principles for Older Persons, in pursuance of the International Plan of Action on Aging.

Implementation - Activities: Involve older persons in the education process as "visiting experts," especially with youth, on assorted environment and development activities; Both in the developing and developed countries, utilize the knowledge of and

skills of the older person in areas of technology, management, agriculture, family care, medicine, and cultural heritage; Encourage the involvement and participation of older persons in the decision-making processes for a sustainable future; Develop materials for the older population, appropriate to their cultural heritage and values, that address issues for the older person as both consumer and producer.

Implementation - Means: Strengthen the Aging Unit of the Social Policy and Development Division of the Department for Policy Coordination and Sustainable Development (DPCSD), which acts as a focal point for inter-agency cooperation in the United Nations; Disseminate and apply the United Nations Principles for Older Persons, many of the principles having application to sustainable development; provide and enhance accessibility and mobility for the older population; launch information, education and communication campaigns on ageing and sustainable development to promote positive images of the ageing as a subject of general social relevance in which everyone participates; provide key roles for older persons as voluntary or paid resource persons in public awareness campaigns on cultural traditions and heritage in the environment; promote the expansion or establishment of Inter-generational policies and programs; institute national programs to promote productive ageing; strengthen or establish national coordinating mechanisms on ageing; promote the establishment and effective functioning of organizations of older persons.

Rationale: Older persons, although receiving recognition during World Summits on population, social concerns, women, and the city, were overlooked in Section 3 of Agenda 21. Their contributions to a sustainable future as a "major group" must be considered a priority. The growth of the global older population, citizens who are living longer productive lives, is one of the most challenging demographic trends of the twenty-first century. A steady stream of one million persons a month now crosses the threshold of age 60, and 80% of these are in the south. The total number of those age 60 and above is projected to reach 600 million by the year 2001 and go on to reach 1.2 billion by the 2025, over 70% in the south. This snapshot serves as a small illustration of a far-reaching, if quiet, demographic revolution now affecting the social and economic structures of societies. Clearly, the challenge is great. Responses have been guided by the "International Plan of Action on Aging," A/37/51. In resolution A/45/106, the General Assembly designated "1 October the International Day for the Elderly." By its resolution A/46/91, the Assembly adopted the "United Nations Principles for Older Persons" with five major themes: independence, participation, self-fulfillment, dignity and care. In 1995, by resolution A/50/141, the Assembly established "1999 as the International Year of Older Persons." The framework for the year contains four major themes: situation of older persons; life-long individual development; multi-generational relationships; and development and the aging population. "The Framework" is outlined in the report of the Secretary General, A/50/114. Additional sources of information are available from the Web site

<http://www.un.org/dpcsd/dspd/iyop.htm> -- International Year of Older Persons.

The Habitat Agenda, Chapter 1, Art. 17, reflects the member States' awareness of an ageing global population: "Older persons are entitled to lead fulfilling and productive lives and should have opportunities for full participation in their communities and society, and all decision making regarding their well-being; especially their shelter needs. Their many contributions to the political, social and economic processes of human settlements should be recognized and valued. Special attention should be given to meeting the evolving housing and mobility needs in order to enable them to CONTINUE to lead rewarding lives in their communities." The importance of Older Persons as a major group, is found in the wealth of information, history, energy, and experience accumulated through their collective lifetimes. Given the size and potential force of this population, we cannot afford to ignore their needs. In a multigenerational society, older persons offer a generational link for humanity. They are vested with the responsibility of passing on a legacy. We must capitalize on the great human resource potential this major group offers. It is an exceedingly diversified pool of experienced and talented men and women with skills in environmental management, public policy, conservation, technology, prevention and leadership at every level, who can contribute expertise to every aspect of environment and development. Their knowledge, wisdom and prestige can be vital to educating, organizing, and mobilizing people and communities to ensure that environmentally

sustainable development is practiced.

5.7 Inclusion

We call for: Recognition that discrimination on the basis of race, gender, economic status, ethnic background, religion, political belief, sexual orientation, age and disability CONTINUE to prevent the full participation of many social groups in developing and implementing strategies for sustainable development. Address these obstacles by implementing measures inter alia: to confront prejudice, hatred, and human rights violations through educational programmes and relevant changes in national curricula; invest in the empowerment and capacity building of marginalized groups; remove structural and legal impediments to the fully inclusive participation of all social groups.

Rationale: A human rights framework is a prerequisite to an enabling approach to sustainable development. One of the legacies of the Rio Conference was the concept of "stakeholders", connoting both responsibility and participation of all those affected by any policy or action. Making human rights paramount in sustainable development, enables stakeholders to claim their basic rights and to become full participants in decision-making.

5.8 Occupied Peoples

We call for: Empowerment of ethnocultural groups currently subsisting under occupation by foreign national powers.

Provisions must be made for access to and utilization of natural resources central to social and cultural autonomy and economic sustainable development.

5.9 Media

We recognize that Media is a major force in the civil society and that it could be useful in promoting the implementation of the Earth Summit agreements and the work of the CSD. NGOs call for the CSD to recognize the importance of local, national and international media participation in support of this process and encourage them to thoroughly communicate information about all levels of implementation of Agenda 21 and the work of the CSD.

6 Institutional and Legal Issues

The Special Session of the General Assembly offers the opportunity to deal with some of the institutional issues that have developed since the Rio Summit.

6.1 CSD Agenda and Work Programme

The Special Session should CONTINUE to be the high-level policy forum and a forum for sharing experiences. The next 5 years should see a more focused agenda for the CSD. Such a focused agenda should include oceans, forests, freshwater, tourism, chemicals and cross sectoral issues such as finance, capacity building, sustainable agriculture / food systems, technological transfer, poverty, education, production and consumption patterns, trade and sustainable development and transport - as well as continuing to address emerging issues. The CSD should

include a public education and dissemination of information strategy in each aspect of its work programme to heighten awareness on critical issues and governmental compliance in achieving the goals of Rio.

6.1.1 Election and Term of Commission Chairs

The Chair of the CSD and other UN Commissions should be elected at the beginning of Commission sessions and assume office from the conclusion of the session through to the end of the next session of the CSD (or other Commissions).

6.2 High-Level Coordination of Conference Follow Up

Ensure effective coordination and create a dynamic exchange between the follow up from the different UN Conferences and Summits. There should be joint high-level sessions of Commissions dealing with similar issues each year. For example, if poverty is being discussed, the Commission for Social Development with the Commission on Sustainable Development should be arranged at Ministerial level. The High-level Session of the Economic and Social Council should convene regular joint High-level segments of the Commission on Sustainable Development with other relevant Commissions (e.g. Social Development).

6.3 Integrated Monitoring Frameworks

We call for: The establishment through DPCSD of an integrated

comprehensive framework - making effective use of modern information and communications technology - for systematic monitoring of the implementation of all the Rio agreements as well as the agreements of the other recent global conferences.

Information that the UN has available at web-sites and other new information technologies, should be made accessible to the public on a no-cost basis.

The development of indicators and criteria shall in no way undermine obligations incurred under treaties, covenants conventions or commitments made in conference action plans.

Implementation: Develop a comprehensive framework - to be accessible online - to enable the systematic monitoring and implementation of the agreements of the "Rio cluster" of United Nations conferences and proceedings; develop an integrated, fully searchable database that incorporates the text of all these agreements, that documents initiatives - including best practices - taken by intergovernmental agencies, governments and major groups, and that incorporates data and indicators that can help show current status and trends towards sustainability; the use of geographic information systems as a tool to assist in organizing and integrating information on measures; and measures to support capacity building in the use of information and communications technology - including the strengthening of information and communications infrastructure in developing countries.

Rationale: There is currently no systematic framework in place by which it is possible to assess and monitor the extent and specifics of implementation of the Rio agreements. Modern information and communications technology offers a range of powerful tools to organize and integrate a broad base of diverse information, and to make it widely accessible. There are many areas of overlap between the Rio agreements and the other "Rio cluster" agreements - all of which, in one way or another relate to the attainment of a sustainable common future - so there is a need for an integrated process of monitoring implementation of the whole set of agreements.

6.4 Decision-making Framework for consultation

While a lot is at stake with interlinking the debates on changing production and consumption patterns on trade and sustainable development and on finance, the common thread in all these debates, is the challenge to develop new models of governance. Sustainable development will not be achieved without institutional change.

Decision-makers are only judged upon the consequences of their policies for a limited group of people. The effects of globalization, of which we only see now the beginning, will further increase the distance between decision-makers in corporations and finance institutions on the one hand, and even governments and ordinary citizens whose lives are affected by these decisions on the other.

In order to make a transition to sustainable production and consumption, the decision-making structures need to be changed in order to assure the following: access to information and participation in decision making of consumers and citizens in health and environmental impacts of products and production processes; the right to know and to participate in decision making by local communities whose livelihoods are affected by global trade and investment patterns; effective mechanisms to ensure that abuse of corporate power is countered; democratization of decision making within corporations

The new projected stakeholder models of governance or major group participation do not take into account the disparities in economic and political power among different constituencies.

6.5 Peer-Review Assessment

The CSD should establish a process of peer-reviewed assessment of each country's performance on the implementation of sustainable development building on the model on work done by OECD. NGO and national networks at a country level should be encouraged to develop parallel national reports. The CSD secretariat is urged to make available at an international level these national NGO reports.

6.6 Secretary General's High-Level Advisory Board

The High-Level Advisory Board should be closed down. It does not

appear to have contributed anything substantial to the CSD process nor has there been evidence of a meaningful relationship between it and the partners / major groups that are involved in the follow-up process for the Rio agreements.

6.7 Committee on Natural Resources

Streamline the relationship between the Committee on Natural Resources and the CSD.

6.8 United Nations Environment Programme

We call for: Renewing and strengthening of the UNEP's mandate to: (a) adopt a new governance model for UNEP with an Executive Board of Ministers meeting between Governing Councils (b) adopt further reforms consistent with the Nairobi Declaration adopted at Governing Council 19, with such reforms reviewed and agreed at the 52nd General Assembly and UNEP Governing Council 20 and (c) submit regular reports to the CSD on priority activities and future program plans.

Implementation: The Governing Council needs to meet as soon as possible to adopt the revised governance structure, and thereafter the reform process called for at UNEP GC 19 should be undertaken with a view to forwarding proposals for further reforms to the 52nd session of the UNGA and the 20th session of UNEP's Governing Council.

UNEP, in its leadership role, must assist States in ensuring that Corporations, including transnational corporations, 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. In addition, UNEP should be encouraged to not support voluntary conformance to self-initiated standards of ISO 14000.

Rationale: The Nairobi Declaration, agreed-to at the nineteenth session of UNEP's Governing Council, provides a very constructive framework for UNEP's continuation and future operations. Among other parts of its mandate, it is essential that a strong, effective, adequately funded and sharply focused UNEP: a) analyze the state of the global environment and assess global and regional environmental trend, provide policy advice, early warning information and catalyze and promote international cooperation and action b) further the development of international environmental law, including coherent linkages among existing international environmental conventions c) strengthen its role in the coordination of environmental activities in the UN system and d) promote greater awareness and facilities far more effective cooperation among all sectors of society and actors involved in the implementation of the international environmental agenda. UNEP's present governance

structure is in need of urgent reform. A new Executive Board of Environmental Ministers or the equivalent thereof needs to be established to act between the Governing Council. Clearly the Nairobi-based centered Committee on Permanent Representatives has an important continuing role to play but there also is an urgent need for Environment Ministers to take a much more direct, lead role in guiding UNEP forward. In addition, UNEP and governments need to be much more innovative and visionary when reaching out to and involving NGOs, major groups and civil society in regards to UNEP's decision making, information delivery and program implementation.

6.9 United Nations Development Programme

We call for: The work of UNDP's Capacity 21 programme to focus in the next five year phase of CSD to: help countries produce their National Sustainable Development Strategies; help work out programmes that would see those strategies enacted and support the development of Local Agenda 21s.

6.10 United Nations Centre for Human Settlements

We call for: The General Assembly to recommend a review of the work being carried out in the UN system on human settlement Issues, with the intention of strengthening the Centre for Human Settlements as the UN coordinator of all work on human settlement Issues, through the partnership concept for implementation of the Habitat Agenda.

Implementation: A holistic, integrated approach, acknowledging the inter-connectedness and interdependence of all people with the natural environment and encompassing a regional urban-to-rural view is necessary. Universal engagement of the population, participation by the user groups and stakeholders in all phases of the process, forging of public and private partnerships and conscious efforts at community building as a vital force, must become key elements of all national action plans.

Enlightened, innovative science and appropriate technology, adjusted to local human and natural conditions and resources, mindful of the accumulated wisdom of traditional knowledge; and employing the proper materials and methods of construction for optimal environmental and human health are critical for the social, economic, environmental and cultural sustainability of settlements. The close coordination of the work of the CSD and UNCHS, as well as the other pertinent UN agencies with programs on settlements, especially UNEP and UNDP is imperative. In addition to monitoring progress towards the implementation of the Habitat Agenda, holding a 5-year Habitat Review would help to re-focus world attention on this multi-factorial issue.

Rationale: Few other human activities have greater impact on the natural world than human settlements. If the cumulative effect of land development, use of material resources, infrastructure, energy and industry is antagonistic to the survival of the planet, it is ultimately antagonistic to the survival of the

human species itself.

6.11 World Trade Organization

There should be a formalization of the relationship between the United Nations and the World Trade Organization - in particular, between the CSD and the WTO's Committee on Trade and Environment - (this could take the form of a Memorandum of Understanding).

6.12 Coordination of Governmental Positions

There should be a clear commitment to facilitating effective coordination of governmental positions in each of the different fora they are involved with.

6.13 Earth Summit III

Convene a Special Session of the General Assembly in 2002 to review the progress and roadblocks to sustainable development. This Special session should be held at the highest level.

This document is a working draft in development by the CSD/NGO Steering Committee and reflects a revision of the earlier draft recommendations that were distributed at the Inter-sessional Ad Hoc Working Group of the Commission on Sustainable Development. There remain a number of areas where proposed language has not

been resolved. In particular, it should be noted that the current draft does not yet incorporate concerns that have been raised concerning the integration of human rights issues, and of the agreements of the 1993 World Conference on Human Rights, with those of the United Nations Conference on Environment and Development. The next version of the document will include a section on Human Rights and fuller consideration of human rights issues.

The document does not claim to speak for all non-governmental Organizations; it does, however, reflect a commitment by the CSD/NGO Steering Committee, to set up an open and transparent process of consultation among NGOs - and to use a variety of mechanisms for consultation - including online distribution and distribution by fax and conventional mail of drafts of versions of this document.

The CSD/NGO Steering Committee plans to reach agreement on a revised version of this document by Friday, 18 April. Input to the revised version must be received by the Steering Committee - preferably on diskette - no later than 6 pm on Wednesday, 16 April, 1997 - so that there will be an adequate opportunity for non-governmental organization representatives to review the proposed changes.

Date: Thu, 10 Apr 1997 08:52:05 -0400

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Subject: outreach 97, vol 1, no 16, wednesday 9 april

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

NEWSLETTER

OUTREACH 1997

The Voice of the NGO Community at CSD

Countdown to Earth Summit II

Vol. 1 No. 16

WEDNESDAY 9 APRIL 1997

CSD 5 SPECIAL EDITION

CSD 5 OPENING DAY

AT A GLANCE

EDITORIAL

COMMENTARY

NEWS FROM THE CONFERENCE ROOM

ANNOUNCEMENTS

RIO GRINDS (is back)

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EDITORIAL...

Five years later, and where are we?

by Esmeralda Brown, Southern Co-Chair
& Michael McCoy, Northern Co-Chair
CSD/NGO Steering Committee

Many of us Major Group and NGO representatives who have been working on the issues of sustainable development both for Earth Summit and for the Commission on Sustainable Development, since 1990, can clearly see what kind of progress has been made in Agenda 21 Implementation since 1992.

As an "NGO Community", we can be justly proud of the implementation of a "democratic, participatory, and transparent" decision-making process among NGOs that monitor the annual sessions of the CSD. The self organized structure of the CSD/NGO

Steering Committee has developed as one way for all regions of the world to be represented in on-going CSD work, ending a traditional domination by northern NGOs of most UN/NGO processes.

While the participation of a broad range of NGO representatives at the annual sessions of the CSD is much better now than it has been in the past, there remains an urgent need to support the NGO networks at a national and regional level so that they have the necessary financial resources to effectively monitor their governments between the annual CSD sessions.

Many of the government speeches at the CSD Inter-sessional session in February-March 1997 indicated the need for "political will" and a "political commitment" by the governments on the difficult issues of making sustainable development implementation impossible; such as financing, environment and trade issues in the WTO, indigenous peoples participation, and the lack of strong targets and timetables for CO2 reductions by the year 2002, among others.

At this moment of CSD Review, we see that it is only strong national and regional CSD/NGO networks of organizations of civil society that will be in a position to develop the necessary political pressure from citizens on the governments, "to do the right thing" regarding Agenda 21 implementation.

Supporting the work of national and regional CSD/NGO networks will be one of the highest priorities of the CSD/NGO Steering

Committee over the next several years.

What of the Governments progress?

Governments, both north and south, have not shown either a great deal of political courage, innovation, remarkable vision, or creative, long term thinking in their proposals for the next five years of work for the CSD. It as if the spirit and urgency they showed rhetorically at Rio has lost a great deal of steam when it has come to the much more difficult and much less romantic work required in the actual implementation of specific policies for achieving sustainable development.

The challenge to the NGO representatives here at CSD5, is to do what NGOs have always done best; push the governments to do more than they ever planned to, and to encourage them to take seriously, the commitments they made to their citizens: in local communities, in cities and rural areas, to securing the survival of the natural environment and the commitment to present and future generations. We must remind governments that, like the NGOs and Major Groups that are here, they will also be held accountable in the future, for either their visionary and courageous actions in realizing the goals of Agenda 21 or for their cowardly inaction. It is their choice and our choice and the question is, will we together be able to rise to the challenge assuring our sustainable future?

All editions of OUTREACH as well as other NGO documents and related information can be found on the CSD/NGO Steering Committee Web Site:

<http://www.igc.apc.org/habitat/csd-97>

COMMENTARY...

The session has started: Now, where do we go?

Will CSD 5 churn out a 'business as usual' result, a 'worst case' result or a 'best case' result? The first day of this crucial session is over. To the astute and mundane political observer, the opening day probably looks very much like any other opening day. Is this business as usual then? A number of the professional conference participants said that several of the statements, while not containing any big surprises, did possess a spirit of optimism and a willingness to show commitment and action. So far, so good...

The High Level Segment of CSD 5 has caused some apprehension among NGOs. Would the world hear a series of ready-made general statements on the merits of attaining sustainable development at all levels of society? Would this be accompanied by an enumeration of global environment problems? Would it be delivered in a pompous style by a high level minister? What wishful thinking for the global cynic. What encouragement for the forces opposed to the UN. Gratis fuel to

the conversation we are all too familiar with: 'I told you so, we don't need no world organization to tell us what we already know!'

Nothing has happened to corroborate this apprehension so far. Allow us to say we have the feeling that the opening statement by Dr. Rumen Gechev, chairman of the fourth session of the CSD, may have set the standard for the rest of the contributions. But then again, The arriving delegations could not know the contents of his statement. The other presentations were all written in the various capitals of the world without consulting the UN. Are we not in fact experiencing a feeling of sustainable consensus in the world to support global environment?

Revitalizing the momentum of Rio seems to be one of many points the different delegations will agree on. Eradication of poverty, changing patterns Of consumption and production, achieving strong and measurable commitments on doing something about climate change, understanding and working for sustainable energy development and developing sustainable freshwater management are but a few of the other areas the vast majority of speakers seem to agree on. We, the NGOs, have at this point every reason to believe that something good will emanate from this session. To quote Bill Richardson's statement today , "the United States urges ... decisions, results, solutions and deliverables -- in short ... action."

We are all for that, as long as this moves us toward a sustainable world.

...jgs

NEWS FROM THE CONFERENCE ROOM...

NGO Interventions During Day One of the High-Level Segment, 8
April 1997

Statement by Martin Khor, Director
Third World Network

At the Rio Summit, the world's citizens were assured by our political leaders that at last some serious action would begin to tackle the serious problems of development and environment and bring us back from the brink of crisis and catastrophe.

And the action would be inspired by global partnership to sustainable development, where the rich and the rich countries would change their unsustainable policies and practices and help the poor and the poor countries through increased aid and better access technology.

Five years later, the world's citizens are extremely disappointed and indeed we are alarmed at what has happened. Environment problems are worse than ever. The spirit of Rio seems to have vanished. Aid has fallen. Financial resources CONTINUE to be sucked out from the poor countries through debt servicing and low and declining terms of trade. The rich countries seem to be

advocating a fallacious position that private investment can substitute for aid to the poor when everyone knows that private investments move towards profit-maximization (and not sustainability), that most of the capital flows to the south are short term, speculative and that FDI mainly goes to only a dozen countries. The poor countries need the right kind of aid, and they need debt relief and better terms of trade more than ever so that they can build their own domestic capacity. Only then will investments flow and not before. It is simply fraudulent to wave private investment flows to the poor as a panacea and as an excuse not to fulfill the obligations of Rio.

Development and the principle of and right to development seems to be challenged today by some Northern governments, and there is even a real danger now that the environment will be used as a reason to stop the legitimate right of developing countries to enjoy development. By no means have the four components of sustainable development - economic and social development, environmental protection and equity among and within nations - been accepted as the old debates begin again.

The environment has dropped many notches down the global and the national agendas.

The major reason is that in the five years after Rio, the process of globalization linked to liberalization has gained so much force that it has undermined and is undermining the sustainable development agenda. Commerce and the perceived need to remain

competitive in a globalizing market, and to pamper and cater to the demands of companies and the rich, have become the top priority of governments in the North and some in the South. The environment, welfare of the poor, global partnership, have all been dislodged and sacrificed in this wave of free-market mania.

The most glaring weakness at Rio was the failure to include the regulation of business, financial institutions and TNCs in Agenda 21 and the other decisions. These institutions, that are responsible for most of the world's resource extraction, production, pollution and generation of consumer culture.

UNCED and CSD have failed to create international mechanisms to monitor and regulate these companies. Instead their power have spread much more. In particular, the Uruguay Round agreements and the establishment of the WTO have institutionalized globalization. Through its strong enforcement system, the WTO and its legally-binding rules threatens to over-ride all other declarations, action plans and paradigms, whether they be Rio, Copenhagen or Beijing.

The globalization process, enforced especially through the rules of WTO, rewards the strong and ruthless and punishes the weak and poor. In fact, it defines the criteria for success and failure; for survival and collapse. Its paradigm places profits and greed above all else, and its unregulated operation will CONTINUE to downgrade development, social and environmental concerns at both national and international levels.

It is the antithesis to sustainable development and to global partnership.

The CSD needs to address this crisis of the battle of paradigms between unregulated globalization driven by individual self-interest and corporate greed, versus global partnership between rich and poor towards sustainable development. We need political will and moral courage; we need moral will and political courage, among our governments, both North and South.

The kind of globalization we have is not sustainable, neither is it inevitable or uncontrollable. It has to be stared in the eye, and regulated, channeled, directed towards sustainability goals. Otherwise, all the words we speak in the next few weeks and months will be marginal- will be only a kind of play, unless we are able to face up to the real challenge of this globalization process.

The CSD must make a decision to reassert the primacy of global partnership, to reassert the right of the poor to develop, the duty of the rich to curb their lifestyles and to help the poor, and the common but differentiated responsibilities to save Earth. The CSD must set up a mechanism, such as a sub-commission or a high-powered working group, to examine and take decisions on globalization and how it should be channeled towards sustainability, and this should be a cross-sectoral issue to be discussed each year in the future.

The legally-binding rules of the WTO should be reviewed to assess their contribution or otherwise to sustainability goals. This can be done through the in-built review process of the WTO. But such an assessment should also be done independently through the CSD and other bodies. In particular, the new issues now before the WTO (investment and competition policy and government procurement) must be subject to serious study for their impacts. In particular, the moves by northern governments to introduce a multilateral investment agreement through both the OECD and the WTO, are likely to have very adverse impacts on both development and environment and if the MIA or MAI is passed, it will over-ride many aspects of Agenda 21 and render impotent many of the issues and actions we will discuss in the next few weeks. The CSD cannot ignore what is happening in the WTO nor confine its attention only to the "trade and environment" spectrum. We have to make the WTO more and more transparent to the world, and more accountable to sustainable development. The narrow paradigm of gaining more and more "market access" for the big companies, especially to the markets of the developing countries, must be modified and tempered by the larger paradigm of sustainable development.

The CSD and the Special Session of the General Assembly must tackle these larger issues of globalization, otherwise we will be overwhelmed, and there will be nothing optimistic to talk about when we convene again five years from now for another review.

If, at Rio, we were moved by the urgency to save the Earth, all the more, in fact many times more, do we have the need to eradicate

poverty, and institute equitable mechanisms to defend the environment. We urge our political leaders and the officials in government and the UN to redouble their efforts to re-establish sustainable development at the top of the agenda. We in the NGO community, needless to say, will CONTINUE to fight for people's rights and the Earth. There is nothing more important in the world today that we can do together.

Statement by Jocelyn Dow,
Vice-President, WEDO

We meet here nearly five years since Rio where we signed on to Agenda 21, an Agenda of Hope, not Perfection, and to the Declarations of Rio that were a call to action for those who wished to develop a path that was more people-centered, gender fair, and sustainable. We signed on to a collective agreement to implement a more rational, accountable and sustainable life as nations and as peoples.

WEDO played its part along with that of hundreds of women's organizations to ensure that the documents and processes of UNCED were reflective of all women's realities across class, race, ethnicity and location.

Date: Thu, 10 Apr 1997 08:52:05 -0400

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: information habitat <infohabitat@igc.apc.org

Subject: outreach 97, vol 1, no 16, wednesday 9 april

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

Women fought for our inclusion as half of humanity. We moved the meager references to women in the early drafts to a principle, and an entire chapter on women. We succeeded in ensuring that women were mainstreamed in and to the documents. But there were some failures, one of which was bringing the role of militarism as a major negative force in the discourse of Rio. Today, sadly, we have to acknowledge that some of these old battles are still with us. In this very building there are over a hundred NGOs, many of whom are women, who are excluded from the Non-Proliferation Treaty discussions. Nuclear power and energy are twin sides of the same coin. Exclusion is its cutting edge. The issue of nuclear materials, arms, war, energy and environmental health are interlinked. The drain of resources for military activity engaged in by nearly all governments and the threats to the well-being of the planet and women's life is undeniable. Women are organizing the First World Conference on Breast Cancer in Canada in July where these links to women's health and the women's cancer crisis will be clearly demonstrated.

We cannot therefore be complacent on any issue here as we meet here today. We intend to be part of the reckoning. Women will raise our voices and CONTINUE to direct our energies to ensuring

that we are central to the review of the past five years. We will CONTINUE to strive for no less a right at the Special Session of the General Assembly than we enjoyed during the formulation of the Rio commitments.

Today we meet in the season of review, reform and globalization - a globalization of trade, finance, information and of poverty, a global poverty that is both old and new. Women are over represented in the last category and under represented in the first three. As we collectively review the past five years of implementation and non-implementation, we will see that women have honored nay, in fact exceeded the commitments we made at Rio. Yet, the negotiations at the inter-sessional of the CSD failed to recognize and address the critical and vital role and impact of women in the implementation of Agenda 21. Women have lit the path to sustainable livelihoods. Women have carried the torch of solidarity and partnership; and women will bring the flame of continuity into these discussions to link our commitments and yours from Rio to Beijing. We promise to hold you feet to the fire.

Statement on behalf of the Youth Caucus

by Cesar Marches no, Latin American Youth Network for Sustainable
Development

The statement as delivered by Mr. Cesar Marchesino on 8 April

varies from the text below, dated 7 April, on which his remarks were based.

We call for: Governments to implement Earth Summit Commitments by ensuring the involvement of youth in all levels of decision making; recognition of youth NGO initiatives towards social justice, economic equity, micro-enterprise development and eco-sustainability; establishment of mechanisms and increased funding for North-South grassroots youth partnerships; governments to ensure that youth have increased access to information and documentation; youth to be allowed to initiate and develop their own ways of working towards sustainable development.

Implementation objective: Increased support on all levels for awareness, skill-sharing and empowerment of youth as present and future leaders and agents of change.

Implementation activities: The Special Session must support and be open to new and innovative ways of actively involving youth NGOs in the Sustainable Development process and debate. Therefore, we strongly urge the establishment of a system to ensure regular, democratic and balanced representation of young people at the CSD. Each National Delegation should include a NGO Youth Representative to facilitate the exchange of information to and from youth. The host country should ensure that the widest possible representation of youth NGOs, in particular Southern youth NGOs, in the process.

If CONTINUED youth participation in the implementation of Agenda 21 is to be assured, firm governmental financial commitments must be made and adhered to. Young people should be partners in the development of educational curricula around all aspects of sustainable development. Young people should be encouraged to promote Agenda 21 through peer education.

Further youth participation in the Agenda 21 process can be achieved through open dialogue sessions between youth and government at all levels. At a Local Agenda 21 level, youth should be enabled to take an active role in the auditing processes.

Rationale: Too few governments have taken strong steps to work with youth in recent years and achieving good inter-generational partnership. More remains to be done, and governments must find financial mechanisms to support youth involvement and empowerment in all regions.

-=-=-=-=-=-

IMPORTANT ANNOUNCEMENT:

OUTREACH will be conducting a straw poll for who should be the next Executive Director of UNEP after Elizabeth Dowdeswell.

Nominations for all possible candidates should be handed in to the CSD/NGO Steering Committee c/o the Editors of Outreach, by 9:58 a.m. on Friday the 11th. Voting will take place during week two.

ANNOUNCEMENTS

DAILY MEETINGS:

(unless otherwise announced)

8:30-9:15 a.m., Room D, Women's Caucus

8:30-9:00 a.m., Church Center, Youth Caucus

9:15-10:00 a.m., Room D, NGO Strategy Session

6:00 p.m., Vienna Café, Process Sub-Committee

PANEL DISCUSSION:

"GLOBALIZATION: A THREAT TO SUSTAINABLE DEVELOPMENT?
CRITICAL ISSUES FOR CSD V"

When: Wednesday, 9 April

Time: 1:15-2:45 p.m.

Where: Conference Room D

Speakers include:

Martin Khor, Third World Network

Yash Tandon, Int'l South Group Network

Victoria Tauli-Corpuz, Indigenous Peoples' International Centre

for Policy Research

Organized by the Third World Network

Do we need a Freshwater Convention?

When: Wednesday, 9 April

Where: Conf. Room D

Time: 6:00-7:00 p.m.

Speakers:

Derek Osborn, Co-Chair of CSD Intersessional

Pierre Najlis, UN DPCSD Task Manager for Freshwater

Jim Lamb, Severn Trent Water

Gunilla Bjorklund, Executive Secretary CFWA Stockholm Environment Institute

Chair: Felix Dodds, UNED-UK

IAEA will give two presentations on Wednesday, 9 April in the Dag

Hammarskjold Auditorium:

10:00 a.m.-1:00 p.m.

Security in the Nuclear Field and Verification

2:00 -5:00 p.m.

Peaceful Applications of Nuclear Energy

NGO REGISTRATION

Registration of NGOs will take place at a Registration Desk located in the Public Lobby of the General Assembly Building (enter through the Visitor's Entrance located on 1st Avenue and 45th Street). For security purposes, all representatives are requested to bring a photo ID (i.e. passport or drivers license), as well as a copy of their letter of accreditation from their organization. Passes will not be available for persons whose names have not been communicated in advance.

Schedule for registration:

Wednesday, 9 April

10:00 a.m.-1:00 p.m.

Monday, 14 April

9:00 a.m.-11:00 a.m.

Tuesday, 15 April

9:00 a.m.-11:00 a.m.

NOTE: At all other times, please call the NGO Section at (212) 963-4843 or (212) 963-4846 from 9:30 a.m. to 4:30 p.m. for information on how to secure your passes.

A workshop on Changing Consumption Patterns in Human Settlements

is being organized by UNCHS and UNDP/CSD on Friday, 11 April 1997 from 10:00 a.m. to 4:30 p.m. in the Dag Hammarskjold Auditorium. The keynote speech will be given by David Satterthwaite, IIED.

REQUESTS FOR MEETING SPACE

8-25 April

IN THE UNITED NATIONS BUILDING...

Contact:

Ms. Zehra Aydin, Major Groups Focal Point

2 UN Plaza, 22nd Floor

tel.: (212) 963-8811

fax: (212) 963-1267

Procedure:

- 1) Fax your request to the above number before 4:00 p.m. the day prior to the requested date.
- 2) Costs for the rooms vary, depending on type of room and service needed, i.e. sound (cost runs \$60.00 per hour - if your meeting runs over even by 5 or 10 minutes, be prepared to pay for the full second hour).
- 3) Ensure that contact person and contact number are presented clearly in your fax.

NOTE: Space is extremely limited due to an increased level of participants and decreased allocation of space.

AT THE CHURCH CENTER, 777 UN PLAZA...

Contact:

Ms. Sharrye Moore (not Ms. Linda Arnold as indicated in the weekend edition of OUTREACH)

tel.: (212) 682-3633

Procedure:

1) Pick up forms to reserve space at the Church Center on the 2nd Floor of 777 UN Plaza (corner of 44th Street & 1st Ave.)

2) Fill out the form and hand it in to Ms. Linda Arnold before 4:00 p.m. prior to the requested meeting date.

3) FOR ALL BOOKINGS AT THE CHURCH CENTER AFTER 6:00 P.M., A \$60.00 SECURITY CHARGE WILL APPLY.

Important:

As of 8 April, daily NGO strategy sessions will be held every morning from 9:15-10:30 a.m. in conference room D. At all other times, NGO activity will be based in Conference Room E.

The HEALTH & ENVIRONMENT CAUCUS will be held from 2:00-3:00 p.m. in Conference Room E on the following dates:

Thursday, 10 April*

Monday, 14 April

Tuesday, 15 April

Wednesday, 23 April Thursday, 24 April

* The Health & Environment Caucus along with the Women and Environment Caucus will convene a panel discussion on "Strengthening Linkages between Women, Environment & Sustainable Development." Panelists will include Ms. Marta Duenas, Acting Director of INSTRAW and H.E. Amb. Razali Ismail (invited). Consult CSD Today for exact time.

UNEP and the Committee for Religious NGOs will hold a symposium on "Our Environmental Future: Ethical and Spiritual Perspectives" on Thursday, 10 April from 1:15-2:45 p.m. in Conference Room 1. Panelists include:

Gillian Martin Sorensen, Assistant Secretary- General

H.E. Daudi N Mwakawago, Chair of the G-77 and Vice-Chair of the CSD (Tanzania)

Professor Gabriel Moran, Director of Religious Education, NYU

Ms. Lahane'ena'e Gay, President, Pacific Cultural Conservancy

Call (212) 750-2773 for more info.

NGO CONSULTATION ON INCREASING ACCESS TO THE UN GENERAL ASSEMBLY AND ITS MAIN COMMITTEES AND ALL

AREAS OF WORK OF THE UN

WHEN: Wednesday., 30 April

10:00 a.m. - 6:00 p.m.

WHERE: UN Headquarters

(room to be announced)

Representatives of NGOs in Consultative Status with ECOSOC and those Associated with DPI are invited to participate in a day of discussion on specific issues that are likely to be raised at meetings of the Sub-Group on NGOs of the Open-Ended High-Level Working Group on the Strengthening of the United Nations System, which is examining ways to increase NGO participation in the work of the UN General Assembly, its Main Committees and the UN System as a whole. All UN Missions are also invited to send representatives.

This Consultation is being organized under the auspices of the NGO Committee Chairs of the Conference of NGOs in Consultative Status with the United Nations Economic and Social Council (CONGO). For further information, call the CONGO office in NY at (212) 986-8557.

PATHWAYS TO SUSTAINABILITY: LOCAL INITIATIVES FOR CITIES & TOWNS

From 1-5 June 1997, an international conference will be held in

New Castle, Australia to examine and encourage environmental awareness in local communities. The outcome of the conference will be presented to UNGASS in June. For more information, contact the Conference Managers, Capital Conferences Party Ltd. in Australia at: tel.: 612 9252 3388; fax: 612 9241 5282; email: capcon@ozemail.com.au

HOW TO SUBMIT AN ARTICLE TO OUTREACH...

OUTREACH will be serving the NGO Community particularly at CSD 5 and Earth Summit II in June. We will make efforts to include statements made by NGOs during the sessions as well as articles you wish to see published. The editors reserve the right to choose and edit any contribution. All contributions must be submitted, with a proper by-line, NO LATER THAN 4:00 P.M., to be considered for publication the following day.

Note: Where possible, it is preferred that contributions are made in "ready format," i.e. that they are submitted on a IBM compatible diskette or sent via e-mail, indicating clearly that it is a submission to OUTREACH. To submit electronically, send to < wfuna@undp.org , marked 'submission to OUTREACH'.

-=-=-=-=-=-

RIO GRINDS...

"Now treading the fine line between simple bad taste and outright liable"

Who was that Canadienne who works for an international NGO active in forests who suddenly left the CSDI and was then seen in the company of His Royal Highness?

Rumor has it that a large green NGO has been breeding 196,000 tadpoles on UN grounds who will all become frogs at 10 a.m. on 23 June.

Following the success of recent UN privatization highlighted by this column, we have just heard about a new round of proposals to be laid on the table this week. Group X Securities have put in a bid for the UN Security contract and UN Catering has been bought by McDonald's. Vienna Cafè is to become a fast food burger joint.

After opening the Rio Grinds column to input from several contributors, a strong bid for a new name for this column has come in. It is "Coffee Anon."

As our contribution to the evolution of the CSD/NGO Steering Committee into a workable NGO co-ordinating network, Outreach and the "Coffee Anon" column announce the start of a 'Rename the CSD/NGO Steering Committee' Contest. Suggestions must be received by 9:58 a.m. on Friday, 11 April. The top 10 best suggestions will be printed and the winner will have the pleasure to treat

the whole Steering Committee to an all expenses paid trip to the Rio Sheraton Hotel.

Anyone for "Strong Coffee?"

CLASSIFIED ADS

OUTREACH is looking for volunteer typists and/or a 'jack (or Jill) of all trades' to help in the production, and reproduction of this daily newsletter.

OUTREACH is looking for a talented hand to serve as 'political cartoonist.' Any who qualify should meet the Editors in Vienna Caf#.

CSD 5 Mantra:

(Repeat)...Urgent Situation; Far too Little Being Done; Bold Actions Needed; Measurable Steps Required; (Repeat)

OUTREACH '97

CSD NGO Steering Committee

World Federation of United Nations Associations (WFUNA)

Editors

Jan-Gustav Strandenaes

Sharon McHale

Contributing journalist

Michael Strauss

OUTREACH 1997

Please send material

/inquiries to

Jan-Gustav Strandenaes

Fax (212) 963-0447

Tel (212) 963-5610

E-mail: wfuna@undp.org

www.igc.apc.org/habitat/csd-97

Date: Fri, 11 Apr 97 18:03:11 PDT

From: Ayse Kut-Williams <gpcu@consint.org.uk>

Sender: ayse@consint2.dircon.co.uk

Subject: RE: MAI and NGO Lobbying document

To: habitat@nywork2.undp.org, Joan Russow <jrussow@coastnet.com>

Cc: csdgen@nygate.undp.org

MIME-Version: 1.0

() THAT in 1997 on May 11 the following press release was circulated

EXHIBIT

May 11, 1997

MAI (MULTILATERAL AGREEMENT ON INVESTMENT) UNDERMINES "PUBLIC TRUST" INTERNATIONAL LAW.

Joan Russow, leader of the Green Party of Canada, States that " MAI will undermine years of "Public trust" international Law:

Member States of the United Nations, including Canada have incurred obligations through conventions, treaties and covenants; have created expectations through General Assembly Resolutions and Declarations, and have made commitments under conference action plans. These obligations, expectations and commitments affirm the public trust for guaranteeing human rights, protecting the environment, preventing war and conflict and creating socially equitable and environmentally sound employment.

All this public trust legislation is being undermined by trade agreements including GATT, NAFTA, WTO and now the proposed MAI.

Russow States that the national implications of MAI are substantial but the issue has to be addressed at the international level. On April 10, she widely circulated the following proposal to the Non governmental Organization (NGOs) meeting at the UN meeting.

"We call upon the United Nations to instruct the OECD to cease all negotiations on the Multilateral Investment Agreement (MAI). This agreement attempts to bypass standards that have arisen from the obligations incurred through UN conventions, treaties, and covenants, and commitments made through Conference Action plans. The MAI has co-opted the term standards which has been used in other international instruments to designate behaviour related to the guaranteeing of human rights, the protecting of the environment, and the preventing of war and conflict. In MAI the term "high standard refers to high standards for the liberalization of investment regimes and investments. In this context the term "standards" is being used to undermine years of standards set in the international realm in the areas of human rights, environment, peace and social justice. While the United Nations is negotiating the follow-up to the UNCED, the OECD is undermining the UN process by setting up their own international agreement to promote the vested interest of the corporate sector. The MAI agreement had been slated for completion by May 1997, and now perceived to be delayed until May 1998.. .

Immediate action must be taken to prevent the institutionalization of this agreement.

This OECD agreement affirms that "accession to the MAI would send a signal to investors that the acceding country subscribes to high standards of investment liberalization and protection, thus giving it a competitive edge."

It should be noted that the member States of the United Nations undertook in recent conferences to “ensure that corporations comply with all national codes, social security measures, international law, including international environmental law”. (Platform of Action< UN Conference on Women; Habitat II Agenda).

The OECD, through MAI, is undermining the international political resolve to ensure compliance with international obligations arising from Conventions, treaties, and covenants, and to ensure acting upon international commitments made through conference action plans.

19.72REV2 North American Coastal Temperate Forests

Resolution proposed by Michael McCloskey, Sierra Club U.S.A, in collaboration with Joan Russow (B.C. Canada) member of the IUCN Commission on Education and Communication

This role of the OECD parallels a similar process that occurred in 1971 when the OECD expressed not concern about the cost to the environment of not having environmental regulations but the cost of environmental regulations.

For further information:

Contact:

As far as I have understood, the May 97 deadline for the MAI has been postponed to May 98 with completion of the text for the end of this year. This gives a greater chance to influence the text. I would have thought that tactically, it would be better to highlight why the different parts of the MAI come into conflict with other international agreements and to lobby for changes to the text rather than to campaign for the OECD to stop negotiating. Hopefully, this would have the same effect but at least we may be listened to.

Jayanti Durai

Consumers international

Date: Fri, 11 Apr 1997 11:45:52 -0700 (PDT)

Mime-Version: 1.0

To: csdgen@nygate.undp.org

From: jrussow@coastnet.com (Joan Russow)

Subject: RE: Convention on Forests: A Forest industry project

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

THE CONVENTION ON FORESTS: A FOREST INDUSTRY PROJECT

Dr. Joan E. Russow

Global Compliance Research Project

Through numerous existing international conventions, obligations already exist in relation to forests: the Convention on Biological Diversity, the Framework Convention on Climate Change, and the Convention on Combating desertification etc. . In addition, numerous forest-related ecological principles have been expressed as commitments made through various conference action plans.

The problem is not that there does not exist a Convention on Forests but that member States of the United Nations have failed to sign or ratify existing conventions related to forests, and have failed to enact the necessary legislation to ensure compliance and enforcement.

For example, several sections in the Convention on Biological Diversity

could apply to forests. The obligation to identify biodiversity, the obligation to carry out an environmental assessment review of practices that could contribute to the reduction or loss of biodiversity, and the obligation to invoke the precautionary principle which in essence advocates that in the event of reduction and loss of biodiversity scientific certainty is not necessary for the needed measures to be taken to prevent the loss or reduction of biodiversity. In addition, in the Climate Convention, there is an obligation to conserve and protect carbon sinks-one of which is old growth forests.

If these provisions had been implemented since 1992, there would be a movement away from logging old growth forests where substantial biodiversity resides, and there would have been an environmental assessment review of current forest practices. In addition, there is sufficient evidence that clear-cut logging and other environmentally unsound forest practices contribute to loss and reduction of biodiversity to justify the discontinuation of these practices under the Precautionary Principle.

The fear of the applicability of the existing conventions has caused the forest industry, along with sympathetic administrations such as that in Canada to call for a Convention on Forests with the intention of weakening existing UN documents.

An additional problem occurs in federal States such as Canada where the Federal government signs agreements in areas over which provinces claim jurisdiction. Even though the Biodiversity Convention was endorsed at the cabinet level in the province of BC in Canada, the courts of BC have ruled that international law such as the Biodiversity Convention is not

applicable in the courts of BC. Canada, at the international level, has been promoting the Forest Convention at the request primarily of the Forest Industry. Canada has, however, through practices in the various provinces, been in non-compliance with the existing international agreements that apply to forests.

Citizens have no recourse to raise issues of non-compliance. What is needed is an international Court of Compliance where citizens can take evidence of state noncompliance. There is a sufficient body of existing international instruments to ensure that the required protection, preservation and socially equitable and environmentally sound development of the global forests is instituted.

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The fear of the applicability of the existing conventions has caused the forest industry, along with sympathetic administrations such as those in Canada, to call for a Convention on Forests with the intention of weakening existing UN documents.

An additional problem occurs in federal States such as Canada where the Federal government signs agreements in areas over which provinces claim jurisdiction. Even though the Biodiversity Convention was endorsed at the cabinet level in the province of BC in Canada, the courts of BC have ruled that international law such as the Biodiversity Convention is not applicable in the courts of BC. Canada, at the international level, has been promoting the Forest Convention at the request primarily of the Forest Industry. Canada has, however, through practices in the various provinces, also been in non-compliance with the existing international agreements that apply to forests.

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Date: Sat, 12 Apr 1997 01:01:28 -0500

From: Earth Negotiations Bulletin <enb@iisd.ca

To: "enb@iisd.org" <enb@iisd.org

Subject: ENB Vol. 05 No. 73 CSD-5

Mime-Version: 1.0

X-Mime-Autoconverted: from quoted-printable to 8bit by access.mbnet.mb.ca id AAA20041

X-Mime-Autoconverted: from 8bit to quoted-printable by access.mbnet.mb.ca id BAA21128

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

EARTH NEGOTIATIONS BULLETIN <enb@iisd.org

PUBLISHED BY THE INTERNATIONAL INSTITUTE FOR
STAINABLE DEVELOPMENT (IISD) <reception@iisdpost.iisd.ca

WRITTEN AND EDITED BY:

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Vol. 5 No. 73

Monday, 14 April 1997

CSD-5 HIGHLIGHTS

FRIDAY, 11 APRIL 1997

Delegates heard reports on the Rio Conventions, regional activities and other inter-sessional events during a morning Plenary. They considered national reporting, the Barbados Programme of Action and the budget during the afternoon. In a parallel session, delegates conducted dialogues with youth and the scientific and technical communities.

PLENARY

PRESENTATIONS: Bo Kjellén, Chair of the INC on Desertification,

called for political support to resolve the CCD's outstanding issues and stressed the importance of water issues. Calestous Juma, Executive Secretary of the CBD, said the preparation of national reports is an important instrument for compliance and stressed setting targets and using indicators. Michael Zammit-Cutayar, Executive Secretary of the FCCC, recommended: integrated scientific assessment; actions for multiple benefits across conventions; information to mobilize public and political support; and a legal framework linking different sets of convention commitments. The Expert Meeting on Synergies Among the Conventions on Climate Change, Biological Diversity, Desertification and the Forest Principles recommended: harmonized data; a national handbook on implementation; inter-COP secretariat cooperation; and streamlined reporting.

The Economic and Social Commission for Asia and the Pacific, stressed regional capacity-building in cooperation with UNDP. He called for CSD attention to regional activities. The Economic Commission on Latin America and the Caribbean has been involved in activities related to water resource management, energy, mining, urban management, trade and environment, SIDS and trans-boundary movement of wastes. The Economic Commission on Europe noted the need of economies in transition for assistance and suggested that regional commissions conduct regional assessments of national reports. The Economic Commission for Africa called for an international financial mechanism on cross-sectoral issues.

The Inter-American Development Bank described its work to support sustainable development, notably on poverty, equity and the environment. The Summit of the Americas on Sustainable Development recommended support for national and local level activities, transparent and sufficient financial mechanisms and the transfer of clean technology. The Ad Hoc Expert Group Meeting on Implementation of Special Measures for LDCs in Agenda 21 recommended that: developed countries fulfill their financial commitments under Agenda 21; the WTO Plan of Action in favor of least developed countries be expeditiously implemented and technology transfer consider local needs.

The Earth Council reported on recommendations from the Rio+5 Forum, stressing that the CSD act as a multi-stakeholder forum. He also called for regional participation in world trade and investment regimes. The Inter-governmental Forum on Chemical Safety recommended that development projects involving chemicals management include provisions for capacity-building. The Expert Workshop on Fostering the Linkage Between Energy and Sustainable Development Within International Institutions urged the CSD to address sustainable energy issues during one session. Japan introduced the Tokyo Declaration prepared at the Global Partnership Summit on the Environment. The Declaration recommends life-long environmental education and indicators to measure sustainable production and consumption. The Republic of Korea, 1997 World Environmental Day host, described preparations of the Seoul Declaration on Environmental Ethics to enhance understanding of sustainable development. The Russian Federation

reported plans for a Moscow seminar in May 1997 entitled "Chernobyl and Beyond: Humanitarian Assistance to Victims of Technological Disasters." Sweden reported on preparations of an Agenda 21 for the Baltic Sea region. Sweden is providing a secretariat and coordination for the programme to be adopted in the first half of 1998. Turkey noted activities of the Black Sea Environmental Programme.

NATIONAL REPORTING: Joke Waller-Hunter (DPCSD) introduced the documentation regarding national reporting and its streamlining (EN/CN.17/1997/5 and 6, background papers 7-9). One-hundred twenty-five countries have reported on some aspect of national activities. CANADA proposed using national plans containing targets and milestones and, with the EU, supported peer reviews on the basis of such information. The U.S. supported regional peer reviews. The U.S. said streamlining provides the added value of examining consistency among multilateral agencies. OECD stressed the need for donors to coordinate their requirements. PAPUA NEW GUINEA noted that funds used to compile reports could be better used for capacity-building and implementation. TRINIDAD AND TOBAGO stressed small countries' need for assistance in report Preparation. The PHILIPPINES recommended reporting on constraints in implementation.

MODALITIES OF THE 1999 REVIEW OF THE BARBADOS PROGRAMME OF ACTION: Joke Waller-Hunter (DPCSD) introduced the document regarding the implementation of the Programme of Action for SIDS

(E/CN.17/1997/14). AOSIS, supported by BARBADOS, PAPUA NEW GUINEA, JAMAICA, the BAHAMAS, MALTA and GUYANA, called for greater urgency in implementing the Barbados Programme of Action (BPA) and deplored the downgrading of the BPA's status by the decision that the CSD review it rather than the General Assembly. She proposed that a full review of the BPA be undertaken at a special session of the UNGA in 1999. The EU said the recommendations must be considered within the context of the programme of work. To implement the BPA, CUBA called for a transfer of new resources and technology, MALTA for more political impetus, and GUYANA for special attention to financing and capacity-building.

BUDGET PROPOSALS FOR 1998-1999: Joke Waller-Hunter (DPCSD) introduced the proposed programme of work of the Division for Sustainable Development for 1998-1999 (E/CN.17/1997/CRP.1). The EU and U.S. reserved their positions pending development of budget figures. AUSTRALIA asked if the additional activities would require new resources and staff. Chair Tolba said the purpose of the draft was to present the UN Secretary-General with proposals and let him decide which to undertake.

DIALOGUE WITH MAJOR GROUPS

YOUTH: Danijela Zunec, Rescue Mission Croatia, and Peter Wilson, Global Kids-Jamaica/U.S.A, introduced speakers from youth-based NGOs in Japan, India, Latvia, the U.S., Nigeria, Canada, Argentina, the Netherlands, the UK, Zimbabwe and Senegal. They

evaluated youth activities since UNCED, including: local environmental initiatives; youth NGO networks; educational seminars; local fund-raising drives; scientific research projects; and a children's translation of Agenda 21. They highlighted priority issues, including: education, participation in decision-making, gender balance, homelessness, human rights, recycling and sustainable production and consumption.

Three speakers identified priorities and challenges for the future. Bijaya K. Pokharel, Students Partnership WorldWide (Nepal), called for financial mechanisms to allow youth's ideas to be realized. He called on governments to provide access to micro-credit for youth and to invest in training and capacity-building. Adela M. Rodriguez, International Federation of Settlement Houses and Neighborhood Centers (U.S.), emphasized the importance of education and called on governments to fund non-formal education and invest in social services to increase people's capacity to contribute to a sustainable future. Anuragini Nagar, Rescue Mission India, discussed participation and noted that youth lack access to decision makers and recommended that governments include youth representatives on their delegations.

UGANDA noted the need for employment, education and political empowerment for youth and also called for action on AIDS and drugs. WE DO recommended that youth realize and focus on their power to influence through voting. The NETHERLANDS emphasized youth's ability to change policies at local and national levels.

The PHILIPPINES underlined malnutrition as a problem that inhibits youth from realizing their full potential. BELGIUM, the U.S. and a number of youth representatives highlighted the work of Rescue Mission on sustainable development indicators. CANADA asked what youth would like to result from UNGASS. Many responded that they seek access to information, increased support for awareness, skill-sharing and empowerment, and support for new and innovative ways of actively involving youth and NGOs in the sustainable development debate. TANZANIA said youth must communicate with their missions and said their job is to challenge governments. Discussants also focused on peer education, poverty, poor working conditions for youth and marginalization, particularly of indigenous youth.

SCIENTIFIC AND TECHNOLOGICAL COMMUNITIES: Julia Marton-Lefevre, International Council of Scientific Unions (ICSU), provided an overview of NGO mechanisms for international cooperation in science and technology. Sophie Boyer King described ICSU partner programmes, including the World Climate Research Programme, the International Geosphere-Biosphere Programme and Diversitas Rationale, a research programme on biodiversity, which illustrate a successful coordination of NGOs, IGOs and governmental organizations to produce information for sustainable development. Mohammed Hassan, Third World Academy of Sciences, said sustainable development depends on scientific knowledge and domestic capacity, local solutions and local experts, and full and effective participation of scientific

communities from both North and South. He noted the enormous gap between North and South in the ability to produce and access scientific information.

Veena Ravichandran, ICSU, noted that bio-resources provide a great opportunity for developing countries to increase their wealth. James Poirot, World Federation of Engineering Organizations, discussed the responsibility of engineers in sustainable development, such as information sharing, education and technological assessment. He highlighted changes to the canon of ethics for the American Society of Civil Engineers that incorporate principles of sustainable development. Roland Fuchs, Global Change System Analysis Research and Training, described programmes on capacity-building strategies, scientific support for policy formulation, and engaging the policy community.

Anne White, Human Dimensions of Global Environmental Change (GEC), described efforts to examine the socioeconomic, industrial and cultural forces driving GEC. Core programmes examine: industrial transformations; institutional dimensions; and GEC and human security and perceptions. George Rabb, IUCN, described humanity's supreme ignorance of biodiversity in terms of quantities of species and their values. He commented on the limitations of protected areas and instruments such as CITES, and the appropriateness of biosphere reserves, sustainable use in regional contexts, and investing in local peoples' capacities.

Panelists proposed that UNGASS engage in a "real" dialogue session. They also called for support for international research and national-level scientific education. Discussants also addressed: research and development priorities; assessment of scientific research efforts; the public image of science; efforts to address desertification; duplication of work; and indigenous capacity-building.

IN THE CORRIDORS

NGOs are reportedly rallying in reaction to amendments circulated by the OPEC States to the Co-Chairs' text on energy, transport and atmosphere. One NGO representative said the proposed amendments delete language stressing the importance of adopting a protocol or another legal instrument at FCCC COP-3 and add references to the inability to meet current commitments on lowering emissions and the adverse impacts on economic development. It also modifies language on increased investment in renewable energy research and the damaging impacts of fossil energy use by transportation systems.

THINGS TO LOOK FOR TODAY

DRAFTING GROUP: Delegates are expected to meet all day to begin negotiating the final text, using the Inter-sessional Working Group's Co-Chairs' draft as a basis, in Conference Room 2. In the morning they are expected to address the section on "Integration of Economic, Social and Environmental Objectives"

and in the afternoon they are expected to examine the section on "Sectors and Issues."

DIALOGUE WITH MAJOR GROUPS: Dialogues with women and trade unions will take place during the morning and afternoon, respectively, in Conference Room 1.

This issue of the Earth Negotiations Bulletin <enb@iisd.org is written and edited by Chad Carpenter, LL.M. <chadc@iisd.org, Peter Doran <PF.Doran@ulst.ac.uk, Kira Schmidt <kiras@iisd.org and Lynn Wagner <lynn@iisd.org. The Editor is Pamela Chasek, Ph.D. <pam@iisd.org and the Managing Editor is Langston James "Kimo" Goree VI <kimo@iisd.org. French translation by Mongi Gadhoun <mongi.gadhoun@enb.intl.tn. The sustaining donors of the Bulletin are the International Institute for Sustainable Development <reception@iisdpost.iisd.ca and the Netherlands Ministry for Development Cooperation. General support for the Bulletin during 1997 is provided by the Overseas Development Administration (ODA) of the United Kingdom, the Ministry of Foreign Affairs of Denmark, the Ministry of Environment of Sweden and the Swiss Federal Office of the Environment. Specific funding for coverage of this meeting has been provided by the Ministry of Foreign Affairs of Norway. Funding for the French version has been provided by ACCT/IEPF with support from the French Ministry of Cooperation and the Department of Environment

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Date: Sat, 12 Apr 1997 14:40:17 -0400
From: Doug Hunt <dhunt@center1.com>
Reply-To: dhunt@center1.com
Organization: NEER/UCC

MIME-Version: 1.0

To: Joan Russow <jrussow@coastnet.com

Subject: Re: MAI and NGO Lobbying document

Where is the MAI document posted

Thanks,

Doug Hunt

Date: Sat, 12 Apr 1997 14:47:03 -0400

From: Doug Hunt <dhunt@center1.com

Reply-To: dhunt@center1.com

Organization: NEER/UCC

Mime-Version: 1.0

To: csdgen@nygate.undp.org

Subject: World Bank/IMF Debt Initiative Update

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

Date: Wed, 9 Apr 1997 15:04:52 +0000

Subject: Eurodad HIPC Debt Initiative - 9 April 1997

Reply-to: eurodad@knooppunt.be

EURODAD HIPC DEBT INITIATIVE UPDATE - 9 April 1997

1. Urgent Action on Bolivia

As we informed you in our 4 April Update, Bolivia is the second Heavily Indebted Poor Country (HIPC) proposed for debt reduction under the HIPC Debt Initiative. Its case will be discussed at:

* The Consultative Group Meeting on Bolivia, Thursday, 10 April, in Paris;

* The (informal) Board meetings of IMF and World Bank/IDA on 15 April. Besides Bolivia, Cote d'Ivoire will also be discussed (and possibly other countries too).

* On Monday, 14 April the "Cap Paper for the Preliminary HIPC Initiative Documents for Bolivia, Burkina Faso, Cote d'Ivoire, and Uganda" will be discussed (we will come back to this Paper asap; see also the Financial Times, 9 April 1997).

We present below the summary of the Bolivia Paper, with our critical comments. We start with an assessment of the position of major creditors (as far as this has not been reported in our 4 April Update).

We are pleased to forward the following introduction to Eurodad's latest HIPC update. The full update is on coc.brettonexpand@conf.igc.apc.org

and is also available from Eurodad at eurodad@knooppunt.be

Thanks,

Doug Hunt

To: csdgen@nygate.undp.org

From: jrussow@coastnet.com (Joan Russow) (by way of information habitat <jrussow@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 inter-agency 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 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 SCHEME 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, LARGESCALE 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 THAT SUGGESTED 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 THE 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 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 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.

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. 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 NATURAL DISASTERS. 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 licenses 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 DECISION-MAKING 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 inter-governmental 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 inter-mediation 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.

International scientific evidence for environmental change.

64 consensus building is facilitated by the availability of authoritative scientific evidence. There is a need for further scientific cooperation, especially across academic disciplines, in order to verify and strengthen

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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.

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 inter-governmental 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.

- 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 OR 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 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, SAKATCHEWAN, 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 Nation 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.

Date: Wed, 2 Apr 1997 08:37:26 -0500

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: jrussow@coastnet.com (Joan Russow) (by way of information habitat <jrussow@coastnet.com)

Subject: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

AGAIN, AND AGAIN GOVERNMENTS NEGOTIATE THESE AGREEMENTS AND THEN FAIL TO SIGN, FAIL TO RATIFY, OF 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 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. THIS OBSERVATION 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, APPEARS 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 GLOBALLY MISPLACED PRIORITIES WITH \$850 BILLION BEING SPENT ON THE MILITARY WHILE CORPORATE TAXES ARE UNFAIRLY LOW, AMID 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 Inter-governmental 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 (HIPCs) 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 VIOLATIONS IN DEVELOPING COUNTRIES, ONLANDS 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. LICENSES AND CHARTER OF CORPORATIONS, INCLUDING TRANSNATIONALS, SHOULD BE REVOKED IF THE CORPORATION HAS VIOLATED HUMAN RIGHTS, CAUSED ENVIRONMENTAL 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 licenses, 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 A GLORIFICATION 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 ARENAS 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 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)

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 \$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.

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 approach where relevant.

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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 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 / ENVIRONMENTALLY 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 INITIAL DISCLAIMER STATING THAT THE INDICATORS WERE VOLUNTARY, AND THEN MENTION THE FIRST INDICATOR AS BEING TO CONSERVE BIODIVERSITY THUS POSSIBLY, 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 / ENVIRONMENTALLY 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 IN REACTORS] 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 INTERNATIONAL ENVIRONMENTAL LAW, THROUGH ENSURING MANDATORY INTERNATIONAL NORMATIVE STANDARDS AND in changing consumption patterns by improving their own environmental performance with time-tabled, 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 of REGULATIONS TO DRIVE CORPORATIONS AWAY FROM PRODUCING PRODUCTS THAT CONTRIBUTE TO OVER-CONSUMPTION 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 THE CORPORATE SECTOR IS NOT INVOLVED WITH DETERMINING THE PHILOSOPHICAL UNDERPINNINGS OF EDUCATION [FOR EXAMPLE THERE IS A PROGRAM, "LEARNING FOR SUSTAINABILITY", THAT HAS BOARD MEMBERS FROM INDUSTRY. IN ADDITION, RATHER THAN ENCOURAGE CORPORATE INVOLVEMENT IN UNIVERSITIES, 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 PHILOSOPHICAL UNDERPINNINGS 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 U.N. GLOBAL REGIME WITH MANDATORY INTERNATIONAL NORMATIVE STANDARDS / REGULATIONS THAT ENSURE 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 UPON THIS U.N. 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 U.S. 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 REGULATIONS 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 A 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 over-riding 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. This 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 RIGHT WAS QUALIFIED IN HABITAT II. THE RIGHT TO SAFE, AFFORDABLE, ENVIRONMENTALLY SOUND SHELTER 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:

INSTITUTE REGULATIONS THAT PREVENT THE MISUSE OF FRESH WATER.

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 U.S. 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 inter-governmental dialogue, under the aegis of the CSD, aimed at building a consensus; CONSENSUS MUST BE BASED ON PRINCIPLES ESTABLISHED THROUGH THE U.N. 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 inter-governmental 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 U.N. 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.

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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 inter-agency 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 Inter-governmental 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 un-served 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 SCHEME 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 U.N. 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 THAT SUGGESTED 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's 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 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 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 LICENSES 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 DECISION-MAKING 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 WHERECITIZENS 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 and 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 inter-mediation 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, ANDBE 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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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 pre-requisite 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 has 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.

() THAT in 1997 ON APRIL 17, I went to a presentation by Dr John Fagan

He told us about the dangers of genetically modified food I said if they are so dangerous, they should be banned he replied no they should be labeled

() THAT in 1997 on April 17

RESPONSE TO E-MAIL SENT ADVANCING FOREST PROTOCOL LINKED TO BIODIVERSITY CONVENTION AND OPPOSING FOREST CONVENTION WHICH WAS CANADA'S POSITION

X-Sender: thunder@pop.pipeline.com

Mime-Version: 1.0

Date: Thu, 17 Apr 1997 11:06:43 -0400

To: jrussow@coastnet.com

From: thunder@pipeline.com (J. Gary Taylor)

Subject: convention on forests, etc.

Dear Gary

Re: Global Compliance Research project

For years I have been doing research on the use of international agreements as an instrument of change. At a consultation meeting with CIDA, I, in collaboration with representatives from China, Nepal, Chile, proposed the Global Compliance Research project. We received a grant in 1995 to compile the strongest statements that could be found in the international documents on peace, environment, human rights and social justice. I coordinated the project and with the assistance primarily of a representative from Ghana, compiled an Charter of Obligations—350 pages of obligations incurred through the Charter of the United Nations, conventions, treaties and covenants; expectations created through General Assembly resolutions and declarations; and commitments made through Conference action plans. This Charter was sanctioned for official distribution at the UN Conference on Women in Beijing to each of the State delegations. At the end of the conference there were representatives from about 70 different countries that expressed an interest in the project.

RE: Forests

I attended UNCED, and after UNCED

I was at the 1994 IUCN conference in Argentina, where I attended meetings organized by Ian Fry from Greenpeace on the issue of Forest Convention

Initially the Global Compliance Research project

Dear Joan Russow,

I am editor and publisher of a newsletter on international environmental policy and practice by multinational companies. I read, with some interest, your email to csdgen on April 11. I wonder whether we could have a little email conversation on general issue of who is for and who is against the forest convention and why? I note, for example, that the U.S. delegation and U.S. NGOs seem to be an unusual partnership against but I note that Japan and perhaps Russia are leaning toward a convention. I would also be interested in knowing who sponsors the Global Compliance Research Project and whether you have any concrete research findings in this area that you would be willing to share.

Thanks a lot

J. Gary Taylor, Ph.D.

President

The Environment Group, Inc.

Publisher, Environment, Health & Safety newsletter

50 Sutton Place South

Suite 14C

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() that in 1997 on April 17, I sent the following to the editor of the globe and mail

EXHIBIT

To the Editor:

The Federal and provincial disregard for International environmental obligations

In 1992, at the United Nations, Canada signed the Framework Convention on Climate Change (ratified in 1992) and the Convention on Biological Diversity (ratified, 1992). The BC NDP government had endorsed these two Conventions.

In the Climate Change Convention, the Canadian government and by implication the government of B.C., had undertaken to reduce CO2 emissions, and to conserve carbon sinks such as old growth forests.

The Canadian governments at all levels have been lobbied by the auto and forest industry to the point of virtual inaction. Under the Biodiversity Convention, the Canadian government undertook to carry out an Environmental Assessment Review of activities that could contribute to loss or reduction of Biodiversity.

In addition, at the Habitat II Conference the Canadian Government made a commitment to move away from car dependency and develop environmentally sound transportation.

The Federal and BC governments have ignored both the obligations under the Framework Convention on Climate Change, and the Convention on Biodiversity and the commitment under the Habitat II conference action plan.

The recent construction of the Island Highway impacting on fish bearing streams without a real environmental impact assessment, and the lack of real support for extending the

EN and Light rail transit, and only moderate support for bicycle transportation are perfect examples of the disregard for these obligations and commitments.

Citizens have been arrested and condemned as criminals for calling for little more than for governments to live up to their international obligations and commitments. Over a 1000 citizens were arrested in Clayoquot Sound, and now citizens are being arrested in Temagami.

Soon citizens will be arrested in Ontario for protesting the transport of Plutonium from dismantled nuclear weapons to be used in CANDU reactors. When the Canadian government has made a commitment to prevent disasters through recent international conferences.

When in Montreal during the Campaign, I challenged Chretien to debate Canada's non-compliance with international agreements, and he walked by and disregarded my request.

I will be at the June 21-31, 1997, five- year follow-up to the United Nations Conference on Environment and Development (UNCED) in New York where national leaders of the member states of the United Nations will meet to delude the world about how well they have conformed with international obligations under conventions and international commitments under conference action plans from UNCED. I will certainly bring to the attention of the international community that throughout the election not one of the so-called "major" parties in Canada has seriously raised environmental issues.

At the review of UNCED I will also point out Canada's failure to comply with international obligations and commitments, and that citizens are being arrested and charged as criminals for calling for little more than Canada to live up to international obligations and commitments..

I will also take this opportunity to inform the UN high Commission on Human Rights which is responsible for the implementation of the International Covenant on Civil and Political Rights about what I perceived to be serious irregularities in the Canadian Electoral process.

Joan Russow (PhD)

National Leader

Green Party of Canada

250 598-0071

CELL 250 216 5813

() when I found out that three member of the CEN had been AT A MEETING IN 1993 with the government about genetically modified food and never revealed it to the rest of the environmentalists. In the CEN, I wrote the following:

() 1997 Canadian Civil Society's failed campaign on genetically engineered foods and crops

Joan Russow (PhD)
Global Compliance Research Project

There was a moral imperative for Canadian civil society to act precipitously to ban genetically engineered foods and crops to ensure food security, not only in Canada but also throughout the world. Canada as one of the principal producers and exporters of genetically engineered foods and crops has undermined global food security.

Canadian Civil Society's failed campaign on genetically engineered foods and crops Joan Russow (PhD) Global Compliance Research Project. There was a moral imperative for Canadian civil society to act precipitously to ban genetically engineered foods and crops to ensure food security, not only in Canada but also throughout the world. Canada as one of the principal producers and exporters of genetically engineered foods and crops has undermined global foods security. Civil society had early warnings about the intention of the Canadian government to embark upon a strong program of genetically engineered foods and corps. But this warning was not heeded. . The Federal government held consultation "stakeholder" meetings at least as early as 1993 with representative from the genetically engineered food industry, University and the Consumers' Association (about 8 members) and the Canadian Environmental Network (CEN) (about 3 members including Brewster Kneen.). At that time none of the experimental crops had been released. In the minutes of the meeting, the CEN did not speak out strongly against the introduction of GE foods and crops but indicated that there should be appropriate legislation in place, and the Consumer's Association treated the issue as a right to choose issue. Subsequent to the consultation process, 1993, there was an Annual General Meeting of the CEN in Prince Edward Island; this meeting was attended by one of the representatives who had participated in the consultation process.

NO RED FLAG WAS RAISED ABOUT THE POTENTIAL RELEASE OF GENETICALLY ENGINEERED FOODS AND CROPS. There was another key "stakeholder" meeting in 1996 at which time the government approved the release of soy, canola, corn and I believe squash. The same participants were included in the consultation meeting. In 1997, when I was leader of the Green Party of Canada, we ran in the election calling for the banning of genetically engineered foods and crops. At that time, I had thought that Canada was still considering whether to release genetically engineered foods and crops

) April 18 Highlights approve by Election Communication Committee

() THAT IN 1997 on April 19 we sent out a press release

FOR IMMEDIATE RELEASE

LEADERS OF BC AND CANADIAN GREEN PARTIES ACCUSE BC GOVERNMENT OF HYPOCRISY ON MAI WHERE WAS THE NDP MAI OPPOSITION DURING THE CORPORATE GLOBE 96?

Saturday April 19 1997

Canadian Green Party Leader Joan Russow and BC Green Party Leader, Stuart Parker today accused the Clark government of hypocrisy in its half-hearted opposition to the proposed Multilateral Agreement on Investment (MAI).

"While Glen Clark CONTINUEs to publicly rail against the MAI, his government's policies CONTINUE to be a showcase of the kind of policies we can expect across the OECD if the MAI is implemented," stated Parker.

Russow added "Through the BC. governments endorsement of deregulation through voluntary compliance programs the corporations in BC do not need the MAI to protect their investments. The corporate sympathetic government in B.C. has already devolved power to the corporations. Many citizens do not realize that deregulation through voluntary compliance is supported by the most strident proponents of the MAI. Deregulation and self regulation has been a long time strategy of multinationals through various schemes such as the ISO 14,000 where the corporation sets its own environmental plan and then is assessed on how well it conforms to its self initiated plan. The ISO 14,000 with its complementary notions of "forest indicators" and "voluntary compliance" will serve to undermine all existing standards mandated by international law. While on the surface the government of BC calls for the rejection of the MAI, the government is not only condoning but embracing the largest world conference on "deregulation" and "voluntary compliance" : Globe 98. While citizens take to the streets to protest the MAI Clarke was welcoming the major multinational polluters through his statement in the Globe 98 program:

"As Canada's Pacific gateway, British Columbia's location makes it the logical, competitive and strategic choice for business".

When Cathy MacGregor presided over the "corporate and international delegate" breakfast Russow asked her "if anyone from the BC Government was going to be speaking out against the MAI". She responded that no one from the B.C. government was going to be speaking on the MAI. The conspicuous absence of the BC government's

expressed concern about MAI at Globe 98 was a reflection of the nature of the audience: the global corporate community.

BC - a Showcase for Investors' Rights

BC is, in fact, a showcase of how other jurisdictions would be forced to behave, were the MAI implemented. This is reflected in recent Clark government decisions on agricultural land, raw log exports, devolution of power to forest companies for management of forests, and the government's aggressive campaign to lure aluminum smelting companies to BC on the promise of significant government subsidies of electrical energy.

Russow concludes "the MAI must be opposed but not at the expense of condoning federal and local governments implementation of many of the directives of the MAI. The MAI would undermine the democratic process and the power of democratically elected governments. Ironically the corporate sympathetic governments in Canada are prepared to undermine environmental regulations, and in the case of the federal government prepared to undermine social programs, and health care."

() April 20 Julia Mar 905 8205067 RE PEACE POLE IN PARKS

() Micahe Greenspoon 416 960 1288A

() FOR INCLUSION IN ELECTION 1997 PLATFORM

COMMENT ON A SUB-THEME OF THE ELECTION: MISPLACED GOVERNMENT PRIORITIES AND GREEN PARTY POLICY AS BEING GROUNDED IN INTERNATIONAL PRINCIPLES

Joan Russow

There is an urgent need for change. Only the Green Party has the international, national and local roots and the political will to address the current global crisis. This change will occur if there is meaningful community-based decision making within a framework of principles. We must recognize that real change involves more than simply preventing

actions from occurring in our own community. Too often, change is perceived to be nothing more than displacing the problem from one's immediate area; change has to be fundamental and has to occur concurrently in the international, national and regional spheres. Real local democracy for the citizenry will be when citizens have the power to make decisions in their community and the responsibility to ensure that their actions will not impact negatively on other communities. Governments must move away from vested interest decision-making to principle-based decision-making drawing upon a wide range of expertise and experience.

Most of my research in the past 10 years has been in examining international policy and principles reflected in international agreements, and circulating these principles and policies to try and bring about change at the national and local levels, and using local and national principles and policies to try to bring about change at the international level.

I have found that much of the policy and many of the principles in the Green Party can be grounded in international principles and policies:

For over fifty 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 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; expectations created through the United Nations Declarations and General Assembly Resolutions, and commitments made through Conference Action plans. .

When I was working on resolutions at the Federal Green Party meeting in Castlegar, I found that most of the resolutions reflected what governments had agreed to do internationally. I then prepared a 200 page document , "A Book of Resolutions" with the preambles drawn from what governments had agreed to internationally and the operative clauses drawn from what the Green Party, Non-Governmental Organizations and community groups were asking for.

Governments have incurred obligations through conventions, treaties and the Charter of the United Nations,

(i) to guarantee human rights including the right to be free from discrimination on all grounds ("other status"), the right to shelter, the right to food, the right to social security, the right to health care, the right to education (international human rights instruments);

(ii) to respect the inherent worth of nature beyond human purpose (Preamble, World Charter of Nature, 1982);

(iii) to protect the cultural and natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972) ;

(iii) to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity);

(iv) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992) to undertake to return to the level of emissions in 1990) by the end of the century(v) to no longer ignore the 1988 statement on the urgency of addressing climate change

Subsequently in 1988, scientists, politicians and members of Non Government Organizations (NGOs) met at the Changing Atmosphere Conference in Toronto to address the issue of climate change and warned that:

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

In the Conference Statement from the 1988 Conference, the participants, scientists, government representatives, industry, other organizations called for:

"the Stabilizing of the atmospheric concentrations of CO₂ is an imperative goal. It is currently estimated to require reductions of more than 50% from present [1988] 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."

While the threat of climate change has been obvious for decades, policy makers in governments and the private sector including the military establishment, as the major contributors to greenhouse gas emissions, have refused to address the urgency of the crisis. Largely coerced into this position by industry, industry front groups, industry funded academics and industry controlled states, member states have failed not only to address

the urgency of the crisis through enacting effective legislation, but also to even consider the sufficient resources that will be required to protect the poor and most vulnerable from the current and future impacts of climate change. In addition, they have failed to consider the need to assist low-lying states and small island developing states that have already been impacted by climate change, and to compensate the global displacement of people resulting from climate change.

(v) to prevent the production and consumption of ozone-depleting substances

Through General Assembly resolutions governments have created expectations of change through agreeing:

(i) to use of Scientific Technology for peace and for the benefits of humanity UN General Assembly Resolution, 1975);

(ii) to reduce the military budgets, ... and to reallocate the funds thus saved to economic and social development; It should be noted that the military budget at that time was less than 50% of what it is in 1997.

Through conference Action plans governments have made commitments:

(i) to eliminate weapons of mass destruction (UNCHE, 1972);(vi)

(ii) 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);

(iii) to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992);

(iv) 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);

(v) to reduce the ecological footprint (Art. 27 b);

(vi) to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent human-caused disasters (27 i);

(vii) to secure nature from degradation caused by warfare or other hostilities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982);

(viii) 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);

(ix) 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);

(x) 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);

Currently, governments are devolving their power and responsibility to corporations, especially transnationals. We must remind the citizens of Canada that Canada agreed, in recent conferences, to ensure that corporations, including transnationals, comply with national codes, social security... international law including international environmental law. Canada did not agree to cut back in funding in health care and move towards privatization of health care or to cut back funding to education so that corporations could determine the philosophical underpinning of education and direct research at University. The Green Party will give power to citizens rather than to transnational corporations, and facilitate citizens going to court to challenge corporations. Too often in Canada, citizens have been arrested and treated as criminals (Clayoquot and Temagami) for calling upon the governments of Canada and the provinces to do little more than live up to international obligations, while sympathetic administrations have permitted corporations to be in non-compliance with even Federal and Provincial statutory law. What is needed is to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards.

Currently at the United Nations, Governments are discussing their policies related to acting on their commitments from the United Nations Conference on the Environment and Development (UNCED, 1992). These discussions will be followed more and more closely by the media as the meetings move towards Earth Summit II where heads of State will meet in June 1997 in New York. The Green Party will be able to reveal that all parties that have been in power in Canada, have failed to comply with what has been undertaken internationally, and that it would only be through a Green Party government that Canada would be able to comply with obligations and commitments. .

The election of 1997 offers the Green Party of Canada a unique opportunity to demonstrate to Canadians that the Green Party policy is in line with international principles and policy. Too often, there is the perception that the Green party is too

idealistic, and not “credible” enough. By demonstrating that Green Party policies are in line with “the conscience of the global community”, we hopefully will be able to show that “credibility is adhering to principles and not compromising them to be elected.

() April 21 Comer meeting Roger 383-9863

April 21, I recirculated the criteria of public trust. Any state may be ranked in its discharge of its duty to protect its citizens, and that of all other States, by the following

EXHIBIT:

Any state may be ranked in its discharge of its duty to protect its citizens, and that of all other states, by the following

CRITERIA OF PUBLIC TRUST:

() THAT in 1997 on April 21, I wrote the report for the BC International Affairs Caucus

EXHIBIT;

APRIL 21 1997

REPORT FROM THE BCEN INTERNATIONAL AFFAIRS CAUCUS

Chair, Joan Russow

At the meeting of the International Affairs last year BCEN Annual General meeting, it was decided to follow through on two projects: Global compliance with international agreements, and a mining information and action program.

For the Habitat II conference Joan Russow, the Chair of the Caucus wrote a 150 page book entitled Comment on Habitat II Agenda: Moving beyond Habitat I to discharging obligations and fulfilling expectations. This book placed the sections of the Habitat II UN document in the context of previous commitments made at Habitat 1 and of previous obligations from conventions, treaties and covenants. The book was distributed to all the state delegations at the Habitat II conference in Istanbul to remind member States of the UN of previous commitments and obligations yet unfulfilled.

At the 1993 CEN meeting in PEI, two members of the BC International Affairs Caucus moved a resolution proposing that the CEN International affairs Caucus prepare a NGO report on Canada’s compliance or non-compliance with the commitments made in Agenda 21 (UNCED, 1992). This year, a line by line comment on Canada’s submission to the United Nations was made. The Chair of the BCEN International Affairs Caucus attended the follow-up session to UNCED in February 1997 at the United Nations, and gave a workshop on “Global Compliance: A modest Proposal”. A line by line comment was also done on the current UN document being prepared for follow-up to the United

Nations; this comment which was circulated on the international NGO web site criticized the member States of the United Nations for non-compliance with obligations and commitments from UNCED as well as with previous international agreements.

The caucus also lobbied internationally to counteract the Canadian government's proposal of a Forest Convention.

The Report from the mining projects will be made at the upcoming meeting of the International Affairs caucus at the BCEN Annual General meeting.

A CONTINUED on the ground project working cooperatively with the people in the field in Central America will also be reported at the International Affairs Caucus Annual General meeting.

() THAT in 1997 on April 21 1997, I submitted the report from the IAC CAUCUS
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John Edmonds

The International Affairs Caucus participated in several international meetings since the last Annual General Meeting. This year the Caucus worked on two projects I'm planning some major initiative re-mining while still in Canada. Also I'm anxious to get in touch with John Edmonds, do you have his embc's email to introduce our proposals/ My other major concern re: International has to do with capital and funding transfers to the "south". By and large it is either a waste of time, or if not, destructive in its powers to destroy the initiative of the grass roots. 99% of international development goes into the hands of the privileged classes and their toys. Financial support must involve a cooperative relationship with the people in the field, the Campesino; the people closest to the land. Their voice must be respected. It would be good to discuss this with you at some length, sooner or later. I will wait until your return before I come to Victoria. I also agree with you on the issue of corporate compliance, but How? Surely it must be done through their governments overseeing their behaviour? Thanks for keeping in touch. Sure we will give you \$100 for this international conference. Can we access any of the \$300? Is the UNA involved at all in your work or this planned conference. I'm planning to try to invigorate them if possible...Bye for now and please send me word of your activities at the conference....With loving spirit...Ira

From: anne-marie sleeman <asleeman@alternatives.com>

Subject: Reminder: Re Report Due

Hi. It's me again.... Just a reminder that your one page caucus report is due Tuesday, April 15th if it has not already been submitted.

Anne-Marie Sleeman, Executive Director
British Columbia Environmental Network (BCEN)

2nd Floor - 1672 East Tenth Avenue, Vancouver, BC
Canada, V5N 1X5
Phone: (604) 879-2279; Fax. (604) 879-2272
BCEN Email: bcen@alternatives.com

The BCEN is an affiliate of the BCEN Educational
Foundation (BCENEF) & the Environmental Fund of BC

- () APRIL 22 Roy Macfarlan
- () April 22 Quaker House
- () April 23 Souha United Nations
- () April 24 ferry to Vancouver

() THAT in 1997 on April 28
I responded to Tom Salzberg's proposal that we have, in our platform, a proposal for a second holiday in February called love day

EXHIBIT

1997 PRE-ELECTION 1997 DISCUSSION ON LOVE DAY

Why are we spending our time arguing about "Love day" when there is an election coming soon and we have not finished a platform? I recently circulated a strong statement on compliance internationally, and I entitled it "a modest proposal". In memory of Jonathon Swift, I am beginning to be reminded in the "Love day" discussion; more and more of the "egg debate" battle in Gulliver's travels. .

I think, that underlining this discussion is a serious question about the direction of the party. Do we want to be perceived as knowledgeable, strong etc. agents of change? Do we want to be perceived as sensitive and warm and fuzzy or Both? What language do we want to use to convey our ideas?

In addition, Valentines day is in February; perhaps we could propose a holiday in another month such as a common security day for promoting the interrelationship among peace, ecology, human rights and social justice?

() The '97 Federal Election

(*) THAT in response to my letter to Foreign Affairs in which I had proposed a series of projects, I was sent a copy of the proposed submission to the UN; I spent two months carrying out an in-depth analysis and critique of the document, and I submitted the document to Foreign Affairs; I received a letter of thanks for the comprehensive input, and I then circulated the document internationally.

() THAT in 1997, on November 21, I had requested that the review that I had done be put upon their web site

JUNE 22 1997

CONTACTED BY DEPARTMENT OF ENVIRONMENT FOR INPUT INTO THEIR DOCUMENT ON SUSTAINABLE DEVELOPMENT.

RESPONSE TO DOCUMENT: PRESENTED TO CANADIAN GOVERNMENT

COULD YOU PLEASE PLACE THIS RESPONSE (APPROXIMATELY 70 PAGES) THAT YOU REQUESTED ON THE WEB SITE FOR FOREIGN AFFAIRS AND INTERNATIONAL TRADE?

"Koshida,Grace [NCR]" <Grace.Koshida@EC.GC.CA

As per the voice mail message, the document is located on the Green Lane at the following address:

http://www.ec.gc.ca/sd-dd_consult/welcome_e.html. You will have to scroll down to the bottom of the page to find a hypertext link going to the MS Word version. Once again, if you cannot access this document, please contact us.

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.

KEY ISSUE; NON-REMUNERATED CONSULTATION WORK

() **THAT** I completed the response that had been requested from the Department of Environment

EXHIBIT

SUBMISSION AS REQUESTED TO ENVIRONMENT CANADA ON THEIR DOCUMENT RELATED TO SUSTAINABLE DEVELOPMENT

I PARTICIPATED IN CONFERENCE CALL IN BC WITH GOVERNMENT OFFICIALS AND NGOS. I WAS THE ONLY NGO AND THE REASON WAS THAT THE OTHER NGOS DECLINED BECAUSE THERE WAS NO REMUNERATION. I FELT, BECAUSE OF MY KNOWLEDGE OF INTERNATIONAL LAW AND CANADIAN OBLIGATIONS RELATED TO SUSTAINABLE DEVELOPMENT, THAT IT WOULD BE UNETHICAL FOR ME TO NOT RESPOND. I RESPONDED ON ONE CONDITION: THAT ALL MY COMMENTS WOULD BE put UP ON THE WEB SITE.

ICOMMENT: I think that it id important to have input into government documents so that they can never say that no one ever objected to what they were advocating

() THAT in 1997 in April RESENT

EXHIBIT:

Date: Wed, 2 Apr 1997 08:37:26 -0500

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: jrussow@coastnet.com (Joan Russow) (by way of information habitat <jrussow@coastnet.com)

Subject: RESPONSE TO AD HOC INTERSESSIONAL WORKING GROUP (re-send)

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

Dr. Joan E. Russow, Global Compliance Research Project

Co-ordinator, BCEN International Affairs Caucus

e-mail jrussow@coastnet.com.

1230 St. Patrick St. Victoria, B.C. CANADA

Tel/FAX. 250- 598-0071

1. GENERAL COMMENT

2.

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.[other than a commitment in Chapter 33 to re-allocate military expenses] . .

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 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 not 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 a 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.

fl 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".

fl 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

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.

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.

4. On June 26, 1997 we, 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.

For further information, please contact

Dr. Joan E. Russow, Global Compliance Research Project

Co-ordinator, BCEN International Affairs Caucus

e-mail jrussow@coastnet.com.

1230 St. Patrick St. Victoria, B.C. CANADA

Tel/FAX. 250- 598-0071

2. SECTION 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

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 CORPORATIONS, 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. IT 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.

2/ The question of international institutional arrangements in the area of sustainable development should be seen in the overall framework of the ongoing UN reform process.

Date: Wed, 2 Apr 1997 17:05:04 -0500

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: information habitat <infohabitat@igc.apc.org>

Subject: Message from Esmeralda Brown and Michael McCoy

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

The NGO Steering Committee for the
U.N. Commission on Sustainable Development

Esmeralda Brown

Southern Co-Chair Tel. 212 682-3633 Fax 212 682-5354

email: umcgbgm@undp.org

Michael McCoy

Northern Co-Chair Tel. 212 431-3922 Fax 212 431-4427

email: cca@igs-apc.org

()**THAT in1997** I made a proposal for a workshop at the APEC Forum

Hi Joan:

Here is more info on the No To APEC Peoples Conference Against Global
Imperialization.

Nov. 21 Friday eve. From 7 to 10 pm registration and wine and cheese.

Nov. 22 Saturday. Breakfast at 8 am followed by keynote and then a panel of
Int. speakers. More panel of speakers after lunch follows by an open forum.

Dinner at 6 pm. (Green Party Forum on Ecology and APEC at 8 pm at La Quana)

Nov.23. Sunday 10:30 am Int. reports and open forum. Workshops on exposing APEC and strategies of resistance after lunch. Dinner at 7 pm.

Nov.24. Monday 10 am Breakfast followed by plenary of resolutions and declarations with lunch break. Dinner at 6:30 pm Solidarity social at 7:30 pm.

Nov.25 Demonstration and rally 6 pm at the Art Gallery.

If you want to go to the conference, I can register you. You can bring the check with you when you come to the Vancouver Greens Dinner.

Also are you going to the Women's Conference? Let me know. Lastly we don't have much of a budget for the Green Party Forum to do leaflets. Do you have any funds in the federal budget which could be recovered by donations at the forum.

Imtiaz Popat

Ph(604) 580-0573 E-mail ipopat@alternatives.com

Dear Imtiaz

Please register me. We have absolutely no money. What we need to do is to quickly launch an activity on APEC, and then send a note of the activity around for funding. I have been trying to get this going for some time. Also should we not be looking into a fund for defending those who have been arrested in the Anti-Apec? Perhaps the second one could be incorporated into the first. Deborah mentioned that we can only fund "activities" and have to be very careful. I have sent out that list of activities for endorsement and further clarification about what we can fund.

I don't think it is too late to set up an activity. Part of the activity could be to print and circulate educational material i.e the pamphlets you were referring to.

Why don't you draft a quick proposal and we try to get it my Council and then move on it . I think that we could raise a lot of money on this issue to assist in the "No to Apec" activities

thanks for the update

Joan

EXHIBIT

() 1997 APRIL 10

Hi, Joan. Sid tells me you have some great ideas for a workshop during the Peoples' Summit in November. We don't have any funding, but hopefully may be able to get some. Any chance of a brief outline from you on a panel discussion for an afternoon session at the People's Summit on global compliance or lack of it? Please include suggested speakers and specific topics and I'll take it from there in terms of trying to find funding from the Labour Movement for it. Thanks.

Hope to see you next month. cc: BCEN SC

Anne-Marie Sleeman, Executive Director
British Columbia Environmental Network (BCEN)

2nd Floor - 1672 East Tenth Avenue, Vancouver, BC

Canada, V5N 1X5

Phone: (604) 879-2279; Fax. (604) 879-2272

BCEN Email: bcen@alternatives.com

(*) THAT since 1992, I have criticized the proposal, strongly advocated by the Federal Government of Canada, for a Forest Convention;

EXHIBIT

THAT I pointed out that the proposal for a Forest Convention rather than a Forest protocol linked to other conventions such as the Framework Convention on Climate Change, the Biodiversity Convention, the Convention for the Protection of Natural and Cultural Heritage etc had been promoted by the Forest industry because the industry did not want the adopted legally binding conventions to apply to forests.

Date: Fri, 11 Apr 1997 11:45:52 -0700 (PDT)

Mime-Version: 1.0

To: csdgen@nygate.undp.org

From: jrussow@coastnet.com (Joan Russow)

Subject: RE: Convention on Forests: A Forest industry project

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

THE CONVENTION ON FORESTS: A FOREST INDUSTRY PROJECT

Dr. Joan E. Russow

Global Compliance Research Project

Through numerous existing international conventions, obligations already exist in relation to forests: the Convention on Biological Diversity, the Framework Convention on Climate Change, and the Convention on Combating desertification etc. In addition, numerous forest-related ecological principles have been expressed as commitments made through various conference action plans.

The problem is not that there does not exist a Convention on Forests but that member States of the United Nations have failed to sign or ratify existing conventions related to forests, and have failed to enact the necessary legislation to ensure compliance and enforcement.

For example, several sections in the Convention on Biological Diversity could apply to forests. The obligation to identify biodiversity, the obligation to carry out an environmental assessment review of practices

that could contribute to the reduction or loss of biodiversity, and the obligation to invoke the precautionary principle which in essence advocates that in the event of reduction and loss of biodiversity scientific certainty is not necessary for the needed measures to be taken to prevent the loss or reduction of biodiversity. In addition, in the Climate Convention, there is an obligation to conserve and protect carbon sinks-one of which is old growth forests.

If these provisions had been implemented since 1992, there would be a movement away from logging old growth forests where substantial biodiversity resides, and there would have been an environmental assessment review of current forest practices. In addition, there is sufficient evidence that clear-cut logging and other environmentally unsound forest practices contribute to loss and reduction of Biodiversity to justify the discontinuation of these practices under the precautionary principle.

The fear of the applicability of the existing conventions has caused the forest industry, along with sympathetic administrations such as that in Canada, to call for a Convention on Forests with the intention of weakening existing UN documents.

An additional problem occurs in federal States such as Canada, where the Federal government signs agreements in areas over which provinces claim jurisdiction. Even though the Biodiversity Convention was endorsed at the cabinet level in the province of BC in Canada, the courts of BC have ruled that international law such as the Biodiversity Convention is not applicable in the courts of BC. Canada at the international level has been promoting the Forest Convention at the request primarily of the Forest Industry. Canada has, however, through practices in the various provinces been in non-compliance with the existing international agreements that

apply to forests.

Citizens have no recourse to raise issues of non-compliance. What is needed is an international Court of Compliance where citizens can take evidence of state noncompliance. There is a sufficient body of existing international instruments to ensure that the required protection, preservation and socially equitable and environmentally sound development of the global forests. is instituted

() THAT APRIL 11

Date: Fri, 11 Apr 1997 11:45:52 -0700 (PDT)

Mime-Version: 1.0

To: csdgen@nygate.undp.org

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international instruments to ensure that the required protection, preservation and socially equitable and environmentally sound development of the global forests. is instituted

() THAT I participated in April 1997 in a consultation meeting at the prep com for Rio +5 in New York

(*) THAT I lobbied for the inclusion in the April 1997 lobby document of a statement opposing the MAI (the Multilateral Agreement on Investments)

PROPOSED CHARTER IS LESS STRONG THAN WHAT GOVERNMENTS HAVE AGREED TO BEFORE

Comment on the proposed Earth Charter. by Dr. Joan Russow, Global Compliance Research Project.

When I attended the UNCED, and worked on the drafting committee of the NGO Earth Charter, I suggested that the World Charter of Nature be the basis for the proposed new Earth Charter. I was told that we should not use it because it had the word "man" all the way through. I pointed out that it was a document from 1982, and that all references to "man" could be changed to "human" but that was not sufficient.

Note: I have enclosed a copy of the World Charter of Nature.

I don't understand why we are proposing a soft law document. If we can devise a charter built on the World Charter of Nature that was a General Assembly resolution passed by a majority of States, and supplement it with new obligations, expectations and commitments then it should be presented as a legally binding document in the way that was intended in the original World Charter of Nature.

When I see the current proposal for the Earth Charter, circulated by Peter Alliance I find that in many ways the language is considerably less strong than in the World Charter of Nature., and in other conventions, treaties, General Assembly resolutions, declarations and Conference action plans.

The existing World Charter of Nature from 1982 could be easily supplemented with principles from the Rio Declaration such as the non-transference of harmful substances (14) , and the precautionary principle without the “cost effective” and with shall instead of “should” (15) It could also contain a section on Human Rights summarizing the rights that have been agreed to. subsequent to the Universal Declaration of Human Rights, and calling for “other status” to include family composition and sexual orientation.

It could also be supplemented with other strong General Assembly resolution such as the following:

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 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)

In addition there are new obligations arising from Conventions since 1992, such as from the World Conference on Human Rights, the Social Summit, the International Conference on Population and Development, the UN Conference on Women: Equality, Peace and Development, and from Habitat II Agenda.

In 1995, I prepared the "Charter of Obligations" which was a 350 page compilation of strong statements reflecting obligations incurred through the Charter of the United Nations, expectations created through General Assembly Resolutions, and Declarations, and commitments made through Conference Action Plans. There are so many statements already agreed to by States that could contribute to a stronger document.

Regards

Joan Russow

(*) **THAT** at the Earth Summit + 5 Inter-sessional meeting in New York, I attended the working group session on Forests and lobbied the EU, and the G77 to oppose Canada's proposal for a Forest Conventions; and that I circulated, to key members of the working group, a video tape made by the Sierra Club of Western Canada on clear-cut practices in British Columbia and that I pointed out that these practices in British Columbia were in contravention of the Convention on Biological Diversity.

EXHIBIT: April 11 1997

ATTENTION ROBERT

I remember at the meeting on Monday, Victoria raised the issue of MAI (Multilateral Investments Agreement). I have just downloaded the agreement. We must have a statement in the document related to this move by the OECD.

Joan Russow

Here is a suggestion:

We call upon the OECD to cease all negotiations on the Multilateral Investment Agreement (MAI). This agreement attempts to bypass standards that have arisen from the obligations incurred through UN conventions, treaties, and covenants, and commitments made through Conference Action plans. The MAI has co-opted the term 'standards' which has been used in other international instruments to designate behaviour related to the guaranteeing of human rights, the protecting of the environment, and the preventing of war and conflict. In MAI, the term "high standard" refers to high standards for the liberalization of investment regimes and investments. In this context the term "standards" is being used to undermine years of standards set in the international realm in the areas of human rights, environment, peace and social justice. While the United Nations is negotiating the follow-up to the UNCED, the OECD is undermining the UN process by setting up their own international agreement to promote the vested interest of the corporate sector. The MAI agreement has been slated for completion by May 1997. Immediate action must be taken to prevent the institutionalization of this agreement.

This OECD agreement affirms that “accession to the MAI would send a signal to investors that the acceding country subscribes to high standards of investment liberalization and protection, thus giving it a competitive edge.”

It should be noted that the member States of the United Nations undertook, in recent conferences, to “ensure that corporations comply with all national codes, social security measures, international law, including international environmental law”. (Platform of Action< UN Conference on Women; Habitat II Agenda).

The OECD is serving to undermine the international political resolve to ensure compliance with international obligations arising from Conventions, treaties, and covenants, and to ensure acting upon international commitments made through conference action plans.

This role of the OECD parallels a similar process that occurred in 1971 when the OECD expressed not concern about the cost to the environment of not having environmental regulations but the cost of environmental regulations.

“There is a need today for multilateral rules that set high standards for investment liberalization”

ATTENTION: ROBERT

You are doing a wonderful job. I admire your incredible patience, and your effective way of working.

I just wanted to address what I perceive as a few omissions; I am not introducing anything new but only omissions about what had been already agreed to. I am also making a suggestion for the human rights section, including the interdependence of issues, and the need to express the urgency.

Joan

Re: Omissions.

1. In the Towards Earth Summit II Comments, sent in by 4th of April 4 1997, under Integrated Monitoring Frameworks, the following statement was included and is now left out. I was in the Integrated Monitoring Frameworks group and it was my understanding that the following section was to be included:

Member States should undertake to sign and ratify international agreements that have not yet been signed by them and to enact the necessary legislation to ensure compliance and enforcement. In addition, countries should undertake to fulfill the expectations created through General Assembly resolutions and to act upon commitments arising from conference action plans. (circulated in Comments from April 4 1997 draft)

2. At the plenary session on Sunday, when Climate Change was being discussed, I raised a concern about Ozone depletion and ultraviolet radiation being included, and I was assured that a statement would be included:

At a minimum, something like the following: We support the undertaking of increased time-bound obligations related to the elimination of the production and consumption of ozone-depleting substances and increased government support for the development of environmentally safe and sound alternatives.

Re: Undertakings by the drafting committee

At the meeting on Monday, there was an undertaking to have an all -inclusive introductory paragraph.

In addition there was an undertaking to have a paragraph on the urgency of the global situation.

I submit the following as a suggestion:

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

Five years later, the urgency expressed in 1992 has become not only even more apparent but has worsened. At a time where the global military budget is over 800 billion dollars, the right to shelter, the right to food, the right to safe drinking water, the right education, the right to universal health care, the right to a safe environment, the right to respect and tolerance of difference, and the rights of future generations have been virtually ignored.

1. In the Towards Earth Summit II, Comments sent in by 4th of April 4 1997, under Integrated Monitoring Frameworks, the following statement was included and is now left out. (I was in the Integrated Monitoring Frameworks group and it was my understanding that the following section was to be included):

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2. At the plenary session on Sunday, when Climate Change was being discussed, I raised a concern about Ozone depletion and ultraviolet radiation being included, and I was assured that a statement would be included such as:

We support the undertaking of increased time-bound obligations related to the elimination of the production and consumption of ozone-depleting substances, and

Re: Undertakings by the drafting committee

At the meeting on Monday there was an undertaking to have an all-inclusive introductory paragraph.

In addition there was an undertaking to have a paragraph on the urgency of the global situation.

Interdependence of issues.

A proposal

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

Five years later, the urgency expressed in 1992 has become not only even more apparent but has worsened. At a time where the global military budget is over 800 billion dollars, the right to shelter, the right to food, the right to safe drinking water, the right education, the right to universal health care, the right to a safe environment, the right to respect and tolerance of difference, and the rights of future generations have been virtually ignored.

If the urgency of the global situation is to be addressed, the complexity and interdependence of human rights, environment, peace, social justice, socially equitable and environmentally sound development has to be recognized and actions have to be taken immediately to reestablish global priorities.

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.

The Earth Summit II, is a unique opportunity for the member States of the United Nations to move from years of carefully crafted statements to bold and vigorous action to address the current global urgency.

Date: Thu, 10 Apr 1997 00:53:54 -0400

X-Sender: habitat@nywork2.undp.org

To: csdgen@nygate.undp.org

From: information habitat <infohabitat@igc.apc.org

Subject: revised draft ngo recommendations for earth summit two

Mime-Version: 1.0

Sender: owner-csdgen@nywork3.undp.org

Precedence: bulk

Dear friends

Here is the revised draft recommendations from ngos re the earth summit.

We agreed at Wednesday night's process subcommittee meeting that we would plan to reach agreement on a revised version by Friday 18 April so that it would be available for distribution on Monday 21 April and that all suggestions would need to be given in - via email and/or on diskette provided that is possible - no later than 6 pm on Wednesday 16 April

Robert Pollard

information habitat - where information lives

****START

() The '97 Federal Election

THEME: "MISPLACED PRIORITIES"

• The Canadian government spends more than \$10.3 billion a year on the military. The General Assembly passed a resolution in 1981, undertaking to reduce the military budget, which was then 50% of what it is now, and to transfer the savings into social programs. In Canada, \$5 billion should be transferred immediately into transfer payments to the provinces to provide for education, health and social services.

OTHER MEASURES

1. charters or licenses 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 over-consumptive 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 decision making 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

LEAP-OVER PRACTICE

1997

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 Shadrock 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

() THAT in 1997, in APRIL, I RESPONDED TO THE DRAFT PLATFORM

RESPONSE TO DRAFT PLATFORM:

I HAVE BEEN PREPARING A 200 PAGE CHARTER OF RESOLUTIONS WITH THE PREAMBLE 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

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, ETCA 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)

World Watch Institute recently stated that \$500 billion a year is spent subsidizing the destruction of oceans, atmosphere and land; more than \$100 billion a year is spent subsidizing power stations, 300\$ billion encouraging destructive farming and overgrazing, and \$50 billion encouraging overfishing (Cristopher Favin World Watch Institute, cited in the Guardian, February 2,1997). The United Nation’s Environmental Program (UNEP) recently warned that almost 3 billion people would be severely short of water within 50 years. Land covering 1.23 billion acres has severe soil erosion in Africa; most oceans were being over- fished and more than three-quarters of the world’s species have been declining or facing extinction because governments were not addressed in the global environment crisis ...the Guardian also reported that Elizabeth Dowdeswell, from UNEP, told diplomats that politicians were not grasping the seriousness of the situation. ...and lacked the necessary sense of urgency.

In Canada, deforestation, overfishing, reduction and loss of biodiversity, greenhouse gas production, as well as erosion of social programs, including health care, are continuing to increase.

THERE COULD BE A SECTION SUMMARIZING THE URGENCY OF THE GLOBAL, NATIONAL AND LOCAL PROBLEMS (SEE ANNEX WITH A SURVEY OF THE STATE OF URGENCY)

HERE IS AN INTEGRATION OF THE CURRENT PLATFORM WITH THE FRAMEWORK THAT I HAVE BEEN WORKING ON. I THINK WE HAVE TO SPEND MORE TIME ON THE BROAD CATEGORIES.

THE GREEN PARTY OF CANADA WOULD UNDERTAKE ACTIONS IN THE FOLLOWING BROAD CATEGORIES OF CONCERN :

(A)

SOCIAL JUSTICE, AND EQUITY AND SECURITY

(B)

FOOD SECURITY

(C)

HEALTH RIGHTS AND ETHICS

(D)

ENVIRONMENT AND HEALTH

(E)

NATURE, ENVIRONMENT AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

(F)

CLIMATE CHANGE AND OZONE-DEPLETION PREVENTION

(G)

EMISSIONS PREVENTION AND ELIMINATION

(H)

HUMAN-INDUCED DISASTERS

(I)

CONSERVATION, BIODIVERSITY AND FORESTS

(J)

GREEN SPACES, PARKS, PRESERVATION AND CONSERVATION

(K)

MARINE, AND FRESH WATER ORGANISMS

(L)

ENVIRONMENT, TRANSPORTATION AND ENERGY

(M)

ENVIRONMENTALLY SOUND ENERGY

(N)

ENVIRONMENTALLY SOUND PRACTICES AND REDUCTION OF
OVERCONSUMPTION

(O)

EQUITABLE AND ENVIRONMENTALLY
SOUND FINANCE

(P)

TRADE ENVIRONMENT HUMAN RIGHTS AND REGULATIONS

(Q)

MILITARY CONVERSION AND TRANSFER FUNDS TO SOCIALLY EQUITABLE AND
ENVIRONMENTALLY SOUND DEVELOPMENT

(R)

WEAPONS, MILITARY, WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL
ARMS

(S)

HUMAN RIGHTS AND RESPONSIBILITIES

(T)

COMMUNICATION AND EDUCATION

(U)

ARTS AND CULTURE

(V)

COMPLIANCE, COMPENSATION AND IMPLEMENTATION

(W)

JUDICIAL REFORM

(X)

ELECTORAL REFORM: PROPORTIONAL REPRESENTATION

(Y)

PRINCIPLE-BASED DECISION MAKING

(Z)

PUBLIC ACCESS TO INFORMATION

() In April, I BEGAN DRAFTING THE GREEN BOOK [DRAWN FROM PASSED RESOLUTIONS AND INTERNATIONAL LAW]

THE GREEN BOOK

POLICY ACTIONS WITHIN A PLATFORM OF CHANGE

INACTION IS NEGLIGENT

(A)

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

- GUARANTEEING ECOLOGICAL RIGHTS TO A SAFE ENVIRONMENT (CLEAN AND UNPOLLUTED AIR, WATER, AND LAND); AND TO AN ECOLOGICAL HERITAGE FOR FUTURE GENERATIONS

(B)

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, 197

- GUARANTEEING THE RIGHT TO FOOD (THE RIGHT TO NON GENETICALLY ENGINEERED OR RADIATED FOOD, NUTRITIOUS ORGANICALLY GROWN

- 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 OF GENETICALLY ENGINEERED FOOD, AND IRRADIATED FOOD

(C)

HEALTH , RIGHTS AND ETHICS

- DEVELOPING CRITERIA FOR DETERMINING MEDICAL CHOICES
- ESTABLISHING GUIDELINES FOR REPRODUCTIVE TECHNOLOGIES LIKE SURROGATE MOTHERHOOD
- ENSURING THE RIGHT OF ACCESS TO REPRODUCTIVE CHOICE
- PROMOTING THE AVAILABILITY OF GENERIC OVER PATENTED DRUGS
- DECRIMINALIZING DOCTOR ASSISTED SUICIDE, AND EUTHANASIA

- GENETICALLY MODIFIED ORGANISM AND THE PATENTING OF HUMAN GENES
- LIMITING AND CONTROLLING BIOTECHNOLOGY
- ENSURING THE ETHICAL TREATMENT OF ANIMALS, PHASING OUT THE USE OF ANIMAL IN RESEARCH

(D)

ENVIRONMENT AND HEALTH

“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

(E)

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 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)

F.

CLIMATE CHANGE AND OZONE-DEPLETION PREVENTION

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).

- 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
- ELIMINATION 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

G.

EMISSIONS PREVENTION AND ELIMINATION

“Zero use, production , and release of persistent and /or bio-accumulative toxic substances in the environment, workplace and home. Zero does not mean below some arbitrary level, or even beneath the level of detection. Zero means Zero. (ZERO 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

H.

HUMAN-INDUCED DISASTERS

“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 WASTE
- 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

I.

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 trans-boundary 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

- ENSURING PRESERVATION, PROTECTION AND CONSERVATION FORESTS THROUGH FOREST PROTOCOLS LINKED WITH EXISTING CONVENTIONS

- BANNING CLEAR-CUTTING 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

J

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

K

MARINE, AND FRESH WATER ORGANISMS

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 net-cage fish to wild stocks; Risks of introduction of exotic diseases from the CONTINUED importation of off-site 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 net-cage 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

- 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

- ESTABLISHMENT OF MARINE PROTECTED AREAS FREE FROM FOSSIL FUEL AND HUMAN WASTE POLLUTION -

- REQUIRING MANDATORY WATER CONSERVATION

- PREVENTING TRANS-BOUNDARY POLLUTION (ENFORCING WHILE MOVING BEYOND BASEL CONVENTION)

- PREVENTING ENVIRONMENTALLY UNSOUND DISCHARGES INTO WATER BODIES

L

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 THE FULL SUBSIDY FOR THE INFRASTRUCTURE FOR THE AUTOMOBILE

- REESTABLISHING A VIABLE RAIL SYSTEM

- 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

M

ENVIRONMENTALLY SOUND ENERGY

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 UNSOUND 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 BASES 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
- CONDEMNING AND BAN THE PROPOSAL TO USE WEAPONS-GRADE PLUTONIUM FROM DISMANTLED RUSSIAN AND U.S. WEAPONS (IN THE FORM OF MOX) IN CANDU REACTORS.
- ELIMINATING OF SUBSIDIES FOR NUCLEAR ENERGY AND PHASING OUT OF NUCLEAR ENERGY

N

ENVIRONMENTALLY SOUND PRACTICES 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)

- 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

- 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 LIFE-CYCLE ANALYSIS OF EACH PRODUCT WITH 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.

O

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).

- CANCELING DEBT/DEBT FORGIVENESS AND REPARATION

- ENSURING THAT .07% OF GNP (UN UNDERTAKING) FOR FOREIGN “REPARATION”

- CONVERTING VESTED ECONOMIC INTEREST GATT TO SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND AGREEMENTS BASED ON PRINCIPLES

- REQUIRING ADHERENCE TO THE TRANS-BOUNDARY PRINCIPLE BY PREVENTING ALL ENVIRONMENTALLY UNSOUND ACTIVITIES

- 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 ENVIRONMENTALLY HARMFUL ACTIVITIES

- CONDEMNING THE CONTINUED FOREIGN AID POLICY DIRECTION OF STATE AND BUSINESS SELF INTEREST COMPETITION RATHER THAN INTERNATIONAL COOPERATION AND SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

- SUPPORTING LOCAL MARKETS, LAND REFORM, AND SELF-RELIANCE RATHER THAN CASH CROPS FOR EXPORT;

- 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

- 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 DECOMMISSIONING 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;

- 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.

P

TRADE ENVIRONMENT 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

- COORDINATING 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).

Q

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 PROVIDING FOR CONSCIENTIOUS OBJECTORS
- SUPPORTING NON-MILITARY SOLUTIONS MOVING TOWARDS PEACE WITH
JUSTICE
- PROMOTING CIVILIAN RULE

- PREVENTING THE CAUSES OF CONFLICT
- ELIMINATING URANIUM MINING AND THUS PREVENTING THE CONTRIBUTION TO NUCLEAR WEAPONS

R

WEAPONS, MILITARY, WEAPONS OF MASS DESTRUCTION AND CONVENTIONAL ARMS

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)

- 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
- ELIMINATING OF THE PRODUCTION OF WEAPONS OF MASS DESTRUCTION, ELIMINATION OF NUCLEAR WEAPONS BY THE YEAR 1999
- PROHIBITING THE DISPLAY, SUBSIDY, USE OF SPECIFIC MILITARY WEAPONS AND DEVICES
- ENSURING THAT THE ENVIRONMENT IS NOT ALTERED FOR MILITARY PURPOSES

- 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

- 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

- 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

- 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.

in 1997 I wrote and circulated a petition calling for Canada's withdrawal from NATO

EXHIBIT

1997 PETITION CIRCULATED FOR SIGNATURES AND DISTRIBUTED ON INTERNET

PETITION

TO THE HOUSE OF COMMONS

IN PARLIAMENT ASSEMBLED

We the undersigned citizens

draw the attention of the House to the following

that:

"Canada is a party to the first use/first strike of nuclear weapons through its membership in NATO and through numerous bilateral agreements with the U.S. and this policy according to the judgment of the World Court in 1996 is in direct violation of international humanitarian law precisely because it embodies the operationalized threat to use nuclear weapons—the preferred weapons of mass destruction" States Dr. Fred Knelman.

"There must be a serious investigation into the role of Canada in the development and projected use of weapons of mass destruction" says Dr. Joan Russow, National Leader of the Green Party of Canada.

What has been the role of Canadian Universities?

There have been numerous contracts given to Canadian Universities in the development of chemical and biological weapons. The substance and nature of these contracts must be made public.

What has been the role of Provincial and Federal governments in the proliferation of nuclear weapons?

"The government of Saskatchewan has to a major degree based its economy on the export of uranium. Even though there is a condition of sale that Canadian uranium should be used for peaceful purposes; nevertheless some Canadian uranium has found

its way into the nuclear arsenals of the U.S., Britain and France and even the former Soviet Union and now projected into China" as noted by Dr. Fred Knelman. Successive Canadian governments have been promoting the sale of CANDU reactors and the export of uranium around the world. In the past for example, even though Canada knew that Argentina had a secret program to develop nuclear weapons Canada persisted in the sale of a CANDU reactor was saved only by the fact that there was a change in government.

What has been the role of the Canadian government, in consistently voting with the U.S. on key UN General Assembly resolution requiring nuclear arms control and disarmament, and voting against any inclusion in recent UN Conference Action plans on eliminating weapons of mass destruction? Canada has continually condoned the berthing of nuclear armed or nuclear-powered vessels in Canadian urban ports.

What has been the role of the federal government in the development of chemical and biological weapons?

This role was evident in the former four country joint project (Britain, Canada, U.S. and Australia) in which one of the two major research station was at Suffield, Alberta.

This is the time for reflection in Canada- on Canada's role in the development and proliferation of weapons of mass destruction; on the need for full public disclosure.

THEREFORE, your petitioners request that Parliament do the following:

- (i) to proceed with haste to disCONTINUE the permission that has been granted to Nuclear-powered or nuclear armed vessels in the harbours of Canada
- (ii) to cancel the sale of all CANDU reactors, and disCONTINUE all future sale of CANDU reactors
- (iii) to phase out the use of nuclear energy in Canada
- (iv) to suffocate the mining of Uranium
- (v) to reveal to the public the full extent of Canada's past and current contribution to the development and proliferation of weapons of mass destruction.
- (vi) to immediately cancel the Nanoose Agreement

S

HUMAN RIGHTS AND RESPONSIBILITIES

“All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of human Rights, without distinction of any kind,”

- PREVENTING GENOCIDE AND ALL ACTIONS THAT COULD POTENTIALLY RESULT IN GENOCIDE

- PREVENTING 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.

- PREVENTING ALL FORMS OF RACIAL DISCRIMINATION

- PROMOTING AFFIRMATIVE ACTION

- PREVENTING ALL FORMS OF DISCRIMINATION AGAINST WOMEN

- RESPECTING THE LIMITATIONS OF FUNDAMENTAL RELIGIOUS FREEDOMS: CONDEMNATION OF EXTREMISM

- GUARANTEEING AND EXTENDING HUMAN RIGHTS PROTECTION

- GUARANTEEING THE RIGHTS OF THE FAMILY AND THE ACCEPTANCE OF ALL FORMS OF THE FAMILY

- GUARANTEEING THE RIGHTS OF THE CHILD
- AFFIRMING AND GUARANTEEING THE RIGHTS OF PERSONS WITH DISABILITIES
- GUARANTEEING THE RIGHTS OF INDIGENOUS PEOPLES
- AFFIRMATION OF THE RIGHTS OF SELF-DETERMINATION
- ∞• RESPECTING CULTURAL INTEGRITY AND CULTURAL PROPERTY, AND APPROPRIATENESS, AND RETURNING OR RESTITUTING OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN

- GUARANTEEING INTELLECTUAL PROPERTY RIGHTS OF INDIGENOUS PEOPLES

RESOLUTION DISCONTINUING THE DUMPING OF HAZARDOUS DRUGS, CHEMICALS AND CONTRACEPTIVES ON INDIGENOUS PEOPLES

- CONDEMNING AND HALTING COERCIVE FAMILY PLANNING SERVICES, LIKE MASS STERILIZATION OF INDIGENOUS WOMEN
- BANNING OF ALL URANIUM MINING AND NUCLEAR TESTING BE STOPPED ON ALL LAND OF INDIGENOUS PEOPLES
- PLACING THE “S” BE PLACED ON THE EXPRESSION “INDIGENOUS PEOPLE” IN ALL U.N. DOCUMENTS
- ENSURING THAT ALL ACTS OF DISCRIMINATION AGAINST INDIGENOUS WOMEN BE PUNISHED AS A CRIME

- DISALLOWING THE INTELLECTUAL AND CULTURAL RIGHTS TO NOT BE THE DOMAIN OF PRIVATE INTELLECTUAL RIGHTS AND CORPORATE MONOPOLIES TO VIOLATE THESE.
- BANNING THE PATENTING OF ALL LIFE FORMS
- CONDEMNING AND STOPPING THE HUMAN GENETIC DIVERSITY PROJECT, AND THE PATENTING OF GENETIC MATERIAL FROM INDIGENOUS PEOPLES
- REDUCING THE NEED FOR IMMIGRATION BY GUARANTEEING HUMAN RIGHTS, BY PROTECTING AND PRESERVING THE ENVIRONMENT, AND BY PREVENTING CONFLICT AND WAR
- GUARANTEEING THE RIGHTS OF REFUGEES
- GUARANTEEING THE RIGHTS OF MIGRANT WORKERS
- GUARANTEEING THE RIGHTS OF FUTURE GENERATION

T

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)

- ENSURING THE RIGHT TO AN EDUCATION WHICH IS EQUITABLE, COLLABORATIVE, AND MEANINGFUL

- STIMULATING AWARENESS OF HUMAN RIGHTS, ENVIRONMENT, AND PEACE ISSUES THROUGH EDUCATION

- STRENGTHENING THE MEDIA AS AN INSTRUMENT OF PUBLIC TRUST

- 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

- 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”

U

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 AND TELEVISION

V

COMPLIANCE, COMPENSATION AND IMPLEMENTATION

“...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, UN Conference on Women).

- DISCHARGING OBLIGATIONS INCURRED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH CONVENTIONS, TREATIES, AND COVENANTS

- REQUIRING THE SIGNING AND RATIFYING OF EXISTING UN INSTRUMENTS AND THE ENACTING OF THE NECESSARY LEGISLATION TO ENSURE COMPLIANCE AND ENFORCEMENT

- FULFILLING EXPECTATIONS CREATED THROUGH GENERAL ASSEMBLY RESOLUTIONS AND CONFERENCE ACTION PLANS, RECOGNIZING THE APPLICABILITY OF THE DOCTRINE OF LEGITIMATE EXPECTATIONS

- ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION OF THE ACTIVITIES AND SUBSTANCE THAT CONTRIBUTE TO SOCIALLY INEQUITABLE AND ENVIRONMENTALLY UNSOUND DEVELOPMENT
- INSTITUTING MANDATORY INTERNATIONAL STANDARDS (MINS) WITH REGULATIONS FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR
- ESTABLISHING AN INTERNATIONAL COURT OF COMPLIANCE WHERE CITIZENS CAN TAKE EVIDENCE OF STATE NON-COMPLIANCE
- REQUIRING REGULATIONS AND STANDARDS: FOR GUARANTEEING HUMAN RIGHTS, FOR PROTECTING, PRESERVING AND CONSERVING THE ENVIRONMENT, AND FOR PREVENTING CONFLICT AND WAR
- ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH ALL NATIONAL CODES, SOCIAL SECURITY LAWS AND INTERNATIONAL LAW, INCLUDING INTERNATIONAL ENVIRONMENTAL LAW
- ENSURING CORPORATIONS INCLUDING TRANSNATIONAL CORPORATIONS COMPLY WITH THE ENVIRONMENTAL STANDARDS OF THEIR HOME STATES OR INTERNATIONAL STANDARDS WHICH EVER ARE HIGHER
- REJECTING ISO 14000 PROCESS OF CORPORATE CONFORMANCE WITH SELF-INITIATED STANDARDS
- PREVENTING THE RELAXING OF STANDARDS OR REGULATIONS TO ATTRACT INDUSTRY
- REVOKING CHARTERS OF CORPORATIONS INCLUDING TRANSNATIONALS THAT HAVE FAILED TO COMPLY WITH INTERNATIONAL LAW THROUGH THEIR

VIOLATING OF HUMAN RIGHTS, THEIR CAUSING ENVIRONMENTAL DEGRADATION, OR THROUGH THEIR CONTRIBUTING TO CONFLICT OR WAR

- PROVIDING COMPENSATION FOR HUMAN RIGHTS VIOLATIONS AND ENVIRONMENT DEGRADATION , AND FOR DESTRUCTION FROM WAR
- ENSURING REHABILITATION AND RESTORATION OF AREAS DEGRADED BY HUMAN ACTIVITIES

W

JUDICIAL REFORM

“...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)

- INSTITUTING JUDICIAL REFORM, INCLUDING THE POSSIBILITY OF DIRECTORS OF COMPANIES BEING CONVICTED FOR CAUSING ENVIRONMENTAL DEGRADATION
- GUARANTEEING, THROUGH A CONSTITUTIONAL AMENDMENT, THE RIGHT OF EVERY CITIZEN TO HOLD CORPORATE OWNERS, OFFICERS AND SHAREHOLDERS LEGALLY LIABLE FOR THEIR CORPORATION'S ENVIRONMENTAL AND SOCIAL ACTIONS.
- ENSURING THAT ALL STATES ARE BOUND BY INTERNATIONAL INSTRUMENTS, AND IN FEDERAL STATES, THAT INTERNATIONAL LAW CAN BE USED IN THE LOCAL COURT SYSTEMS

- BINDING OF INTERNAL GOVERNMENTS BY INTERNATIONAL PRINCIPLES

- SEARCHING FOR JUSTICE ON REPAIRING OF SOCIAL INJURY, THE RIGHTS OF VICTIMS AND THE RESPONSIBILITIES OF THE OFFENDER TO BE ACCOUNTABLE FOR THEIR ACTIONS

- CHANNELING YOUNG OFFENDERS AND CRIMINALS ARE CHANNELED INTO ALTERNATIVE PROGRAMS

- CONTROLLING AND SUPPORTING NON-VIOLENT OFFENDERS BY SENDING THEM DIRECTLY TO HALFWAY HOUSES INSTEAD OF PENITENTIARIES.

- DECRIMINALIZING THE POSSESSION OF MARIJUANA

- PROTECTING THE VICTIMS, FAMILY, NEIGHBOURS AND COMMUNITY FIRST IN THE CASE OF VIOLENT CRIME, AND REHABILITATING THOSE WHO CAN BE AND PROTECTING THE COMMUNITY PERMANENTLY FROM THOSE WHO CANNOT BE REHABILITATED

- ESTABLISH PILOT PROJECTS FOR SENTENCING CIRCLES, IN WHICH MEMBERS OF THE COMMUNITY ARE INVOLVED IN METING OUT APPROPRIATE PUNISHMENTS, AS A COMPLEMENT TO THE JUDGE AND JURY SYSTEM.

- CONDEMNING OF CRUEL AND INHUMAN PUNISHMENT SUCH AS CAPITAL PUNISHMENT

- PREVENTING OF CRIME THROUGH SOCIAL PROGRAMS AS AGREED TO IN GENERAL ASSEMBLY RESOLUTION "PREVENTION OF CRIME THROUGH SOCIAL PROGRAMS

X

ELECTORAL REFORM: PROPORTIONAL REPRESENTATION

- ESTABLISHING PROPORTIONAL REPRESENTATION

- ENCOURAGE ACTIVE PARTICIPATION OF LOW- INCOME CITIZENS IN THE POLITICAL PROCESS BY MAKING POLITICAL TAX DONATIONS BY PEOPLE WITH NO TAXABLE INCOME ELIGIBLE FOR A TAX

Y

PRINCIPLE-BASED DECISION MAKING

- 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

Z

PUBLIC ACCESS TO INFORMATION

Providing full, timely and comprehensible information, without undue financial burden to the applicant; 133(c) UNCED

- ENDORSING AND PROVIDING FOR A FREEDOM OF INFORMATION AND ACCESS TO INFORMATION ACT

JUNE

PROPOSED WORKSHOP ON COMPLIANCE

NORTH / SOUTH PERSPECTIVE ON COMPLIANCE

proposed by Dr Joan Russow

For fifty-two years, through international agreements, the member States of the United Nations, including APEC States, 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.

The current situation has become more and more urgent because rather than the member States of the United Nations being willing to comply with obligations and commitments, the member States are devolving themselves of their responsibility and passing this responsibility over to the corporate sector in the form of

partnerships. Even though member States of the UN agreed, in recent conferences, “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law” (the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda), governments are discussing “voluntary” compliance, and endorsing ISO 14,000 — a voluntary conformance corporate program. The OECD States are not discussing environment and human rights standards but “standards of investment”.

If there is to be compliance there is a need to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member States harmonized continually upwards. Only then will socially equitable and environmentally sound development be possible. In addition, member States of the UN including Apec, should take back the control over industry and be prepared to revoke licenses and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

This workshop will be prepared in collaboration with NGO representatives from the Philippines, and Bangladesh.

<http://www.igc.apc.org/habitat/csd-97/pc2ngo1d1.html>

Towards Earth Summit II

Manhattan Island, New York City

23-27 June 1997

es2/1997/pc.2/csdngo/1/draft.1

9 April 1997

original: English

commission on sustainable development

fifth session

Manhattan island, new York city

7 - 25 April 1997

Recommendations for Actions and Commitments at Earth Summit II
Non-Governmental Organization Revised Draft Background Paper

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This document is a working draft in development by the CSD/NGO Steering Committee and reflects a revision of the earlier draft recommendations that were distributed at the Inter-sessional Ad-hoc Working Group of the Commission on Sustainable Development. There remain a number of areas where proposed language has not been resolved. In particular, it should be noted that the current draft does not yet incorporate concerns that have been raised concerning the integration of human rights issues, and of the agreements of the 1993 World Conference on Human Rights, with

those of the United Nations Conference on Environment and Development. The next version of the document will include a section on Human Rights and fuller consideration of human rights issues.

The document does not claim to speak for all non-governmental organizations, it does, however, reflect a commitment by the CSD/NGO Steering Committee to set up an open and transparent process of consultation among NGOs - and to use a variety of mechanisms for consultation - including online distribution and distribution by fax and conventional mail of drafts of versions of this document.

The CSD/NGO Steering Committee plans to reach agreement on a revised version of this document by Friday 18 April. Input to the revised version must be received by the Steering Committee - preferably on diskette - no later than 6 pm on Wednesday 16 April 1997 - so that there will be an adequate opportunity for non-governmental organization representatives to review the proposed changes.

Recommendations for Actions and Commitments at Earth Summit II
Non-Governmental Organization Draft Background Paper

1 Access to Earth Summit II and the General Assembly

We call for: Ensuring that the arrangements for the UN General Assembly Special Session are based on the newly revised Arrangements for Consultation with Non-Governmental Organizations - Part VII of Resolution 1996/31 - and that these arrangements should apply to strengthening NGO access to and participation in the General Assembly and its committees.

Implementation: As part of the CSD process, Members States, in close collaboration with the General Assembly President, needs to undertake to expeditiously achieve agreement on the adoption of NGO arrangements for the Special Session based on the above-referenced Resolution 1996/31, Part VII.

Rationale: The CSD's Member States agreed at their 1996 session, inter alia, that the General Assembly should ensure "appropriate arrangements for the most effective contribution to and active involvement of major groups, including non-governmental organizations, in the special session of the Assembly in 1997" (E/CN.17/1996/38).

The 51st Session of the General Assembly adopted Resolution 51/181, which provides, inter alia, that the General Assembly "Recognizes the important contributions made by major groups, including non-governmental organizations, at the United Nations Conference on Environment and Development and in the implementation of its recommendations, and the need for their effective participation in preparations for the special session, as well as the need to ensure appropriate arrangements, taking

into account the practice and experience gained at the Conference, for the substantive contributions to and active involvement in the preparatory meetings and the special session, and in that context invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for the effective involvement of major groups in the special session..." (A/RES/51/181).

As agreed by governments, it is imperative that NGOs be able to participate in the manner called for in the UNGA resolution. NGOs have a great deal to contribute to the discussions, not as negotiators, but as consultants on the substantive issues involved. Therefore, the arrangements for NGOs in consultative status with ECOSOC, as agreed to in Part VII of Resolution 1996/31, should form the basis for arrangements in the Special Session.

Beyond the Special Session, those 1996/31 arrangements should also apply to the General Assembly and its Main Committees. Moreover, we are keenly interested in ensuring effective NGO arrangements throughout the UN system. But the only issue facing Member States in this CSD preparatory process, consistent with the GA resolution, is that of ensuring effective NGO participation in the Special Session. That is the task that we ask to be accomplished as expeditiously as possible.

2 Sectoral Issues

2.1 Climate Change

() THAT in 1997 in December , I submitted a proposal to Kyoto

EXHIBIT

1. At least a 20% Reduction in CO₂ and other Greenhouse gas emissions from 1990 levels by the year 2000

1. Reducing CO₂ emissions and other Greenhouse gas emissions to 50% by 2015 as proposed by NGO's in the international conference in 1988.

2. Ending of government subsidies for production of fossil fuel and nuclear energy, and implementing a phasing out of the use of fossil fuels and nuclear energy

3. Increasing of programs for energy conservation, energy efficiency, and for renewable sources of energy, and for conserving and restoring carbon sinks.

4. Moving away from car dependency, reducing the ecological footprint, and promoting environmentally sound energy and transportation

We call for: Revise the opening paragraph to read: The endorsement of a legally binding commitment to reduction of CO₂ emissions to 20% below 1990 levels by the year 2005, and substantial reductions in other greenhouse gases, to be agreed at Kyoto, Japan in December 1997.

Implementation: The Special Session makes a declaration on CO₂ emissions to go to the Conference of Parties meeting in Kyoto.

Rationale: In spite of some limited progress most industrial countries will not meet that target. Earth Summit II will offer the opportunity for a key political message to be sent to the upcoming Kyoto meeting of the Parties to the Climate Change Convention in December 1997. (See also sections on Energy and

Transport).

2.2 Forests

We call for: The continuation and enhancement of the intergovernmental policy dialogue on forests under the CSD. This dialogue would include a high-level component and should promote in a transparent, participatory manner an action-oriented approach to solving critical forest-related problems involving all types of forests.

Implementation: This process should work towards the implementation of the Forest Principles, forest-related sections of Agenda 21, such as Chapter 11, and Proposals for Action developed under the IPF. Progress on the implementation of this work program would be reported annually to the CSD. The Inter-governmental policy dialogue would also consider other arrangements and mechanisms, including legal arrangements, covering all types of forests and report on these matters to the CSD, at a special "Post-Rio" 10-year review.

Rationale: The Intergovernmental Panel on Forests made significant progress and reached consensus on a large number of Proposals for Action. However the Panel did not reach a consensus on the need for any new legal instrument on forests. Thus, the primary rationale for the continuation of the policy dialogue is to focus on implementation and action with clearly defined targets and timetables. At the risk of repetitiveness, the focus

must be on implementation and action, now. This work should start immediately and not be distracted by a costly and time consuming debate over the need for a forest convention. At the same time, all options for exploring the efficacy of existing instruments and institutions, in relation to sustainable forest management, should be thoroughly pursued.

2.3 Chemicals

We call for: the expeditious negotiation of a legally binding instrument on Persistent Organic Pollutants (POPs) that will focus on 'reducing and eliminating' those dangerous chemicals, not just controlling them; come to an agreement on Prior Informed Consent and a global harmonized system for the classification and labeling; and develop a Framework Chemicals Convention without delaying the expeditious negotiation of a treaty on POPs.

Implementation: UNEP should be entrusted with overseeing the establishment of an Intergovernmental Negotiating Committee (INC) for POPs, as agreed at UNEP's Governing Council 19, and the expeditious negotiation of that new, global POPs instrument, the conclusion of a global PIC instrument, and the development of a framework approach or convention for integrating chemicals-related actions and activities.

Rationale: We have approximately 100,000 chemicals now in commercial use and their potential impacts on human health and ecological function represent largely unknown risks. We have a

number of agreements on chemicals moving to completion, such as the control of the production and use of Persistent Organic Pollutants (POPs)- with negotiations set to begin in early 1998 and to conclude by 2000; the Prior Informed Consent procedure for international trade in hazardous chemicals, including a harmonized systems for classification and labeling of chemicals - with that new global instrument scheduled to be adopted and opened for ratification in late 1997; and the future elaboration of a framework approach or arrangement for integrating chemicals-related initiatives. There are approximately 100,000 chemicals now in commercial use and their potential impacts on human health and ecological function represent largely unknown risks. Other chemicals, such as lead (Pb), are elements which often remain on the earth's surface where its toxic effects expose generation after generation.

2.4 Oceans

We call for: The setting up of a more effective forum or mechanism for ocean-related dialogue and action, e.g. an Intergovernmental Panel on Oceans (IPO) or a sub Commission of the CSD, meetings of States Parties to the Law of the Sea Convention, and/or other appropriate mechanisms. Such an entity should contribute to the preparation of a comprehensive scientific assessment of the state of the oceans and the necessary policy recommendations, taking into account the related activities of UNEP and GESAMP - the Joint Group of Experts on Scientific Aspects of Marine Pollution. We also request the

Special Session to instruct the FAO to analyze the efficiency of current fishing fleet decommissioning schemes associated with excess of fishing capacity, on the basis of the objectives of the UN Fish Stocks agreement, the FAO Code of Conduct on Responsible Fisheries and related emerging strategies, with a view towards reducing capacity to sustainable levels, especially in relation to large-scale, industrial class vessels. Immediate action is also necessary to address problems of wasteful fishing practices, fisheries and oil platforms, and unsustainable aquaculture.

Implementation: The ocean dialogue and action forum would have close ties with or be subsidiary to the CSD, reporting annually to the CSD up to the year 2002, at which time it would make full recommendations to the 10th Anniversary Review of Rio. Given that the Law of the Sea Treaty is now in force, and agreement also offers possibilities for forums within which ocean-related dialogue and action can be discussed, with recommended actions forwarded to the UNGA as well as the CSD. The UN Division on Ocean Affairs and Law of the Sea, the ACC Subcommittee on Coastal and Ocean Areas (SOCA) and/or a subgroup of the CSD should be considered for purposes of serving as the Secretariat.

Rationale: There is no question that the present international machinery regarding Oceans lacks coherence. After all, the oceans are a vital food source, a global carbon sink and home to some of the most beautiful and diverse species on the planet. We know that 70% of the world's marine fisheries are being fished at their maximum level of productivity, are over-fished or are

threatened, endangered or commercially extinct.

2.5 Freshwater

We call for: a negotiated international agreement or arrangement on freshwater by 2002. In the meantime, all nations must work to make freshwater quality, conservation and supply a priority of local, national and international policy, implementing the watershed approach.

Implementation: Agree to discuss freshwater in the CSD session of 1998 and give UNEP the mandate and funding to provide the international community with examples of best practice, drawing on relevant expertise such as UNEP's regional seas program.

Rationale: Today 20% of the world's population lacks access to safe water and 50% to safe sanitation with over 5 million people dying each year from the results of waterborne diseases. The Comprehensive Assessment of the Freshwater Resources of the World produced for the June meeting by the Stockholm Institute on Environment has raised freshwater to the top of the international political agenda. The report predicts that if current trends in water use CONTINUE around 2/3 of the world's population will suffer water shortages in the next 25 years. In developed and developing countries the current systems for water use are frequently not sustainable. Therefore, nations need to protect water resources. The watershed approach includes: development of methodology, establishment of policy, creation of basin teams,

improving local capacity to protect water resources, and sharing responsibility for sustainable watershed and air-shed protection and management through outreach, research, assessment, planning, implementation and evaluation.

We also call for: Recognition that it is essential to manage the water cycle as a whole. Development of resources, abstraction for use and treatment of waste water must be an integrated process.

Rationale: Water management areas must match supply with demand. River basins, or combinations of river basins, provide ideal boundaries. It is not sufficient just to recognize the importance freshwater for water supply purposes, it is equally important to understand the consequences of used water being put back into rivers. The challenge for the future is to accommodate all stakeholder interests. Water management processes need to take holistic approach probably across national boundaries.

We also call for: Governments to immediately enact laws to stop industrial use of water where it puts communities at risk. Through legislation governments should also force industry to use alternatives to freshwater in their production methods.

2.6 Energy

We call for: Sustainable energy policies that reflect the true costs of fossil fuels, including eliminating fossil fuel subsidies by 2005; substantially increased programs for energy

conservation, renewable energy, and energy efficiency; and a phasing out of nuclear power. Governments to pledge not to develop untapped reserves of fossil fuels such as coal, oil, and gas, nor pursue new exploration of these fuels.

Implementation: Governments to adopt legislation to remove subsidies for, and increase taxes on, unsustainable forms of energy - such as fossil fuels, nuclear power, and large-scale hydropower - and increase funding for energy conservation, including passive solar design, energy efficiency; and renewable energy programmes - especially to encourage solar, wind, fuel cells, and small-scale hydropower.

Rationale: Current energy practices in industrialized countries, which rely heavily on fossil fuels, are wasteful and environmentally harmful. Fossil fuel combustion contributes to global warming, acid rain and air pollution which threatens human health, property and the environment. Nuclear energy is also threatening to human health and the lack of waste disposal methods. Clean, renewable power sources are readily available. Since Rio, there has been little movement toward fundamental changes in energy production and consumption and no significant new investments in promoting renewable energy systems. Fossil fuel prices do not take into account various other internal costs such as direct and indirect economic subsidies and incentives for the exploration, generation, transmission and distribution of fossil fuel-based energy, plus external costs such as health and environmental costs. When these are calculated, the true costs

of fossil fuel are many times that of current costs of renewable energy.

2.7 Transport

We call for: Transport to be adopted as a priority area in the five year work programme for the CSD; increase allocation of road space for public transport and non-motorized transport modes; measures which implement the polluter pays principle for transport; support for car-free areas in cities; promotion of land use planning which reduces the need to travel by car.

Implementation: International Development Agencies and governments should: actively promote public transport and non-motorized travel as the most sustainable forms of travel and prioritize their access to the street network; amend financial instruments to benefit people who choose to travel by more energy and cost efficient modes and at the same time remove subsidies to automobile travel by charging the full social cost of transport externalities; review existing land use planning policies to ensure that new development and infrastructure projects reduce car dependency and provide safe access by a choice of modes of transport; identify both direct and indirect impacts in undertaking their assessment and economic appraisals of infrastructure projects, ensuring consistent evaluation criteria between all modes.

Rationale: The sustainability of the Earth is increasingly

threatened by the increasing use of private motor vehicles. Currently transport accounts for 58% of global oil consumed, and 25% of primary energy use, of which road traffic accounts for some 72%. CO2 emissions from the transport sector constitute the fastest growing and most threatening contributors to global warming as these emissions are projected to rise between 40% and 100% by the year 2025 unless action is taken to prevent this. Agenda 21 already endorses investment in pedestrian facilities, bicycle infrastructure and mass transit as effective pollution control measures. It further encourages the implementation of land use planning which reduce car dependency and overall travel. Habitat II reinforces these measures and specifically called for the polluter pays principle to be applied to the transport sector thus making the real costs of motorized transport more transparent. Translating these commitments into strategies for action should be a priority for the CSD. Reducing transport demand and car dependency also meets a range of cross-sectoral objectives such as these relating to human health and safety, urban and rural sustainable settlements and the conservation of natural resources and habitats.

2.8 Sustainable Agriculture and Food Security

We call for: Implementation of the provisions of Chapter 14 of Agenda 21 that call for sustainable and ecological food, production and distribution systems to protect the environment, contribute to the well-being of human and non-human inhabitants of the earth, and ensure the human right to food for all women,

men, youth and children.

Implementation: Commit to capacity-building opportunities and structures to support farmers, women and men, especially small-scale producers, to enable them to employ agricultural methods that are ecologically sound and sustainable.

Rationale: Long-term food and nutritional security depends upon the ability of primary food producers to achieve sustainable food systems both now and in the future. Local ecologically-based

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Production and distribution systems are better suited to protect the natural biodiversity, health and well-being of their communities. The industrial model of agricultural production is contributing, dramatically, to ecological disruption and deterioration. Increasingly the globalized food system is the root cause of the social and environmental crisis in agriculture. This kind of energy-intensive and chemical-dependent agriculture degrades the fertility of soils, intensifies the effects of

droughts, pollutes water, causes salinization and compaction, destroys genetic resources, wastes fossil fuel energy, contaminates the food supply, and contributes to climate change. (Refer to NGO Working Group on Sustainable Agriculture paper). As part of these efforts, the FAO/others needs to promote and ensure that agreement is achieved in relation to implementation of the Pollutant Transfer Registers, and the reduction of pesticide use by at least 50%.

2.9 Land

We call for: priority to be given to land use for food production for domestic consumption rather for export crops; conservation of ecosystems that sustain life; urgent land reform in developing countries to provide land to the landless; the recognition of indigenous peoples rights to land; and a participatory approach to land use and land management.

Implementation: A moratorium on a further conversion of agricultural land or land containing ecosystems significant to provide for the sustenance for food for people. Within the context of Agenda 21, Chapter 4, the CSD should initiate an action oriented and monitored process on the management of land and land based resources. International development agencies and national governments should encourage studies on the impact of trade and investment liberalization on land use and land ownership patterns.

Rationale: Agenda 21, Chapter 10, draws attention to the pressure on land as a "finite resource". Expanding human activities, including urbanization, agriculture, transport, mining activities, recreation, military occupation, as well as desertification, are intensifying these pressures on land, food security and biodiversity. Land use practices are essentially driven by market forces rather than by the needs of populations. These need to be regulated. Finally the process of globalization has added the danger of shifts in land ownership, especially in development countries, on top of the risks of conversion of land use for the benefit of the over-consuming 20% of the world's population.

2.10 Biodiversity

We call for: All governments should ratify the Convention on Biological Diversity (CBD) by the end of 1997; and take immediate action to prevent further destruction of biodiversity and habitats, while providing for human needs in a sustainable fashion.

Implementation: The Special Session urge all countries to ratify the CBD; and to expand protected area networks, ensure adequate funding for their management, and integrate them into local economic development, enact legislation regulating access to and use of natural resources, build capacity to manage biological resources on a bio-regional or ecosystem basis.

Rationale: It has been estimated that 40% of the world's species could be extinct within 25 years. Loss of biodiversity on this scale could have dramatic consequences. Hundreds of millions of people in developing countries depend directly on biological resources for their livelihoods. Loss and degradation of forests and wetlands exacerbates poverty. Genetic diversity provides diversity of agricultural and food products and increased ability to resist disease. Genetic diversity provides medical cures. Loss of our genetic resources prejudice the world's ability to feed itself. Genetic diversity plays a vital part in maintaining the health of global ecosystems: forests help to regulate climate, wetlands buffer pollution and serve as breeding grounds for commercially important fish species. It is also morally imperative to prevent extinction of other living species through human action.

2.11 Biotechnology

We call for: The CSD to strongly support the immediate adoption and implementation of an ecologically sound Bio-safety protocol within the Convention on Biological Diversity.

Rationale: The dangers to health and environment posed by the deliberate release of genetically modified organisms are increasing daily.

3 Cross-Sectoral Issues

3.1 Access to Resources

3.1.1 Aid, Private Investment, Subsidies and New Financial Mechanisms

We call for: The Global Environment Facility (GEF) to be increased; donors to meet the 0.7% of GNP target for aid by 2002,; and for all aid to be better targeted to the objectives of the Rio agreements and post-Rio conferences; linkage of ODA and FDI to ensure that environmental and social legislation and institutions are strengthened to ensure that FDI is consistent with sustainable development; ensure that international investment regimes do not undermine countries' ability to regulate investment on environmental and social grounds or encourage relaxation of standards to attract investment; encourage corporate environmental management systems that internalize Rio agreements into business operations; negotiations to start on an international aviation fuel charge, the revenue from which should be channeled into mechanisms such as the GEF and UNDP's Capacity 21; reform of taxation to encourage ecologically and socially responsible behaviour; elimination of environmentally damaging subsidies in a socially equitable manner; a stronger focus on ecologically and socially responsible budget disbursements; stricter scrutiny to prevent abuse of all funds and corrupt practices at both national and international levels; establishment of a stronger global regulatory framework for international capital flows, in particular on speculative financial transactions, which can severely disrupt national economies and societies. States should act on the commitment

made at the UN Conference on Women and Habitat II to ensure that corporations, including transnationals, comply with national codes, social security, and international law, including international environmental law. International agreements should be promoted that address effectively issues of double taxation, as well as cross-border tax evasion, while improving the efficiency and fairness of tax collection.

We also call for: The establishment of an Intergovernmental and NGO Panel on Financing (or a Sub-Commission of the CSD) to: identify those costs of the transition to sustainable development that are best financed by external assistance and how best to concentrate scarce development assistance funds; analyze and formulate proposals on options for new financial mechanisms for sustainable development; review the implications for sustainable development of private international investment, privatization, structural adjustment and debt; debate and make recommendations on means of delivering finance, such as micro credit and national environmental funds; the establishment of formal links between the CSD and key International financial bodies, including the multilateral development banks, the IMF, the OECD, the G7, the World Economic Forum and the banking community.

Implementation: The Special Session should express strong support for an increased GEF. The response of aid to the Rio conventions and post-Rio conferences should be improved by all donors. The introduction of an aviation fuel charge should be examined in the context of the expiry at the end of 1997 of the EU exemption of

aviation fuel from excise duties. The Intergovernmental Panel on Finance would be a subsidiary body of the CSD.

Rationale: Developed countries have failed to meet their commitment under Agenda 21 to provide substantial new and additional resources. External funds are still urgently needed on a large scale. While official development assistance has declined, environmentally damaging subsidies are estimated at \$500 billion per year worldwide. Eliminating these subsidies and redirecting part of the savings into supporting sustainable development in developing countries would be a 'win-win' option. Conversely, positive incentives should be provided for environmentally and socially desirable activities. Greater efforts are needed to ensure transparency and to eliminate corruption in the use of all funds, whether external or domestic.

Eighty percent of international private investment flows to a handful of developing countries, most of them not among the least developed. Scrutiny of the implications of this investment for sustainable development is urgently needed: these implications are frequently negative, or at best unknown. The Intergovernmental Panel on Finance would involve a diverse range of experts in its work, including representatives of finance ministries, the banking community, NGOs and the private sector. The Panel should build on previous work, such as that by the Expert Group on Financial Issues of Agenda 21, and develop formal proposals for new approaches to financing sustainable development at both national and international levels. Formalized links

between the CSD and key bodies in the international financial system are needed to make international financial governance more transparent, participatory and responsive to the objectives of Agenda 21.

3.1.2 Debt Cancellation

We call for: Make major debt cancellation announcements at the Special Session, as it is a critical centrepiece of the Rio formula, and explain to the public the relationship of debt cancellation to stemming environmental degradation and ending the cycle of poverty.

3.1.3 NGO Participation in Economic Development

We call for: The development of mechanisms and support that enables NGOs and community organizations to have the opportunity to participate in economic development work that is environmentally friendly including the establishment of micro and regular business access to capital, credit, capacity-building and infrastructure, as called for by the Micro-credit Summit.

3.1.4 Small Island Developing States

We call for: The financing and implementation of the Programme of Action of the 1994 Global Conference on Sustainable Development of Small Island Developing States.

3.2 Trade

We call for: Support for a clear understanding that environmental and human rights conventions and other multilateral environmental (MEAs) and human rights agreements, norms and standards that fall outside the direct mandate and purview of the World Trade Organization (WTO) shall not be bound by WTO-related requirements; Trade and Environment Ministers to meet together before the next meeting of the WTO; an Intergovernmental Panel on Trade (or a sub-Commission of the CSD) to be set up which would: Explore, and make recommendations on, potential cross-sectoral mechanisms to reconcile trade and sustainable economic, environmental, and social development objectives; explore and make recommendations in regards to the implications of free trade vs. fair trade on the impact on rural communities and farmers in developing countries and on the migration of people in vulnerable rural communities to urban ghettos, Develop policy instruments to secure commodity prices which reflect the true environmental and social cost of their production, and recommend the withdrawal of escalating tariffs on primary commodities exported from developing countries. Develop recommendations on meeting the needs of developing countries for technical and financial assistance in the design, utilization and response to, trade measures and technical regulations. Research, and make proposals on, the criteria under which trade measures may be taken, including development of the concept of 'green tariffication', whereby if tariffs are deployed to protect industries meeting higher environmental standards, the revenue generated could be

repatriated to developing countries - possibly in the form of an environment fund administered by a multilateral body for investment in cleaner technologies.

We also call for: Governments to pledge to create an effective new process/mechanism/strategy to strengthen links between the World Bank, IMF, WTO and post-Rio accountability which includes examination of sovereignty and foreign investment issues; to commit to expand efforts to eliminate negative effects on developing countries by reconciling WTO rule-making and global trade practices with the post-Rio agenda to include all the UN conference agendas; to re-commit to implement the Habitat II agenda which calls for governments to create "regulatory and legal frameworks ... to promote socially and environmentally responsible corporate investment and reinvestment in and partnership with local communities."; to pledge to work for international codes of conduct for corporations and to govern weapons trade and export subsidies; to commit to ensure that the code aims to enforce compliance with ILO agreements and promote an international code of conduct to protect the human rights of workers in developing countries and prevent their gender-based and economic exploitation by transnational corporations.

Implementation: The Special Session should declare that measures taken to implement global and other multilateral environmental agreements cannot be challenged in the WTO, and it should agree to the setting up of a new subsidiary body of the CSD to address these issues.

Rationale: Since the first Earth Summit, we have had the completion of the Uruguay Round of GATT and the setting up of the World Trade Organization. Serious concerns have been raised by NGOs and governments that deregulated global trade is creating increasing inequality, environmental degradation and social dislocation.

3.2.1 Fair Trade Versus Free Trade

We call for: Explore and make recommendations in regards to the implications of free trade vs. fair trade on the impact on rural communities and farmers in developing countries and on the migration of people in vulnerable rural communities to urban ghettos;

Develop policy instruments to secure commodity prices which reflect the true environmental and social cost of their production, and recommend the withdrawal of escalating tariffs on primary commodities exported from developing countries. Develop recommendations on meeting the needs of developing countries for technical and financial assistance in the design, utilization and response to, trade measures and technical regulations;

3.2.2 Trade Embargoes

We call for the creation of mechanisms to offset the effect of trade embargoes not sanctioned by the United Nations on the

sustainable economic and environmental development of affected countries.

3.2.3 Tourism

We call on: The CSD to include tourism in its next 5 year programme of work; strengthen and adequately fund the sustainable tourism office within the UNEP industry office that would gather a set of best practices and create a database for all groups to access.

Implementation: The Special Session to include tourism within its next work programme and that UNEP should be entrusted with adequate new and additional funds sufficient for this task.

Governments to establish sustainable tourism policies and regulations, ensuring: responsibly zoned development; conservation and protection of natural and cultural heritage and resource;

Rationale: Tourism is the largest industry in the world, surpassing auto, steel, petroleum and weaponry. By the year 2010, it is expected there will be 935 million international travelers annually. The tourism industry can positively or negatively impact the global environment, and it is the responsibility of the CSD and UNEP to influence the course of the tourism industry toward sustainability.

3.3 Poverty

We call for: A renewed commitment to the eradication of poverty, and for governments to complete their poverty eradication strategies by the year 2001 as called for at the World Summit for Social Development in Copenhagen, including the setting of time bound targets for the implementation of these commitments by national governments. Countries should publish their progress on poverty eradication annually as part of their update on the development of sustainability to the CSD. These should be integrated with their sustainable development strategies. Progress reports based on poverty indicators should be published annually, taking into account both sustainable development and poverty eradication strategies.

Implementation: Governments should involve the people living in poverty with the decisions which affect them, including the development of gender disaggregated indicators. Definitions of both absolute and overall poverty should be negotiated in each country with all stakeholders.

Rationale: Agenda 21 recognizes the significant impact that poverty and over-consumption has on environmental degradation and suggests that governments fulfill commitments made at the World Summit for Social Development at the earliest possible time.

4 Enabling Sustainability

4.1 Sustainable Production and Consumption

We call for: governments to place sustainable production and consumption at the heart of economic policy. This shift in emphasis is especially necessary, considering the trend towards globalization and the emphasis on private investment as the source of financing for sustainable development. Responsibility for achieving sustainable production and consumption needs to extend beyond environment ministers to also become a responsibility for ministers of finance, trade and other government sectors.

Such a shift requires reshaping economic policy and programs so that the nation's system of production and consumption:

- * provides a fair distribution of resources to meet basic human needs and improve the quality of life of current and future generations, and at the same time protect ecosystems and the global environment from degradation and depletion;
- * internalizes costs traditionally externalized to and subsidized by communities and the environment;
- * encourages recognition and respect for indigenous cultures already practicing sustainability and helps protect rather than destroy their communities and ancestral lands;
- * institutes clean production as a required standard;

- * builds from eco-efficiency to community and societal sufficiency;
- * moves away from the extremes of over-consumption and under consumption and towards sustainable lifestyles and livelihoods enjoyed by all members of society; and
- * provides a sustainable and just national response to the negative social and environmental impacts now posed by increasing economic globalization.

Implementation: By 1999, the CSD should establish time-bound, measurable, sectoral and overall targets for achieving international sustainable production and consumption goals. CSD should also regularly monitor, evaluate and report on national and international progress in reaching those targets.

In turn, by 1999, each country should establish and periodically report to CSD on progress implementing its national plan to achieve sustainable production and consumption. These plans should incorporate appropriate indicators and concepts (e.g., environmental space, ecological footprints) and should establish time-bound, measurable targets for each economic sector (e.g., energy, transportation, food, chemicals, weapons) as well as government itself (e.g., environmentally sound purchasing).

These plans should provide honest evaluation of the obstacles as

well as detailing strategies for:

- * legislation (e.g., clean production and right-to-know requirements),
- * budget oversight (e.g., tax shifting and eliminating subsidies for unsustainable activities, especially advertising),
- * education (e.g., promoting the Consumer Guidelines on Consumption),
- * partnerships, empowerment (e.g., supporting youth initiatives which promote sustainable lifestyles; microcredit to promote sustainable livelihoods),
- * access to information (e.g., eco-labeling; information on externalized costs for products and services).

Rationale: Agenda 21 States that "the major cause of the CONTINUED deterioration of the global environment is unsustainable patterns of consumption and production, particularly in industrialized countries." While efforts emerging from the 1994 Oslo Round table represent serious steps towards changing these patterns, a much greater leap of political will, commitment and accountability is required by governments and industry. Without major intergovernmental action, individual companies cannot and will not internalize the costs they have

traditionally externalized to the environment and society, nor will the advertising industry be weaned away from its celebration of the joys of over-consumption, nor will the under-consumers of the world be welcomed from the margins of consumer society into the security and dignity of living in a sustainable society.

4.2 Indicators of Sustainability

We call for: Recognition of the need to use indicators appropriately as a tool for community decision making. Data must be objective as possible, and all 'interests' must be involved (everyone who is impacted). As governments we commit to promote grass roots women's participation, particularly those involved in the Habitat process, and gender training for local Agenda 21 groups

Implementation: The involvement of the stakeholder in the choice of indicators at the local, national and international level is fundamentally important, and top down, non-representative processes should not be tolerated. The CSD should, with governments and others, ensure many processes CONTINUE in the next five years of work of the CSD.

Rationale: The indicators that are measured should evoke Date: Thu, 10 Apr 1997 00:53:54 -0400

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happiness when they are improving and unhappiness when they are getting worse. If the change doesn't matter to the community, then you are not monitoring the right thing. If the process of developing the shared knowledge, shared understanding and shared vision for the future of your community isn't enjoyable, then you should figure out a different way to do it. In assessing progress toward the goals in Chapter 40 of Agenda 21, it will be much easier to measure activity than to evaluate results. There have been many important and well-conducted international, national and local initiatives dedicated to producing better and more relevant data. No one process represents any major groups or communities nor speaks for them. In developing information and indicators there is no one right way for a community to proceed. There are a variety of models from which one might choose, and there are more models all the time. Communities all over the world in vastly different economic, political, social and environmental circumstances, are experimenting with ways and means to develop information and indicators for neighborhoods, communities or nations. Through the process they are also building consensus on what actually matters to the future of the groups involved.

4.3 Corporate Accountability

We call for: The Special Session to effectively address the issue of corporate accountability, moving beyond simply the discussion of corporate responsibility. We recommend the following steps to accomplish this task:

- * Acknowledge the need for greater corporate accountability to society;
- * Establish mechanisms to monitor and assess corporate practices (e.g., to examine claims to best and worst practices);
- * Strengthen public access to information (e.g., right-to-know legislation; information on externalized social and environmental costs);
- * Reform current economic incentives (e.g., eliminate unsustainable subsidies and tax breaks) and improve liability instruments to discourage corporate wrongdoing;
- * Create mechanisms which empower local communities rather than large corporations (e.g., reforming international trade agreements which undermine rather than enhance the sustainability of local production and consumption systems; encouraging "good neighbor practices" which require corporations to establish meaningful dialogues and negotiations with the communities in which they locate);

- * Make clean production a required standard (e.g., adopt and implement the Precautionary Principle as part of industrial policy; adopt and implement the principle of Extended Producer Responsibility); and

- * Reduce political influence of corporations on governments (e.g., implement appropriate reforms to end financial contributions to political campaigns and lobbying of public representatives).

Implementation: The CSD should set up a Sub-Commission on Corporate Accountability for governments to examine and define their role and responsibilities to ensure corporate accountability to society. Such responsibilities to be examined should include but not be limited to the above recommendations. This Sub-Commission should provide mechanisms for consultation with and active participation by NGOs and community organizations, allowing for valuable inputs from populations and communities directly affected by various corporate policies and practices.

Rationale: Corporate accountability is an intrinsic but neglected element of Agenda 21. The Habitat II agenda calls for governments to create "regulatory and legal frameworks" to promote socially and environmentally responsible corporate investment and reinvestment in and partnership with local communities." With economic globalization, privatization, and the replacement of foreign assistance with an emphasis on private

investment, there is a growing need for governments to ensure that corporations, especially TNCs, are accountable to society and the communities which they impact.

4.4 Information Ecology

We call for: A major commitment to exploring the opportunities and implications of information and communication technology for sustainability - and to developing an understanding of the ecology of information - and the design and establishment of a participatory enabling environment within which information and communications technologies, systems and processes can facilitate a transition to sustainability and equitable development.

Implementation: The CSD should convene a Working Group - with participation of non-governmental organizations as well as of member States - to conduct a systematic review of the opportunities and implications for sustainability of an ecologically sound approach to information, and to set in process the design of a comprehensive information and communication environment that can facilitate an integrated and coordinated treatment of information relating to the implementation of the agreements of the "Rio cluster" series of global conferences.

The Working Group should also consider how the CSD can best utilize and support the adoption of online interactive, participatory processes in its own work - including identification of obstacles to such adoption - and how it can

facilitate use of such processes by member States and major groups.

The Working Group should also address, inter alia, critical sustainability issues regarding the transition from a predominantly material to a predominantly virtual economy - including opportunities in terms of the resource savings from exchanging bits instead of transporting material goods and people, as well as the economic, cultural, social and environmental impacts of the introduction of information technology.

This should include attention to the significance of the evolving information ecosystem in terms of equitable access to information, including intellectual property rights and access to information infrastructure, and should review the implications of the fact that a rapidly increasing proportion of capital formation is in the realm of intellectual property - with the correlate that access to information and communication infrastructure is a critical issue in enabling access to wealth.

Rationale: The evolution of the information and communications revolution in the five years since the first Earth Summit has been dramatic. The integrative power of information technology is increasingly clear, as is its progressively growing capacity to model and map the properties of whole systems, the rapid growth in access to the global information infrastructure and the inequities in access confirm that the implications of information

technology extend far beyond its role as a support system for decision-makers.

4.5 Local Sustainability

We call for: A recognition of the progress made by over 2,000 local authorities worldwide, in concert with their local communities, in developing Local Agenda 21s and to give further impetus to the initiative by encouraging national governments to support national associations of local governments NGOs and other major groups to establish national Local Agenda 21 campaigns.

Implementation: The CSD should work with ICLEI and the international associations of local government to prepare a review of possible measures by national governments to provide a supportive policy and fiscal framework for successful implementation of Local Agenda 21s.

Rationale: One of the most successful and meaningful outcomes since Rio has been action at the local level to prepare local plans for sustainable development, notably through the Local Agenda 21 initiative (Chapter 28 of Agenda 21 encourages local authorities to prepare local action plans - Local Agenda 21 - in consensus with their local communities). Progress has been most widespread in countries which have national Local Agenda 21 campaigns organized and supported by national associations of local government.

4.6 Social Services

We call for: More adequate provision for the role of social service organizations, a new provision is needed which would enable such organizations (both governmental and non-governmental, to participate directly in the development and monitoring of the implementation of the social objectives. There should also be a clarification of the different nature and use of physical services and social services. The confusion on this issue is particularly evident in the current provisions concerning the eradication of poverty. Similarly, provision for social impact assessments is lacking in the provisions - mostly dealing with health - calling for environmental impact assessments.

Another limitation in the existing texts is that they only refer to urban areas and sustainable human cities. We suggest that social services are equally required rural areas and that the words sustainable human settlements should be substituted for sustainable cities. Another issue is related to capacity building: we feel that social services are needed and should be developed as a tool for increasing the capacity building of individuals as well as communities.

Finally in developing information tools to measure progress emphasis should be placed on the use of social indicators and the role of non-governmental organizations in the development of such indicators.

Rationale: More adequate provisions for integrating the conclusions of the World Summit for Social Development into the work of the Commission on Sustainable Development. A holistic approach to the need for, and provision of, social services needs to be reflected in the documents.

There is also a need to distinguish between basic services - e.g. water, sanitation, road, and transportation, etc, and "social services" - e.g. welfare, social security, community organization, community services. The existing provisions in the text focus on categorical social areas such as health, mental health, family, education, housing, children, the aging, etc. and do not cover the role of social service organizations and the social services they provide to individuals and communities through integrated programs and projects which are developed by governments as well as private institutions at every level.

4.7 Education

We call for: Recognition of the crucial importance of lifelong education and empowerment for sustainable living and of the key role the Education Community has played in promoting sustainable development by agreeing to grant them Major Group status; charging the Education Community with realizing the educational policies of Agenda 21 and other relevant UN documents through a

comprehensive and international Education 21 programme. The Education Community should report to the CSD session in 2001 on its work. To promote sustainability governments must facilitate and fund non-formal education as well as adapt and provide resources for formal curricula. Governments must facilitate and fund the work of youth NGOs and networks in innovative empowerment and inter-generational partnerships for sustainability and global citizenship.

Implementation: The Special Session should grant the Educational Community major group status, and support the role of grassroots Youth NGOs and intergenerational partnerships for empowerment and education for sustainable development. The Education Community must be alert to the danger posed by promotional materials justifying non-sustainable practices.

Rationale: Chapter 36 of Agenda 21 in many ways is the most crucial chapter of Agenda 21. Without its global implementation, the chance of any of the other chapters being successfully implemented is significantly reduced. The promotion of sustainable development is unthinkable without the active involvement of representatives of the Education Community, a group including students and learners in all contexts, teachers, policy makers and all those with an educational role in both formal and non-formal sectors.

4.8 Health

We call for: Insuring human health globally, for current and future generations, governments need to address the following environmental issues: treatment and prevention of: global warming; hazardous waste, including nuclear, chemical and biological materials; contamination of fresh water supplies; ocean pollution; contamination of air quality; deforestation; and desertification.

Rationale: There is clear evidence of rising rates, globally, of cancers, tuberculosis, lung diseases, lead poisoning, all of which are associated with various forms of environmental degradation. The most important consequence of environmental sustainability is the health and productive capacity of human beings. Healthy, productive people sustain healthy societies and economies.

4.9 Culture of Peace

We call for: Governments to move from a culture of violence and war to a culture of peace by structuring their economies so that they are not dependent on the military. The UN should encourage transparency in arms transfers by expanding its register and should facilitate in non-violent prevention and resolution of conflicts.

Implementation: The Special Session should acknowledge the need to reduce military production, spending and arms trafficking in order to provide funds for development. Reduce military

expenditures by 5% per year for 5 years, redirecting a portion of those funds to sustainable development; Shift research and development from defense-based industries to equitable development and socially responsible production to rectify environmental degradation and human rights violations. Respect the rule of law by acting upon the recent decision of the International Court of Justice on the use and threat of use of nuclear weapons; embark immediately and conclude by 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; clean up and dispose of all toxic military waste in an environmentally sound manner. Implement an immediate ban on the production, use, stockpiling and transfer of antipersonnel landmines; allocate funds and technology for removal of the more than 100 million mines already planted in 64 countries; promote an international voluntary military force under Chapter 7 of the United Nations Charter to be used when absolutely necessary and promote environmentally friendly non-violent resolution to conflict whenever possible; Make non-violent conflict prevention and resolution training and human rights education a part of all formal and informal curricula in all sectors of society as mandated in the Plan of Action of the UN Decade for Human Rights Education; End obligatory military service; Promote community planning to prevent conflicts; Develop a new science "Public Peace" based on the model of "Public Health." This would involve keeping track throughout the world of where man-made violence was breaking out. Analysis of the data would show how it might be

controlled. Early intervention would alleviate the need for military solutions and the resulting environmental degradation; Report responsibly to the UN Register of Conventional Weapons and adopt a Code of Conduct for Arms Transfers in order to restrain weapons proliferation. Require compensation to be paid by the military for past environmental degradation and human rights violations including harm to human health. Enter into a moratorium to cease all military activities that could cause environmental degradation (General Assembly Resolution - UN Charter of Nature) and human rights violations.

Rationale: In keeping with the UN Agenda for Development, we believe that peace and development are indivisible and development cannot proceed easily in societies where military concerns are at or near the center of life. Societies whose economic effort in substantial part is devoted to military production inevitably diminish the prospect of their people for development.

5 Major Groups and Partnerships

5.1 Dialogue

We call for: Continuing the formal Dialogue Sessions between major groups and Governments through the next five year programme of the CSD and convene Major Group Dialogue Sessions at the CSD Inter-sessional Meetings beginning in 1998. The formal Dialogue

Sessions would, inter alia, assist Major Groups to focus on the issues being discussed that year.

5.2 New and Additional Partners

We call for: Extending the concept of major groups to a partnership model as developed in the Habitat Agenda and grant partner / major group status to parliamentarians, older persons, and the education community.

5.3 Indigenous Peoples

We call for: The application of the principles contained in the UN Draft Declaration on the Rights of Indigenous Peoples. This declaration should be adopted in its present form. The recognition of the Indigenous Peoples' human rights, territorial rights, cultural rights, their knowledge systems, their sustainable land use systems and their rights to self-determination is a necessary precondition to their playing a meaningful role in global sustainability. This includes the recognition of the right of Indigenous Peoples to identify themselves and be recognized as Indigenous Peoples. The CSD should examine how these rights are being undermined by international finance and financial institutions and trade liberalization within the WTO framework. The CSD should monitor the Human Genome Diversity Project.

Implementation: The CSD to more effectively review Indigenous

Peoples' contributions to global sustainability. The CSD should focus more on Indigenous Peoples' issues in a proactive and coordinated manner. Earth Summit II should reinforce the call for the involvement of Indigenous Peoples at the highest levels within the UN structure, including the creation of a permanent forum for Indigenous Peoples.

We also call for: Indigenous Peoples rights to their ancestral lands to be ensured above any consideration for national, private or other economic activities such as mining and logging.

Rationale: Forced evictions and displacement of Indigenous people creates a high risk of impoverishment both economically and culturally including; land loss, marginalization, food insecurity, morbidity, unemployment and continuation of language. The preservation of Indigenous Peoples land base is essential to the existence and perpetuation of tribal society and culture.

5.4 Women

We call for: A pledge to enhance all governance structures, global and national, through the next century by adhering to the fundamental principles of equal representation and accountability; a pledge to achieve gender balance in governance, expanding, enhancing and improving affirmative action programs or other incentives that will encourage and support the leadership

and involvement of women in political decision-making; a pledge to apply a gender perspective in all aspects of the implementation of Agenda 21; a commitment to promote grass roots women's participation, particularly those involved in the Habitat process, and gender training for local Agenda 21 groups.

We call for: The removal of legislative, policy, administrative, and customary barriers to women's equal rights to natural resources, including access to and control over land and other forms of property, credit, inheritance, information and appropriate new technology.

Implementation: Recognition of the pervasive and systemic violation of women's human rights, that women are significant agents for local and global change, and that gender equality is essential to achieving sustainable and equitable development.

5.5 Youth

We call for: Governments to implement Earth Summit commitments by ensuring the involvement of youth in all levels of decision-making; recognition of youth NGO initiatives towards social justice, economic equity, micro-enterprise development and eco-sustainability; establishment of mechanisms and increased funding for North-South grassroots youth partnership; governments

to ensure that youth have increased access to information and documentation; youth to be allowed to initiate and develop their own ways of working towards sustainable development.

Implementation objective: Increased support on all levels for awareness, skill-sharing and empowerment of youth as present and future leaders and agents of change.

Implementation activities: The Special Session must support and be open to new and innovative ways of actively involving youth NGOs in the Sustainable Development process and debate. Therefore we strongly urge the establishment of a system to ensure regular, democratic and balanced representation of young people at the CSD. Each National Delegation should include an NGO Youth Representative to facilitate the exchange of information to and from youth. The host country should ensure the widest possible representation of youth NGOs, in particular southern youth NGOs, in the process. If CONTINUED youth participation in the implementation of Agenda 21 is to be assured, firm governmental financial commitments must be made and adhered to. Young people should be partners in the development of educational curricula around all aspects of sustainable development. Young people should be encouraged to promote Agenda 21 through peer education. Further youth participation in the Agenda 21 process can be achieved through open dialogue sessions between youth and government at all levels. At a Local Agenda 21 level, youth should be enabled to take an active role in the auditing processes.

Rationale: Too few governments have taken strong steps to work with youth in recent years and achieving good inter-generational partnership. More remains to be done, and governments must find financial mechanisms to support youth involvement and empowerment

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in all regions.

5.6 Older Persons

We call for: Recognition of the critical importance of the growing global aging population in relation to sustainability and include older persons as a major group.

Implementation - Goals: Identify and utilize the skills of the older person at the local, national, and international level; Promote older person involvement in the activities of civil society; Ensure that each country supports, practices and enforces the United Nations Principles for Older Persons, in

pursuance of the International Plan of Action on Ageing.

Implementation - Activities: Involve older persons in the education process as "visiting experts," especially with youth, on assorted environment and development activities; Both in the developing and developed countries, utilize the knowledge of and skills of the older person in areas of technology, management, agriculture, family care, medicine, and cultural heritage; Encourage the involvement and participation of older persons in the decision-making processes for a sustainable future; develop materials for the older population, appropriate to their cultural heritage and values, that address issues for the older person as both consumer and producer.

Implementation - Means: Strengthen the Ageing Unit of the Social Policy and Development Division of the Department for Policy Coordination and Sustainable Development (DPCSD), which acts as a focal point for inter-agency cooperation in the United Nations; Disseminate and apply the United Nations Principles for Older Persons, many of the principles having application to sustainable development; provide and enhance accessibility and mobility for the older population; launch information, education and communication campaigns on ageing and sustainable development to promote positive images of the ageing as a subject of general social relevance in which everyone participates; provide key roles for older persons as voluntary or paid resource persons in public awareness campaigns on cultural traditions and heritage in the environment; promote the expansion or establishment of

intergenerational policies and programs; institute national programs to promote productive ageing; strengthen or establish national coordinating mechanisms on ageing; promote the establishment and effective functioning of organizations of older persons.

Rationale: Older persons, although receiving recognition during World Summits on population, social concerns, women, and the city, were overlooked in Section 3 of Agenda 21. Their contributions to a sustainable future as a "major group" must be considered a priority. The growth of the global older population, citizens who are living longer productive lives, is one of the most challenging demographic trends of the twenty-first century. A steady stream of one million persons a month now crosses the threshold of age 60, and 80% of these are in the south. The total number of those age 60 and above is projected to reach 600 million by the year 2001 and go on to reach 1.2 billion by the 2025, over 70% in the south. This snapshot serves as a small illustration of a far-reaching, if quiet, demographic revolution now affecting the social and economic structures of societies. Clearly, the challenge is great. Responses have been guided by the "International Plan of Action on Ageing," A/37/51. In resolution A/45/106, the General Assembly designated "1 October the International Day for the Elderly." By its resolution A/46/91, the Assembly adopted the "United Nations Principles for Older Persons" with five major themes: independence, participation, self-fulfillment, dignity and care. In 1995, by resolution A/50/141, the Assembly established "1999 as the

International Year of Older Persons." The framework for the year contains four major themes: situation of older persons; life-long individual development; multi-generational relationships; and development and the ageing population. "The Framework" is outlined in the report of the Secretary General, A/50/114.

Additional sources of information are available from the Web site <http://www.un.org/dpcsd/dspd/iyop.htm> -- International Year of Older Persons.

The Habitat Agenda, Chapter 1, Art. 17, reflects the member States' awareness of an ageing global population: "Older persons are entitled to lead fulfilling and productive lives and should have opportunities for full participation in their communities and society, and all decision making regarding their well-being, especially their shelter needs. Their many contributions to the political, social and economic processes of human settlements should be recognized and valued. Special attention should be given to meeting the evolving housing and mobility needs in order to enable them to CONTINUE to lead rewarding lives in their communities." The importance of Older Persons as a major group is found in the wealth of information, history, energy, and experience accumulated through their collective lifetimes. Given the size and potential force of this population, we cannot afford to ignore their needs. In a multigenerational society, older persons offer a generational link for humanity. They are vested with the responsibility of passing on a legacy. We must capitalize on the great human resource potential this major group offers. It is an exceedingly diversified pool of experienced and

talented men and women with skills in environmental management, public policy, conservation, technology, prevention and leadership at every level, who can contribute expertise to every aspect of environment and development. Their knowledge, wisdom and prestige can be vital to educating, organizing, and mobilizing people and communities to ensure that environmentally sustainable development is practiced.

5.7 Inclusion

We call for: Recognition that discrimination on the basis of race, gender, economic status, ethnic background, religion, political belief, sexual orientation, age and disability CONTINUE to prevent the full participation of many social groups in developing and implementing strategies for sustainable development. Address these obstacles by implementing measures inter alia: to confront prejudice, hatred, and human rights violations through educational programmes and relevant changes in national curricula; invest in the empowerment and capacity building of marginalized groups; remove structural and legal impediments to the fully inclusive participation of all social groups.

Rationale: A human rights framework is a prerequisite to an enabling approach to sustainable development. One of the legacies of the Rio Conference was the concept of "stakeholders", connoting both responsibility and participation of all those affected by any policy or action. Making human rights paramount

in sustainable development enables stakeholders to claim their basic rights and to become full participants in decision-making.

5.8 Occupied Peoples

We call for: Empowerment of ethno-cultural groups currently subsisting under occupation by foreign national powers.

Provisions must be made for access to and utilization of natural resources central to social and cultural autonomy and economic sustainable development.

5.9 Media

We recognize that Media is a major force in the civil society and that it could be useful in promoting the implementation of the Earth Summit agreements and the work of the CSD. NGOs call for the CSD to recognize the importance of local, national and international media participation in support of this process and encourage them to thoroughly communicate information about all levels of implementation of Agenda 21 and the work of the CSD.

6 Institutional and Legal Issues

The Special Session of the General Assembly offers the opportunity to deal with some of the institutional issues that have developed since the Rio Summit.

6.1 CSD Agenda and Work Programme

The Special Session should CONTINUE to be the high-level policy forum and a forum for sharing experiences. The next 5 years should see a more focused agenda for the CSD. Such a focused agenda should include oceans, forests, freshwater, tourism, chemicals and cross sectoral issues such as finance, capacity building, sustainable agriculture/food systems, technological transfer, poverty, education, production and consumption patterns, trade and sustainable development and transport - as well as continuing to address emerging issues. The CSD should include a public education and dissemination of information strategy in each aspect of its work programme to heighten awareness on critical issues and governmental compliance in achieving the goals of Rio.

6.1.1 Election and Term of Commission Chairs

The Chair of the CSD and other UN Commissions should be elected at the beginning of Commission sessions and assume office from the conclusion of the session through to the end of the next session of the CSD (or other Commissions).

6.2 High-Level Coordination of Conference Follow Up

Ensure effective coordination and create a dynamic exchange between the follow up from the different UN Conferences and Summits. There should be joint high-level sessions of Commissions dealing with similar issues each year. For example, if poverty is being discussed, the Commission for Social Development with the Commission on Sustainable Development should be arranged at Ministerial level. The High-level Session of the Economic and Social Council should convene regular joint High-level segments of the Commission on Sustainable Development with other relevant Commissions (e.g. Social Development).

6.3 Integrated Monitoring Frameworks

We call for: The establishment through DPCSD of an integrated comprehensive framework - making effective use of modern information and communications technology - for systematic monitoring of the implementation of all the Rio agreements as well as the agreements of the other recent global conferences.

Information that the UN has available at web-sites and other new information technologies should be made accessible to the public on a no-cost basis. The development of indicators and criteria shall in no way undermine obligations incurred under treaties, covenants conventions or commitments made in conference action plans.

Implementation: Develop a comprehensive framework - to be accessible online - to enable the systematic monitoring and

implementation of the agreements of the "Rio cluster" of United Nations conferences and proceedings; develop an integrated, fully searchable database that incorporates the text of all these agreements, that documents initiatives - including best practices - taken by intergovernmental agencies, governments and major groups, and that incorporates data and indicators that can help show current status and trends towards sustainability; the use of geographic information systems as a tool to assist in organizing and integrating information on measures; and measures to support capacity building in the use of information and communications technology - including the strengthening of information and communications infrastructure in developing countries.

Rationale: There is currently no systematic framework in place by which it is possible to assess and monitor the extent and specifics of implementation of the Rio agreements. Modern information and communications technology offers a range of powerful tools to organize and integrate a broad base of diverse information, and to make it widely accessible. There are many areas of overlap between the Rio agreements and the other "Rio cluster" agreements - all of which, in one way or another relate to the attainment of a sustainable common future - so there is a need for an integrated process of monitoring implementation of the whole set of agreements.

6.4 Decision-making Framework for consultation

While a lot is at stake with interlinking the debates on changing production and consumption patterns, on trade and sustainable development, and on finance, the common thread in all these Debates is the challenge to develop new models of governance. Sustainable development will not be achieved without institutional change.

Decision-makers are only judged upon the consequences of their policies for a limited group of people. The effects of globalization, of which we only see now the beginning, will further increase the distance between decision makers in corporations and finance institutions on the one hand, and even governments and ordinary citizens whose lives are affected by these decisions on the other.

In order to make a transition to sustainable production and consumption, the decision making structures need to be changed in order to assure the following: access to information and participation in decision making of consumers and citizens in health and environmental impacts of products and production processes; the right to know and to participate in decision making by local communities whose livelihoods are affected by global trade and investment patterns; effective mechanisms to ensure that abuse of corporate power is countered; democratization of decision making within corporations.

The new projected stakeholder models of governance or major group participation do not take into account the disparities in

economic and political power among different constituencies.

6.5 Peer-Review Assessment

The CSD should establish a process of peer-reviewed assessment of each country's performance on the implementation of sustainable development building on the model on work done by OECD. NGO and national networks at a country level should be encouraged to develop parallel national reports. The CSD secretariat is urged to make available at an international level these national NGO reports.

6.6 Secretary General's High-Level Advisory Board

The High-Level Advisory Board should be closed down. It does not appear to have contributed anything substantial to the CSD process nor has there been evidence of a meaningful relationship between it and the partners / major groups that are involved in the follow-up process for the Rio agreements.

6.7 Committee on Natural Resources

Streamline the relationship between the Committee on Natural Resources and the CSD.

6.8 United Nations Environment Programme

We call for: Renew and strengthen UNEP's mandate to: (a) adopt a new governance model for UNEP with an Executive Board of Ministers meeting between Governing Councils; (b) adopt further reforms consistent with the Nairobi Declaration adopted at Governing Council 19, with such reforms reviewed and agreed at the 52nd General Assembly and UNEP Governing Council 20; and (c) submit regular reports to the CSD on priority activities and future program plans.

Implementation: The Governing Council needs to meet as soon as possible to adopt the revised governance structure, and thereafter the reform process called for at UNEP GC 19 should be undertaken with a view to forwarding proposals for further reforms to the 52nd session of the UNGA and the 20th session of UNEP's Governing Council.

UNEP in its leadership role must assist States in ensuring that corporations including transnational corporations 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. In addition, UNEP should be encouraged to not support voluntary conformance to self-initiated standards of ISO 14000.

Rationale: The Nairobi Declaration agreed-to at the nineteenth session of UNEP's Governing Council provides a very constructive framework for UNEP's continuation and future operations. Among other parts of its mandate, it is essential that a strong, effective, adequately funded and sharply focused UNEP a) analyze the state of the global environment and assess global and regional environmental trend, provide policy advice, early warning information and catalyze and promote international cooperation and action; b) further the development of international environmental law, including coherent linkages among existing international environmental conventions; c) strengthen its role in the coordination of environmental activities in the UN system; and d) promote greater awareness and facilities far more effective cooperation among all sectors of society and actors involved in the implementation of the international environmental agenda. UNEP's present governance structure is in need of urgent reform; a new Executive Board of Environmental Ministers or the equivalent. This needs to be established to act between the Governing Council. Clearly the Nairobi-based centered Committee on Permanent Representatives has an important continuing role to play but there also is an urgent need for Environment Ministers to take a much more direct, lead role in guiding UNEP forward. In addition, UNEP and governments need to be much more innovative and visionary in reaching out to and involving NGOs, major groups and civil society in UNEP's, decision-making, information delivery and program implementation.

6.9 United Nations Development Programme

We call for: The work of UNDP's Capacity 21 programme to focus in the next five year phase of CSD to: help countries produce their National Sustainable Development Strategies, help work out programmes that would see those strategies enacted, and support the development of Local Agenda 21s.

6.10 United Nations Centre for Human Settlements

We call for: The General Assembly should recommend a review of the work being carried out in the UN system on human settlement issues with the intention of strengthening the Centre for Human Settlements as the UN coordinator of all work on human settlement issues through the partnership concept for implementation of the Habitat Agenda.

Implementation: A holistic, integrated approach, acknowledging the inter-connectedness and interdependence of all people with the natural environment, and encompassing a regional urban-to-rural view is necessary. Universal engagement of the population, participation by the user groups and stakeholders in all phases of the process, forging of public and private partnerships, and conscious efforts at community building as a vital force must become key elements of all national action plans.

Enlightened, innovative science and appropriate technology, adjusted to local human and natural conditions and resources,

mindful of the accumulated wisdom of traditional knowledge, and employing the proper materials and methods of construction for optimal environmental and human health are critical for the social, economic, environmental and cultural sustainability of settlements. The close coordination of the work of the CSD and UNCHS, as well as the other pertinent UN agencies with programs on settlements, especially UNEP and UNDP is imperative. In addition to monitoring progress towards the implementation of the Habitat Agenda, holding a 5-year Habitat Review would help to re-focus world attention on this mufti-factorial issue.

Rationale: Few other human activities have greater impact on the natural world than human settlements. If the cumulative effect of land development, use of material resources, infrastructure, energy and industry is antagonistic to the survival of the planet, it is ultimately antagonistic to the survival of the human species itself.

6.11 World Trade Organization

There should be a formalization of the relationship between the United Nations and the World Trade Organization - in particular, between the CSD and the WTO's Committee on Trade and Environment - (this could take the form of a Memorandum of Understanding).

6.12 Coordination of Governmental Positions

There should be a clear commitment to facilitating effective coordination of governmental positions in each of the different fora they are involved with.

6.13 Earth Summit III

Convene a Special Session of the General Assembly in 2002 to review the progress and roadblocks to sustainable development. This Special session should be held at the highest level.

This document is a working draft in development by the CSD / NGO Steering Committee and reflects a revision of the earlier draft recommendations that were distributed at the Inter-sessional Ad Hoc Working Group of the Commission on Sustainable Development. There remain a number of areas where proposed language has not been resolved. In particular, it should be noted that the current draft does not yet incorporate concerns that have been raised concerning the integration of human rights issues, and of the agreements of the 1993 World Conference on Human Rights, with those of the United Nations Conference on Environment and Development. The next version of the document will include a section on Human Rights and fuller consideration of human rights issues.

The document does not claim to speak for all non-governmental Organizations. It does, however, reflect a commitment by the CSD / NGO Steering Committee to set up an open and transparent process of consultation among NGOs - and to use a variety of mechanisms for consultation - including online distribution and distribution by fax and conventional mail of drafts of versions of this document.

The CSD / NGO Steering Committee plans to reach agreement on a revised version of this document by Friday 18. Input to the revised version must be received by the Steering Committee - preferably on diskette - no later than 6 pm on Wednesday 16 April 1997 - so that there will be an adequate opportunity for non-governmental organization representatives to review the proposed changes.

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PUBLIC NOT VESTED INTEREST POLITICS

JOAN RUSSOW, trilingual (English, French, Spanish), has over 35 years of experience as a critic of government policy at the international, national and provincial levels.

Only the Green party with its international, national, and local roots, has the political will to address the urgency of the global/local situation.

- to ensure the right to shelter, the right to food, the right to social security, the right to affordable quality education, the right to health care, the right to peace, the right to work in socially equitable and environmentally sound employment
- to respect the inherent worth of nature beyond human purpose, to prevent environmental degradation,
- to reduce the military budget by 50%. This will release over \$5 billion per year for social programs including health, education and the creation of socially equitable and environmentally sound employment with reduced work week, and to ensure that .Canadian corporations which currently pay less taxation than any of the G7 pay their fair share and that government inefficiencies are reduced.

- to reject the notion that economic growth will solve the urgency of the global/local situation
 - to move away from car-dependency and to adopt the green transportation hierarchy: walking, bicycles, transit, and lastly private automobiles,
 - to disCONTINUE all subsidies to socially inequitable and environmentally unsound practices and activities, and to transfer the funding into socially equitable and environmentally sound employment, and to institute a Community Economic Development (CED) that promotes local sourcing, revolving community loans, development of bioregional social and material needs inventories, and matching of those needs with local suppliers and to institute an average four-day/32-hour work week which would mean that existing jobs could be shared with those now unemployed.
 - to invoke the precautionary principle in relation to practices that could contribute to environmental degradation. Clear-cut logging and other ecologically unsound practices contribute to the reduction and loss of biodiversity. CONTINUED use of greenhouse gas-producing substances contribute to climate change, and the use of ozone depleting substances contribute to ozone depletion. The CONTINUED production of toxic, hazardous, including atomic, wastes contribute to environmental degradation. These practices must be disCONTINUED
 - to institute a system of justice which fairly balances the right to due process with collective security and works to reduce crime through prevention, deterrence and rehabilitation, and to guarantee through legislation: a) the right to clean air; b) the right to clean water; c) the right to uncontaminated food; and to empower Canadians whose environmental rights have been violated to take governments, corporations and individuals to court for violation of these rights.
 - to restore fish habitat and to address issues in aquaculture, and maintain a moratorium on increased fish farming
 - to cooperate closely with First Nations in the development of and implementation of an Act Respecting the Rights of Species in Canada, and to ensure protection of all Canadian animal and plant species in their natural habitat through creation of legislation that would maintain wilderness areas and interconnected wildlife corridors through preserving all remaining old growth forest areas and other critical habitat.
- and to enable any citizen to bring private enforcement actions in court where the government is not enforcing the law upholding the rights of species,
- and to call a national meeting in 1997 to discuss the implementation of the recommendations of the Royal Commission Report on Aboriginal Peoples, to apologize to First Nations for the Indian Act, and for residential schools, to ensure that interim measures are in place in areas that are under treaty negotiations

- to reform the current electoral system along the principles of proportional representation, and to ensure our system encourages democratic participation.
- to lobby the member States of the UN 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. In addition, in Canada to close Canadian waters and ports to nuclear armed and/or powered warships, to prevent all weapons testing in Canada, and to withdraw from NATO and NORAD.
- To promote the arts so that they would not be dependent on corporate or gaming funding, to provide increased and stable funding for the Canadian Broadcasting Corporation -- both radio and television services, and to remove the GST on books will be removed, funding to the CBC and arts groups will be restored
- to ensure that provincial decision making functions within a framework of overarching environment, social justice and human rights principles, and to observe the expressed desire of Quebec in the following five areas: (a) Provincial veto over future Constitutional amendments; (b) Limiting federal spending powers in programs falling under the exclusive jurisdiction of Quebec;(c) Appointment of judges from Quebec to sit on the Supreme Court of Canada;(d) Broader immigration powers; (e) Constitutional recognition of Quebec as a distinct society

() **THAT** on April 13, 1997 I was elected leader of the Green Party of Canada

EXHIBIT

news release news release news release news release news

* GREEN PARTY OF CANADA/PARTI VERT DU CANADA *

<http://green.ca>

GREEN PARTY CHOOSES NEW LEADER

THAT in 1997 on April 13, 1997, I was elected to be the leader of the Green Party of Canada

On the eve of the expected federal election, Dr. Joan Russow was chosen as the new leader Green Party of Canada. Russow won the party leadership after a four week campaign which culminated Sunday when the mail-in ballots were counted.

Russow won 52% of the first choice ballots cast, surpassing contenders Jim Harris (39%) and Rachelle Small (8%). Since Russow won over 50% of the first choice ballots cast, there was no need to count the second or third choice ballots.

Russow, a BILINGUAL resident of Victoria, BC, is a tireless worker and outspoken advocate for the rule of law, peace, social justice, environment, women's issues, and human rights. She has been teaching a course in Environmental Studies at the University of Victoria on global issues. She initiated a international initiative called the Global Compliance Research Project to advocate for corporate and government compliance with international agreements. She will raise the profile of the Green Party and its response to emerging issues.

As leader of the party, Russow will undertake to expose the federal government's misplaced priorities of large military expenditures, corporate subsidies and tax breaks. She will advocate international principles that offer alternatives and solutions to community concerns.

Russow believes that the Green Party is the only alternative to the other major parties. "there is an urgent need for change," she said in her acceptance speech. "...only the Green party has international, national and local roots and the political will to address the current global crisis

in 1997 on APRIL 21, with Stuart Parker, I sent out a press release

EXHIBIT

FOR IMMEDIATE RELEASE

LEADERS OF BC AND CANADIAN GREEN PARTIES ACCUSE BC GOVERNMENT OF HYPOCRISY ON MAI

WHERE WAS THE NDP MAI OPPOSITION DURING THE CORPORATE FEST?

APRIL 21, 1997

Canadian Green Party Leader Joan Russow and BC Green Party Leader, Stuart Parker today accused the Clark government of hypocrisy in its half-hearted opposition to the proposed Multilateral Agreement on Investment (MAI).

"While Glen Clark continues to publicly rail against the MAI, his government's policies continue to be a showcase of the kind of policies we can expect across the OECD if the MAI is implemented," stated Parker.

Russow added "Through the BC. governments endorsement of deregulation through voluntary compliance programs the corporations in BC do not need the MAI to protect their investments. The corporate sympathetic government in B.C. has already devolved power to the corporations. Many citizens do not realize that deregulation through voluntary compliance is supported by the most strident proponents of the MAI. Deregulation and self regulation has been a long time strategy of multinationals through various schemes such as the ISO 14,000 where the corporation sets its own environmental plan and then is assessed on how well it conforms to its self initiated plan. The ISO 14,000 with its complementary notions of "forest indicators" and "voluntary compliance" will serve to undermine all existing standards mandated by international law. While on the surface the government of BC calls for the rejection of the MAI, the government is not only condoning but embracing the largest world conference on "deregulation" and "voluntary compliance" : Globe 96. While citizens take to the streets to protest the MAI Clarke was welcoming the major multinational polluters through his statement in the Globe 98 program:

"As Canada's Pacific gateway, British Columbia's location makes it the logical, competitive and strategic choice for business".

When Cathy MacGregor presided over the "corporate and international delegate" breakfast Russow asked her "if anyone from the BC Government was going to be

speaking out against the MAI". She responded that no one from the B.C. government was going to be speaking on the MAI. The conspicuous absence of the BC government's expressed concern about MAI at Globe 96 was a reflection of the nature of the audience: the global corporate community.

BC - a Showcase for Investors' Rights

BC is, in fact, a showcase of how other jurisdictions would be forced to behave, were the MAI implemented. This is reflected in recent Clark government decisions on agricultural land, raw log exports, devolution of power to forest companies for management of forests, and the government's aggressive campaign to lure aluminum smelting companies to BC on the promise of significant government subsidies of electrical energy.

Russow concludes "the MAI must be opposed but not at the expense of condoning federal and local governments implementation of many of the directives of the MAI. The MAI would undermine the democratic process and the power of democratically elected governments. Ironically the corporate sympathetic governments in Canada are prepared to undermine environmental regulations, and in the case of the federal government prepared to undermine social programs, and health care.

-30

() THAT in 1997 in the last election one of our candidates, Don Francis had plumped up his expenses so that if he got 15% of the vote ,he would get a substantial rebate. He had the gall to request to be a candidate in the 1997 election wanted to fund again in the 1997 election [the first major contact with the media was having to deal with the egregious unprincipled act of a candidate in the last election. I kept wondering if I really want to lead this party]

And whether I should retract the following statement:

Russow affirms: "I am committed to Green Party policies which I consider visionary ideas which in the future will become the accepted norms in Canada and the international community".

For more information contact:

Dr. Joan Russow, 250-598-0071, jrussow@coastnet.com

Deborah Roberts, Green Party Executive Secretary, 519-474-3294

Box 397, London, ON N6A 4W1

--

Frank de Jong, GPC organizing chair, GPO leader

GP Ontario membership: \$10 - \$20 Box 35101, Ottawa ON K1Z 1A2

GP Canada membership: \$5 - \$25 Box 397, London, ON N6A 4W1

<http://www.greenparty.on.ca> <http://green.ca>

() THAT in 1997, on April 14, at St John Parish Hall, I gave a presentation on:

EXHIBIT

1997

Comment Re: Peoples' Assembly

What is essential in the discussion of "civil society" is to determine what constitutes civil society. When I was in San Francisco, at the "We the Peoples Conference" in 1995, a UN representative mentioned that the term "NGO" should be replaced by the term "civil society". At that conference and subsequently, I raised the issue of what constitutes civil society. One representative from UNDP stated that it included the Market as well as NGOs thus there would be two main categories STATE and CIVIL SOCIETY; whereas another representative from UNDP made a distinction between STATE, CIVIL SOCIETY AND MARKET. I contacted UNICEF and they supported the latter distinction. However, when I have participated in recent UN meetings, I have noticed more and more that the term "Civil society" includes the market.

In the Charter of Obligations that I prepared for the Conference in Beijing, I defined "civil society" as those members of society that advocated and demonstrated through their actions the need to guarantee human rights, to protect and preserve the environment, to prevent war and conflict, to promote social justice and socially equitable and environmentally sound development.

The Charter of Obligations contained 350 pages of the strongest UN statements I could find related to obligations incurred through conventions, treaties, and covenants; commitments made through conference action plans, and expectations created through General Assembly resolutions. I suggested that adherence to these principles would be a condition for being a member of civil society.

As most people involved in UN conferences are aware, the notion of NGO at the UN has been extended. For example, the America Rifle Association has been designated as an NGO as well as the Canadian Pulp and Paper association. Undoubtedly they will seek designation as a member of civil society.

The notion of a people's assembly would only work if there is principle-based decision making where there is an undertaking to adhere to fundamental principles that have already been established under the UN system. In this way hopefully the involvement of vested economic self interest, anti-peace and environmental, racists, and religious fundamentalist groups will be excluded.

I have been astounded over the years, at the strength of the resolutions coming from the General Assembly. Somehow, at this moment, the majority of States through the General Assembly, tip the balance in favour of guaranteeing human rights, protecting the environment and preventing war and conflict, and ensuring social justice and socially equitable and environmentally sound development. The problem arises at the UN when there is an insistence on consensus; that is when the obligations, and commitments descend to the lowest common denominator.

What I think is necessary is that we call upon member States of the United Nations to discharge existing obligations under conventions, treaties and covenants, act on commitments made through Conference Action Plans, and fulfill expectations created through General Assembly Resolutions.

In addition, we must call on member States of the U.N. to sign and ratify existing conventions, treaties and covenants, and to enact the necessary legislation to ensure compliance. If this is not done, trade groupings and such as WTO NAFTA, OECD (MAI), and APEC will completely undermine any progressive UN movements on human rights, peace, social justice, and the environment.

Joan Russow (PhD)

Global Compliance Research Project

National Leader of the Green party of Canada

() THAT in 1997 in APRIL

() **THAT** I circulated the report from the International Affairs Caucus

EXHIBIT

() Justice Selwyn Romily statement about the green party being the conscience of canada

() April 18 Highlights approve by Election Communication Committee FIND FIND FIND

() April 20 Julia Mar 905 8205067 ¿???

() Micahe Greenspoon 416 960 1288A ???

() April 21 Comer meeting Roger 383-9863

() THAT in 1997 on April 21, I Recirculated the Criteria of public trust

() THAT in 1997, I developed the Criteria of Public Trust to counter the GDP"which "represents nothing that matters."(Joseph Stiglitz)

EXHIBIT

CRITERIA OF PUBLIC TRUST

Any state may be ranked in its discharge of its duty to protect its citizens, and that of all other States, by the following CRITERIA OF PUBLIC PROTECTION OF THE ENVIRONMENT:

(i) the degree to which a state has acknowledge the urgency of the global situations and of the necessity to change

(ii) the degree to which a state recognizes that all survival ultimately depends on the integrity of ecosystems including its global form, the biosphere

(iii) the degree to which a state has 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, and that the international community has enough information about the pending state of ecological irreversibility that it must act immediately

(iv) the degree to which a state [ensures that every form of life is unique, warranting respect regardless of its worth to humanity, and to accord other organisms such recognition, humans must be guided by a moral code of action (World Charter of Nature)

(v) the degree to which a state accepts the role of humans as being to understand and work with the rest of nature, not to control, manage, dominate or conquer it

(vi) the degree to which a state recognizes and addresses the real limits to consumption, population and pollution

(vii) the degree to which a state has recognized the following principles:

* the "precautionary principle"- where there are threats of environmental degradation lack of full scientific certainty should not be used as a reason for postponing measures to prevent the threat (Rio Declaration, 1992)

* the "reverse-onus principle" - the proponent of an intervention into an ecosystem shall be required to demonstrate the safety of the intervention rather than the opponent of the intervention having to demonstrate harm (principle endorsed by Federal Department of Environment)

* the principle of "ecosystem primacy"

- * the "anticipatory principle" (Agenda 21, 1992) ,
- * the "polluter pay" principle (Rio Declaration, 1992)
the "compensatory principle",
- * the "assessment of environmental costs" principle (Agenda 21, 1992)
- * the disaster prevention principle (Habitat II, 1996)
- * the ecological footprint reduction principle (Habitat II, 1996)
- * the "non-transference of substances or activities that are harmful to human health or the environment" principle - States should prevent the transfer to other States of activities or substances that cause environmental damage or that are harmful to human health (Rio Declaration, 1992)

(viii) the degree to which biodiversity a state has protected and the degree to which a biocentric rather than an anthropocentric-human centred view of society is adopted

(ix) the degree of condemnation and avoidance of over-consumption, and the extent to which a state values the reduction of consumption

(x) the extent to which citizens live within the carrying capacity of the ecosystem and refrain from contributing to global ecological harm

(xi) the extent to which a state [re]affirms that 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)

(xii) the degree to which renewable resources are not used faster

than their rate of renewal (MN)

(xiii) the extent to which the use of resources does not lead to the extinction of other life forms, or cause cumulative effects

(xiv) the degree to which it has been able to integrate ecologically sound practices into policy

(xv) the degree to which there is exclusive public control of parks

(xvi) the degree to which ecological rights have been enshrined in constitution

(xvii) the degree to which harmful substances have been banned, eliminated or phased out

(xviii) the degree to which socially equitable and environmentally sound alternatives to fossil-derived energy and public transportation has been subsidized and promoted

(xix) the degree to which conservation practices have preserved] wild stocks of fish, and the degree to which fish farming has been discouraged or banned

(xx) the degree to which i a state has rejected ISO 14,000 through which corporations set their own environmental policy without external standards

(xxi) the degree to which a state ensures that corporations including transnational corporations comply with national codes and international law including international environmental law

INTEGRATION OF ENVIRONMENT AND HEALTH

(i) the degree to which environmentally induced health problems have been primarily prevented and but if present have been eliminated

(ii) the extent to which prevention of health problems is paramount and all research has been primarily dedicated to that purpose, and to which curative medicine respects natural environmentally sound remedies

(iii) the degree to which hormone-treated and genetically engineered <<agricultural practices have been banned

PROMOTION OF HEALTH

(i) the degree to which there has not been a two tier health care system

(ii) the degree to which preventive medicine is supported

(iii) the degree to which alternative medicine is supported

(iv) the degree to which [the state encourages the use of natural remedies

(v) the degree to which [research into alternative

medicine is funded

(vi) the degree to which admonitory labeling exists for all non-nutritive substances

(vii) the degree to which women's right to reproductive health is assured.

(viii) the extent to which generic medicines are made available

(ix) the extent to which the state is counteracting the pharmaceutical control of the Codex Alimentarius

(x) the degree to which there is universal health care

PROMOTION OF PUBLICLY FUNDED EDUCATION

(i) the degree of public funding for secondary education, and the refusal of corporate control of universities

(ii) the degree to which students have the option to repay their loans through community service

(iii) the degree to which competitiveness is reduced within in the school system through interaction rather than evaluation

(iv) the extent to which scientific technology is used in peace and for the benefit of humanity (as agreed in 1975 General Assembly UNESCO resolution)

(v) the degree to which tuition fees at university are free

(vi) the degree to which students receive loans and have the option to repay the loans through community service

ENDORISING OF SOCIAL AND CULTURAL RIGHTS

(i) the degree to which there is an equitable distribution of resources among citizens

(ii) the degree to which there is the provision for sufficient income to meet basic needs, and to provide for socially equitable and environmentally sound employment

(iii) the degree to which the right to food, housing, education and universal health care is guaranteed and assured

(iv) the degree to which poverty has been eliminated

(v) the degree to which those on welfare are treated as first class citizens

(vi) the degree to which there is income assistance and a pension plan

(vii) the degree to which crime is addressed through social programs rather than through increased incarceration (as agreed in several General Assembly resolutions)

ENSURING OF 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 as to alter the current unequal conditions and structures that CONTINUE and to promote and sustain socially inequitable and environmentally un sound development employment is ensured

(ii) the degree to which a state does not transfer to other States substances or activities that are harmful to human health or that cause environmental degradation

GUARANTEEING PROTECTION OF HUMAN RIGHTS

(i) the degree to which there is the absence of discrimination based on gender, sexual orientation, gender identity, form of the family, disabilities, refugee or immigrant or migrant worker status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions (age) and other status

(ii) the degree to which there is affirmative action and equal access to socially equitable and environmentally sound employment

(iii) the extent to which the sovereign rights of indigenous peoples are guaranteed, and interim measures that will be in place to prevent the destruction of lands of indigenous peoples during any treaty negotiations are ensured

(iv) the degree to which it recognizes 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)

(v) the extent to which there is the absence of religious fanaticism, intolerance, xenophobia, extreme nationalism etc.

GUARANTEEING OF SOCIAL, CULTURAL AND ECONOMIC RIGHTS

(i) the degree of enshrining and implementing the right to socially-equitable and environmentally-sound development; including the right to food, potable water, universal health care, education and shelter

(ii) the degree of implementation of the International Covenant of Social, Cultural and Economic rights

GUARANTEEING OF CIVIL AND POLITICAL RIGHTS

(i) the degree to which citizens [have the right to]have freedom of assembly and protest [without being arrested and charged as criminals]

(ii) the extent to which citizens [can protest] <have the freedom to protest environmental devastation [without being arrested]

(iv) the extent to which a state has prohibited SLAPP (Strategic Law Suits Against Public Participation) suits against its citizens

(iv) the extent to which the necessary legislation is enacted to ensure the implementation of International Covenant of Civil and Political Rights right to civil and political rights (security, freedom of

speech etc.)

PROMOTION OF CULTURE

- (i) the extent to which publicly owned media has been supported
- (ii) the degree to which cultural diversity is promoted and supported

ENDORISING OF PRINCIPLE-BASED ECONOMICS

- (i) the degree to which a state has discarded the notion of the Gross National Product, and embraced <the Criteria of Public Trust (CPT)
- (ii) the degree to which investors invest in socially equitable and environmentally sound development
- (iii) the degree to which the state ensures that corporations comply with national statutes and with international law including international environmental law (as agreed at UN Conference on Women, 1995 and Habitat II, 1996)

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- (iv) the degree to which principle rules industry rather than be overruled by industry
- (v) the degree to which [governments ensure that]all corporations Including transnational corporations comply with national codes and international law
- (vi) the degree to which governments are prepared to seek compensation from corporations that have violated human rights, caused environmental degradation, and contributed to conflict and war
- (vii) the degree to which a state assists a third world country to improve its quality of life, and refuses to press the leaders thereof to undertake dubious loans.

- (viii) the degree to which a state is willing to forgive third world debt
- (ix) [the degree to which loans have <not been siphoned off to External bank accounts]
- (x) the degree to which the right to work in socially equitable and environmentally sound employment <is emphasized
- (xi) the degree to which a state has based its he economic system on socially, equitable and environmentally sound criteria such as on <these CPT (Criteria of Public Trust) rather than GNP or GDP

PROMOTION OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT

- (i) the extent to which a state] a state contributes over .7% national budget to assist socially equitable and environmentally sound employment in other countries
- (ii) the extent to which a state promotes environmentally sound employment in other countries. rather than promoting its own environmentally unsound technology or allowing work to be moved to low-wage areas
 - {
 - (iii) the extent to which a state has opposed structural adjustment programs

IMPLEMENTATION OF ORGANIC AGRICULTURE

- (i) the extent to which organic agriculture is mandated and practiced
- (ii) the extent to which the use of chemical pesticides has been banned and disCONTINUED

(iii) the degree to which the right to food self-sufficiency is made possible and supported

(iv) the extent to which agricultural land has been maintained and not developed

(v) the extent to which a diet dominantly of legumes, leaf vegetables, fruits, and grains is recognized as an alternative to a meat-based diet.

PROMOTION OF PEACE

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(i) the degree to which support is given to non-aggressive, peaceful ways to resolve conflict

(ii) the degree to which no funds or little funds are spent on the military and on arms production

(iii) the degree to which a state respects the rule of law and enforces international and domestic law

(iv) the degree to which [the state] has reduced or eliminated the military budget and has transferred funds to socially equitable and environmentally sound development and sound employment as agreed in the UN General Assembly Resolution 1981,

(v) the degree to which citizens can be conscientious objectors in time of war

(vi) the degree to which citizens can transfer the military Proportion of taxes of the budget to socially equitable and environmentally sound development and to the promotion of peace

- (vii) the degree to which the state <it is not involved indirectly or directly in the development of conventional weapons and weapons of mass destruction
- (viii) the degree to which a state does not intervene militarily in another state, or support military intervention of another state
- (ix) the degree to which a state has not been involved either directly or indirectly in the production of weapons of mass destruction
- (xi) the degree to which a state supports the discontinuance of all further testing of weapons of mass destruction and production of weapons of mass destruction
- (xii) the degree to which a state prevents the circulation and berthing of nuclear powered vessels and nuclear weapons-capable vessels
- (xiii) the degree to which a state endorses and conforms to a treaty to eliminate the production of weapons of mass destruction
- (xiii) the degree to which a state has never been involved with Producing and planting land mines
- (xiv) the extent to which a state has promoted the banning of land mines

IMPLEMENTATION OF THE RULE OF LAW

(ix) the extent to which a state has signed and ratified and enacted the necessary legislation to discharge international covenants and conventions and abide by commitments made through conference action plans

() APRIL 21 1997

REPORT FROM THE INTERNATIONAL AFFAIRS CAUCUS

Chair, Joan Russow

At the meeting of the International Affairs last year BCEN Annual General meeting, it was decided to follow through on two projects: Global compliance with international agreements, and a mining information and action program.

For the Habitat II conference, Joan Russow, the Chair of the Caucus, wrote a 150 page book entitled Comment on Habitat II Agenda: Moving beyond Habitat I to discharging obligations and fulfilling expectations. This book placed the sections of the Habitat II UN document in the context of previous commitments made at Habitat 1 and of previous obligations from conventions, treaties and covenants. The book was distributed to all the State delegations at the Habitat II conference in Istanbul to remind member States of the UN of previous commitments and obligations yet unfulfilled.

At the 1993 CEN meeting in PEI, two members of the BC International Affairs Caucus moved a resolution proposing that the CEN International affairs Caucus prepare a NGO report on Canada's compliance or non-compliance with the commitments made in Agenda 21 (UNCED, 1992). This year, a line by line comment on Canada's submission to the United Nations was made. The Chair of the BCEN International Affairs Caucus attended the follow-up session to UNCED in February 1997 at the United Nations, and gave a workshop on "Global Compliance: A modest Proposal". A line by line comment was also done on the current UN document being prepared for follow-up to the United Nations; this comment which was circulated on the international NGO web site criticized the member States of the United Nations for non-compliance with obligations and commitments from UNCED as well as with previous international agreements.

The caucus also lobbied internationally to counteract the Canadian government's proposal of a Forest Convention.

The Report from the mining projects will be made at the upcoming meeting of the International Affairs caucus at the BCEN Annual General meeting.

A CONTINUED on the ground project working cooperatively with the people in the field in Central America will also be reported at the International Affairs Caucus Annual General meeting.

John Edmonds

The International Affairs Caucus participated in several international meetings since the last Annual General Meeting. This year the Caucus worked on two projects

Hi Joan, of course we could pay you any money possible for our work. I'm planning some major initiative re mining while still in Canada. Also I'm anxious to get in touch with John Edmonds, do you have his email of embc's email to introduce our proposals/ My other major concern re International has to do with capital and funding transfers to the "south". By and large it is either a waste of time or if not destructive in its powers to destroy the initiative of the grass roots. 99% of international development goes into the hands of the privileged classes and their toys. Financial support must involve a cooperative relationship with the people in the field, the campesino, the people closest to the land. Their voice must be respected. It would be good to discuss this with you at some length, sooner or later. I will wait til your return before I come to Victoria. I also agree with you on the issue of corporate compliance, but how. Surely it must be done through their governments overseeing their behaviour? Thanks for keeping in touch. Sure we will give you \$100 for this international conference. Can we access any of the \$300? Is the UNA involved at all in your work or this planned conference. I'm planning to try to invigorate them if possible...Bye for now and please send me word of your activities at the conference....With loving spirit...Ira

From: anne-marie sleeman <asleeman@alternatives.com

Subject: Reminder: Re Report Due

Hi. It's me again.... Just a reminder that your one page caucus report is due Tuesday, April 15th if it has not already been submitted.

Anne-Marie Sleeman, Executive Director
British Columbia Environmental Network (BCEN)

2nd Floor - 1672 East Tenth Avenue, Vancouver, BC
Canada, V5N 1X5

Phone: (604) 879-2279; Fax. (604) 879-2272

BCEN Email: bcen@alternatives.com

The BCEN is an affiliate of the BCEN Educational
Foundation (BCENEF) & the Environmental Fund of BC

(*) THAT in 1997, at the UN, I discussed the MAI with Kofi Annan and urged him to point out that the OECD agreement would contravene International Public Trust Law.

(*) THAT I circulated a Modest Proposal for the member States at the Rio +5 conference

() APRIL 22 Roy Macfarlan

EXHIBIT:

() April 22 Quaker House

() April 23 Souha United Nations

() April 24 ferry to Vancouver

() **THAT** I issued a press release urging Jean Chretien to delay the election because of the Manitoba flood

EXHIBIT

Media Advisory

April 27, 1997

() THAT in 1997 on April 27, I issued a press release- Green Party Leader concern on lack of humanitarian concern in election call

EXHIBIT Green Party Leader deplores lack of humanitarian concern in election call
(Victoria, B.C.)

The Prime Minister of Canada, the Right Honourable Jean Chretien, has ignored a humanitarian appeal made by Manitobans in the disaster area to delay the election

The convenience of following through with election plans should never take precedence over humanitarian concerns. The leader of the Green Party of Canada had also sent an appeal urging the Prime Minister to delay the election. The Green Party deplores the disregard by all parties of the disaster in their response to the dropping of the writ.

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for further information on this contact

Joan Russow, PhD,

Leader, Green Party of Canada

ph/fax (250) 598-0071

email jrussow@coastnet.com and era@pinc.com

() THAT I was invited to Washington DC to give a presentation of the Precautionary Principle: a principle of international customary law, at George Washington University*

"The Implications of Compliance with the Precautionary Principle:

Report to the Commission on Sustainable Development;"

EXHIBIT:

() THAT I issued a press release calling upon the Federal government to postpone the election because of the serious floods in Manitoba

EXHIBIT NOTE THAT A DIAGRAM WAS MADE FOR THE CONFERENCE

April 1997

MEDIA RELEASE

MANITOBA FLOODS, CLIMATE CHANGE AND NEGLIGENCE

In Canada, since at least 1972, the urgency of potential climate change was recognized, at least by the Science Council of Canada.

Environmental degradation is often ignored because it is intangible and because causal connections may not be clear.

In 1992, Canada along with other member States of the UN undertook through the Framework Convention on Climate Change to reduce CO₂ emissions, and protect carbon sinks such as old growth forests.

Little has been done to substantially decrease the use of fossil fuels, to move away from car dependence and to preserve old growth forests.

In 1992, Canada also undertook to invoke the precautionary principle to not wait until there was scientific certainty that climate change would occur to act to prevent the potential damage.

There may not be scientific certainty but judging from the "Call to Action" issued by the Union of Concerned Scientists, there is a preponderance of evidence that climate change will occur if serious measures are not undertaken.

No longer can governments state that disasters such as the flooding in Manitoba are "Acts of God" when these disasters are more likely the results of negligence and inaction and the lack of political will to address the urgency of global environmental degradation.

The government of Canada should fully compensate the victims of the possible years of government inaction and misplaced priorities.

Joan Russow, the leader of the Green Party of Canada, remarks that "Billions of dollars are spent through the Department of Finance, the Department of Foreign Affairs, Department of Natural Resources as well as other departments to promote vested economic interests of corporations", and she questions " where is the government funding to address humanitarian concerns.

The Green Party of Canada is on record for calling upon Jean Chrétien to postpone the election and not let "the convenience of election readiness undermine fundamental humanitarian concerns in Manitoba.

FOR FURTHER INFORMATION PLEASE CONTACT:

Joan Russow
 Leader of the Green Party of Canada
 Tel/FAX (250) 598-0071

(*) **THAT** in 1997 drafted a treaty to Counteract the MAI, and
 in 1997 Cassini and Plutonium

() **THAT in 1997**, on April 21, I prepared and circulated a report from the International Affairs Caucus

EXHIBIT

APRIL 21 1997

REPORT FROM THE INTERNATIONAL AFFAIRS CAUCUS

Chair, Joan Russow

At the meeting of the International Affairs last year BCEN Annual General meeting, it was decided to follow through on two projects: Global compliance with international agreements, and a mining information and action program.

For the Habitat II conference Joan Russow, the Chair of the Caucus wrote a 150 page book entitled Comment on Habitat II Agenda: Moving beyond Habitat I to discharging obligations and fulfilling expectations. This book placed the sections of the Habitat II UN document in the context of previous commitments made at Habitat 1 and of previous obligations from conventions, treaties and covenants. The book was distributed to all the state delegations at the Habitat II conference in Istanbul to remind member States of the UN of previous commitments and obligations yet unfulfilled.

At the 1993 CEN meeting in PEI, two members of the BC International Affairs Caucus moved a resolution proposing that the CEN International affairs Caucus prepare a NGO report on Canada's compliance or non-compliance with the commitments made in Agenda 21 (UNCED, 1992). This year, a line by line comment on Canada's submission to the United Nations was made. The Chair of the BCEN International Affairs Caucus attended the follow-up session to UNCED in February 1997 at the United Nations, and gave a workshop on "Global Compliance: A modest Proposal". A line by line comment was also done on the current UN document being prepared for follow-up to the United Nations; this comment which was circulated on the international NGO web site criticized the member States of the United Nations for non-compliance with obligations and commitments from UNCED as well as with previous international agreements.

The caucus also lobbied internationally to counteract the Canadian government's proposal of a Forest Convention.

The Report from the mining projects will be made at the upcoming meeting of the International Affairs caucus at the BCEN Annual General meeting.

A CONTINUED on the ground project working cooperatively with the people in the field in Central America will also be reported at the International Affairs Caucus Annual General meeting.

() **THAT** in April 1997, I circulated a statement on compliance for the June conference In New York, Earth Summit + 5

EXHIBIT

April 28 1997

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.

- 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”.

- To 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.

Contact: Dr. Joan Russow

Global Compliance Research Project

1230 St. Patrick St. Victoria,, B.C. V8S4Y4

Tel/FAX 250 598-0071 e-mail jrussow@coastnet.com

May May1997

Election called on May 2

() THAT in 1997 on May 2, I responded to Dauncy's question about the 10 most important issues for the 1997 election

EXHIBIT

MAY 2 1997

1. • to reduce the military budget by 50%. This will release over \$5 billion per year for social programs including health, education and the creation of socially equitable and environmentally sound employment with reduced work week, and to ensure that .Canadian corporations which currently pay less taxation than any of the G7 pay their fair share and that government inefficiencies are reduced.

and to ensure the right to shelter, the right to food, the right to social security, the right to affordable quality education including the option of repaying student loans through community service, and the right to work in socially equitable and environmentally sound employment, and to enact a Social Security Act to provide national standards for welfare.

2. • to act upon a commitment in recent UN Conferences to move away from the over-consumptive model of development, reduce the ecological footprint and reject the notion that economic growth will solve the urgency of the global/local situation, and to move away from car-dependency as agreed to at the Habitat II Conference (1996), to adopt the green transportation hierarchy: walking, bicycles, transit, and lastly private

automobiles, and to promote environmentally-sound transportation systems that contribute to the development of Ecocities and to disCONTINUE all subsidies to socially inequitable and environmentally unsound practices and activities, and to transfer the funding into socially equitable and environmentally sound employment, and to institute a Community Economic Development (CED) that promotes local sourcing, revolving community loans, development of bio-regional social and material needs inventories, and matching of those needs with local suppliers and to institute an average four-day/32-hour work week which would mean that existing jobs could be shared with those now unemployed.

3 • to invoke the precautionary principle in relation to practices that could contribute to environmental degradation. It is not necessary "to wait until there is "scientific certainty" that clear-cut logging and other ecologically unsound practices "contribute to the reduction and loss of biodiversity, that CONTINUED use of greenhouse gas-producing substances contribute to climate change, that CONTINUED use of ozone depleting substances contribute to ozone depletion and that CONTINUED production of toxic, hazardous, including atomic, wastes contribute to environmental degradation to disCONTINUE these practices.

4. • to institute a system of justice which fairly balances the right to due process with collective security and works to reduce crime through prevention, deterrence and rehabilitation, and to implement anti-SLAPP legislation strictly limiting the rights of corporations to sue groups and individuals for pecuniary loss, to guarantee through legislation: a) the right to clean air; b) the right to clean water; c) the right to uncontaminated food; and to empower Canadians whose environmental rights have been violated to take governments, corporations and individuals to court for violation of these rights.

5. • 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, 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. . and to include sexual orientation as a listed ground of discrimination. in all Canadian human rights documents, and to lobby for its inclusion in all international human rights documents.

6. • to restore fish habitat and to address the following outstanding issues in aquaculture, and maintain a moratorium on increased fish farming: (a) Risks of introduction of exotic diseases from the CONTINUED importation of Atlantic salmon into Pacific waters; (b) Pollution from fish sewage, contamination of shellfish, and loss of habitat; (c) Death, wounding, and harassment of mammal and bird populations due to shootings, net

entanglements, and acoustic deterrent devices; (d) Loss of access to traditional fisheries for First Nations people, with increased risks to their health from exposure to drug residues from food collected near net-cage operations; (e) Competition for spawning beds and genetic interaction between wild and escaped salmon in fresh and salt water; (f) Decline of wild stocks Losses of wild fish, such as herring and juvenile salmon, consumed by net-cage fish; (g) 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.

7. • to cooperate closely with First Nations in the development of and implementation of an Act Respecting the Rights of Species in Canada, and to ensure protection of all Canadian animal and plant species in their natural habitat through creation of legislation that would maintain wilderness areas and interconnected wildlife corridors through preserving all remaining old growth forest areas and other critical habitat.

and to enable any citizen to bring private enforcement actions in court where the government is not enforcing the law upholding the rights of species, • and to call a national meeting in 1997 to discuss the implementation of the recommendations of the Royal Commission Report on Aboriginal Peoples, to apologize to First Nations for the Indian Act, and for residential schools, to ensure that interim measures are in place in areas that are under treaty negotiations

8. • to reform the current electoral system along the principles of proportional representation where a party receives a number of seats equal to their share of the vote, and to phase out limits to democratic participation such as \$1000 deposits required for federal candidates, and the reimbursement from the public purse of 22.5 % of election expenses..

9 • to lobby the member States of the UN 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. In addition, in Canada to close Canadian waters and ports to nuclear armed and/or powered warships, to prevent all weapons testing in Canada, and to withdraw from NATO and NORAD.

10 • To promote the arts so that they would not be dependent on corporate or gaming funding, to provide stable funding for the Canadian Broadcasting Corporation -- both radio and television services, and to remove the GST on books and to restore funding to the CBC and arts groups

11. • to ensure that provincial decision making functions within a framework of overarching environment, social justice and human rights principles, and to observe the expressed desire of Quebec in the following five areas: (a) Provincial veto over future Constitutional amendments; (b) Limiting federal spending powers in programs falling under the exclusive jurisdiction of Quebec;(c) Appointment of judges from Quebec to sit

on the Supreme Court of Canada;(d) Broader immigration powers; (e) Constitutional recognition of Quebec as a distinct society

() THAT in 1997 on May 2, I circulated to Green party candidates an outline of the treasury board estimates to demonstrate the Canadian government's misplaced spending priorities

One of the most useful items that I have been using during the election is the Treasury Board Estimates Report. I referred to it as the "shadow blue book" —the book that reveals the real spending priorities of Government.

I have urged everyone to get a copy, but it is expensive. I typed out the outline of various departments with their mandate and their budget. I am also circulating this outline to give everyone a better indication of what comes under the different departments

During the election I surveyed the book and found there was several billion dollars dedicated to promoting corporate competitiveness and I made a commitment to request a clarification from the Treasury Board and from the Auditor General on the nature of these expenses.

Joan

EXHIBIT

FRAMEWORK FROM THE TREASURY BOARD REPORT

TOTAL MAIN ESTIMATES \$157,424,169,000

AGRICULTURE AND AGRI-FOOD

Department \$1,502,608,000)

Canadian Dairy Commission \$2,379,000

CANADIAN HERITAGE

Department \$995,045,000

Canada Council \$88,668,000

Canada Information Office \$19,916,000

CBC \$857,894,000

Canadian Film Development Corporation \$81,063,000

Canadian Museum of Civilization \$45,568,000

Canadian Museum of Nature \$20,558,000

CRTC \$3,769,000

National Archives of Canada \$46,163,000

National Arts Centre \$19,573,000
 National Battlefields Commission \$6,393,000
 National Capital Commission \$71,109,000
 National Film Board \$57,690,000
 National Gallery of Canada \$32,483,000
 National Library \$ 29,661,000
 National Museum of Science and Technology \$19,187,000
 Public Service Commission \$112,206,000
 Status of Women \$17,111,000

CITIZENSHIP AND IMMIGRATION

Department \$575,169,000
 Immigration and Refugee Board of Canada \$77,027, 000

ENVIRONMENT

Department 507,511,000
 Canadian Environmental Assessment Agency \$9,842,000

FINANCE

Department \$65,977,574,000
 Auditor General \$ 50,688,000
 Canadian International Trade Tribunal \$7,949,000
 Office of the Superintendent of Financial Institutions \$1,687,000

FISHERIES AND OCEANS (budget \$1,076,749,000)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE (INTERNATIONAL COOPERATION OR AFFAIRS)

Department 1.299,301.000

Canadian Commercial Corporation \$10,742,000

Canadian International Development Agency \$ 1,683,782,000

Export Development Corporation, \$ 135,000,000

International Development Research Centre \$88,111,000

International Joint Commission \$4,461,000

NAFTA Secretariat, Canadian Section \$2180,000

Northern Pipeline Agency. \$254,000

HEALTH (DISEASE PREVENTION AND UNIVERSALITY)

Department \$1,534,058.000

Hazardous Materials Information Review Commission \$1,163,000

Medical Research Council \$237,566,000

Patented Medicine Princes Review Board \$2,817,000

HUMAN RESOURCES DEVELOPMENT

Department \$24,893,732,000

Canada Labour Relations Board \$8,901,000

Canadian Artists and Producers Professional Relations Tribunal \$1, 726,000

Canadian Centre for occupational Health and Safety \$1,356,000

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Department \$4,307,113,000

Canadian Polar Commission \$929,000

INDUSTRY

Department \$922,667.000

Atlantic Canada Opportunities Agency \$ 308,902,000

Business Development Bank of Canada

Canadian Space Agency \$184,537,000

Competition Tribunal \$1,258,000

copyright Board \$841,000

Enterprise Cape Breton Corporation \$ 8,654,000

Federal Office of Regional Development -Quebec \$296,407,000

National Research Council of Canada \$ 462,440,000
 Natural Science and Engineering Research Council \$ 433,855,000
 Social Sciences and Humanities Research Council \$94,422,000
 Standards Council of Canada 5\$,111,000
 Statistics Canada \$262,268,000
 Western Economic Diversification \$255,938,000

INTERGOVERNMENTAL AFFAIRS

JUSTICE

Judicial reform

NATIONAL DEFENSE

Department \$9,916,518,000

NATURAL RESOURCES

Department \$472,172,000

Atomic Energy Control Board \$ 42,243,000

Atomic Energy of Canada Limited \$132,215,000

Cape Breton Development Corporation \$22,105,000

National Energy Board \$28,014,000

PARLIAMENT

The Senate 40m \$675,000

House of Commons \$213,600,000

Library of Parliament \$17,599,000

PRIVY COUNCIL

Department \$ 64,007,000

Canadian Centre for Management Development \$16,958,000

Canadian Intergovernmental Conference Secretariat \$3,104,000

Canadian Transportation Accident Investigation and Safety Board \$22,107,000

Chief Electoral Officer \$23,854,000

Commissioner of Official Languages \$9,962,000

National Round Table on the Environment and the Economy \$3,310,000

Public Services Staff Relations Board \$5,556,000

Security Intelligence Review Committee \$1,406,000

PUBLIC WORKS AND GOVERNMENT SERVICES

Department \$1,708,634,000

Canada Mortgage and Housing Corporations \$1,863,667,000

Canada Post Corporation \$14,000,000

SOLICITOR GENERAL

Department \$72,534,000

Canadian Security Intelligence Service \$1,153,018,000

Correctional Service \$1,153,018,000

National parole Board \$23,656,000

Office of the Correctional Investigator \$1,284,000

Royal Canadian Mounted Police \$1,118,411,000

Royal Canadian Mounted Police External Review Committee \$ 788,000

Royal Canadian Mounted P9lice Public Complaints Commission \$3,545,000

TRANSPORT

Department \$1,731,083,000

Canadian Transportation Agency \$21,744,000

Civil Aviation Tribunal \$901,000

TREASURE BOARD \$1,481,295,000

VETERANS \$1,921,587,000

() IN 1997 in may 2

- 1997. Made a submission to CSD, against the treating of water as a commodity
- () THAT in 1997, on May 3, I was invited to participate in an all candidates meeting
In Victoria

I went to an all candidates meeting at the Open Space Gallery to discuss issues of Art and Culture. I told a story by Marcel Ayme. During the German occupation of France he wrote a story about the government issuing an edict stating that citizens could live for a period of time each month according to his or her usefulness to society. The story opens with a poet and an artist complaining because they were deemed useless to society and they were allotted very little time to live each month. One hundred years later, nothing has changed. Art and culture is still not valued in the community [I told the story because I thought the organization responsible for heritage was not doing a good job]

() THAT in 1997 in May in Vancouver I held a press conference dealing with decriminalization of drugs . and on the MAI..

COMMENT

Jason Crummy from the Green Party asked me a loaded question and discredited the whole press conference,

(May 5)

Tuesday

() THAT in 1997, on May 6, I wrote to the editor of the Globe and Mail

EXHIBIT

A piece on Canada's non-compliance with international law

To the Editor:

Federal and provincial disregard for International environmental obligations

In 1992, at the United Nations, Canada signed the Framework Convention on Climate Change (ratified in 1993) and the Convention on Biological Diversity (ratified, 1992). The BC NDP government had endorsed these two Conventions.

In the Climate Change Convention, the Canadian government and by implication the government of B.C, had undertaken to reduce CO2 emissions, and to conserve carbon sinks such as old growth forests.

The Canadian governments at all levels have been lobbied by the auto and forest industry to the point of virtual inaction. Under the Biodiversity Convention, the Canadian

government undertook to carry out an Environmental Assessment Review of activities that could contribute to loss or reduction of Biodiversity.

In addition, at the Habitat II Conference the Canadian Government made a commitment to move away from car dependency and develop environmentally sound transportation.

The Federal and BC governments have ignored both the obligations under the Framework Convention on Climate Change, and the Convention on Biodiversity and the commitment under the Habitat II conference action plan.

The recent construction of the Island Highway impacting on fish bearing streams without a real environmental impact assessment, and the lack of real support for extending the EN and Light rail transit, and only moderate support for bicycle transportation are perfect examples of the disregard for these obligations and commitments.

Citizens have been arrested and condemned as criminals for calling for little more than for governments to live up to their international obligations and commitments. Over 1000 citizens were arrested in Clayoquot Sound, and now citizens are being arrested in Temagami.

Soon citizens will be arrested in Ontario for protesting the transport of Plutonium from dismantled nuclear weapons to be used in CANDU reactors. When the Canadian government has made a commitment to prevent disasters through recent international conferences.

When in Montreal during the Campaign, I challenged Chretien to debate Canada's non-compliance with international agreements, and he walked by and disregarded my request.

I will be at the June 21-31, 1997, five- year follow-up to the United Nations Conference on Environment and Development (UNCED) in New York where national leaders of the member States of the United Nations will meet to delude the world about how well they have conformed with international obligations under conventions and international commitments under conference action plans from UNCED. I will certainly bring to the attention of the international community that throughout the election not one of the so-called "major" parties in Canada has seriously raised environmental issues.

At the review of UNCED I will also point out Canada's failure to comply with international obligations and commitments, and that citizens are being arrested and charged as criminals for calling for little more than Canada to live up to international obligations and commitments.

I will also take this opportunity to inform the UN high Commission on Human Rights which is responsible for the implementation of the International Covenant on Civil and Political Rights about what I perceived to be serious irregularities in the Canadian Electoral process.

Joan Russow (PhD)

National Leader

Green Party of Canada

250 598-0071

CELL 250 216 5813 Wednesday 12,00 on Panel with Trade Ambassador

May 8-may 10

() in 1997 Raised the issue of corporate control of government

EXHIBIT

"Corporate control of the government should be the number one issue in this election," Russow added. "Chretien acts as a corporate lackey with his trade junkets all around the world, selling CANDU reactors to regimes with ghastly human rights records. Canada's human rights record was tarnished by Chretien at APEC. The Canadian alliance has accepted vast amounts from corporations too, with \$25,000 a plate dinners. The NDP has done nothing when given the chance to speak out as provincial governments."

"That is why we are the only real alternative for voters," Russow said. "unlike the other previously elected parties, we don't accept corporate political donations and consider these donations as being corruption. i challenge the other parties to come out and say where they stand on these vital trade issues."

() **THAT** in 1997 at that time there were provisions in the Elections Act that discriminated against small parties; such as the reimbursement of public funds, and requirement for \$1000 deposit

() **THAT** I sent out a piece on Canada's non-compliance with international law

EXHIBIT

1997

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In the Climate Change Convention, the Canadian government and by implication the government of B.C, had undertaken to reduce CO2 emissions, and to conserve carbon sinks such as old growth forests.

The Canadian governments at all levels have been lobbied by the auto and forest industry to the point of virtual inaction. Under the Biodiversity Convention, the Canadian government undertook to carry out an Environmental Assessment Review of activities that could contribute to loss or reduction of Biodiversity.

In addition, at the Habitat II Conference the Canadian Government made a commitment to move away from car dependency and develop environmentally sound transportation.

The Federal and BC governments have ignored both the obligations under the Framework Convention on Climate Change, and the Convention on Biodiversity and the commitment under the Habitat II conference action plan.

The recent construction of the Island Highway impacting on fish bearing streams without a real environmental impact assessment, and the lack of real support for extending the EN and Light rail transit, and only moderate support for bicycle transportation are perfect examples of the disregard for these obligations and commitments.

Citizens have been arrested and condemned as criminals for calling for little more than for governments to live up to their international obligations and commitments. Over 1000 citizens were arrested in Clayoquot Sound, and now citizens are being arrested in Temagami.

Soon citizens will be arrested in Ontario for protesting the transport of Plutonium from dismantled nuclear weapons to be used in CANDU reactors. When the Canadian government has made a commitment to prevent disasters through recent international conferences.

When in Montreal during the Campaign, I challenged Chretien to debate Canada's non-compliance with international agreements, and he walked by and disregarded my request.

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commitments under conference action plans from UNCED. I will certainly bring to the attention of the international community that throughout the election not one of the so-called "major" parties in Canada has seriously raised environmental issues.

At the review of UNCED I will also point out Canada's failure to comply with international obligations and commitments, and that citizens are being arrested and charged as criminals for calling for little more than Canada to live up to international obligations and commitments.

I will also take this opportunity to inform the UN high Commission on Human Rights which is responsible for the implementation of the International Covenant on Civil and Political Rights about what I perceived to be serious irregularities in the Canadian Electoral process.

Joan Russow (PhD)

National Leader

Green Party of Canada

250 598-0071

CELL 250 216 5813

() THAT in in 1997, during the election, I made the following responses in the Oak Bay News

EXHIBIT

May 23, 1997

ATTENTION DAVID LENNAM

EDITOR, OAK BAY NEWS

250 598 1896

RESPONSES TO QUESTIONS

JOAN RUSSOW

1. What is the most pressing problem in Canada today?

The most pressing problem is twofold: (i) the political will necessary to promote the public trust has given sway to vested economic interests to the detriment of the health and welfare of the community, and to the environment; and (ii) the presumption that uncontrolled unregulated economic growth is the solution to national and local problems continues to prevail.

A reflection of this problem can be seen in the misplaced spending priorities evident in the 1997 Treasury Board report on government expenditures.

2. How much more do you think the health and education systems can take in cuts? Is there an alternative?

There can be no more cuts and at least \$5 billion must be put back into transfer payments. A complete reassessment has to be done on federal government spending priorities; there must be a strong federal government that serves primarily the fundamental needs of its citizens including the right to universal health care, right to shelter and food, and the right to meaningful education.

Fifty per cent of the current military budget which is \$10-10.6 billion should be used to restore transfer payments for health care, and education

More emphasis should be placed on preventive medicine and on the reduction of environmentally-induced diseases. In addition, it is essential to ensure the availability of less expensive generic prescription drugs, and to prevent the current proposal to designate herbal remedies as drugs.

Sufficient funding should be given to universities so that students and professors do not have to grovel at the foot of industry for research funding, and every effort should be made to prevent the vested interests of industry from determining the direction of research.

3. A growing senior population demands commitment to their welfare. Do you have a creative solution to their needs?

Not only must the senior population be assured of their basic rights of universal health care, housing, food, and social security, but also of their continued relevance and importance in society. There should be more inter-generational cooperative programs where the wealth of knowledge and experience of seniors can be shared with other generations. In addition, a specific program linking retired academics with a publishing record/teaching experience with students to apply for funding for research projects could maintain the intellectual relevance of the seniors and could assist the students with their careers.

4. What can be done to ease the passionate cries of Western Canadians feeling ignored by Ottawa.

It is not just alienation of Western Canadians; it is alienation of citizens from the decision-making process. Years of consultative panels, working groups, round-tables etc. before which citizens make submissions and presentations have alienated citizens. In these "consultative processes" Citizens are heard, rarely listened to and virtually ignored. (I spent one month preparing a line by line analysis of the Federal Government's submission to a UN Commission; I received a thank you note for my comprehensive submission and not one point was included, and no justification was given for completely ignoring my submission). There must be a meaningful consultation process drawing upon citizens with a range of expertise and experience and occurring within a framework of overarching principles

5. Many Canadians are concerned about losing their jobs, others are worried about finding one. What would you do to ease these concerns?

In addition, many Canadians work too long and too hard and many work too little. Also, many Canadians work in jobs that are morally reprehensible and environmentally destructive. Substantial funding from federal departments such as Foreign Affairs and Trade, Finance, Natural resources, and External Development that are promoting the sale and transfer of environmentally unsound technology such as the sale of CANDU reactors should be transferred into creating socially equitable and environmentally sound employment. A Community Economic Development (CED) program should be instituted that promotes self-sufficient economies.

6. How do you change the political apathy of the general public?

Citizens have often been discouraged from the public process because when they have contributed significantly, submitting briefs etc. they are ignored. Also, citizens have been continually disillusioned by the discrepancy between what is said and what is done. Underlining the citizens frustration also is that governments lack the political will and thus fail to address the urgency of the global, and national situation. For too long governments have fragmented the problems facing society, and failed to grapple with the complexity and interdependence of issues. All this must change. There has to be concomitant action at the international, national and local levels with an active and knowledgeable citizenry willing to appreciate the complexity and interdependence of issues. Citizens should know exactly what the governments spend money on so that they can demand a shift in spending priorities, and the citizens can be actively involved in this shift. Only when citizens know what governments have agreed to can, they effectively demand that implementation occur. More citizens must enter politics not to promote vested interests but to further the public trust. The instituting of a proportional representation system where citizens can vote for a party and for an individual might encourage more involvement in the electoral process if citizens can vote for someone, they want rather than vote strategically to prevent someone or some party that they do not want to be elected.

7. What makes you a credible candidate

I have a Masters in Curriculum Education and a doctorate in Interdisciplinary studies. I have been involved as a policy analyst and human rights, environment, peace and social justice advocate for over 35 years.

I am bilingual with roots in Quebec and I feel that I can effectively address the Unity issue. Also, I speak Spanish and I have been monitoring and actively lobbying against NAFTA, particularly against the notion of "voluntary compliance". I have been a long-time analyst of government policy at the international, national and local levels and I will speak for the public trust not for vested economic interests. With my international experience I can call upon the government to comply with obligations incurred through conventions and

treaties, to fulfill expectations created through General Assembly resolutions and to act on commitments made at international conferences. Much of the Green party policy is in line with international agreements that the governments in Canada have failed to implement. In addition, I can lobby effectively internationally to address the overriding of significant international agreements by trade agreements such as WTO, MAI and NAFTA. I am prepared to challenge anyone who violates the public trust, is hypocritical or who has misrepresented policy. In a recent court decision in BC, Mr. Justice Selwyn Romily noted that "the Green party is the social conscience of B.C. I am hoping that citizens of Canada will send members of the Green party to Ottawa to be the social conscience in Parliament. (I am the National Leader of the Green Party and the only National Party leader from B.C.)

() **THAT** in 1997 in May, during the election I issued the following statement on Nanoose, and on the failure of the Federal government to close the base

EXHIBIT: UNPRINCIPLED ACTION BY BC GOVERNMENT: NANOOSE CFMETR AGREEMENT SHOULD BE CANCELED IN ITS OWN RIGHT NOT USED AS A NEGOTIATING TOOL

Green Party National Leader Joan Russow called B.C. Premier Clark's threats to close the Nanoose Submarine Test Range in response to salmon treaty negotiations with the Americans as "Reprehensible."

"It is reprehensible that the NDP government with the support of the liberal MP from Victoria have used CFMETR as a bargaining tool when there is legitimate support through international law for the cancellation of the Agreement" affirmed Dr Joan Russow, Leader of the Green Party of Canada.

Premier Glen Clark along with local incumbent Liberal MP David Anderson, by linking the legitimate request to cancel the CFMETR agreement with a confrontational unrelated issue of conservation of salmon stocks have potentially promoted a series of retaliatory measures that would not have been present if an appropriate cancellation had occurred.

The legitimate cancellation of CFMETR agreement has nothing to do with the decline in fish stocks, and it is unconscionable to use the threat of cancellation as a tool of negotiation. Unless the government is prepared to acknowledge CFMETR's contribution to the decline of salmon stocks in B.C.

In July 1996, the International Court of Justice in La Hague handed down a decision that the use or the threat to use nuclear weapons was contrary to international Humanitarian Law.

Through the Charter of the United Nations every member state including the United States and Canada undertook to respect the rule of law.

The Canadian Forces Maritime Experimental Test Range (CFMETR) "is used as a training and testing facility for a variety of unarmed submarine and anti-submarine weapons and monitoring systems. On an annual average, there are 19 visits to Nanoose by US ships. These visits include ships which are both nuclear-capable and nuclear-powered." (BC Government Press Release, May 25, 1997.).

For years citizens have been requesting the cancellation of the Agreement; the recent International Court decision plus recent commitments to "prevent disasters" from international conferences such as Habitat II (1996) provide additional weight and justification to the citizens request.

She also remarked that "Fish stocks have declined for numerous reasons including : permitted even encouraged overfishing and ignored destructive forest practices. The Federal and Provincial Governments have followed policies that have led to the potential extinction of the wild salmon in B.C. The Chretien government policy of encouraging massive over-fishing in what was termed "the Fish War" with the USA has contributed to a reduction of fish stocks. In the Fish War, Canadian fish boats were encouraged by the Federal government to form a "blockade" and to aggressively over fish in order to prevent the salmon from reaching American fish boats.

In B.C. industry-sympathetic government administrations have failed to ensure compliance not only with international law such as the Convention on Biological Diversity but also with provincial and federal statutory law. Section 60 of the Forest Act allowed for

the suspension of forest licenses if through non-compliance with the Forest Act there had been damage to the natural environment. One of the requirements of the Forest Act was to protect fish habitat. Also, the Fisheries Act through section 33 which classifies as a crime the deposit of deleterious substances that could destroy fish habitat has been rarely enforced". .

For years the Forest Companies blasted up salmon-bearing creeks for ease of access, logged to the edge of creeks, and destroyed feeder creeks through environmentally unsound practices such as clear-cutting. These practices were ignored by the various governments and ministries, and citizens have been arrested and condemned as criminals for calling for a discontinuation of these practices.

Now through years of negligence the citizens of British Columbia are living with the consequences of industry-sympathetic administrations. gambling with the future of British Columbia.

A principle of bargaining is that one never bargains away principles.

For further information

Please Contact:

Joan Russow (PhD) 598-0071 or CELL 250 216 5813

() **THAT** in 1997 I circulated a Modest Proposal for the Earth Summit II

EXHIBIT

Circulated prior to Rio +5 June 1997

JUNE 23, 1997

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. 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".

We will revoke licenses and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

We will 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.

Further, we undertake to institute an International Court of Compliance where citizens can take evidence of state and corporate non-compliance.

JUNE 24, 1997

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. 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.

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.

JUNE 25, 1997

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. 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.

JUNE 26, 1997

On June 26 1997, we, 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, reduce the ecological footprint and reject the notion that economic growth will solve the urgency of the global situation.

JUNE 27, 1997

On June 27, 1997, we, 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) 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 we 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, we will 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.

() **THAT** in 1997 I wrote and circulated a piece criticizing the Reform party and their disregard for human rights

EXHIBIT

MEDIA RELEASE

May 31, 1997

REFORM PARTY WILL UNDERMINE YEARS OF INTERNATIONAL AND NATIONAL HUMAN RIGHTS ACHIEVEMENTS,

Green Party Leader Joan Russow today condemned the Reform Party's human rights platform. She warns Canadians of the implications of the Reform policy of devolution of federal power. The Reform Party proposes to allow community decision making on issues for which Canada has made obligations through human rights instruments and commitments through conference action plans. Canada could be in serious violation of international law.

Recently at an all Candidates meeting in Victoria, Reform candidate Arla Taylor said that reproductive rights would be subject to community decision making, Taylor has been involved for years in the pro-life movement in Victoria. Canada made a commitment at the International Conference on Population and Development, and at the UN Conference on Women: Equality, Development and Peace to guarantee reproductive rights.

In addition, at international meetings Christian fundamentalists in the name of "equality" have advocated that there is no reason to have specific grounds of discrimination listed in human rights documents. This position is also the policy of the Reform Party of Canada.

Through international and National Human Rights document there has been an undertaking to

End discrimination in all its forms by removing systematic barriers to full participation that discriminate against particular groups due **to gender, family structure 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, or socio-economic conditions , nature of residency and other status**

Ron MacLissac, President of the Vancouver Island Human Rights Coalition, confirmed that "equality can only be achieved if legislation designates specific rights and the way to ensure that specific rights are protected and guaranteed is to include them in legislation as specific grounds upon which there shall be no discrimination"

Having a country with varying approaches to fundamental principles depending on the whim of the ruling, and thus a country with no overarching fundamental principles in the area of Human Rights would cause Canada to become an international pariah.

The implications of reform party policy could be the undermining of 50 years of international and national human rights achievements.

For further information: Please Contact Joan Russow (PhD) Green Party of Canada.
Leader

phone 250-598-0071 or cell 216-5813

KEY ISSUE; EARTH SUMMIT +5

JUNE JUNE 1997

() **THAT** in 1997 I wrote a criticism of the Sierra Club's report during the election

EXHIBIT

June 2, 1997

MISREPRESENTATION OF GREEN PARTY QUESTIONNAIRE BY SIERRA CLUB

ATTENTION: ELIZABETH MAY

SIERRA CLUB QUESTIONNAIRE

RESPONSE FROM JOAN RUSSOW

LEADER OF THE GREEN PARTY OF CANADA

1. Climate Change

A Green party government would undertake to reduce CO2 emissions to at a minimum of 20% from 1990 levels by the year 2000 by (i) conserving carbon sinks (as agreed in the Framework Convention on Climate Change) such as old growth forests; (ii) By moving away from car dependency (as agreed to at Habitat II, 1996)

2. ENDANGERED SPECIES

A Green part government would support effective legislation to protect endangered species— including the right of citizens to initiate actions in the court system in the event of a violation of such an act.

3. PROTECTED SPACES

A green party government would complete the National park system, and ensure that the care of the park system remains in the public domain.

4. TOXIC CHEMICALS

A Green party government would support amendments to the Canadian Environmental Protection Act to phase out the generation and use of persistent toxic chemicals, and in addition, the Green party would immediately prevent the transfer to other states of substances ...such as persistent toxic chemical — that cause environmental degradation or are harmful to human health. Prior informed consent of another state would not be used to sanction the transfer to other states or to other areas of the country—ie first nations lands, of toxic, hazardous or atomic wastes.

5. Sydney tar ponds

A Green party government would immediately transfer funding from the "promotion of industrial competitiveness programs" in the Department of Natural Resources to clean-up and remediate environmentally devastated sites such as Canada's largest toxic waste site, the Sydney Tar Ponds.

6. OVERSEAS DEVELOPMENT ASSISTANCE

A Green party government would immediately increase the Overseas Development Assistance to 0.7 percent of GNP by relocating part of the budget in External Affairs that is dedicated to promoting corporate competitiveness. In addition this increased funding would go into socially equitable and environmentally sound development, and not into supporting Canadian industries that have been contributing to the Global problem.

7. NUCLEAR EXPORTS AND SUBSIDIES

A Green party government would end all subsidies to the nuclear industry. In the Treasury report on proposed expenses in the Department of Natural resources about 140 million is allotted annually to AECL with additional funding of 30 million to the AECEB to "monitor". Throughout the Treasury report on proposed expenses there appears to be a number of additional subsidies through other departments. An investigation needs to be conducted on the full subsidy to the nuclear industry. It should be noted that in the Habitat II conference Canada undertook to promote environmentally sound energy. Even though AECL claims that 100 Canadian firms will be involved in the China CANDU project creating 25,000 jobs in Canada, all sales of CANDU should be immediately canceled. In addition, the federal government has overstepped its powers by issuing an Order in Council to bypass the requirement of an Environmental Assessment Review.

8. SCIENCE

A Green party government would readjust funding priorities, and transfer 50 % of the .currently 10-10.6 billion military budget into social programs including education. In addition the Green party would curtail the corporate direction of research at university; the corporate sector has little interest in the funding of programs and research projects that are dedicated to understand, assess and monitor the environmental and human health impacts of human activity.

9. ENVIRONMENTAL ASSESSMENT

A Green party government would commit to full adherence to the Canadian Environmental Assessment Act and ensure that the Act would be a genuine EA act and not simply a project review where environment is sacrificed in the interests of environmentally unsound development, and job creation.

10. FEDERAL ENVIRONMENTAL JURISDICTION

A Green party government would exert federal jurisdiction and responsibility for national standards of environmental quality providing that these standards are equal to international standards, and exceed the highest standards proposed by any other state. The Green party is advocating Mandatory International Normative Standards/regulations (MINS) drawn from principles of International law, and from the highest expression of these principles in any other country. Member states of the UN undertook in recent conferences to ensure that corporations including transnational corporations comply with national codes... and international law including international environmental law. To fulfill this commitment Canada should not allow any trade agreement such as GATT, WTO, NAFTA or MAI or any proposal for "voluntary compliance" to undermine obligations incurred through UN Conventions and covenants, or through commitments made at UN Conferences. In addition the Green party of Canada is proposing an International Court of Compliance where citizens can take evidence of state and corporate non-compliance.

() **THAT** in 1997 on June 10, I circulated a statement that the Green Party of Canada was— the unofficial opposition against pro-economic growth (at any cost) vested economic interest parliament

EXHIBIT

JUNE 10, 1997

THE UNOFFICIAL OPPOSITION AGAINST PRO-ECONOMIC GROWTH (AT ANY COST) VESTED ECONOMIC INTEREST PARLIAMENT

CURRENT UNOFFICIAL OPPOSITION ACTIVITIES

- Disseminate information on the need for Governments of all the member states of the United Nations to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards, and ensure that no organization such as OECD or APEC and no trade agreement including GATT, NAFTA, WTO should undermine any state resolve to raise standards and strengthen regulations. In addition, the United Nations must urge the OECD countries to discontinue all further negotiations of MAI whose “standards of investment” undermine principles derived from member states obligations, expectations, and commitments through international law.
- Counteract the perception of western alienation towards Quebec. This perception has been exacerbated because of the election of Reform in Alberta and British Columbia
- Document and report on the extent to which Canadians are deriving income from socially inequitable and environmentally unsound employment such as the 25,000 jobs created through the sale of the CANDU reactor to China, jobs promoting car-dependency, jobs causing deforestation, jobs mining uranium, jobs contributing to arms production, jobs in producing toxic, hazardous, and atomic substances and wastes including jobs in the transporting of toxic, hazardous and atomic wastes, and jobs in violence training in the military. etc., and jobs in promoting corporate competitiveness in these areas
- File a request with the Auditor General's office requesting a clarification and explanation of the nature and extent of the billions of dollars spent through various government departments on the promoting of corporate competitiveness, and expose misplaced government spending
- Expose federal and provincial non-compliance with international obligations such as failure to move away from car-dependency (habitat II, 1996), failure to reduce the ecological footprint (Habitat II, 1996) failure to ban ozone depleting substances (failure to reduce CO2 emissions and preserve carbon sinks such as old growth forests) (Framework convention on Climate Change); failure to prevent disasters (Habitat II, 1996 such as the transfer of plutonium for use in CANDU reactors, and the continued visits of

nuclear-powered vessels; failure to conserve biodiversity and carry out an environmentally assessment review of actions that could contribute to reduction or loss of biodiversity (Convention on Biological Diversity, 1992); failure to guarantee the right to shelter and the right to food (International covenant on Social, Economic and Cultural Rights, 1966), and to reduce the military budget and transfer the savings into social programs (General Assembly Resolution, 1981)

- Examine the nature and extent of the relationship between the Reform position on human rights and the international fundamentalist Christian movement instituted to undermine almost 50 years of international human rights documents.
- Carry out a line by line analysis of the MAI in conjunction with US researcher on the non-compliance with previous international obligations incurred through the Charter of the United Nations, Conventions and Covenants, with previous expectations created through General Assembly resolutions and declarations, and with previous commitments made Continue circulating internationally a resolution calling upon the UN to urge the OECD to discontinue all further discussion of MAI because MAI undermines over 50 years of UN Instruments (i) guaranteeing human rights; (ii) protecting and preserving the environment; (iii) promoting social justice and non-violent communities and equitable distribution of resources; (iv) creating socially equitable and environmentally sound employment; (v) preventing war and conflict.
- Expose internationally in New York at the Earth Summit II that there is no party in the parliament of Canada that seriously addresses the environment, and that none of the current parties with elected members in parliament raised the environment as an issue during the election
- Expose internationally in New York at the Earth Summit II that all leaders of the parties in the Federal Government declined the invitation from the first nations leaders of Canada to participate in a televised debate on first nations issues during the election
- Submit a report to the UN High Commission on Human Rights —the UN organ responsible for the implementation of the International Covenant on Civil and Political Rights, on the substantive inequalities present in the current electoral system in Canada

Joan Russow (PhD)

Green Party of Canada

() THAT in 1997 on June 19. I wrote a piece about Chretien at G7 forest convention

EXHIBIT:

June 19, 1997

ATTENTION: Vincent Carol Fax Fax 303 892 2568

CHRETIEN AT THE G7

AND THE CONVENTION ON FORESTS: A FOREST INDUSTRY PROJECT

Dr. Joan E. Russow

National Leader, Green Party of Canada

Through numerous existing international conventions, obligations already exist in relation to forests: the Convention on Biological Diversity, the Framework Convention on Climate Change, and the Convention on Combating desertification etc. . In addition, numerous forest-related ecological principles have been expressed as commitments made through various conference action plans.

The problem is not that there does not exist a Convention on Forests but that member states of the United Nations have failed to sign or ratify existing conventions related to forests, and have failed to enact the necessary legislation to ensure compliance and enforcement.

For example, several sections in the Convention on Biological Diversity (1992) apply to forests. The obligation to identify biodiversity, the obligation to carry out an environmental assessment review of practices that could contribute to the reduction or loss of biodiversity, and the obligation to invoke the precautionary principle which in essence advocates that in the event of reduction and loss of biodiversity scientific certainty is not necessary for the needed measures to be taken to prevent the loss or reduction of biodiversity. In addition, in the Climate Convention, there is an obligation to conserve and protect carbon sinks—one of which is old growth forests.

If these provisions had been implemented since 1992, there would be a movement away from logging old growth forests where substantial biodiversity resides, and there would have been an environmental assessment review of current forest practices. In addition, there is sufficient

evidence that clear-cut logging and other environmentally unsound forest practices contribute to loss and reduction of Biodiversity to justify the discontinuation of these practices under the precautionary principle.

The fear of the applicability of the existing conventions has caused the forest industry, along with sympathetic administrations such as those in Canada to call for a Convention on Forests with the intention of weakening existing UN documents. For example, part of the proposal for a Forest Convention entails the establishment of "Criteria and Indicators". In the booklet that was set up "Criteria and Indicators" within the forests, the overarching caveat is that none of the criteria and indicators is mandatory. The first indicator listed is "biodiversity shall be protected". This indicator which is reflected in the legally binding Convention on Biological Diversity is now being undermined by being included in a document that is non-mandatory and non legally binding.

An additional problem occurs in federal states such as Canada where the Federal government signs agreements in areas over which provinces claim jurisdiction. Even though the Biodiversity Convention was endorsed at the cabinet level in the province of BC in Canada, the courts of BC have ruled that international law such as the Biodiversity Convention is not applicable in the courts of BC. Canada, at the international level, has been promoting the Forest Convention at the request primarily of the Forest Industry. Canada has, however, through practices in the various provinces been in non-compliance with the existing international agreements that apply to forests.

The government of Canada signs and ratifies agreements such as the Convention on Biological Diversity but fails to enact the necessary legislation to ensure compliance and enforcement and even to provide for the applicability of international law in the provincial courts. The government of the US rarely signs and ratifies international agreements; in the case of Convention on Biological Diversity the US has signed but not ratified the agreement. Under the Convention on the Law of Treaties, the signing of an agreement does give rise to an obligation not to defeat the purpose of the agreement in the interim between the signing and the coming into force (Art 18).

If there is to be change in the Forest practices there must be international political resolve to sign and ratify existing

Citizens have no real avenue for raising issues of non-compliance. What is needed is an international Court of Compliance where citizens can take evidence of state noncompliance. There is a sufficient body of existing international instruments to ensure that the required protection, preservation and socially equitable and environmentally sound development of the global forests. is instituted

Dr. Joan Russow

National Leader, Green Party of Canada

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() **THAT** in 1997 I signed on to a letter criticizing US intervention

Signed on

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
FOR COMMENT AND AMENDMENT
AND FOR SIGNATURE

June 1997

Madeline Albright, Secretary of State
United States Department of State
Washington, D.C. 20520

Dear Secretary Albright,

We the undersigned, from all over the world, are writing to express our concern at the manner in which the United States government is intervening in the domestic affairs of numerous other nations regarding their intellectual property laws. The ability of a nation to develop its laws is a sovereign and inalienable right and one which the United States Congress absolutely defends for itself.

Whereas it is true that many nations are presently adopting new legislation to develop their intellectual property laws in ways consistent with various international agreements to which they subscribe, it is not true that it is the United States' responsibility nor its right to interfere with their national democratic processes for doing so.

Furthermore, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO) is not the only international agreement with which nations may wish to conform.

The Convention on Biological Diversity, which the U.S. has yet to ratify, stipulates that parties cooperate to ensure that intellectual property rights "are supportive of and do not run counter to" the objectives of the convention: namely, the conservation and sustainable use of biodiversity, and the equitable sharing of its benefits. This Convention also obligates the parties, subject to their national law, to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities." The International Undertaking on Plant Genetic Resources of the Food and Agriculture Organization provides for Farmers' Rights as innovators entitled to intellectual integrity and access to the germplasm and technologies they have developed collectively over many generations.

Each of these is an international agreement in which negotiators have balanced the trade-related aspects of intellectual property rights of the WTO with the community-related aspects of humanity's intellectual heritage. It is legally irresponsible and morally dishonorable for the United States to utilize its political leadership and economic might toward influencing the way in which each sovereign nation and its peoples develops domestic policy and law to implement these several international agreements.

To be more specific, we the undersigned have learned of several circumstances in which the United States government is currently intervening in other countries' domestic affairs.

For example, we have learned that the U.S. Department of State sent the Royal Thai Government (RTG) a letter dated April 21, 1997, in regards to draft Thai legislation allowing Thai healers to register traditional medicines. Despite the fact that Thailand is not obliged to comply with TRIPs until at least 2000, the letter advises the RTG that "Washington believes that such a registration system could constitute a possible violation of TRIPs and hamper medical research into these compounds." The State Department letter requests a copy of the draft legislation and official responses to 11 questions, beginning with the question: "What is the relationship of the proposal to the granting of patent protection in Thailand?" and ending with the question: "Does the RTG envision a contractual system to handle relationships between Thai healers and foreign researchers in the future?"

We the undersigned believe that the U.S. letter constitutes an inappropriate attempt to influence Thailand's domestic initiative toward balancing the objectives of TRIPs, the CBD, and the International Undertaking. The Department of State should withdraw the letter and issue an apology for interfering in Thailand's legislative prerogatives.

Moreover, we are concerned that the questions asked in the State Department letter imply an interest on the part of the U.S. government to facilitate the transfer of traditional Thai knowledge to U.S. researchers, and their eventual solicitation of patents on this knowledge. In the first place, we do not believe any government should encourage the privatization of knowledge already in the public domain. In the second place, we believe the use of patents to commercialize and monopolize living material rests on

ethically and environmentally unsustainable foundations.

We have also learned recently that the United States government has threatened the Ecuadorian government with the cancellation of trade preferences if its national Congress does not ratify a bilateral agreement on intellectual property rights negotiated between the executive branches of the two countries. We have learned from an article dated June 1, 1997 in Ecuador's newspaper "El Universo" that these threats affect some 400 products of export interest to the Ecuadorian economy, and the possible loss of \$80 million worth of income from its exports to the U.S. of uncanned tuna and fresh fish. We believe these commercial threats interfere in Ecuador's domestic democratic process, and in any case are an inappropriate tool for reaching harmony in the development of international law.

We are well aware that the U.S. utilizes its commercial power to achieve unilateral objectives quite frequently. Ecuador is not the only target of U.S. trade sanctions aimed to influence other countries' congressional or parliamentary processes. On March 31, the Office of the United States Trade Representative (USTR) released its 1997 National Trade Estimate Report on Foreign Trade Barriers, and added Ethiopia, Panama and Paraguay as well as Ecuador to its list of countries which the USTR believes limit U.S. commercial interests.

Nor are countries of the South the only countries to be so threatened. We have learned from the WTO that on May 21, the Permanent Mission of the United States notified the Permanent Mission of Denmark and the WTO Dispute Settlement Body that "Danish law would appear to be inconsistent with its

obligations under the TRIPs Agreement" and that the U.S. was requesting consultations with the Government of Denmark "regarding the making available of provisional measures under Danish law."

Secretary Albright, we the undersigned believe it is neither the right of the United States nor its responsibility to utilize its commercial power to influence the development of national law in other countries. By using a "might makes right" bludgeon, U.S. diplomacy encourages trade wars and destabilizes fragile economies, democracies, and ecologies. We hope that, under your leadership, the United States will establish its position in the world community not as a power-broker for commercial interests but as a partner in a multilateral framework collaborating for human rights and peace in the 21st century.

Sincerely,

[the undersigned]

Kristin Dawkins

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- JULY JULY

There is an urgent need for change. Only the green party has the international, national and local roots and the political will to address the current global crisis. This change will occur if there is meaningful community based decision making within a framework of principles. We must recognize that real change involves more than simply preventing actions from occurring in our own community; Too often change is perceived to be nothing more than displacing the problem from one's immediate area; change has to be fundamental and has to occur concurrently in the international, national and regional spheres. Real local democracy for the citizenry when citizens have the power to make decisions in their community and the responsibility to ensure that their actions will not impact negatively on other community. Governments must move away from vested interest decision making to principle-based decision making drawing upon a wide range of expertise and experience

Democratic changes must directly empower individuals and communities to work for change within a framework of overarching principles. The Green Party is the only alternative to the other major parties. We have no vested ties with corporations or unions; we can call for the changes that are needed. Only the Green Party has the policies and political will to address the current global crisis.

Canada through signing and ratifying the International Covenant on

We must now work together to do our best in the upcoming election. Elections are unique opportunities to place our issues and concerns before the Canadian people.

REPORT ON PRINCIPLES OF COMPLIANCE DERIVED FROM INTERNATIONAL OBLIGATIONS AND EXPECTATIONS: BASIS FOR ESTABLISHMENT OF MANDATORY INTERNATIONAL NORMATIVE STANDARDS (MIN

(), THAT on May 12

() MEDIA RELEASE

Monday May 12, 1997 in Ottawa

ARTHUR CAMPEAU ON BEHALF OF THE LEADER OF THE GREEN PARTY OF CANADA URGES THAT LEADERS IN THE DEBATE BE ASKED ABOUT CANADA'S COMPLIANCE WITH INTERNATIONAL OBLIGATIONS

At the leaders debate the following question must be raised. It was proposed by Arthur Campeau, former Canadian Ambassador to the United Nations for the Environment. He

had planned to run for the Green party in the Westmount riding of Montreal, but had to decline because he has recently been honoured by being appointed to a senior advisory position to the United Nations.

QUESTION PROPOSED BY ARTHUR CAMPEAU ON BEHALF OF THE LEADER OF THE GREEN PARTY OF CANADA.

In your opinion has Canada fulfilled the obligations which it knowingly, willingly and enthusiastically embraced, endorsed, committed to implement when the entire delegation including Jean Charest as Minister of the Environment attended the UN conference on the Environment and Development in Rio da Janeiro?

Dr Joan Russow, the leader of the Green Party of Canada, one of the eight officially registered parties of Canada, was not permitted to participate in the "National Leaders" debate. She has been invited, however, to participate in the leadership debate on First Nations issues, and is hoping to participate in some way in the leaders debate on Women's issues.

For over 50 years, member States of the United Nations, including Canada, have been incurring obligations through conventions, treaties and covenants; creating expectations through General Assembly resolutions, and made commitments through conference action plans.

Joan Russow stated that "POLICIES OF PREVIOUS PARTIES THAT HAVE SERVED AS GOVERNMENT IN CANADA, AS WELL AS POLICIES OF PARTIES THAT HAVE NEVER FORMED GOVERNMENT IN CANADA HAVE NOT LED OR WILL NOT LEAD TO CANADA'S COMPLIANCE WITH INTERNATIONAL OBLIGATIONS, EXPECTATIONS OR COMMITMENTS". THE GREEN PARTY POLICY IS IN LINE WITH WHAT HAS BEEN AGREED TO INTERNATIONALLY THROUGH PUBLIC TRUST INTERNATIONAL INSTRUMENTS.

Joan Russow urges those responsible for the debate to either ask a reporter to pose this question, or to contact her by phone at 250 598-0071 so that she can pose the question.

FOR FURTHER INFORMATION: PLEASE CONTACT JOAN RUSSOW AT
250- 598-0071, OR CELL PHONE 1 250 216 5813

-30-

Media Advisory

May 12, 1997.

GREEN PARTY LEADER SAYS "DEMOCRACY IS THE LOSER" OF THE LEADERSHIP DEBATE

Responding to the leadership debate, Green Party leader Joan Russow compared the participants to five spoiled children fighting for attention. Commenting on her exclusion from the so-called "Leadership Debate", she bluntly called it censorship.

Russow points out that there as of today there are eight registered political parties in Canada, yet only five were included in the televised debates. "It amounts to censorship," she says. "In an open society, new ideas are welcome. When the CBC excludes the Green Party from the debate, they exclude the only real alternative to the unsustainable politics of the so-called major parties."

The Green Party is particularly disappointed with the CBC and NAC (National Advisory Committee on the Status of Women).

Prior to the election, the CBC made a commitment that the corporation "would be dealing with the issues and to deal with those parties which have a constituency." The Green Party is raising many issues which are being ignored by the so-called "five majors", such as limits to growth and reducing the ecological footprint. The fact that it is a registered party is proof it has a constituency.

The CBC has fulfilled its obligation to supply free time to all registered political parties, but, it has been a key player in preventing the Green Party from presenting its platform to the Canadian public. Yet when the Green Party asked the producer of CROSS COUNTRY CHECKUP this past Sunday to be included in their all-candidate forums, the Party was told that "it wouldn't be fair to the other parties."

The exclusion of the Green Party by NAC in its CBC coverage is even more perplexing. Women have long struggled to be included in the political process. It is ironic that NAC is now excluding registered political parties from their debate. Green Party leader Joan Russow is a well-known activist in women's issues. She attended the 1995 United Nations Conference on Women in China, and organized an international network of women working to ensure that their governments sign or ratify social, environmental and peace initiatives. She has represented the Voice of Women as well. "It is surprising that NAC did not extend an invitation to one of the two women leaders of the registered parties," says David White, Russow's campaign manager. "It raises the issue of their commitment to the democratic process, but perhaps it's is an oversight."

Russow points out that the Green Party is the only party which doesn't represent vested interests. "We do not accept either union or corporate donations," she said. "Our policies represent issues that reflect the public trust."

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For further information, please contact Joan Russow, Ph.D..

National Leader of the Green Party, ph/fax 250 598-0071, cell 216-5813

() THAT in 1997 on May 12 , I wrote a blurb about the election

EXHIBIT

1997 blurb for election

MAY 12 1997

NAME

DR. JOAN E. RUSSOW

AGE

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OCCUPATION

POLICY ANALYST AND SESSIONAL LECTURER

Green Party

Victoria

1. WHAT IS THE KEY ISSUE IN YOUR RIDING?

The key issue is to address a complex of interdependent issues:

(i) CONTINUED misplaced government spending. (ii) CONTINUED reduction of transfer payments. and failure to restore transfer payments for health especially health care, education, culture such as the CBC. (iii) Increased devolution of government power to the corporations. (iv) CONTINUED disregard for human rights— including the right to shelter, right to food, right to be free from discrimination (such as the dissemination of hate literature) (v). CONTINUED reluctance to move away from car-dependency.(vi) CONTINUED destruction of and disregard for the environment especially the urgency of addressing climate change, old growth forests and biodiversity . (vii) Increased external control through international corporate vested interest trade agreements such as WTO, NAFTA and MAI. (viii) CONTINUED promotion of vested economic interests rather than public trust politics (ix) Increased sacrifice of the environment for short term economic gain and (x) CONTINUED reluctance to introduce interim measures during treaty negotiations.

2. WHY SHOULD RESIDENTS VOTE FOR YOU?

Victoria needs a strong advocate for the interests of Victoria and Canada. I have 35 years of experience in analyzing policy and advocating change at the local, national and international level. There is an urgent need for change and only the Green party with its international, national, and local roots and political will can address the urgency. I am trilingual (English, French and Spanish) which will help in promoting Canadian unity, in advocating the eliminating or the substantial changing of NAFTA, and in addressing international issues that impact on Canada..

3. WHERE DOES THE ENVIRONMENT FIT INTO YOUR ELECTION PLATFORM?

Whenever jobs are discussed by what have been described as the "five major parties" there is little emphasis on the creation of socially equitable and environmentally sound jobs. The other parties appear to promote jobs at any cost regardless of the impact on the environment. The Green Party does not promote short term economic growth as a solution to local and national problems. Preserving the environment and promoting environmentally sound practices in the long term is and will always be the only way that citizens of Victoria and Canada will be able to improve the quality of life.

4. CAN WE CONTINUE ATTACKING THE DEFICIT WHILE MAINTAINING SOCIAL PROGRAMS AND AVOIDING TAX INCREASES? IF SO? HOW? IF NOT, WHY NOT?

There are a number of proposals for addressing the deficit. One is to reduce the interest to the banks which amounts to 3.5 billion per year, and have the Bank of Canada issue money directly. Another way is to carefully examine the "blue book" — the Treasury report on what the federal government departments actually spend or propose to spend — to analyze current government spending priorities. A perusal of the blue book reveals that billions of dollars were spent by the departments of Foreign Affairs and International Trade, Finance, Natural Resources and other departments to promote the "competitiveness of the corporate sector nationally and internationally" Several billion dollars could be transferred from the corporate promotion program, as well as 5 billion from the military budget into restoring social programs, and into creating socially equitable and environmentally sound employment.

5. WHAT, SPECIFICALLY WOULD YOU DO TO PROMOTE CANADIAN UNITY?

I am bilingual and have had a long time respect for the French language and culture. In my campaign I have been participating in press conferences where I can respond to questions in French and I have prepared ads in French about Canadian unity for French radio and Television. I am drawing upon my French Canadian Background (my mother's family came to Quebec in 1720 from Paris and my great grandfather, Maurice Perrault

designed the Hotel de Ville in Montreal and the original cathedral of which St Andrews Cathedral in Victoria is a replica). Recently, I was interviewed by French television in Montreal and I gave a Press conference in Ottawa where I addressed the importance of maintaining a unified Canada when questioned by both the French and English media. While I traveled recently in Quebec I stressed the need to respect the French language and culture throughout Canada, to recognize the uniqueness of the French language and culture in Quebec, and to ensure that the necessary changes are made in Canada so that Quebec will want to remain part of Canada. .

() THAT in 1997, on May 14, in Vancouver, I made a presentation on behalf of the green Party at a meeting on NAFTA

Draft check against delivery

Voluntary compliance must be replaced by mandatory regulations, standards and technical regulations

I have been monitoring industry for some time through the ISO 14,000 process of voluntary conformance to industry self-initiated policy. I spoke out at a "business partnership" meeting with representatives of all the member States of the United Nations at the UN Conference of Habitat II where I introduced the need for Mandatory International Normative Standards/Regulations. I spoke out recently at numerous meetings in United Nations in New York about the need to establish stiff regulations at the international level, to raise corporate taxes, to revoke corporate charters, to demand compensation and reparation from corporations. I organized a workshop on state and corporate compliance with international law.

Industry's input is at every level. At a meeting of the United Nations Environment Program—the organ at the UN to seriously ensure compliance, one of the directors talked about working with industry on voluntary conformance programs. The Chair of the NGO organizing committee at the meeting I was at in New York has British Petroleum among others on his board, the representative for education has Shell among others on his board etc..

ROLE OF STANDARDS AS INSTRUMENTS OF CHANGE

Given that the NAFTA indicated a distinction between 'standards' and 'technical regulations' " 'standards are not mandatory but technical regulations are mandatory' standards shall be translated into mandatory technical regulations]

Underlying principle: principles, standards and regulations must drive industry, not industry compromising principles, standards and regulations.

- principle that technical standards shall become increasingly high so as to encourage the development of environmental sound prevention technology.

- to ensure that the technical regulations are so high that no innovative prevention technology will be at a disadvantage [At Globe 94, several innovators working in prevention technology indicated that they were having difficulty promoting their products because the government regulations were not mandatory and were too low. A principle could emerge from this that no innovative prevention technology shall be discouraged because the government fails to have mandatory and high standards.]

- to ensure that those who are part of the solution do not become part of the problem, where mitigative technology is used to promote ecologically unsound technology

[Several engineering firms have come up with prevention technology — doing it right the first time; other engineering firms have come up with mitigative technology— attempting to rectify previous errors; this mitigative technology is often used to promote the continuation of the ecologically unsound technology for which the mitigative technology was devised to rectify.]

- to ensure that a full life cycle analysis of substances and activity [as required in Agenda 21] is carried out in a way that would examine the environmental consequences of introducing the activity or substance into the ecosystem; [this would be moving away from the approach in the ARRET program where only the substances and not the waste products were examined] No substances or activities that could impact on the environment shall be permitted.

- to ensure that no projects or activities that are in violation of international obligations are supported; it is not enough to just state that the projects and activities must comply with these principles; the principles need to be enunciated and the way these principles will be fulfilled must be indicated [this would entail closely examining actual international principles and the translation of these principles into action, to determine what would constitute compliance with these principles, and to establish a list of exclusionary projects and activities based on the application of these principles]

SOVEREIGNTY AND EXTRATERRITORIALITY

- the avoidance of "Extraterritoriality"— the imposition of country of origin standards and technical regulations must not be used as a reason for supporting the transfer of harmful activities

V. THE INTERNATIONAL CONTEXT

As noted previously, the Canadian Environmental Assessment Act provides for a varying and exclusion regulation for two types of projects and activities outside Canada: projects and activities to be carried out outside Canada and any federal lands; and projects and activities to be carried out under international agreements or arrangements. When considering how to ensure that the spirit and intent of CEAA is reflected in the environmental assessment of these categories of projects and activities, both the international context and the realities of Canada's foreign policy objectives, commitments and responsibilities must be taken into account.

Respect for the sovereignty of States is a fundamental principle of international law. In developing and applying the new POC regulations, Canada must avoid any illegal extraterritorial application of its laws, for precisely the same reasons that it has consistently resisted attempts of other States to exercise such extraterritorial jurisdiction in Canada. Thus care must also be taken to avoid action which may be perceived as excessively intrusive. [Re: extraterritoriality: care must also be taken to avoid actions which may be perceived as excessively intrusive] This section must not preclude the compliance throughout the world with international principles enunciated in international obligations, as well as those with legally binding Conventions and treaties. Any state that has signed any of the legally binding Conventions such as the Biodiversity or Climate Change is bound by 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"

May Critic at Meeting of NAFTA “voluntary compliance”

ON TEXT FOR RESPONSE TO QUESTIONS BY THE FEDERAL SUPERANNUATES NATIONAL ASSOCIATION

To bring about change citizens must talk about rights, obligations, duties and commitments. The Federal government has an obligation to ensure that the rights of senior citizens are guaranteed.

THE USE OF INTERNATIONAL DOCUMENTS TO BRING ABOUT CHANGE

1. AGE

It is essential to ensure that "age" to be listed in all included in all human rights documents.

Fifty years ago the Universal Declaration of Human Rights listed a number of designated grounds of discrimination and culminated the list with the expression "other status". The expression "other status" was intended to include new areas of discrimination not fully anticipated at that time. One of the designations that was not originally included was AGE.

In a background to my comment I have included the international references to "Age".

In the recent International Conference on Population and Development, "AGE" is included and must stay in all UN and National documents:

In the World Summit on Population document:

We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability, Commitment 6, ICPD)

THE SIGNIFICANCE OF INCLUDING AGE.

If age is included citizens can demand that there not be discrimination on the ground of "age". If it is not included then it will be difficult to argue.

2. OTHER SOCIAL RIGHTS RECOGNIZED INTERNATIONALLY

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).

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)

Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against

- unemployment, to equal pay for equal work, to just and favourable remuneration;
- (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities (d);
- The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks (Art. 5 International Convention on the Elimination of all Forms of Discrimination, 1965)

RESPONSES TO QUESTIONNAIRE on health

1. The Green Party would protect the universality and quality of health care by entrenching the right to universal health care in all national and provincial documents. In addition given the changes in the global situation related to the cold war, the Green party is advocating a 50% reduction of the military budget and the immediate transfer of the \$5+ billion savings into restoring health care.
2. The Green Party has been examining a book that we have designated as the "Shadow Blue Book" — the Treasury Board's report on what the government actually proposes to spend in 1997-1998. . The Shadow blue book which is the real book behind all the other coloured books demonstrates government departments misplaced spending priorities. Billions of dollars are being spent on "promoting corporate competitiveness". We will be requesting the Auditor General to clarify the actual expenses. For example, 2 billion dollars has been spent on the infrastructure for the CANDU sale to China. We estimate if there could be a shifting of priorities additional funds could be put into ensuring that there is a viable income security system.
3. My immediate priorities will be to ensure that the government of Canada does not devolve its responsibilities to the corporate sector, and that the government of Canada discharges fully its obligations and commitments related to the guaranteeing of human rights, the protecting of the environment, the ensuring of social justice and non-violent communities, and the creating of socially equitable and environmentally sound work.

4. I will ensure that the vital services to older Canadians are improved by addressing the fulfillment of these services as being a duty to fulfill international and national obligations and commitments, and by accessing the necessary funds to do so.

5. It is essential that there be a fair, equitable and progressive tax system. The whole process of deferring taxes to corporations that fail to address the genuine progress indicators such reflect equitable and ecologically sound development.

promoting

Federal Superannuate national Association

pay into superannuation

old age security pension and Canada pension plan

if over 25,000

(i) the degree to which there is the absence of discrimination based on gender, sexual orientation, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions (age) and other status

(ii) the degree to which there is affirmative action and equal access to
[employment]

(iii) the extent to which a state 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.

6.5. CONTINUED barriers faced by women

[...many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion [sexual orientation,] or disability, or because they are indigenous people. Many women face barriers related to their family status, particularly as single parents, to their socioeconomic status, including their living conditions in rural or isolated areas and in impoverished areas in rural and urban environments, or to their status as immigrants. Particular barriers also exist for refugee, migrant and displaced women, as well as for those who are affected by environmental disasters, serious and

infectious diseases, addiction and various forms of violence against women] (Art.48 Advance draft, Platform of Action, UN Conference on Women, May 15)

In the World Summit on Population document:

We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability, sexual orientation, family structure and other status in the achievement of socially equitable and environmentally-sound development (Commitment 6, ICPD)

Ending discrimination in all its forms by removing systematic barriers to full participation that discriminate against particular groups due to gender, sexual orientation, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions [age and other status] (Canadian Government submission to Prep Com 1, for the World Summit for Social Development, 1995)

Design and implement gender sensitive health programmes including decentralized health services in cooperation with women and community-based organizations, to address the needs of women throughout their lives and that take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities, and the diversity of women's needs across age, socio-economic, and cultural differences among others, and include women, especially local and indigenous women, in the identification and planning of health care priorities and programmes; [and remove all barriers to women's health services] [and provide the widest possible access to a broad range of health care services.] (Art.107 c Advance draft, Platform of Action, UN Conference on Women, May 15)

members of their families the rights provided for in the present Convention

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property,

marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

45.17. Including indigenous women in the identification and planning of health care priorities and programmes

Design and implement gender sensitive health programmes including decentralized health services in cooperation with women and community-based organizations, to address the needs of women throughout their lives and that take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities, and the diversity of women's needs across age, socio- economic, and cultural differences among others, and include women, especially local and indigenous women, in the identification and planning of health care priorities and programmes; [and remove all barriers to women's health services] [and provide the widest possible access to a broad range of health care services.] (Art 81 c Advance draft, Platform of Action, UN Conference on Women, May 15)

- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

Increase financial and other support from all sources for preventive, appropriate biomedical, behavioral, epidemiological and health service research on women's health issues and research on the social, economic and political causes and consequences of women's health issues, including the impact of [gender and] age inequalities, especially areas such as: chronic and non- communicable diseases, particularly cardiovascular diseases and conditions; cancers; reproductive tract infections and injuries, HIV/AIDS and other STDs; domestic violence; occupational health; disabilities; environmentally related health problems; tropical diseases and health aspects of aging (Art.110 d Advance Unedited Draft Declaration and Platform for Action, May, 15, 1995)

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)

Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

- (ii) The right to form and join trade unions;
- (iii) The right to housing;
- (iv) The right to public health, medical care, social security and social services;
- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities (d);
- The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes,

theatres and parks (Art. 5 International Convention on the Elimination of all Forms of Racial Discrimination, 1965)

42.5. [Enshrining] the right of persons with disabilities have the right to economic and social security

Disabled person Persons with disabilities have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions. {7 Declaration on the Rights of Disabled Persons, 1975}

Member States of the United Nations have, in international agreements, undertaken to “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).

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).

1. I would ensure that "age" be included as one of the listed grounds

Background:

I received a CIDA grant to extract the strongest statements that I could find in UN documents in the area of human rights, environment, social justice and peace. I prepared a book called the "Charter of Obligations" —350 pages of obligations incurred by governments through conventions and covenants, and commitments made by

governments through conference action plans. This Charter was officially distributed to all state delegations.

()THATin1997 on may 18, I was invited to the First Nations Leaders ,I began to do some preliminary background research, The debate was to be on the Royal Commission Report on Aboriginal Peoples

EXHIBIT

Date: Mon, 19 May 97 17:00:37 EST

To: jrussow@coastnet.com

Cc: quiblier@un.org, jfp@un.org, ajero@un.org

Subject: Re[2]: Indigenous peoples Declaration

Dear Ms. Russow:

The information you are seeking is available through the following world wide web sites:

- 1) International Labour Organization - search for No. 169 and the entire document will come up.
- 2) Re: Draft declaration, it is available through <http://www.unhchr.ch/>
- 3) Re: Beijing Women's indigenous statement is available through: <gopher://gopher.undp.org/1/unconfs/women/conf/ngo>

As you are working on indigenous issues, UNEP would like to make you aware of one of our activities in connection with indigenous people and the environment. The Haudenosaunee restoration project is the first comprehensive response to the issues identified in Chapter 26 of Agenda 21. It was undertaken by UNEP and the Confederacy of Haudenosaunee Six Nations in 1995 to document the sources and the nature of environmental hazards which these communities are exposed to. The report that emerges is a history of the environmental hazards that the Chiefs and Nations have witnessed.

In the process, UNEP encouraged indigenous peoples to identify for critical issues, evaluate these on the basis of available science and research, and formulate a plan of action which UNEP will consider and assist in its implementation.

As Christopher Stevens States in the foreword: "What we learn from this particular process and the Haudenosaunee plan are the following things: that indigenous rights should be interpreted in the framework of not just court litigation or conventional law but the common law of charters and constitutions; that sustainable development strategies are not formula driven or generic but quite particular and context/culture specific; that indigenous peoples seek and assert their identity on the basis of territories and lands in a spirit of respect rather than by property control or ownership; that restoration plans are long term capacity building exercises including training and education as well as clean-up and they are costly; and, that acting locally means thinking globally, publicly, and above all compassionately."

Best of luck with your May 21 national televised debate. We are greatly interested in being kept abreast of the progress of your party on these issues. Best regards,

Ginger Gibson

UNEP/RONA

gibsong@un.org

Subject: Re: Indigenous peoples Declaration

Author: jrussow@coastnet.com (Joan Russow) at internet

Date: 5/18/97 11:49 AM

As leader of the Green party of Canada, On May 21 I am going to be on a national televised leaders debate on issues related to indigenous peoples.

I have not been able to find the full text of the UN Declaration on Indigenous Peoples. Could someone please e-mail me the text.

Also I would need the text of the ILO 169, and the Declaration from Indigenous women from the NGO Forum at the Women's Conference in Beijing

Thanks

Joan Russow

() THAT in 1997, on May 19, Wally du Temple from the Green party , who was instrumental in my being on the First Nations debate, came over with the five large volumes of the of the Royal Commission report and I began to read the testimonial from the witnesses I was in tears reading through all

) THAT in 1997 in Ottawa, on May 21, during the election, I was invited , as the leader of the sixth party, to participate in the leaders debate on Indigenous / First Nations issues.

COMMENT: _CRITICISM OF THE REPORT FOR THE DESCREPANCY BETWEEN THE URGENCY COMMUNICATED THROUGH THE ANECDOTES AND THE WEAKNESS OF THE RESOLUTIONS CRITICISM BY JOAN RUSSOW AT THE DEBATE ON FIRST NATIONS ISSUES

I took five days before the debate on the Royal Commission Report on Aboriginal issues. The report was 5000 pages, and I dropped everything in the election in order to read through the Report. I arrived in Ottawa for the debate, and found that there was documentation with the picture of the leader along with the Party policy related to Aboriginal issues. The other leaders were, however, only present in their documentation. I was in a televised debate with surrogates experts, representing the other parties, who had actually been involved with drafting, having input into the report. I made the point that there was a serious discrepancy between the urgency of the issues expressed in the anecdotal material and the weaknesses of the recommendations. Ovid Mercredi praised me for being the only leader willing to appear. Sadly because the other leaders did not appear, the aboriginal issues were not given the priority that they deserved during the election, and as far as I know the only television station that reported on the debated was CPAC, and the only radio program that addressed the issue of non-participation of leaders was As it Happens. The Green Party of Canada issued a press release on the failure of the leaders to seriously address aboriginal issues.

COMMENT: THE COMMISSION REPORT WAS FULLOF RHETORIC HERE IS AN EXERPT

EXHIBIT

Laying the

Foundations of a Renewed

Relationship

In this report we have made recommendations affecting virtually every aspect of Aboriginal people's lives. We have sought to grapple with entrenched economic and social problems in Aboriginal communities while also seeking to transform the relationship between Aboriginal nations and Canadian governments. Each problem addressed would be difficult to resolve on its own; the problems are rendered more challenging by their interdependence. The scale and complexity of the task is daunting. Implementation will be much easier, however, if the essential themes of this report are kept in view. If one theme dominates our recommendations, it is that Aboriginal peoples must have room to exercise their autonomy and structure their own solutions. The pattern of debilitating and discriminatory paternalism that has characterized federal policy for the past 150 years must end. Aboriginal people cannot flourish if they are treated as wards, incapable of controlling their own destiny.

We advocate recognition of Aboriginal nations within Canada as political entities through which Aboriginal people can express their distinctive identity within the context of their Canadian citizenship. Aboriginal people do not have to surrender their identity to accomplish those goals. Non-Aboriginal Canadians cherish their identity as Newfoundlanders or Albertans, for instance, and still remain strongly committed to Canada.

At the heart of our recommendations is recognition that Aboriginal peoples are peoples, that they form collectives of unique character, and that they have a right of governmental autonomy. Aboriginal peoples have preserved their identities under adverse conditions. They have safeguarded their traditions during many decades when non-Aboriginal officials attempted to regulate every aspect of their lives. They are entitled to control matters important to their nations without intrusive interference. This authority is not something bestowed by other governments. It is inherent in their identity as peoples. But to be fully effective, their authority must be recognized by other governments.

1. A New Beginning

The re-balancing of political and economic power between Aboriginal nations and other Canadian governments represents the core of the hundreds of recommendations contained in this report. Unless accompanied by a re-balancing of power, no progress can be made on other fronts without perpetuating the status quo. The effects of the past will not be undone overnight. The essential themes that underpin our recommendations and can assure the rebuilding of Aboriginal life in Canada are as follows.

First, Aboriginal nations have to be reconstituted.

Nations have been divided by policy and legislation. The basic unit of government in First Nations today is the band, a creation of the Indian Act. A band usually includes only a portion of a nation; First Nations people who lost status or did not qualify for status under the Indian Act have been excluded from their communities. As a result, bands are usually too small for effective self-government.

The situation is worse for Métis people, who have experienced very limited political recognition. Only Inuit are well advanced in the process of political reform. There must be latitude for Aboriginal people to reconstitute broader affiliations. We propose a process through which Aboriginal communities join together in new institutions to seek recognition of their status as modern nations.

Second, a process must be established for the assumption of powers by Aboriginal nations.

A definition of powers and mechanisms of transfer from other orders of government must be put in place. We recommend that this be undertaken in two phases: a recognition period in which Aboriginal governments exercise core power on their present territory, and a subsequent treaty process in which full Aboriginal jurisdiction on an expanded land base is negotiated with other Canadian governments. We expect that Aboriginal nations will exercise their powers incrementally as they develop expertise and gain experience. They will, however, have the right to exercise those powers and will control the pace of their own political development.

Third, there must be a fundamental reallocation of lands and resources.

We documented in Volume 2, Chapter 4 how Aboriginal peoples have been systematically dispossessed of their lands, not just in the first rush of settlement but continuing with the erosion of reserves, the elimination of hunting and fishing rights, and interference with other traditional uses of lands and resources.

As a matter of elementary justice, the spirit and intent of historical treaties with respect to sharing lands and resources have to be honoured. It is a matter of Canadians keeping their word, of fulfilling the commitments on which Canada was founded. But it is also critical for the future of Aboriginal nations, which cannot survive if they remain without resources, excluded from the bounty of the land and confined to parcels left over from settlement. Aboriginal people do not expect to obtain full restitution: they do not want to push non-Aboriginal Canadians into the sea or deprive them of their backyards, as the recent history of land claims settlements makes clear. But they do expect to be dealt with fairly, in a manner that recognizes their relationship to the land and their right to share in its resources, and in a way that respects the solemn agreements enshrined in the treaties.

Fourth, Aboriginal people need education and crucial skills for governance and economic self-reliance.

Poverty and neglect have resulted in lower educational attainment and a lack of certain essential skills. The absence of employment opportunities destroys incentive and fuels hopelessness among youth. The move toward collective self-reliance will counter this. Aboriginal people will see that they have an opportunity to shape their destinies and will have reason to apply themselves at school, to go to college or university, or to learn a trade. Educational reforms are not a prerequisite for self-government; the two go hand in hand. Measures must be taken immediately to bridge the gap between current educational attainment and community needs.

Finally, economic development must be addressed if the poverty and despondency of lives defined by unemployment and welfare are to change.

As we will see in the next chapter, the total annual cost to Canadian society of Aboriginal people's economic marginalization amounts to one per cent of the gross national product. There is every reason to believe that with access to resources, to development capital and to appropriate skills, Aboriginal people can participate successfully in the globally oriented southern market economy and in the increasingly self-reliant mixed economy of northern communities.

These principles are central to implementation of our recommendations. Let us explore how these tasks can be carried out.

Canadians have shared a long and sometimes troubled history. Things have happened that are painful to recount and are deplored by the great majority of Canadians. Many of these events were the result of greed or ill will; others were the product of ignorance, misguided intentions or a lack of concern for peoples already at the edge of Canadian society. They have left their legacy in the social and economic conditions of Aboriginal communities and in the distrust and betrayal felt by Aboriginal people. A sense of profound injustice and pain was expressed in testimony before this Commission. The damage is real and will take time to heal. That history of hurt has to be reckoned with in creating a new relationship. We are not suggesting that we dwell on the past. Aboriginal people, like others in Canada, want to put the events of the past behind them and work toward a stronger and healthier future. To do that two things must happen.

First, there has to be a sincere acknowledgement by non-Aboriginal people of the injustices of the past. Widespread ignorance of the history of dispossession has made it increasingly difficult for non-Aboriginal people to admit the need for restitution. Unfortunately, as Aboriginal people have gained strength in the struggle for their rights there has been a rising tide of opposition among non-Aboriginal people with an interest in maintaining the status quo. Their watchword is 'equality': everyone should be treated the same, regardless of deprivation and disadvantage or the origins of these conditions. Acknowledgement and a genuine desire to make reparations are essential prerequisites of a renewed relationship of fairness and mutual respect.

Second, there must be a profound and unambiguous commitment to establishing a new relationship for the future. High-minded policy statements and piecemeal reforms, however meritorious, will not fulfil that commitment. Symbolism is important, however. The new relationship should be heralded by a symbolic step to demonstrate that a lasting commitment has been made. For this reason we recommend that the Sovereign issue a Royal Proclamation to signal the new beginning at a special gathering called for the purpose. The proclamation would set out the principal elements of the new relationship and outline its central institutions. It would be complemented by legislation defining those institutions in detail. This step would not settle all outstanding issues – that will take many years of negotiation and adjustment – but it would create a framework of principle, procedures and institutions for accomplishing change. It would establish a clear goal and the means for Aboriginal and non-Aboriginal people and nations to work toward the goal. It would celebrate the new

beginning. We would expect that consultations on a Royal Proclamation and companion legislation could begin within six months of the release of this report.

2. The Proclamation and Companion Legislation

A preamble would express the desire for a new beginning. The government of the day will determine the wording, but we would expect the preamble to express certain perspectives and intentions. It would invoke the Royal Proclamation of 1763, the proclamation that codified and affirmed the British Crown's recognition of Aboriginal title and governance. The new proclamation would confirm the principles of that foundation document. It would symbolize Canadians' re-dedication to mutual respect and trust in the tradition of the Royal Proclamation of 1763. The new proclamation would acknowledge, in general terms, the injustices of the past, especially those associated with the paternalism and disrespect that characterized the period following the decline of the fur trade when Aboriginal title was ignored, treaty rights were undermined and the Indian Act was imposed. The preamble might express profound regret for the harm caused Aboriginal peoples by policies that deprived them of their lands and that interfered, sometimes brutally, with family relationships, spiritual practices, customary ceremonies, structures of authority and governance, and traditional relationship with the land. It could acknowledge that wrongs were committed, often as a result of stereotypical attitudes that we now recognize as racist, and that Aboriginal peoples are still living with the consequences of those policies. The history of relations between Aboriginal and non-Aboriginal people was not unremittingly negative. There were many instances when individuals acted with wisdom and respect and where cross-cultural interaction was positive. But the profoundly harmful elements of the past must be acknowledged as a way of putting them behind us, as a means of reconciliation. The preamble could express the government's will henceforth to place its relationship with Aboriginal peoples on a proper footing, and it could express the hope that an honest acknowledgement of past wrongs will break the cycle of guilt and blame and free both sides to embrace a shared future with trust in each other. The preamble should make clear the foundational principles of that new relationship. These include, above all, recognition that Aboriginal peoples have a right to fashion their own destiny and control their own governments, lands and resources. They constitute nations, with an inherent right of self-government. The federal Crown should undertake to deal with them as such. This would pave the way for genuine reconciliation and enable Aboriginal people to embrace with confidence dual citizenship in an Aboriginal nation and in Canada.

2.1 Recognition of Nations

A crucial first component of the renewed relationship will be nation rebuilding and nation recognition. All our recommendations for governance, treaty processes, and lands and resources are based on the nation as the basic political unit of Aboriginal peoples. Only nations have a right of self-determination. Only at the nation level will Aboriginal people have the numbers

necessary to exercise a broad governance mandate and to supply a large pool of expertise. At the nation level, they can develop institutions that are stable and independent of personality. Only with nationhood can Aboriginal peoples recapture the broad sense of solidarity that predated the re-locations and divisions of the Indian Act era. We do not mean to suggest that community-level institutions are irrelevant. On the contrary, some activities are best located at the community level, and some Aboriginal peoples will adopt decentralized governing structures as a result.

The composition of nations will not always be straightforward. For some, the nation already exists. For others, nation institutions will emerge through a process of negotiation, political debate, and perhaps even trial and error. The majority of existing Indian governments are based on Indian Act bands, and reintegration of excluded citizens will be an important issue for them. Virtually all Aboriginal nations will have to go through a process of constitutional development before election procedures, mechanisms for ensuring accountability and decision-making processes can be put in place.

After an Aboriginal nation has been reconstituted, it can exercise self-government on its existing territory in core areas of jurisdiction and seek formal recognition from the governor in council for nation status and a formal agreement with the federal and provincial or territorial governments. The agreement would spell out core powers the Aboriginal government will exercise and provide financial resources to carry out those responsibilities. The nation would be the appropriate party to the subsequent treaty process that would establish the full scope of its jurisdiction, the nature of its fiscal and other relationships to governments, and the boundaries of its lands. Eventual adherence to the treaty resulting from this process would signal the nation's full and free participation in the Canadian federation.

Recognition would be the responsibility of the governor in council through a procedure set out in the Aboriginal Nations Recognition and Government Act we propose. The primary determination of whether a community satisfied the criteria would be entrusted to a panel established under the Aboriginal Lands and Treaties Tribunal. The panel would convey its evaluation to the governor in council who, although not bound to follow the panel recommendation, would have to give reasons for departing from them. The process would provide an orderly means of recognition in a manner functionally analogous to what occurs when countries seek recognition at the international level.

The process may work somewhat differently for Inuit. They have already begun to coalesce into four nation groups: Inuvialuit, and Inuit of Nunavut, Nunavik and Labrador. To some degree these groupings already have stable internal structures. Inuit have already opted for the exercise of government powers through mechanisms of public government. Thus, the system of recognition described here would be implemented in a different manner for them. Flexibility would also be needed in terminology to take account of Inuit and Métis traditions. Inuit collectivities might be termed 'peoples', for example (or another term acceptable to them), rather than 'nations'. Arrangements between Métis people or Inuit and governments might be settled through 'agreements', 'accords' or 'compacts' rather than 'treaties'.

These are the basic contours of the recognition process we propose. Because the transition to nation government is fundamental to the new relationship we envisage, the principles and means of recognition should form a basic element of the Royal Proclamation and its companion legislation.

The companion legislation would specify the criteria of nationhood, establish procedures, and set out the consequences of recognition. It would also provide for assistance to Aboriginal nations engaged in the process of nation-building, which might take the form of technical support, funding, and mediation services. The specific elements of the nation rebuilding and recognition process are described in detail in Volume 2, Chapter 3.

2.2 The Treaty Process

The Royal Proclamation and companion legislation would also lay the foundation for the treaty process. Negotiation would be triggered by a request by a recognized Aboriginal nation. That request might concern any of a range of matters falling within the scope of the process, such as the nation's desire to exercise powers beyond the core responsibilities of self-government, the nation's desire to achieve full implementation of an existing treaty, or the nation's wish to resolve a land claim. The request for negotiation would impose a clear obligation on all parties to negotiate in good faith, prompt the establishment of a regional treaty commission (if one did not exist), and give the nation and non-Aboriginal governments access to the research, mediation and other services of the relevant treaty commission.

We propose provincial and territorial involvement in all phases of the treaty negotiation process. Land settlements, the redistribution of government responsibilities, and co-management schemes all require provincial involvement. The provinces and territories cannot be indifferent about their obligations to Aboriginal peoples. In our view, they also have a fiduciary responsibility. As the principal beneficiaries of Aboriginal peoples' land losses resulting from disregard of treaties or failure to conclude them, they have a legal and moral obligation to participate in creating a new or renewed treaty relationship. We therefore propose formal consultations and negotiations between Aboriginal peoples' representatives and federal, provincial and territorial governments through the development of a Canada-wide framework agreement.

We should make absolutely clear, however, that the federal government does not need the support of all the provinces to take action on Aboriginal issues. Under section 91(24) of the Constitution Act, 1867, Parliament has primary jurisdiction with respect to Aboriginal peoples. The federal government cannot, consistent with its fiduciary obligation, sit on its hands in its own jurisdiction while treaties are broken, Aboriginal autonomy is undermined, and Aboriginal lands are destroyed.

The policies and instruments proposed for adoption in the Royal Proclamation and its companion legislation can be established by the federal government acting alone if necessary under section 91(24). The recognition process lies entirely within federal responsibility and can be implemented fully by the federal government. Many matters covered by the treaty process also fall within federal jurisdiction. If some provinces and territories refuse to participate, the federal government should move forward with the others, leaving it to subsequent persuasion or the courts to complete the circle.

We wish to emphasize again that our preference is for co-operative action by all governments in Canada. This is in the interests of the governments themselves, as issues that long have festered will be resolved expeditiously and in a spirit of goodwill, and settlements will be reached that work with, rather than against, provincial priorities. But the frustration of Aboriginal peoples is substantial and justified. Federal action on matters of federal jurisdiction should not be postponed.

The new proclamation would set out the principles underlying the treaty process. These would include the government's commitment to respect and implement existing treaties in accord with their spirit and intent and its willingness to reconsider, in the light of oral evidence and in the modern context, issues on which there was clearly no agreement at the time historical treaties were negotiated. Throughout, the proclamation should make clear that with respect to both terminology and substance, treaty processes will be sufficiently flexible to accommodate the diverse traditions of Aboriginal peoples, including Inuit and Métis.

The proclamation would be complemented by legislation establishing the framework for the treaty process. An Aboriginal Treaty Implementation Act would provide the legislative framework under which regional treaty commissions would be established. It would lay out the general guidelines for negotiating the reallocation of lands and resources. An Aboriginal Lands and Treaties Tribunal Act would create a tribunal to deal with specific claims and assist treaty processes. Finally, legislation would establish a new Department of Aboriginal Relations within which a Crown Treaty Office would have principal responsibility for the federal government's participation in treaty renewal and treaty making. (See Volume 2, Chapters 2, 3 and 4 for details on these proposals.)

2.3 Lands and Resources

The treaty process would provide the essential framework for dealing with issues of lands and resources. The treaty commissions and the tribunal would be the primary institutions in that process.

In the Royal Proclamation, the federal government should indicate its acceptance of certain principles relating to Aboriginal title. The first would be that Aboriginal land rights do not need to be extinguished to achieve a settlement of land claims or to agree to or implement new treaties. A second would state the federal government's recognition that Aboriginal title is a real interest in land. The third principle would signal the government's intention to resolve land claims in a manner that reconciles the interests of the broader society with Aboriginal title. Our special report on extinguishment and our chapters on treaties and lands and resources in Volume 2 suggest how these principles might be implemented.¹

The Royal Proclamation should state the government's commitment to resolve questions about the redistribution of lands and resources as expeditiously as possible. While Aboriginal nations can invoke the treaty process as a means of resolving virtually all claims through negotiations, certain claims that raise relatively defined issues might be submitted to the tribunal for binding determination. These are the claims roughly corresponding to today's 'specific claims', although we propose an expanded definition of this term. The process of resolving claims is very slow at present. The proclamation should announce the government's intention to vest adjudicative jurisdiction in the tribunal so as to speed up the process.

One of the most pressing issues regarding lands and resources is the availability of interim relief. Even with the reforms proposed here, it will take considerable time to resolve land claims. Meanwhile, lands subject to claims are being sold, trees are being harvested, game is being killed or driven out, and communities are living in poverty. It is crucial that there be some protection of Aboriginal interests while the treaty process is being pursued. We have recommended that the tribunal have authority to grant interim relief. We also recognize that provincial and territorial involvement is essential in the design of that relief and necessary if the tribunal is to have authority to grant it.

The best forms of interim relief combine a high degree of protection for a portion of the territory, institutions for the co-management of critical resources in the territory, and financing for Aboriginal people in the form of a share of resource revenues. This provides substantial protection without freezing development. Moreover, the experience of working together under interim relief measures often makes a settlement easier to obtain. We therefore propose that a strong effort be made, in the context of negotiating a Canada-wide framework agreement, to develop principles to govern interim relief agreements containing these elements. Each interim relief agreement would be the result of successful negotiations involving an Aboriginal nation, the federal government and the relevant province. It would provide a framework of relief that could then be applied by the tribunal.

Métis people have traditionally faced unique difficulties in pursuing recognition as Aboriginal peoples, their right to governance, and their own land base. The Royal Proclamation would be an appropriate place for the federal government to state its stance on these issues. This would include recognition under section 91(24) of the Constitution Act, 1867, plans to secure an adequate land base, measures to provide Métis hunting and fishing rights equivalent to those enjoyed by other Aboriginal peoples, and steps to obtain constitutional confirmation of the Alberta Métis settlements. (For further details, see Volume 4, Chapter 5.)

3. A Canada-Wide Framework Agreement

In our view, the elements of the Royal Proclamation and companion legislation can all be adopted by federal action alone. They would signal the federal government's commitment to a profound transformation in relations between Aboriginal and non-Aboriginal people in Canada, and they would set in place the infrastructure to accomplish that transformation.

That said, our first preference is for co-operative, co-ordinated action by the government of Canada, the provinces and territories, and Aboriginal nations. To that end, we strongly recommend that as soon as possible after the release of this report, governments institute a framework for discussion of Aboriginal issues, with a view to establishing collaborative measures.

This kind of collaboration would be especially valuable in establishing the treaty process and the aspects of the process concerned with governance and land claims. We propose that first ministers and leaders of the national Aboriginal political organizations meet to review the principal recommendations of this report within six months of its release and establish a forum to develop a Canada-wide framework agreement. The work of that forum would be led by national Aboriginal organizations and ministers responsible for Aboriginal affairs. It would have a target date of the year 2000 to complete its work and would report annually to first ministers and national Aboriginal leaders.

Negotiations in the context of a framework agreement would focus on principles to govern land settlements, the recognition of legislative jurisdiction, fiscal arrangements and co-management on public lands, and interim relief agreements. The establishment of general principles to guide the treaty process by a Canada-wide framework agreement could make for more rapid progress in the settlement of claims.

If these consultations and negotiations are begun expeditiously, it may be possible to include some of their results in the Royal Proclamation and its companion legislation. Provinces that agree could enact legislation simultaneously to confer authority on the new institutions. Provinces could formally declare their support for the proclamation and their willingness to collaborate in achieving its aims.

Recommendation

The Commission recommends that

5.1.1

First Ministers, territorial leaders and leaders of the national Aboriginal organizations meet within six months of the release of this report to

- (a) review its principal recommendations;
- (b) begin consultations on the drafting and enactment of a Royal Proclamation redefining the nature of the relationship between Aboriginal nations and Canadian governments; and
- (c) establish a forum to create a Canada-Wide Framework Agreement.

4. Gathering Strength

4.1 Social Issues and Structural Change

The Royal Proclamation and its companion legislation focus on structural changes in the relationship between Aboriginal peoples and Canadian society. We assign priority to structural measures because of their capacity to set in train fundamental change in the social and economic conditions that have resisted reform over the past 25 years.

Redistributing power and resources and proclaiming a public commitment to change the relationship will open the door for Aboriginal people to take charge of their own future. Transforming life conditions will require sustained vision and energy over at least a generation. Aboriginal people must regain hope that fundamental change is attainable. To liberate the energies of Aboriginal and non-Aboriginal people alike, this hope must be nourished by visible progress in resolving pressing problems.

The assumption of responsibility by Aboriginal peoples does not mean abandoning Aboriginal people to work out their problems in isolation from each other, from Canadian governments, or from Canada's social and economic institutions. Just as we speak of Aboriginal people becoming full-fledged partners in Confederation, we also urge partnerships to address social and economic problems.

Throughout our report we propose how the energy of Aboriginal people can converge with government action to create a better future for all. We make recommendations to address past injuries and generate trust, to revitalize Aboriginal economies, to restore individuals, families and communities to health, to make the investment necessary to create safe and healthy housing and useful community services, to provide effective and culturally appropriate education, and to sustain Aboriginal identity and languages as a dimension of public life in Canada. The changes we propose are wide-ranging, interrelated and important; they are the measures that will enable Aboriginal people effectively to occupy the roles envisioned in this restructured relationship. The questions that remain are how to set priorities and how to gauge the level of investment required.

4.2 Four Dimensions of Social Change

In Chapter 3 of this volume we propose a level of financial commitment to support substantial change in political, economic and social realities. The amount we recommend will require choices to be made. Establishing priorities for the use of financial resources must be done by the Aboriginal people whose lives are directly affected, in consultation with federal, provincial and territorial governments. Those governments will retain much of the jurisdictional and fiscal responsibility in the years when the recommendations are first implemented. In setting priorities for implementation, careful attention will have to be paid to the interdependence of recommendations and the need to support change in one area with complementary action elsewhere.

We see four major dimensions for social, economic and cultural initiatives:

- healing of individuals, families, communities and nations;
- improving economic opportunity and living conditions in urban and rural Aboriginal communities;
- developing human resources; and
- developing Aboriginal institutions and adapting mainstream institutions.

Healing

Healing is a term used often by Aboriginal people to signify the restoration of physical, social, emotional and spiritual vitality in individuals and social systems. It implies the revitalization of their confidence in themselves, their communities and cultures, confidence that must be grounded in their daily lives.

Healing also has an intercultural meaning. Learning about and acknowledging the errors of the past, making restitution where possible, and correcting distortions of history are essential first steps in the process of healing between Aboriginal and non-Aboriginal people. In Volume 1 we recommended remedies for past injustices and neglect in residential schools, relocation policies, and the treatment of veterans. We also proposed a history of Aboriginal peoples to ensure that future generations of Canadians are better informed about the past and present role of Aboriginal nations in Canadian life.

Our recommendations in support of family life and for health and healing services adapted to the circumstances of Aboriginal people build on service systems in which substantial investment is already being made. Our recommendations focus on engaging Aboriginal people in the design, management and restructuring of services to make them more accessible and appropriate.

Healing also involves strategies to ensure people are no longer damaged in the formative years of their lives. In Volumes 2 and 3, we made recommendations relating to young children, noting the research in health sciences and education that documents the devastating effects of deprivation during the formative years. Our recommendations emphasize the importance of protecting children through culturally appropriate services, by attending to maternal and child health, by providing appropriate early childhood education, and by making high quality child care available, all with the objective of complementing the family's role in nurturing young children.

Child welfare and family services constitute an area of deep concern, especially among women in Aboriginal communities, and are of critical importance in addressing both justice and social issues. The measures we propose can involve large numbers of people in constructive activities that promote healing. Such activities foster the growth of local leadership and are matters on which Aboriginal people have taken significant and innovative steps in recent years, often transcending single communities.

Our recommendations on education are designed to remove the impediments to learning that result from discontinuity between the culture of the community and the culture of the school and to foster bi-cultural competence to allow Aboriginal youth to function effectively in Aboriginal and non-Aboriginal environments. Changes in curriculum and pedagogy are proposed to make education relevant to the tasks of consolidating an adult Aboriginal identity and bridging the divide between school and the workplace.

The work of healing is not confined to restoring balance and efficacy to Aboriginal individuals and families. Communities and nations are in need of healing too. Aboriginal traditions of mutual aid have been undermined by the loss of economic resources and the intervention of agencies and institutions that ignored the strengths of community systems and the authority of community customs.

Cultural revitalization is now being expressed not only in ceremonial practices but also in the development of community services rooted in traditional ethics of sharing and mutual responsibility. We are confident that reweaving the bonds of community and reinstating the ethic of communal responsibility will be enhanced by placing in Aboriginal hands authority for decisions about community services. Initially this authority is likely to be administrative, delivering services mandated by federal, provincial and territorial governments. As institutions of self-government are established, these services will be brought under the jurisdiction of Aboriginal nations and confederacies.

In Volume 2, Chapter 3, we discussed how trust and co-operation must be restored in nations whose members have been divided by geographical dispersion and categories of status defined by the Indian Act. Traditions of leadership, too, have been submerged or distorted by Indian Act impositions. Restoring nations to cohesion and efficacy is an extension of the healing process taking place at the individual and family level.

Our recommendations in Volume 3, Chapter 6 are directed to broadening the channels for affirming Aboriginal identity in Canadian life through support of Aboriginal participation in communications media and the arts. Preservation of Aboriginal languages and enhanced skills in communication, along with better intercultural relations, will contribute significantly to personal and collective healing and the rebuilding of nations.

Aboriginal people speaking at our hearings made it clear that healing is an Aboriginal responsibility. As expressed by Roy Fabian, executive director of the Hay River Treatment Centre in the Northwest Territories, "The whole process of healing is becoming responsible for ourselves." Chief Gordon Peters conveyed a similar view:

Some call it healing; some call it regeneration. No matter what it is called, it is the same process – people taking control of their individual lives.

Chief Gordon Peters
Chiefs of Ontario
Toronto, Ontario, 18 November 1993*

Economic opportunity

Individual and community efforts to promote self-healing will be severely constrained unless there is complementary change in the economic opportunities available to Aboriginal people and a dramatic improvement in living conditions in Aboriginal communities. The second dimension of priorities for implementation therefore includes economic development, housing and community infrastructure.

Economic development can acquire considerable momentum as measures to achieve self-government and reallocate lands and resources are implemented, provided the tools of development are available. Next to lands and resources, the most critical tools are capital and skills. We propose that equity capital be made available from federal and provincial governments at greatly enhanced levels through long-term development agreements with regional Aboriginal organizations, nations and confederacies, through a National Aboriginal Development Bank, and through private investment. The acquisition of management skills for various kinds of business enterprise is an important focus of our proposed human resources strategy in support of Aboriginal economies. A change in the way social assistance funds flow into Aboriginal communities could stimulate greater self-reliance by enabling these funds to be used to sustain traditional harvesting activities and to improve social and physical infrastructure.

* Transcripts of the Commission's hearing are cited with the speaker's name and affiliation, if any, and the location and date of the hearing. See A Note About Sources at the beginning of this volume for information about transcripts and other Commission publications.

A major initiative to upgrade housing and community infrastructure would also support the transition to self-government and enhance economic development, while countering significant threats to health and well-being. Clarifying the nature of ownership of residences on Aboriginal territory will improve incentives to maintain dwellings and invest in their improvement. In addition, adopting the principle that those who are able should pay for a portion of the cost of their housing will release resources, whether of federal and provincial governments or Aboriginal nations, to help those in greatest need. A housing initiative should be pursued immediately, and as nation governments are recognized they can take over institutions that manage and finance housing programs, provide technical skills in systems design, regulate standards, and maintain the housing stock.

Human resources

The third critical dimension of change is human resources development. Institutions of self-government, restructured human services, community infrastructure and revitalized Aboriginal economies need appropriately trained personnel. We propose a 10-year initiative to overcome barriers to Aboriginal participation in the labour force, building on experience gained in current training and employment development strategies. In Volume 3, Chapter 3, we recommend that the educational preparation of Aboriginal personnel to direct, plan and staff restructured health and human services should be a major policy emphasis. In our recommendations on adult and post-secondary education and education for self-government, we set out detailed strategies for reaching the twin objectives of an Aboriginal population knowledgeable in their culture and fully equipped to implement self-government, staff public services, sustain self-reliant economies, and engage freely in mainstream economic activities. (See Volume 2, Chapters 3 and 5, and Volume 3, Chapter 5.)

Education and training for Aboriginal governments and economies must achieve better integration between study and work through programs adapted to community realities, study and work placement combinations, scheduling to permit employed persons to enhance their qualifications, and access to training and education in or near Aboriginal communities.

Educational success will contribute to personal and communal healing, which in turn will result in more candidates presenting themselves for higher education. We therefore anticipate that a very substantial commitment to student support and innovative delivery of education services in First Nations, Inuit and Métis communities will be necessary well past the 20-year time frame for which we make fiscal projections in Chapter 3 of this volume. However, we also expect that educational outlays will begin to be offset by paybacks from increased employment and productivity by the end of the first decade of our social and economic strategy.

Institutional development

Institutional development is the fourth dimension of our recommendations for social, cultural and economic change. Aboriginal life is more complex than it was in the village and the hunting camp. In those contexts the family was the all-purpose mediator; teaching its members how to understand and respond to the world at large and interpreting to the community the contribution each member had to offer. Even in compact and isolated Aboriginal communities where intricate, layered kinship relations still prevail, Aboriginal people have turned to formal institutions to meet their needs for education, health care and political leadership, to give three examples.

Most contemporary institutions governing Aboriginal life are regulated by norms that originate outside Aboriginal communities. The services they offer are fragmented and sometimes overlapping. These services are extended or withheld from Aboriginal persons on the basis of status categories that are also determined by non-Aboriginal authorities. This results in a service deficiency affecting more than half of all Aboriginal people. In urban and rural off-reserve areas, Aboriginal people confront an array of services, scarcely any of which show even token acknowledgement of the varied cultures and needs of the people they are intended to serve.

We have concluded that in every sector of public life there is an urgent need to liberate Aboriginal initiative by making room for Aboriginal institutions. They should be part of education, health and social services, housing, communications and economic development, as well as the administration of government. As self-government is established, Aboriginal institutions will become instruments for meeting needs through self-determined means. They will be a primary place for innovation based on traditional knowledge and contemporary experience and judgement.

We have recommended support or reinstatement of sector-specific and regional organizations to pursue economic development. We have suggested the formation of new planning bodies or the designation of existing regional organizations to develop the integrated network of healing centres and lodges we propose. These organizations and institutions would precede nation rebuilding and self-government in many regions and should be structured to complement the development of nation structures. They need not be confined to serving a single nation.

Change is threatening because it means relinquishing practices that have become familiar and predictable, even if they are sometimes frustrating and painful. Progress in developing Aboriginal social and economic institutions can break habits of control and dependence. Effective institutions can function as a powerful stimulus to community revitalization and nation building.

4.3 Federal, Provincial and Territorial Contributions

It is essential that federal, provincial and territorial governments make firm commitments to support change in the four dimensions just outlined. The importance of commitment to the healing process in its many forms, to adapting the delivery of public services, to improving economic opportunity and living conditions, and to human resources development is already recognized to some degree by all governments. It is particularly important that governments make an early commitment to provide stable funding to Aboriginal institutions as they emerge from the planning process.

In Volume 4, Chapter 7, we set out an approach to apportioning financial obligations related to social expenditures. The jurisdictional debate between federal and provincial governments has seriously impeded the development of equitable and effective Aboriginal services. That debate must give way to decision and action.

At the start of this transition period, much of the jurisdiction and spending authority will CONTINUE to lie with federal, provincial and territorial governments. But the necessary initiatives will not be effective unless designed and implemented by Aboriginal people according to their priorities. Aboriginal people need to be able to direct resources to the areas where the need for social infrastructure is greatest.

We propose therefore that governments enter into multi-year planning and implementation processes on a provincial or regional basis with representatives of the Aboriginal nations of the area. Priority setting to address needs across the region might take up to two years. It could culminate in five-year funding agreements to permit stability of implementation. The creation of programs and institutions should be undertaken with the emerging nation structures in mind so that as nations are recognized, jurisdiction and resources could be assumed by the nation government with a minimum of friction.

5. Keeping Track of Progress

Ensuring that trust, once engendered, is honoured is a continuing responsibility, one that cannot be left to governments alone, buffeted as they are by the tide of events and transient priorities. The establishment of institutions to restructure the relationship through a Royal Proclamation and companion legislation should be accompanied by the creation of an equally vital institution to monitor progress toward self-government, an adequate land and resource base and equality in social and economic well-being for Aboriginal peoples. This institution would assess the extent to which governments are honouring their commitments and the progress being achieved in implementing the recommendations of this Commission.

The value of the institution would lie in its independence and in its ability to focus the attention of legislators and governments on the continuing process of renewal. Monitoring is needed because the process will last not just years but several decades. Without regular review, the original objectives could too easily be forgotten or submerged in the preoccupations of the day. Monitoring is needed to help clarify issues that are complex and difficult to understand. Monitoring is a form of advocacy and also a vehicle for public education about changes taking place among Aboriginal peoples and in their communities. To achieve these objectives, we propose that the federal government establish an Aboriginal Peoples Review Commission that would be independent of government and report direct to Parliament.

A model for such a body already exists. The Office of the Commissioner of Official Languages was established to monitor compliance with the Official Languages Act following the 1967 report of the Royal Commission on Bilingualism and Biculturalism. The Commissioner of Official Languages is appointed by resolution of the Senate and House of Commons for a seven-year renewable term, and the act provides for the commissioner's independence from government. The commissioner reports annually to Parliament and has a close relationship with a joint committee of the Senate and the House of Commons. The commissioner deals mainly with individual complaints and reviews the application of the Official Languages Act in federal departments.

The mandate we propose for an Aboriginal peoples review commission would of necessity be broader, since it touches so many areas of Aboriginal life. We believe the commission should focus on the broad scope of change. Although accepting input from all sources, it should not deal with individual complaints. We envisage a commission established by Parliament and led by a chief commissioner, appointed for a fixed term by the Senate and House of Commons. The appointment process should include consultation with the national Aboriginal organizations and could be facilitated by an independent third party, such as a judge of the Supreme Court of Canada. Up to three part-time commissioners could be appointed to assist the chief commissioner. The independence of the commission's funding and staff must be assured. The chief commissioner should be Aboriginal, and most other commissioners and staff should also be Aboriginal.

The commission would report to Parliament annually on self-government, lands and resources, and the social and economic well-being of Aboriginal peoples. It would have the power to make special reports. Should an Aboriginal parliament be created, as we have recommended as an interim step toward creation of a House of First Peoples as a third chamber of Parliament, the commission would closely follow the work of that body.

The commission's mandate should be broad enough to include the activities of provincial and territorial governments within its review, although the commission would not be responsible to provincial and territorial legislatures. Its annual reports should provide the occasion for Parliament (and the provincial and territorial legislatures) to review Aboriginal issues regularly through committee hearings and debate.

Monitoring progress on the Aboriginal agenda without becoming unwieldy in staffing or budget will require an innovative approach. This might include co-operative arrangements with other organizations, such as the Aboriginal Justice Council recommended in our special report on criminal justice,² with Aboriginal and non-Aboriginal governments and with educational and research institutions. The commission's reports should aim to provide an overview of progress and shortcomings.

The commission would have the power to advise, to educate and, ideally, to persuade, but it would not have decision-making authority. Even if the commission develops credibility and public interest only slowly, its creation will be justified. Aboriginal peoples and Canadian governments will benefit from a regular assessment of what has been accomplished and what remains to be done – evaluation that has been lacking in the past. The commission's reports will motivate governments to move forward in fulfilling their promises to Aboriginal peoples. The review commission has the potential to be an important instrument for maintaining trust between governments and Aboriginal peoples.

Recommendations

The Commission recommends that:

5.1.2

The government of Canada introduce legislation to establish an Aboriginal Peoples Review Commission that is independent of government, reports to Parliament and is headed by an Aboriginal chief commissioner.

5.1.3

The Aboriginal Peoples Review Commission regularly monitor progress being made

- (a) by governments to honour and implement existing treaties;
- (b) in achieving self-government and providing an adequate lands and resource base for Aboriginal peoples;
- (c) in improving the social and economic well-being of Aboriginal people; and
- (d) in honouring governments' commitments and implementing the recommendations of the Royal Commission on Aboriginal Peoples.

5.1.4

The Aboriginal Peoples Review Commission report annually to Parliament and that Parliament use the occasion of the annual report to address Aboriginal issues in committee hearings and debate.

5.1.5

Provincial and territorial governments co-operate with the commission in fulfilling its mandate and respond in their legislatures to the commission's annual assessment of progress.

5.1.6

Federal and provincial first ministers and territorial leaders meet at regular intervals with national Aboriginal representatives to assess implementation of reform measures and to raise public awareness of Aboriginal concerns.

6. An Interactive Strategy

By now it will be clear that a fundamental combination of forces must be in place to make change possible. This no doubt motivated Chief Justice Brian Dickson to propose the extensive mandate of the Royal Commission on Aboriginal Peoples. Almost every aspect of the mandate interacts continuously with every other: measures for self-government have an impact on the administration of health and education, which bears directly on economic opportunity, which provides the means for good housing and financing social and cultural programs. A just reallocation of lands and resources has an impact on employment, on cultural and spiritual wholeness, and on the revenues needed for governance, education and social infrastructure.

Not all of our recommendations can be implemented simultaneously.

Governments do not have the financial resources and Aboriginal nations do not have the human resources to absorb and manage simultaneous change on all fronts but decisive intervention on many fronts at the same time is required to reap the benefits of the anticipated synergy.

We are convinced that our proposals will furnish the substance of political relations between Aboriginal people and Canadian society for the next two decades. With the adoption of the structural measures proposed in this chapter, a dramatic transformation will be set in motion. A profound, symbolic turning point in Aboriginal/non-Aboriginal relations will have been reached. The old relationship of paternalism and prejudice will have been rejected and, in its place, a foundation laid for a new partnership founded on responsibility and mutual respect.

The foundation would not be merely symbolic. The Royal Proclamation and companion legislation will establish the infrastructure for the new relationship. They will create the critical institutions for the shift to the nation as the basic unit of Aboriginal government and for structuring the negotiating process. They would signal a clear commitment to change, a commitment made all the more real by identifying clear pathways to change.

Notes

1. See Royal Commission on Aboriginal Peoples (RCAP), *Treaty Making in the Spirit of Co-existence: An Alternative to Extinguishment* (Ottawa: Supply and Services, 1995); and Volume 2, Chapters 2 and 4.
2. RCAP, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa: Supply and Services, 1996). Economic Disparities, Government Expenditures and the Cost of the Status Quo

In the first four volumes of this report we showed how inequitable and counter-productive the policies of dispossession and assimilation of Aboriginal peoples have been and remain. We discussed how these policies helped to create the conditions facing Aboriginal people today, and how changes in policies over the past several decades, while sometimes constructive, have not been sufficiently far-reaching to change the deplorable conditions in which many Aboriginal people live. This situation entails a considerable cost to Aboriginal people and to Canadians generally. In this chapter, we explore the nature and dimensions of that cost. It is not difficult to find examples of government actions that have been costly to governments and to Aboriginal parties. Consider the years of prolonged negotiations and litigation sparked by the government's desire to circumscribe basic Aboriginal rights. (To cite just one example, during the 20 years it took to negotiate the Yukon comprehensive claim – with much of the delay resulting from shifting government policies and personnel – Yukon First Nations incurred a debt of \$63 million. They should not have to bear the cost of government delay and confusion alone; the debt's repayment should be renegotiated.) Or think about the deterioration of publicly funded housing stocks on reserves, resulting largely from government's failure to construct houses to an adequate standard and ensure their maintenance. In this chapter, however, we focus on the cost of government actions that are perhaps not as obvious but are nonetheless substantial. We call them social costs, as they are borne collectively by all Canadians. We show that these costs will CONTINUE to be incurred year after year and will escalate as long as current policies are in place. Eliminating these costs through fundamental policy changes is a convincing argument for implementing the agenda proposed in this report.

Social costs fall into two broad categories: costs associated with the economic marginalization of Aboriginal people, and costs incurred as governments attempt to address social problems through remedial programs. As a group, Aboriginal people do not participate fully in the Canadian economy. They produce and earn less than an equivalent number of other Canadians. By any realistic standard, the contribution of Aboriginal people to the Canadian economy is much less than it could and should be. More than 150,000 Aboriginal adults do not know the satisfaction of earning an adequate income and being economically independent.¹ As a result, the wealth they could potentially produce is not being realized. The value of production and income forgone is a continuing cost that can never be recovered. We estimate that the cost of forgone production was \$5.8 billion in 1996. Half the cost of forgone production is shifted to governments and thus is borne by all Canadians. Governments collect less tax revenue than they would if Aboriginal people earned adequate incomes, and they pay out more in social assistance, other income support payments, and housing subsidies.

The second category of social costs consists of the large amounts allocated to coping with social problems – in other words, the extra cost of government expenditures on remedial programs. If health and vitality were restored to Aboriginal communities, these expenditures could be reduced. We estimate that extra expenditures on remedial programs amounted to \$1.7 billion in 1996.

Adding the two categories together, the total social cost of the status quo was \$7.5 billion in 1996 – almost one per cent of the value of Canada’s economic output as measured by the gross domestic product (GDP).² Again, although Aboriginal people bear a large part of the cost of the status quo, more than half the burden falls on Canadians generally through reduced government revenues and increased spending on social assistance, health care, child welfare, law enforcement and corrections and other remedial measures.

The social costs examined in this chapter are not one-time costs; they are incurred yearly and will likely increase unless fundamental changes are made. To demonstrate this, we examine the social and economic conditions that give rise to these costs and explore whether policies now in place have the capacity to change these conditions.

1. The Cost of Forgone Production

Compared to other Canadians, Aboriginal people as a group participate in the economy at lower rates and therefore have lower incomes. The large majority of Aboriginal people would be better off if their economic potential were realized. In the following pages we explore that economic potential and what can be gained by realizing it.

To estimate the economic potential of Aboriginal people, we focus first on income from employment, using data from the 1991 census and Aboriginal peoples survey (APS) to estimate how much Aboriginal people would earn if they were employed more productively and in larger numbers. It seems reasonable to take earnings and production in the Canadian economy as a basis for estimating this potential; Aboriginal people and communities are part of the Canadian economy and can be expected to encounter similar economic opportunities and constraints. Of course, economic opportunity is not distributed evenly over Canada’s large land mass, and we take this into account by adjusting our estimates for regional differences in economic opportunities. We then extend our analysis to include income from sources other than employment, including profits and investments. Finally, we estimate the cost of forgone production for 1996 and the related shortfall in employment.

Differences in economic outcomes between all Canadians and Aboriginal people are shown in Table 2.1. (In this chapter, data for Canada or ‘all Canadians’ include both Aboriginal and non-Aboriginal people.) There is a large gap in average earnings from employment (including self-employment) for persons aged 15 years and over. In 1990, Aboriginal people earned an average of \$9,140, or 53.7 per cent of the Canadian average of \$17,020. The difference is directly attributable to three factors: Aboriginal people participated in the labour force at a lower rate (57 per cent compared with 67.9 per cent); they experienced a higher unemployment rate (24.6 per cent compared with 10.2 per cent); and those who were employed earned less than employed Canadians (\$21,270 compared with \$27,880). The aggregate employment income for Aboriginal Canadians was \$4.2 billion in 1991. An equivalent number of Canadians earned \$7.8 billion from employment, or \$3.6 billion more.

Differences in levels of employment are echoed in discrepancies in employment income. When we combine the labour force participation and unemployment rates presented in Table 2.1, we find that on average at any time in 1990, 43 per cent of Aboriginal persons aged 15 years and over was employed, compared to 61 per cent of all Canadians.³

To achieve parity with all Canadians in the rate of employment, 82,000 more Aboriginal people would have to have been employed. At Aboriginal people's earning rate in 1990, this extra employment would have brought in \$1.8 billion in income and narrowed the earnings gap by almost half (48.6 per cent). If the level of earnings per employed Aboriginal person were raised to the overall Canadian level at the same time, the other half of the earnings gap (51.4 per cent) would be eliminated. The difference in the level of earnings per employed person is not as significant as the difference in the rate of employment. If employed Aboriginal persons had earned as much as employed Canadians earned on average in 1990, 36 per cent of the gap in earnings would have disappeared.

Differences in employment levels relate mainly to full-time, full-year jobs. Although Aboriginal people are well represented in employment involving up to 26 weeks of work in a year, only one-fifth of Aboriginal adults had a full-time, full-year job in 1990, compared to well over one-third of all Canadians (see Table 2.2). The shortage of full-time, full-year jobs applies to all Aboriginal groups, but is most acute for First Nations people living on-reserve. The disparities are somewhat smaller for women than for men.⁴ Aboriginal women have been part of the trend of the last several decades toward greater labour market participation among women.

A person's level of education is closely related to the probability of finding employment and to employment income. In the case of Aboriginal people, less than half of those with a grade nine education or less were employed at any time in 1990, compared to more than 90 per cent of those with a university degree. Average employment income ranged from less than \$13,000 for those with grade nine or less to more than \$33,000 for those with a university degree. The gap in levels of education between Aboriginal people and all Canadians is illustrated in Table 2.3.

Using the data in Table 2.3, we calculated that 41.6 per cent of the \$3.6 billion gap in employment income is associated with educational attainment.⁵ This suggests that education is a major lever for improving economic outcomes for Aboriginal people. We know as well that such factors as ill health, disability and conflict with the law, although less significant, are also related to economic performance, and that improvement in these factors will also contribute to reducing the economic gap.

Opportunities for wealth creation are far from evenly distributed in Canada. In large areas of the country, including the mid- and far north where many Aboriginal people live, economic activity is limited and mainly resource-based. Regional economic disparities have persisted despite considerable efforts over several decades to reduce them. To reflect this diversity of economic opportunity in our estimates, we took the location and size of Aboriginal communities into account and compared them with others of similar size and location.

As shown in Table 2.4, per capita income from employment in these more or less comparable communities is considerably less than the Canadian average; participation in the labour force is somewhat lower and unemployment is higher. Some of the First Nations communities are in urban areas and in regions with dynamic, high-performing economies, as are some of the comparable communities. Many First Nations communities, however, are small and remote from service centres (see Volume 2, Chapter 5). Even compared to similar communities, however, the economic performance of First Nations communities falls far short, particularly with respect to the level of employment. This illustrates the degree of exclusion of First Nations communities from the Canadian economy.

No similar comparison is available for other Aboriginal communities. Although some of these communities are small and remote, and may therefore have limited economic potential, many off-reserve Aboriginal people live in urban and metropolitan areas where they should have access to the same economic opportunities as most Canadians.⁶ We believe, therefore, that the Canadian average is a good measure of the economic potential of Aboriginal people not living on reserves, with the exception of Inuit, who live mainly in small northern communities and whose income from employment is the second-lowest among Aboriginal groups, after that of Indian people living on-reserve. If we take comparable communities as the norm for First Nations people on-reserve and Inuit, and retain the Canadian average as the norm for other Aboriginal groups, the estimated potential employment income of Aboriginal people drops by \$0.9 billion, from \$7.8 billion to \$6.9 billion, and the gap between Aboriginal people and all Canadians narrows from \$3.6 billion to \$2.7 billion.⁷

Employment earnings are only part of the income generated by economic activity. In 1990, earnings accounted for 61 per cent of the value of production (GDP), with the remainder made up of profits, capital consumption allowances and other, smaller income items.⁸ To estimate the total economic gap between Aboriginal people and other Canadians, these other income items must also be taken into consideration. In the absence of data for Aboriginal people regarding these income items, we assumed that the composition of total income is the same for Aboriginal people as for all Canadians. Thus, in addition to a gap in employment income, there is also a gap of the same relative size in income from other sources. This leads to an estimate of \$4.4 billion in 1990 for the gap in total income between Aboriginal people and an equivalent number of Canadians.⁹

We identified a lack of full-time, full-year jobs and lower levels of education as major factors in poor economic outcomes. We also showed that only a fraction of the economic gap between Aboriginal people and Canadians is related to regional economic disparities, and we have reduced our estimate of the economic gap to eliminate this component. In Volume 2, Chapter 5 we presented a more complete analysis of the performance of Aboriginal economies. Besides the factors highlighted here, we discussed the disruption of traditional ways, dispossession from a rich land and resource base, and restrictions inherent in the Indian Act. The economic exclusion of Aboriginal people has had significant cumulative effects on individuals' employment skills, their incentive to pursue education and training, and the capacity of communities to engage in modern economic activity, and these too are obstacles to better economic performance.

Our analysis points to a number of deep-seated problems. The economic disadvantages facing Aboriginal people are not a passing phenomenon. In fact, disparities between Aboriginal and other Canadians are increasing, and they will likely CONTINUE to do so unless policies are radically altered. Between 1981 and 1991, the unemployment and income gaps widened (see Table 2.5). Aboriginal people in the labour market, whose numbers grew rapidly during that period, experienced much greater difficulty finding work. The unemployment rate soared, far outpacing the increase for Canadians generally, and the average income of Aboriginal people (adjusted for inflation) actually declined over the decade. Various factors contributed to these trends: a recession in the early 1990s, jobs lost in resource exploration and extraction activities in northern areas, and a decline in the price of fur.

With regard to education, some progress was made between 1981 and 1991. The proportion of the Aboriginal adult population with less than grade nine dropped from 37 to 24 per cent (see Table 2.6). High school completion rates rose from 29 to 42 per cent, and the proportion of post-secondary non-university certificate holders increased from nine to more than 13 per cent.

Educational attainment among Canadians generally also rose over the same period, but the disparities diminished in these three categories. As Table 2.6 shows, however, there is still a 10 per cent gap at the elementary level and a 19 per cent gap at the secondary level. Compared to Aboriginal adults, Canadian adults are still 1.5 times more likely to have completed high school.

The positive trends in high school education are related in part to policy initiatives such as greater Aboriginal control, more Aboriginal history and language in the curriculum, more schools in Aboriginal communities, and increasing the numbers of Aboriginal teachers. The positive trends may not CONTINUE, however, unless these kinds of reforms in education are extended and the social and economic prospects of children now in school improve.

Aboriginal people also made educational gains at the university level for the period 1981 to 1991, but the improvements were modest compared to those of Canadians generally. The gap in university participation and completion increased over the decade: by 1991 Canadian adults were 2.4 times more likely to have some university education and 3.8 times more likely to be a university graduate. Moreover, although Aboriginal participation in all forms of post-secondary education has been increasing, it remains significantly below general Canadian levels. Only when Aboriginal people begin to obtain college and university degrees at the same rate as all Canadians will we see the gap in educational attainment decline and ultimately disappear.

Deterioration in economic indicators for Aboriginal people in the 1980s appears to show that improvements in levels of educational attainment up to the high school level have not had much impact on economic outcomes. A much greater catch-up at all levels of schooling is required if greater employment and higher earnings are to be realized.

This brief review highlights how entrenched the economic disparities between Aboriginal people and Canadians generally are and how they increased during the 1980s. It is quite possible that during the 1990s, these disparities have CONTINUED to widen. A trend toward greater concentration of employment in low-wage jobs and a higher degree of marginalization has been observed in the economy as a whole. The rapid increase in federal social assistance expenditures from 1991-92 to 1995-96, as documented later in this chapter, suggests that conditions may have worsened in First Nations communities. Some improvements in the Canadian economy in general, and in some resource sectors in particular, might have tended to moderate the disparities, however. On balance, we can assume, without risk of exaggerating the economic gap facing Aboriginal people, that differences in income and employment between Aboriginal people and all Canadians have remained constant on a per capita basis since 1990. After adjusting for population and price changes, we calculate that the economic gap between Aboriginal people and an equivalent number of Canadians will reach \$5.8 billion in 1996, compared with \$4.4 billion six years earlier.¹⁰ One-half of this gap is related to a gap in employment of 80,000 jobs.¹¹

An economic gap of this size is not acceptable in Canada today. Our recommended strategies for change, discussed in Volume 2, Chapter 5 and elsewhere, present a major challenge to Canadians – Aboriginal and non-Aboriginal alike – and their governments but we believe that success will follow implementation of the measures we propose. Avoiding the social costs of economic disparity and eliminating the economic disparities facing Aboriginal people is a viable and realistic policy objective.

First, we have no doubt that Aboriginal people will agree with the scope of development needed in their communities and on their traditional territories to create the jobs and incomes. We believe that Aboriginal people will seize economic opportunities and adapt to new economic realities, as they always have. Although Aboriginal people have a strong attachment to the land, and many wish to pursue traditional activities, they also want jobs that offer good incomes. They are not resigned to economic dependency. Experience has also shown that although Aboriginal people often resist development on their traditional lands, their attitude is different when they can control the negative effects of development and share in its benefits. Moreover, the two lifestyles – traditional activities and salaried employment – need not conflict. Many Aboriginal people combine traditional activities with salaried employment or commercial activity in different seasons and over the course of a lifetime.¹²

Second, we have been careful to base our estimate of economic potential on the actual performance of the Canadian economy. If Canadians in general can achieve a certain level of employment and productivity, so can Aboriginal people. In particular, our estimates take into account the diverse opportunities for wealth creation and differences in lifestyle across the country.¹³ Aboriginal people can likely achieve the rates of employment and earnings we have estimated without massive migration to areas of greatest economic opportunity. We are not proposing that economically weaker regions of Canada catch up with wealthier areas; rather, we are suggesting that within each region and urban area, Aboriginal people should share more equitably in wealth-creation activities.

The rapid growth of the Aboriginal population will pose a challenge for the future. The Aboriginal population of working age is expected to expand by nearly 250,000 between 1996 and 2016, an increase of a 48.6 per cent in 20 years, compared with an expected 23.4 per cent increase for the same group in the Canadian population as a whole.¹⁴ In the cities, Aboriginal people will compete for employment in growing job markets. In the resource-producing areas of Canada, employment may not expand enough to provide sufficient jobs for the growing Aboriginal and non-Aboriginal population. Aboriginal people will need a larger share of jobs in those regions. Other entrants to the labour market could find opportunities in parts of the country where more jobs can be created.

But there is reason to be optimistic about economic growth in the resource-producing areas if lands and resources are restored to Aboriginal peoples. Where land claims have been settled, Aboriginal people have taken control of resources and invested in their communities; regional economies have expanded, benefiting all who live there. In Volume 2, Chapter 4, we drew a comparison between the Cree people to the east and west of James Bay, and between Inuit in Nunavik and those in Labrador. Crees and Inuit in Quebec now have more economic tools at their disposal to improve their lot, and have used some of the proceeds of a land claims settlement to acquire and develop businesses. When Aboriginal people control resources and the businesses that exploit them, a larger part of the income generated is likely to remain in the region instead of being transferred to urban centres. The result is that more money is spent locally, and in turn more jobs and greater business activity are generated.

Some economic opportunities for Aboriginal people have not yet been widely recognized: Aboriginal communities can develop world markets for entirely new and unique products in cultural tourism, the arts, specialty foods, clothing, pharmaceuticals, sports and recreation, as well as in the construction and service industries. Many new jobs can be created as a result of an increase in two-way trade with neighbouring communities and wider outside markets. Given a growing land base and more investment funds from further claims settlements, coupled with self-government, a better-educated work force and healthy communities, there is a potential for a major turnaround in the economic fortunes of Aboriginal people.

To sum up, we conclude that under the right conditions, Aboriginal people could and would participate more fully in the broader Canadian economy. A failure to foster such conditions is causing a loss of production and income, conservatively estimated at \$5.8 billion in 1996 and growing year by year. The cost of this missed opportunity is being borne by Aboriginal people and by all Canadians and can never be recovered.

2. Government Expenditures:

The Burden of Remedial Costs

The second major social cost associated with the current circumstances of Aboriginal people is government expenditures on remedial measures. First we review the growth and composition of federal expenditures on programs for Aboriginal people over the past 15 years. Next we examine total expenditures by federal, provincial, territorial and local governments relating to Aboriginal people and compare these with government expenditures for all Canadians.

2.1 Federal Expenditures on Targeted Programs

As Table 2.7 shows, in fiscal year 1995-96, the federal government intends to spend \$6.2 billion on Aboriginal programs. More than two-thirds of this spending is administered by the Department of Indian Affairs and Northern Development (DIAND). Many of the most costly items include services that provincial governments provide to other Canadians: education, social assistance and social services, and health care. Also included are expenditures for municipal infrastructure in First Nations communities.

Over the 10 years from 1981-82 to 1991-92, federal expenditures on Aboriginal programs grew by 183 per cent; as a share of federal government spending (excluding debt charges), they increased from 2.9 to 3.7 per cent.¹⁵ Adjusted for the effects of inflation, expenditures per Aboriginal person increased by 14 per cent.

By comparison, total per capita federal expenditures for the same period (excluding debt charges) increased by 3.8 per cent after inflation, and consolidated expenditures (excluding debt charges) by all levels of government increased by 12.4 per cent in real per capita terms. (Comparison with consolidated expenditures of three levels of government is meaningful since the bulk of federal spending on Aboriginal people is for services provided to all Canadians by provincial and municipal governments.) By this latter standard, then, federal spending on Aboriginal programs kept pace with changes in government spending generally.

Only a few federal programs are directed to all Aboriginal people. They include Pathways, Aboriginal Business Canada (formerly the Canadian Aboriginal Economic Development Strategy or CAEDS), and the Aboriginal programs of the Canada Mortgage and Housing Corporation (CMHC). Other federal spending generally relates to registered Indian people and Inuit. For the period 1981-82 to 1991-92, this latter category of spending increased by nine per cent on a real per capita basis. When expenditures are further narrowed to those directed to people living on reserves and Crown land and to Inuit (about three-quarters of the total), the real per capita growth rate is 16 per cent. The differences here arise mainly from differences in the rate of population growth.¹⁶ These findings demonstrate that during the 1980s the federal government made financial resources available for a rapidly growing First Nations and Inuit population, with more or less the same rate of increase as for program spending by all Canadian governments combined.

Since 1991-92, federal expenditures on Aboriginal programs have CONTINUED to increase while overall spending has become increasingly subject to restraint. In 1995-96 federal spending on Aboriginal programs will be about \$6.2 billion, an increase of 33 per cent over the 1991-92 level, while total federal expenditures (excluding debt charges) will revert to about their 1991-92 level. As a share of federal expenditures (excluding debt charges), Aboriginal program spending increased from 3.7 per cent in 1991-92 to 4.9 per cent in 1995-96. Compared with provincial and local government expenditures, federal Aboriginal program expenditures also have been growing rapidly in the past four years.

As Table 2.7 shows, the composition of government spending for the three periods 1981-82, 1991-92 and 1995-96 changed markedly in several respects. From 1981-82 to 1991-92, expenditures for most programs roughly tripled, with social development and health care expenditures increasing somewhat more rapidly and expenditures on education somewhat less so. Spending on claims increased more than sixfold over that 10-year period, but expenditures for economic development by DIAND and Industry Canada did not keep pace with these increases. Changes in federal spending for program management and band management reflect the devolution of program delivery from DIAND to First Nations communities.

Since 1991-92, spending has shifted as in the previous decade; aggregate expenditures have increased rapidly. Claims expenditures stand out because of the settlement of several comprehensive claims, the Saskatchewan Treaty Land Entitlement, and the increased budget allocation for specific claims. Economic development and, to a lesser degree, housing have taken the brunt of federal expenditure restraint. Spending on economic development by DIAND and Industry Canada declined sharply, and the Pathways budget for training remained unchanged. As for housing, the Rural and Native Housing Program was suspended in 1994, and CMHC stopped making commitments for new units under other off-reserve programs in April 1995. CMHC has also reduced by two-thirds the number of new dwellings to be built on-reserve. (New approaches to on-reserve housing, announced in July 1996, will be financed through reallocation within DIAND and CMHC budgets.) The increase in federal expenditures in the 1990s, as during the 1980s, is driven largely by an escalating need for basic services – education, health and social assistance – to a rapidly growing population that has become more economically dependent. Federal budgets for social assistance and health care services rose by more than 50 per cent in the past four years. A significant force behind this increase was the large number of Aboriginal youth who came of age in the last two years, swelling the ranks of the adult population. From 1991 to 1995, the Aboriginal population aged 15 years and older increased by 13.4 per cent – almost one per cent per year more rapidly than the Aboriginal population as a whole. The Indian Register indicates an even higher rate of growth for the adult population living on-reserve, where most federal spending is concentrated.

Some of these trends are reason for concern. We welcome the increased budgets for claims and the devolution of program delivery, as well as recent program enhancements in health care and social services. But we are disturbed by the evidence examined earlier in this chapter and by recent increases in federal government expenditures on social assistance, which indicate that the Aboriginal population is becoming more dependent on federal assistance. We are also concerned that expenditure reductions will diminish spending on services, such as social housing, that are vital to enable Aboriginal people to cope with deteriorating conditions in their communities. Worse, cutbacks in economic development programs and the leveling off of the training budget mean that less effort is being made to improve economic conditions for Aboriginal people. We fear that governments, facing further restraint, will not make the investments necessary to eradicate poverty among Aboriginal people and improve their living conditions.

2.2 Total Expenditures of All Governments

Let us now consider expenditures by provincial, territorial and local governments (see Table 2.8). All expenditure data and estimates discussed here are for fiscal year 1992-93; comprehensive data are essential for the analysis presented in this part of the chapter, and figures for 1992-93 were the most recent comprehensive data available at the time of writing.

A number of provincial programs for Aboriginal people are in place, but they tend to be small and short-lived compared with federal programs. Most provincial spending is in the form of general programs directed to a province's entire population. With few exceptions, the provinces do track program use by Aboriginal people. However, based on such information as we have been able to collect, we have estimated the Aboriginal share of expenditures on general programs.

Spending relating to Aboriginal people by all governments in 1992-93 is estimated to be in the order of \$11.6 billion, with the provinces, territories and local governments adding \$5.6 billion to federal expenditures of \$6 billion. (For an explanation of how this estimate of federal expenditures relates to the data in Table 2.7, see the notes in Table 2.8.) This amounts to 4.1 per cent of the consolidated expenditures of all levels of government in Canada (excluding debt charges), which stood at \$285.4 billion for that fiscal year.¹⁷

On a per capita basis, government expenditures relating to Aboriginal people were \$15,714 in 1992-93.¹⁸ This is 57 per cent higher than the spending of all governments per Canadian resident, which stood at \$10,026 in the same year. In total, governments spent \$4.2 billion more on programs and services for and used by Aboriginal people than they spent on programs for an equivalent number of Canadians in the general population.

These estimates demonstrate convincingly the existence of a significant difference in average government spending per person. We explore this difference further in Table 2.9, where government expenditures are presented by major function or policy area and expressed on a per capita basis in columns 4 and 6. Column 7 presents the ratio of per capita spending levels based on the amounts in columns 4 and 6. Ratios higher than one indicate government expenditures per Aboriginal person higher than per capita government expenditures for the general Canadian population.

As shown in Table 2.9, a high level of government expenditures on Aboriginal people is found across many policy areas. It is related to several factors: discrepancies in the cost of service delivery; some specific expenditures related to First Nations people and Inuit; and, most important, the high level of use of programs by Aboriginal people, resulting mainly from their economic marginalization and the social ills experienced in many communities. We examine each of these factors in turn.

Cost of services delivery

A disproportionate number of Aboriginal people live in small, remote, and northern communities. The cost of delivering government services varies substantially as a result of scale and distance from major centres. The cost of living in the north ranges from 25 per cent to 100 per cent higher than the Canadian average, a situation that is reflected in salaries and allowances for public servants working in the north. (See Volume 4, Chapter 6, particularly the discussion of support for the northern economy.) Municipal

infrastructure, buildings and related services, and transportation, which make up a significant part of DIAND expenditures, are also more costly. Expenditures by the government of the Northwest Territories and local governments combined were about \$19,400 per capita in 1992-93, almost double the national level. DIAND formulas for transfer payments to bands for education, social services and general administration take into consideration the size of the community, its distance from population centres, and latitude as cost factors. The amount DIAND pays per student in elementary or high school varies from a base amount of \$4,500 to as much as \$8,500 in the smallest northern communities.¹⁹

Specific expenditures relating to First Nations people and Inuit

The federal government incurs a number of expenditures in fulfilling its obligations under the Indian Act and Aboriginal and treaty rights that have no counterpart in expenditures for all Canadians. These include expenditures associated with negotiating self-government, maintaining the Indian Register, and litigating with respect to Aboriginal rights. Expenditures associated with negotiating and settling land claims, for instance, totaled \$173 million in 1992-93.

For status Indian people and Inuit, DIAND's post-secondary education assistance program (PSEAP) pays tuition fees and living allowances to students at post-secondary educational institutions, and Health Canada covers certain medical expenditures through its non-insured health benefits program (NIHB). In 1992-93, a total of \$623 million was spent under these two programs, \$201 million for PSEAP and \$422 million for NIHB.

Although other federal programs for status Indian people living on-reserve and for Inuit communities generally adhere to provincial program rules and standards, there are differences, and they do not always favour Aboriginal clients. For instance, DIAND does not provide a shelter allowance to social assistance recipients living in band-owned housing, except those financed with CMHC assistance. In some instances DIAND will pay more for education services delivered by a province than it will to the Aboriginal community for the same services. For example, DIAND reimburses provincial school boards on the basis of their total costs averaged over all students. Schools in First Nations communities are funded on the basis of a formula providing only limited resources to address the special needs of Aboriginal children. (See Volume 3, Chapter 5.)

Some social services are in short supply in First Nations and Inuit communities. The availability of programs such as PSEAP and NIHB, therefore, does not necessarily mean better services overall. However, federal funding of medical services has resulted in the substantial development of health facilities for First Nations and Inuit communities across the country (see Volume 3, Chapter 3).

Use of services

The most important factors underlying differences in spending levels are relative levels of program use and differences in population structure. The relative level of program use by Aboriginal people is low in education, but high for most other program areas.

In education, level of use is indicated by enrolment of the school age population at learning institutions. Because Aboriginal youth on average leave school earlier than other Canadian youth, the rate of enrolment in elementary and secondary educational institutions is somewhat lower for Aboriginal people than for Canadians generally. However, the fact that a very large percentage of the Aboriginal population is of school age means that the number of Aboriginal students at these levels is disproportionately large. (Five- to 19-year-olds make up 33 per cent of the Aboriginal population but only 20 per cent of the general population.) The age structure of the Aboriginal population, therefore, is the main reason that per capita government expenditures on elementary and secondary education are approximately twice as much as for Canadians generally.

With respect to post-secondary education, we find that expenditures relating to Aboriginal people are also above the level for Canadians generally. Young Aboriginal adults constitute a large proportion of the Aboriginal population relative to the proportion of young adults in the general population, but they enrol at much lower rates and tend to leave university without completing a degree. At first glance, government spending on post-secondary education for Aboriginal students appears relatively low. However, also included in that category are funding of students through DIAND's PSEAP program and expenditures under the Pathways training program. Overall, therefore, spending per Aboriginal person on post-secondary education and training is approximately 80 per cent higher than per capita spending for all Canadians.

3. Dependence on Financial Assistance and Remedial Programs

In contrast to relatively low participation rates in education, Aboriginal people make up a disproportionate share of the clients of the justice system and of federal, provincial and territorial social and income support programs. In this section we examine government expenditures on social programs and the justice system and identify the second major component of the cost of maintaining the status quo – the cost of extra government expenditures on remedial programs. We also estimate the share of the cost of forgone production that is shifted from Aboriginal people to governments (and thus all Canadian taxpayers) through financial assistance programs.

We focus on five program areas in two major groups: programs that provide financial assistance to persons in need and remedial programs. The former are intended to meet basic human needs and include social services, other forms of income transfers and housing subsidies. Remedial programs protect society, enforce the law and help individuals, families and communities cope with social, personal and health problems. Included in this category are health care programs, social services such as child welfare and alcohol and drug addiction treatment, and protection of persons and property (police and correctional services). As a group, Aboriginal people are frequent users of these services – the result of social disintegration in Aboriginal communities, poverty and racial discrimination, among other factors.

In each of these areas, governments jointly spend more per capita on services for Aboriginal people than they do for Canadians generally, as illustrated in Table 2.9. Table 2.10 shows that government expenditures on financial transfers and remedial programs for Aboriginal people exceeded expenditures for an equivalent number of Canadians by nearly \$2.2 billion in 1992-93. Although high government expenditures indicate a high level of services, it should not be assumed that the needs of Aboriginal people are always fully or adequately met. During our hearings, Aboriginal people told us many times about the lack of certain services and difficulties they have experienced in making use of programs. We examined the need for government services of various kinds, the adequacy of services, and the effectiveness of past and present policies in previous volumes of this report.

Excess expenditures on financial assistance and remedial programs account for approximately half the difference between government expenditures on Aboriginal people and those on an equivalent number of Canadians in the general population, which is estimated at \$4.2 billion (as discussed earlier in the chapter). Of the remaining \$2 billion, \$0.7 billion is federal expenditures relating to land claims, funding for post-secondary students and non-insured health benefits, and \$0.9 billion is related to elementary and secondary education for Aboriginal people. These expenditures are relatively high because of the large Aboriginal population of young adults discussed earlier.²⁰

An examination of statistics on the incidence of poverty, ill health and other indicators highlights the factors behind high dependence on financial assistance and remedial programs and the persistent nature of these factors. Perhaps most disturbing is the deterioration in economic conditions discussed in the first part of this chapter (see Table 2.5). One consequence of these conditions has been the increase in dependence on social assistance benefits to a point where, in 1992-93, 47 per cent of registered Indian persons living on reserves were receiving social assistance, compared to 40 per cent a decade earlier.²¹ (These numbers include recipients and their dependents, as estimated by DIAND. They are higher than the numbers from the APS referred to in Volume 2, Chapter 5 on economic development and in Volume 3, Chapter 3 on health and healing. They are used here because they permit comparisons over time.) Dependence levels for other Aboriginal groups are also high, ranging from 20 to 25 per cent, or about three times the national average of 9.7 per cent.²² Aboriginal people receive lower transfers than Canadian generally from several other income support programs, including employment insurance and the Canada and Quebec Pension Plans. The combined effect is a relatively low net transfer of income to Aboriginal people over and above what governments spend on financial assistance per Canadian in the general population.

Poverty also lies behind government expenditures on housing for Aboriginal people. The federal government, which provides the large majority of funding, assists Aboriginal households as a matter of social policy, based on financial need. Adverse economic trends affecting Aboriginal people over the past 10 years have meant that Aboriginal people were less able to look after their own housing needs by the end of the decade. Government programs have provided relief, but the housing stock remains inadequate, especially on First Nations territories (see Volume 3, Chapter 4).

Differences in per capita spending also relate to the incidence of ill health and social dysfunction among Aboriginal people. There have been some notable improvements in the health of Aboriginal people over the years. Medical advances and increased access to health services have resulted in lower infant mortality rates and a sharp decline in deaths from such diseases as tuberculosis, whooping cough and measles. Substantial progress in the prevention and treatment of respiratory and infectious disease accounts for the steady reduction in mortality rates since the 1950s.²³ Nevertheless, the high level of per capita spending on health care reflects the remaining gap between the health of Aboriginal people and that of Canadians generally, as documented in Volume 3, Chapter 3. First Nations people on-reserve make use of provincially insured services at more or less the same rate as other Aboriginal people and Canadians generally, and they receive federally funded services in communities as well. Because federal and provincial health services complement each other, this indicates a high rate of services use. The NIHB program also contributes to higher expenditures for Aboriginal people. Nevertheless, expenditures under the NIHB program also reflect the high incidence of ill health among Aboriginal people.

High rates of social services use reflect the social dysfunction that often accompanies poverty. Family breakdown, for example, and a lack of cultural sensitivity on the part of non-Aboriginal agencies have resulted in an inordinate proportion of Aboriginal children being placed in foster care. Although the percentage of First Nations children (on-reserve) in the care of foster parents or institutions declined from over six per cent in the mid- to late 1970s to just under four per cent in 1992-93, the percentage of all Canadian children in care decreased more rapidly, so the relative gap has widened (see Volume 3, Chapters 2 and 3). The incidence of children in foster care is also high for other Aboriginal groups.

Turning now to the justice system, we note that Aboriginal persons are incarcerated in provincial jails at 11 times the rate of other Canadians; in federal penitentiaries the rate is five times that of other Canadians. These rates, which have remained relatively constant over the last decade, point to social problems in Aboriginal communities and to problems in the way the justice and corrections systems deal with Aboriginal people.²⁴ As Table 2.11 shows, data on admissions to federal, provincial, and territorial correctional facilities do not reveal any strong trends over time. A high proportion of the cost of federal, provincial and territorial correctional institutions evidently is associated with Aboriginal people in custody, and has been for many years.

This brief survey of health care, social services and the justice system highlights the factors that give rise to large government expenditures on financial assistance and remedial programs for Aboriginal people. If the social and economic circumstances of Aboriginal people changed significantly for the better, and if remedial service systems were more culturally sensitive, the level of government expenditures for Aboriginal people would be more closely in line with expenditures for Canadians generally.

We conclude, however, that the conditions giving rise to large financial transfers to Aboriginal people and high remedial expenditures have not changed for the better and are not likely to do so in the absence of a fundamental reorientation of policies. On this basis, we estimate that excess government expenditures on financial assistance, which were nearly \$0.8 billion in 1992-93 (see Table 2.10), will be the same in 1996, and that excess expenditures on remedial programs will increase from the \$1.4 billion recorded in 1992-93 to \$1.7 billion in 1996.²⁵

Government financial assistance helps Aboriginal people in need obtain basic necessities such as food and shelter. If Aboriginal people had more and better jobs, they would be capable of meeting basic needs from their own incomes. Current government expenditures redistribute income between Canadians and Aboriginal people, shifting a part of the cost of forgone production from Aboriginal people to governments and thus to all Canadians.

Expenditures on remedial programs, however, pay for activities that could be eliminated if conditions changed for the better and services were more sensitive to Aboriginal needs and cultures. If Aboriginal people were healthier of body and spirit and their families less troubled, they would require less in the way of health care and social services, and there would be fewer cases of Aboriginal people in conflict with the law. As well, remedial services, especially the justice system, could be far more effective in dealing with Aboriginal people than they are now. Each of these improvements would mean that real productive resources could be freed for other uses. Many of the public sector employees now delivering remedial services could be redeployed to produce valuable goods and services. That these goods and services are not being produced now imposes a cost on Aboriginal people and all Canadians. Accordingly, excess expenditures on remedial programs, which we estimate at \$1.7 billion in 1996, are a cost of the status quo. When we add this amount to the cost of forgone production, we find that the cost of the status quo in 1996 is \$7.5 billion.²⁶

4. Escalating Cost of the Status Quo

The analysis in this chapter leads us to conclude that the present circumstances of Aboriginal people impose large costs on them and on all Canadians. We have examined two categories of cost. The first and largest cost results from the economic marginalization of Aboriginal people. We have shown that under better conditions Aboriginal people could contribute an additional \$5.8 billion to the Canadian economy. That they do not do so now is directly related to their low participation in the labour force, high unemployment, and lower productivity when they are employed. On further exploration we also found that a lack of full-time, year-round employment and low educational attainment relative to all Canadians are important aspects of the problem. These factors are not passing phenomena. On the contrary, as shown in Volume 2, Chapter 5, Aboriginal people have been on the fringes of the economy for several generations. In the first section of this chapter we showed that conditions deteriorated further over the 1980s, some modest improvements in educational attainment notwithstanding.

We have argued that it is realistic to expect that there can be a substantial increase in Aboriginal participation in wealth-creation activities. Our estimate of the economic potential of Aboriginal people is based on the known performance of the Canadian economy, taking into account its regional diversity and the aspirations of Aboriginal people. Indeed, in some parts of the country, where land claims have been settled or Aboriginal people have successfully launched businesses, we can already glimpse a better future with a stronger economic base for Aboriginal people.

The second cost of the economic marginalization of Aboriginal people consists of the extra expenditures by governments on remedial programs that address the adverse conditions facing many Aboriginal people. Many Aboriginal people and some entire communities are in poor health, struggling socially and economically. Expenditures on health care and social services, including child and family services, substance abuse programs, and the justice system, are higher for Aboriginal people than for Canadians generally. We estimate the combined cost of these expenditures, which we refer to as excess government expenditures on remedial programs, at \$1.7 billion in 1996.

Like the economic circumstances of Aboriginal people, the social conditions that give rise to government expenditures on remedial programs are deeply rooted, and they have not improved significantly under the policies governments generally have chosen to apply.

The cost of the status quo is being borne by Aboriginal people and by all Canadians. The fact that Aboriginal people could be earning an estimated \$5.8 billion more than they are means that governments are losing \$2.1 billion in revenues they would otherwise collect through taxation.²⁷ The remaining \$3.7 billion is a loss to Aboriginal people in income after taxes. They receive an estimated \$0.8 billion in income support payments and housing subsidies, so their disposable net income is \$2.9 billion less than it could be.

When we took our estimate of \$1.7 billion in excess government expenditures on remedial programs and added it to excess expenditures on financial assistance to Aboriginal people in the form of income support payments and housing subsidies, we concluded that government expenditures are \$2.5 billion higher than they might be if Aboriginal people enjoyed the same quality of life as other Canadians. When we also considered the potential loss of revenues of \$2.1 billion, we found that governments would experience a drain on their finances of \$4.6 billion in 1996. This cost to governments, which occurs year after year and can never be recovered, is equivalent to the annual expenditures of the government of New Brunswick.

In sum, every year that the social and economic circumstances of Aboriginal people remain as they are, it costs the country \$7.5 billion. That cost – the cost of the status quo – is the equivalent of nearly one per cent of Canada's GDP. It consists of a fiscal cost of \$4.6 billion, borne by all Canadians, and a loss of net income to Aboriginal people of \$2.9 billion.

If no effort is made to reduce the cost of the status quo, it is likely to increase. Unless economic opportunities and participation are enhanced and social conditions improve, the cost will increase in step with a growing Aboriginal adult population, or even more rapidly. This population is growing at almost twice the rate of the general Canadian adult population. Using demographic projections, we expect that the cost of the status quo could increase by 47 per cent over the next 20 years, from \$7.5 billion to \$11 billion by 2016 (see Table 2.12).²⁸

The cost of the status quo is also likely to increase in relative terms. The Canadian population of working age is projected to increase by 23.5 per cent over the next 20 years, which is half the projected rate of increase in the cost of the status quo over the same period. This means an increase of close to 20 per cent in the burden of these costs per Canadian of working age. It also implies that the social cost of the status quo will increase to more than one per cent of GDP.²⁹

It is possible to avoid this costly future, but not with current policies. To be sure, some improvements have been made, and we want to acknowledge these positive steps. Several major land claims have been settled in the north – a major step forward for the groups directly affected – and increasing resources are being devoted to negotiation and settlement of claims, a welcome move. Also worth mentioning, are efforts to tackle specific health and social problems and the transfer of education and other public services to First Nations control. More generally, governments are also giving greater recognition to the particular needs of Aboriginal people, and there is growing awareness of Aboriginal concerns on the part of Canadians generally.

As we have shown, however, these measures, while constructive and offering some hope, do not go far enough. Only a more fundamental renewal of the relationship between Aboriginal people and other Canadians will lead to much improved conditions for Aboriginal people. The positive steps taken so far are likely to be overwhelmed by population growth, government expenditure restraint, and a lack of economic opportunity for Aboriginal people. Indeed, unrest in several parts of the country in the summer of 1995 was a reminder of the ever-growing sense of frustration with conditions in Aboriginal communities. Expectations have been raised; the younger generation is less willing to accept the enormous disparities that are the focus of this and other chapters of this report. Unless tangible progress is made soon, there is a serious risk of major conflict, with high human and economic cost, much higher than the cost of the status quo discussed here.

Notes

1. In 1996, Canada's Aboriginal population aged 15 years and over is calculated at 535,000. Of these, 153,000 (28.6 per cent) receive social assistance, based on the 1990 rate of dependence recorded in the Aboriginal peoples survey (APS). This is a conservative estimate, as dependence on social assistance has probably increased since 1990, as we show in this chapter. For a general discussion of the sources of data used by the Commission in this report, see Volume, Chapter 2, particularly the endnotes.
2. GDP is projected to be \$821 billion in 1996, according to economic assumptions in the federal budget of February 1995. According to projections presented later in this chapter, the rapid growth of the Aboriginal population will cause the social cost of the status quo to increase to more than one per cent of GDP in the next 20 years.
3. This result is obtained by multiplying the participation rate (57 per cent for the Aboriginal population) by the percentage of the labour force that is employed (100 per cent less 24.6 per cent), and applying the same formula to the statistics for all Canadians. The difference between these employment rates is 18 per cent (61 per cent less 43 per cent), which when applied to the Aboriginal population aged 15 years and over (457,800) reveals a difference of 82,000 jobs.
4. For Canada, the labour force participation rate in 1990 was 76.4 per cent for males and 59.9 per cent for females; for Aboriginal people the rates were 65.4 per cent for males and 49.6 per cent for females. The unemployment rates are 10.1 per cent for Canadian males and 10.2 per cent for females. For Aboriginal people the rates are 27.2 per cent for males and 21.6 per cent for females. Statistics Canada, 1991 Census and Aboriginal Peoples Survey.

5. This result was obtained by applying the distribution of the Canadian population by level of education achieved to Aboriginal people and calculating what Aboriginal people would have earned at their actual rates of earning by level of education. The procedure consists of multiplying the corresponding elements in the second and third columns of Table 2.3, adding the resulting products, and scaling by the size of the Aboriginal population 15 years of age and over. This analysis is suggestive only and provides a snapshot, not a complete causal explanation. Although education can be a major lever for change, a major change in education cannot be realized in isolation and will likely result following other changes in Aboriginal society. As well, attitudes of many non-Aboriginal Canadians toward Aboriginal people are probably in part related to the gap in educational attainment between these two population groups. Thus, a narrower gap in education might facilitate the participation of Aboriginal people in the Canadian economy and give Aboriginal people with any amount of education access to better jobs and incomes. Improving educational attainment may be even more effective in improving overall conditions than our calculations indicate.
6. The percentage of Aboriginal groups living in urban areas is as follows: registered Indian people off-reserve, 80.8 per cent; non-registered Indian people, 69.3 per cent; Métis people, 64.9 per cent; and Inuit, 21.9 per cent. Of the Canadian population, 77.2 per cent live in urban areas (see Volume 2, Chapter 5).
7. This revised estimate of the earnings gap corresponds with a different estimate of the employment gap: 68,500 jobs in 1990, down from the 82,000 jobs mentioned earlier in the chapter.
8. In 1990, wages, salaries and supplementary labour income, together with income of unincorporated businesses, was \$410,740 million. The GDP was \$670,952 million for the same year. Statistics Canada, "National Income and Expenditure Accounts, Annual Estimates 1981-1992", catalogue no. 13-201.
9. The gap in income from employment between Aboriginal people and an equivalent number of Canadians, \$2.7 billion in 1990, is 61 per cent of the gap in total income. (The latter can be calculated as $100 \div 61 \times \$2.7 \text{ billion} = \4.4 billion .) By the same method we find that actual earned income of Aboriginal people was \$6.9 billion, while a value of \$11.3 billion is found for potential earned income (that is, the income of an equivalent number of Canadians). In the absence of data it is assumed, as a first approximation, that the same relative gap exists for other income because economic activity tends to generate different types of income jointly. Most jobs in the economy involve capital investment by businesses that recover the cost of such investments and earn a profit as well as paying wages, salaries and benefits to their employees. However, the gap is probably larger than these estimates indicate. Income other than earnings from employment is derived largely from capital, and there are large disparities in wealth between Aboriginal people and Canadians in general.
10. The adjustment for population size is based on the growth in the Aboriginal population of working age (15 to 64 years) (see Volume 1, Chapter 2). The price level was adjusted using the Consumer Price Index for 1990 to 1994 (Statistics Canada, catalogue no. 62-001, vol. 74, no. 2), and the consensus forecast for 1995 and 1996 reported in the February 1995 federal budget.
11. The initial estimate of the employment gap derived from Table 2.1 – 82,000 for 1990 – was reduced to 68,500 when differences in economic opportunity reflected in Table 2.4 were considered. This latter estimate is updated to 80,000 for the year 1996 by applying the growth rate of the Aboriginal population of working age (15 to 64 years) over the period 1990 to 1996.

12. The experience of the James Bay Cree with the Hunter and Trapper Income Support Program is a good illustration of a dual lifestyle, one among many available. See Volume 2, Chapter 5 and Volume 4, Chapter 6. See also Ignatius La Rusic, "Subsidies for Subsistence: The Place of Income Security Programs in Supporting Hunting, Fishing and Trapping as a Way of Life in Subarctic Communities", research study prepared for RCAP (1993). For information about research studies prepared for RCAP, see A Note About Sources at the beginning of this volume.
13. We do not think that differences in lifestyle require further adjustments in our measures of economic potential and the earnings gap. In the small communities neighbouring many First Nations communities, people also live on the land and make trade-offs between employment and other pursuits that are not included in measured economic activity. As we show in this chapter, Aboriginal control of resources likely will lead to greater economic activity as more income from resource exploitation is retained in the region.
14. Mary Jane Norris, Don Kerr and François Nault, "Projections of the Population with Aboriginal Identity in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (1995) (the Aboriginal population aged 15 to 64 years is projected to increase from 507,000 in 1996 to 753,000 by 2016); Statistics Canada, "Population Projection for Canada, Provinces and Territories, 1993-2016", catalogue no. 91-520; and Statistics Canada, "Revised Intercensal Population and Family Estimates, July 1, 1971-1991", catalogue no. 91-537.
15. Sources for total federal government expenditures: Statistics Canada, "Public Finance Historical Data 1965/66-1991/92", catalogue no. 68-512, and "Public Sector Finance 1994-95", catalogue no. 68-212.
16. For purposes of these calculations the following population growth rates over the period 1981-1991 were used: for the total Aboriginal population, including Métis and non-status Indian people: 48.5 per cent; for status Indian people and Inuit: 56.4 per cent; and for Inuit as well as status Indian people on-reserve and Crown land: 34.1 per cent. These rates are based on data from the APS and the Indian Register. The sharp increases in the growth rate for status Indian people reflects registrations under Bill C-31. The population of Canada increased by 12.9 per cent over the same decade.
17. Statistics Canada, "Public Sector Finance 1994-1995", catalogue no. 68-212.
18. Expenditures here are based on 740,00 persons who self-identified as Aboriginal, as measured by the Aboriginal peoples survey (APS), and after adjustment for under-reporting and updating to 1992. Federal and provincial programs directed to Aboriginal people generally take as clients those who self-identify. In calculations of the Aboriginal share of general programs for this chapter we used the identity population. When the number of status Indian people is taken from the Indian Register instead of the APS and adjusted for persons living abroad and other factors, the number of Aboriginal persons in 1992 is 787,000. Using this latter population estimate, and adjusting expenditures on general programs as appropriate, spending on Aboriginal people was estimated to be \$14,900 per Aboriginal person in 1992-93, or 49 per cent higher than government per capita expenditures for Canadians in general.

19. The higher cost of delivering government services in small, remote and northern communities is reflected in expenditures for targeted programs but was not taken into account in calculating the Aboriginal share of general programs. As the amounts in Table 2.8 indicate, this cost factor may be significant for the federal government and Ontario and Quebec, but not for other provinces. The expenditures of territorial governments, as estimated and presented in Table 2.8, reflect the high cost of programs and services in the north.
20. Of the three factors affecting government expenditures, specific expenditures for First Nations and Inuit and differences in levels of service use play a significant role in differences in the level of government expenditures. The third factor, cost of service delivery, contributes to the difference in the level of expenditures in many areas of program delivery; it may also contribute to the unexplained residual of \$0.4 billion.
21. DIAND, Basic Departmental Data – 1994, Tables 1 and 25.
22. Allan Moscovitch and Andrew Webster, “Social Assistance and Aboriginal People: A Discussion Paper”, research study prepared for RCAP (1995).
23. The present brief discussion focuses on changes in health over time and is based on T. Kue Young, “Measuring the Health Status of Canada’s Aboriginal Population: A Statistical Review and Methodological Commentary”, research study prepared for RCAP (1994).
24. These matters are examined in RCAP, Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada (Ottawa: Supply and Services, 1996). Chapter 2 of that report deals with Aboriginal over-representation in Canadian prisons and provides some data for Saskatchewan, Manitoba and the Northwest Territories.
25. To obtain a current estimate for the same period as the cost of forgone production, government expenditures on financial assistance and remedial programs for Aboriginal people were updated to the calendar year 1996 with information from the 1995-96 federal budget and estimates (see Table 2.7), including a projected three per cent increase in DIAND expenditures in 1996-97. It was assumed that provincial and territorial expenditures on Aboriginal people increased by four per cent between 1992-93 and 1996, reflecting a more rapid growth rate of the Aboriginal population within a constant overall level of expenditures. Excess expenditures were assumed to be constant as a share of expenditures for each of the five program areas.
26. The cost of excess expenditures and forgone production can be added together because both measure a loss of collective well-being in Canada. The cost of forgone output refers to under-utilization of the productive potential of Aboriginal people. The cost of excess government expenditures on remedial programs refers to a mis-allocation of other productive resources. Removing the former cost will result in higher employment and production in the Canadian economy. Eliminating the latter cost does not lead to more jobs and a higher GDP, but the people now delivering remedial services can be redeployed to produce goods and services not available at present. This would result in an increase in valuable output.
Naturally, the economic potential of Aboriginal people and redeployment of a segment of public services will not be realized overnight, but such progress is realistic within a time frame measured in decades. In Chapter 4 of this volume, we suggest a schedule for implementing the recommendations of this report. Given the structural changes taking place continuously in the economy, as new products and technologies are introduced and the needs and preferences of the population change, these two shifts would not be extraordinarily large.

27. These potential revenues of federal, provincial and territorial and local governments are calculated by applying the share of government revenues in total income or GDP (41 per cent in 1993-94) to the income gain of Aboriginal people, with an adjustment for the tax exemption. The majority of Aboriginal people pay taxes in the same way as other Canadians. A tax exemption applies to “the personal property of an Indian or band situated on a reserve” (Indian Act, R.S.C. 1985, c. I-5, s. 87(1)(b)), and this is the basis for exemption of income earned by Indian people on-reserve and from sales taxes on goods and services acquired by Indian people on-reserve (this description captures only the general thrust of the tax rules, which are intricate and, in the case of provincial sales taxes, vary by province). To calculate the government revenue share of additional income earned by Aboriginal people it was assumed that people on-reserve would pay no property or income taxes, with sales taxes at half the prevailing rates.
28. The cost of forgone output is assumed to be proportional to the size of the Aboriginal population of working age (15 to 64 years), which is projected to grow by 48.6 per cent between 1996 and 2016. This rate of growth is also applied to forgone government revenue. Excess government expenditures on financial assistance – social assistance and other income support payments, and housing subsidies – are projected to increase in step with the population aged 15 to 64. Excess expenditures on remedial programs are projected to increase by 45 per cent, with health care expenditures being proportional to the Aboriginal population aged 15 and over (an increase of 54.5 per cent between 1996 and 2016), and expenditures on social services and police and correctional services growing at the same rate as the Aboriginal population as a whole (34.8 per cent).
29. Based on these projections, the cost of the status quo will increase from 0.9 per cent of GDP in 1996 to 1.1 per cent by 2016. Our projections do not take into account future gains in productivity, which is, next to population growth, the most significant source of long-term growth in the economy. Productivity gains would increase GDP per Canadian in the work force and make the burden of social costs easier to bear. We note, however, that three-quarters of the social cost of the status quo consists of an economic gap between Aboriginal people and Canadians generally resulting from exclusion and marginalization. This gap will increase when productivity gains occur in the economy. Productivity gains, therefore, will not significantly change the relative cost of the status quo in relation to GDP. The Commission’s Strategy as a Good Investment

The commission's proposals to establish a fundamentally different relationship between Canada and Aboriginal peoples are obviously not without cost; we are recommending that governments undertake major structural reform and a great many social and economic initiatives. We envisage a period, spanning a generation, in which the foundations of a renewed relationship are put in place and the day-to-day reality experienced by Aboriginal people is transformed. Governments will have to apply substantial resources to those tasks: fundamental change will be achieved only with great effort and commitment.

We believe that governments should commit significant additional resources to resolve historical claims, restructure the political relationship, and improve living conditions and economic opportunities for Aboriginal people. This expenditure is justified to correct the injustices of the past and present. As we have argued throughout this report, Aboriginal people are entitled to equal social, educational and health outcomes, to a fair share of the country's assets, and to a much greater share of opportunity than they have had so far. We also demonstrate in this chapter that the entire country stands to gain if our proposals are acted on. The additional government expenditures required to implement our recommendations are a good investment for all Canadians.

We approach the task of determining what additional resources governments should commit by taking several factors into consideration. First, our recommendations represent an interactive strategy for change and should be implemented in such a way that they reinforce each other. The breadth of our mandate has enabled us to consider the synergistic dimension of change, that is, the impact that change in one area has on a range of other areas. Thus we see a dynamic developing between structural reform and social and economic measures, each reinforcing the other. The principle that drives change and gives it direction is that Aboriginal people are empowered to create their own solutions by having both the authority and the tools to do so. We outlined this approach in the first chapter of this volume and will give more consideration to it here.

Second, we have been acutely conscious that governments are in the midst of the most fundamental reassessment of their activities and reduction of their expenditures since they first assumed a major role in the economic and social life of Canada. The resources are not available to do all that good public policy, or justice and morality, would dictate should be done.

Third, a further limitation constrains the pace of progress. We propose that change be implemented by Aboriginal people in the manner of their choosing. This means that the pace of change will be determined in part by their capacity to implement their chosen priorities, a capacity that is still developing.

Given these factors, we recommend strongly that, to give effect to our recommendations, governments increase their annual spending over the first five years of the strategy, so that by year five, expenditures are between \$1.5 and \$2 billion more than they are today. Governments will then need to sustain that level of additional expenditure for a number of years.

These resource requirements follow from the approach to implementation presented in Chapter 1. In the first few years following the government's receipt of this report, development of Aboriginal capacity to implement change through healing, improvement in economic and living conditions, and human resource and institutional development will require an immediate and major infusion of resources. By contrast, the initial focus with respect to structural reform will be on rebuilding Aboriginal nations and changing the land claims and treaty processes, which will require only limited funding in the early stages. But as more and more Aboriginal nations are reconstituted, increasing amounts will need to be allocated to implement self-government and the redistribution of lands and resources. Significant spending on social measures and structural reform will then need to be sustained for a number of years.

These investments represent an economic cost, in that productive resources will have to be devoted to the task. But in our view they will also result in substantial economic gains for all Canadians. They will lead to greater economic self-reliance for Aboriginal people and restore health and vitality to Aboriginal individuals and communities.

In Chapter 2 we demonstrated that the political, social and economic conditions facing Aboriginal people impose a cost of \$7.5 billion per year on them and on all Canadians; this cost is likely to increase in future, reaching \$11 billion per year 20 years from now. This cost of the status quo includes losses flowing from failure to develop and use the full economic potential of Aboriginal people and the cost of remedial action to deal with the effects of social disintegration. In Chapter 2 we showed that these costs can be reduced significantly. We believe that the recommendations in this report, taken together, will bring about fundamental change in the circumstances of Aboriginal people and lead to the progressive reduction and eventual elimination of these costs. By eliminating the cost of the status quo, the strategy will yield economic benefits that far exceed the amounts governments will spend to implement it.

We estimate that these positive effects will begin to be realized in terms of the economy and government finances by about the tenth year following the adoption of our recommendations (though in terms of the impact on people's lives, the effects will be felt much sooner) and will become significant in the decade following that. Implementation will still involve significant costs 10 years hence, but as the gains from the strategy increase, the net cost will decline and in time become a net gain. The projected costs of the status quo and the strategy are displayed graphically in Figure 3.1. The net cost and net gain from the strategy are indicated by the distance between the two cost lines. As shown in Figure 3.1, the cross-over point, where net cost becomes net gain, is reached somewhere between year 15 and year 20 after the beginning of implementation. From this point on, Canadians and Aboriginal people will be better off than under the status quo.

Gains from the strategy will take the form of increased incomes for Aboriginal people and a fiscal dividend for governments. Governments will see their revenues increase, as Aboriginal economic activity expands, and their expenditures on financial assistance and remedial programs decline as Aboriginal people's dependence on government diminishes. We propose that governments use a part of the fiscal dividend to increase the resources devoted to implementing the strategy and apply the remainder to general revenues.¹ This way of using the fiscal dividend makes it possible to complete the investments in healing, economic development and institutional reform, to implement Aboriginal self-government, and to make progress in reallocating lands and resources during the second 10-year period, without imposing an additional burden in excess of \$2 billion in any year.

Indeed, governments will find their financial situation improve year after year as the fiscal dividend increases, until it reaches the same size as the additional expenditures needed for implementation. At that point governments would no longer have to raise taxes, borrow funds or reduce other spending to CONTINUE to work toward a renewed relationship with Aboriginal people. We expect that this point will be reached about 20 years after the beginning of implementation (Figure 3.2). From then on, governments jointly will have a smaller deficit (or larger surplus) than under the status quo.

Looking beyond 20 years, the amount required to CONTINUE to implement the recommendations will decline when the major social and economic investments and the reallocation of lands and resources are completed. There are some permanent costs of maintaining the new governance arrangements and the higher standard of living of Aboriginal people, but these are considerably smaller than the present cost of economic dependency and social dysfunction. Thus, in the long run, government expenditures will be significantly lower than under the status quo (Figure 3.2).

The results that can be achieved by implementing the recommendations in this report are summarized in Table 3.1. Aboriginal people generate the larger share of the gain by producing greater economic output; but half this gain is transferred to governments through taxes and changes in financial assistance. Governments gain directly when demand for remedial programs declines, but they also bear the cost of maintaining the new reality. In all, more than half the net gain takes the form of a fiscal dividend for governments. These time horizons and resource allocations – an investment of up to \$2 billion per year for 20 years – should be seen against the background of four generations or more when the Canadian state marginalized Aboriginal people economically and politically and several more generations of welfare policies applied in a way that disregarded the social realities of Aboriginal communities and fostered deep dependency. Patience and consistency of effort will be needed as Aboriginal people heal themselves, take control of their futures and regain strength. Change cannot be expected to proceed in a uniform and steady manner or at a regimented pace. Our recommendations are motivated first and foremost by a desire for social justice and for a restoration of historical rights, dignity and self-reliance to Aboriginal people. From this perspective, the strategy will be a good investment for Canada. But the strategy is also a good economic investment. Greater productivity, higher incomes and improved government finances will result from it. At a time when the economy is not performing optimally and government finances are under severe strain, the realistic prospect of ending the economic dependency of many Aboriginal people and communities provides a powerful argument in favour of the strategy.

1. Financing Fundamental Change

In this and the next two sections we examine how the finances of governments will change as they implement the recommendations in this report. What is likely to happen if no major reforms are introduced is addressed in Chapter 2. There we showed that, in the absence of a fundamentally different approach and new policies, the social and economic conditions of Aboriginal people would remain more or less as they are at present and that government expenditures per Aboriginal person would remain at present levels. In support of this view, we provided extensive data showing that the circumstances of Aboriginal people and the level of government expenditures relating to Aboriginal people have shown little change over the past decade or two.

But the changing age structure of the Aboriginal population will bring about major shifts in the composition of government expenditures. Expenditures for education will remain close to their present level as a decline in the birthrate keeps the number of children and youth from increasing greatly; but expenditures on financial assistance will increase rapidly because large numbers of young people will be coming of age. Indeed, the age structure of the Aboriginal population will change in a way that would reduce government expenditures were it not for the high degree of economic dependence among Aboriginal people. The changing demographics add force to the economic argument for fundamental change, as reflected in the rapidly increasing cost of the status quo and the burden this imposes on all Canadians.²

A perspective on the future in which government expenditures remain more or less constant on a per capita basis is at odds with the present fiscal policies of most governments in Canada. It is worth noting that the starting point for the projections is 1996, so that projected expenditure levels reflect any cutbacks that occurred up to that point.

While governments will no doubt CONTINUE to practise expenditure restraint for some years, we would not expect reductions to the extent seen in recent years to CONTINUE after the public debt is stabilized. We believe that governments will CONTINUE to have a major role in the social and economic life of the country to maintain social peace, provide economic opportunity for all citizens, and support those in need. Should the future bring a major, sustained reduction in the scope of government responsibilities, there will likely be more hardship among Aboriginal people, and it would become very difficult to reach the goals we have set.

Governments should not ignore their obligations to Aboriginal people just because their role in society is being redefined. It would be a travesty of justice if concerted and effective action to correct the history of oppression and dispossession of Aboriginal people were set aside on grounds of financial restraint just at the point when this history is finally being recognized for what it is. A great debt is owing, a debt on which governments and Canadians cannot renege.

Our task is to show what resources are needed to establish a renewed relationship and end dependency on government by greatly improving social and economic conditions for Aboriginal people. We have not done this for individual recommendations but have projected resource requirements for 12 policy areas, using a global approach and with existing expenditures on similar activities as a guide.

The majority of the expenditures we propose are of a temporary nature, serving to bring about change. For example, land claims settlements will involve a redistribution of land, resources and money effected over a number of years and will be completed at some point. Future income streams will be transferred with the assets, but these would be reflected in the value of the assets or integrated into fiscal arrangements for Aboriginal governments.

Many of the Commission's recommendations concerning social and economic measures call on governments to change the content, delivery and control of existing services. The recommendations call for new Aboriginal institutions, restructuring of mainstream institutions and greater use of Aboriginal content, methods and knowledge. To achieve this, extra money will be needed for a period to effect change by involving Aboriginal people at all levels, by adding new functions or experimenting with new approaches that will later be merged with or substituted for present delivery mechanisms, and by developing new curricula and methods, as well as for bricks and mortar. As services reach more Aboriginal clients and are made more effective, and as the healing process proceeds, demand for services to deal with unmet needs will also increase funding requirements; but after the new structures are in place and fully operational, and the backlog of needs has been addressed, costs should revert to more or less the same level as before the introduction of changes.

Some costs of the strategy are of a permanent nature. For instance, investment in human resources for self-government and economic growth will mean greater enrolment rates among Aboriginal students. The central institutions of Aboriginal governments and the capacity to develop and implement policy where they assume jurisdiction are new functions that will require new resources on a permanent basis. But programs are already in place, and on the whole they can be delivered as efficiently by Aboriginal organizations as by existing agencies, or perhaps even more so. (Services to Indian people living on reserves and Inuit are already being delivered for the most part by Aboriginal organizations; any effects this may have on costs are reflected in the present level of expenditures and are not a cost of the strategy.)

Two stages of implementation are set out in detail in Table 3.2. The first column, showing government expenditure allocations for 2001, five years after the beginning of the strategy, represents the early implementation phase, when spending is focused on social and economic measures. The structural reform measures, although an indispensable part of the strategy and essential to its success, do not as yet involve large government outlays.

But 20 years after the strategy is launched this has changed completely, as shown in the second column of Table 3.2. The allocations for that year reflect the operations of Aboriginal nation governments and financial transfers associated with land claims and treaty settlements. Significant outlays will be required. While some of the social and economic investments will have been completed, other measures will still require major funding. (The expenditure allocations for social and economic measures for 2016 are scaled up to reflect changes in the size of Aboriginal client groups.)

Also shown in the second column of Table 3.2 is the fiscal dividend generated by the strategy in 2016. Significant annual savings will accrue in a number of program areas by that time, and these will be larger than the expenditures on the strategy's social and economic measures.³ As government revenues also increase as a result of progress on the economic front, government finances overall will have returned to more or less the same state as under the status quo, that is, as shown in Table 3.2, an improvement of \$375 million.⁴

This favourable result will be reached when half the cost of the status quo has been eliminated through improvements in the social and economic circumstances of Aboriginal people. While recognizing that the effects of the strategy will take time to emerge and that progress will not be steady or uniform, we believe it is possible that half the potential gains from the strategy can be realized 20 years from now. (We comment on the pace of progress later in the chapter). In the next two sections we discuss in detail the expenditure allocations and savings presented in Table 3.2.

2. Establishing a New Relationship: Structural Measures

As proposed in Chapter 1 of this volume, policies and processes to effect change in the political relationship between Aboriginal people and other Canadians and in the distribution of lands and resources would be put in place through a new royal proclamation and companion legislation. Initially the focus of action will be on rebuilding Aboriginal nations through processes that are to a large extent internal to such nations. Aboriginal groups will enter into these processes when they are ready and proceed at their own pace. The process may be time-consuming for many nations. Once reconstituted, Aboriginal nations will begin to exercise increased jurisdiction on their territories. Following negotiation of a Canada-wide framework agreement, recognized Aboriginal nations entering into treaty negotiations would use the framework agreement to arrive at more definitive arrangements respecting self-government jurisdiction, fiscal arrangements, and territory.

Compared to existing processes concerning treaties, governance and lands, we are proposing major changes in scope and orientation, with significant effects on financial requirements. Nation building and achieving recognition will require more resources than are allocated to existing community-based self-government and tripartite processes. The operations of new bodies such as the treaty commissions and the Aboriginal lands and treaties tribunal will also cost more than the institutions that are now part of the process; but the cost of these process innovations is modest compared to the resources needed to effect a reallocation of lands and resources and a resolution of treaty issues with all Aboriginal nations.

At present, federal, provincial and territorial governments spend some \$200 to \$250 million per year on negotiation, implementation and litigation related to treaties, lands and self-government, not including the value of claims settlements.⁵ The settlement process will change but the activity will CONTINUE. There will still be a need for research and preparation of claims, evaluation and negotiation, but after new policies and processes are introduced, we would anticipate less litigation. Given the current large backlog of specific claims, and with more than 45 comprehensive claims filed in British Columbia alone, we expect that no financial resources currently committed to these activities can be freed up.

We propose that governments, while continuing to fund these various activities, commit an additional amount of up to \$150 million per year during the initial five years of the strategy for structural reform measures. New funds are required, temporarily, for consultations about the royal proclamation and companion legislation and for negotiation of the framework agreement. These processes will involve the national Aboriginal organizations, which will require funding to support their participation, amounting to perhaps \$15 million per year for consultations with their constituents, researching, preparing for and conducting negotiations, commissioning technical studies, and so on; this need will cease once an agreement is in place. These funds are included in the \$150 million, as expenditures on other items (detailed below) will not be required during the early years of consultations. (Adoption of new policies and processes by federal, provincial and territorial governments will also involve costs such as for consultation within the government and with the public, drafting of legislation, and so on. We consider these part of governments' usual cost of doing business.)

The Aboriginal Lands and Treaties Tribunal will involve new outlays that are likely to be similar in scale to those of the Federal Court of Canada. These costs can be met in part by reallocating funding now devoted to other institutions, in particular the Indian Claims Commission. The net demand on the federal government may be \$25 million per year. Our proposals also include treaty commissions. To these we assign an allocation of the same magnitude, bringing annual funding for the tribunal and treaty commissions to \$50 million by year five of the strategy (Table 3.2, line 1).

Rebuilding Aboriginal nations will begin in earnest after the royal proclamation is promulgated. Nation building involves several stages: animation and preliminary self-definition, an initial referendum to launch the self-government process, development of a citizenship code, enumeration and resolution of citizenship cases, and developing a constitution.

Expenditures of \$2.5 million per year for each nation, for two to four years on average, should be sufficient, although in certain cases a larger amount may be necessary. Accordingly, we would expect costs to range from \$5 million to \$10 million per nation over the time needed to complete the process. If 20 to 30 nations embark on the process in the three years following the royal proclamation and some of them complete it by the fifth year, as we think possible, expenditures should not exceed \$50 million a year at that time (Table 3.2, line 2).

Once reconstituted, Aboriginal nations will seek formal recognition and establish nation governments. Nations will determine their own forms of governance, but all will need some type of legislature, an executive, and a capacity to develop and implement legislation and policy in each area of jurisdiction. The expenditures needed to establish and operate these institutions are the costs of Aboriginal self-government. We do not regard the cost of delivering existing programs and services by Aboriginal organizations as a cost of self-government.

DIAND spends close to \$250 million per year in band government allocations, that is, expenditures for financial administration and general management functions relating to devolved programs.⁶ With the creation of nation-level government, these functions will CONTINUE, and so will the need for funding. Some economies of scale will be realized. Band-level governments will likely CONTINUE with municipal-type responsibilities, but policy responsibility and specialized technical expertise can be concentrated at the nation level.

New funds will be needed to operate the governments and legislatures of Aboriginal nations. The institutions we proposed in Volume 2 for lands and resources and economic development will need a capacity to manage resources and regulate their exploitation, a sophisticated activity demanding skilled staff in numerous areas of expertise.

In our view, additional spending of \$250 million equivalent to current band government allocations (approximately \$735 annually per capita) will provide a strong funding basis for self-government by First Nations.⁷ The combined amount of \$1470 per capita, while higher than the per capita amounts spent by federal and provincial governments, is well below the per capita spending of the two territorial governments.⁸ These are relevant comparisons, as Aboriginal nations will ultimately assume wide-ranging jurisdiction. The small size of communities and the distances between them will make for higher operational costs than those of federal and provincial governments, but the territory of Aboriginal nations generally will not be so large, or transportation and communications so costly, as to warrant spending at the levels found north of the 60th parallel.⁹

Other Aboriginal groups, in particular Métis groups, will also seek recognition as nations, assume jurisdiction, and take over program delivery from provincial and territorial governments. We estimate that this may involve \$175 million in additional funding.¹⁰ Thus, in the long run, an additional \$425 million will be needed when the current Aboriginal population is regrouped into some 60 self-governing nations. As noted earlier, it may take 15 to 20 years to rebuild and recognize these nations and to reach the stage where many have assumed jurisdiction. If 10 nations are in operation by 2001, \$50 million will be required in that year to meet their incremental cost of self-government (Table 3.2, line 3). Thus, five years after the beginning of the strategy, structural reform measures will require expenditures of \$150 million – \$50 million each for new institutions, nation rebuilding, and nation governments.

Following recognition, an Aboriginal nation may also begin to negotiate a treaty on self-government, territory and other treaty matters. Even when guided by a framework agreement, such negotiations are likely to be extensive and time-consuming. There will be a need to research traditional territory, and issues like land selection, third-party interests, and municipal tax bases will be more complex south of sixty than they are in the North. This activity will require additional funding, since the scope of the redistribution of lands and resources that we envisage well exceeds the specific and comprehensive claims being addressed by the government under its current claims policy.

As land claims settlements are reached, Aboriginal nations will acquire a land base and an economic base. If cash transfers under new treaties are similar in size to per capita cash payments awarded under modern comprehensive claims – about \$35,000 – more than \$26 billion will be required to accommodate nations without modern treaties. But these agreements also included the direct transfer of substantial amounts of Crown land, something that may not be possible to the same extent in the more developed and densely populated parts of the country. However, lands and resources may not be as significant a factor for economic development in areas close to urban centres, where the range of economic opportunities provides other options. Whatever the precise outcomes of negotiations, payment of the settlements will be spread out over a long period and will increase as more settlements are reached. Our strategy includes \$1 billion per year in new funding for land claims, a level that should be reached before or early in the second decade of the strategy, and then maintained for as long as needed (Table 3.2, line 4).

Thus, after 20 years, governments would be spending close to \$1.5 billion on structural reform in the following categories: \$425 for Aboriginal self-government operations, \$50 million for the Aboriginal Lands and Treaties Tribunal and treaty commissions, and \$1 billion on land claims and treaties, mainly for the financial transfer component of settlements.¹¹

3. Social and Economic Measures:

Gathering Strength

In Chapter 1 of this volume we set out four major dimensions along which social, economic and cultural initiatives should proceed: healing; improving economic opportunity and living conditions; human resources development; and development of Aboriginal institutions and adaptation of mainstream institutions. The following discussion of the resources required for implementation and the resulting gains is organized according to this framework. However, the fourth dimension, institutional reform, is so much a part of the first three dimensions that its funding allocation is included in those for the other three dimensions and is not shown separately in Table 3.2.

3.1 Healing

To foster a climate conducive to healing, we propose a number of strategies for education and culture, health care, social services and justice.

With respect to education and culture, our approach focuses on children, youth and cultural institutions. For year five, we allocate \$300 million in new funding to education, youth and cultural strategies (Table 3.2, line 5). The first of these strategies is the development of Aboriginal curricula and teaching materials, where the diversity of cultures and languages necessitates a major investment over a decade. We allocate \$50 million per year to this task. (The diversity of Aboriginal cultures, languages and history means that culturally appropriate educational materials will need to be developed for each. Our allocation is based on an expected number of Aboriginal nations and an annual allocation of up to \$1 million per nation. Examples of new approaches in education are given in Volume 3, Chapter 5.)

Second, establishing Aboriginal schools and school boards for Métis and urban Aboriginal populations, and bringing high school education into Aboriginal communities, will require planning, investment in new institutions and instructional programs, construction of schools, and installation of long-distance facilities where these are more cost-effective. No doubt this reform can be financed in part within existing budgets for capital investment, program development and operations. We allocate an additional \$100 million a year in this area. This amount represents an increase of about 10 per cent over current expenditures by provinces and school boards on education of Aboriginal children and youth.

Third, \$100 million annually is allocated to the proposed youth strategy, reflecting an amount of \$1,000 per year for each Aboriginal youth between the ages of 16 and 20. This level of funding allows for development of recreation and sports programs with a high degree of volunteer involvement for the large majority of Aboriginal youth, along with return-to-school programs, counselling and other targeted interventions.

The fourth item in this group concerns cultural institutions, to which we allocate \$50 million. This injection of funds would more than double recent government spending on northern and Aboriginal broadcasting, support for Aboriginal languages, and cultural and educational centres. It would make possible the establishment of an Aboriginal languages foundation and an Aboriginal arts council, provide core funding for Aboriginal media, and support production of Aboriginal programs.

The first three components are investments that require a higher level of funding for only a limited period. Once the education system is restructured, Aboriginal content is developed, and Aboriginal people are involved in every aspect of it, cost per student should return to the levels now spent by governments. As well, when youth are motivated by opportunity and a positive environment, spending on the youth strategy can be reduced to \$25 million a year. However, we estimate that cultural institutions will still require incremental funding 20 years from now and have allocated \$50 million per year for that purpose. The \$150 million noted in Table 3.2 also includes \$75 million for the added cost of educating Aboriginal youth for a longer period when their rate of high school attendance and completion reaches the Canadian rate. This allocation is calculated as four per cent of government expenditures on elementary and secondary education. Based on 1991 data it is estimated that the duration of schooling is approximately four per cent shorter for Aboriginal people than for other Canadians.

In the medium term, extra resources will be needed in health care to enhance services selectively, based on community needs, and to integrate health and social services while they are brought increasingly under Aboriginal control. The task of restructuring is greatest in urban and rural off-reserve communities, where most of the additional funding should be directed to establish Aboriginal healing centres. An allocation of \$100 million a year in year five is intended to ensure that this change takes place (Table 3.2, line 6).¹²

We take the same view of social services. Many of our recommendations with respect to the family, health and healing, education and economic development are aimed at protecting and enhancing the development of young children. Culturally appropriate services, maternal and child health, early childhood education, and high quality child care are proposed to complement the role of the family in nurturing young children. The federal government has recently implemented several early childhood initiatives for Aboriginal people. On First Nations territories, resources are being provided for a transfer of child and family services to Aboriginal control, while the focus is shifting to education and prevention. For year five, we allocate \$100 million to social services to fund a wide range of early childhood initiatives to complement the federal measures; these focus mainly on urban and rural off-reserve Aboriginal communities (Table 3.2, line 7).¹³

As vitality and self-reliance are restored in Aboriginal communities, a reallocation of government expenditures will ensue. The analysis in Chapter 2 indicated that significant reductions are possible in government expenditures on health care and social services, as well as in some other program areas. We project that by 2016 half the possible maximum savings will be realized (Table 3.2, lines 6 and 7).¹⁴

The changes in needs that make these expenditure reductions possible should be felt in a wide range of programs – child welfare, suicide prevention, alcohol and drug counselling, family violence, and other mental and physical health care. These services are not generally in abundant supply at present. We urge that, as social conditions improve, governments ensure that services are supplied at a more adequate level in relation to need and reduce expenditures only when there is solid evidence that needs are fully met. We are confident that the strategy will bring about a fundamental transformation in the next 20 years that will make the projected savings possible. The savings may appear in the form of a leveling off of funding for many Aboriginal institutions. Over the longer term, given a constant level of demand for services, program funding would be expected to increase with the size of the client population. A decline in demand would make it possible for governments to increase funding at a slower rate. Thus governments can reduce per capita spending and realize the savings we project without reducing their expenditures, abolishing programs, or shutting down delivery institutions.

With respect to justice, a modest amount of \$25 million is allocated in the medium term for new initiatives (Table 3.2, line 8). We expect savings to emerge early in this area, as a result of a reduction in the extraordinarily high rate of incarceration of Aboriginal people as justice systems learn to deal with Aboriginal people more fairly and effectively, and these savings can be used to intensify measures for reform. When Aboriginal communities heal themselves and begin to offer more economic opportunities, further savings are bound to occur. It is not difficult to see the sources of possible savings when 72 per cent of prisoners in provincial prisons are Aboriginal, as is the case in Saskatchewan.¹⁵ Entire facilities could be closed. The estimated reduction in government expenditures on police and correctional services, like the reduction in health care and social services expenditures, reflects a reduction of one-half of excess government expenditures that would otherwise occur by 2016 with the escalation of costs under the status quo.

There are other dimensions to healing, not least of which is the role of non-Aboriginal Canadians in gaining greater knowledge and understanding of the history and aspirations of Aboriginal people and acknowledging the errors of the past. We are calling for restitution, in particular of a land and resource base. The allocation under structural measures for this major item should be regarded as including all forms of restitution, including compensation to individuals and collectives as recommended in Volume 1.

3.2 Improving Economic Opportunity and Living Conditions

The second thrust of action to revitalize Aboriginal societies is a direct attack on economic disparities and intolerable living conditions. With regard to economic development we propose an increase in government expenditures of \$350 million by 2001, allocated to three components (Table 3.2, line 9). First, spending on small business advisory services, equity capital and small business loans has been reduced sharply in recent years, with a total federal effort of \$105 million in 1995-96, compared to \$177 million four years earlier.¹⁶ Restoring funding to past levels and responding to increased demand resulting from population growth will require an increase in funding of \$100 million in the medium term, followed by further increases in the future. This level of funding will accommodate initiatives such as a national Aboriginal development bank and expansion of funding for Aboriginal capital corporations, as well as the financial requirements of regional and sectoral development institutions, which were severely affected by cuts in the early 1990s. These institutions are the precursors of the economic development institutions of self-governing Aboriginal nations. Continuing to build these institutions serves the dual purpose of building capacity for self-government and pursuing business development.

The second component in the economic development envelope is a 10-year special training and employment initiative. We estimate that additional funds at the rate of half the Pathways program will be needed to implement this initiative on the scale required to have a significant impact. Thus, \$100 million should be allocated to this initiative.¹⁷

Reform of social assistance is the third component. More active use of social assistance for economic and social development in Aboriginal communities does not necessarily require additional funding. Training and re-employment can be actively encouraged within existing budgets, in a way similar to reform of unemployment insurance over the past several years. Other funds coming into the community, in particular those for housing and infrastructure, could be used creatively in combination with social assistance benefits. However, we estimate that some additional funds will be required for support of hunting and trapping and the mixed economy. We allocate \$150 million, which is equivalent to approximately 10 per cent of social assistance expenditures at this time. (An increase of 10 per cent normally could not be expected to have a significant effect on the nature and impact of government programs like social assistance. However, these funds should be applied selectively to support those whose main economic pursuits are of a traditional nature, so that they have a larger relative impact. As reform of social assistance and support for traditional activities are intended to stimulate economic activity and self-reliance, the related allocations are classified under economic development, not income transfers. Reform of social assistance is discussed in Volume 2, Chapter 5.)

Of these three components of additional funding for economic development – which together would amount to \$350 million per year by 2001 – the first, an allocation for business development, can be phased out when economic development gains momentum and investments begin to be financed by private capital and reinvestment of revenues from natural resources and profits. The second component, the special training and employment initiative, is intended to accelerate skills upgrading over a 10-year period. Twenty years into the strategy, governments will still be funding training and business development, but we assume that current budgets, adjusted for population size, will be adequate to the task. Of the three components, only support for the traditional and mixed economies is likely to be long-term. Accordingly, 20 years from now, new funding for economic development is projected to be \$225 million for support of traditional activities. (This estimate is equivalent to the allocation of \$150 million for 2001, adjusted for changes in the adult Aboriginal population.)

As an allocation for social assistance has been included in new expenditures for economic development, no further new funding is required for income transfers. But as Aboriginal people achieve more success in the economy, there will be less need for income transfers. We project that, by 2016, expenditures in this area can be reduced by \$250 million – one-half the excess expenditures that would occur if the status quo were maintained (Table 3.2, line 10).

We propose that funding be committed immediately to improve housing and infrastructure for Aboriginal people. Adequate water and sanitation systems should be installed and operated, so that within the next five years acute threats to health are eliminated. Within ten years, Aboriginal people should live in adequate and suitable housing, as a result of a major catch-up effort undertaken jointly by governments and Aboriginal people.

According to estimates presented in Volume 3, Chapter 4, these undertakings will require \$228 million in 1997, growing to \$774 million by 2006, most of it in the form of subsidies for loans. In 2001, as the halfway mark approaches, \$400 million in new spending will be needed (Table 3.2, line 11).¹⁸ These estimates include an allocation of \$15 million in new funds for program delivery and development of Aboriginal institutions.

Beyond the 10-year horizon of Volume 3, Chapter 4, it becomes important to consider changes in ability to pay. We would expect Aboriginal people to spend a significant portion of gains in earned income on housing. Under the policies we propose in Volume 3, Chapter 4, government assistance for housing on- and off-reserve would be geared to financial need and would therefore decline as incomes rose. Based on a reduction of one-half in economic dependency, a saving of one-half of projected excess government expenditures on housing will reduce financial requirements by \$350 million by the year 2016. As the cost of the housing proposals under the strategy at this time is \$700 million, a net amount of \$350 million is allocated.

3.3 Human Resources Development

The third major dimension of social and economic change is human resources development. In many parts of our report we have emphasized the need to prepare Aboriginal people for positions in Aboriginal governments and public services and for participation in the general economy. We have proposed many initiatives, including an education for self-government funding initiative and a scholarship fund for Métis and non-status Indian people, and called for expansion of assistance to First Nations and Inuit students to cover additional students and changes in costs.

In the early years, resources should be devoted to encouraging greater post-secondary attendance and establishing new Aboriginal institutions of post-secondary training, including an Aboriginal Peoples' International University. An allocation of \$100 million by year five will enable governments to undertake the many initiatives we are proposing. This level of spending will need to be increased gradually to accommodate rising enrollments in post-secondary education once awareness programs have had their effect and new institutions are past the start-up stage.

We are also proposing that a scholarship fund be established for Métis and non-status Indian students. Assuming the average level of assistance per student is equivalent to that of the DIAND program, but with access based on merit, this initiative would require \$50 million per year in new funding at the time it is introduced.¹⁹ Thus, \$150 million is required for human resources development by 2001 (Table 3.2, line 12).

In the longer run, the cost of the human resources development proposals flows from an increase in the number of Aboriginal students in post-secondary education, so that they achieve the same levels of enrolment and completion as other Canadians. At present, Aboriginal enrolment is at about 60 per cent of the rate for other Canadians, so that an increase of two-thirds is required, and expenditures on post-secondary education for Aboriginal people will have to increase by the same ratio. Using estimates of government expenditures developed for Chapter 2, we estimate that by 2016 this will create an annual requirement for \$225 million in new funding for post-secondary institutions. Outlays for student funding will also increase with enrolment. Financial assistance for status Indian people and Inuit under the DIAND program and for Métis and non-status Indian people through the new scholarship fund will require approximately \$200 million more annually when parity in enrolment is achieved. The \$225 million figure is based on an estimate of \$230 million spent by provinces and territories for post-secondary education in 1992-93 (Chapter 2, Table 2.9), projected to 2016. Note that this allocation reflects only expenditures of provinces and territories, not the total cost of post-secondary education which is covered partly through tuition fees, other charges to students, and other income of post-secondary institutions.

In the longer term, when Aboriginal people participate in and complete post-secondary education at the same rate as all Canadians, funding for Aboriginal human resources development will be \$425 million higher than it would be if the present situation CONTINUES. This is the allocation for 2016, as 20 years should be sufficient to achieve parity in participation and performance in post-secondary education. It is assumed that the cost of funding Aboriginal students will increase by two-thirds as a result of higher enrolment. On the basis of the 1996 population, this creates a requirement for \$200 million in incremental funding. It is assumed that the same amount is needed 20 years from now, despite growth in the population of student age, as the need for entry-level programs will be much reduced when more students have completed high school.

3.4 Institutional Development

The fourth major dimension of social and economic change is institutional reform. The establishment of Aboriginal institutions throughout the public sector will create room for Aboriginal initiative and approaches that are essential to the healing and revitalization of Aboriginal societies. Institution building is an integral part of reforms in education and culture, health and social services, economic development, and housing. In each of these areas we have allocated funds to the task of building new organizational and physical structures.²⁰ When change is complete and the new institutions are operating effectively, costs of service delivery should revert to normal levels.

4. Beyond the 20-Year Horizon

In the long term, well beyond the 20-year time horizon shown in Table 3.2, there will still be a requirement for financial resources to maintain the new institutional arrangements and the much improved circumstances of Aboriginal people. Five items are identified in Table 3.3, two of which relate to structural reform. A small amount is needed for the Aboriginal Lands and Treaties Tribunal and the treaty commissions, whose scale of operations will be much reduced after the major land and treaty issues have been dealt with. As well, the operations of Aboriginal governments will require funding.

As for social and economic measures, Aboriginal cultural institutions will need continuing support through public funds, not unlike Canadian cultural institutions. As well, higher high school retention and completion rates will need to be accommodated through greater expenditures on schools. A larger item is the funding of post-secondary educational institutions, as well as allowances and scholarships for students, to accommodate higher enrolment, an investment essential for maintaining economic self-reliance and effective self-government.

There will also be a continuing need for financial support from governments for individuals and communities. Although economic self-reliance is a realistic prospect for many Aboriginal communities, economic opportunity is not evenly distributed. We took this into account in estimating economic potential in the previous chapter. This suggests that governments may be called upon to provide income support and housing subsidies, over and above what they make generally available, in some parts of the country where economic opportunity is limited. To a large extent this may take the form of financial assistance for traditional activities, which is considered a permanent cost of the strategy.²¹

Taken together, about \$1.2 billion will be needed in these five areas, which are essential to continuous implementation of the strategy. This long-term annual cost of the strategy is only a portion of the cost at year 20, because two of the largest allocations will eventually be phased out. Expenditures related to land claims and treaty settlements will still be high at year 20, but at some point this financial transfer will come to an end. The same can be said about housing subsidies: after 20 years, large outlays are still required to meet loan obligations assumed during the 10-year catch-up program and to meet the needs of a growing population. Nevertheless, eventually these loans will be paid off, and governments will be called upon to assist only rarely when Aboriginal people achieve their full economic potential. (When the reallocation of lands and resources is completed, the federal government could also eliminate existing expenditures on land claims, which are in excess of \$300 million. This is not considered part of the gains from the strategy, as presumably governments would cease spending money on claims under current policies as well.)

On the other side of the ledger are government revenue gains, which increase over time to a level twice that in the year 2016. How this occurs was described earlier in the chapter: economic progress generates more government revenue and reduces dependence on financial assistance, while healing of individuals and communities and greater effectiveness of service delivery systems reduce expenditures on remedial programs. The entries in parentheses in the second column of Table 3.3 are based on calculations presented in Chapter 2 of this volume.²²

As shown in the second column of Table 3.3, the net fiscal gain from the strategy increases dramatically compared to the situation at year 20. Most important is the full realization of the fiscal dividend from the strategy, as reflected in a number of entries in the table. However, phasing out two major costs – financial transfers related to land claims and treaty settlements, and government expenditures to achieve and maintain adequate housing – also contributes significantly to the net fiscal gain from the strategy, which eventually reaches \$5.45 billion. In other words, in the long run, governments would be better off by \$5.45 billion annually as a direct result of the strategy.

In summary, we expect the strategy to result in greater economic opportunities and in greater health and social well-being for Aboriginal individuals and communities. This should result in a larger contribution of Aboriginal people to the Canadian economy and in the freeing up of productive resources now devoted to dealing with the effects of social disintegration in Aboriginal families and communities. These are the fundamental gains that give rise to the changes in government finances just reviewed. Economic self-reliance also means greater wealth for Aboriginal people. We calculate that an increase of \$4.3 billion in the net private incomes of Aboriginal people can be realized. Together with the changes in government finances detailed in the second column of Table 3.3, this gives the results presented at the beginning of this chapter and summarized in Table 3.1.

5. The Distribution of Costs and Gains among Governments

The federal government and the governments of the provinces and territories should each assume a share of the additional government expenditures required to implement the strategy, according to their established jurisdiction and our proposals for sharing the cost of social programs between orders of government and for fiscal arrangements involving Aboriginal governments. Each government also stands to collect a share of the considerable fiscal dividend we expect the strategy to generate – in other words, to gain from its own efforts to improve the social and economic conditions of Aboriginal people. Collaborative efforts among governments are likely to yield greater benefits within a shorter period.

The cost of developing and implementing Aboriginal self-government, both on and off Aboriginal territories, falls to the federal government; funding for nation rebuilding and the operations of nation governments would be provided by the federal government. This is broadly similar to the approach taken by the federal government and the government of British Columbia in treaty negotiations taking place in that province. Under a memorandum of understanding between Canada and British Columbia respecting cost sharing, the federal government is to pay for establishing and operating core institutions required for governance, while the cost of negotiating self-government, including contributions to First Nations for their participation, is to be shared between the two governments.²³

With respect to lands and resources, we expect the costs of negotiation will be shared equitably between the two orders of government. The provinces should contribute provincial Crown land to the settlements, and the federal government will be responsible for providing most of the cash transfers. In areas where adequate provincial Crown land is not available, funds will be required for cash payments in lieu of land and to finance third-party buy-outs. The extent to which the federal government compensates provinces for loss of future income from lands transferred to Aboriginal control can have a major bearing on the distribution of costs between the two orders of government. All this will be negotiated between them, but it should be clear that provincial governments, which have been the principal beneficiaries of the absence of treaties or the misinterpretation or abuse of treaty provisions where this has occurred, will have to bear a substantial portion of the cost of settling lands and resources issues.²⁴

With regard to social and economic measures, the federal government will also carry the larger share of the cost, but the provincial share will be more significant than for structural reform and may be between one-quarter and one-third. As proposed in Volume 4, Chapter 7, the federal government should fund changes in social programs on Aboriginal territories, where 42 per cent of the Aboriginal population lives at present.²⁵ Although this group is the most socially and economically disadvantaged among Aboriginal people, we have concluded that there is also an urgent need for reform in urban and non-reserve communities, where the provinces have a major role. They have an obligation to make programs more culturally sensitive and effective and therefore should provide funds for institutional reform of their public services. Affirmative action programs to bring about greater equality between Aboriginal people and other Canadians would be cost-shared between federal and provincial governments.

The distribution of costs between governments will be different for each major dimension of change. With respect to healing, the provinces will carry a large share of the cost of the strategy, as the proposals encompass the off-reserve population, including Métis and non-status Indian people. Economic development, including training, has been funded to a large extent by the federal government, and this should CONTINUE. (The transfer of responsibility for labour market programs and training to the provinces that is currently before Parliament will lead to a larger provincial share of the allocation for economic development.) With respect to housing assistance, the federal share has been approximately 75 per cent off-reserve, where half the incremental funding will be directed. The cost of the human resources strategy will fall fairly evenly on both orders of government, with the provinces funding institutions and the federal government supporting students.

To sum up our observations about sharing the costs of the strategy, provincial governments are called upon to implement a major share of the social and economic measures, which require most of the additional funding in the initial years. The federal government will assume a larger share later on, when the agenda shifts to definitive arrangements for structural reform, more and more Aboriginal nations move to self-government, and their territories expand and become home to more Aboriginal people. As the federal government is also the central player in fiscal arrangements with governments of Aboriginal nations, it will assume a predominant role.

In the previous chapter we showed that the federal government and the governments of the provinces and territories all have extensive expenditure commitments relating to Aboriginal people. Both orders of government provide financial assistance and remedial programs. Accordingly, both orders will share in savings flowing from the strategy. If conditions on First Nations territories and in Inuit communities improve, the federal government will see the demand for remedial programs and services decline. Off-reserve, the provinces and territories now carry the cost of remedial programs and will therefore gain when the need for these programs is reduced; but the federal government will also benefit where it now shares the cost of provincial programs for Indian people living off-reserve and through income transfer programs like employment insurance and housing subsidies.²⁶

Thus, every government stands to gain from efforts to improve social and economic conditions for Aboriginal people.

Increases in tax revenues flowing from economic growth will accrue to all governments, according to their share of various tax revenue sources. Both existing orders of government can expect to collect a share of additional personal and corporate income tax as well as sales tax revenues from greater activity off-reserve. Increases in economic activity on-reserve would be exempt from taxation to a large extent under the present system but would be subject to taxation by Aboriginal governments.

Indeed, we are proposing that governments of Aboriginal nations should have extensive taxation and spending powers. When Aboriginal governments assume jurisdiction, they may take over sources of revenue and spending responsibilities from federal, provincial and territorial governments. Naturally, they would then receive a share of the fiscal dividend commensurate with their tax and spending powers. However, under the financial arrangements we propose, much of this dividend will be passed on to other governments.

The revenues that will be available to the majority of Aboriginal governments in the medium term are likely to be inadequate to fund their normal operations, owing to the great needs of the Aboriginal population and the low level of market-oriented economic activity generally prevailing at present. If the federal government supplements the finances of Aboriginal governments in the manner that we recommend – to equalize fiscal capacity and to meet fiscal need – then the federal government will be the main beneficiary of improvements in the fiscal fortunes of Aboriginal governments.

First, through transfers aimed at correcting for weak fiscal capacity, the federal government will top up revenues of Aboriginal governments to a level that reflects average revenues of governments in the country. As economic conditions improve, Aboriginal governments will collect more revenue, and federal transfers will be reduced. This is entirely analogous to the effect on federal equalization payments when a province receiving the payments experiences an increase in its own revenues as a result of economic growth.

Second, we propose that the federal government also make transfers to Aboriginal governments to assist them in meeting needs such as high expenditures for social assistance related to a lack of employment opportunities, and for housing subsidies, health care and social services. These transfers will be reduced if social and economic conditions improve. Thus, as the fiscal dividend is passed through from Aboriginal governments to the federal government under the proposed new fiscal arrangements, the distribution of gains from the strategy between the after-tax incomes of Aboriginal people and the revenues of governments will see most of the gains flowing to non-Aboriginal governments, as they bear most of the costs today.

Aboriginal governments may choose to collect revenues in different ways and at different rates than other governments have done to date. The current on-reserve tax exemption leaves room for First Nations governments to raise new revenues. In the first instance this is an internal matter for First Nations, which will have the authority to determine taxation levels. With fiscal arrangements based on tax effort by the Aboriginal nation, fiscal transfers from the federal government will be determined to a degree by how and how much these nations tax. These matters will no doubt receive a great deal of attention in future and are the subject of analysis in the section on financing self-government in Volume 2, Chapter 3.

6. Realizing the Gains:

The Pace of Progress

In this chapter we have estimated the dimensions of potential change and indicated a time frame for its realization. To close half the economic gap between Aboriginal people and Canadians generally and improve social conditions to a similar degree in two decades is a great challenge indeed. In this final section we attempt to provide some perspective on this challenge.

In the previous chapter we analyzed economic disparities between Aboriginal people and other Canadians, showing that the economic gap between Aboriginal people and Canadians is equivalent to about two-thirds of the economic output of Aboriginal people. Thus, closing half the gap requires that output by Aboriginal people be increased by one-third. Over 20 years, this means increasing the economic output of Aboriginal people by 1.5 per cent per year on average, in addition to growth of 2 per cent per year associated with the projected increase in the Aboriginal population of working age.

In Chapter 2 we also showed that half the economic gap is attributable to a lack of full-time jobs for Aboriginal people and estimated that 80,000 additional jobs are needed to eliminate the disparity in employment if the population remains at 1996 levels. It would thus be possible to eliminate half the economic gap by creating 80,000 full-time jobs, or 4,000 jobs per year. In the context of a healthy Canadian economy, which creates jobs at a rate of 200,000 or more per year, this seems to be a modest challenge.²⁷ A different perspective emerges, however, when total requirements resulting from population growth are considered. In those circumstances an additional 225,000 jobs have to be created for Aboriginal people over the period to 2016. The potential employment level is projected to increase in step with growth in the Aboriginal population aged 15 to 64, that is, by 48.6 per cent. Thus, a total of 305,000 more jobs will be needed by 2016.

This rate of growth exceeds the rate of growth of employment in the Canadian economy as a whole by a significant margin, reflecting a closing of the gap as well as the high rate of growth of the Aboriginal adult population. Nonetheless, Aboriginal people make up only a small fraction of the Canadian population, and the adaptability of the Canadian economy and its past record of employment creation suggest that much progress is possible in 20 years. Over this period the majority of the baby boom generation will be retiring. This may permit greater upward mobility in jobs for qualified individuals and increase the importance of contributions by working Canadians to pension plans and social programs.

Job creation is not the only way to make progress. A complementary and equally productive strategy would be to find not only more but better jobs for Aboriginal people. In the previous chapter we pointed to the importance of closing the gap in educational attainment to achieve employment levels and earnings more comparable to those of other Canadians. Specifically, we showed that the gap in educational attainment accounts for 41 per cent of the difference in total earnings. Progress achieved in recent years in keeping Aboriginal students in school longer, together with the prospect of good jobs in the Aboriginal public sector and in Aboriginal and mainstream businesses, new education strategies, new Aboriginal institutions and student funding – all integral parts of the strategy – are bound to create a positive education climate and induce many more Aboriginal youth to CONTINUE their studies past high school. Possibly the next generation of Aboriginal people will achieve parity in high school completion and close most of the gap in post-secondary diplomas and degrees. Given that this generation is rather large, this will drastically change the educational qualifications of the Aboriginal labour force, and in due course this will translate into more and better jobs.

Many new jobs for highly qualified Aboriginal people will be found in an emerging Aboriginal public sector, in schools, health centres, governments. Most of these jobs already exist in mainstream and Aboriginal institutions, and more and more Aboriginal people will move into these positions, first in junior roles, and increasingly at more senior levels. The public sector, including government departments and education and health institutions, accounts for about one-quarter of the work force in Canada and a larger portion of the highly trained labour force. There will be new jobs too; in economic development and land management institutions and to meet the needs of a rapidly growing population.

Education is also vital for success in the general labour market, and we can expect progress on this front, coupled with more effective placement activities and new approaches to affirmative action to help boost Aboriginal employment. Employment equity can be a powerful instrument. For instance, Aboriginal participation in the work force under the federal Employment Equity Act increased from 0.66 per cent in 1987 to 1.04 per cent in 1993.²⁸ Over a period of six years, close to 2,100 new jobs were created for Aboriginal people by the businesses subject to the federal employment equity policy, which account for 4.5 per cent of employment in Canada. If this pace of job creation for Aboriginal people were to be realized in the entire economy, more than 150,000 jobs would be created between 1996 and 2016. This would not be enough to close the employment gap, and a greater effort is therefore needed.

In many Aboriginal communities, access to mainstream jobs is limited, and the Aboriginal business sector will have to generate the necessary employment. Jobs, profits and tax revenues will be generated by greater Aboriginal control over lands and resources. The interim measures proposed in Volume 2, Chapter 4 will stimulate business development and job creation, and land claims settlements will add to this impact. Aboriginal people have demonstrated that when they obtain access to resources, they can mount successful business operations.²⁹

Harvesting and processing of resources on traditional Aboriginal lands is an economic opportunity that will be opened up for Aboriginal people in many parts of the country as the land reform measures we propose are implemented and agreements are reached. Many communities and nations now have some of the technical and business skills needed to exploit these opportunities and can move forward quickly through joint ventures. Success stories can also be found in the United States, and these, too, suggest that significant gains can be made by communities that assume control over resources on their traditional territories or get cash settlements.³⁰

In Canada, comprehensive land claims agreements are used as a tool of economic development. Evidence is still limited, but there is reason to be cautiously optimistic about the longer-term benefits of these agreements. A recent study comparing census data for 1981, 1986 and 1991 found that “over time, the Inuvialuit maintained a rapid increase in development while the James Bay communities maintained a modest increase”.³¹ As for specific claims, a recent evaluation prepared for DIAND found that there had been no noticeable improvement in economic conditions in the communities affected, but that some of the settlement money had been used to improve community infrastructure. Such investments are important to well-being and improve preconditions for economic development.³²

Greater progress can be made as the full scope of regional economic opportunities is exploited and Aboriginal governments gain in legitimacy and competence and establish the right frameworks for their business ventures. It is also important to resume the building of economic development expertise and capacity that was interrupted by cutbacks.

This review is far from definitive about the likely pace of economic and social progress in the years ahead. But it suggests that significant progress can be made over a 20-year period. As we believe that our strategy will set in motion a broad process of profound change, we estimate that through new employment and Aboriginal people moving to more skilled and better paying jobs, half the economic gap can be eliminated by that time. This will entail changes in government revenues and expenditures on income support and housing subsidies.

With respect to remedial programs, we also take the view that significant progress is possible over a 20-year period. Certainly it is possible to establish the new Aboriginal institutions we propose and to make the investments in Aboriginal content and approaches within two decades, and within that period much can be accomplished in making mainstream institutions more culturally sensitive as well. Community and individual healing will be greatly stimulated by the commitment of governments and Canadians to a renewed relationship and to concrete steps toward its realization. More investment in early childhood development, reform of education, new youth programs, and greater economic opportunities should establish a far more positive environment for the next generation of Aboriginal people coming of age.

Perhaps it will take longer. If it takes 25 years instead of 20 to reach the halfway mark, Aboriginal people and Canadians may have to demonstrate more patience and more determination. Perhaps the investments in social and economic measures need to be sustained over a longer period, pushing up the total cost of implementing the recommendations in this report. Our strategy will still produce great and lasting improvement over the status quo and change of the dimensions sketched out in this chapter. The bottom line of our strategy for renewal is a large gain for Aboriginal people and for Canadians.

Notes:

1. What governments do with the part of the fiscal dividend that is not reinvested in the strategy lies outside the terms of our mandate. Our purpose is to show that governments will gain more revenues and will be able to reduce expenditures by implementing our recommendations. To simplify matters, we assume that these gains will go directly to the bottom line, that is to say, increase the budget surplus or reduce the budget deficit.
2. To project government expenditures it is assumed that in each program area expenditures will remain constant in relation to the size of the client group. Using the expenditure categories identified in Chapter 2, Table 2.9, and the age groups most closely associated with each of these categories, the following rates of increase are projected for 1996-2016: for elementary and secondary education, 1.4 per cent, which is the growth rate of the 5 to 19 age group; post-secondary education and training, 22.3 per cent, the growth rate of the 15 to 34 age group; for income support and housing subsidies, 48.6 per cent, which is the rate of growth of the population aged 15 to 64; for health care, 54.5 per cent, the growth rate of the population aged 15 and over; and for social services, police and correctional services and other expenditures, 34.8 per cent, the growth rate of the Aboriginal population as a whole. This gives an overall growth rate of 34.8 per cent, equal to the rate of growth of the Aboriginal population. Expenditures on financial assistance and remedial programs taken together are projected to increase more rapidly than total expenditures relating to Aboriginal people, as also reflected in the projected rate of increase of 47 per cent for excess expenditures over 1996 to 2016, as discussed in Chapter 2 of this volume.
3. Savings are projected in five program areas where government spending is high as a result of the current circumstances of Aboriginal people. One of the five areas is housing subsidies. While experiencing some reduction in housing subsidies after 20 years of change, because Aboriginal people will then be on the way to economic self-reliance, governments will also still be spending extra funds to ensure that Aboriginal people have adequate housing. The combined result is a net extra expenditure of \$350 million, as per the second column of Table 3.2.
4. It will be noted that governments spend more and collect more revenue at this point. The increase in revenue is not the result of extra taxation, but rather of economic gains made by Aboriginal people. The net cost of the strategy is reduced as the strategy becomes increasingly self-financing as a result of these economic gains. The net cost (net gain) is measured by the change in the surplus/deficit of governments.

5. Process expenditures for 1995-96 included the following: for DIAND, operating expenditures of the Claims and Indian Government Branch, \$37.2 million; transfers related to land claims research, negotiation and implementation, \$42.9 million; loans, investments and advances relating to claims, \$76 million; share of the Claims and Indian Government Branch in DIAND overhead, Indian Claims Commission, analysis of claims by the department of justice, \$30 million (estimated); and community-based self-government negotiations, \$17.8 million, for a total of \$203.9 million. To this, should be added the costs incurred by provincial and territorial governments relating to claims and self-government negotiations and the cost of litigation involving the federal government (at present more than 400 cases, many for breach of trust and fiduciary duty). These latter items are not negligible, but estimates of related expenditures are not available.
6. For fiscal year 1995-96, band government allocations by DIAND were as follows: \$165.8 million for band support funding (including chief and council, basic administrative overhead, and additional amounts for administration of various programs); tribal council funding of \$24.1 million (advisory services to bands) plus \$21.6 million (administration); advisory services for unaffiliated bands, \$1.5 million; and band employee benefits of \$40 million. The total was \$253 million, or \$735 per reserve resident.
7. The government has been pursuing community-based self-government without increasing DIAND's budget. To finance self-government for the Yukon communities that have signed final agreements, DIAND is reallocating expenditures internally. The self-government policy announced on 11 August 1995 also takes the DIAND budgets as given. Nevertheless, it is simply not realistic to imagine that effective self-government can be achieved without incremental funding. It would be wrong to introduce self-government and at the same time reduce funding for essential government services. In the long run, self-government is likely to lead to savings in federal expenditures, as we show later in this chapter. However, these savings will take time to be realized .
8. The average annual operating cost of government per Canadian is \$700 for all levels of government combined. The annual cost of operating the territorial governments is about \$2,000 per resident for the Yukon and \$3,800 for the Northwest Territories. These amounts represent expenditures for general government services, mainly the operating costs of the legislature, the executive and central agencies. The data and definitions can be found in Statistics Canada, "Public Sector Finance 1994-1995, Financial Management System", catalogue no. 68-212.
9. Incremental funding of \$250 million averages out to \$5 million per First Nation, assuming that about 50 First Nations will be established. On average, each First Nation will have from 5,000 to 7,000 citizens living on Aboriginal lands, a larger number on the nation's traditional territory, and several thousand citizens living elsewhere in Canada. The nation government will exercise some functions for all its citizens and some only for those living on Aboriginal lands.
10. This estimate reflects the relative size of the Métis and Inuit populations compared to the population of First Nations living on their own territories. Note that this estimate includes funding for Inuit, which may be an overstatement as the creation of Nunavut falls under existing policy. As the number of nations is not known, costs are extrapolated on the basis of the size of the population. While program delivery has already been devolved to First Nations and Inuit, this is not the case for Métis people. The related cost, which is regarded as being of a temporary nature, is addressed later in the chapter.

11. The allocations for operations of Aboriginal self-government and for land claims and treaties for year 20 are not adjusted for changes in the size of the Aboriginal population over the next 20 years. The cost of self-government is the cost of operating the central institutions of Aboriginal governments and is not related very closely to population size. The financial transfer associated with claims may depend on the size of the population affected. Additional costs related to future population increases may be met by extending the transfers over many years.
12. The transfer of First Nations health services to community control gives some indication of the cost of restructuring. Health Canada provides funding for management, financial administration, training, and so on, in a way broadly analogous to band support funding provided by DIAND. In 1995-96, \$61.6 million will have been transferred to 142 First Nations; 24 per cent of this amount is for management and administration. Some costs (training) are transitional. Continuing costs of administration will be offset in the long run by savings in administration in governments and institutions currently doing this work and by greater effectiveness. The federal Building Healthy Communities strategy, with \$243 million in funding over five years, is an example of service enhancement in response to needs. This strategy focuses on crisis intervention with respect to mental health, home care nursing and solvent abuse in First Nations and Inuit communities. The proposed funding allocation for health care would make possible restructuring and service enhancement of similar scope in non-reserve and urban settings. The orientation of program enhancements would not be limited to those of the Building Healthy Communities strategy but should be responsive to local needs. Restructuring would be focused on integrated service delivery through healing centres as recommended in Volume 3, Chapter 3.
13. The amount is allocated to the social services item in Table 3.2 but also covers initiatives that could be classified under health care and education. In First Nations and Inuit communities, child and family services are being transferred to Aboriginal control, with additional funding for preventive interventions. According to the 1995-96 federal estimates, DIAND spending on social services support could increase from \$253 million in 1993-94 to \$380 million in 1995-96, but it will probably take longer to achieve complete devolution of program management. As noted in Volume 3, the federal government has introduced several initiatives in recent years with respect to early childhood: Aboriginal Headstart, with \$84 million for four years, focusing on non-reserve communities in the west and north; the First Nations and Inuit Child Care Initiative, with funding of \$72 million for three years and \$36 million per year thereafter; and the Child Development Initiative (Brighter Futures in First Nations Communities), a child and community mental health program with funding of \$177 million for five years. These examples indicate that within existing federal expenditures significant amounts are allocated to this important area and suggest that an allocation of \$100 million per year for up to 20 years should make possible a transfer of control and selective enhancements in response to needs, especially in non-reserve and urban settings.

14. As shown in Chapter 2, governments incur excess expenditures on remedial programs as a result of the adverse circumstances of Aboriginal people. These excess expenditures are projected to reach \$2.4 billion by 2016 unless action is taken (see Chapter 2, Table 2.12). If half these excess expenditures are eliminated by 2016, a gain of \$1.2 billion will be realized, with a \$450 million saving in health care and a \$425 million saving in social services. Savings of \$325 million will occur by 2016 in the third remedial program area, police and correctional services. Using the same approach, savings through reduction of excess government expenditures on financial assistance to Aboriginal people are projected to be \$250 million for income support programs, also by 2016.
15. See RCAP, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa: Supply and Services, 1996), Chapter 2.
16. Chapter 2, Table 2.7. DIAND funding is also for community development and basic human resource development in First Nations communities. The increase in funding that we propose should be allocated to business development and regional capacity building, rather than to these community-based activities.
17. An average expenditure of \$10,000 per trainee would make it possible to assist 10,000 persons per year under the initiative. Costs would include tuition fees, income allowances during classroom training, wage subsidies to encourage hiring, as well as planning and delivery by Aboriginal institutions. The assumed cost per trainee is similar to that of the current Aboriginal training program, Pathways, which has an annual budget of \$200 million, but it may be higher (and the number of trainees lower) if training of longer duration is emphasized.
18. As discussed earlier in the chapter, it is assumed that in the absence of new policies, government expenditures in each program area will increase in step with the size of the client population. Expenditures on existing housing programs are projected to increase by 48.6 per cent over the period 1996-2016 (see note 2). This increase reduces the net expenditures required to implement the housing recommendations, as calculated in Volume 3, Chapter 4, to \$400 million in 2001 and \$700 million in 2016.
19. The budget for the DIAND program is \$261 million in 1995-96. The number of Métis and non-status persons in the 15 to 34 age group, which includes most students in post-secondary institutions, is 46 per cent of the number of status Indians and Inuit in the same age group.
20. Consider the following funding allocations in year five, indicating levels of spending to be maintained for a number of years, possibly to year 20, which may also be exceeded by drawing on the fiscal dividend as needed: \$100 million for elementary and secondary schools, in part to establish new schools and school boards; \$50 million for culture and languages; \$100 million for health care; \$100 million for social services; \$100 million for economic development institutions; and \$15 million for housing on First Nations territories.
21. In Chapter 2, the initial estimate of the gap between potential and actual production by Aboriginal people was reduced by one-quarter to account for regional variations in economic opportunity. As a first approximation, we could assume that savings in social assistance expenditures realized by governments when Aboriginal people participate fully in the economy will also be lower by the same fraction. In 2016, this would amount to \$300 million, which is not greatly different from the \$225 million allocated to support of traditional activities.

22. The amount of \$700 million for housing and infrastructure reflects the complete elimination of excess expenditures and the absence of any cost associated with the strategy. The change from net cost in 2016 is particularly large because it reflects two changes that will occur when Aboriginal people achieve economic self-reliance: not only can the projected expenditures under existing policies be reduced sharply, but the expenditures under the strategy to improve and properly maintain the housing stock will also cease.
23. "Memorandum of Understanding (MOU) Between Canada and British Columbia Respecting the Sharing of Pre-treaty Costs, Settlement Costs, Implementation Costs and the Costs of Self-Government", Vancouver, 21 June, 1993.
24. The MOU between Canada and British Columbia provides for a rather complex approach to sharing the cost of settling treaty negotiations, in which each government's share of the cash cost depends on the mix of land and cash, the categories of lands transferred, and other factors in the settlement agreement. The sharing of costs, therefore, depends on the outcome of the treaty negotiations. According to the formula in the MOU, the federal share of the cash cost of settlement ranges from 75 to 90 per cent. Under the MOU, the federal government will partly reimburse the provincial government for ceding productive forest lands of high value and for loss of revenues from resources. The amounts involved are not part of the cash cost of settlements, but they are financial transfers between governments and shift a greater part of the financial cost of the settlement to the federal government.
25. First Nations people living on-reserve and Inuit made up 42 per cent of the Aboriginal population in 1996, according to projections based on the Aboriginal peoples survey. As a rough estimate, assuming that costs per Aboriginal person are the same on- and off-reserve, that 42 per cent of the Aboriginal population lives on Aboriginal territories, and that the federal government pays 50 per cent of costs for those not living on Aboriginal territories, the federal share of expenditures would be 71 per cent.
26. Cost sharing was terminated under the Social and Health Transfer of the Budget Implementation Act, S.C. 1995, c. 17 (Parts IV and V). As the federal government will no longer share the cost of provincial programs, it will not experience a direct financial gain when demand for these programs is reduced. Employment insurance is a contributory program with rates set in a way that balances contributions and benefit payments over several years. A reduction in benefit payments would thus be passed on to contributors through lower rates. It is not certain that employment insurance benefits payments to Aboriginal people will decline when they participate more fully in the economy. Many Aboriginal people do not have employment of a type that qualifies them for benefits.
27. From 1984 to 1994, employment in the Canadian economy increased from 11,402,000 to 13,292,000, or by 189,000 per year on average. This period includes the 1990-92 recession and the weak economic recovery that followed it.
28. Human Resources Development, Annual Report, Employment Equity Act, 1994 (Ottawa: Supply and Services, 1994).

29. The Meadow Lake Tribal Council's activities in the forestry sector are a good example. In 1988, the council purchased a sawmill owned by the province that had been struggling to survive for 20 years and established a tree harvesting and reforestation company. Success soon followed for the two joint ventures, which now boast 243 employees and account for an estimated 730 indirect jobs in northwestern Saskatchewan. Key to their success was a 20-year Forest Management Licence Agreement that made planning possible, has protected hunting and trapping rights and the interests of residents, and provided for reforestation and a preference to northern residents in harvesting, hauling and reforestation. The profitable companies have generated \$10.7 million in corporate taxes and personal income taxes paid by their employees between 1992 and 1994. See Price Waterhouse, Evaluation of Various Financial Results, MLTC Logging and Reforestation Inc., NorSask Forest Products Inc., November 1994.
30. In six Indian reservations that gained control over resources or undertook business ventures with funds received in settlement of claims, the proportion of adults with incomes above the poverty line increased from an average of 21 per cent to 31 per cent over the period 1977-1989. Stephen Cornell and Joseph P. Kalt, "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations", in *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development* (Los Angeles: American Indian Studies Center, University of California, 1992). The authors also report that average unemployment in these six communities was 28 per cent of the labour force at the end of the study period, indicating that a substantial economic gap remained. In *Tribal Assets: The Rebirth of Native America* (New York: Henry Holt and Company, 1990), Robert White tells the stories of five U.S. tribes that have gained significant control over resources and have successfully exploited business and employment opportunities.
31. James Saku, "The socioeconomic Impact of the Inuvialuit Final Agreement", PH.D. thesis, Department of Geography, University of Saskatchewan, 1995. The author measured social and demographic development as well as economic variables and found that changes in social and cultural indicators had been more pronounced in the James Bay area. The author attributes this result to different priorities that were also reflected in the terms of the agreements.
31. DIAND, Report on the Evaluation of the Specific Claims Negotiation and Settlement Process, Draft 1, 1994. If moneys received in settlement of land claims are applied to any of the elements of infrastructure or in any other way to improve the social and economic conditions of Aboriginal people, they add to the momentum of change either directly or indirectly by enabling Aboriginal governments to pursue other priorities.

4. Public Education: Building Awareness and Understanding

Public education is essential in confronting the problems posed by ignorance and misconceptions regarding our place in Canadian history and the nature of our rights. All Canadians should have the knowledge required to understand our situation, as well as the knowledge that what we have sought all along is mutual respect and coexistence.

Robert Debassige
 Tribal Chairman and Executive Director
 United Chiefs and Councils of Manitoulin
 Toronto, Ontario
 18 November 1993*

The Métis voice has been silent for far too long. Our non-representation or misrepresentation in mainstream media must be countered by effective and ongoing communication of our realities, both to our own people and to non-Aboriginal people of this country....[I]f the rate of growth of Native development and awareness is not increased dramatically, then the probability of [our] people assuming their rightful place in society in the future is very low.

Gerald Thom
President, Metis Nation of Alberta
Ottawa, Ontario
4 November 1993

There is a whole lot of misinterpretation as well as misconceptions about Native people. People who may live right next to an Indian reserve will not have the slightest idea of what Native people are all about and that is very sad. It is only through education that both cultures can overcome this barrier.

* Transcripts of the Commission's hearings are cited with the speaker's name and affiliation, if any, and the location and date of the hearing. See: A Note About Sources at the beginning of this volume for information about transcripts and other Commission publications.

Sheena Jackson
Lethbridge, Alberta
24 May 1993

From the commission's first days, we have been reminded repeatedly of the limited understanding of Aboriginal issues among non-Aboriginal Canadians and of the obstacles this presents to achieving reconciliation and a new relationship. As one intervener described it, there is a "vacuum of consciousness" among non-Aboriginal people. We would go further to suggest a pervasive lack of knowledge and perhaps even of interest.

Most Canadians still give low priority to the issues of importance to Aboriginal peoples. Aboriginal people in Canada CONTINUE to suffer the damaging effects of bias and racism at the hands of other Canadians. The news media generally devote little effort to providing information on Aboriginal issues. Very few institutions try to bridge the differences between Aboriginal and non-Aboriginal people or between different Aboriginal peoples.

Without accurate knowledge it is all too easy for negative stereotypes and simple ignorance to strangle communication. As François Trudel, a Laval university anthropologist, told us,

The first principle [of cultural accommodation] is knowledge of the other...I believe that it is the most fundamental principle in any human relationship, whether between individuals or between groups, and that so long as there is a lack of knowledge of the other, any prospect for establishing or re-establishing the ethnic and social relationship between Aboriginal and non-Aboriginal may be illusory, if not utopian. [translation]

François Trudel
Head, Department of Anthropology, Laval University
Wendake, Quebec, 17 November 1992

Yet knowledge alone is insufficient to change fundamental attitudes. Despite an overlay of concern, it does not take much provocation to uncover prejudiced attitudes and deep-seated hostility among Aboriginal and non-Aboriginal people alike. Sound information is an important element in overcoming this hostility. But also needed are opportunities for meaningful interaction as well as strong public role-modelling by leaders of both sectors – and not only the political leadership. Finally, ways need to be found to make discriminatory and racist behaviour unacceptable in private as well as public circles. The building of an open and inclusive society is a complex process that extends well beyond what is commonly understood as public education.

Brian Dickson, the former chief justice of Canada appointed to advise the prime minister on the Commission's mandate, emphasized the importance of public education. He saw the Commission itself as a vehicle for increasing public awareness of Aboriginal issues. Acting on his advice, we conducted extensive public hearings and round table consultations and published commentaries, discussion papers, special reports, and research studies. Special initiatives have included information videos, a telephone hot-line in Aboriginal languages as well as in English and French, and the CD-ROM version of our final and special reports, public hearings transcripts, and some of our research studies.

In this chapter, our purpose is to address the practical question of how to approach public education and the changing of public attitudes in a period of tight budgets and limited attention spans. If a major and sustained effort in public education is required, as we believe it is, where and how should it begin?

By public education we mean activities that can help increase public awareness of Aboriginal issues and contribute to reconciliation and understanding. They include news coverage and media activity of all sorts; conferences and seminars; awareness activities in schools, workplaces and communities and in local and national organizations; the use of symbols and cultural activities; and special initiatives such as exchanges between families, communities and associations and twinning between Aboriginal and non-Aboriginal communities or organizations.

Ultimately the kinds of activities we are advocating will influence social change, affecting people's behaviour and attitudes. They need to be undertaken as a long-term endeavour, for it will take time to change biased perceptions that have developed over generations. Innovative techniques will be required to break through the veil of indifference among non-Aboriginal Canadians and create opportunities for direct contacts between people.

Aboriginal and non-Aboriginal people alike have a common interest in creating a new relationship based on mutual respect and reconciliation. The benefits to Aboriginal people and their communities are obvious, whether measured in terms of autonomy, healing, cultural recognition or economic development. For non-Aboriginal people, the benefit lies in the opportunity for Canadians to move beyond policies that are the failed relics of colonialism. This will change Canada's reputation abroad and people's self-respect at home, as Nora Dewar Allingham commented in an essay on racism submitted at our public hearings by the Canadian Teachers' Federation:

If I work to maintain the power of the dominant White group, I can CONTINUE to participate in the privilege that power confers. If I work to empower others, I am unlikely to be a direct recipient of any privilege that they may gain. I will, however, be a member of a society for which I feel less shame and anger and in which I may be able to participate more equally and more richly. I fear a social order which diminishes groups and individuals – I am equally diminished.¹

Public education should be interactive and promote dialogue, balance, and a sense of sharing. Many of the successful examples of public education involve local consultation, face-to-face contact and collaboration between Aboriginal and non-Aboriginal people on a basis of equality. Direct personal contact works to dispel stereotypes and lower barriers to co-operation.

A number of corporations and governments have been successful in developing a focus on Aboriginal issues, through approaches such as affirmative action, cross-cultural training, and the appointment of Aboriginal people to boards of directors, senior executive positions, and government agencies and commissions.

Our public hearings stimulated a number of non-Aboriginal organizations to establish internal task forces and mechanisms to ensure they are sensitive to Aboriginal issues. These pioneering initiatives have not yet become common, but they are valuable precedents for the future.

Recommendation

The Commission recommends that

5.4.1

Public education on Aboriginal issues be based on the following principles:

- (a) Building public awareness and understanding should become an integral and continuing part of every endeavour and every initiative in which Aboriginal people, their organizations and governments are involved and in which non-Aboriginal governments and stakeholders have a part.
- (b) Public education should involve both the sharing of information and a process of interaction, leading in time to a shared sense of advocacy and of public support.
- (c) Non-Aboriginal organizations and corporations should establish internal mechanisms to make themselves aware of the distinctive needs of Aboriginal people whom they serve or employ and to ensure that they respond to those needs.

1. Making Public Education a Reality

1.1 Creating Dialogue

We turn now to specific suggestions and ideas that can contribute to raising public awareness. One of the priorities brought to our attention is the need for personal contact and interaction between Aboriginal and non-Aboriginal people, both individually and in groups. A number of interveners spoke of the need for bridging, for opportunities for dialogue. One was an ad hoc group of 22 Aboriginal and non-Aboriginal young people, formed with the support of Quebec's youth advisory committee (Comité permanent de la jeunesse). The other, the Forum paritaire (Quebec Equality Forum), brought together Aboriginal leaders with leaders of non-Aboriginal unions and other groups to seek common ground on the future of Aboriginal people in Quebec.

Another group, the Aboriginal Rights Coalition (ARC, initially known as Project North), acts as a collective voice on Aboriginal issues for Canada's churches and has attempted to perform a bridging role. Its membership includes some Aboriginal representatives. ARC has been effective in many of its efforts in public education, notably during the time of the northern pipeline inquiry, when the question of developing a pipeline on the Mackenzie River was opened to direct input from the communities concerned. Project North helped to make northern development an issue across the country by bringing Aboriginal speakers from the North to town meetings and public forums in southern Canada.

Some organizations have already shown a capacity to bridge the gap between Aboriginal and non-Aboriginal people – notably a few municipal governments serving a significant Aboriginal population; some churches; some trade unions; a number of educational institutions at every level; friendship centres; and, on occasion, federal, provincial and territorial governments. Together, these institutions have the potential to touch the lives of most Canadians. They present a fertile field for action, and there are many precedents on which to build.

1.2 Cross-Cultural Communication

The goal of cross-cultural training is to sensitize persons whose work brings them into contact with people of another culture to the others' characteristics and needs. Some employers have begun to provide such training in the workplace. B.C. Hydro provides cross-cultural training workshops for its employees across the province. Hydro-Québec has a similar program for employees whose work involves Aboriginal people or communities. In Ontario, the provincial government supported an initiative of the Ontario Public Service Employees Union that has taken more than 300 of its leaders and senior staff through cross-cultural training schools held on Aboriginal territory.²

Many opportunities exist for cross-cultural communication. There is a tremendous need for accessible materials that can be used in schools, in adult education and by community organizations. The abridged version of this report and the CD-ROM version (which is accompanied by a guide for educators) are intended to help fill that need, as are certain key chapters from this report itself, such as the chapters on the Aboriginal dimension of Canadian history in Volume 1 and the treaty relationship in Volume 2.

Cross-cultural education can take place through the print and broadcast media and through community conferences, workshops and task forces. Quebec has shown a particular aptitude for bringing diverse groups together through the use of tables de concertation, a form of round table or task force involving community leaders meeting regularly for a period of several weeks or months.

Aboriginal communities can open their doors to visitors from surrounding areas as well as to eco-tourists from abroad and create jobs in the process. Friendship centres and communities can help bring the Aboriginal past to life by producing information profiles on local Aboriginal history. The potential exists almost everywhere for exchange visits, participation in ceremonies and festivals, work placements, and various forms of twinning to encourage communication between cultures.

Australia has taken several initiatives in recent years aimed at creating a new relationship with its Aboriginal population. These include the very successful use of a network of hundreds of community-based reconciliation study circles, which are linked with other activities such as public meetings with Aboriginal speakers and projects to identify Aboriginal sacred sites. The Australian government produced 4,000 local history kits to assist the efforts of parents' committees and Aboriginal organizations to promote learning about local indigenous history.

In 1990 Australia established a national Council on Aboriginal Reconciliation with a distinguished Aboriginal and non-Aboriginal membership. Its mandate includes educating non-Aboriginal Australians about Aboriginal history and cultures and developing proposals for a treaty or some other form of national reconciliation. It has produced an impressive series of booklets outlining major issues and calling for public response. Similar initiatives would be of benefit in Canada. We have recommended the creation of a major project to develop a general history of Aboriginal peoples (see Volume 1, Chapter 7) as well as agreements to identify and set aside sites that are sacred and of historical significance to Aboriginal peoples for Aboriginal management and, where appropriate, development of public information.

2. Stakeholder Groups

Two main groups of stakeholders can be distinguished for purposes of public education: those with a broad mandate and a constituency that includes both Aboriginal and non-Aboriginal people and those with particular interests that may be affected by changes in Aboriginal communities and by the exercise of Aboriginal rights. Religious institutions, municipalities, and the education sector belong to the first group. Those with particular interests include service providers, people with environmental concerns, resource users such as hunters and outfitters, and a range of business organizations and companies. The labour movement has a foot in each camp.

2.1 Religious Institutions

Of all the non-governmental institutions in Canadian society, religious institutions have perhaps the greatest potential to foster awareness and understanding between Aboriginal and non-Aboriginal people. This potential exists even though the Christian churches' historical role was often that of supporting the dominant society and contributing to the marginalization of Aboriginal people.

Religious institutions can make a unique contribution today and in the future for several reasons. They are physically present in most communities across the country; through their organizational structures they can participate in public discussions at every level of Canadian society, from the neighbourhood to the national scene. Churches have had a long, albeit problematic, historical association with Aboriginal people. Some also have a track record in promoting public awareness of Aboriginal concerns. This is evident in activities such as the Aboriginal Rights Coalition and in internal restructuring to encourage greater Aboriginal involvement in church affairs, such as the All Native Circle of the United Church of Canada.

These institutions can provide a channel for distributing accurate information about Aboriginal culture and society along with the facilities to encourage public discussion of issues as they emerge. They have the capacity to facilitate interaction between Aboriginal and non-Aboriginal people not only at worship, but through the wide range of related service clubs and other organizations serving all ages that are found in most congregations.

Canada's religious bodies bring an ethical framework to issues of community and interpersonal relations, both nationally and locally. They are perceived as carrying moral authority and the capacity to exert leadership in their communities. This is a valuable resource, for the work of reconciliation has just begun, and they have a vital role in this process.

They can also engage in advocacy at the local level, particularly in cases where Aboriginal and non-Aboriginal people are becoming polarized around conflicts relating to lands or resources. Local bodies often have the stature to step in and help moderate such conflicts. Better still, they can try to anticipate situations of this kind and to help develop strategies to avoid polarization.

2.2 Municipalities

In Volume 4, Chapter 7 we offered several recommendations that address the relationship of Aboriginal people to municipal governments and mainstream institutions in urban centres. These included the creation of designated positions for Aboriginal representatives on local agencies, boards and commissions and the creation of Aboriginal affairs committees to advise city councils and school boards.

Like the religious institutions, municipal governments have enormous potential to promote public education and to contribute to constructive interaction between Aboriginal and non-Aboriginal people. There is some form of local government in every corner of Canada. Mayors and local councillor hold positions of respect and can use their influence to fight racism and to bring communities closer together. Local governments have the capacity to organize forums, festivals, and cultural events that give Aboriginal people and issues a higher profile. Town halls, public libraries and community centres have the physical facilities to host displays on Aboriginal history and culture and events aimed at promoting understanding. Initiatives like Calgary's annual Native Awareness Week provide models that could be emulated in every city across Canada.

Municipalities should be leaders in ensuring that police and other employees receive regular cross-cultural training. They should be addressing practices that have tended to restrict the access of Aboriginal people to municipal employment in many communities. If a municipality supports community economic development or provides grants for groups involved in the arts and social services, it should give Aboriginal groups the same consideration as other citizens.

In its submission to the Commission, the Federation of Canadian Municipalities (FCM) cited a number of promising innovations through which local governments are building links with Aboriginal populations and creating awareness in the process. The FCM called for a joint strategy to strengthen ties between Aboriginal and non-Aboriginal communities. Their recommendations reflect a spirit that we wholeheartedly support:

Municipal leaders must combine efforts with Aboriginal leaders, both nationally and locally, to identify barriers of mistrust, mis-perception, racism and systemic discrimination....Municipalities must be proactive and supportive [in achieving successful relations with Aboriginal people]...Improved Aboriginal political participation and managerial representation at the municipal level must be pursued.

Federation of Canadian Municipalities
Montreal, Quebec
1 December 1993

2.3 Educational Institutions

Since formal education is examined at length in Volume 3, our concern here is how the education system can contribute to building awareness and understanding of Aboriginal issues outside regular classroom instruction. Like municipalities, school boards have an obligation to Aboriginal constituents that is often not fulfilled. They too have the physical facilities and the resources to organize programs and events that reach out to inform the non-Aboriginal population and promote interaction.

Community colleges (CEGEPs in Quebec) and universities are similarly endowed. They can organize continuing education programs on a collaborative basis with Aboriginal communities and organizations. They have the skills to work with students and outside bodies to develop a knowledge of local Aboriginal history and to make it known throughout the community. They have the capacity to prepare discussion guides and information kits on Aboriginal issues and to assist people to organize study groups in the community. They can bring Aboriginal and non-Aboriginal people with common interests together through conferences and workshops, particularly when there are contentious issues – such as British Columbia's treaty process – that need to be better understood. We also hope that these institutions will be catalysts for discussion of our report and recommendations.

Post-secondary institutions can give their students direct experience of Aboriginal communities by organizing work placements. The recent emergence of Aboriginal student centres and resource centres at several universities is an important development, both for the support they provide to Aboriginal students and for their contribution to understanding of Aboriginal issues among non-Aboriginal students.

2.4 Labour Unions

Although unions have a significant number of Aboriginal members, they have only recently begun to acknowledge Aboriginal people as a constituency and to address their concerns. Unions have traditionally supported the cause of Aboriginal rights but have not devoted much time to exploring how the exercise of those rights may affect their current members. Some Aboriginal people have risen to senior positions within the labour movement, including Ethel LaValley, who was elected to the newly created position of Aboriginal vice-president of the Canadian Labour Congress (CLC) in 1994.

Clearly there are still many problems in the relationship between Aboriginal people and unions. Rules designed to protect the job security of unionized workers can serve as obstacles to Aboriginal people seeking to be hired or trained. The union may be blamed if an employer decides not to take on Aboriginal workers. When jobs are scarce, as is the case in most northern areas, these problems are inevitably more acute. This can be particularly difficult as Aboriginal communities seek to increase the number of Aboriginal people working in fields such as education, child welfare and other social outreach activities where cultural awareness and understanding have a high importance.

At our hearings, the CLC put forward a comprehensive program to develop awareness of Aboriginal issues at all levels of the labour movement, using resources such as union newspapers, videos, and training programs. It said that unions should reach out to Aboriginal students and communities in an effort to counter the negative perceptions of unions among Aboriginal people. It proposed that employers agree to collaborative employment equity programs in the workplace and allow Aboriginal awareness and anti-racism training to be provided during working hours.

We welcome the approach taken by the CLC, as well as other signs that the labour movement is taking constructive steps to reach out to Aboriginal people. Unions have a history of commitment to social justice and have established programs to train and educate their members. These assets can and should be used to help raise awareness and understanding of Aboriginal issues. At the same time there is a need to develop more creative and flexible solutions to practical problems in relations between Aboriginal people and unions, especially at the local level.

2.5 Professional Organizations

Our hearings indicated that many professional bodies are beginning to look at the concerns of their Aboriginal membership or the need for greater awareness and understanding of Aboriginal issues. Two examples illustrate the progress being made. Beginning in 1990, the Canadian Medical Association (CMA) established a two-year working group on Aboriginal health; brought an Aboriginal physician onto its staff through an executive interchange with Health Canada; held a conference to examine Aboriginal health issues; and developed a series of proposals dealing with government policy and the CMA's own activities. It also supported the development of the Native Physicians' Association, which operates independently but has become a strong influence on Aboriginal health issues within the CMA.

The organization of Quebec lawyers, the Barreau du Québec, has also taken steps that promise a continuing focus on Aboriginal issues. It created a standing committee on Aboriginal law in 1993 and established a program of information and training on Aboriginal issues for Quebec jurists in 1994. At our hearings, the organization undertook to designate members who could assist in providing information to the public and to Aboriginal communities with respect to Aboriginal rights. It expressed particular interest in learning from Aboriginal people about non-judicial means of dispute settlement.

Professional bodies are generally seen as credible by their members, and they have mechanisms to provide education and training. These bodies can have a substantial influence if they decide to make Aboriginal issues a priority.

2.6 Other Stakeholders

Many other stakeholders are potentially affected by changes in Aboriginal communities and by the development of Aboriginal rights. Their diversity is reflected, for example, in the broad range of third-party interests represented on the treaty advisory committee established as part of the British Columbia treaty process.

These other stakeholders sometimes raise obstacles to the exercise of Aboriginal rights, but many are also in a position to help the non-Aboriginal population gain a greater understanding of Aboriginal issues. A number of national associations have established task forces or special committees, for example, to focus their members' attention on Aboriginal issues.

As the economic strength of Aboriginal people increases, corporations and financial institutions have begun to focus on Aboriginal issues by establishing Aboriginal business units and moving Aboriginal people into senior executive positions. The Bank of Montreal, the Royal Bank, the Toronto Dominion Bank and certain provincial utilities are examples. Syncrude, a large producer of synthetic oil in Alberta, has linked awareness activities and cross-cultural training with recruitment of Aboriginal workers and programs to support the development of Aboriginal communities and businesses.³ For business, the value of these initiatives can be measured not just in goodwill but in opening doors for profitable collaboration in Aboriginal economic development.

Recommendation

The Commission recommends that

5.4.2

Bodies that represent or serve both Aboriginal and non-Aboriginal people

- (a) be proactive and innovative in promoting understanding of Aboriginal issues; and
- (b) review their own activities to ensure that they contribute to cross-cultural understanding and enhance relations with Aboriginal people.

3. Aboriginal Organizations

Aboriginal people and their organizations have a critical role to play. National Chief Ovide Mercredi of the Assembly of First Nations made this point to an Australian conference in 1993. He warned that Indigenous peoples need to act and went on to offer this counsel:

[Y]our strongest ally in the end will be public opinion. Not the government's but public opinion. You have to organize to shape it. You have to organize so that they become your friends, your supporters.... You have to focus on the conduct of their governments and you make their governments the issue, not the people whose support you need.⁴

Aboriginal people living in Canada have many agendas. For some the priority is self-government and control of their own territory; for others, notably in urban areas, it is how to maintain a distinct culture in a context of continuing interdependence. Whatever the issues, it is critical that Aboriginal people reach out for support to advance their cause. The need for networks and linkages to non-Aboriginal organizations must be recognized even if the cause being advanced is greater autonomy.

Aboriginal organizations can be the key to creating opportunities for interpersonal contact. Visits to reserves to meet with elders, educators and leaders should be encouraged; Aboriginal speakers could be made available for public forums where they can explain issues and respond to questions; pow wows and other events should encourage access by people from surrounding non-Aboriginal communities. The content of these encounters does not have to be political; understanding can develop through visits of youth groups or sports teams or through exchanges between school classes.

Aboriginal organizations can also be agents of change, prodding and lobbying society's institutions to examine how they can respond better to the needs and aspirations of Aboriginal communities. These initiatives can provide graphic illustration of the problems facing Aboriginal people, as, for example, the Assembly of Manitoba Chiefs did in its mass filing of employment equity complaints in 1991 involving discrimination against Aboriginal workers.

We heard statements at our hearings, mainly in Quebec, about the reluctance of Aboriginal leaders and governments to accept invitations to speak or to establish advisory links with neighbouring municipalities. People in Quebec also asked that Aboriginal leaders in that province be prepared to communicate in French as well as in English, as a sign of mutual respect. These concerns should be addressed.

Aboriginal youth should be singled out for attention, in particular those growing up in urban areas away from direct contact with their home territories. In Volume 4, Chapter 7, we commended friendship centres for their work in providing a social and cultural focus for urban Aboriginal people as well as a point of contact with the non-Aboriginal population. We proposed the creation of urban cultural education programs that would extend services to Aboriginal people and allow for more outreach to non-Aboriginal residents.

Recommendations

The Commission recommends that

5.4.3

Aboriginal people and organizations participate in the process of public education through direct involvement, by creating opportunities for interpersonal contact and by acting as agents of change in Canadian society.

5.4.4

Aboriginal organizations and governments include their own members and citizens in efforts to build greater public understanding of Aboriginal issues and the changes now affecting Aboriginal communities.

4. The Media

Most of the information Canadians acquire about Aboriginal people and societies comes from the news and entertainment media. (See Volume 3, Chapter 6, for a more detailed discussion). When the media address Aboriginal issues, the impressions they convey are often distorted. As the Assembly of First Nations put it in its submission at our hearings:

Many Canadians have little, if any interaction with First Nations peoples in their daily lives and are likely to develop images and perceptions from newspaper articles, television programs, and commercials. Too many of those still perpetuate stereotypes which foster racism and discriminatory practices....

The tendency of the media is to emphasize conflict, differences, violence, death and destruction. The media pay less attention to harmony, consensus, peace, life and growth. The media's insistence on the immediacy of news accelerates public discussion and heightens tension. It...is at odds with the more leisurely pace of life in First Nations communities.

Assembly of First Nations
Ottawa, Ontario
5 November 1993

The Canadian Association of Journalists was equally critical:

Canada's Aboriginal peoples are, in general, badly served by national and local media, whether Native or not. The country's large newspapers, TV and radio news shows often contain misinformation, sweeping generalizations and galling stereotypes about Natives and Native affairs. Their stories are usually presented by journalists with little background knowledge or understanding of Aboriginals and their communities.

The large media outlets include shamefully few Aboriginals either on their staffs or among their freelance journalists. As well, very few so-called mainstream media consider Aboriginal affairs to be a subject worthy of regular attention....The result is that most Canadians have little real knowledge of the country's Native peoples, or of the issues which affect them.

Charles Bury
 Chair, Canadian Association of Journalists
 Ottawa, Ontario, 15 November 1993

There are only a handful of Aboriginal people among the 2,600 journalists working at major newspapers across Canada. The situation is not much better in radio and television, apart from the vigorous, but poorly funded, Aboriginal broadcast media serving northern Canada. For the past decade there have been very few regular Aboriginal programs on the major television networks (a subject considered at greater length in Volume 3, Chapter 6). The popular CBC production, "North of 60", demonstrates the potential for quality treatment of Aboriginal themes.

The best way for news media to convey a more accurate understanding of Aboriginal issues is to include Aboriginal journalists on their staffs. This is more than a matter of waiting to be asked for a job:

It is no longer acceptable for the mainstream media to use the excuse that Native people don't apply for jobs on their newspapers, radio stations or television stations. The mainstream media owe it to their communities to reflect their cities, towns and rural areas by making their newsrooms as diverse as their communities. They have to actively pursue Native journalists to fill those voids in their newsrooms and to enhance and reflect the coverage of Native issues.

Lynda Powless
 Native Journalists Association
 London, Ontario, 11 May 1993

Aboriginal people are becoming a significant element in the audience of the major media, particularly in urban centres in western Canada. It is time for the media to recognize their presence by hiring Aboriginal journalists and broadcasters and by reporting on the achievements of Aboriginal communities, not just the problems. Some media outlets have begun to acknowledge this responsibility, for example, by providing background reports about complex issues such as treaty negotiations. This commitment should become the norm.

In Volume 3 we noted the contribution of Aboriginal media to public education in Aboriginal communities. Despite severe cutbacks in funding, Aboriginal communications societies CONTINUE to share in a national Aboriginal television service, Television Northern Canada (TVNC), as well as providing extensive community and regional radio programming. These services are not available in most southern cities, and there are no plans to provide an Aboriginal channel on cable TV. The absence of such services is unfortunate for urban Aboriginal people; it is also a serious loss for the non-Aboriginal population.

TVNC is already transmitted by satellite while continuing to serve the North; it could provide a foundation for regular Aboriginal programming that could reach the majority of Canadians in urban areas via cable. This would be an important instrument for popular education directed to the mainstream population and an important resource to support education about Aboriginal issues in the schools. A comparable service in French and Aboriginal languages should be available in Quebec.

Aboriginal performers such as Tom Jackson, Susan Aglukark and Robbie Robertson and groups like Kashtin have become increasingly prominent in popular entertainment. In recognition, the music industry has established a special Aboriginal category in the annual Juno awards. Lawrence Martin was the first winner of the award in 1994, followed by Susan Aglukark in 1995. The same year singer and songwriter Buffy Ste. Marie was named to the Canadian Music Hall of Fame for her contribution to greater international recognition of Canadian artists and music.

In drama, the flavour of life in Aboriginal communities has been conveyed with humour and understanding in productions such as “North of 60” and “The Rez”, in Tomson Highway’s plays, and in the work of writer/performers like Margo Kane. These breakthroughs build Aboriginal pride and erase stereotypical images among the mainstream population.

In 1993 the Canadian Native Arts Foundation launched the first annual Aboriginal Achievement Awards to honour Aboriginal people for cultural achievements and other contributions to the community. Many other opportunities exist to give visible recognition to the achievements of Aboriginal people; the creation of one or more Governor General’s Awards for Aboriginal literature might be a good place to start.

A number of alternative media have begun to emerge that have significant potential to broaden public understanding of Aboriginal issues. These include the new speciality channels on cable television; data bases and interactive materials on CD-ROM; computer bulletin boards and the Internet; and a proliferation of new newspapers and magazines. Alternative media are hungry for material and are attracting loyal audiences, in part because of their capacity to respond to audience needs through their formats and the communication medium chosen.

Outside major cities it is difficult for journalists, researchers and policy analysts to obtain information on Aboriginal issues. New technology can be of particular use in this area. The cost of maintaining a computerized data bank on Aboriginal issues, with access via the Internet, would be low relative to the number of potential users and the amount of information available. An institution like the proposed Aboriginal Peoples International University would be an obvious candidate to provide this kind of resource. In Volume 3, Chapter 5, we recommend the creation of such an electronic clearinghouse.

Recommendations

The Commission recommends that

5.4.5

Canadian media reflect the growing presence of Aboriginal people in their audience or readership by hiring Aboriginal journalists and broadcasters and by giving greater priority to coverage of Aboriginal issues and communities.

5.4.6

Aboriginal radio and television programming be available to all Canadians via cable TV, building on the service of TV Northern Canada and the radio services of Aboriginal communications societies.

5. Symbols and Special Occasions

We have already mentioned the successful evolution of Calgary's Native Awareness Week, a mid-summer celebration that now includes participation by elders, Aboriginal art and film exhibitions, drama and variety shows, a pow wow, and a conference on doing business with Aboriginal people. Originally a collaboration between the Calgary Friendship Centre and the city's Chamber of Commerce, the week is now organized by a board with equal representation from the Aboriginal and non-Aboriginal communities.

Marlena Dolan of the Calgary Aboriginal Awareness Society told us of the need for sharing and awareness that inspired the foundation of Calgary's celebration:

An accumulation of misconceptions and stereotypical branding has manifested an ignorance of Native people and elements of their culture. Native Awareness Week has helped clarify some of these misconceptions by providing an opportunity for the community at large to get involved and, in some situations, break the silence that has perpetuated the obvious fear of the unknown culture.

Marlena Dolan
Calgary Aboriginal Awareness Society
Calgary, Alberta, 26 May 1993

Similar success has been achieved by the three major Aboriginal organizations in Nova Scotia, which set out to establish a Treaty Day tradition in Nova Scotia after the 1752 treaty between the Mi'kmaq Nation and the British Crown was declared valid in court a decade ago. The celebration, established by the Union of Nova Scotia Indians, the Mi'kmaq Grand Council and the Native Council of Nova Scotia, has grown into an event that now involves the provincial government, municipalities, businesses, and the non-Aboriginal community. In 1994 the Nova Scotia government sent a video explaining the significance of Treaty Day to schools across the province and formally declared October to be Mi'kmaq History Month across the province. Ceremonies that had been confined to Halifax are now spreading to include the whole province. A similar evolution could occur in Manitoba with the annual Métis commemoration of Louis Riel Day on November 16th. The 1994 celebration included a reception hosted by the Honourable Yvon Dumont, Canada's first Métis lieutenant governor.

Events such as these provide an occasion to focus attention on the history and achievements of Aboriginal people and on the relationship between Aboriginal and non-Aboriginal people in Canada. Care should be taken to ensure that these events are part of an evolving relationship and are not merely symbolic.

The Assembly of First Nations and some other Aboriginal organizations designate June 21st as a National Day of Solidarity for Aboriginal People across Canada.⁵ The Quebec National Assembly has also designated a National Day of Aboriginal Peoples on the same date, which marks the summer solstice.⁶ This concept of a national day should be extended to all Aboriginal peoples, on a date designated jointly by Parliament and the national Aboriginal organizations. This date could also mark the formal acceptance by Canada and by First Peoples of the new Royal Proclamation we recommended in Volume 2, Chapter 2.

The designation of a national First Peoples Day should not exclude continuing to celebrate Louis Riel Day and treaty days for their intrinsic value and as instruments of public education. Beginning in 1995, the United Nations designated 9 August as the International Day of Indigenous Peoples; it should also be honoured as part of Canada's commitment to the United Nations Decade of the World's Indigenous Peoples.

Recommendations

The Commission recommends that

5.4.7

Parliament and the national Aboriginal organizations jointly designate a national First Peoples Day to coincide with the issuing of a new Royal Proclamation and to be celebrated annually across Canada.

5.4.8

Special events such as Aboriginal Awareness Weeks be organized under joint Aboriginal and non-Aboriginal direction in all municipalities with a substantial Aboriginal population.

5.4.9

The commemoration of important occurrences in Aboriginal history through events such as treaty days and Louis Riel Day be expanded as a means of building solidarity and a vehicle for public education.

Aboriginal people have a powerful understanding of the importance of symbols. Symbols demonstrate the uniqueness of a place, a group, or an idea. They are a vehicle for public awareness and popular education. This significance is not lost on other Canadians; the federal government highlights Canada's Aboriginal heritage in projecting this country's image abroad. A striking example is the monumental sculpture by the Haida artist, Bill Reid, the focal point of Canada's embassy in Washington, D.C.

At home in Canada, there could be more such symbols and monuments to demonstrate the importance of Aboriginal people in Canada's history and to bring more Aboriginal content into the daily lives of Canadians. Many opportunities exist. An excellent example is the strong Aboriginal influence in the Canadian Museum of Civilization in Hull, Quebec, by architect Douglas Cardinal.

Systematic efforts could be made to choose or restore Aboriginal names for communities and for geographic features such as lakes, rivers, and mountains. This approach has been implemented in a systematic way in the Northwest Territories and in Northern Quebec, where places like Iqaluit (formerly Frobisher Bay) and Kuujuaq (formerly Fort Chimo) have become household names.

Dual naming has become an accepted practice in Australia, allowing both the Aboriginal and the non-Aboriginal name to be used for some geographic features and place names. This practice could be used in Canada to remind people living in cities of the Aboriginal origin of their communities. City street names often honour leaders and heroes; more of those honoured should be Aboriginal people.

Other opportunities that should be considered include the following:

- Aboriginal leaders and elders could be called upon to say prayers or to celebrate their ceremonies at the opening proceedings of Parliament and other elected bodies, citizenship courts, and important meetings and conventions. This is already a practice in some segments of the labour movement. The Commonwealth Games, held in Victoria in 1994, and the summit of the G-7 nations in Halifax in 1995 were opened with traditional ceremonies of welcome by the Aboriginal nations on whose territory the meetings were held.
- One or more Aboriginal languages could be used alongside English and French in important public documents such as the Canadian Charter of Rights and Freedoms and the oath of citizenship to make new citizens more aware of the role of Aboriginal people in Canadian society.
- Aboriginal meeting places and sacred sites could be designated in cities or towns and used for ceremonies, for community events, and perhaps as sites for meetings and study groups aimed at broadening awareness and understanding of Aboriginal issues.
- Important events and sites in Aboriginal history could be marked by plaques, sculptures and museums, in the same way we now commemorate important non-Aboriginal historical events.
- Ceremonies that recall Canada's colonial history, such as the changing of the guard on the lawns of Parliament, could be complemented by events marking Aboriginal history and culture.
- Highway signs could mark the boundaries of traditional Aboriginal territories, just as they are now used to mark municipal and county boundaries. Municipalities could fly the Aboriginal flag for their territory as well as their own municipal emblem.
- Libraries and museums could emphasize the history, culture and current presence of Aboriginal people through regular displays and exhibitions. Similar exhibits could be located in public spaces such as shopping centres, corporate offices and city halls.

Recommendation

The Commission recommends that

5.4.10

Canadian governments recognize Aboriginal people's contribution to Canada through much greater use of Aboriginal place names, languages, ceremonies and exhibits and by honouring Aboriginal meeting places and historic sites.

6. Federal and Provincial Governments

Governments have an obvious responsibility to foster greater understanding because of their role in national and provincial life, the extent of their involvement with Aboriginal communities, and the resources they command.

The federal government should commit itself to making public education an integral part of all federal programs that affect Aboriginal people. Departments and agencies should be directed to explain how their activities affect Aboriginal people. Some of this information should be in popular form. Some should address myths and misconceptions about Aboriginal people and set the record straight.

Recent initiatives in public education involving governments and First Peoples are valuable precedents to be emulated. One example is the formation of a Tripartite Public Education Committee bringing Aboriginal people together with provincial and federal government representatives as part of the treaty process in British Columbia. Members of the committee have co-operated in preparing material and in organizing public meetings in areas where a treaty claim is being submitted. The three parties are to be involved in establishing local consultation committees in these areas, representing a broad range of community interests.

In Manitoba, communications and consultation with First Nations were made a priority as part of the recent agreement between the Assembly of Manitoba Chiefs and the Department of Indian Affairs and Northern Development. One of the first steps was to second the Assembly's director of communications to work from the department's regional office to provide information to Manitoba First Nations. In Ontario, a series of tripartite open houses helped to defuse initial resistance from the non-Aboriginal community to the announcement of a land claim by the Algonquins of Golden Lake.

6.1 Federal Departments and Agencies

The federal government should ensure its departments, agencies and commissions live up to the standards it advocates for the private sector in hiring Aboriginal people and in responding to Aboriginal needs. This requires regular review of federal programs for their content and relevance to Aboriginal people and the formation of Aboriginal advisory bodies to offer independent advice.

Cross-cultural training must become a requirement for all employees who work with Aboriginal clients or communities or who develop policies that affect Aboriginal people. Public servants should be exposed to different aspects of Aboriginal life through work assignments with Aboriginal communities or organizations. Aboriginal people should be seconded to work in the federal public service, both to raise awareness and to acquire experience in administering programs that will eventually come under Aboriginal control.

We are concerned about the lack of federal commitment to inform immigrants and people becoming citizens about Aboriginal people and their rights. The printed material that Canada offers to newcomers pays almost no attention to Aboriginal people and treats them as relics of the past. People can qualify for Canadian citizenship even if they have no knowledge of Canada's Aboriginal heritage.

Federal agencies can be powerful vehicles for public education and for advocacy and should be encouraged to use this potential. New institutions set up by governments to respond to Aboriginal needs – including the Aboriginal Peoples Review Commission that we propose in Chapter 1 of this volume to monitor the implementation of our recommendations – should have a mandate and adequate resources to engage in public education.

The federal government spends many millions of dollars each year on advertising and other forms of direct communication with Canadians. Channels of communication such as monthly pension cheque mail-outs should be treated as an opportunity to raise awareness of Aboriginal issues. Government tourism advertising can also be used to emphasize the presence and contribution of Aboriginal peoples in Canadian society. Every opportunity for public education should be exploited, such as the Nova Scotia government's practice of including information about Aboriginal hunting and fishing rights, prepared by the province's Aboriginal organizations, with every hunting licence issued.

6.2 Parliament and the Legislatures

Members of Parliament and their counterparts in provincial legislatures help form public opinion. Legislative committees on Aboriginal affairs are particularly important vehicles for public education because they can monitor government activities and provide a forum for Aboriginal people and organizations. They can also be a vehicle for Aboriginal people to participate directly in legislative work that touches Aboriginal concerns.

One of the most effective such committees was the House of Commons special committee on Indian self-government of 1982-83, chaired by Keith Penner, M.P. Its impact was attributable in part to close co-operation with representatives of Aboriginal people, including the appointment of Roberta Jamieson of the Assembly of First Nations, Bill Wilson of the Native Council of Canada (now the Congress of Aboriginal Peoples), and Sandra Isaac of the Native Women's Association of Canada to sit with the committee as non-voting members. This precedent should be adopted as a model for the future. Legislative committees dealing with Aboriginal issues should plan to meet regularly with members of the Aboriginal Parliament once this is established. Joint committees or commissions of inquiry with membership from the House of Commons and the Aboriginal Parliament should be considered when issues of mutual concern arise.

6.3 Provincial Governments

Provincial governments have compelling reasons for wanting to raise public awareness and understanding of Aboriginal issues. Many of their responsibilities touch directly on the daily lives of Aboriginal people in a way that federal programs do not. They are also keenly aware of the value of building social harmony at the community level. Provincial governments can do a great deal to encourage local initiatives to build bridges of understanding and co-operation, and their commitment to public education on Aboriginal issues should be no less significant than that of the federal government. Many of the suggestions made with respect to the federal government can be adapted for use by the provinces.

Meetings of first ministers and Aboriginal leaders to discuss issues of common concern have enormous symbolic importance, particularly when they are seen by people across Canada through television coverage. First ministers conferences have also proved effective as instruments of public education, helping Canadians become familiar with Aboriginal issues and with concepts such as the inherent right of self-government.

In Chapter 1 of this volume we called for a conference of first ministers and leaders of the national Aboriginal organizations to initiate a process of fundamental reform leading to a new royal proclamation and companion legislation and the creation of a forum to develop a Canada-wide framework agreement.

Recommendations

The Commission recommends that

5.4.11

Federal, provincial and territorial governments make public education an integral part of all programs that affect Aboriginal people and ensure that it is delivered in collaboration with Aboriginal organizations.

5.4.12

The federal government ensure that the history and present circumstances of Aboriginal peoples are communicated to immigrants and to persons becoming Canadian citizens.

7. Resources

It is necessary to provide sufficient resources for First Nations to launch public education campaigns on all issues related to First Nations in schools and communities. This should be done on both the national and regional level. The products of the campaign must be made available as widely as possible, including to new immigrants and those wishing to emigrate to Canada.

Tobaonakwut kinew
Grand Chief, Treaty 3, Assembly of First Nations
Ottawa, Ontario, 5 November 1993

We have recommended as a basic principle that building public awareness and understanding of Aboriginal issues become an integral part of every endeavour and every initiative relating to Aboriginal people. If this principle is accepted, most of the necessary resources can come from existing programs and budgets.

Establishing internal task forces or executive positions to deal with Aboriginal issues in interest groups, corporations and non-governmental organizations is a matter of reordering existing budgets and priorities. As unions, municipalities and educational institutions make a commitment to address Aboriginal issues, they will increase public education activity without adding significantly to costs.

Some efforts to support public education and dialogue about Aboriginal people have also succeeded in attracting corporate support. Notable examples are the Canadian Native Arts Foundation, established by the Mohawk conductor, John Kim Bell, and the in-service training programs organized by the Canadian Council for Aboriginal Business. As the economic importance of Aboriginal communities grows, the opportunities for attracting sponsorship for public education activities can be expected to increase.

An alternative source of support that should be explored by Aboriginal organizations is the resources of their constituent members. At present the major Aboriginal organizations have almost no funds to support public information activities; yet the value of programs now being delivered under Aboriginal control, primarily by First Nations community governments, has risen to more than \$3 billion per year. It is a difficult choice to divert funds from programs that are often overstretched. This may be an unavoidable alternative, however, if Aboriginal voices are to be heard in raising public awareness of Aboriginal concerns.

The area of public education where new resources will be required is the extension of Aboriginal radio and television broadcasting to all areas of Canada as we suggest in Volume 3, Chapter 6. This would be a powerful initiative with value to the non-Aboriginal community as well as the large numbers of Aboriginal people now living in urban areas.

8. Immediate Steps

We conclude the chapter by turning to immediate issues. What can be done to ensure that the analysis and recommendations of this report are fully understood? What initial steps should be taken to start building the awareness needed for a new relationship between Aboriginal and non-Aboriginal people?

One of our priorities has been to help Canadians understand our findings and recommendations. To that end, we have produced an abridged version of our report, which will also be available in CD-ROM form. This electronic report is aimed at community groups, teachers, the media, researchers and students and includes a complete record of our hearings and special reports and much of our research. We hope it can be made available to students at every high school, college and university across Canada.

Our formal role as a Commission ends with the publication of this report. The task of turning its recommendations into reality rests with governments, with Aboriginal organizations, and with the stakeholders most directly involved. They will need to collaborate to build momentum for change and to overcome inertia and unfamiliarity.

This Commission conducted the most comprehensive review of issues affecting Aboriginal peoples ever undertaken in Canada and perhaps in the world. It will take time for interested parties, governments and the public to absorb our report and perhaps a generation to implement it.

We hope that our report will be studied by community groups, churches, schools, university and other stakeholder groups during the months after its release; that governments, corporations, and voluntary organizations will set up task forces to look at the report's implications for their mandates and activities; and that magazines and newspapers will publish excerpts from it and reviews from knowledgeable commentators.

We doubt whether a purely voluntary approach to following up on implementation of our recommendations will be adequate. Publication of the report will stimulate demands for information and explanations that neither governments nor Aboriginal organizations will be in a position to satisfy. Our experience also indicates that many non-Aboriginal organizations and associations will be more likely to devote time and resources to reviewing issues that affect their particular constituency if they are encouraged to do so.

A small task force working with interested parties, governments, Aboriginal organizations and the media could play a vital role in increasing awareness and understanding of the issues dealt with in this report. Its work would be most effective if carried out by a group of Aboriginal and non-Aboriginal sponsors, perhaps beginning with a core group of leaders working with the support of religious institutions, unions, corporations, and the national Aboriginal organizations. A task force sponsored only by government would not be appropriate for this task, although funding assistance from governments would be desirable.

In Chapter 1 we recommended establishment of a review commission – reporting to Parliament and funded by but independent of government – to monitor progress on many fronts, including the actions taken by governments and others to implement the recommendations in this report. We propose that the tabling of this commission's annual report be the occasion for special debates on Aboriginal issues in Parliament and the provincial and territorial legislatures.

Governments have the greatest opportunity to place Aboriginal issues in the national spotlight and to initiate change. They should begin by focusing on this Commission's report. We favour an early response from federal, provincial and territorial governments on the principles and overall approach of this report as well as on specific recommendations. This could be followed by a first ministers conference (FMC) with national Aboriginal organizations to begin a process of review and implementation. The FMC would be of enormous importance in terms of public education and as a symbol of the commitment of the parties to move to a new relationship. As we suggested in Chapter 1, the FMC could also be the instrument for establishing the administrative mechanisms of change.

Many of the recommendations for public education in this chapter are modest in cost, and most can be implemented relatively quickly. Some should be given priority. In the year after this report is published, for example.

- The House of Commons, the Senate, and provincial and territorial legislative assemblies could devote one or more days to debate on the report of the Royal Commission on Aboriginal Peoples, then follow up with more detailed consideration by their respective Aboriginal affairs committees.
- Federal and provincial governments and Aboriginal organizations could agree to designate a national First Peoples Day.
- Through their national and provincial associations, municipalities could be encouraged to organize an Aboriginal Awareness Week as a regular annual event in all major cities in Canada.
- The media could be encouraged to give special attention to the achievements of Aboriginal people, with the CRTC in particular promoting greater visibility for Aboriginal people and issues through radio, television, and cable networks.

Recommendations

The Commission recommends that

5.4.13

The CD-ROM version of the Commission's final report, research studies and public hearings be distributed by the government of Canada free of charge to every Canadian high school, college and university library.

5.4.14

A task force be established by a coalition of interested organizations and funded in part by the federal government to promote understanding and wide public discussion of the findings and recommendations of the Royal Commission on Aboriginal Peoples for at least the first year following publication of this report.

Notes

1. Nora Dewar Allingham, "Anti-Racist Education and the Curriculum – A Privileged Perspective", in Canadian Teachers' Federation (CTF), *Racism and Education: Different Perspectives and Experiences* (Ottawa: CTF, 1992), p. 1.
2. Hydro-Québec and the Ontario Public Service Employees Union (OPSEU) described these initiatives at our public hearings in Montreal and Toronto. See Hydro-Québec, transcripts of the hearings of the Royal Commission Aboriginal Peoples (hereafter RCAP transcripts) Montreal, Quebec, 27 May 1993; and OPSEU, RCAP transcripts, Toronto, Ontario, 18 November 1993.
3. The Syncrude approach was described at the Commission's round table on Aboriginal economic development and resources and in the report on that round table, *Sharing the Harvest: The Road to Self-Reliance* (Ottawa: RCAP, 1993), pp. 318-319.
4. Chief Ovide Mercredi, "Self-Determination", in Council for Aboriginal Reconciliation, "The Position of Indigenous People in National Constitutions: Speeches from the Conference" (Canberra, Australia: CAR, 1993), p. 66.

5. National Indian Brotherhood and Assembly of First Nations, National Day of Solidarity for Indian People, resolution 39 passed in Penticton, British Columbia, April 1982.

6. Quebec National Assembly, "Journée nationale des peuples autochtones", Journal des débats, 33/40 (17 June 1994),

Monday 1-2 press conference

May 12, 1997.

REPEAT REPEAT

GREEN PARTY LEADER SAYS "DEMOCRACY IS THE LOSER" OF THE LEADERSHIP DEBATE

Responding to the leadership debate, Green Party leader Joan Russow compared the participants to five spoiled children fighting for attention. Commenting on her exclusion from the so-called "Leadership Debate", she bluntly called it censorship.

Russow points out that there as of today there are eight registered political parties in Canada, yet only five were included in the televised debates. "It amounts to censorship," she says. "In an open society, new ideas are welcome. When the CBC excludes the Green Party from the debate, they exclude the only real alternative to the unsustainable politics of the so-called major parties."

The Green Party is particularly disappointed with the CBC and NAC (National Advisory Committee on the Status of Women).

Prior to the election, the CBC made a commitment that the corporation "would be dealing with the issues and to deal with those parties which have a constituency." The Green Party is raising many issues which are being ignored by the so-called "five majors", such as limits to growth and reducing the ecological footprint. The fact that it is a registered party is proof it has a constituency.

The CBC has fulfilled its obligation to supply free time to all registered political parties, but it has been a key player in preventing the Green Party from presenting its platform to the Canadian public. Yet when the Green Party asked the producer of CROSS-

COUNTRY CHECKUP this past Sunday to be included in their all-candidate forums, the Party was told that "it wouldn't be fair to the other parties."

The Green Party has been invited to participate in the First Nations Debate. The exclusion of the Green Party by NAC in its CBC coverage is even more perplexing. Women have long struggled to be included in the political process. It is ironic that NAC is now excluding registered political parties from their debate. Green Party leader Joan Russow is a well-known activist in women's issues. She attended the 1995 United Nations Conference on Women in China, and organized an international network of women working to ensure that their governments sign or ratify social, environmental and peace initiatives. She has represented the Voice of Women as well. "It is surprising that NAC did not extend an invitation to one of the two women leaders of the registered parties," says David White, Russow's campaign manager. "It raises the issue of their commitment to the democratic process, but perhaps it's is an oversight."

Russow points out that the Green Party is the only party which doesn't represent vested interests. "We do not accept either union or corporate donations," she said. "Our policies represent issues that reflect the public trust."

30

For further information, please contact Joan Russow, Ph.D..

National Leader of the Green Party, ph/fax 250 598-0071, cell 216-5813

() THAR=May 13 Launching of a court case (Victoria)

() THAT in 1997 on may 14, I Submitted a brief to NAFTA Commission on Environment Cooperation related to "Voluntary Compliance"

EXHIBIT

May 15	Critic at Meeting of NAFTA "voluntary compliance" (Vancouver) Evening; Te all candidates panel on Secondary education
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MEDIA ADVISORY

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EXHIBIT

"NAFTA AND NOW MAI TAKES THE PUBLIC TRUST OUT OF INTERNATIONAL LAW" SAYS GREEN PARTY LEADER.

Green Party leader Joan Russow today came down firmly against the Multilateral Agreement on Investment." Speaking at a press conference in conjunction with a meeting of the NAFTA Commission for Environmental Cooperation, Russow said the consequence of MAI and the move towards voluntary compliance in NAFTA will be to increase the powers of the corporations at the expense of public governance.

Russow appealed to Canadians to pay attention to MAI and to the implications of voluntary compliance in other trade agreements such as NAFTA. "All public trust legislation is being weakened by NAFTA, the World Trade Organization, and now MAI," she said. She observed that undermining the elected Canadian institutions and international public trust law through trade policy has been a long-time program underlining Canadian policy; this program was further entrenched by the Mulroney government, and now is coming to full fruition under the Liberals. She noted that the undermining has been so well institutionalized that many government departments such as Foreign Affairs, Natural Resources, Finance etc have as an expressed objective the promotion of Canadian corporate competitiveness nationally and internationally. Russow referred to the "light blue book" the treasury boards estimates of government spending, and noted that billions of dollars is being spent to promote or facilitate corporate competitiveness, often at the expense of international public trust law.

In addition, she affirmed that the notion of "voluntary compliance" that is being currently proposed for endorsement by the NAFTA Commission for Environmental cooperation is yet another reflection of the devolution of government power to regulate and set standards to the corporations. Voluntary compliance which is a hallmark of all "vested-interest international instruments such as GATT, WTO, and multilateral agreements such as NAFTA will undermine what could be described as "public trust international law". Public trust international law is a composite of documents through which member States have undertaken to guarantee human rights, to preserve and protect the environment, to prevent war and conflict, and to implement socially equitable and environmentally sound development. On the other hand, "vested interest

international law" caters to the promotion of corporate interests regardless of whether they further the obligations incurred through conventions and covenants, the expectations created through General Assembly resolutions and Declaration or the commitments made through Conference Action plans.

With voluntary compliance such as that advocated by the International Standardization Organization (ISO) and their scheme ISO 14000, industry sets its own environmental policy and is evaluation on how well it conforms to its own self initiated process. With this scheme there are no external standards and there is a move away from what industry has referred to as "command and control".

The Canadian government misrepresented the relationship between international public law and NAFTA to the Canadian public. In a government publication, entitled "Environmental Assessment Review of NAFTA" the Canadian government asserted that all Canada's international obligations and commitments would take precedence over NAFTA. Yet in the actual NAFTA documents only four international agreements have been mentioned, and there is an undertaking to discuss other international instruments that could take precedence over NAFTA. Canada has signed and ratified far more international agreements than the U.S.: agreements such as the Convention on Biological Diversity (the U.S. has signed but failed to ratify it) and the International Covenant of Cultural and Economic rights (the U.S. has not signed it) which among other assurances guarantees the right to shelter and the right to food.

MAI REDEFINES THE PUBLIC TRUST NOTION OF "STANDARDS", AND MAI IS ELITIST

In the MAI documents, "high standard refers to high standards for the liberalization of investment regimes and investments. In this context the term "standards" is being used to undermine years of standards set in the international realm in the areas of human rights, environment, peace and social justice.

Russow calls MAI "an end run around the United Nations." MAI is being negotiated by the OECD (Organization of Economic Cooperation and Development), which does not include the developing and less developed countries. Russow notes that "Member States of the United Nations, including Canada, have incurred obligations through conventions, treaties and covenants; have created expectations through General Assembly Resolutions and Declarations, and have made commitments under conference action plans. These obligations, expectations and commitments affirm guarantees for human rights, the protection of the environment, the prevention of war and conflict, and the creation of socially equitable and environmentally sound employment".

The Green Party leader affirmed that the implications of MAI upon these areas of public trust will be substantial. The Green Party leader recently lobbied non-governmental

organizations (NGO's) while in New York, calling "upon the United Nations to instruct the OECD to cease all negotiations on MAI.

This OECD agreement affirms that "accession to the MAI would send a signal to investors that the acceding country subscribes to high standards of investment liberalization and protection, thus giving it a competitive edge."

It should be noted that the member States of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, international law, including international environmental law". (Platform of Action< UN Conference on Women; Habitat II Agenda).

The OECD, through MAI, is undermining the international political resolve to ensure compliance with international obligations arising from Conventions, treaties, and covenants, and to ensure acting upon international commitments made through conference action plans.

This role of the OECD parallels a similar process that occurred in 1971 when the OECD expressed its concern with the cost of environmental regulations. rather than concern about the cost to the environment of not having environmental regulations

GLOBAL STATE AND CORPORATE COMPLIANCE

The leader of the Green Party promotes, as a means to counteract the voluntary compliance vested economic interest international approach, a strong international regulatory regime with Mandatory International Normative Standards (MINS) drawn from the highest and most stringent principles in International Public-trust Law. MINS should be continually harmonized upwards to accommodate the highest and most stringent standards and regulations emanating from any member state of the United Nations. If this were done, no state could relax regulations or standards to attract industry, and no state would be penalized for being willing to be more stringent or to endorse higher standards and regulations.

She has circulated internationally a Global state and corporate compliance Resolution. this resolution calls upon member States of the United Nations to sign and ratify international public trust instruments, and to enact the necessary legislation to ensure compliance. In addition, the resolution calls upon States to fulfill expectations created though General Assembly resolutions, and to act on commitments made through Conference action plans. One of the commitments made was to ensure that Corporations comply with international law. An essential part of the resolution is to institute an International Court of Compliance where citizens can take evidence of state and corporate non-compliance, and through which effective redress can be sought, and implemented.

For further information:

Contact: Joan Russow (PhD)AY
(250) 598-0071 or Cell phone.

Ottawa press conference with Frank De Jong. Arrived on a bicycle built for two. Spoke in both French and English. A number of questions about Quebec

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consequence of MAI and the move towards voluntary compliance in NAFTA will be to increase the powers of the corporations at the expense of public governance.

Russow appealed to Canadians to pay attention to MAI and to the implications of voluntary compliance in other trade agreements such as NAFTA. "All public trust legislation is being weakened by NAFTA, the World Trade Organization, and now MAI," she said. She observed that undermining the elected Canadian institutions and international public trust law through trade policy has been a long-time program underlining Canadian policy; this program was further entrenched by the Mulroney government, and now is coming to full fruition under the Liberals. She noted that the undermining has been so well institutionalized that many government departments such as Foreign Affairs, Natural Resources, Finance etc have as an expressed objective the promotion of Canadian corporate competitiveness nationally and internationally. Russow referred to the "light blue book" the treasury boards estimates of government spending, and noted that billions of dollars is being spent to promote or facilitate corporate competitiveness, often at the expense of international public trust law.

In addition, she affirmed that the notion of "voluntary compliance" that is being currently proposed for endorsement by the NAFTA Commission for Environmental cooperation is yet another reflection of the devolution of government power to regulate and set standards to the corporations. Voluntary compliance which is a hallmark of all "vested-interest international instruments such as GATT, WTO, and multilateral agreements such as NAFTA will undermine what could be described as "public trust international law". Public trust international law is a composite of documents through which member States have undertaken to guarantee human rights, to preserve and protect the environment, to prevent war and conflict, and to implement socially equitable and environmentally sound development. On the other hand, "vested interest international law" caters to the promotion of corporate interests regardless of whether they further the obligations incurred through conventions and covenants, the expectations created through General Assembly resolutions and Declaration or the commitments made through Conference Action plans.

With voluntary compliance such as that advocated by the International Standardization Organization (ISO) and their scheme ISO 14000, industry sets its own environmental policy and is evaluation on how well it conforms to its own self initiated process. With this scheme there are no external standards and there is a move away from what industry has referred to as "command and control".

The Canadian government misrepresented the relationship between international public law and NAFTA to the Canadian public. In a government publication, entitled "Environmental Assessment Review of NAFTA" the Canadian government asserted that all Canada's international obligations and commitments would take precedence over NAFTA. Yet in the actual NAFTA documents only four international agreements have been mentioned, and there is an undertaking to discuss other international instruments that could take precedence over NAFTA. Canada has signed and ratified far more

international agreements that the U.S.: agreements such as the Convention on Biological Diversity (the U.S. has signed but failed to ratify it) and the International Covenant of Cultural and Economic rights (the U.S. has not signed it) which among other assurances guarantees the right to shelter and the right to food.

MAI REDEFINES THE PUBLIC TRUST NOTION OF “STANDARDS”, AND MAI IS ELITIST

In the MAI documents, "high standard refers to high standards for the liberalization of investment regimes and investments. In this context the term “standards” is being used to undermine years of standards set in the international realm in the areas of human rights, environment, peace and social justice.

Russow calls MAI "an end run around the United Nations." MAI is being negotiated by the OECD (Organization of Economic Cooperation and Development), which does not include the developing and less developed countries. Russow notes that "Member States of the United Nations, including Canada, have incurred obligations through conventions, treaties and covenants; have created expectations through General Assembly Resolutions and Declarations, and have made commitments under conference action plans. These obligations, expectations and commitments affirm guarantees for human rights, the protection of the environment, the prevention of war and conflict, and the creation of socially equitable and environmentally sound employment".

The Green Party leader affirmed that the implications of MAI upon these areas of public trust will be substantial. The Green Party leader recently lobbied non-governmental organizations (NGO's) while in New York, calling "upon the United Nations to instruct the OECD to cease all negotiations on MAI.

This OECD agreement affirms that “accession to the MAI would send a signal to investors that the acceding country subscribes to high standards of investment liberalization and protection, thus giving it a competitive edge.”

It should be noted that the member States of the United Nations undertook in recent conferences to “ensure that corporations comply with all national codes, social security measures, international law, including international environmental law”. (Platform of Action< UN Conference on Women; Habitat II Agenda).

The OECD, through MAI, is undermining the international political resolve to ensure compliance with international obligations arising from Conventions, treaties, and covenants, and to ensure acting upon international commitments made through conference action plans.

This role of the OECD parallels a similar process that occurred in 1971 when the OECD expressed its concern with the cost of environmental regulations rather than concern about the cost to the environment of not having environmental regulations.

GLOBAL STATE AND CORPORATE COMPLIANCE

The leader of the Green Party promotes, as a means to counteract the voluntary compliance vested economic interest international approach, a strong international regulatory regime with Mandatory International Normative Standards (MINS) drawn from the highest and most stringent principles in International Public-trust Law. MINS should be continually harmonized upwards to accommodate the highest and most stringent standards and regulations emanating from any member state of the United Nations. If this were done, no state could relax regulations or standards to attract industry, and no state would be penalized for being willing to be more stringent or to endorse higher standards and regulations.

She has circulated internationally a Global state and corporate compliance Resolution. this resolution calls upon member States of the United Nations to sign and ratify international public trust instruments, and to enact the necessary legislation to ensure compliance. In addition, the resolution calls upon States to fulfill expectations created though General Assembly resolutions, and to act on commitments made through Conference action plans. One of the commitments made was to ensure that Corporations comply with international law. An essential part of the resolution is to institute an International Court of Compliance where citizens can take evidence of state and corporate non-compliance, and through which effective redress can be sought, and implemented.

For further information:

Contact: Joan Russow (PhD)

(250) 598-0071 or Cell phone.

() THAT on May 20 I attended the rally organized by Cindy Barker from the Transit Coalition

Comment

They had constructed a card board bus

May 21 Joe St Denis Shaw Cable

() in 1997 on May 26 ,I wrote the following on the MAI

EXHIBIT:

1997

ENSHRINEMENT OF CORPORATE PRIVILEGES AS CORPORATE RIGHTS UNDER THE MAI WILL RING THE DEATH KNELL TO EXISTING INTERNATIONAL ENVIRONMENTAL LAW.

The Organization for Economic Co-operation and Development (OECD) is hardly in a position to make a pronouncement that "there are no prima facie legal incompatibilities between the present MAI text and existing MEAs (multilateral Environmental Agreements), because many of the OECD States have shown a long - time disregard for international environmental law.

This disregard has been shown in the following ways:

Some of the most powerful OECD States:

- * have failed to sign and ratify existing international agreements
- * have failed to enact the necessary legislation to ensure compliance
- * have failed to act on commitments made at international conferences
- * have failed to fulfill expectations created through General Assembly resolution
- * have failed to seek advisory opinions from the International Court of Justice on whether they are in compliance with international agreements
- * have failed to take other States to the International Court of Justice for non- compliance with international agreements
- * have demanded the right to refuse to go to the International Court of Justice on any issue deemed by a state to be internal to itself
- * have, when called to appear before the International Court of Justice[], refused to appear
- * have, when there is a decision of the International Court of Justice [States], ignored the decision
- * have failed through the United Nations to establish an International Court of Compliance where citizens can take evidence of state and corporate non-compliance.

Recommendation: cease all further negotiations on the MAI and begin

immediately to address the above disregard for international law.

Given that we are currently in the decade 1990-99 devoted to the furtherance of international law, the [o]OECD States should concentrate on discharging previous international obligations under conventions, treaties and covenants, : acting on previous international commitments from UN conferences, and fulfilling expectations from General Assembly resolutions.

The OECD States should be reminded that in recent UN Conferences they made a commitment to ensure that corporations including transnational corporations comply with International law, including international environmental law.

Joan Russow (PhD)

National Leader of the Green Party of Canada

May 23 Marianne Wood James Bay senior New Horizon

() THAT in 1997 on May 24 I wrote the following: ABOUT CANADIAN GOVERNMENTS DISREGARD FOR INTERNATIONAL LAW

EXHIBIT

FEDERAL AND PROVINCIAL GOVERNMENTS SHOW DISREGARD FOF INTER NATIONAL LAW

In 1992, at the United Nations, Canada signed the Framework Convention on Climate Change (ratified in 1992) and the Convention on Biological Diversity (ratified, 1992). The BC NDP government had endorsed these two Conventions.

In the Climate Change Convention, the Canadian government and by implication the government of B.C,. had undertaken to reduce CO2 emissions, and to conserve carbon sinks such as old growth forests.

The Canadian governments at all levels have been lobbied by the auto and forest industry to the point of virtual inaction. Under the Biodiversity Convention, the Canadian government undertook to carry out an Environmental Assessment Review of activities that could contribute to loss or reduction of Biodiversity.

In addition, at the Habitat II Conference the Canadian Government made a commitment to move away from car dependency and develop environmentally sound transportation.

The Federal and BC governments have ignored both the obligations under the Framework Convention on Climate Change, and the Convention on Biodiversity and the commitment under the Habitat II conference action plan.

The recent construction of the Island Highway impacting on fish bearing streams without a real environmental impact assessment, and the lack of real support for extending the EN and Light rail transit, and only moderate support for bicycle transportation are perfect examples of the disregard for these obligations and commitments.

Citizens have been arrested and condemned as criminals for calling for little more than for governments to live up to their international obligations and commitments. Over a 1000 citizens were arrested in Clayoquot Sound, and now citizens are being arrested in Temagami.

Soon citizens will be arrested in Ontario for protesting the transport of Plutonium from dismantled nuclear weapons to be used in CANDU reactors. When the Canadian government has made a commitment to prevent disasters through recent international conferences.

When in Montreal during the Campaign, I challenged Chretien to debate Canada's non-compliance with international agreements, and he walked by and disregarded my request.

I will be at the June 21-31, 1997, five- year follow-up to the United Nations Conference on Environment and Development (UNCED) in New York where national leaders of the member States of the United Nations will meet to delude the world about how well they have conformed with international obligations under conventions and international commitments under conference action plans from UNCED. I will certainly bring to the attention of the international community that throughout the election not one of the so-called "major" parties in Canada has seriously raised environmental issues.

At the review of UNCED I will also point out Canada's failure to comply with international obligations and commitments, and that citizens are being arrested and charged as criminals for calling for little more than Canada to live up to international obligations and commitments..

I will also take this opportunity to inform the UN high Commission on Human Rights which is responsible for the implementation of the International Covenant on Civil and Political Rights about what I perceived to be serious irregularities in the Canadian Electoral process.

Joan Russow (PhD)

National Leader

Green Party of Canada

250 598-0071

CELL 250 216 5813

() THAT Paul Ukradium Political scientist

Crssoss Country Checkup Susan Mahoney 514 597 4487

Ben Murchi 22n Noon Newsworld

on with leaders Paul Hellyer, military budget.

April Stephens CBC 416 205 8835

Steve Kerner cyclig coalition 477 2526

() THAT in1997 on May 23 , I Raised the issue of corporate control of government

EXHIBIT

"Corporate control of the government should be the number one issue in this election," Russow added. "Chretien acts as a corporate lackey with his trade junkets all around the world, selling CANDU reactors to regimes with ghastly human rights records. Canada's human rights record was tarnished by Chretien at APEC. The Canadian alliance has accepted vast amounts from corporations too, with \$25,000 a plate dinners. The NDP has done nothing when given the chance to speak out as provincial governments."

"That is why we are the only real alternative for voters," Russow said. "unlike the other previously elected parties, we don't accept corporate political donations and consider these donations as being corruption. i challenge the other parties to come out and say where they stand on these vital trade issues."

() THAT in 1997 at that time there were provisions in the Elections Act that discriminated against small parties; such as the reimbursement of public funds, and requirement for \$1000 deposit

() THAT in 1997, I did not receive any remuneration for being the leader of the Green Party of Canada

EXHIBIT

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() THAT in 1997 , I did not receive any remuneration from being the leader of the Green Party of Canada

() THAT in 1997, I used the Treasury Board estimates during the election, and pointed out what I perceived to be misplaced spending priorities

EXHIBIT

1997 April during the election used the Treasury Board estimates Dear Cabinet and Council members

One of the most useful items that I had during the election was the Treasury Board Report. I referred to it as the "shadow blue book" —the book that reveals the real spending priorities of Government.

I have urged everyone to get a copy, but it is expensive. I typed out the outline of various departments with their mandate and their budget. I am also circulating this outline to give everyone a better indication of what comes under the different departments and to encourage cabinet members to submit project proposals. I have received several

submissions and an outline of suggested projects will be circulated on Tuesday. So please send in any proposals. During the election I surveyed the book and found there were several billion dollars dedicated to promoting corporate competitiveness and I made a commitment to request a clarification from the Treasury Board and from the Auditor General on the nature of these expenses. Joan

() in 1997, in May1 I was asked by the local publication to pick what I thought would be the ten key issues of the election

EXHIBIT

10 KEY ISSUES FOR 1997 ELECTION TO BE PRINTED IN GUY DAUNCEY ECO JOURNAL

1. • to reduce the military budget by 50%. This will release over \$5 billion per year for social programs including health, education and the creation of socially equitable and environmentally sound employment with reduced work week, and to ensure that Canadian corporations which currently pay less taxation than any of the G7 pay their fair share and that government inefficiencies are reduced.

And to ensure the right to shelter, the right to food, the right to social security, the right to affordable quality education including the option of repaying student loans through community service, and the right to work in socially equitable and environmentally sound employment, and to enact a Social Security Act to provide national standards for welfare.

2. • to act upon a commitment in recent UN Conferences to move away from the over consumptive model of development, reduce the ecological footprint and reject the notion that economic growth will solve the urgency of the global/local situation, and to move away from car-dependency as agreed to at the Habitat II Conference (1996), to adopt the green transportation hierarchy: walking, bicycles, transit, and lastly private automobiles, and to promote environmentally-sound transportation systems that contribute to the development of Ecocities and to disCONTINUE all subsidies to socially inequitable and environmentally unsound practices and activities, and to transfer the funding into socially equitable and environmentally sound employment, and to institute a Community Economic Development (CED) that promotes local sourcing, revolving

community loans, development of bioregional social and material needs inventories, and matching of those needs with local suppliers and to institute an average four-day/32-hour work week which would mean that existing jobs could be shared with those now unemployed.

3 • to invoke the precautionary principle in relation to practices that could contribute to environmental degradation. It is not necessary "to wait until there is "scientific certainty" that clear-cut logging and other ecologically unsound practices "contribute to the reduction and loss of biodiversity, that CONTINUED use of greenhouse gas-producing substances contribute to climate change, that CONTINUED use of ozone depleting substances contribute to ozone depletion and that CONTINUED production of toxic, hazardous, including atomic, wastes contribute to environmental degradation to disCONTINUE these practices.

4. • to institute a system of justice which fairly balances the right to due process with collective security and works to reduce crime through prevention, deterrence and rehabilitation, and to implement anti-SLAPP legislation strictly limiting the rights of corporations to sue groups and individuals for pecuniary loss, to guarantee through legislation: a) the right to clean air; b) the right to clean water; c) the right to uncontaminated food; and to empower Canadians whose environmental rights have been violated to take governments, corporations and individuals to court for violation of these rights.

5. • 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, 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, and to include sexual orientation as a listed ground of discrimination in all Canadian human rights documents, and to lobby for its inclusion in all international human rights documents.

6. • to restore fish habitat and to address the following outstanding issues in aquaculture, and maintain a moratorium on increased fish farming: (a) Risks of introduction of exotic diseases from the CONTINUED importation of Atlantic salmon into Pacific waters; (b) Pollution from fish sewage, contamination of shellfish, and loss of habitat; (c) Death,

wounding, and harassment of mammal and bird populations due to shootings, net entanglements, and acoustic deterrent devices; (d) Loss of access to traditional fisheries for First Nations people, with increased risks to their health from exposure to drug residues from food collected near net cage operations; (e) Competition for spawning beds and genetic interaction between wild and escaped salmon in fresh and salt water; (f) Decline of wild stocks Losses of wild fish, such as herring and juvenile salmon, consumed by netcage fish; (g) 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.

7. • to cooperate closely with First Nations in the development of and implementation of an Act Respecting the Rights of Species in Canada, and to ensure protection of all Canadian animal and plant species in their natural habitat through creation of legislation that would maintain wilderness areas and interconnected wildlife corridors through preserving all remaining old growth forest areas and other critical habitat.

and to enable any citizen to bring private enforcement actions in court where the government is not enforcing the law upholding the rights of species, • and to call a national meeting in 1997 to discuss the implementation of the recommendations of the Royal Commission Report on Aboriginal Peoples, to apologize to First Nations for the Indian Act, and for residential schools, to ensure that interim measures are in place in areas that are under treaty negotiations

8. • to reform the current electoral system along the principles of proportional representation where a party receives a number of seats equal to their share of the vote, and to phase out limits to democratic participation such as \$1000 deposits required for federal candidates, and the reimbursement from the public purse of 22.5 % of election expenses..

9 • to lobby the member States of the UN 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. In addition, in Canada to close Canadian waters and ports to nuclear armed and/or powered warships, to prevent all weapons testing in Canada, and to withdraw from NATO and NORAD.

10 • To promote the arts so that they would not be dependent on corporate or gaming funding, to provide stable funding for the Canadian Broadcasting Corporation -- both

radio and television services, and to remove the GST on books and to restore funding to the CBC and arts groups

11. • to ensure that provincial decision making functions within a framework of overarching environment, social justice and human rights principles, and to observe the expressed desire of Quebec in the following five areas: (a) Provincial veto over future Constitutional amendments; (b) Limiting federal spending powers in programs falling under the exclusive jurisdiction of Quebec; (c) Appointment of judges from Quebec to sit on the Supreme Court of Canada; (d) Broader immigration powers; (e) Constitutional recognition of Quebec as a distinct society

() **THAT** in in 1997, during the election, I made the following responses in the Oak Bay News

EXHIBIT

May 23, 1997

ATTENTION DAVID LENNAM

EDITOR, OAK BAY NEWS

250 598 1896

RESPONSES TO QUESTIONS

JOAN RUSSOW

1. What is the most pressing problem in Canada today?

The most pressing problem is twofold: (i) the political will necessary to promote the public trust has given sway to vested economic interests to the detriment of the health and welfare of the community, and to the environment; and (ii) the presumption that uncontrolled unregulated economic growth is the solution to national and local problems CONTINUEs to prevail.

A reflection of this problem can be seen in the misplaced spending priorities evident in the 1997 Treasury Board report on government expenditures.

2. How much more do you think the health and education systems can take in cuts? Is there an alternative?

There can be no more cuts and at least \$5 billion must be put back into transfer payments. A complete reassessment has to be done on federal government spending priorities; there must be a strong federal government that serves primarily the fundamental needs of its citizens including the right to universal health care, right to shelter and food, and the right to meaningful education.

Fifty per cent of the current military budget which is \$10-10.6 billion should be used to restore transfer payments for health care, and education

More emphasis should be placed on preventive medicine and on the reduction of environmentally-induced diseases. In addition, it is essential to ensure the availability of less expensive generic prescription drugs, and to prevent the current proposal to designate herbal remedies as drugs.

Sufficient funding should be given to universities so that students and professors do not have to grovel at the foot of industry for research funding, and every effort should be made to prevent the vested interests of industry from determining the direction of research.

3. A growing senior population demands commitment to their welfare. Do you have a creative solution to their needs?

Not only must the senior population be assured of their basic rights of universal health care, housing, food, and social security, but also of their CONTINUED relevance and importance in society. There should be more inter-generational cooperative programs where the wealth of knowledge and experience of seniors can be shared with other generations. In addition, a specific program linking retired academics with a publishing record/teaching experience with students to apply for funding for research projects could

maintain the intellectual relevance of the seniors and could assist the students with their careers.

4. What can be done to ease the passionate cries of Western Canadians feeling ignored by Ottawa.

It is not just alienation of Western Canadians; it is alienation of citizens from the decision-making process. Years of consultative panels, working groups, roundtables etc. before which citizens make submissions and presentations have alienated citizens. In these "consultative processes" Citizens are heard, rarely listened to and virtually ignored. (I spent one month preparing a line by line analysis of the Federal Government's submission to a UN Commission; I received a thank you note for my comprehensive submission and not one point was included, and no justification was given for completely ignoring my submission). There must be a meaningful consultation process drawing upon citizens with a range of expertise and experience and occurring within a framework of overarching principles

5. Many Canadians are concerned about losing their jobs, others are worried about finding one. What would you do to ease these concerns?

In addition, many Canadians work too long and too hard and many work too little. Also, many Canadians work in jobs that are morally reprehensible and environmentally destructive. Substantial funding from federal departments such as Foreign Affairs and Trade, Finance, Natural resources, and External Development that are promoting the sale and transfer of environmentally unsound technology such as the sale of CANDU reactors should be transferred into creating socially equitable and environmentally sound employment. A Community Economic Development (CED) program should be instituted that promotes self-sufficient economies.

6. How do you change the political apathy of the general public?

Citizens have often been discouraged from the public process because when they have contributed significantly, submitting briefs etc. they are ignored. Also, citizens have been continually disillusioned by the discrepancy between what is said and what is done. Underlining the citizens frustration also is that governments lack the political will and thus fail to address the urgency of the global, and national situation. For too long governments have fragmented the problems facing society, and failed to grapple with the complexity and interdependence of issues. All this must change. There has to be concomitant action at the international, national and local levels with an active and knowledgeable citizenry willing to appreciate the complexity and interdependence of

issues. Citizens should know exactly what the governments spend money on so that they can demand a shift in spending priorities, and the citizens can be actively involved in this shift. Only when citizens know what governments have agreed to can, they effectively demand that implementation occur. More citizens must enter politics not to promote vested interests but to further the public trust. The instituting of a proportional representation system where citizens can vote for a party and for an individual might encourage more involvement in the electoral process if citizens can vote for someone, they want rather than vote strategically to prevent someone or some party that they do not want to be elected.

7. What makes you a credible candidate

I have a Masters in Curriculum Education and a doctorate in Interdisciplinary studies. I have been involved as a policy analyst and human rights, environment, peace and social justice advocate for over 35 years.

I am bilingual with roots in Quebec and I feel that I can effectively address the Unity issue. Also, I speak Spanish and I have been monitoring and actively lobbying against NAFTA, particularly against the notion of "voluntary compliance". I have been a long-time analyst of government policy at the international, national and local levels and I will speak for the public trust not for vested economic interests. With my international experience I can call upon the government to comply with obligations incurred through conventions and treaties, to fulfill expectations created through General Assembly resolutions and to act on commitments made at international conferences. Much of the Green party policy is in line with international agreements that the governments in Canada have failed to implement. In addition, I can lobby effectively internationally to address the overriding of significant international agreements by trade agreements such as WTO, MAI and NAFTA. I am prepared to challenge anyone who violates the public trust, is hypocritical or who has misrepresented policy. In a recent court decision in BC, Mr. Justice Selwyn Romily noted that "the Green party is the social conscience of B.C. I am hoping that citizens of Canada will send members of the Green party to Ottawa to be the social conscience in Parliament. (I am the National Leader of the Green Party and the only National Party leader from B.C.)

() **THAT** in 1997 in May, during the election I issued the following statement on Nanoose, and on the failure of the Federal government to close the base

EXHIBIT: UNPRINCIPLED ACTION BY BC GOVERNMENT: NANOOSE CFMETR AGREEMENT SHOULD BE CANCELED IN ITS OWN RIGHT NOT USED AS A NEGOTIATING TOOL

Green Party National Leader Joan Russow called B.C. Premier Clark's threats to close the Nanoose Submarine Test Range in response to salmon treaty negotiations with the Americans as "Reprehensible."

"It is reprehensible that the NDP government with the support of the liberal MP from Victoria have used CFMETR as a bargaining tool when there is legitimate support through international law for the cancellation of the Agreement" affirmed Dr Joan Russow, Leader of the Green Party of Canada.

Premier Glen Clark along with local incumbent Liberal MP David Anderson, by linking the legitimate request to cancel the CFMETR agreement with a confrontational unrelated issue of conservation of salmon stocks have potentially promoted a series of retaliatory measures that would not have been present if an appropriate cancellation had occurred.

The legitimate cancellation of CFMETR agreement has nothing to do with the decline in fish stocks, and it is unconscionable to use the threat of cancellation as a tool of negotiation. Unless the government is prepared to acknowledge CFMETR's contribution to the decline of salmon stocks in B.C.

In July 1996, the International Court of Justice in La Hague handed down a decision that the use or the threat to use nuclear weapons was contrary to international Humanitarian Law.

Through the Charter of the United Nations every member state including the United States and Canada undertook to respect the rule of law.

The Canadian Forces Maritime Experimental Test Range (CFMETR) "is used as a training and testing facility for a variety of unarmed submarine and anti-submarine weapons and monitoring systems. On an annual average, there are 19 visits to Nanoose

by U.S. ships. These visits include ships which are both nuclear-capable and nuclear-powered." (BC Government Press Release, May 25, 1997.).

For years citizens have been requesting the cancellation of the Agreement; the recent International Court decision plus recent commitments to "prevent disasters" from international conferences such as Habitat II (1996) provide additional weight and justification to the citizens request.

She also remarked that "Fish stocks have declined for numerous reasons including : permitted even encouraged overfishing and ignored destructive forest practices. The Federal and Provincial Governments have followed policies that have led to the potential extinction of the wild salmon in B.C. The Chretien government policy of encouraging massive over-fishing in what was termed "the Fish War" with the U.S.A has contributed to a reduction of fish stocks. In the Fish War, Canadian fish boats were encouraged by the Federal government to form a "blockade" and to aggressively over fish in order to prevent the salmon from reaching American fish boats.

In B.C. industry-sympathetic government administrations have failed to ensure compliance not only with international law such as the Convention on Biological Diversity but also with provincial and federal statutory law. Section 60 of the Forest Act allowed for the suspension of forest licenses if through non-compliance with the Forest Act there had been damage to the natural environment. One of the requirements of the Forest Act was to protect fish habitat. Also, the Fisheries Act through section 33 which classifies as a crime the deposit of deleterious substances that could destroy fish habitat has been rarely enforced". .

For years the Forest Companies blasted up salmon-bearing creeks for ease of access, logged to the edge of creeks, and destroyed feeder creeks through environmentally unsound practices such as clear-cutting. These practices were ignored by the various governments and ministries, and citizens have been arrested and condemned as criminals for calling for a discontinuation of these practices.

Now through years of negligence the citizens of British Columbia are living with the consequences of industry-sympathetic administrations. gambling with the future of British Columbia.

A principle of bargaining is that one never bargains away principles.

For further information

Please Contact:

Joan Russow (PhD) 598-0071 or CELL 250 216 5813

() **THAT** in 1997 I circulated a Modest Proposal for the Earth Summit II
EXHIBIT

Circulated prior to Rio +5 June 1997

June 19

JUNE 19, 1997

() THAT in 199 on June 19 PROPOSED WORKSHOP ON COMPLIANCE
NORTH/SOUTH PERSPECTIVE ON COMPLIANCE NGO conference on Apec
proposed by Dr Joan Russow

For fifty -two years through international agreements, the member states of the
United Nations, including APEC states, 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.

The current situation has become more and more urgent because rather than the member states of the United Nations being willing to comply with obligations and commitments, the member states are devolving themselves of their responsibility and passing this responsibility over to the corporate sector in the form of partnerships. Even though member states of the UN agreed in recent conferences “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”. (the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda), governments are discussing “voluntary” compliance, and endorsing ISO 14,000 — a voluntary conformance corporate program. The OECD states are not discussing environment and human rights standards but “standards of investment”.

If there is to be compliance there is a need to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards. Only then will socially equitable and environmentally sound development be possible. In addition member states of the UN including Apec, should take back the control over industry and be prepared to revoke licences and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

This workshop will be prepared in collaboration with NGO representatives from the Philippines, and Bangladesh.

JUNE 23, 1997

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. 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”.

We will revoke licenses and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

We will 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.

Further, we undertake to institute an International Court of Compliance where citizens can take evidence of state and corporate non-compliance.

JUNE 24, 1997

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. 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.

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.

JUNE 25, 1997

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. 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.

JUNE 26, 1997

On June 26 1997, we, 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, reduce the ecological footprint and reject the notion that economic growth will solve the urgency of the global situation.

JUNE 27, 1997

On June 27, 1997, we, 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) 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 we 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, we will 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.

JULY JULY

GREEN PARTY CLIMATE CHANGE CAMPAIGN SUBMISSION TO KYOTO

Joan Russow (PHD)
The National Leader of Green party of Canada

Dr. Joan Russow launched the Green party Climate Change Campaign during her visit to Alberta Thursday October 16 to Sunday October 19. The launching began with a visit to the Calgary "sustainability" house; this house demonstrates that even in Calgary innovative environmentally sound energy is a possibility. This visit was followed by a visit to Shell Canada and the passing on of a letter to the CEO of Shell expressing the Green Party's concern for the Shell's ignoring of human rights violations. The Climate Change proposal was also passed on. A subsequent phone call was made to the CEO of ESSO addressing the ESSO's call for developing countries to relax standards to attract industry. At the Alberta Greens meeting, the Compliance report card on Canada's non-compliance with obligations under the Framework Convention on Climate Change. The Report card was sent to the Prime Minister and an equivalent one was sent to the President of the United States.

Green Party Climate Change Campaign:

At the Changing Atmosphere conference hosted by Canada in 1988, the following warning was made:

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

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

After 1992, the federal government traversed Canada “consulting” with “stakeholders” about the five options proposed in the Canadian National Action Program on Climate Change (NAPCC). All of the five options demonstrate lack of political will to seriously address the problem of climate change.

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

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

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

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

OPTION 6 : THE MISSING OPTION

Adherence to three key principles;

The precautionary principle

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

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

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

Future problem avoidance principle:

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

Actions

- 1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention] , in particular preserve large areas of original growth and conservation corridors
2. Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands
3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land
4. . Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED).
5. Establish and enforce a national dedicated program for energy conservation and efficiency
6. Establish extensive networks of alternative environmentally safe and sound means of transportation (Agenda 21), move away from car-dependency, and cease the construction of all new highways.
7. Reduce the ecological footprint as agreed in Habitat II
8. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. "Inaction is negligence" (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)
9. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.
10. Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. — Buying old growth forests to offset Canada's CO2 emissions)
- 11 Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices
12. Transfer all energy-directed funding into renewable energies that are ecologically safe and sound
13. Transfer a significant proportion of the \$10 billion military budget to assist in implementing the above measures and in job conversion

Canada continues to demonstrate its lack of resolve to seriously address discharge its international obligations, and until Canada is willing to fulfill these obligations through

enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur.

An international panel of scientists studying climate change has warned that if we continue with business as usual, we will cause dangerous disruptions in the earth's natural systems. As we continue to burn fossil fuels, more and more carbon dioxide is accumulating in the atmosphere and contributing to global warming. Predicted effects include a rise in sea levels, coastal inundation and erosion, drought in some areas and flooding in others as weather patterns shift, more violent storms, damaging shifts in vegetation ranges and natural habitats, and increased exposure to infectious diseases.

There is some evidence that global climate change has already begun. But we can avoid the worst consequences if we take action now to reduce our use of fossil fuels for heating, electricity and transportation.

Many economists say we can combat climate change without harming the economy or losing jobs. Much of the energy produced in this country is currently wasted. Investments in energy conservation, energy-efficient technologies, and alternative power sources - like wind turbines, solar panels, fuel cells and cleaner fuels - can boost the growth of environmentally sustainable industries, while at the same time protecting the health of the earth for future generations.

Since the industrialized countries, especially the United States, are responsible for a majority of the greenhouse gas emissions, we should take the lead on this issue and show the way towards environmentally sustainable energy production and consumption. Widespread markets for cleaner technologies will help developing countries meet the growing energy needs of their people without further threatening the global environment.

Sincerely

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UNDERSTANDING THE CLIMATE CHANGE DEBATE

Why should we be concerned about climate change?

Climate change is in the news almost every day this fall. Why? Because in December the countries which signed the 1992 climate change treaty are going to meet again in Kyoto, Japan to set new targets for protecting the earth's atmosphere. The

United States government has agreed in principle to set legally binding targets and timetables for reducing the gases which cause global warming. But President Clinton and his advisors have not yet decided what targets the United States should aim for.

President Clinton has said that we must first convince the American people and the Congress that the climate change problem is real and imminent : "We have the evidence, we see the train coming, but most ordinary Americans in their day-to-day lives can't hear the whistle blowing." The United Nations Association and the Citizens Network for Sustainable Development are coordinating with White House staff members and a number of other citizens' groups to help Americans understand the important decisions we as a country have to make about protecting our atmosphere.

Why is the climate change treaty so controversial?

Many people have seen advertisements criticizing the climate change treaty. Large oil producers, car manufacturers, and mining companies are afraid they will lose money if people are asked to use less oil and gasoline or switch away from coal to produce electricity. (About 85% of greenhouse gas emissions come from burning these fossil fuels.)

The companies warning about the costs of limiting emissions argue that energy prices will rise, but they don't explain the enormous risks we will face if we don't reduce our reliance on fossil fuels. They say the treaty isn't fair because the developing countries aren't being asked to do enough, but they forget to say that the industrialized countries are responsible for almost 75% of the greenhouse gases which have accumulated in the earth's atmosphere since 1950. They also don't mention the government subsidies which encourage the use of fossil fuels, giving them a market advantage over alternative energy sources, or the fact that current energy prices in the United States do not reflect the true economic and environmental costs of using polluting fossil fuels.

Your understanding of the issues can be critical in influencing the United States proposals at the Kyoto meeting, and also in shaping our responses to the challenges presented by the treaty. Climate change will affect every community, and every community's action (or inaction) will affect the well-being of future generations around the world. We in the United States have been the biggest contributors to climate change. With 4% of the world's population, we produce 20% of annual greenhouse gas emissions. We therefore have a special obligation to work towards solutions which will benefit the whole world, including ourselves.

What are the goals of the climate change treaty?

The United Nations Framework Convention on Climate Change is an international treaty which was signed by President Bush in 1992 at the Earth Summit in Rio. It has now been ratified by more than 160 countries, including the United States. The nations of the world agreed to take action

after an international panel of scientists warned that increased levels of carbon dioxide and other greenhouse gases - primarily produced by power plants, factories and motor vehicles in industrialized countries - could have dangerous and irreversible effects on the earth's atmosphere.

The ultimate objective of the treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous human interference with the climate system. From the beginning, the treaty called on all countries to take steps to reduce greenhouse gas emissions. But it set a specific goal for industrialized countries because of their greater role in creating the problem, and their greater resources for addressing the problem. Developing countries currently have much lower per capita emissions levels, and they will need to increase energy production in the future to provide electricity to the 2 billion people still lacking basic services.

The original goal was for each of the industrialized countries to voluntarily cut back its greenhouse gas emissions to 1990 levels by the year 2000. Disappointingly, only two countries will meet the goal for the year 2000 - Germany and the United Kingdom. Emissions in the United States are expected to increase by at least 8% over 1990 levels by 2000.

How is the United Nations involved with the climate change treaty?

Climate change was first recognized as a serious problem in 1979 when it was discussed by scientists attending the first World Climate Conference. After a series of further conferences exploring the problem, many scientists and policy makers concluded that global action was needed. In 1988, the United Nations Environment Programme and the World Meteorological Organization established the Intergovernmental Panel on Climate Change, which included over 2000 scientists from around the world. The panel was asked to examine the basic science, potential impacts, and policy options related to global climate change. Their first report in 1990 confirmed the seriousness of the threat, and provided the scientific basis for negotiations on the climate change treaty.

In 1990, the Second World Climate Conference, sponsored by the United Nations Environment Programme, the World Meteorological Organization and other international groups, called on the 150 countries represented at the conference to begin negotiations towards a framework treaty. In December 1990, the United Nations General Assembly approved the start of treaty discussions and formed an international negotiating committee. The committee met for five preparatory sessions before presenting the treaty for signature in 1992 at the Earth Summit, officially known as the United Nations Conference on Environment and Development.

Why are there negotiations going on now?

In 1995, the countries that signed the climate change treaty met in Berlin and agreed to begin negotiating a new agreement to cover the period after 2000. The "Berlin Mandate" they adopted stated that the new agreement should include specific targets and timetables for emissions limitations by industrialized countries, plus intensified efforts

by developing countries to reduce their emissions. The Berlin Mandate also specified that negotiations on the new agreement should be finalized by December 1997.

The United States has said that the new agreement should include legally binding targets, but has not yet made any proposals. President Clinton is expected to make an announcement around the time of the next negotiating session, which will be in Bonn, Germany, at the end of October. In the meantime, many different groups are lobbying the White House to make their views known.

The Alliance of Small Island States has recommended a 20% reduction below 1990 emission levels by the year 2010. Some of the small low-lying islands in the Pacific are afraid they will be completely inundated if sea levels rise due to melting ice at the poles. The European Union proposed a 15% reduction by 2010, but would allow for different levels of reduction requirements among the countries the group. Just recently, Japan suggested a maximum target of only a 5% reduction by 2010, with allowances for differentiation among countries based on current emission levels.

How do we know the climate is really changing?

Most of the scientific research about global warming has come from the International Panel on Climate Change, the group of over 2000 scientists brought together by the United Nations Environment Programme and the World Meteorological Organization. The panel's second report, published in 1996, concluded that surface temperatures on the earth have increased over the last century and that the last few decades have been the warmest this century. Sea levels have risen about 4 to 8 inches and mountain glaciers have been melting.

Although it is hard to say what would have happened if people had not released so much carbon dioxide into the atmosphere, but the panel agreed that the evidence suggests there is a discernible human influence on the global climate. Scientists use computer models to simulate variations in climate patterns and to project future trends. Although these models are not infallible, they are sophisticated tools for making predictions based on current conditions.

What is the greenhouse effect?

The natural greenhouse effect makes the earth warm enough to support life by providing a blanket of insulation. The atmosphere holds some of the sun's heat close to the earth's surface, so it doesn't all reflect back out into space. But now too much heat is beginning to be trapped by the atmosphere.

What we do in our daily life is actually changing the weather. Since the Industrial Revolution, we have been burning coal, oil and gas to heat our homes, run our cars, and provide electric power. Burning these fuels releases more carbon dioxide and other greenhouse gases into the atmosphere than can be absorbed by natural processes. We are changing the chemical composition of the atmosphere. More heat is trapped close

to the earth, and that is causing potentially dangerous changes in weather patterns and natural ecosystems. Since the greenhouse gases remain in the atmosphere for hundreds of years, the effects will be felt for many generations.

Won't it be good for us if the earth is a little warmer?

Some people, especially in cold northern climates, think it would be nice if the winters were a little warmer. They don't see anything wrong with a little bit of global warming. But the scientists on the international panel studying climate change found that there would be mostly negative impacts on human health, with significant loss of life in some areas.

Much of the earth's surface is covered by water. As the earth warms up, more water evaporates into the atmosphere, causing more rain or snow overall. This can cause intense rains and flooding in some areas, and drought in other areas, as normal weather patterns change. Areas of warm water in the tropics also contribute to the formation of hurricanes and other violent storms.

Water expands when it is heated, and as a result sea levels have risen 4 to 10 inches over the last century. Melting glaciers also contribute to sea level rise. People living along the coasts - including much of the world's population - would be particularly vulnerable to beach erosion, flooding of low-lying areas, and increased storm damage.

Increased temperatures in the summer will increase deaths from overheating, smog and air pollution. They will also encourage the spread of diseases like malaria and dengue fever that are currently confined to tropical latitudes.

Will things get worse if we don't do anything?

If we continue doing business as usual and increasing our combustion of fossil fuels, atmospheric concentrations of carbon dioxide will probably rise from today's level of 360 parts per million to 700 parts per million by the year 2100. (The pre-industrial level of carbon dioxide was 280 parts per million.) The current level is already far higher than at any time in the last 160,000 years, so we have to rely on computer models to predict what might happen in the future as concentrations continue to rise.

Without stabilization, average temperatures in the United States might increase by 10 degrees and sea levels rise from 6 to 37 inches. A 20 inch sea level rise would cause substantial flooding and loss of coastal land along the southern Atlantic and Gulf coasts. South Florida and the Everglades are highly vulnerable because they are only about a foot above the current sea level. Droughts and flooding would seriously impact agriculture in the plains states and the mid-west. Dry areas of the country would suffer increased water shortages. Forests and vegetation would be disrupted, as ideal temperatures for their growth shift as much as 300 miles to the north, much faster than forests can migrate naturally. The sugar maple, for instance, would grow in southern Canada, but not in most parts of New England.

Is there a simple solution?

The obvious thing to do is to cut back on burning fossil fuels so less carbon dioxide is added to the atmosphere. The problem is that fossil fuels have powered most of our economic growth in the last century. We enjoy much higher standards of living than countries which are not yet industrialized - and which have per capita carbon dioxide emissions about one-tenth of ours. No one wants to give up cars and air conditioning and electrical appliances. Our economy seems to be doing pretty well right now, so people are reluctant to rock the boat, especially when the dangers of climate change seem so remote and speculative.

The President and his advisors have used the analogy of a supertanker headed for a reef. Full speed ahead will lead to disaster, but it is very difficult to change course. We need to act quickly to start moving gradually in a new direction. If we wait too long, it will be too late to stop the process.

President Clinton has said that the United States could reduce emissions by 20 percent at no cost if we just change the way we do things. We could actually save money by using less energy - and wasting less. Today, a huge percentage of the energy produced is wasted due to inefficiencies in its production, distribution and use. A recent study by the U.S. Department of Energy found that the cost of developing energy-saving technologies is likely to be more than balanced by savings in energy bills. Earlier in the year, over 2,300 economists, including eight Nobel prize winners, endorsed a statement saying that there are policy options that would slow climate change without harming American living standards, and that these measures may in fact improve U. S. productivity in the long run.

What should our government be doing?

At the December meeting in Kyoto, the United States should take a leadership role by agreeing to adopt a strong international agreement to stabilize greenhouse gas emissions. So far, the United States has appeared to be dragging its feet in international negotiations, despite pressures from its European colleagues. Other countries will not commit to substantial reductions without the agreement of the United States - and the world cannot afford to ignore this problem.

President Clinton is considering a number of options for reducing greenhouse gas emissions. One of the most important things we could do would be to promote the use of energy efficient, non-polluting energy alternatives. This could be done through subsidies, tax credits and other fiscal incentives. In fact, the government is currently subsidizing production and consumption of fossil fuels in a variety of ways, and removal of these subsidies would go a long way towards leveling the playing field for alternative energy technologies. In addition, our current energy prices do not realistically reflect the environmental costs to society caused by burning fossil fuels, including acid rain, smog and other forms of air pollution that harm human health and property.

There are some clean technologies which are already available and cost effective, including wind turbines, solar panels, hydro-electric generators and energy efficient appliances. But they are not yet widely used. At the recent Washington conference on climate change, President Clinton wondered why, for instance, he has not changed all the light bulbs in the White House to compact fluorescents which are much more energy efficient than regular light bulbs. A government commitment to promoting energy conservation, energy efficiency and clean power sources is essential, including use of the government's own substantial purchasing power to help build markets for fossil fuel alternatives.

Another option requires raising the price of gas, heating oil and coal so that people will use less of it. This could be done through a carbon tax, with the revenues used to reduce other federal taxes. The President actually proposed this in his first term of office and was widely criticized for it at the time. He does not think it is politically feasible now, unless the American people show a real willingness to accept a carbon tax, because of the opposition by the Republicans in Congress. Yet, given the option, many Americans have shown their willingness to pay a premium for "green" electricity from non-polluting sources.

Some experts recommend a system which would allow trading of emissions permits. After setting an overall cap on emissions, the government could issue emission permits to companies. Those companies which found it hard to reduce emissions could buy additional permits from other companies which found it easier and cheaper to cut their emissions. This system has been used successfully to control sulfur dioxide emissions, and could provide market-based incentives for carbon dioxide emission reductions. The United States is also considering this system on an international basis, so that industrialized countries with high carbon dioxide emissions could pay for emission reductions in poorer countries, partly by providing them with energy efficient, clean technologies to power economic development.

Are other countries doing enough?

Some industry opponents claim that the climate change treaty is unfair because not all countries will be required to meet the new emission reduction targets. They say that U.S. companies will be at an economic disadvantage compared to fast-growing countries like China, India, Korea and Mexico.

The reason for the difference in commitments under the treaty is that the industrialized countries have, so far, produced most of the greenhouse gases and have benefited economically in the process. Now that scientists tell us there is a problem, is it fair to ask those countries with the poorest populations to forego using fossil fuels for economic development intended to meet their people's survival needs while we enjoy standards of living way above most people in the world? Per capita emissions in the U.S. are currently eight times more than in China, and over 20 times more than in India.

Industrialized countries, responsible for over 60% of carbon dioxide emissions, must take the lead in making efforts to prevent dangerous climate change, while working towards binding emission limits for developing countries as well. In the meantime, developing countries have made commitments under the treaty to facilitate emission reductions, and many are already actively promoting energy efficiency and renewable energy technologies.

The potentially adverse effects of the treaty would be limited to a small number of energy-intensive industries making goods that are traded internationally. For those companies, any adverse impacts could be neutralized by investment tax credits or rebates.

The adoption of binding emission reduction targets in industrialized countries is, in fact, likely to create new opportunities for U. S. businesses which develop and market energy efficient technologies and clean power sources. Given the competitive advantage of companies in this country in terms of research and development capability, access to capital, and market leadership, they are likely to profit from these new business opportunities, in both domestic and international markets. Developing countries, where 2 billion people are currently lacking basic electric services, are more likely to be consumers of innovative U. S. products rather than unfairly advantaged competitors.

What can we, as citizens, do to reduce greenhouse gas emissions?

The first thing we need to do is to educate ourselves and others about the consequences of continuing to rely primarily on fossil fuels for heat, power and transportation. Then we will be able to understand the need to make a gradual transition to alternate energy sources. We will also be more motivated to use the products that are already available to reduce energy waste as well as carbon dioxide emissions.

We need to encourage President Clinton to make a strong commitment in Kyoto to show the world that we are serious about finding solutions to global warming. Unless he knows that most Americans will support emission reductions, he will be reluctant to take actions which will be challenged by his political opponents and big business lobbyists. He is looking for feedback from American citizens before he makes any promises. We should all send him a message that we expect him to take a leadership role on this, not be the one who keeps the Kyoto meeting from taking any real action.

In our own daily lives we can look for opportunities to reduce our use of fossil fuels. We can buy energy efficient appliances and vehicles, insulate our homes and block air leaks to reduce heat loss, plant trees to provide shade while absorbing carbon dioxide, and use our cars less often.

In our communities, we can promote urban planning and transportation systems which reduce the need to drive. Support for fuel-efficiency standards, emissions control devices and cleaner fuels can help reduce fuel consumption and also improve air quality. We can ask our utility companies to provide clean sources of electricity, like solar and wind, instead of relying on coal. We can also help enact building codes which

promote low energy-use designs for homes and businesses, and use those designs whenever we build or do renovations.

All this may seem like a lot of work, but the consequences of not doing anything may be very costly - especially to our children and grandchildren, who will have to deal with the climate disruptions caused by our inability to change our ways of doing things.

You can find out more about the climate change treaty by contacting these sources:

Climate Change Secretariat
P.O. Box 260124
D-53153 Bonn, Germany
E-mail secretariat@unfccc.de
<http://www.unfccc.de>

United Nations Environment Programme
Geneva Executive Center - CP 356
CH-1219 Chatelaine, Switzerland
E-mail iuc@unep.ch
<http://www.unep.ch>

World Meteorological Organization
41, av. Giuseppe-Motta, Case Postale 2300
CH-1211 Geneva 2, Switzerland
E-mail gorre-dale_e@gateway.wmo.ch

U.S. Environmental Protection Agency
Fax Info Service: (202) 260-2860
http://www.epa.gov/global_warming

Environmental Information Center
Climate Change Campaign
1200 18th Street, NW
Washington, DC 20036
(202) 887-8800
<http://www.eic.org>

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Kyoto.

- > the key issue has been targets. I have listed here various demands that
- > have been made through time and through different groups and institutions.
- > Could you make sense out of these figures.

>

>

- > I have surveyed a range of demands.

(1) In the Conference Statement from the 1988 Conference scientists, government representatives, industry etc. were calling for

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.

>

>

>

(2) IN a separate report from the Changing Atmosphere Conference in 1988

- > NGOs were asking for the following:

- > "The major, wealthy CO₂-producing nations should commit themselves to the goal of reducing CO₂ emissions by approximately 20% by the year 2000, and approximately 50% by the year 2015. Policies to attain this objective

- > should be judged by the principle of achieving the desired emissions reductions at the least economic cost. Least-cost energy planning should be instituted to assure this result.

>

- > Redirection of Research and development budgets away from conventional energy supply options and towards energy efficient technologies and renewable energy sources"

>

- > This would be 20% of what it was in 1988. How much has it risen since. What are we asking for mathematically.

>

> (3)

- > *4) At NGO meeting in New York, it was agreed "At least 20%)

>

- > (5) section 4.2.1. Framework Convention on climate change stated the following: The developed country Parties shall adopt national policies and take corresponding measures on the limitation of anthropogenic emissions of greenhouse gases and the protection and enhancement of greenhouse sinks and reservoirs. These developed country policies and measures will have the effects of as a first step,

stabilizing individually or jointly emissions of Carbon dioxide in general by the year 2000 at the 1990 level

>

> (6)

> 1. A 20% reduction in CO2 and other greenhouse gas

> emissions from 1990 levels by the year 2005;

> 2. Ending the huge government subsidies for production of fossil fuel and nuclear energy; and

> 3. Increased programs for energy conservation, energy

> efficiency and renewable sources of energy.

>

> I would add "PHASE OUT THE FOSSIL FUEL AND NUCLEAR ENERGY" (Joan)

> I would also add conserving carbon sinks.

>

> (7) >"Of industrialized nations and unions, the European Union has the most

> >advanced position, with its proposal for legally binding cuts of 7.5 %

To add

1252 Montrose Ave

V8T- 2K4

1230 St Patrick St.

Victoria, B.C. V8S4Y4

Fax: 478 7864

Tuesday, October 27, 1997

TO MAYOR AND COUNCIL

RE: GROVELAND DEVELOPMENT'S REZONING APPLICATION.

2350 TransCanada highway and 2418 Millstream Rd

Grovelands Development's rezoning application from R 1 residential to cluster housing amenity and special wholesale should be dismissed.

This rezoning application should be dismissed because the environmental implications of this development have not been carefully considered. The area under discussion has significant biodiversity and is an example of a rural Garry oak ecosystem which has been described as one of the most threatened ecosystems on Vancouver Island.

Under the Convention on Biological Diversity there is a requirement to carry out an environmental assessment review of anything that could contribute to loss or reduction of biodiversity. Presumably an environmental assessment review should be carried about by an independent body so there will not be the perception of conflict of interest. It would appear that in the case of the area under discussion, the Council requested that Grovelands Development do a site analysis, and . DMG Architects were hired by the Grovelands to carry out this assessment.

The current proposal to have an "island of Garry oak meadow" in the middle of development makes a mockery of Canadian and the B.C. governments commitments under the Caracas Declaration from 1992. This declaration criticized what was referred to as an "Island mentality"—the protection of an ecosystem surrounded by inappropriate development.

Biodiversity will only be conserved as Canada undertook to do in the Convention on Biological Diversity, if there is also the requirement to protect biodiversity on private lands.

The Rezoning application should be dismissed, and no activities that would further destroy this unique Garry Oak ecosystem should be permitted to proceed on this site.

Respectfully submitted,

Joan Russow (PhD)

The National Leader of the Green Party of Canada.

Unfortunately if the local community does not have the power to protect biodiversity, the Federal government will be in violation of obligations incurred under the Convention on Biological Diversity. Canada has undertaken to conserve biodiversity, and the continued destruction of biodiversity throughout B.C. or

to determine the feasibility the trails . . WE wanted them to map out the Garry oak meadow. A general review of the vegetation. Assessment included that it had been somewhat altered 30 yeas ago when it was clear-cut.

Descriptive review map showing the various

Garry oak ecosystem meadow is the rarest covenant to be placed on it.

Island mentality

it can be refused if it doesn't

Province gives us little to do with Transportation

more from property

Rob Bucka

Costco was required to hire someone to determine

Council requested that Costco do a site analysis

2350 Trans-Canada highway and 2418 Millstream Rd

WE don't care about the terms referen not required to

council requires that they perform ne

The re-zoning application should be dismissed.

Yours truly

Joan Russow (PhD)

National Leader of the Green Party of Canada

() THAT in 1997 on August 15 1997 I wrote the following;

PRINCIPLES OF COMPLIANCE: MANDATORY INTERNATIONAL NORMATIVE
STANDARDS (MINS)

EXHIBIT

PRINCIPLES OF COMPLIANCE: MANDATORY INTERNATIONAL NORMATIVE
STANDARDS (MINS)

Socially Equitable and Environmentally Sound Development

Prepared by Dr. Joan E. Russow

Coordinator, Global Compliance Research Project

Federal Leader of the Green Party of Canada

Member, IUCN Commission on Education and Communication

Chair, Urbanization Caucus, formed at NGO forum, Habitat II

Former Sessional Lecturer, Global Issues, University of Victoria

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Tel/FAX (604) 598-0071. e-mail jrussow@coastnet.com.

Circulated in draft form at numerous conferences since the United Nations Conference on Environment and Development (UNCED), and on the internet. Included as part of the Charter of Obligations circulated to state delegations at the UN Conference on Women: Equality, Development and Peace, 1995. Submitted to the Working Group for Establishing Criteria for Discharge Emissions, B.C. Canada, 1996. Submitted to the Canadian Standards Association meeting of the Western Caucus

March 29, 1996 and extended, May 7, 1996, and distributed at May 11, 12 Canadian Standards Association meeting on ISO 14000 in Toronto, distributed to the May 24 meeting of the Western Caucus meeting of the CSA on ISO in Vancouver; and presented in summary form to the Committee II partnership consultation meeting at the Habitat II Conference in Istanbul; and updated with principles from Habitat for the British Columbia Ministry of Environment, CANADA, submitted to public consultation meeting on "Cost Recovery and Process efficiency in Environmental Assessment" Canadian

Environmental Assessment Agency in September 1996, and given to a representative from CIDA (Canadian International Development Agency); displayed at the Forest and

Sustainable Ecosystems Conference in Victoria, September, 1996, and circulated in draft form for comment as the environmental section of the "Istanbul Manifesto". Presented in part at various sessions of the IUCN World Congress of Nature, 1996. These principles have also been submitted to Andrew Speer, the Director of Environment from the World Bank and sent to Maurice Strong from the Earth Council ; and to Dr Wiwa from the Ogoni tribe in Nigeria. Referred to at consultation meeting with External Affairs about submission to Commission on Sustainable Development, and presented to Ambassador John Fraser, Canadian Ambassador on the Environment to the UN. Sent to Earthwatch, Maurice Strong (Earth Council), and Elizabeth Dowdeswell (UNEP). Submitted it to Steven Rockefeller for consideration for the Earth Council's Earth Charter. Circulated for input into the Canada report to the Commission on Sustainable Development.; Circulated to Environment Canada for discussion about Canadian policy for Sustainable Development; Placed on Environment Canada's web site. Left in disk for inclusion on UN NGO Web site.

REPORT ON PRINCIPLES OF COMPLIANCE DERIVED FROM INTERNATIONAL
OBLIGATIONS AND EXPECTATIONS: BASIS FOR ESTABLISHMENT OF
MANDATORY INTERNATIONAL NORMATIVE STANDARDS (MINS)

LEGEND

plain: International Conventions, Treaties and Covenants; Declarations, Conference Agendas, and General Assembly Resolutions

Plain Italics: sections proposed for deletion

plain: underlined: Proposals by NGOs

Outline: sections that have been proposed in documents but may not have been agreed to

bold: categories and proposals made by Global Compliance Research Project

OVERVIEW

It is necessary for citizens to reveal that years of obligations incurred through the Charter of the United Nations, conventions, treaties and covenants, and expectations created through General Assembly resolutions, and commitments made through Conference Action plans have NOT been undertaken, and that most of the obligations, expectations and commitments have neither been discharged nor fulfilled, and that it is time for compliance through action.

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 and the realizing of commitments.

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 years of obligations had been discharged, if these fifty years of expectations had been fulfilled, and if years of commitments had been realized, 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, and of commitments through enacting the necessary legislation and through 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 undertaking by states to ensure that the “private sector” also comply (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 to be bound by its decision. In addition there is no provision for an international court of Compliance where citizens could take evidence of state and corporate non-compliance.

Expectations that have been created from General Assembly Resolutions, Declarations, and commitments made through 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 this report principles related to environmental preservation and protection 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 commitments made 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.

This report delineates a series of principles drawn from international agreements, and couples this series with additional principles suggested by non-governmental organization. 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 submission from the NGOs was included in the official documentation to be circulated by the United Nations.

This report is a preliminary report where the principles are enunciated, and where some of the actions that would need to be undertaken to ensure the adherence to 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.

Following a series of meetings of the Urbanization Caucus at the NGO forum at Habitat II, the members of the Caucus decided to prepare “An Istanbul Manifesto”; this Manifesto will be a 400 page book comprising a collection of resolutions with the preambles drawn from international instruments, and the operative clauses drawn from resolutions from non-governmental sources. Sections from this document will be used to evaluate State compliance with undertakings through various conferences such as UNCED, World Conference on Human Rights, and Habitat II.

PRINCIPLES REFLECTED IN INTERNATIONAL AGREEMENTS: OBLIGATIONS INCURRED AND EXPECTATIONS CREATED

GENERAL GLOBAL URGENCY RECOGNIZED IN INTERNATIONAL AGREEMENTS BY THE UNITED NATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

(See Charter of Obligations, 1995 for a comprehensive list of global recognition of the urgency of the global situation)

ACKNOWLEDGING THE PERPETUATION OF INEQUALITY AND THE DETERIORATION OF THE ECOSYSTEM

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

ACKNOWLEDGING THE NEGATIVE IMPACT OF UNSUSTAINABLE PATTERNS OF CONSUMPTION PARTICULARLY IN INDUSTRIALIZED COUNTRIES

2. We recognize 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)

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)

PRINCIPLES

A goal could be described as the final purpose or end to which a design tends or which a person, institution or any other body aims to attain. Principles, however, do not establish a goal or vision which is unattainable, and which is to be compromised through trade-offs. A principle is a foundation from which anything proceeds, a comprehensive law or doctrine from which others are derived or on which others are founded. Principles give substance to standards. A standard is that which is set up and established by authority as a rule for the measure of value, or that which is established by authority, custom or general consent as an example or criterion. The principle provides the foundation for the standards.

(1)

INTERDEPENDENCE PRINCIPLE

The interdependence principle affirms the interdependence of promoting and fully guaranteeing respect for human rights; ensuring the preservation and protection of the environment; creating a global structure that respects the rule of law, achieving a state of peace; justice and security , and participating in socially equitable and environmentally sound development. These issues will be perceived to be interdependent facets of a potentially viable solution. It is no longer possible to consider in isolation: threats and impacts of war; the use of ecologically unsafe and unsound energy; the loss of ecological integrity; the disposal of toxic and hazardous wastes, including nuclear waste, the disregard for inter-generational and gender equality/equity; the ignoring of health issues related to population and environmental degradation; the perpetuation of the current model of development; the inequitable distribution of resources; the disenfranchised and the enfranchised gap etc.

1.1. RECOGNIZING THE GROWING AWARENESS OF THE INTERCONNECTION OF ISSUES

... 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)

1.2. UNDERTAKING RESEARCH INTO LINKAGES

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)

1.3. RECOGNIZING DEPENDENCE ON 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 (a) UN Resolution, 37/7, World Charter of

Nature, 1982)

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)

ECOSYSTEM PRIMACY PRINCIPLE

Through mandatory international standards, states shall undertake that, in all decisions made about interventions into the ecosystem, the ecosystem shall be given primacy. Through a 1982 General Assembly Resolution 37/7, the majority of states undertook to “Ensur [e] ing that every form of life is unique, warranting respect regardless of its worth to humans” (World Charter of Nature, 1982). Also through General Assembly resolution 37/7 it was recognized 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.

“Ecosystem” is defined in the Convention on Biological Diversity as 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)

Interdependence of biota and the delicate balance and interaction among various ecosystems shall be ensured as well as the integrity of the components themselves.

2.1. RESPECTING OF INHERENT WORTH OF NATURE

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)

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)

2.3. REDUCING THE ECOLOGICAL FOOTPRINT PRINCIPLE

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)

2.4. ACTING UPON THE ACKNOWLEDGMENT THAT THERE ARE LIMITS-TO GROWTH: LIVING WITHIN THE CARRYING CAPACITY OF THE ECOSYSTEM

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, and failure to act upon this acknowledgment is negligence.

* [Find: Quote from Club of Rome]

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.**

2.6. KNOWING 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)

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)

2.8. ENSURING EQUAL ACCESS TO... GREEN SPACES

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 (Article *87(a) Habitat)

2.9 BEING ENTITLED TO ... HEALTHY PRODUCTIVE LIFE IN HARMONY WITH NATURE

human beings are entitled to a healthy and productive life in harmony with nature (Article 23, Habitat II, 1996)

2.10. ENSURING SOCIAL PROGRESS IN HARMONY WITH THE ENVIRONMENT

Sustainable settlements development ensures economic development, employment opportunities and social progress in harmony with the environment

(3)

GLOBE-WIDE STANDARDS PRINCIPLE

3.1. ESTABLISHING GLOBE-WIDE STANDARDS

Through mandatory international normative standards (MINS), the invalid argument that, in a pristine environment that has not yet been polluted by industrial activity, emission standards shall be relaxed. A licence to pollute in a pristine area shall not be given to industry because the area has not yet officially been designated as being polluted would be discredited.

Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations

States shall ensure consistency so that point source discharges, no matter where they are located will be equally affected by the standards.

Standards must ensure acceptable ambient environmental conditions globally. No particular area should be penalized due to a preexisting high quality environment

In no way shall the requirement to ensure consistency be used as a justification for the relaxing of globe-wide standards and technical regulations

3.2. HARMONIZING UPWARD OF THE “PLAYING FIELD”

Through mandatory international standards (MINS) , states shall ensure that the regional, national, and international targets with the highest possible socially equitable and environmentally sound standards shall be drawn upon.

3.3. ENFORCING GLOBE-WIDE PREVENTION, REDUCTION AND ELIMINATION

Through mandatory international standards (MINS), states shall establish and enforce reduction and elimination targets and ensure that corporations including transnationals meet or exceed, globe-wide reduction and elimination targets, Ambient criteria, or environmental quality standards referring to levels of contaminants in the environment must be zero use, production, and release in all cases where a toxic substance is persistent or bioaccumulative, or where substance will generate persistent or bioaccumulative toxic byproducts or breakdown products during its productions, use or disposal (paraphrase of Zero Toxics Alliance Statement of Principles)

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

Zero Toxics Statement of Principles from the “Zero Toxics Alliance Statement of Principles” 7/26/94

1. ... zero use, production , and release of persistent and /or 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.
2. ... elimination and reduction of the use, production , and release of other toxics substances in the environment, workplace and home.
3.the goal of zero use, production, and release applies in all cases where a toxic substances is persistent or bioaccumulative. It also applies when a substance will generate persistent or bioaccumulative toxic byproducts or breakdown products during its production, use or disposal
4. ... advocat[ing] programs that achieve ...goals through reformulation of industrial processes associated with toxics use and production. Limiting discharges and shifting toxics from one environmental medium to another do not protect people or the environment

5. ...reject[ion] of risk assessments which claim that exposures to toxic substances are safe

In addition, in establishing international standards, drafters shall give serious consideration to “bioconcentration”. For example the discharge of mercury was deemed to be at an acceptable level. The mercury, however, was taken up by small organisms becoming more highly concentrated as it moved up the food chain. Biopathways must always be examined”.

3.4.. STRIVING TO ENSURE THAT THE LOCAL, REGIONAL AND NATIONAL TARGETS IN EACH STATE SHALL DRAW UPON THE HIGHEST POSSIBLE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND STANDARDS

Collectively the member states of the United Nations are in a position to drive industry through regulations which establish the highest possible equitable and ecological standards and technical regulations, and to promote the highest possible level global playing field.

3.5. ENSURING GLOBE-WIDE CONSISTENT PROTECTION OF AMBIENT AIR, WATER, AND SOIL QUALITY

Through mandatory international standards, states shall ensure consistent protection considering both variation in air water and soil conditions locally, regionally, nationally and globally; and the variation in effects of different substances emitted. However, ensuring consistent protection also means that states will not transfer their pollution problems onto other jurisdictions nor will states relax or change their standards or technical regulations in order to attract industry.

regulations.

(4)

COMPLIANCE PRINCIPLE

States shall discharge obligations, and fulfill expectations, and shall enact the necessary measures to ensure the discharging of obligations and the fulfilling of expectations in / through mandatory international normative standards (MINS) legislation to ensure that corporations comply.

In Art. 60 of the Convention of Treaties, states are bound to not create situations in which it would be impossible to fulfill treaty obligations; in many cases current ecologically unsound practices result in the impossibility of fulfilling treaty obligations. Also, under the Convention of the Law of Treaties, states are bound, unless specifically mentioned, not to invoke internal law to justify non performance of a treaty obligation (Art. 27).

Through mandatory international normative standards (MINS), states shall comply with all international, national, bilateral and regional agreements, protocols and conventions as a minimum. If there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail. 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” (Section 167). This undertaking was reaffirmed and extended in the Habitat II Agenda to include the “private sector”.

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)

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)

4.1. REFRAINING FROM ACTS THAT WOULD DEFEAT THE PURPOSE

The Law of Treaties has established that there exists 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)

4.2. APPLYING THE DOCTRINE OF LEGITIMATE EXPECTATIONS

The Doctrine of Legitimate Expectations has established an institutional obligation to citizens:

- (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).

(See Russow, J. (1995) Charter of Obligations for A survey of obligations compiled by the Global Compliance Research project.

4.3. ENACTING INTERNATIONAL PRINCIPLES IN STATE LAW AND PRACTICE

The obligation to enact the necessary legislation to ensure compliance has been established in international Conventions, Protocols, Declarations, Covenants, and Resolutions, and has thus become a principle of international customary law. Through international mandatory standards states shall ensure that international obligations are reflected in the law and practice of each State. This international customary law principle has been expressed in numerous international documents for over 20 years. An example of the enunciation of the principle can be found in the UN Resolution 37/7. and reads as follows:

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)

If there is a conflict between international, national, bilateral and regional agreements, the most stringent environmental provisions shall prevail.

4.4 ACKNOWLEDGING THE NEED FOR MORAL CODE OF ACTION IN RESPECT OF NATURE

The World Charter of Nature provided guidance for human respect for and action towards 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), 1982)

4.5. ADOPTING PERFORMANCE STANDARDS

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 **for all industrial activity**, as appropriate (Art. 169 n, Habitat II, 1996)

4.6. 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...(Article 19, Habitat II, 1996)

4.7 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. (Article 50 e, Habitat II)

4.8 ESTABLISHING LEGISLATIVE AND REGULATORY FRAMEWORKS

* 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 (Art. 180 (a), Habitat II, 1996)

4.9 ENSURING OF COMPLIANCE OF PRIVATE SECTOR

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 (Article 148 * e, Habitat II)

4.10 PROMOTING ...ETHICAL PRACTICES

promote transparency, accountability and ethical practices in financial transactions through support from effective legal and regulatory frameworks (Article 61* (d) Habitat II)

4.11. ESTABLISHING MONITORING AND EVALUATING COMPLIANCE WITH ENVIRONMENTAL REGULATIONS AND EFFECTIVENESS OF ENFORCEMENT AT ALL LEVELS

Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels (Article 97 (c) Habitat II);

4.12. IMPLEMENTING LOCAL ENVIRONMENTAL PLANS AND LOCAL AGENDA 21

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 (Article 97 (h)Habitat II)

4.13. PROMOTING COMPLIANCE AND ENFORCEMENT

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (Article 75 d Habitat)

(5)

REGULATOR MUST NOT BE PROMOTER PRINCIPLE

This principle holds that regulators must not promote the continuance of the object or activity over which they regulate. For example, IAEA (The International Atomic Energy Association) that has the responsibility of regulating the civil nuclear industry promotes the use of nuclear energy.

(6)

STANDARDS-DRIVING INDUSTRY PRINCIPLE

Through mandatory international normative standards (MINS) , states shall ensure that standards drive industry rather than industry driving standards. States in conjunction with international standards shall establish regulations that will drive industry. The cost to the environment of continued degradation as a result of not enforcing standards and regulations rather than the cost to industry of environmental regulations shall be paramount.

Socially equitable and sound environmental performance will be determined by mandatory international normative standards (MINS) and technical regulations. These standards and technical regulations have as a foundation international principles related to promoting and fully guaranteeing respect for human rights; to ensuring of the preservation , conservation and protection of the environment; to creating a global structure that respects the rule of law, to achieving a state of peace; justice and security , and to participating in socially equitable and environmentally sound development.

There shall be continuous monitoring to ensure that corporation including transnationals, as well as small operations and the private sector generally are complying with international normative standards and technical regulations. In the event of non-compliance with MINS, the charters of all the corporations including 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. The emphasis of the international mandatory and normative regulatory policy is to ensure that standards drive industry not industry driving standards. To this end all promotion shall focus on developing and implementing BEST (Best Environmentally-Sound Traditions) practices. The environment and ecosystem will determine BEST practices not be “managed”

MINS establishes absolute requirements for environmental performance to satisfy socially equitable and environmentally-sound development.

“Socioeconomic needs”, when referred to in international documents shall be limited to socially equitable and environmentally sound development principles, including fundamental international rights but shall not include a professed right to engage in socially inequitable and environmentally unsound practices.

All impacts of the corporation or business shall be examined even those impacts that normally would be deemed beyond objective quantification. Ignorance by corporations, including transnationals of the deleterious consequences arising from inequitable/ecologically unsound practices shall not absolve corporations from legal responsibility.

6.2 REVOCATION OF CHARTERS PRINCIPLE

In the event of non-compliance with MINS, the charters of all the corporations including 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.

(7)

NON-PROSECUTING FOR DEMONSTRATING FOR COMPLIANCE WITH STANDARDS

States shall not prosecute citizens for demonstrating to protest non-compliance with regional, national or international standards.

(8)

NON-TRANSFERENCE OF MEDIA

Through mandatory international normative standards (MINS) , states shall ensure that polluting substances are not transferred from one media to another (for

example from water to air). in other words pollution prevention is complete prevention instead of displacement of problem

(9)

INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES PRINCIPLE

Through mandatory international standards (MINS) , states shall ensure that every activity or substance that could prevent the protection and , conservation of the environment will be included under regulatory schemes, regardless of whether the activity or substance is presumed to be covered under another Act For example, “atomic wastes” have not been included under the Basel Conventions dealing with hazardous wastes, and currently “forestry” is proposed for exclusion from the Biodiversity Convention rather than being a protocol linked with the Biodiversity Convention, Climate Change Convention, Convention on Desertification or other relative conventions.

(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 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)

This could be generalized into the following form:

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 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, bioaccumulation, bioconcentration; persistence, destruction [depletion] of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change and global climate change, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, thermal discharges, hormone mimicry, egg-shell thinning

Adverse effects include the above environmental effects and effect and impacts on human health.

NOTE: DEFINITION OF 'ENVIRONMENT'

Environment

means the components of the earth and includes:

- (a) air, land, water, sediment, soils
- (b) all organic and inorganic matter, including living organisms such as humans and non-humans
- (c) the interacting ecological systems that include components referred to in subclause (a) and (b)

Adverse effects include the above environmental effects and effect and impacts on human health

12.2. INVOKING THE REVERSE-ONUS PRINCIPLE

Through mandatory international standards, states shall adopt 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.

DISASTER PREVENTION PRINCIPLE

13.1. ENSURING ADEQUATE REGULATORY...MEASURES TO PREVENT 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, 1996)

13.2. PROMOTING THE USE OF TOOLS FOR DISASTER PREVENTION OF NATURAL, ANTHROPOGENIC AND INDUSTRIAL DISASTERS

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 (Article 75 (g) Habitat II, 1996) .

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 greenhouse 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 24. Habitat II, 1996) .

13.3. IMPROVING NATURAL AND HUMAN-MADE DISASTER PREVENTION

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**: (Article 126, Habitat II, 1996)

13.4. INCLUDING PARTICIPATION IN RECOGNIZING VULNERABILITY TO HUMAN-MADE AND NATURAL DISASTERS

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 (Article 126 a bis Habitat II, 1996) ;

13.5 ENSURING REGULATIONS THAT WILL PREVENT PREVENTABLE ANTHROPOGENIC DISASTERS

ensuring regulations that will prevent preventable anthropogenic disasters and encourage continued *mobilization of* domestic and international resources for disaster reduction activities **for non-preventable disasters (Article 126 (b) Habitat II, 1996) ;**

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, and in 1994, and 1996 resolutions from the IUCN have called for the phasing out of the use 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.

13.6 PREVENTING DISASTERS THROUGH BUILDING A CULTURE OF SAFETY

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 (Article * 127 (d) Habitat II, 1996)

In order to prevent technological and industrial disasters, governments at the appropriate levels, including local authorities, as appropriate, should

(Article * 127 bis :

Pursue the objectives of preventing major technological accidents and limiting their consequences through, inter alia, land-use policies and the promotion of safe technology (Article 127 (a) Habitat II, 1996)

13.7. REMOVING IMMEDIATELY ANTI-PERSONNEL LAND MINES

Support work for immediate removal of anti-personnel land mines following the cessation of armed conflict (Article 128 (i) Habitat II, 1996) ;

13.8. PREVENTING POLLUTION AND EXPOSURE TO POLLUTION

DISCOURAGING DISPROPORTIONATE SITINGS

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 (Article * 84 e ter Habitat II, 1996)

13.9. PREVENTING AND MITIGATING ADVERSE ENVIRONMENTAL IMPACTS

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 (Article * 79 Habitat II, 1996) .

13.10. REDUCING SIGNIFICANTLY OR ELIMINATING ENVIRONMENTALLY HARMFUL SUBSIDIES

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 122 (e) Habitat II)

13.11. TAKING INTO ACCOUNT INTERNATIONAL AGREEMENTS AND INSTRUMENTS

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. (Article 99 bis Habitat II)

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.

13.12. INVOKING THE REVERSE-ONUS PRINCIPLE

Through mandatory international standards, states shall adopt 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

[NOTE THAT THE HONORABLE SHEILA COPPS, WHEN SHE WAS THE MINISTER OF ENVIRONMENT OF CANADA HAS CALLED FOR THE IMPLEMENTATION OF THE REVERSE ONUS.]

BUTTER FINGERS

AUGUST AUGUST

() THAT I BEGAN DISCUSSING CHARTER CHALLENGE OF First Past the post

>Dear Chris

>

>I am just getting back into the party after being away for a month. Before

>I left I was talking to Steve Kisby about the proposal by the lawyer in

>Toronto to get his law students involved in putting forth a case for

>proportional representation. I understand that Steve contacted you, and I
>was wondering if you could brief me about the progress of the proposal.

I wish I knew as well. I have not heard anything since Steve's call. I emailed him but no response... I will copy this message to him.

>I was in Mexico during the election and had a chance to talk with the
>leader of the Green party in Oaxaca, and she explained the way the
>proportional representation worked there. I also talked with a German in
>Guatemala about the system in Germany. During the election I was often
>asked about proportional representation systems in other countries. Do you
>have information about the systems in other countries. In the brochure that
>Steve sent me some of the systems were compared i.e. total proportional rep
>system as is in Israel and the Mixed system in Sweden.

I am re-editing a document I compiled... I will email it to you once it is finished. It has basic information about the different electoral systems.

The only other PR system that is in use is the Single Transferable Vote system, which allows voters to rank candidates. To be proportional requires each district (riding) to have 4-6 seats to be won. Ireland, Australia both use this system.

I emailed Wally, but I will propose to you the idea of the GPC in setting up a "PR Action Committee" whose mandate would be to develop a strategy to work towards making PR a national issue.

I was thinking it would work with other parties, individuals and even invite

international observers to come to Canada to educate us about how PR works over there... what do you think?

>Bye for now

>

>Thanks

>

>Joan

() THAT in1997 I circulated a document about the Green Party and its role as the Unofficial Opposition

EXHIBIT

August 5 1997

Dear Green Party members

Thank you all for your support during the election: those who ran as candidates, those who ensured that the Green Party remained an official party, those who worked in riding offices, those who submitted well needed research, those who canvased, those that fund raised, or contribute to the campaign.

Given that the current parliament is primarily a pro-economic-growth-at any cost parliament, we have an important role to play as "the real opposition" or the "unofficial opposition". I will be attending the UNCED +5 in New York June 25-27 where I will be able to address some of the issues.

Joan Russow

INITIAL PUBLIC TRUST "UNOFFICIAL-OPPOSITION" ACTIVITIES

CONSTITUENCY

- Strengthen constituency offices, support local activists groups on various issues, set up Green party clubs at the College and University

- Organize issue meetings in the community to continue the dialogue begun during the election. Invite local politicians to be accountable to the citizens through the public process.

• SUGGESTIONS FOR EXPANDING THE GREEN PARTY INTO THE COMMUNITY AND INTERNATIONALLY

RESEARCH AREAS

- Set up a Research Group to be carrying out leading edge research on the issues so that the Green party can proactively raise the issues rather than always being in a position of responding to issues
- Establish stronger ties with other Green parties throughout the world

AREAS THAT NEED FURTHER RESEARCH

At several of the public meetings I undertook to carry out a number of activities. Some of the activities are listed below, and may require extensive research.

- Document and report on the extent to which Canadians are deriving income from socially inequitable and environmentally unsound employment such as the 25,000 jobs created through the sale of the CANDU reactor to China, jobs promoting car-dependency, jobs causing deforestation, jobs mining uranium, jobs contributing to arms production, jobs in producing toxic, hazardous, and atomic substances and wastes including jobs in the transporting of toxic, hazardous and atomic wastes, and jobs in violence training in the military. etc., and jobs in promoting corporate competitiveness in these areas
- Examine the nature and extent of the relationship between the Reform position on human rights and the international fundamentalist Christian movement instituted to undermine almost 50 years of international human rights documents. In addition, research has to be done into examining patterns of thought in reform that would link them closely with fundamentalist groups in US. Excellent research is being done on the Reform Watch Website. Additional information needs to be added.
- Synthesize information on a range of issues, and if no information carry out research on the issue

CLARIFY POSTION PIECES

- Strengthen the perception of the Green party as being a party supporting the interdependence of issues: guaranteeing human rights, protecting the environment, ensuring social justice, and working towards socially equitable and environmentally sound employment

Position pieces on trade organizations such as OECD and APEC

Position, and on trade conferences such as GLOBE

-position pieces on trade agreements such as NAFTA, WTO, MAI, GATT

-position pieces on "environment industry" — anti-regulatory-clean-up-after the fact-industry

-corporate involvement in public education (elementary and high school) and at the university and college level

- SUGGESTIONS FOR FURTHER RESEARCH

CONTINUED ACTIONS

- Document and report on the range of intrusion of corporate sector into decision making process
- Expose federal and provincial non-compliance with international obligations such as failure to move away from car-dependency (habitat II, 1996), failure to reduce the ecological footprint (Habitat II, 1996) failure to ban ozone depleting substances (, failure to reduce CO2 emissions and preserve carbon sinks such as old growth forests (Framework convention on Climate Change); failure to prevent disasters (Habitat II, 1996 such as the transfer of plutonium for use in CANDU reactors, and the continued visits of

nuclear-powered vessels; failure to conserve biodiversity and carry out an environmentally assessment review of actions that could contribute to reduction or loss of biodiversity (Convention on Biological Diversity, 1992); failure to guarantee the right to shelter and the right to food (International covenant on Social, Economic and Cultural Rights, 1966), and to reduce the military budget and transfer the savings into social programs (General Assembly Resolution, 1981)

- File a request with the Treasury Board with a copy to the Auditor General's office requesting a clarification and explanation of the nature and extent of the billions of dollars spent through various government departments on the promoting of corporate competitiveness, and expose misplaced government spending

- Carry out a line by line analysis of the MAI in conjunction with US researcher on the non-compliance with previous international obligations incurred through the Charter of the United Nations, Conventions and Covenants, with previous expectations created through General Assembly resolutions and declarations, and with previous commitments made Circulated a resolution at the UN, resolution calling upon the UN to urge the OECD to discontinue all further discussion of MAI because MAI undermines over 50 years of UN Instruments (i) guaranteeing human rights; (ii) protecting and preserving the environment; (iii) promoting social justice and non-violent communities and equitable distribution of resources; (iv) creating socially equitable and environmentally sound employment; (v) preventing war and conflict. This resolution will be furthered at the UN

- Lobby against the APEC meetings, and participate in the No-Apec Conference in Vancouver in October

- Submit a report to the UN High Commission on Human Rights —the UN organ responsible for the implementation of the International Covenant on Civil and Political Rights, on the substantive inequalities present in the current electoral system in Canada

- Write a letter of support for Quebec in French to the Media in Quebec to attempt to counteract Premier Bouchard use of the Reform vote in B.C. and Alberta to justify separation, and dealing with Gordon Gibson's proposal for BC separation.

URGENT ISSUES

1. Need to work on participation in NO-APEC

1. Need to address issue that Japan is using the Climate Change Conference follow-up in Kyoto to promote nuclear

- to work with nuclear groups to oppose the use of plutonium from Dismantled Nuclear weapons in Russia and Us in the form of MOX in CANDU reactors in Canada

- to address the widespread use of injunctions and arrests of citizens and condemning them as criminals

EXHIBIT: AUG 1997

ATTENTION: DAVID LENNAM

FAX 598 1896

MESSAGE: piece on Mai

In 1971 prior to the UN Conference on humans and the Environment (UNCHE) the OECD expressed concern not about the cost to the environment of not having regulations but the cost of regulations.

Joan Russow

We call upon the OECD to cease all negotiations on the Multilateral Investment Agreement (MAI). This agreement attempts to bypass standards that have arisen from the obligations incurred through UN conventions, treaties, and covenants, and commitments made through Conference Action plans. The MAI has co-opted the term standards which has been used in other international instruments to designate behaviour related to the guaranteeing of human rights, the protecting of the environment, and the preventing of war and conflict. In MAI the term "high standard refers to high standards for the liberalization of investment regimes and investments. In this context the term "standards" is being used to undermine years of standards set in the international realm in the areas of human rights, environment, peace and social justice. While the United Nations is negotiating the follow-up to the UNCED, the OECD is undermining the UN process by setting up their own international agreement to promote the vested interest of the corporate sector. The MAI agreement has been slated for completion by May 1997. Immediate action must be taken to prevent the institutionalization of this agreement.

This OECD agreement affirms that "accession to the MAI would send a signal to investors that the acceding country subscribes to high standards of investment liberalization and protection, thus giving it a competitive edge."

It should be noted that the member states of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, international law, including international environmental law". (Platform of Action < UN Conference on Women; Habitat II Agenda).

The OECD is serving to undermine the international political resolve to ensure compliance with international obligations arising from Conventions, treaties, and covenants, and to ensure acting upon international commitments made through conference action plans.

This role of the OECD parallels a similar process that occurred in 1971 when the OECD expressed not concern about the cost to the environment of not having environmental regulations but the cost of environmental regulations.

Urge OECD countries to discontinue all further negotiations of MAI whose “standards of investment” undermine principles derived from member states obligations, expectations, and commitments through international law.

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.

() **THAT** I co-authored a press release on salmon aquaculture

EXHIBIT

ASK NOT WHETHER BUT HOW: QUESTIONABLE ENVIRONMENTAL IMPACT ASSESSMENT OF SALMON AQUACULTURE

MEDIA RELEASE AUGUST 26, 1997

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) Leader of the Green Party of Canada 250 598-0071

David White, Environment Critic, Green Party of B.C. 250 479-3332

fundamentalism

split

alternate families

reform watch

HEALTH ISSUES

- proposed

YOUTH AND STREET PEOPLE

not allow to sit, kneel lie down, lean

INITIAL PUBLIC TRUST "UNOFFICIAL-OPPOSITION" ACTIVITIES

CONSTITUENCY

- Strengthen constituency offices, support local activists groups on various issues, set up Green party clubs at the College and University
- Organize issue meetings in the community to continue the dialogue begun during the election. Invite local politicians to be accountable to the citizens through the public process.

• SUGGESTIONS FOR EXPANDING THE GREEN PARTY INTO THE COMMUNITY AND INTERNATIONALLY

RESEARCH AREAS

- Set up a Research Group to be carrying out leading edge research on the issues so that the Green party can proactively raise the issues rather than always being in a position of responding to issues
- Establish stronger ties with other Green parties throughout the world

AREAS THAT NEED FURTHER RESEARCH

At several of the public meetings I undertook to carry out a number of activities. Some of the activities are listed below, and may require extensive research.

- Document and report on the extent to which Canadians are deriving income from socially inequitable and environmentally unsound employment such as the 25,000 jobs created through the sale of the CANDU reactor to China, jobs promoting car-dependency, jobs causing deforestation, jobs mining uranium, jobs contributing to arms production, jobs in producing toxic, hazardous, and atomic substances and wastes including jobs in the transporting of toxic, hazardous and atomic wastes, and jobs in violence training in the military. etc., and jobs in promoting corporate competitiveness in these areas

- Examine the nature and extent of the relationship between the Reform position on human rights and the International Fundamentalist Christian movement instituted to undermine almost 50 years of international human rights documents. In addition, research has to be done into examining patterns of thought in reform that would link them closely with fundamentalist groups in US. Excellent research is being done on the Reform Watch Website. Additional information needs to be added.

- Synthesize information on a range of issues, and if no information carry out research on the issue

CLARIFY POSTION PIECES

- Strengthen the perception of the Green party as being a party supporting the interdependence of issues: guaranteeing human rights, protecting the environment, ensuring social justice, and working towards socially equitable and environmentally sound employment

Position pieces on trade organizations such as OECD and APEC

Position, and on trade conferences such as GLOBE

-position pieces on trade agreements such as NAFTA, WTO, MAI, GATT

-position pieces on "environment industry" — anti-regulatory-clean-up-after the fact-industry

-corporate involvement in public education (elementary and high school) and at the university and college level

• *SUGGESTIONS FOR FURTHER RESEARCH*

CONTINUED ACTIONS

- Document and report on the range of intrusion of corporate sector into decision making process
- Expose federal and provincial non-compliance with international obligations such as failure to move away from car-dependency (habitat II, 1996), failure to reduce the ecological footprint (Habitat II, 1996) failure to ban ozone depleting substances (, failure to reduce CO2 emissions and preserve carbon sinks such as old growth forests (Framework convention on Climate Change); failure to prevent disasters (Habitat II, 1996 such as the transfer of plutonium for use in CANDU reactors, and the continued visits of nuclear-powered vessels; failure to conserve biodiversity and carry out an environmentally assessment review of actions that could contribute to reduction or loss of biodiversity (Convention on Biological Diversity, 1992); failure to guarantee the right to shelter and the right to food (International covenant on Social, Economic and Cultural Rights, 1966), and to reduce the military budget and transfer the savings into social programs (General Assembly Resolution, 1981)
- File a request with the Treasury Board with a copy to the Auditor General's office requesting a clarification and explanation of the nature and extent of the billions of dollars spent through various government departments on the promoting of corporate competitiveness, and expose misplaced government spending
- Carry out a line by line analysis of the MAI in conjunction with US researcher on the non-compliance with previous international obligations incurred through the Charter of the

United Nations, Conventions and Covenants, with previous expectations created through General Assembly resolutions and declarations, and with previous commitments made Circulated a resolution at the UN, resolution calling upon the UN to urge the OECD to discontinue all further discussion of MAI because MAI undermines over 50 years of UN Instruments (i) guaranteeing human rights; (ii) protecting and preserving the environment; (iii) promoting social justice and non-violent communities and equitable distribution of resources; (iv) creating socially equitable and environmentally sound employment; (v) preventing war and conflict. This resolution will be furthered at the UN

- Lobby against the APEC meetings, and participate in the No-Apec Conference in Vancouver in October
- Submit a report to the UN High Commission on Human Rights —the UN organ responsible for the implementation of the International Covenant on Civil and Political Rights, on the substantive inequalities present in the current electoral system in Canada
- Write a letter of support for Quebec in French to the Media in Quebec to attempt to counteract Premier Bouchard use of the Reform vote in B.C. and Alberta to justify separation, and dealing with Gordon Gibson's proposal for BC separation.

URGENT ISSUES

1. Need to work on participation in NO-APEC
2. Need to address issue that Japan is using the Climate Change Conference follow-up in Kyoto to promote nuclear
 - to work with nuclear groups to oppose the use of plutonium from Dismantled Nuclear weapons in Russia and Us in the form of MOX in CANDU reactors in Canada
 - to address the widespread use of injunctions and arrests of citizens and condemning them as criminals

fundamentalism

split

alternate families

reform watch

HEALTH ISSUES

- proposed

YOUTH AND STREET PEOPLE

not allow to sit, kneel lie down, lean

bylaw fines

arrest people

not enforcing it

hassel people

McLeans did a feature

Nancy Parker

386-2347

() **THAT** I drafted and circulated a Treaty of State and Corporate Compliance: the Nemesis of MAI

EXHIBIT: AUG 1997

ATTENTION: DAVID LENNAM

FAX 598 1896

MESSAGE: piece on Mai

In 1971 prior to the UN Conference on humans and the Environment (UNCHE) the OECD expressed concern not about the cost to the environment of not having regulations but the cost of regulations.

Joan Russow

We call upon the OECD to cease all negotiations on the Multilateral Investment Agreement (MAI). This agreement attempts to bypass standards that have arisen from the obligations incurred through UN conventions, treaties, and covenants, and commitments made through Conference Action plans. The MAI has co-opted the term standards which has been used in other international instruments to designate behaviour related to the guaranteeing of human rights, the protecting of the environment, and the preventing of war and conflict. In MAI the term "high standard refers to high standards for the liberalization of investment regimes and investments. In this context the term "standards" is being used to undermine years of standards set in the international realm in the areas of human rights, environment, peace and social justice. While the United Nations is negotiating the follow-up to the UNCED, the OECD is undermining the UN process by setting up their own international agreement to promote the vested interest of the corporate sector. The MAI agreement has been slated for completion by May 1997. Immediate action must be taken to prevent the institutionalization of this agreement.

This OECD agreement affirms that "accession to the MAI would send a signal to investors that the acceding country subscribes to high standards of investment liberalization and protection, thus giving it a competitive edge."

It should be noted that the member states of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, international law, including international environmental law". (Platform of Action < UN Conference on Women; Habitat II Agenda).

The OECD is serving to undermine the international political resolve to ensure compliance with international obligations arising from Conventions, treaties, and covenants, and to ensure acting upon international commitments made through conference action plans.

This role of the OECD parallels a similar process that occurred in 1971 when the OECD expressed not concern about the cost to the environment of not having environmental regulations but the cost of environmental regulations.

Urge OECD countries to discontinue all further negotiations of MAI whose “standards of investment” undermine principles derived from member states obligations, expectations, and commitments through international law.

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.

() **THAT** I co-authored a press release on salmon aquaculture

EXHIBIT

ASK NOT WHETHER BUT HOW: QUESTIONABLE ENVIRONMENTAL IMPACT ASSESSMENT OF SALMON AQUACULTURE

MEDIA RELEASE AUGUST 26, 1997

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) Leader of the Green Party of Canada 250 598-0071

David White, Environment Critic, Green Party of B.C. 250 479-3332

SEPTEMBER SEPTEMBER

September September 1997

1997 I drafted a resolution addressing the issues in the Slocan valley

EXHIBIT

SEPTEMBER 1 1997

RESOLUTION Slocan

WHEREAS Canada, as a signatory, is bound to perform any treaty in good faith by ensuring the necessary conditions are in place for the performance of the treaty.

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 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 conditions 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 observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)
- (iv) 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)

Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties. `

WHEREAS

In the "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power", the following references are made to international law and federal and provincial legislation:

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.

The "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" appeared to ensure that the treaty would be performed either by enacting the necessary legislation prior to becoming a party:

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.

In either case, it would appear that Canada has indicated in this document that the necessary legislation will be in place in order to perform the obligations under the treaty.

In an internationally legally binding document such as the Biodiversity Convention, and the Framework Convention on Climate Change, either the enabling legislation was in place prior to signing the treaties, or Canada is bound to enact legislation to enable Canada to perform its Treaty obligations in such a way as to ensure that it will not defeat the purpose of the treaty. This external affairs convention has to also be considered in conjunction with article 18 of the Vienna Convention on the Law of Treaties. Canada it would appear would not be able to defeat the purpose of the treaty from the moment of signing, and in order to comply with this provision Canada would have to ensure that the necessary legislation would be in place to prevent Canada from defeating the purpose.

If the provinces have followed the External Affairs convention then they would have assured the federal government that the necessary legislation either was or would be in place to ensure not only the fulfillment of obligations under the treaty but also the prevention of activities that could defeat the purpose of the treaty. If so, it can be presumed that the provinces will be equally responsible for fulfilling the obligations. The implications of this constitutional convention will be considered further in relation to the subsequent section dealing with the Labour Convention case which examines constitution provisions and treaties.

WHEREAS

In the BC Litigation publication, Justice J.A. Norris described the nature of the injunctive remedy in British Columbia Law in the following way:

The remedy [of injunction] of course, is an equitable one. ' The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances. (Justice J.A. Norris)

Under Article 27 of the Vienna Convention on the Law of Treaties, Canada is bound to not invoke Internal law to justify failure to perform a treaty:

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Neither the internal law of the B.C. Government's land use decision regarding Slocan, nor the internal law of judicial injunctions justifies failure to meet the provisions within the Conventions.

Slocan forest Products by applying for an injunction and the Court's granting this injunction, the Courts have permitted the continuation of practices that are in violation of the Biodiversity and Climate Change Conventions. The Courts have inadvertently encouraged non-compliance with international law.

In addition, Canada, if not having notified otherwise, is bound by what occurs in B.C.

Under Article 29 of the Convention of Law of Treaties, "territorial scope of treaties", Canada is bound throughout its territory including all provinces and territories:

Unless a different intention appears for the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

If Canada has expressed a different intention, then it is important that the other states of the world know that when Canada signs an international agreement in areas over which provinces have jurisdiction, the provinces are not bound. Citizens from countries that have endorsed the self-executing principle related to international law presume that if Canada signs and ratifies a treaty that the treaty obligations are binding on all the parts of the country including provinces and territories

WHEREAS the granting of injunctions could be deemed to be the invoking of internal law, and it could be argued that the granting of the injunction could contribute to non-compliance with treaty obligations.

WHEREAS Time and circumstances are reflected in obligations incurred through international conventions, treaties and covenants; commitments from conference actions plans, and expectations created through General Assembly resolutions.

WHEREAS

Canada is bound not to create a situation, such as the reduction and the loss of biodiversity in the coastal temperate rain forest ecosystems, the disappearance of significant carbon sinks, or the fragmentation of sites of outstanding universal value. All these situations would make it impossible to fulfill its obligations under the conventions.

Article 61

Supervening impossibility of performance

1. a party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty”.

2. 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 obligation under the treaty or of any other international obligation owed to any other party to the treaty.

Canada, by not ensuring that the necessary legislation and enforceable law were in place to prevent activities that could defeat the purpose of the Conventions, could permanently "destroy ... an object indispensable ..." such as the biodiversity in significant old growth stands or the carbon sinks of the old growth forest. The reduction and loss of biodiversity, as well as the elimination of carbon sinks of old growth forest could be contributing to a situation that would make it impossible for Canada to fulfill its obligations under the Conventions. By continuing with clear-cut logging and fragmenting currently unfragmented areas, Canada through B.C.'s practices of fragmenting old growth forests may be creating a situation where the object (the pristine old growth forest of outstanding universal value) could fail to fulfill the criteria for being identified as World Heritage Site under the UN Convention for the Protection of Cultural and Natural Heritage (1972).

WHEREAS

rights in the light of a "profit a prendre" are conditional rights, and entail a complementary responsibility. Non-compliance with statutory law should have been taken into consideration when the equitable remedy of an injunction was granted

WHEREAS

B.C. has failed to even invoke its own provincial legislation to ensure that it is not in violation with international obligations. The B.C. Ministry of forests has not invoked section 60 of the Forest Act; a section which has given the government discretionary powers to suspend Tree Farm Licenses indefinitely if there is evidence of damage to the natural environment through non-compliance with the Act. There is evidence that the Federal Government and provincial government have failed to enforce their own legislation. Although there have been some

convictions against MacMillan Bloedel, the legislation has not been sufficiently enforced, and as a result of non-enforcement international obligations have not been fulfilled.

This section has been enforced by the Ministry of Forests not in a punitive way but in a mitigative way, and consequently no licenses have been suspended for forest practices that have caused serious damage to the natural environment, and canceled under section 61 (cancellation of licenses). If the Ministry of Forests had voluntarily enforced its own legislation, or if there had been a writ of mandamus from the courts to require the Ministry to enforce the Forest Act then the "serious damage to the natural environment" which has occurred would have been minimized. The demonstrations in the forests in the little remaining old growth forests could be attributed in part to the years of the Forest Industries non-compliance to the Forest Act and to the years of reluctance on the part of government and the courts to enforce the Forest Act.

WHEREAS Ministry of Forests been not enforcing its own legislation but that it has also contributed to the violation of the silviculture sections of the Forest Act.

There has been evidence for years that the forest industry has failed to fulfill its obligations related to silviculture and that the government of B.C. has failed to enforce sections in the Forest Act, which require adequate silviculture.

.

WHEREAS citizens in the Slokan have been arrested for asking for little more than for Canada and B.C to live up to their international obligations and the government of B.C. to enforced its own statutory law

BE IT RESOLVED THAT

The Attorney General be called upon to rectify the miscarriage of justice

- the injunction in the Slokan valley be set aside
- All further logging in the Water shed will cease
- Slokan 's claim to a right in the light of a profit a prendre should be discounted

BE IT FURTHER RESOLVED THAT

There be an investigation by the Attorney General into the failure to enforce sections 59,60 and 61 of the Forest Act

arty

BE IT FURTHER RESOLVED THAT

- the Federal Government be requested to seek an advisory opinion from the International Court of Justice on Canada's compliance with its international obligations.

Joan Russow PhD

National leader of the Green Party of Canada

() **THAT** in 1997 Participated in a campaign to take the US to the International Court of Justice for its plutonium fueled Cassini launch

Worked with Ross Wilcocks, and law professor Francis We were trying to find a state that would be willing to take the US to the International Court of Justice

() THAT in 1997, on September 10, I assisted in the drafting of the Caledon declaration for the Caledon Institute of Social Policy

EXHIBIT

THE CALEDON DECLARATION (draft)

Recommendations for Action by Participants of the

Interdisciplinary Conference on The Evolution of World Order:

Building a Foundation for Peace in the Third Millennium

Ryerson Polytechnic University. Toronto, Ontario, 1997/06/6-7

SGL Centre for Culture and Education, Caledon, Ontario, 1997/06/08

PREAMBLE

The well-being of Planet Earth needs our attention. M. Gorbachev gave a list for action priorities in the mid 1980s . Spiritual and scientific

leaders have recommended drastic changes in humankind's attitude towards our environment in the late 1980s. The Institute of Electrical and Electronic Engineers' Society on Social implications of Technology has issued a call for action in 1991. The Union of Concerned Scientists has issued a Warning to All of Humanity to change habits lest our planet Earth be irreversibly mutilated. The Warning is signed by thousands of senior scientists around the world, among them more than 100 Nobel Laureates. The participants of the Interdisciplinary Conference on the Evolution of World Order: Building a Foundation for Peace in the Third Millennium have gathered at the Soka Gakkai Canada Centre for Culture and Education in Caledon to contemplate and recommend courses of action that were believed to be beneficial and necessary for the CONTINUED well-being of our home, the Planet Earth. In several working groups the following actions were recommended.

ECONOMICS AND SOCIAL JUSTICE WORKING GROUP

ISSUE: Disparities in wealth between rich and poor are growing internationally. We must reduce these disparities, particularly those between rich and poor nations.

ACTIONS: There are five areas of recommendations for action:

1. The OECD Multilateral Agreement on Investments

As explained by Professor John McMurtry in his presentation at this conference, the Multilateral Agreement on Investments (MAI) currently being negotiated by the 29 OECD governments, including Canada, strips these democratically elected governments of the power to enforce international

agreements or to control in any way the activities of transnational corporations in their countries. The agreement puts transnational corporations above the national law, with no obligation to benefit the economic development or protect the human and natural resources of host countries. This agreement sets the stage for increasing disparities due to wealth accumulation by transnational corporations at the expense of the host countries. As such, we recommend that the OECD nations should not be permitted to implement the MAI. To that end, the following messages will be sent to the Canadian Government and the United Nations. Efforts to mobilize similar responses from within other OECD States will also be undertaken. The working group of Interdisciplinary Conference on the Evolution of World Order has resolved to communicate to the General Assembly of the United Nations its profound concern about and opposition to the extra-parliamentary and closed negotiations by the OECD of the Multilateral Agreement on Investment (MAI). Through this agreement, foreign corporations may systematically subvert and alienate the sovereign rights and responsibilities of the member States and their citizens regarding the ownership and access to domestic's natural, social and cultural resources, assets and markets. Mindful that for over 50 years of the United Nations, member States have incurred numerous obligations through the UN Charter, Treaties, Conventions and Covenants, have created expectations through General Assembly resolutions and declarations, and have made commitments through Conference Action Plans, Public Trust, and International Law; Recognizing that these obligations, expectations and commitments have been undertaken to guarantee human rights including the rights of labour, to protect and preserve the environment, to prevent war and conflict and to promote social justice; mindful also, that under the Charter of the United Nations, member States must respect and comply with the rule of law;

Concerned that the OECD through the Multilateral Agreement on Investment (MAI) will bypass standards that have arisen from the obligations, expectations and commitments in the UN process and is undermining the integrity, the jurisdiction, and the authority of the United Nations; we call upon the United Nations to urge the OECD to cease all negotiations on the Multilateral Agreement on Investment (MAI).

2. Taxation and Custom Duties.

Changes in taxation and custom duties should be considered on the principle that these should serve the purpose of the redistribution of wealth. Three changes are proposed: Tax a fraction of one percent of each international currency transaction, in order to reduce speculation which increases the international wealth disparities. Domestically, each government should work toward introducing or reinforcing effective progressive income tax on individuals and corporations, while simultaneously phasing out all forms of sales tax which are known to be regressive. Domestically, each government should protect agriculture and agricultural processing, if need be through custom duties, to ensure control of local food production.

3. Domestic Capital Formation Versus Foreign Investment

International economic equality would greatly benefit from determined encouragement of domestic capital formation, in preference to, and as a replacement for the injection of foreign capital, with the goal of increasing domestic productive/reprocessing capacity and reducing the dependence of less developed countries upon rapid exploitation and export of raw natural resources.

4. Social Auditing of Corporations

We support and encourage improvement upon current efforts to develop social auditing of corporations with respect to environmental protection, job creation and contributions to the public good in the communities within which they operate.

5. The Impact of Developing Technology

We are concerned about the development of technology which may have diminishing returns for society, to the point of possibly becoming negative. Technology can lead to unemployment and environmental damage and may even reduce total economic output. This issue should be given more study.

DISARMAMENT AND THE ARMS TRADE WORKING GROUP ISSUE:

Canada has a not-quite arms length dependence on nuclear weapons. To maintain Canada respect for international law, and the stability of the command structure of the Canadian forces it is required that Canada reduce its reliance on Nuclear Weapons through NATO or NORAD, and increase Canada's reliance on the United Nations for keeping the peace.

ACTIONS: We recommend that the Canadian government recognize the July 1996 International Court of Justice ruling on nuclear weapons by supporting at the UN the establishment of a nuclear weapons convention with time-bound steps to global nuclear disarmament under effective international controls.

Resolution on Canada and Nuclear Weapons We call upon Canada to give notice of termination to all allies or alliances which entail such dependence.

These include membership in NATO and NORAD. In preparation for the above, Canada should terminate preparations for NATO flight training at Cold Lake, Alberta; renewals of arrangements and expanded arrangements for low-level flight training over the Innu territory in the Labrador - Quebec corridor;

For this, Canada should: give notice of non-renewal of existing contracts for such training; collaborate as necessary with the government of British Columbia to bring an end to the use of Canadian waterways for routine U.S. naval operations - torpedo testing in Nanoose Bay, for instance.

ISSUE: Weapons Exports

ACTIONS: The Canadian government should adopt an open accountability process on weapons exports with a view to total elimination of such exports. A like action is recommended to all national governments. The process will include: establishment of fiscal use standards which will exclude export, whether direct or indirect, of all weapons including dual purpose devices to repressive regimes and human rights violators; inclusion of NGOs, as observers, in the determination process for all weapons exports; schedule drop to zero of all Canada's weapons exports; active promotion of industrial conversion from military to civilian production.

POPULATION AND DEVELOPMENT WORKING GROUP

This group discussed development as change which includes equitable sharing of resources, ecological and cultural carrying capacity, and empowerment of populations. Development should ensure the empowerment of women.

ISSUE: Every issue is a population issue because we are speaking about the effect of one population on another, and of environmental effects etc. when any kind of action occurs. When we talk about population we have to be a lot rather than a little conscious that we are talking about women. Women's voices have to be assured rather than encouraged. One of the challenges of global citizenship is to see everyone as an equal part of that citizenship with the right to work towards determining their own outcome.

ACTIONS: Our action plan is primarily to convince Canada to double its funding (to 100 million dollars) and meet its commitments which were stated at Cairo and reaffirmed at Beijing. The people that we propose to contact are the Minister responsible for CIDA, the Human Rights Commissioner, the President of the UN Population Fund, the President of International Planned Parenthood Federation, and the SGI organization.

UN REFORM /PEACE & SECURITY WORKING GROUP

We quote from Professor Anatol Rapoport's presentation to the conference in which he discusses three modes of social control, namely coercion, exchange, and integration: ... "It has become increasingly evident that only global integration can secure survival of humanity"

ISSUE: The UN, in its present form cannot secure global integration, it is in trouble. The UN Security Council is dysfunctional. The Security Council is not a democratic body. There should be no veto powers in Security Council. There should be regional groups, and democratization between civil society and States. The United Nations must be made stronger, more effective, relevant and representative. To this end we recommend that several actions be taken.

ACTIONS:

1. Membership in Security Council shall be contingent upon having submitted full and timely payment of dues, having signed and ratified existing conventions and treaties, and having fulfilled expectations created through General Assembly resolutions and declarations.
2. The Security Council must become more representative of current global, regional and national interests through appropriate changes in membership: e.g. Regionalize UN Security Council, with subsidiary continental assemblies.
3. The international community should limit the use of the application of veto to matters of relevance to international peace and security with the aim of the eventual and permanent removal of the veto.
4. The adoption of a common, auxiliary language for all in order to promote efficiency, foster dialogue and facilitate global understanding.
5. Study of effective means to foster compliance with all membership obligations and responsibilities. Citizen Reporting for Verification of Disarmament Treaties is recommended.
6. The speedy creation of an effective and independent International Criminal

Court; and support expanding the compulsory jurisdiction of the International Court of Justice; so that the force of law replaces the law of force. 7. Establishing a "Civil Society/NGO Forum" that meets annually to provide input into the UN General Assembly deliberations. 8. Establishing a Rapid Deployment Force to relieve individual nations from playing a policing role in the world. The United Nations will be asked to implement these reforms. In particular, it shall be submitted to Maurice Strong who is in charge of the UN's own reform efforts.

ENVIRONMENT WORKING GROUP

ISSUE: The current focus of the Canadian resource extraction industry is on export of "raw" resources. Canada suffers from using an unsustainable "industrial model" (large scale activities carried out by multinational corporations) of resource extraction in Canada.

ACTIONS: The working group encourages companies and governments to engage in:

Green-Energy Accounting. Diversify to value-added industries (e.g. make furniture and sell that - not logs); to use additional tariffs on raw lumber exports to the U.S. to support the above. This will promote individual quality of life and responsibility for sustainable development. .Research and implement alternatives to the unsustainable "industrial model". .We strongly protest the weakening and elimination of environmental ministries and regulations in Canada and urge that such protests be addressed to all levels of government.

BIODIVERSITY WORKING GROUP

ISSUE: Of the 20 million species on this planet, 120,000 perish every year due to ozone depletion, pollution and loss of habitat, which is driven by human population growth and industrialization.

ACTIONS: The following are recommended action.

.Preserve and expand wilderness areas. World Parks, National Parks, Regional Parks, Municipal Parks, Peace Parks and UNESCO biosphere's.

.Establish "Creature Corridors" that accommodate all forms of seasonal migration, which are short and long range. .Put in place a system of planetary accounting of living species. Gather all scientific data - life zones, biological food niches, geological structures etc. Carrying capacity limits to be enforced for all land use forms. .All parks and trails to become officially managed. Funding to be a priority for the governments at the appropriate level but CONTINUE connection with voluntary sectors. Halt the Eco-Tourism movement and defer marketing of parks and trails until the carrying capacity has been established by environmental assessment.. .Modify all educational curriculum to include learning for a sustainable civilization. .Strengthen existing Environment Education and Outdoor Education programs. .Seek measures of revising school programs so as to sensitize children and teachers to local and global biodiversity. These programs and concepts to be included in integrated studies programs.

.These actions are to be ratified by the General Assembly of the United Nations. The implementation will be recommended to UNEP, UNESCO, World Tourism Organization; national and provincial governments, manufacturing and trade corporations. .We shall try to mobilize all forms of media, international educational systems, ministers of Education at the national and sub-national levels, church school systems, international academia, religious and spiritual organizations and other NGOs, trail and river management organizations, etc. .Beyond preservation of species the parks and natural corridors are appreciated as additional sources of recreation and peace. It is recommended that a Control Group be set up to monitor the implementation by using a system of report cards and questionnaires via the internet with questions such as: What measures have been taken to improve

biodiversity? Do you observe any effects of the measures? What is missing from the measures?

ENERGY WORKING GROUP

ISSUE: There is a lack of research, education and promotion of alternative energy sources and systems, particularly solar energy. ACTION

RECOMMENDATIONS: The working group suggests that:

.Canada build a demonstration plant for solar/hydrogen fuel for transportation. This will be suggested as a cooperative endeavour to: The Ontario Ministry of Natural Resources, Ontario Hydro, Ontario Finance Minister, University environmental and engineering departments and environmental organizations and car companies. A data base on solar energy success stories be created, and that its information be actively directed at all conference participants, the groups they represent, the Ministry of Natural Resources, and at the popular media. .The Science for Peace working groups on the environment and energy take up the implementation of the above recommendations. An "Exciting Energy" program be adopted as a millennium project.

WORKING GROUP ON A HOLISTIC VIEW OF THE HEALTH OF PLANET EARTH:

ISSUE: The health of Planet Earth is in jeopardy. Human activity is disrupting the natural processes in the biosphere. In our view there are many serious planetary disorders and imbalances which are not being diagnosed and communicated adequately to enable proper therapy.

ACTION PROPOSAL ONE: Insofar as absolute private property is seen as the virus which has caused the illness of this planet, we have to, as a first step, change our perception of our relationship to it. In fact, people do not own property outright. Owing to restrictions to its use - in terms of zoning bylaws and other social covenants - a human being's actual role in relationship to land and the life forms on it is that of a steward.

It is proposed that land deeds and legislation be reworded so that the word ownership is replaced by the word stewardship. It is proposed that a statement be included on relevant land use documents recognizing, for example, that the Earth is a living being, and is not subject to ownership. It is proposed to re-examine legislative language related to the relationship between people and the land. Note: these are linguistic - not substantive changes.

ACTION PROPOSAL TWO: A Planetary Earth Wellness Letter It was proposed that a regular Planetary Earth Wellness Letter be published, to include reports and commentary on issues of population, health, environment, economics, human rights and duties, rights of all life, and other desiderata for world order, guided by values as set out in the Earth Charter (q.v. Benchmark Draft). The Letter would be an agency for informing public opinion, and hence for wide distribution to all interested citizens, to news organizations, government agencies and other institutions and businesses, and in many countries. It would be non-profit, dependent upon foundational support in the public interest. It would include items that researchers and professionals in various fields believe should be brought to public attention, items in the news which would benefit by authoritative clarification, and items in which the public have expressed a concern or special interest. It would emphasize the important diagnostic and therapeutic role of every citizen of the planet. This would supplement and, it is hoped, potentiate the influence of current publications and activities with related objectives. Yet this is intended as a radically new proposal in that it will offer a combination of theoretical basis and points of practical implementation. It may be noted that from a cybernetics point of view there is a need for, and a lack of, a reliable integrative feedback loop, at the level of the whole world. Informing all literate

world citizens of the most important facts and trends as these affect the future of mankind on earth will allow for an effective feedback mechanism. We are the eyes and the ears of the planet, we are the brain that needs to decide action. All world citizens must be on a 'neighbourhood watch', and observe and report imbalances. Making use of such technologies as the internet, perhaps enhanced by a common auxiliary language for all, a more integrated communications - nervous system can promote a global consciousness and help bring about the wellness of Planet Earth. In this sense there is need to establish an educational mechanism which could serve the interests of the whole through systems specifically designed to provide information of importance which may otherwise be overlooked for various reasons not likely to change.

Next steps: Bruce Buchanan was asked to develop a proposal to be addressed to the three main sponsors of the Conference, viz: Ryerson Polytechnic University, Science for Peace, and Soka Gakkai International - Canada. and (if approved) to other supportive agencies represented at the Conference, viz: The Boston Research Center for the 21st Century (BRC), The Canadian Peace Alliance, The Canadian Pugwash Group, The Global Compliance Research Project, The Institute for Conflict Analysis & Resolution, The International Institute of Concern for Public Health, The Millennium Centre, The Millennium Council of Canada, The Peace Research Institute, Physicians for Global Survival, The Markham Group, UNICEF Canada, The United Nations Association of Canada, The United Nations Association - Toronto Branch, The Veterans Against Nuclear Arms - Metro Toronto Branch, Voice of Women for Peace, The World Federalists of Canada.

ACTION PROPOSAL THREE: It is recommendation to the all participants of the World Order Conference that:

Each member of the conference circulate the benchmark draft of the Earth

Charter, to other individuals and groups;

That comments on the draft of the Earth Charter, and where appropriate, endorsements of it, be provided by the end of 1997 to:

Steven Rockefeller, Coordinator, Earth Charter Consultation Process
c/o Boston Research Centre for the 21st Century.

() THAT in September 14 the Calgary Declaration

The Declaration thus parted from this trend by referring to the "unique character of Quebec society" rather than endorsing the recognition of Quebec as a distinct society. The role of the [National Assembly of Quebec](#) in promoting this uniqueness (specified as including the predominant use of the [French language](#), its [culture](#) and its [civil law](#)) was affirmed.

Notwithstanding the uniqueness of Quebec's characteristics and the characteristics of other provinces, the Declaration stated that all provinces must have legal equality. Moreover, powers gained by any province during future constitutional negotiations would also have to be offered to the other provinces. In the process, [Canadian federalism](#) was reaffirmed as the form of Canada's government, and it was stated that this system could operate to ensure Canadians would receive social services, as long as the various levels of government "work in partnership while respecting each other's jurisdictions."

The Declaration also affirmed [equality rights](#) (including "[equality of opportunity](#)") and recognized Canada's [multiculturalism](#), indeed asserting that Canada's "diversity" and "tolerance" are "without rival in the world." In recognizing Canada's diversity, the Declaration made explicit reference to the "[Aboriginal peoples and cultures](#)."

396 Harvard Street Cambridge, MA 02138 U.S.A.

and that the World Order Conference place the Earth Charter on its WWW

() THAT in 1997, I responded to the Calgary Declaration

EXHIBIT

TO THE PRIME MINISTER AND PREMIERS

CALGARY DECLARATION CREATES FERTILE GROUND FOR
PAROCHIALISM

Joan Russow (PhD)

The Leader of the Green Party of Canada

While most Citizens in Canada are concerned about the urgent need for real change, In Calgary, the premiers decided to throw the discussion of "Canadian Unity" open to full public consultation or to

"informed public consultation" before settling the outstanding issues of first nations rights, and concerns for French Canadians in Quebec.

The "almost all" Premiers Statement on the Calgary meeting on Unity appeared to marginalize First Nations rights by excluding them from the discussion, and to be a calculated action to outmanoeuvre the separatists--the democratically elected government of Quebec.

The Speech from the Throne, Tuesday September 23rd, called for all levels of government and for all citizens to work towards achieving Canadian unity. For too long this appeal has been made, but without leadership. What is needed now is true leadership.

Many citizens question much that the Canadian government leaders have done. The federal and provincial governments had the opportunity to show leadership by ensuring that government-to-government negotiations took place to resolve the outstanding land rights of First Nations peoples and by enshrining the constitutional measures that would protect the French language and culture in Quebec.

If both levels of government had resolved these two issues, then they would have been able to open up a dialogue across Canada. Salient issues could then be discussed, such as: how to really change the country to one where human rights are guaranteed, the environment is protected and conserved, conflict is prevented, socially equitable and environmentally sound employment is provided, and social justice is ensured.

COMMON CONCERNS OF CANADIANS THAT TRANSCEND PROVINCIAL BARRIERS

* Many groups in society are marginalized through class and grounds such as race, tribe, or culture; colour, ethnicity, national ethnic or social origin; nationality, place of birth, nature of residence (refugee or immigrant, migrant worker); status, colour, gender, sex, sexual orientation, gender identity, marital status, form of family, disability; age, language, religion or conviction; political or other opinion; class, economic position, or other status. Governments have failed to ensure the right to adequate shelter, the right to social security, and the right to be free from hunger. Canada is obliged to ensure these rights under the International Covenant of Cultural, Economic and Social Rights.

* The constant erosion of the universal comprehensive health care system, the lack of emphasis on preventive medicine and on addressing environmentally-induced health problems now prevail. The continued health and environmental problems caused through the use of chemical pesticides, and the reluctance to promote organic agriculture, have not been addressed. Vested economic interests of corporations have been influencing the establishment of standards and regulations under the CODEX Alimentarius.

* Science has not been used for peace and the benefits of humanity as agreed in a General Assembly resolution from 1975 on "the Use of Scientific Technology for Peace and the Benefits of Humanity". Equally, many citizens are concerned that "captive" scientists in the employ of governments or corporations are not able to reveal damaging evidence from fear of reprisals or loss of funding. In addition, there is increasing concern about the corporate influence on the philosophical underpinnings of education, and corporate control over the nature and direction of research at the university.

* Misplaced federal and provincial spending priorities are blatantly evident: \$10 billion on the military, 2 billion plus on promoting corporate competitiveness, and millions of dollars tied up in corporate deferred taxes. In addition, subsidies continue to be given to promote socially inequitable and environmentally unsound practices. Prime Minister Chretien, with his Team Canada, has subsidized and promoted the sale of CANDU reactors in different parts of the world. The NDP government in Saskatchewan has failed to prevent the import of nuclear material from dismantled nuclear weapons in the Soviet union to be processed in Saskatchewan for use in civil nuclear reactors., presumably in the CANDU reactors whose safety continues to be seriously questioned. The United States along with NATO "allies" is using Canada to test weapons, and US nuclear powered vessels continue to berth in urban harbours. Uranium, used in the production of nuclear arms, is continually being mined.

* Promotion of unrestrained economic growth[,] often results in the compromising of principles when the only jobs available for Canadians are those in the GOABREBPTHAW Industries (Green house gas-producing; Ozone depleting, Acid rain producing, Resource extraction, Biotechnology/pharmaceutical, Producers of Toxic, Hazardous, and Atomic Wastes). The production of toxic, hazardous, and atomic substances and wastes continues, as does the transfer of these wastes to other states, in particular developing countries, or their deposition on the lands of marginalized citizens or of indigenous peoples.

* Disregard for reducing Canada's ecological footprint or moving away from Canada's over-consumptive pattern of development and production is pervasive and well entrenched, with little government action to reverse this trend. The impact of car-dependency on viable communities across Canada, and on the continued irresponsible contribution to CO2 emissions in violation of obligations under the Framework Convention on Climate Change are ignored. In addition, as a result of car-dependency, Canadian communities lack human centred interaction. Culture and aesthetics in Canadian society and communities have been marginalized, and the potential of the National Broadcasting system reduced through decreased funding .

* The devolution of power to the corporations, and Canada's involvement in trade agreements such as WTO, NAFTA and MAI and trade organization such as the OECD and APEC undermine years of international obligations, and commitments under public trust UN agreements, and erode sovereign power to strengthen regulations to control corporations. In addition, Canada is attempting to undermine standards in other countries if these standards interfere with Canadian trade. Canadian companies continue to rationalize their trade with countries that have been internationally condemned for violating human rights.

* Corporations are often successful at receiving compensation rather than being responsible for paying compensation for degrading the environment. The years of negligence of corporate-sympathetic administrations have resulted in the failure to enforce Canadian statutes that would have protected the environment. The ISO 14,000 process whereby corporations set their own environmental standards and are then assessed on how well they conform to their self-initiated standards, along with "voluntary compliance" is resulting in further deregulation by governments.

* Citizens, including first nations peoples, are being arrested as criminals for protecting old growth forests and community watersheds when these citizens are asking the government to do little more than what Canada undertook to do internationally or is required to do through federal and provincial statutes.

Change is absolutely essential in Canada, but not change by devolving responsibilities to the provinces. Canada has to be a country that stands for guaranteeing human rights, protecting and conserving the environment, preventing of war and conflict, ensuring social justice and providing for socially equitable and environmentally sound employment (That is, the Public Trust).

Unfortunately, in Canada at all levels of government, the only time the language of commitment and international obligation appears to be used is when government representatives are referring to vested economic corporate interest trade agreements, or bilateral military agreements. Rarely is the language of obligation and commitment used when governments refer to the guaranteeing of human rights, the protecting of the environment, or the preventing of war and conflict. Citizens in fact are arrested as criminals when they stand on the road or in watersheds demanding that governments discharge their international obligations and act on their commitments.

The devolution of power to the corporations by corporate-sympathetic administrations, the antiquated attitudes of many of our politicians and, in particular, their parochial attitudes, will not achieve real unity. There is an urgent need for a strong, principled federal presence throughout the country. Canada must accommodate the concerns of First Nations peoples and French Canadians in Quebec, as well as those of all the cultures that are an integral part of Canada.

Moreover, when Pat Carney and Glen Clark wax poetic about the concerns of B.C., and B.C. Reform members couch intolerance and opportunism in the language of equality, they ignore many of the concerns that citizens in B.C. share with other citizens across Canada.

Joan Russow (PhD)

National Leader of the Green Party of Canada

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cc. Media

() THAT in 1997, on September 23, I circulated a response to the speech from the throne

EXHIBIT

THE GREEN PARTY OF CANADA

RESPONSE TO THE SPEECH FROM THE THRONE:

PRO-ECONOMIC GROWTH WITH LITTLE COMMITMENT TO REAL CHANGE

In the Speech from the Throne, it was noted that the elected government has the responsibility "to fulfill the commitments it made to the people in its election platform" . It should have been added that it also has a responsibility to fulfill the commitments made in previous elections, and to act on international commitments and to discharge international obligations.

In the Speech from the Throne, there was a claim that the Canadian government is a leader in the international sphere yet the government ignores strong messages emanating from commitments made through recent international conferences, such as the United Nations Conference on the Environment and Development (UNCED), the World Conference on Human Rights, and the Habitat II Conference, and obligations incurred through conventions and covenants. .

Canada had undertaken to move away from the current over-consumptive mode of development through commitments from UNCED and Habitat II. Yet in the Speech from the Throne, the emphasis is on "economic growth" or "sustained growth in our standard of living", which thrives on increased consumption without standards or regulations at the expense of the environment, human rights and social justice.

In the Speech from the Throne, there appeared to be a call for unrestrained economic growth without standards or regulations. Repeatedly we hear from industries that governments should move away from "command and control" and embrace deregulation

and voluntary compliance. In the Speech From the Throne, there was no discussion about the need for standards and regulations, and for socially equitable and environmentally sound development; there was only full endorsement of unrestrained economic growth. .

In the Speech from the Throne, the Governor General lauded the great accomplishments of Team Canada. Yet Team Canada has transferred to other states, substances and activities that are harmful to human health and the environment; a violation of a commitment made in the Rio Declaration at UNCED. Canada has become an international pariah in its promotion of CANDU reactors around the world. Activities promoted by Team Canada have tended to foster trade at the expense of human rights and the environment. In addition, often serious human rights violations are overlooked and rationalized in the promotion of trade.

Throughout the Speech from the Throne, there were recommendations for close and increased collaboration between Government and the private sector. The term "partnership" was used consistently and it has become a code word internationally for more and more power being devolved to the corporate sector. .

WHAT WAS VIRTUALLY ABSENT FROM THE SPEECH FROM THE THRONE.

UNITY ISSUES THROUGH JUSTICE AND ADDRESSING COMMON CONCERN

In the Speech from the Throne there was a call for all levels of government and for all citizens to work towards achieving Canadian unity. For too long, this appeal has been made and what is needed now is true leadership.

The federal government should have shown leadership by ensuring that government to government negotiations take place to resolve the outstanding land rights of first nations people. In addition, the Federal government should have urged the provinces to enshrine the constitutional measures that would protect the French language and culture in Quebec. Then a discussion should be opened up across Canada on how to really change Canada to become a country where human rights are guaranteed, where the environment is protected and conserved, where conflict is prevented, where socially equitable and environmentally sound employment is enabled and where social justice is ensured.

HEALTH AND ENVIRONMENTAL PROVISIONS AND PREVENTION OF DISEASE,
AND NEED FOR ALTERNATIVES

In the Speech from the Throne, there was a commitment to maintain the universality, and comprehensiveness of the Canadian health care system; it was not clear if there would be a strong policy against a two-tier health care system. There was a commitment for increased funding but not sufficient funding.

There was no mention in the Speech from the Throne about the prevention of disease and about the increasing number of diseases that have been environmentally-induced.

In the Speech from the Throne, there was concern expressed about the health of Canadians; yet there were no proposed measures to ban the production and consumption of toxic, hazardous and atomic substances— including chemical pesticides, and other activities that contribute to environmentally induced health problems.

In the Speech from the Throne, there was support for the international promotion of Canadian biotechnology. In many cases, it has been shown that biotechnology in areas such as genetically engineered foods and other genetically modified organisms have introduced potential hazards to human health and the environment. There are many natural substances and herbs on the market which should be encouraged, and there was no indication that the current policy proposal of discouraging the use of safe alternatives to chemicals was to be revoked.

RIGHTS NOT CHARITY

In the Speech from the Throne, there was a call for addressing the issues of child poverty. Often the language used suggests that what is needed is a charitable approach to those in need. However, Canada, in its signing and ratifying of the legally binding International Covenant of Economic Social and Cultural Rights, incurred an obligation to provide for the right to housing, the right to food, and the right to social security.

MILITARY CONVERSION

In the Speech from the Throne, there was a call for the need to reform the military but no mention was made about the need to substantially decrease the current \$10 billion military budget. At least 50 % of this budget should be transferred into restoring health care education and the environment.

In the Speech from the Throne, the Governor General noted the benefits of the military to society: disaster rescue missions and coast guard activities; these services could, and should be provided by a civilian body

The rest of the military budget should be transferred to the promotion of peace through prevention of conflict.

No mention was also made of the discontinuing of weapons testing in Nanoose Bay and the discontinuing of nuclear powered vessels in Canadian Harbours.

FIRST NATIONS ISSUES JUSTICE

In the Speech from the Throne, there was an undertaking to implement the Royal Commission report. Yet there was no firm timeline to rectify years of abuse, or to apologize for the abuse. In the Speech from the Throne, there was mention of June 21st

having been proclaimed as National Aboriginal Day; evidently it was a hollow day when first nations peoples have been arrested and charged as criminals for protecting their land.

In 1992, Canada made a commitment to not do anything on the lands of indigenous peoples that would cause environmental destruction or be culturally inappropriate (Agenda 21, UNCED). Yet while Treaty negotiations are proceeding destructive practices of multinational corporations are continuing on land under negotiation. .

ENVIRONMENT PROTECTION AND CONSERVATION

In the Speech from the Throne, Canada's responsibility towards the environment was acknowledged but few concrete actions were proposed.

Even though Canada incurred an obligation to conserve biodiversity through the Convention of Biological Diversity, and to reduce CO₂ emissions and conserve carbon sinks under the Framework Convention on Climate change. Canada has failed to carry out an environmental assessment review of activities that could contribute to the loss or reduction of biodiversity; and Canada has made little effort to decrease CO₂ emissions or other greenhouse gas emissions. Canada has even failed to enact the necessary statutory law that would enable Canada to discharge its obligation under the above conventions

In addition Canadian courts are granting injunctions to forest companies to continue destroying vital carbon sinks and arresting citizens that are protesting the destruction of forests and other carbon sinks.

In the Speech from the Throne, there was an acknowledgment of the fact that we have a high percentage of global forests and water and that we have a responsibility to conserve the forests and water. The federal government, other corporate sympathetic administrations and provincial governments, however, show responsibility not for the natural heritage but for forests and water as sources of sustained income.

There appeared to be no resolve to move forward on endangered species legislation, and to enact strong legislation to ban substances and activities that are harmful to human health or that cause environmental destruction.

In addition, at recent international conferences such as UNCED and Habitat II, Canada undertook to move towards environmentally sound technology including environmentally sound energy and transportation.

The forest, petrochemical, pharmaceutical, biotechnological, agriculture, aquaculture and automobile etc. industries have been permitted to determine government policy in the area of Conservation of biodiversity, and of reduction of CO₂ emissions and the conservation of carbon sinks.

SUSTAINING WILD FISH POPULATIONS

In the Speech from the Throne there was reference to the impact of over fishing which has been and continues to be advocated by various levels of government. There was no mention in the Speech from the Throne about the destructive forest practices that have contributed to the loss and reduction of wild fish stocks. In addition, there was no mention of a precautionary approach towards aquaculture given the recent research in other parts of the world on the impact of fish farming on wild stocks. Where there is a potential of environmental degradation, lack of full scientific certainty shall not be used as a reason for not preventing the degradation.

RIGHT TO NATURAL HERITAGE AND THE RIGHTS OF FUTURE GENERATIONS

In the Speech from the Throne, there was reference to the rights of future generations, and the need to set up youth job creation programs, along with crime prevention through social programs, and alternative sentencing.

There was unfortunately no commitment in government policy to ensure that those who protect the rights of future generations to safe drinking water and natural heritage are not arrested in Canada. In addition, there was no assurance that the rights of citizens arrested as a result of injunctions are respected as required under the International Covenant of Civil and Political Rights.

As early as 1972 in the Convention on the Protection of Culture and Natural Heritage, there was expressed an obligation to ensure the rights of future generations to natural heritage. Yet those who are protecting the rights of future generation are being arrested and treated as criminals when they stand on the road to preserve natural heritage

SCIENCE FOR PEACE AND THE BENEFIT OF HUMANITY

In the Speech from the Throne, there was a reference to the importance of fostering and promoting science. In 1975 there was a United Nations General Assembly Declaration that the "Use of Scientific technology should be for Peace and the Benefits of Humanity". Scientific technology in Canada is not being used expressly for peace and the benefits of humanity. Although it was mentioned in the Speech from the Throne that Canada would undertake to eliminate its stockpile of land mines, Canada is still one of the major producers of weapons. It should also be noted that the continued mining of uranium has contributed to the nuclear arms industry. In addition, no mention was made of scientists who, because they are in the employ of governments or corporations, are not able to reveal damaging evidence because of fear of reprisals or loss of funding.

EDUCATION WITHOUT CORPORATE CONTROL

In the Speech from the Throne there was considerable discussion about education particularly higher education and "partnerships with industry". One serious result from the "centres of excellence" and other corporate funded university programs is the close

association between universities and the private sector to the point that the private sector is determining the philosophical underpinning of education and the direction of research.

PROMOTION AND SUPPORT OF INNOVATIVE AND CREATIVE PUBLIC BROADCASTING

Throughout the Speech from the Throne there was a call for support for creativity and innovation yet there was no indication that the funding for the CBC would be increased so that Canada would continue to have an informed, innovative and creative public broadcasting system.

DE-LIBERALIZING TRADE

In the Speech from the Throne, there was the endorsement of the continued liberalization of trade.

A recent report indicated that the annual number of jobs created in Canada has considerably decreased since free trade. There is increasing concern about the continued impact of NAFTA and of the future impact of the Multilateral Agreement on Investment (MAI). Both these Agreements undermine years of international agreements in the area of human rights, labour rights, environment, and social justice.

Canada has increased its corporate presence in other countries but often in the form of destructive environmental practices in mega energy projects, forestry and mining. .

JOB CREATION IN THE AREA OF SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND EMPLOYMENT

Throughout the Speech from the Throne, there was an emphasis on the need for job creation but there was no mention about the quality of jobs. Canadian citizens could be fully employed making CANDU reactors;(each sale of a CANDU reactor creates about 25,000 jobs in Canada). Canada could become the gambling centre of North America. Canada could log all the old growth forests; Canada could continue to increase arms production etc.; but is this what citizens of Canada want? What is needed, is a well thought out employment program of job creation in socially equitable and environmentally sound development.

There was no support for a reduced work week which would enable the sharing of jobs. and no indication that there would be a shift of subsidies away from the socially inequitable and environmentally unsound practices to promote practices that do it right the first time. Canada is becoming a nation of deregulation. which permits the production of toxic, hazardous, and atomic substances and activities, and then the growth of an "environment industry" to clean up the waste.

MIXED PROPORTIONAL REPRESENTATION

In the Speech from the Throne, there was no mention of the need for electoral reform given the discrepancy between the popular vote and the composition of parliament.

For further information, Please contact.

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OCTOBER OCTOBER

OBLIGATION AND COMMITMENT TO HUMANITARIAN, HEALTH AND ENVIRONMENTAL CONCERNS MUST GOVERN RESEARCH: CALL FOR CANCELLATION OF THE CASSINI MISSION

CANCEL THE CASSINI MISSION! HEALTH AND SAFETY COME FIRST!

October 4, 1997

Dear President Clinton

On October 3rd, NASA received formal approval from the White House Office of Science and Technology Policy to proceed toward the launch on October 13 of the robotic Cassini mission to explore Saturn and its moon Titan.

The Cassini Space mission, will carry 72 pounds of plutonium into orbit. Since the hazards of the launch are high, this mission must be canceled. Reports published on October 1st point out that 160 MILLION Americans may have been affected by the bomb testing of the 1950s. When will sanity take the helm of our Ship of Fools?

In a 1976 General Assembly resolution, The Use of Scientific Technology for Peace and the Benefit of Humanity was passed. Yet rarely have the provisions of this resolution been adhered to or even considered. Citizens have a legitimate expectation that when the majority of the member states of the UN agree to a resolution that this resolution will be given serious attention.

Recently, a spokesperson from the United States justified the US's opposition to the International Treaty to Ban Land Mines by saying that the US has to balance humanitarian commitment with military obligations. In other words, military obligations superseded humanitarian concerns. Now with the Cassini project with its potential for nuclear disaster, there is a clear indication that little regard is being given not only to expectations created through General Assembly resolutions, but also to commitments made through Conference Action plans and Declarations, and to obligations incurred through Conventions and treaties.

The failure of the United States to fulfill expectations, to act on commitments or to discharge obligations whenever there are international agreements which might possibly erode its military or corporate base highlights the inability of international law to shape the political will of the Nation. For years international political will to change has been thus undermined by the failure on the part of the United States to fulfill expectations, to act on commitments and to discharge obligations.

The United States continually, and with deep conviction, proclaims its obligation NOT to upholding international agreements for guaranteeing human rights, protecting and preserving the environment, and preventing war and conflict, BUT to maintaining its military and corporate power.

For years through international agreements all members states have endorsed the precautionary principle which affirms that, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent the damage. Recently, at the Habitat II conference, the US along with other members states of the United Nations made a commitment to act to prevent disasters.

Daily we hear about the consequences of ill-conceived actions where the precautionary and the disaster prevention principles are ignored. Specifically, in the case of the Cassini project there have been warnings from leading scientists about the potential harm,

and concern expressed by community leaders and the public about the potentially serious adverse health and environmental impacts.

There must be the international political will to shape our actions with caution. As Michael Faraday said, "As we are not infallible, so we ought to be cautious."

Yours sincerely

Joan Russow (PhD)

National Leader of the Green Party of Canada.

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ATTENTION GREEN PARTIES

URGENT; STOPPING CASSINI THROUGH THE INTERNATIONAL COURT OF JUSTICE

October, 8, 1997

Dear Ambassador:

I am writing on an urgent matter. As you may be probably be aware the President of the US has given permission to NASA to proceed with the Cassini Mission—with 72 pounds of plutonium 238 on board— on October 13. This matter is generating international concern. Francis Boyle, a well respected specialist in international law is willing to attempt to "seek an Emergency Hearing of the International Court of Justice to stay the Cassini test pending a hearing under the Rules of the Court". He has been successful twice at the International Court of Justice level in other matters. HE NEEDS A

COUNTRY TO TAKE IT TO THE INTERNATIONAL COURT OF JUSTICE.
GOVERNMENTS HAVE TO BE APPROACHED IMMEDIATELY.

There is international outrage about this issue. We are convinced that Costa Rica, given its leading the way in the international community by not having a military, would be in an excellent position to address this issue at the International Court of Justice.

I have enclosed (i) background information (ii) the petition that I wrote to the Canadian government (iii) biographical information about the lawyer, International Law Professor, Francis Boyle, and (iv) a copy of my letter to President Clinton.

Yours very truly

Joan Russow (PhD)

National Leader of the Green Party of Canada. TEL/FAX (250) 598-0071

() **THAT** I circulated a position piece on Canada's treaty making process

EXHIBIT

October 15 1997

POLICY IMPERATIVES: DISCHARGING OBLIGATIONS AND FULFILLING
EXPECTATIONS FOR A CULTURE OF PEACE

Dr. Joan Russow

Global Compliance Research Project

or failed to determine what would constitute compliance.

CANADA AND TREATY-MAKING

OVERVIEW

To begin to achieve "a culture of peace" citizens must be aware that international public policy related to a culture of peace 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. Once citizens have become aware of existing obligations and expectations then citizens will be better informed about the commitments that still are needed to move states beyond existing obligations and expectations. For example, in the Declaration of Human Rights from 1948, member states undertook to .."reaffirm faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women...". This statement of principle could be described as a statement of international public policy; yet what actions, cultural adjustments and attitudinal transformations would have been necessary to ensure the fulfilling of this expectation were never really determined.

For over fifty years through international agreements, the member states of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; including the rights of women; (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 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 years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development might have been enabled.

Many of these obligations have never been discharged, states often fail to sign international legally binding treaties that they themselves have negotiated; states that sign legally binding conventions and treaties, often fail to ratify them; and states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement..

Many of the expectations have not been fulfilled. Expectations have been created through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Although the major conference action plans have been adopted by all the member states of the United Nations, the action plans are not deemed to be legally binding.

These Conference Action plans, along with General Assembly Resolutions and Declarations, however, do create expectations that states will adhere to the agreed to principles, and policy statements. In common law, there is a doctrine that acknowledges the legal implications arising from the creating of expectations: the Doctrine of Legitimate Expectations. 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, Ombudsman 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). This doctrine could be used by citizens at the international level to strengthen the call for state compliance with expectations created through conference action plans.

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.

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 beyond human purpose (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 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 policy formation and implementation related to ethical governance, in that obligations incurred or expectations created can be held to be enforceable in national law.

It is thus essential for transforming a culture of violence into a culture of peace to stress the importance of being concerned with questions of awareness, knowledge and education on the part of the judiciary and administrative bodies., as well as with heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

Nation states need to be called upon 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. The United Nations also needs to provide an international body for citizens to take evidence of state non-compliance with legally binding conventions and covenants, or with expectations created through General Assembly resolutions, Declarations and Conference Action plans .

Contact Joan Russow

Green Party of Canada

1 (250) 598-0071

1997 Reasons for not participating in the OECD MEETING

OECD 'S MAI FLAWED PROCESS: PRINCIPLE SHOULD RULE

CORPORATIONS, NOT BE OVERRULED BY THEM TINKERING WITH THE MAI IS NOT ENOUGH

Dr. Joan Russow, leader the Green Party of Canada and coordinator of the Global Compliance Research Project, one of four Canadian NGO representatives slated to attend the NGO/OECD consultation meeting in Paris on October 26 and 27, has decided not to attend.

Russow said, "participation in the meeting would undermine our campaign against the WTO and our credibility to the whole OECD process, and tinkering with the MAI document still does not address the fact that the MAI would undermine the United

Nations process, and 50 years of United Nations Public Trust law, and that it would be an affront to all non-OECD countries.

"What is needed is not to enshrine more corporate rights and devolve more power to the corporations, but rather to negotiate a global treaty to control and regulate corporations. Corporations have been gaining more control through schemes such as the 'self-regulating' standards and the 'voluntary compliance' of the ISO 14,000 process."

Russow is circulating an alternative NGO Statement calling for an immediate end to all negotiations of MAI, a resolution calling for an application to the International Court of Justice for an injunction to stop the MAI process, and a draft treaty which would ensure State and Corporate Compliance with International Public Trust Law.

Russow said, for 50 years governments have incurred obligations, made commitments and created expectations through the United Nations system. The OECD member states are disregarding the UN process and are undermining the whole body of Public Trust Law related to guaranteeing human rights, protecting and preserving the environment, preventing war and conflict, providing socially equitable and environmentally sound development, and controlling and regulating corporations, including transnational corporations."

NGO STATEMENT CALLING FOR THE CESSATION OF ALL NEGOTIATIONS OF MAI AND FOR A PROPOSED TREATY FOR STATE AND CORPORATE COMPLIANCE

For further information:

Contact: Joan Russow (PhD) 1997 Reasons for not participating in the OECD MEETING
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For further information:

Contact: Joan Russow (PhD)

The Global Compliance Research project

(250) 598-0071, e-mail jrussow@coastnet.com

The Global Compliance Research project prepared the "Charter of Obligations"- 350 pages of obligations incurred through conventions, treaties, and covenants; commitments made through conference action plans; and expectations created through General Assembly resolutions. The Charter of Obligations was officially distributed to all state delegations at the 1995 UN Conference on Women: Equality, Development and Peace. The Charter is being continually updated.

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October 1997 Gave a presentation in Vancouver

on the Environmental Implications of APEC

October 5, 1997

() **THAT** I had been asked to comment on a proposal for Calgary 2005

EXHIBIT

A SUGGESTION

October 14, 1997

Critique of Canada Proposal 2005

" The Land our Common Ground Finding Balanced Solutions to living Celebrating Our Ties to the Land.

which was supposed to be held in Calgary

Currently the proposal for Canada 2005 appears to be little more than an industrial trade fair created by businesses including many of the major polluters.

For fifty-two years, through international agreements, the nations 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.

For 2005 in Calgary, the government could continue the rhetoric and delude citizens into thinking that there have been socio-political-environmental improvements, and have the concerned citizens from around the world boycotting the event, or the government could translate the rhetoric into action and create an event that would truly " celebrate our ties to the land".

We propose a meeting to celebrate the achievements of nations

- to celebrate the guaranteeing of human rights including the right to be free from discrimination

in all its forms by removing systematic barriers to full participation that discriminate against particular groups due to gender, family structure 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, or socioeconomic conditions, nature of residency and other status

- to celebrate that in 1997 nations have assured the right to HOUSIM, the right to food, the right to social security (as agreed in the International Covenant of Cultural economic and Social Rights)

- to celebrate that by 1999 the military budgets, will have been reduced as had been undertaken in 1981 ("to reduce the military budget with a view to reaching international agreements to freeze, reduce or otherwise restrain military expenditures (A1 Resolution 36/82 1981, Reduction of Military Budgets, 1981) and the funds thus saved have been relocated to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981)

- to celebrate that the elimination of weapons of mass destruction as agreed at UNCHE, 1972) will accomplished by the year 2001

- to celebrate that on June 24, 1997. the member states of the United Nations undertook 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. That in 2001 all nuclear weapons will be eliminated. It should be noted that the first General Assembly resolution was to call for the elimination of nuclear weapons.

In addition in 1997 member states of the United Nations will undertook to achieve a permanent elimination of nuclear weapons, through recognizing the fatal link between civil and military nuclear power, and endorsing 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 will undertake to ensure that all circulation and berthing of nuclear powered and nuclear armed vessels have been discontinued.

- to celebrate that in 1997 member states of the United Nations undertook 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);

- to celebrate that in 1997 member states of the United Nations will abide by the 1992 commitment "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 celebrate that citizens of the world have respected the inherent worth of nature beyond human purpose as agreed in the World Charter of Nature ("to respect the inherent worth of nature: Preamble, World Charter of Nature, 1982);

- to celebrate that nations have ensured the protection of the cultural and natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972) has been achieved beyond state vested economic interests

- to celebrate that since 1997 the precautionary principle has been fully invoked; This principle 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)

-celebrate that In 1997 nations complied with the Convention on Biological Diversity and as a result of carrying out an environmental assessment review of anything that could contribute to loss or reduction of biodiversity, have concluded that there should be an immediate banning of clear-cut logging or other ecologically unsound practices and that old growth forests have been preserved as part of cultural heritage. (to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity Conventions on Biological diversity);

to celebrate that in 1997 nations undertook to move away from car-dependency as agreed in Habitat 11 (1996), and to reduce CO2 emissions and conserve carbon sinks as undertaken in the Framework Convention on Climate change.

to celebrate that Globe 1998 in Vancouver will be devoted to the establishment of mandatory international standards and regulations establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards, and ensure that no organization such as OECD with MAI or **APEC** and no trade agreement including GATT, NAFTA, WTO should undermine any state resolve to raise standards and strengthen regulations. These mandatory standards have required governments to enforce regulations and to drive industry away from the production of toxic, hazardous, and atomic substances and wastes. The emphasis was not as before on relaxing regulations permitting the continued production of wastes with a coupled technology, but on doing it right the first time prevention technology.

- to celebrate the political will demonstrated by nations to 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"; and to revoke licenses and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

- to celebrate in 1999 there will instituting of an International Court of Compliance where citizens have been taking evidence of nation and corporate non-compliance.

- to celebrate in 1997 that the rights of indigenous peoples have been guaranteed and that nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate be permitted (Art. 26.3.a.ii, Agenda 21, UNCED, 1992);

IF WE CANNOT CELEBRATE THE PRECEDING THEN THERE IS NO REASON TO CELEBRATE AND THE EVENT SHOULD BE BOYCOTTED

) THAT in 1997, in October , I Stressed the importance of the Treasury Board Estimates during the election, I used the Treasury Board estimates to demonstrate the Canadian government's misplaced spending priorities

() THAT in 1997 following from October 1997

EXHIBIT

Dear Cabinet and Council members

One of the most useful items that I had during the election was the Treasury Board Estimates Report. I referred to it as the "shadow blue book" —the book that reveals the real spending priorities of Government.

I had urged everyone to get a copy, but it is expensive. I typed out the outline of various departments with their mandate and their budget. I am also circulating this outline to give everyone a better indication of what comes under the different departments and to encourage cabinet members to submit project proposals. I have received several submissions and an outline of suggested projects will be circulated on Tuesday. So please send in any proposals.

During the election I surveyed the book and found there was several billion dollars dedicated to promoting corporate competitiveness and I made a commitment to request a

clarification from the Treasury Board and from the Auditor General on the nature of these expenses.

Joan

() THAT in 1997 on October 26, I wrote the following:

"What is needed is not to enshrine more corporate rights and devolve more power to the corporations, but rather to negotiate a global treaty to 1997

Reasons for not participating in the OECD Meeting

OECD 'S MAI FLAWED PROCESS: PRINCIPLE SHOULD RULE

CORPORATIONS, NOT BE OVERRULED BY THEM

Dr. Joan Russow, president of the Global Compliance Research Project, one of four Canadian NGO representatives slated to attend the NGO/OECD consultation meeting in Paris on October 26 and 27, has decided not to attend.

Russow said, "participation in the meeting would lend credibility to the whole OECD process, and tinkering with the MAI document still does not address the fact that the MAI would undermine the United Nations process, and 50 years of United Nations Public Trust law, and that it would be an affront to all non-OECD countries.

CONTROL AND REGULATE CORPORATIONS.

Corporations have been gaining more control through schemes such as the 'self-regulating'

standards and the 'voluntary compliance' of the ISO 14,000 process."

Russow is circulating an alternative NGO Statement calling for an

immediate end to all negotiations of MAI, a resolution calling for an

application to the International Court of Justice for an injunction to stop

the MAI process, and a draft treaty which would ensure State and Corporate Compliance with International Public Trust Law.

Russow said, for 50 years governments have incurred obligations,

made commitments and created expectations through the United Nations

system. The OECD member States are disregarding the UN process and are

undermining the whole body of Public Trust Law related to guaranteeing human rights, protecting and preserving the environment, preventing war and conflict, providing socially equitable and environmentally sound development, and controlling and regulating corporations, including transnational corporations."

NGO STATEMENT CALLING FOR THE CESSATION OF ALL NEGOTIATIONS OF MAI AND FOR A PROPOSED TREATY FOR STATE AND CORPORATE COMPLIANCE

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OCTOBER

() in 1997 on October 24 STATEMENT ISSUED ON OCTOBER 24 ON THE 52ND ANNIVERSARY OF THE UNITED NATIONS

STATEMENT CALLING FOR THE CESSATION OF ALL NEGOTIATIONS OF MAI AND FOR A PROPOSED TREATY FOR STATE AND CORPORATE COMPLIANCE RESPECTING UN OBLIGATIONS, COMMITMENTS AND EXPECTATIONS

Joan Russow (PhD)

The National Leader of the Green Party of Canada

TO SIGN ON

NAME:

ADDRESS

and send to jrussow@coastnet.com

STATEMENT CALLING FOR THE CESSATION OF ALL NEGOTIATIONS OF MAI AND FOR A PROPOSED TREATY FOR STATE AND CORPORATE COMPLIANCE

The United Nations through international processes is the appropriate body to guarantee human rights, to protect and preserve the environment, to prevent war and conflict, to provide socially equitable and environmentally sound development. and to control and regulate corporations including transnational corporations;

The OECD is an organization of 29 states many of whom have failed to sign and ratify existing international agreements, or have failed to enact the domestic legislation necessary to ensure compliance with international agreements.

The member states of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, and international law, including international environmental law"; Platform of Action, UN Conference on Women; Habitat II Agenda) ;

For years through corporate-sympathetic administrations, corporations including transnationals have violated human rights, caused environmental degradation, contributed to war and conflict, and denied social justice.

We call upon the OECD countries to cease all further negotiations of MAI, and for the countries of the OECD of undertake to discharge previous obligations under Conventions, Treaties, and Covenants; to act on commitments from Conference Action plans and to fulfill expectations

created in General Assembly Resolutions.

We call upon the OECD countries to show leadership in ensuring that Corporations comply with the international rule of law by proposing a binding treaty to control , and regulate the corporations

**EMERGENCY RESOLUTION: INJUNCTION TO PREVENT MAI
(TO BE DISTRIBUTED BY CITIZENS AND SUBMITTED TO THE UNITED NATIONS)**

For over 50 years the member states of the United Nations have undertaken obligations through the UN Charter, and through a series of Treaties, Conventions and Covenants; they have created expectations through General Assembly resolutions and declarations; and they have made commitments through Conference Action Plans. We refer to these collectively as International Public Trust Law."

The purpose of International Public Trust Law is to guarantee human rights, to protect and preserve the environment, to prevent war and conflict, and to provide socially equitable and environmentally sound development;

Many states which purported to support these progressive measures have failed to sign or ratify the treaties and conventions in which they are incorporated, or to enact the domestic legislation necessary to fulfill their undertakings; many states have disappointed the legitimate expectations raised by General Assembly Resolutions; and many states have

disregarded commitments they made in UN Conference Action Plans;

Now, the 29 member states of the Organization of Economic Cooperation and Development (the "OECD") are undermining the United Nations process by drafting their own agreement, the Multilateral Agreement on Investment ("MAI"), which is heralded as "the constitution of a single global economy." It would promote the interests of the corporate sector as overriding "rights", while imposing new "obligations" and commitments on governments;

The MAI would undermine the body of International Public Trust Law by elevating and entrenching the interests of the corporate sector and other wealthy investors over the interests purported to be protected under International Public Trust Law;

The MAI would bypass standards that have arisen from the obligations undertaken under 50 years of International Public Trust Law, and would avoid many of the obligations undertaken under International Public Trust Law;

The member states of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, and international law, including international environmental law" (Platform of Action, UN Conference on Women; Habitat II Agenda);

We call upon the Secretary General of the United Nations, and the President of the United Nations General Assembly to demand that the OECD cease negotiations on the MAI on the grounds that this agreement would undermine the work of the United Nations, and 50 years of International Public Trust Law.

And we call upon the member states of the United Nations:

- (i) to sign and ratify all existing International Public Trust agreements, and to enact the domestic legislation necessary to ensure compliance;
- (ii) to respect commitments made through international conferences to ensure corporate compliance with all national codes, social security measures, and international law, including international environmental law;
- (iii) to institute an International Court of Compliance where citizens could bring evidence of state and corporate non-compliance with International Public Trust Law, including international environmental, human rights, and labour laws;

We call upon the G77 countries and other non-OECD member states of the United Nations to seek an injunction in the International Court of Justice to prevent the violation of the universality policy of the United Nations, and to prevent the violation of the Charter of the United Nations threatened by the MAI.

And we call upon the citizens of the OECD countries to petition their governments:

- (i) to seek an advisory opinion from the International Court of Justice as to whether or not a trade agreement that would undermine International Public Trust Law is contrary to the Convention on the Law of Treaties (Art. 27, States should not invoke internal law which would prevent the discharging of obligations under the Treaty);
- (ii) to seek an advisory opinion from the International Court of Justice as to whether or not member states of the OECD have failed to discharge their obligations under the International Covenant on Cultural, Economic and Social Rights (obligations to guarantee the right to shelter and the right to food which were enshrined in the International Covenant on Cultural, Economic and Social Rights);

NOVEMBER NOVEMBER

() THAT in 1997 on November 5 , I wrote a letter to Kofi Annan

EXHIBIT

Wednesday, November 5, 1997

Dear Dr. Annan.

This letter is a follow-up to our brief conversation at the Earth Summit+5. In response to my concern about the Multilateral Agreement on Investment (MAI), you assured me that the MAI would not undermine years of International obligations, commitments and expectations under the UN system. The continuation of the MAI process by the OECD will undermine the United Nations.

For many years through the UN system state obligations have been incurred through UN conventions, treaties and covenants; commitments have been made through UN Conference Action plans, and the expectations have been created through UN General Assembly resolutions.

For the UN Conference on Women's in Beijing, The Global Compliance Research project prepared a Charter of Obligations, Commitments and Expectations —350 pages of undertakings related to the guaranteeing of human rights, the protecting and conserving of the environment, the preventing of war and conflict, and the providing for social justice and socially equitable and environmentally sound development.

This Global Compliance Research Charter of Obligations was sanctioned for official distribution to all state delegations at the UN Conference on Women. We have continued to monitor commitments from subsequent conferences such as the Habitat II, and the Earth Summit+5.

The following Resolution and proposed Treaty on State and Corporate Compliance have been circulated widely and substantial changes have been made. It is now receiving wide ranging support.

We submit this statement and treaty for your consideration. We have circulated by e-mail the posting to all UN missions in New York, and to the international media.

Yours very truly

Joan Russow (Ph.D.)
President, Global Compliance Research project
1 (250) 598-0071

cc. mailed to Dr. Hennadiy Udovenko, President of the General Assembly
e-mail copies to the UN Missions in New York
International Media, and international NGO networks

() T H A T There was a grievance filed against me DRAFT comments on grievances from Don Francis and Tom Salzburg

A draft

Each one is going out for corrections or comments to the person who submitted it, the person(s) at whom it is directed, to Council and to Grievance Committee members. Please check them for factual errors and for significant factors that may have been left out. At this point it is my own document, unapproved by the Grievance Committee. Deborah has given me permission to use her email for your responses: droberts@gtn.net

Cheers!.....Jeff Culbert (519)645-1130

Grievance by Don Francis against Joan Russow and Frank de Jong (draft - November 12, 1997 - please advise on errors or omissions by Dec. 12, 1997) MIME-Version: 1.0

To: droberts@gtn.net

CC: jrussow@coastnet.com, ab942@freenet.carleton.ca

DEAR CABINET

I HAVE TO SUBMIT A CLARIFICATION OF THE PLATFORM PROCESS

COULD YOU PLEASE COMMENT ON THE ACCURACY OF THIS STATEMENT. A NUMBER OF ERRORS HAVE BEEN CIRULATING.

BEFORE I BECAME LEADER I WAS ON THE SHADOW CABINET WORKING ON THE PLATFORM SINCE THE FALL OF 1996

1. TOM INTRODUCED THE NOTION OF LOVE DAY WHICH WAS NOT ACCEPTED BY CABINET.

HE PROCEEDED TO LOBBY FOR LOVE DAY AND THUS HELD UP THE PLATFORM MAKING PROCESS FOR WEEKS

LUCY RULED THAT NO NEW POLICY COULD BE INTRODUCED

2. BEFORE I BECAME LEADER LUCY REQUESTED THAT A ELECTION COMMUNICATIONS COMMITTEE BE STRUCK AND ASKED FOR VOLUNTEERS. DAVID WHITE, RICK ZAMOTO AND MYSELF VOLUNTEERED
3. THE ROLE OF THE COMMITTEE WAS TO GO THROUGH ALL THE SUBMISSIONS AND IN COLLABORATION WITH THE MEMBERS OF CABINET TO COME UP WITH A PLATFORM FOR THE ELECTION
4. THE ELECTIONS COMMUNICATIONS COMMITTEE WAS A LEGITIMATE PART OF THE PLATFORM PROCESS
5. I WAS NOT THE CHAIR OF THE COMMITTEE, AND NOT THE CHAIR OF SHADOW CABINET
6. WHEN LUCY RESIGNED THERE WAS NO CHAIR AND IT WAS ONLY IN RESPONSE TO MY REQUEST TO COUNCIL IN SEPTEMBER THAT I BECAME CHAIR
7. AFTER I BECAME LEADER, AND WAS CONTINUING MY WORK WITH THE ELECTIONS COMMUNICATIONS COMMITTEE I REQUESTED FROM COUNCIL IN A LETTER () TO BE ABLE TO INTRODUCE STATEMENTS FROM INTERNATIONAL AGREEMENTS THAT WERE IN THE SPIRIT OF GREEN PARTY POLICY IN COLLABORATION WITH THE SHADOW CABINET MEMBERS. COMMENTS WERE RECEIVED FROM THREE MEMBERS OF COUNCIL AND THERE APPEARED TO BE NO CONCERN.
8. EVERY CABINET DEPARTMENT REVIEWED THE DOCUMENT COMING FROM THE ELECTION COMMUNICATION COMMITTEE AND APPROVED WHATEVER INTERNATIONAL STATEMENTS HAD BEEN INCLUDED. FOR EXAMPLE IN WALLY'S PLATFORM I INTRODUCED THE STATEMENT THAT "States SHOULD NOT DO ANYTHING THAT WOULD CAUSE ENVIRONMENTAL DESTRUCTION OR THAT WOULD BE CULTURALLY INAPPROPRIATE ON THE LANDS OF INDIGENOUS PEOPLES (A STATEMENT THAT EVERY STATE MEMBER OF THE UN AGREED TO IN 1992)

WALLY AGREED TO THIS

(. THE HEALTH PLATFORM WAS ONLY CONSENSUED BETWEEN TOM AND LOBIE, AND THERE WERE A NUMBER OF SERIOUS RESERVATIONS ABOUT THE PLATFORM FROM OTHER CABINET MEMBERS)

9. IN THE HEALTH PLATFORM I INTRODUCED TWO IDEAS FROM INTERNATIONAL AGREEMENTS

(1) REPRODUCTIVE HEALTH

(2) A GREEN PARTY WOULD PREVENT THE TRANSFER TO OTHER STATES OF SUBSTANCES AND ACTIVITIES THAT WERE HARMFUL TO HUMAN HEALTH.

TOM OBJECTED TO BOTH OF THESE. I WITHDREW THE SECOND ONE, BUT INSISTED THAT THE "REPRODUCTIVE HEALTH" STATEMENT SHOULD REMAIN. I POINTED OUT TO

TOM SAID THAT I WAS INTRODUCING NEW POLICY, AND USED VERY ABUSIVE LANGUAGE AND SAID HE WAS GOING TO FILE A GRIEVANCE.

10. I CHECKED WITH FRANK DE JONG AND HE ASSURED ME THAT THE GREEN PARTY OF CANADA HAD THE RIGHT TO CHOOSE AS A POLICY.

11. THE INCLUSION OF THIS WAS THUS PERFECTLY LEGITIMATE

12. IN CONTINUOUS CONSULTATION WITH THE MEMBERS OF CABINET THE PLATFORM BEGAN TO FORM

13. LOBIE STATED THAT THE TERM REPRODUCTIVE HEALTH COULD REMAIN BECAUSE IT WAS VAGUE. THUS IT WAS ONLY TOM THAT WAS CONCERNED ABOUT THAT STATEMENT.

14. THE PLATFORM PROCESS WAS FINISHED AND THE DOCUMENT THAT EMERGED WAS THE PLATFORM

15. WALLY DU TEMPLE IN A LETTER CIRCULATED ERRED IN SUGGESTING THAT THERE WAS CONSIDERABLE CONCERN ABOUT THE INTRODUCTION OF INTERNATIONAL MATERIAL. WHEN ONLY TOM WAS OBJECTING TO THE ADDITION OF "REPRODUCTIVE HEALTH". NO OTHER CABINET MEMBER AS FAR AS I KNOW DISAGREED WITH ANY OF THE INTERNATIONAL MATERIAL

16. THE DOCUMENT THAT EMERGED FROM THE INTERACTIVE PROCESS WITH THE ELECTIONS COMMUNICATIONS COMMITTEE WAS THE PLATFORM AND SHOULD BE RENAMED AS SUCH

17. TOM SALSBERG CAN ONLY FILE A COMPLAINT ABOUT HIS HEALTH PLATFORM. AND SPECIFICALLY ABOUT THE INCLUSION OF "REPRODUCTIVE HEALTH"

18. TOM SALSBERG AND NOW WALLY DU TEMPLE HAVE CONTINUALLY BEEN CIRCULATING ABUSIVE COMMENTS

19. WALLY DU TEMPLE HAD THROUGHOUT THE PROCESS BEEN SUPPORTING TOM RATHER THAN PERFORMING HIS ROLE AS CHAIR OF COUNCIL AND THUS UNDERMINING MY ROLE AS LEADER. I HAVE A SERIES OF E-MAILS TO SUPPORT THIS.

JOAN

10 I

1. the Elections Communication Committee was a genuine part of the Platform process. Lucy requested for a committee to be formed and this committee was working sometime before the election. David White, Rick Zammoto and myself volunteered for the process. When I referred to working 14 hours it was in negotiating with the various members of cabinet to ensure that there was a document that could be circulated to the membership through Green Canada

2. I have documentation here that indicates that there was an agreement from each member of the cabinet on the sections including Wally's. except for Tom. The only addition that was made to the Health section was the addition of "reproductive health". Tom objected to this and said that he would file a grievance. He was obstructing the process in every way

3. He was objecting to this as he said primarily because he a decision had been made to

Subject: grievances

To Joan, Frank and Council members via Deborah:

The following are DRAFT comments on grievances from Don Francis and Tom Salzburg. Each one is going out for corrections or comments to the person who submitted it, the person(s) at whom it is directed, to Council and to Grievance Committee members. Please check them for factual errors and for significant factors that may have been left out. At this point it is my own document, unapproved by the Grievance Committee. Deborah has given me permission to use her email for your responses: droberts@gtn.net

Cheers!.....Jeff Culbert (519)645-1130

Grievance by Don Francis against Joan Russow and Frank de Jong
(draft - November 12, 1997 - please advise on errors or omissions by
Dec. 12, 1997)

Source of grievance

Refusal to endorse Don,s candidacy in the 1997 federal election.

Actions taken before approaching Grievance Committee

Discussed the matter with Frank and with Joan.

Redress sought

Review the substance and the procedure of the refusal.

Background:

Don has put considerable time and effort into the Green party of Canada. Some of these efforts have sparked great controversy within the party though, especially his election financing activities in 1993. For the next couple of years, a lot of time was spent discussing the legal and moral status of these activities. After running unsuccessfully for the party leadership in 1996, the cheque that he submitted for conference fees and for a handful of GPC memberships bounced. At that point, council revoked his membership in the party. His application to run in the 1997 leadership race was refused by the party executive.

Don requested nomination papers for the 1997 election. Joan told Don to get them from Frank, who was handling them in that region. Joan became concerned when she learned about past Green Party controversies involving Don, and she told him that she didn't think that he should run. Frank refused Don's request for papers, and told him that he could appeal to council if he wanted to pursue the matter. (He also said that he and others on council would block any motion to endorse Don's candidacy, but added that the council still has the power approve it by voting.) Don did not approach council on the matter.

Comment on substance:

Rather than go into the labyrinthine background, I would focus on

the bounced cheque for the grievance at hand. Attempts to collect the money after the cheque bounced were refused or ignored. Under those circumstances, I don,t see how anyone can expect endorsement to represent the party in an election.

Comment on Process:

Joan and Frank each thought that Don,s candidacy was controversial, so withholding the nomination papers and referring the matter to council doesn,t seem unreasonable in terms of process. No-one is compelled to hand over the papers on demand. I don,t know whether council was officially notified of the refusal, but some council members knew about it and discussed it. As far as I know however, council was not asked to take an official position on the matter.

I don,t see any serious lapse in process here, but I suspect that the Green Party may want to make policy explicit for these cases.

Recommendation: I would recommend that a motion be passed saying that council must be notified immediately when a request for nomination papers is refused. That avoids the possibility of the leader or a regional agent refusing on the basis of personal dislike of the candidate, or some other inadequate reason, and then just keeping it quiet. Passing such a motion would ensure that the buck stops with council, so that accountability is preserved.

Grievance by Tom Salzburg against Joan Russow(draft - November 12, 1997 - Please advise on errors or omissions by

Source of grievance

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Actions taken before approaching Grievance Committee

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Grievance by Tom Salzburg against Joan Russow(draft - November 12, 1997 - Please advise on errors or omissions by

Source of grievance

Canadian submission to the UN for Earth Summit II be put up on the web site

COPY SENT TO Lawrence Arturo <larturo@bic.org

() THAT in 1997, That on November 21, I proposed a tribunal on Genocide for APEC

EXHIBIT

1997 NOVEMBER 21

APEC TRIBUNAL -e-mail tribunal

1.To hold a follow-up tribunal meeting on Monday 24 November of the International Court of Justice where we could use UN documents such as the Convention against Genocide, Declaration of Human Rights and the International Covenant on civil and political rights AGAINST THE LEADERS. Each leader could be tried for crimes against humanity using sections of the Convention on Genocide. I would suggest in front of the cour house [note I have enclosed a few sections from the convention]. We could then forward the decision of the international court of justice to the international Court of Justice, to the UN missions and to the international media.

HERE ARE A FEW STATEMENTS FROM THE CONVENTION

OBLIGATIONS TO ADDRESS URGENCY

PREVENTING OF GENOCIDE

53.1. Declaring genocide to be a crime under international law, contrary to the spirit and aims of the United Nations

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that

genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that, at all periods of history, genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required (Preamble, Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.2. Undertaking to prevent and punish genocide

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish (Art. 1. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.3. Recognizing what constitutes genocide

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group

(Art. 2. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.4. Determining what is punishable

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide

(Art. 3. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.5. Establishing who is punishable: constitutionally responsible rulers, public officials or private individuals

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals (Art. 4. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.6. Undertaking to enact the necessary legislation to give effect to the provisions The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3. (Art. 5. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.7. Pledging to grant extradition

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force (Art. 7. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

53.8. Taking action under the Charter of United Nations to prevent acts of genocide

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations, as they consider appropriate, for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3. (Art. 8. Convention on the Prevention and Punishment of the Crime of Genocide, 1948)

2. To launch a petition calling upon the Federal Government to seek an advisory opinion, from the International Court of Justice, on Canada's violation of the International Covenant on Civil and Political Rights in violating the rights of citizens to assembly

3. To have a mock Supreme Court hearing where the Government of Canada is condemned for violating its own Charter of Rights and Freedoms

4. To build on the women's protests in Argentina and call out the names of the "disappeared" from the APEC countries; perhaps in front of the War Memorial.
5. To have a parallel meeting of the UN General Assembly and vote on the adoption of the Treaty on Corporate and State Compliance to control corporations. We could then forward the decision of the UN General Assembly to the UN missions and to the international media

() THAT in 1997 on November 21, I sent the following

To the Ministers and Heads of State participating in APEC

Insert

EXHIBIT

Friday, November 21, 1997

LEST YOU FORGET

RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

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

(1)

IMPACT OF CONTINUED IMPOSITION OF CONSUMPTIVE MODEL OF DEVELOPMENT

- 1.1. Continued stress on global ecosystem from the pattern of over-consumptive development in industrialized countries**
- 1.2. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption**
- 1.3. Continued failure to reduce the ecological footprint through continued adherence to the consumptive model of development**
- 1.4. Continued elimination of the ecological heritage of future generations**
- 1.5. Continued depletion of resources upon which future generations depend**

- 1.6. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation**
- 1.7 Continued reliance on economic growth paradigm as the solution to global problems**
- 1.8. Continue negative impact of structural adjustment programs based on the imposition of overconsumptive model of development**
- 1.9 Continued promoting of socially inequitable and environmentally unsound employment and development**
- 1.10. Continued failure to redefine “development” in equitable and ecological terms**

(2)

**INEQUITABLE DISTRIBUTION OF RESOURCES
AND DENIAL OF BASIC RIGHTS AND NEEDS**

- 2.1. Continued inequitable distribution of natural resources**
- 2.2 Continued inequality/inequity between "developed" , "developing" and "underdeveloped" states**
- 2.3. Continued gravity of the economic and social situation of the least developed countries**
- 2.5 Continued lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care**
- 2.6. Continued lack of access to basic sanitation and adequate waste disposal services**
- 2.7. Continued lack of access to food and water**
- 2.8. Continued lack of access of poor to suitable arable land**
- 2.9. Continued increase in the number of people who do not have access to safe, affordable and healthy shelter**
- 2.10. Continued food crisis violating right to life and human dignity**
- 2.11. Increased use of manipulative Biotechnology**
- 2.12. Increased introduction of genetically modified food**
- 2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world's food supplies**
- 2.14. Continued unethical patenting of seeds by multinationals**
- 2.15 Continued experimentation in the human genome project**
- 2.16. Increased corporate control of their crop varieties**
- 2.17. Increased modification of seeds for profit**
- 2.18. Increased modification of organisms through "genetically modified organisms"**
- 2.19 Continued widespread unemployment and underemployment**
- 2.20 Continued failure to link health to over-consumption and inappropriate development**

- 2.21 Continued failure to address and prevent environmentally-induced diseases**
- 2.22 Increased deterioration of public health system, public health spending and privatization of health care systems**
- 2.23. Continuing spread of communicable infections**
- 2.24 Continued unequal access to basic health resources**
- 2.25 Continued high birth mortality rate**
High percentage of child mortality rate of deaths per live births.

(3)

**DETERIORATION OF ENVIRONMENTAL QUALITY
AND IMPLICATIONS FOR HUMAN HEALTH**

- 4.1. Continued impact on health from environmental degradation**
- 4.2. Increased impact on health and environment from toxic and hazardous chemicals**
- 4.4. Increased air, water and land pollution**
- 4.5. Continued adverse health and environmental effects of transboundary air pollution**
- 4.6. Continued transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment**
- 4.7. Continued risks of damage to human health and the environment from trans-boundary hazardous waste**
- 4.8. Increased generation and trans-boundary movement of hazardous waste causing threat to human health and environment**
- 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**
- 4,10 Continued disregard for the precautionary principle**
- 4.11. Continued awareness of the harm of exporting banned or withdrawn products on human health**
- 4.12. Increased deterioration of the environment and health through anthropogenic actions**
- 4.13. Continued ecological and human health effects of environmentally destructive model of development**
- 4.14. Continued use of banned and restricted pesticides designated as being hazardous to human or environmental health**
- 4.15. Increased resistance of antibiotics**

(4)

ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

- 5.1. Continued loss of biological diversity
- 5.2. Continued threat to genetic diversity
- 5.3. Increased deforestation and land degradation
- 5.4. Increased soil erosion
- 5.5. Increased desertification
- 5.6. Increased loss and degradation of mountain ecosystems
- 5.7. Increased erosion and soil loss in river basins
- 5.8. Increased watershed deterioration
- 5.9. Increased marine environment degradation
- 5.10. Increased vulnerability of marine environment to change
- 5.11. Increased risk of impact from increase in sea level
- 5.12. Increased of carbon sinks
- 5.13. Increased impact of global climate change
- 5.14. Increased potential of climate change
- 5.15. Increased depletion of the ozone layer
- 5.15. Increased threats to the ecological rights of future generations
- 5.16. Increased environmental damage from waste accumulation
- 5.17. Unprecedented Increase in environmentally persistent wastes
- 5.18. Continued trafficking in toxic and dangerous products
- 5.19. Continued export to developing countries of substances and activities that are banned or restricted in country of origin
- 5.20. Increased generation of nuclear wastes
- 5.21. Increased Loss of biodiversity through ecologically unsound practices
- 5.22. Increased ignoring of carrying capacity of ecosystem
- 5.23. Continued violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5)

ACKNOWLEDGMENT OF URGENCY**VIOLATION OF HUMAN RIGHTS**

- 6.1. Continued violation of human rights on the basis of gender, sexual orientation, sexual identity, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions**
- 6.2. Continued violations of human rights through the following activities:**
- **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**
 - **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**
 - **Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks**
 - **Failure to grant exit permits**
- 6.3. Increased migration of populations of migrants, refugees and displaced persons**
- 6.4. Continued critical situation of children**
- 6.5. Continued concern about discrimination against women continues despite Human Rights instruments**
- 6.6. Continued barriers faced by women**
- 6.7. Continued female genital mutilation and other harmful practices**
- 6.8. Denial of fundamental rights and freedoms**
Suppression of freedom of thought, Media and religion and conscience • systemic discrimination
- 6.9. Continued denial of moral and humanitarian values through religious intolerance and extremism**
- 6.10 Continued massive violations of human rights, ethnic cleansing and systematic rape**
- 6.11. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence**
- 6.12. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy**
- 6.13. Continued ethnic cleansing**
- 6.14. Continued xenophobia**
Fear and aversion to foreigners continues throughout the world
- 6.15. Continued violation of human rights during armed conflict**

6.16. Continued discrimination of and violence against women

(7)

DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

- 7.1. Continued perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms**
- 7.2. Forcing developing countries to undertake inequitable structural adjustment**
- 7.3. Increased poverty**
- 7.4. Continued excessive military expenditures while basic needs are not fulfilled**
- 7.5. Continued massive humanitarian problems through military intervention**
- 7.6. Continued circulation**
- 7.7. Continued war crimes against humanity, including genocide ethnic massacres , and “ethnic cleansing”**
- 7.8. Increased human and environmental destruction through land mines**
- 7.9. Increased war and civilian amputees as a result of land mines**
- 7.10. Continued death and displacement of people through war**
- 7.11. Continued impact of radiation from nuclear testing on present and future generations**
- 7.12. Continued exposure to radiation on present and future generations**
- 7.13 Continued mining of uranium for use in nuclear weapons**
- 7.14. Continued production, proliferation and testing of nuclear arms**
- 7.15 Continued circulating and berthing of nuclear armed or nuclear powered vessels**

() THAT In 1997 there was Rally for Migrant workers

RALLY IN SUPPORT OF MIGRANT WORKERS 1997

OPENING REMARKS

WELCOME TO THE INAUGURAL LAUNCH OF THE INTERNATIONAL DAY OF SOLIDARITY WITH MIGRANT WORKERS AND THEIR FAMILIES. THERE ARE

ACTIONS HAPPENING SIMULTANEOUSLY IN 16 COUNTRIES THROUGHOUT THE ASIAN PACIFIC REGION, WHERE THERE ARE OVER 15 MILLION MIGRANT WORKERS STRUGGLING FOR BASIC WORKERS RIGHTS.

THIS DAY OF SOLIDARITY HAS BEEN CALLED BY THE ASIAN PARTNERSHIP IN MIGRATION AND TENAGANITA IN KUALA LUMPUR MALAYSIA AND THE SCALABRINI CENTER FOR MIGRATION, PHILIPPINES WITH THE PURPOSE OF SUPPORTING AND STRENGTHENING CURRENT LOBBYING AND CAMPAIGN INITIATIVES FOR THE RATIFICATION OF THE UN CONVENTION FOR THE PROTECTION OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES, WHICH WAS ADOPTED BY THE UN GENERAL ASSEMBLY ON DECEMBER 18 1990. FOR THE CONVENTION TO COME INTO FORCE, 20 NATIONS HAVE TO RATIFY THE DOCUMENT. TO DATE, ONLY NINE COUNTRIES HAVE DONE SO.

CANADA HAS REFUSED AND IS THEREFORE COMPLICIT IN GROSS VIOLATIONS OF WORKERS RIGHTS OCCURRING IN APEC MEMBER COUNTRIES WITH WHICH JEAN CHRETIEN HAS ESTABLISHED MULTIBILLION \$ TRADE RELATIONS. WE ARE HERE TO DECRY THE MORALLY BANKRUPT POSITION OF OUR GOVERNMENT WHOSE FOREIGN POLICY IT IS TO UTTERLY DISREGARD THE WORKERS RIGHTS IMPLICATIONS OF TRADE AND TO DENY THE REALITY OF HUMAN SUFFERING AND EXPLOITATION THAT IS THE REAL BOTTOM LINE OF CORPORATE SCHEMES OF DEVELOPMENT IN THE MAJORITY WORLD. THE CANADIAN GOVERNMENT DOES NOT WANT TO RATIFY THE MIGRANT WORKERS CONVENTION FOR THE SAME REASON THAT HUMAN RIGHTS ARE NOT ON THE APEC AGENDA: WORKER'S RIGHTS ARE VIEWED AS AN IMPEDIMENT TO CORPORATE INVESTMENT AND PROFIT.

WE ARE HERE IN HEARTFELT SOLIDARITY WITH THE MILLIONS OF MIGRANT WORKERS WORLDWIDE WHO HAVE BEEN DISLOCATED BY THE SOCIAL, ECONOMIC, CULTURAL AND POLITICAL UPHEAVALS THAT ARE THE RESULT OF ECONOMIC GLOBALIZATION AND WHO ARE PART OF A MASS EXODUS OF PEOPLE ON THE MOVE BECAUSE OF POVERTY, JOBLESSNESS AND THE GLOBAL PROCESSES OF "STRUCTURAL ADJUSTMENT PROGRAMS, IMF AND WORLD BANK POLICIES, TRADE LIBERALIZATION AGREEMENTS, EXPORT PROCESSING AND FREE ENTERPRISE ZONES AND THE OPERATIONS OF MULTINATIONAL CORPORATIONS AND THE POLITICAL AND ECONOMIC MECHANISMS AND SOCIAL IMPACTS OF PRIVATIZATION AND DEREGULATION." - NORTH AMERICAN REGIONAL CONSULTATIVE FORUM ON THE TRAFFICKING IN WOMEN, MAY 1997.

WE ARE HERE IN HEARTFELT SOLIDARITY WITH THE GROWING NUMBER OF WOMEN MIGRANT WORKERS, SEX WORKERS, MAIL ORDER BRIDES, DOMESTIC WORKERS AND WOMEN IN 'CONVENIENCE MARRIAGES' MANY OF WHO ARE SUBJECT TO TRAFFICKING OR THE CONDITIONS OF EXTREME VIOLENCE IN THE PROCESS OF BEING RECRUITED AND TRANSPORTED WITHIN AND ACROSS NATIONAL BORDERS FOR WORK OR SERVICES ON A LARGELY WHITE MALE MARKET.

WE ARE HERE IN HEARTFELT SOLIDARITY WITH ALL SWEATSHOP WORKERS, HOME AND CONTRACT WORKERS WHO LABOUR AT UNLIVABLE SUB MINIMUM - WAGE PIECE RATES TO LINE THE POCKETS OF THE OBSCENELY RICH, SUPPLY THE CONSUMER MARKETPLACE AND BRING US NIKE RUNNERS, GUESS JEANS AND BARBIE DOLLS.

WE ARE HERE TO SUPPORT INTERNATIONAL HUMAN RIGHTS LAW AND THE INTERNATIONAL STRUGGLE FOR WORKERS RIGHTS, HUMAN RIGHTS AND WOMEN'S RIGHTS: THE RIGHT TO PAID WORK, THE RIGHT TO A LIVABLE WAGE, THE RIGHT TO JUST AND EQUITABLE WORKING AND LIVING CONDITIONS, THE RIGHT TO JUST COMPENSATION, THE RIGHT TO NOT BE DISCRIMINATED AGAINST, THE RIGHT TO LEAVE ANY STATE AND ENTER AND REMAIN IN ONE'S STATE OF ORIGIN, THE RIGHT TO PROTECTION AGAINST TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, THE RIGHT TO PROTECTION AGAINST SLAVERY, THE RIGHT TO FREEDOM OF MOVEMENT, THE RIGHT TO ORGANIZE AND UNIONIZE.

WE ARE HERE IN INTERNATIONAL SOLIDARITY AGAINST EXPLOITIVE GLOBALIZATION. IF CAPITAL CAN MOVE UNHINDERED ACROSS BORDERS, SO TOO CAN CONSCIENCE AND THE CRY FOR SOCIAL JUSTICE.

THERE WILL BE A NUMBER OF SPEAKERS ADDRESSING MANY OF THESE IMPORTANT ISSUES. WE HAVE SOME ANTI-SWEATSHOP CHRISTMAS CAROLS TO SING. SANTA'S LIST OF NAUGHTY RETAILERS VIOLATING WORKER'S RIGHTS. A FEW PETITIONS GOING AROUND FOR YOU TO SIGN. WE ARE HUMAN RIGHTS WITHOUT BORDERS. AND OUR FIRST SPEAKER IS

TERRY WOLFORD--IRENE FERNANDEZ, EXECUTIVE DIRECTOR, TENANGANITA,
MALAYSIA

SONG

FRANCIS O'DONOVAN, GLOBAL ALLIANCE AGAINST THE TRAFFIC IN WOMEN

SONG

JOAN RUSSOW, LEADER OF THE FEDERAL GREEN PARTY--INTERNATIONAL LAW
AND THE MIGRANT WORKERS CONVENTION

SONG

LUIS BARAHONA, CHILEAN HUMAN RIGHTS COMMITTEE

STACY CHAPPELL, VIPIRG

SONYA MCRAE, STATEMENT OF THE SEOUL CONFERENCE, SEPTEMBER 9, 1996,
MIGRANT WORKERS CHALLENGING GLOBAL STRUCTURES

SANTA' S LIST OF NAUGHTY RETAILERS....

FINAL SONG

CHANTS:

NO! BUSINESS WITHOUT WORKERS RIGHTS
INTERNATIONALE SOLIDARITY!

THE PEOPLE UNITED WILL NEVER BE DEFEATED!

() **THAT** I drafted and circulated a Treaty of State and Corporate Compliance: the Nemesis of MAI

DECEMBER DECEMBER

() THAT in 1997

() in 1997

EXHIBIT

THIS 4TH DAY OF DECEMBER, 1997

A COMMISSIONER FOR THE TAKING OF AFFIDAVITS WITHIN THE PROVINCE OF BRITISH COLUMBIA

() (November December 1997. Wrote articles and press releases, and distributed them Internationally and nationally prior to and during the Kyoto meeting on Climate change. Briefs circulated during Kyoto

() 1997-1998. Wrote pieces on the implications, and drafted resolutions of the absence of proportional representation CHECK DENNIS BEATIE

() Drafted a Report card on Canada and the US on their lack of compliance with the Framework Convention on Climate Change, and circulated this report internationally and nationally.

() THAT on December 10

() THAT in 1997, ON DECEMBER 10, I ISSUED ON THE 49TH ANNIVERSARY OF THE UN UNIVERSAL DECLARATION OF HUMAN RIGHTS December 10, 1997

PETITION

TO THE HOUSE OF COMMONS

IN PARLIAMENT ASSEMBLED

We the undersigned citizens

draw the attention of the House to the following:

(i) the actions of governments in Canada in the arrests and treatment of citizens protesting in Clayoquot Sound, Temagami, Ipperwash, Oka, Gustafson lake, Slocan Valley and APEC have violated the civil and political rights of those arrested, and thus are in violation of the International Covenant of Civil and Political Rights to which Canada is a signatory.

(ii) The treatment of citizens raises issues about the right to free assembly as guaranteed under the Charter of Rights and Freedoms and under the International Covenant of Civil and Political Rights.

(iii) there is increased concern about the misapplication of justice in reference to rule by injunction and by the criminalization of "Contempt of Court" charges in cases where the citizens have exercised their right to assemble

(iii) there is increased use of arrests by the police in response to legitimate peaceful and democratic process

(iv) there is a public perception that the RCMP appear to be too much an arm of private corporate interests, much as was the case in the use of the RCMP in Winnipeg in 1919 to break up union activities, and in Regina to break up the protest of the unemployed in the thirties.

(v) during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the Charter of Rights and Freedoms and the International Covenant of Civil and Political Rights to which Canada is a signatory.

(vi) The Vancouver police department assaulted protester with pepper spray when these protester posed no threat to the public or the police, and when like all other arrested demonstrators would not have resisted arrest, and further the police pepper sprayed civil protesters who were obeying the police direction to depart

(vii) The RCMP and CSIS? intimidated citizens, through interrogation via visitations to their homes by agents, some of whom refused to identify themselves, and failed to inform the victims of their rights.

(viii) The RCMP maltreated protesters by detaining them without charge and by strip searching (of women only)

(ix) The RCMP arrested one protester with a simple message which read "democracy" and "Free speech"

(x) Prime Minister's office interfered with agreement between University of B.C. and RCMP for the establishment of an area in which students and faculty could protest in full view of the visiting dignitaries.

(xi) Unidentified plain clothes person CSIS? video taped citizens serving warrant on President Suharto

- (xii) The Vancouver Police selectively arrested from within a protest group- two demonstration coordinators who were not participating in civil disobedience because they possessed communication devices
- (xiii) The Vancouver Police and RCMP? required several people who were arrested to surrender their right to peaceful assembly as a condition of release.
- (xiv) five plain clothes unidentified men apprehended organizer and put him into an unmarked car the day before the planned demonstrations. The organizer was charged him with having spoken too loudly on a megaphone two weeks earlier. This arrest was concocted and selectively executed to keep the person from participating and organizing.
- (xiv) RCMP and media coordination at the APEC meeting engaged in questionable activities related to the pulling of media passes, and to the issuing of controlling instructions for the media at the APEC meeting
- (xv) Prime Minister's communication office censored at least one presentation to APEC meeting
- (xvi) during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the federal immigration act by selectively misapplying the Act:
- (xvii) By granting entry into Canada of citizens or leaders that have violated human rights through mass murders, genocide
- (xviii) By preventing entry into Canada to participate in APEC of
- Social justice, and human rights activists from other countries THEREFORE, your petitioners request that Parliament
- (i) seek an advisory opinion from the International Court of Justice on Canada's compliance with the International Covenant of Civil and Political Rights in relation to the arrests of citizens, to the criminalization of the contempt of court charges, and to the interference with citizens' rights and freedoms
- (ii) investigate RCMP and other federal security agencies such as CSIS' behaviour in the assessment of what constitutes lawful dissent
- (iii) examine the activities of these agencies during the APEC conference to determine whether there were violations of the Charter of Rights and Freedoms and of other Canadian laws.
- (iv) examine the Canadian statutory law related to immigration in reference to the section which prohibits entry into Canada of citizens or leaders that have violated human rights
- (v) investigate the immigration process whereby social justice, and human rights activists from other countries were prevented from entering Canada to participate in APEC.
- (vi) ensure that the RCMP acts in the interest of the public trust

PETITION TO THE HOUSE OF COMMONS

SIGN-ON

NAME ADDRESS SIGNATURE

PLEASE SEND COPY TO Joan Russow at jrussow@coastnet.com, 1230 St. Patrick St. Victoria, B.C. V8S4Y4

Joan Russow National Leader of the Green party of Canada

() THAT in 1997 on December, 8, I wrote the following :

EXHIBIT

1997 I responded to an appeal from the NGO Energy Caucus chair who was monitoring the Kyoto negotiations, and that I sent a letter to Vice President Gore

EXHIBIT

Vice President Gore
The White House Washington, DC 20500

Ambassador Stuart Eizenstat
Holiday Inn, Kawabata Dori Kyoto, Japan

December 8, 1997

Dear Vice President Gore & Ambassador Eizenstat:

In 1992, at UNCED, I interviewed you and expressed my concern about the way the U.S. under the Bush administration was undermining the UNCED process through William Reilly's constant interventions. You responded to my question by saying "if you are asking if we [presumably the Democratic party] would do anything different, the answer is 'yes'"

In Canada, we have a "corporate-sympathetic administration" that gives the illusion internationally that it is concerned about climate change. I urge you to play a real leadership role in moving the newly formed "Umbrella Group" towards not just the EU position but to the NGO and small Island States position.

It is only when there are strong mandatory regulations, firm time-lines and percentages for reduction of greenhouse gases, and a willingness to eliminate subsidies to the fossil fuel industry that environmentally sound technologies will be truly embraced, and the urgency of the climate change issue substantially addressed,

Yours very truly

Joan Russow (PhD)
 President
 Global Compliance Research Project

() THAT in 1997, on December 11, I received a letter from Nitin Desai Under-Secretary-General for Economic and Social Affairs of the United Nations .

Dear Dr Russow

The Secretary General has asked me to thank you for your letter of 5 November and to express his appreciation for your efforts to advance the cause of multilateralism in development related areas.

While concerned about some aspects of some of the regional arrangement now under discussion, I share the view expressed by the Secretary General when you met him that these should not undermine commitments already entered into under the auspices of the United Nations.

Thanking you once again for your support for the United Nations and for multilateralism

Yours sincerely

Nitin Desai"

On December 12, 1991 Lawrence Summers, chief economist of the World Bank sent a memorandum to some of his colleagues, which was later leaked to the British Economist, which published part of it on February 8, 1992 with the provocative title of " let them Eat pollution." A key section is as follows:

"Just between you and me, shouldn't the World Bank be encouraging migration of the dirty industries to the LDCs [Less Developed Countries]?"

- **EXTERNAL COSTS SUCH AS ENVIRONMENTAL COSTS ARE NOT REAL COSTS**
- **TOXIC, HAZARDOUS AND ATOMIC WASTES ARE NOT WASTE BUT BY PRODUCTS WAITING FOR FUTURE USEFUL PURPOSES**
- **WE CAN CONTINUE TO PRODUCE WASTES EVEN THOUGH WE DO NOT YET KNOW HOW TO DISPOSE OF THESE WASTES SAFELY**
- **SINCE THERE IS NO SUCH THING AS SCIENTIFIC CERTAINTY THEN IT DOES NOT MATTER WHAT WE DO IN THE ENVIRONMENT**

• PRINCIPLES FROM INTERNATIONAL DOCUMENTS HAVE NO IMPACT ON THE UNIVERSITY, AND THEY SHOULD NOT HAVE ANY IMPACT ON THE UNIVERSITY

to promote a 'culture of safety' in all countries...(Agenda 21, 7.60)

Apply preventive, precautionary and anticipatory approaches so as to avoid degradation of the main environment as well as to reduce the risk of long-term or irreversible adverse effects upon it (Agenda 21, 17.23)

Many of the problems have arisen from a development model and is environmentally destructive and from a lack of protection (Agenda 21, 18.45)

Ensure prior assessment of activities that may have significant adverse impacts upon the marine environment (Agenda 21, 17.23b)

Every form of life is unique warranting respect regardless of its worth to man [humans] and to accord other organism recognition , man [humans] must be guided by a moral code of action (a)

A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Trough ignorance of indifference we can do massive and irreversible harm to the earthly environment
UNCHE 1972

7779 Gloria Snively 388 9520

FUNDING Should there be restrictions in place that will prevent professors from accepting funding from any institution or industry that is in violation of fundamental principles of sustainability? Could or should the University be used as an instrument to encourage the fulfillment of ecological sustainability? Should an industry that proposed one project that appears to be ecologically sound not be supported if the other activities of the industry are in violation of principles of ecological sustainability?

ARE YOU AWARE OF INTERNATIONALLY AGREED TO ECOLOGICAL PRINCIPLES THAT COULD HAVE AN IMPACT ON

DISTINCTION BETWEEN INTERNATIONAL ... AS AGREED TO THROUGH POLITICAL PROCESS/ CLAIMED TO BE TRUTH

The precautionary principle, the "non-transference of substances and activities that could cause harm to human health and the environment principle, the "elimination of weapons of mass destruction principle"

1THE EVOLUTION OF THE PRECAUTIONARY PRINCIPLE FROM ITS INITIAL ENUNCIATION IN 1972, THROUGH ITS REINFORCEMENT IN 1982 TO ITS REALIGNMENT IN 1992

"it also seems clear that the road from declaring global principles to effective world-wide action will be a very long and hard one. (15, Man's environment and the Atlantic Alliance" 1972)

.

Since 1972, the essence of the precautionary principle was agreed to by the global community,

Determination to shape actions with prudent care for the environment principle

A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment...Declaration of the United Nations Conference on the Human Environment (Declaration of the United Nations Conference on the Human Environment (1972)

1972)

This principle was further reinforced in 1982, in the World Charter of Nature:

Avoidance of activities if adverse effects not fully understood principle

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

Avoidance of irreversible damage to nature principle

Activities which are likely to cause irreversible damage to nature shall be avoided (11. a) World Charter of Nature (1982)

In 1992, in the UNCED documents there is the full enunciation of the precautionary principle. This principle is present in all the documents in differing forms:

In the Rio Declaration it is expressed in the following way

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

: and in the Framework for a Climate Change Convention it is phrased in a different way:

3. The Parties should 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, taking into

account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and

reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out co-operatively by interested Parties. (Climate Change Convention, 1992)

And in the Convention on Biological Diversity it was phrased in still a different way:

Noting also 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,

ESSENTIAL PROPERTIES OF THE PRECAUTIONARY PRINCIPLE DRAWN FROM INTERNATIONAL DOCUMENTS AND NATIONAL DOCUMENTS.

What kind of policy action will be needed in the '80s to address these issues: given the current economic climate, how can nations collectively marshal the political will required to develop and implement the needed policies? what is the role of international co-operation in this and in particular, what is the role of OECD. MacNeill, Director, OECD, Environment Directorate

The precautionary principle has a number of underlying implicit properties that would have to be considered in determining adherence to the precautionary principle: these properties are evident in a number of documents emanating from policy makers.

(3.1.). The invoking of the precautionary principle to address one environmental problem should not cause another problem or that the solution to the environmental problem should not itself be an activity or a substance that could potentially cause irreversible harm.

1991 There is little merit in solving one problem by creating others. The Committee has therefore endeavoured to be responsible in making recommendations that clearly have wider implications beyond the problem of global warming.

(Standing Committee on the Environment, p. 18)

(3.3.) the invoking of the precautionary principle might require the acknowledgement that the inaction could involve risks

Title of Standing Committee report " out of balance: the risks of irreversible climate change(Standing Committee on the Environment, 1991)

(3.4) the invoking of the precautionary principle could require supportable evidence not necessarily in the certainty of environmental harm but at least in the likelihood

" Global warming is real and serious

1.1. Our report is based on three main premises:

- global warming has been proved scientifically;
 - It is an inevitable and continuing consequence of past and present patterns of human activity; and
 - it represents a severe threat to both Canada and the planet as a whole
- (1991, Standing Committee on the environment)

(3.5.). The invoking of the precautionary principle will require a demonstration of the credibility of those who frame the problem

1.7 As regards the reality of global warming, the international scientific community has during the last two to three years, undertaken an urgent and comprehensive review of the evidence. This inquiry by the IPCC under the auspices of the WMO and UNEP reported its findings at the Second World Climate Conference in 1990. The panel reported that

we are certain of the following:

the greenhouse effect is real

Man made emissions are substantially increasing the atmospheric concentrations of the greenhouse gases: carbon dioxide, methane, the CFCs, nitrous oxide and tropospheric ozone. These increases will lead to a warming of the Earth's surface...

We calculate with confidence that:

Atmospheric concentrations of the long-lived gases (Carbon dioxide, nitrous oxide and the CFCs) adjust only slowly to changes in emissions. Present day emissions of these gases are committing us to increased concentrations for decades to centuries...

the long-lived gases would require reductions in man-made emissions of 60-80% to stabilize their concentrations at today's levels; methane would require only a 15%-20% reduction. (Intergovernmental panel on Global change p. 29 as cited in the standing committee Report, p. 5)

(3.6.). The invoking of the precautionary principle will require an understanding of the position of experts who do not agree with the assessment of the problem, and the

supplying of good arguments to justify the position to implement the precautionary principle

1.5 There is no mystery to what is happening, yet there are still some who are unconvinced. A very few of these are scientists who offer alternative explanations for the measurements and other data that have convinced the vast majority of their colleagues. A larger group of people lack the scientific background required to evaluate the evidence and appears reluctant to accept as reality what cannot yet be seen or touched. A third groups, apparently including many Canadians, regards the prospect of global warming as something desirable, and therefore no cause for concern.

1.6. the Committee's first task, therefore is to explain briefly why we are convinced to the basic premises set out in para 1.1. In doing so, we need to respond both to those who doubt global warming and to those who accept that it is taking place, but believe that it should be welcomed by Canadians.

1.10. In any case, it is clear from the evidence it provided to us, and from its report, that the Marshall Institute is mainly urging expanded research on global warming in a 3-5 year period and the avoidance of drastic policy changes before that research is undertaken.

Dr. Seitz,

" ... I want to make it clear that I do not place those who express a word of warning in the same category as the boy who cried wolf too often, since there may indeed be a wolf somewhere in the forest. There is too much to be gained by continuing on with our form of civilization to deviate radically without more solid evidence that the biosphere is in mortal danger in the immediate future from uncontrolled warming. I fully realize that this attitude involves a calculated risk, but I also feel that we must balance that risk against the certain damage that will be done if we shut down our power stations and our factories, halt the great advances in communication and transportation achieved in the last century or so. These comments do not imply that we should not use fossil fuel in the most efficient and conservative manner or that we should not consider the use of alternative, **non-polluting sources such as nuclear energy when appropriate. Indeed, economic** factors alone may dictate such shifts. "Scientific Perspectives on the Greenhouse Problem, George C. Marshall Institute , Washington, D.C., 1989

1.11. We recommend that action should be taken now, not 3 to 5 years from now, to reduce substantially the rate of greenhouse gas emissions throughout the world and specifically in Canada.

1.16 ..Canada should be as active as other nations in taking action to reduce or delay such warming. ...p. 8

(3.7.). The invoking of the precautionary principle will require commitment to the principle that even though Canada may not benefit, for the sake of the global community, we must act.

1.16.4. Even if global warming could be shown to benefit Canada, which is far from being the case, there is growing evidence of its potentially severe and even disastrous implications in other parts of the world, and especially in developing countries. Canada cannot adopt a laissez-faire attitude to what is happening. Many millions of people live on the margin of survival not merely in terms of nutrition and similar measures; small changes of climate or of sea-level would make their physical environment uninhabitable.

Man made emissions are substantially increasing the atmospheric concentrations of greenhouse..

"environmental policy should be integrated fully into other policies. It should be considered as a fundamental factor when economic decisions are taken. In this context we stress the importance of sustainable development; prevention rather than cure; environmental impact assessment; setting environmental standards on the basis of best technology; and development of less polluting and more cost effective technologies, including those for controlling emissions at source. (5) "the Way forward Environment ministers London, 1984

"environmental policy should be integrated fully into other policies. It should be considered as a fundamental factor when economic decisions are taken. In this context we stress the importance of sustainable development; prevention rather than cure; environmental impact assessment; setting environmental standards on the basis of best technology; and development of less polluting and more cost effective technologies, including those for controlling emissions at source. (5) "the Way forward Environment ministers London, 1984

(3.8.). The invoking of the precautionary principle will require the commitment that the solution lies is prevention not cure or repair

"It is essential, in both developing and developed countries, to manage sustainable resources wisely, and to this end we emphasize that prevention of damage is better than repair. This principle is fully effective only in the framework of intensive international co-operation because many of these problems range far more widely than any one of our countries. (2) "the Way forward Environment ministers London, 1984

"the 'polluter pays Principle' is of key importance to ensuring that environmentally correct prices and market signals are given and should be developed and applied more widely (5) "the Way forward Environment ministers London, 1984

" we must also be more forward-looking in addressing emerging environmental issues such as possible climatic changes resulting from human activities, the need to examine alternative energy strategies, and the environmental impact of new forms of industry including biotechnology. (5) "the Way forward Environment ministers London, 1984

IV Environmental Policies

12. New approaches and strengthened international co-operation are essential to anticipate and prevent damage to the environment, which knows no national frontiers....We shall also address other concerns such as climatic change, the protection of the ozone layer...1985 Bonn economic Declaration May 4, 1985

4. Economic progress and the preservation of the natural environment are necessary and mutually supportive goals. Effective environmental protection is a central element in our national and international policies. 1985 Bonn economic Declaration May 4, 1985

13. We shall harness both the mechanisms of governmental vigilance and the disciplines of the market to solve environmental problems. We shall develop and apply the polluter pays principles more widely. Science and technology must contribute to reconciling environmental protection and economic growth. 1985 Bonn economic Declaration May 4, 1985

(3.9.). The invoking of the precautionary principle will require the commitment that the solution calls for new initiatives and the maintaining of options (non-reduction of options)

() THAT I was asked to make a presentation at a conference on the MAI, an I presented an affidavit as though I was presenting a case before a mock International Court of Compliance

EXHIBIT

IN THE

International COURT OF STATE AND CORPORATE COMPLIANCE

CITIZENS EXERCISING THEIR DEMOCRATIC RIGHTS, AND SUPPORTERS
OF PUBLIC TRUST INTERNATIONAL LAW

THE PLAINTIFF

V

OECD

(ORGANIZATION OF ECONOMIC
COOPERATION AND DEVELOPMENT)

DEFENDANT

AFFIDAVIT

I, DR JOAN RUSSOW of 1230 St. Patrick St., Victoria, make oath and say as follows:

1. THAT I am an expert witness for the plaintiffs in the within proceedings and as such have knowledge of the following facts and matters deposed to, save and except where same are stated to be based upon information and belief, and where so stated, I verily believe the same to be true.

THAT for more than 10 years I have been carrying out a content analysis of public trust international agreements in the areas of guaranteeing human rights, conserving and protecting the environment, preventing war and conflict, ensuring social justice and providing for socially equitable and environmentally sound development.

THAT I have attended and participated in international conferences such as the United Nations Conference on Environment and Development (UNCED), UN Conference on Women and the UN Conference on Human Settlements and that I am aware of the commitments that governments have undertaken at these and other UN conferences

THAT I have circulated internationally the Global Compliance resolution calling upon member states of the United Nations to sign and ratify existing public trust international agreements, and calling upon member states to enact the necessary legislation to ensure compliance

THAT I initiated the Global Compliance Research project and compiled the Charter of obligations—350 pages of international obligations incurred, commitments made and expectations created. This charter was officially distributed to all state delegations at the UN conference on Women.

THAT I prepared a document for Habitat II and participated at the NGO forum as the chair of the Urbanization caucus, and as one of the editor's of the NGO official submission to the United Nations .

THAT I have been circulating several documents and petitions internationally such as the "UN Proclamation for Translating Rhetoric into Action" and petition for an International Court of State and Corporate Compliance where citizens could take evidence of state and corporate non-compliance with public trust international law

THAT I have has taught a course in global issues at the University of Victoria from 1992-1996

THAT I have attended international conferences such as UNCED, UN Conference on Women and the UN Conference on Human Settlements

and that I am aware of the commitments that governments have undertaken at these conferences

THAT I have given presentations internationally on the Global Compliance and initiated the Global Compliance Caucus at the United Nations

THAT The urgency of the Global situation was affirmed internationally at the United Nations Conference on Environment and Development (UNCED) in 1992:

"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).

THAT I have circulated a document, "Lest we forget: the Global Urgency" that includes the recognition of the global urgency in addressing issues of human rights violation, of environmental degradation, of social justice and equity disregard, and of war and conflict escalation.

THAT in 1992 I participated in the drafting of the alternative Earth Charter at the UN Conference on Environment and Development (UNCED) and introduced the phrase into the Charter that given the urgency of the global situation "inaction is negligence"

THAT through the UN system, there have been two streams of international law documents: those that further the "public trust" and those that promote "vested economic interest" .

THAT The public trust international law establishes a foundation to counteract the MAI and other vested economic interests agreements.

THAT Public trust international law could be described as the body of international law that purports to guarantee human rights, to protect and conserve the environment, to prevent war and conflict, to ensure social justice and to provide for socially equitable and environmentally sound development.

THAT Vested economic interest international law could be described as the body of international law that strives, and usually succeeds to enshrine deregulation, privatization, voluntary compliance etc. [examples of documents are those coming from General Agreement on Tariffs and Trade (GATT), the World trade organization (WTO), Organization of Economic Cooperation and Development (OECD), Asian Pacific Economic Cooperation (APEC).

THAT The devolution of power to the corporations has been increasing since the formation of the Bretton Woods Institutions in 1946. GATT as one of the primary proponents of the devolution of power to the corporations revealed its anti-environmental agenda in 1971. In 1971, GATT, in anticipation of stiff environmental provisions coming out of the 1972 UN Conference on Humans and the Environment (UNCHE). expressed concern not about the cost to the environment of not having regulations but the economic costs of environmental regulations.

THAT The concern for the "cost of environmental regulations" and for the need for vested economic interest agreements has been reiterated over the years by transnational corporations, corporate-front Non-Governmental Organization (NGO) lobby groups, corporate sympathetic administrations.

THAT Increasingly through the influence of the corporate lobby and through the withholding of funds from the UN, the UN has been compelled to seek "partnerships" with the corporations. This increased partnership has meant the erosion of public trust international law, and the promoting of vested economic interest economic law. As a result of this increased corporate involvement in the UN, the language of obligation and commitment has moved from public trust to vested interest.

THAT through my research I have become aware that for years, socially equitable and environmentally sound solutions have been available and proposed, but ignored

because of the lack of political will of corporate sympathetic government administrations, and because of the relentless lobbying by transnational corporations.

THAT Through international public trust law, for over fifty years. 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 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; commitments made through Conference Action Plans and expectations created through the United Nations Declarations, and General Assembly Resolutions.

THAT If these years of obligations had been discharged, if these years of commitments acted upon and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development.

THAT Many of these obligations have never been discharged because states often fail to sign international legally binding treaties that they themselves have negotiated; because states that sign legally binding conventions and treaties, often fail to ratify them; and because states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement..

THAT Many of the commitments have not been acted upon. Commitments have been made through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II.

THAT Similarly, many of the expectations created through General Assembly resolutions have not been fulfilled.

THAT Instead of complying with the body of public trust international law, corporate sympathetic governments have been increasingly devolving power to the corporations. The devolution of power is evident in increased deregulation and decreased government funding of public trust programs. Deregulation is reflected in a moving away from "command and control" to "compliant friendly agreements" or to "voluntary compliance" —the latest oxymoron to emerge from the NAFTA, Commission on Environmental Cooperation. Since 1991, the ISO (International Standardization Organization) has been devising a program of self regulation where corporations set up their own environmental policy and are then evaluated on how well they conform to their self initiated policy. [a scheme with no external normative mandatory standards]. Decreased public trust funding is reflected in the corporate determining of the philosophical underpinnings of public education , and in the corporate control of research and development in universities.

THAT THE RULE OF CORPORATIONS IS ALREADY IN PLACE. The rule of the corporation and of corporate sympathetic administrations undermine any progress that can be made in implementing public trust international law.

THAT This process must be reversed and the knowledge of existing public trust international law could assist in this reversal.

THAT At least until 1996 the rhetoric was still present. In recent conferences, UN Conference on Women (1995) and the UN conference on Human Settlements (1996) every member state in the United Nations made a commitment to ensure that corporations including transnational corporations comply with national codes and with international law, including international environmental law. The control of corporations through regulation and through the requirement to adhere to international principles could be used to drive socially equitable and environmentally sound development not as an option but as an imperative because of existing obligations, commitments and expectations in public trust international law.

THAT If these obligations had been discharged, the commitments acted upon, the expectations fulfilled public trust international law would be now in place.

MAI-SPECIFIC

THAT on April 10, 1997 I urged the NGOs working on the NGO lobbying document for the follow-up conference to the Earth Summit +5 to include a section calling on the United Nations to urge the OECD to cease all further negotiations on the MAI

THAT in May 1997 I circulated a resolution calling for the cessation of all further negotiations of the MAI

THAT the resolution was directed in part to the OECD countries and included the following preambular clauses

(i) The United Nations through international processes is the appropriate body to guarantee human rights, to protect and preserve the environment, to prevent war and conflict, to provide socially equitable and environmentally sound development, and to control and regulate corporations including transnational corporations;

(ii) The OECD is an organization of 29 states many of whom have failed to sign and ratify existing international agreements, or have failed to enact the domestic legislation necessary to ensure compliance with international agreements.

(iii) The member states of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, and international law, including international environmental law"; Platform of Action, UN Conference on Women; Habitat II Agenda) ;

(iv) For years through corporate-sympathetic administrations, corporations including transnationals have violated human rights, caused environmental degradation, contributed to war and conflict, and denied social justice.

THAT the resolution contained the following operative clauses

(i) We call upon the OECD countries to cease all further negotiations of MAI, and for the countries of the OECD of undertake to discharge previous obligations under Conventions, Treaties, and Covenants; to act on commitments from Conference Action plans and to fulfill expectations created in General Assembly Resolutions.

(ii) We call upon the OECD countries to show leadership in ensuring that Corporations comply with the international rule of law by proposing a binding treaty to control , and regulate the corporations

THAT the resolution was directed in part to global citizens, and included the following preambular clauses

(i) For over 50 years the member states of the United Nations have undertaken obligations through the UN Charter, and through a series of Treaties, Conventions and Covenants; they have created expectations through General Assembly resolutions and declarations; and they have made commitments through Conference Action Plans. We refer to these collectively as "International Public Trust Law."

(ii) The purpose of International Public Trust Law is to guarantee human rights, to protect and preserve the environment, to prevent war and conflict, and to provide socially equitable and environmentally sound development;

(iii) Many states which purported to support these progressive measures have failed to sign or ratify the treaties and conventions in which they are incorporated, or to enact the domestic legislation necessary to fulfill their undertakings; many states have disappointed the legitimate expectations raised by General Assembly Resolutions; and many states have

disregarded commitments they made in UN Conference Action Plans;

(iv) Now, the 29 member states of the Organization of Economic Cooperation and Development (the "OECD") are undermining the United Nations process by drafting their own agreement, the Multilateral Agreement on Investment ("MAI"), which is heralded as "the constitution of a single global economy." It would promote the interests of the corporate sector as overriding "rights", while imposing new "obligations" and commitments on governments;

(v) The MAI would undermine the body of International Public Trust Law by elevating and entrenching the interests of the corporate sector and other wealthy investors over the interests purported to be protected under International Public Trust Law;

(vi) The MAI would bypass standards that have arisen from the obligations undertaken under 50 years of International Public Trust Law, and would avoid many of the obligations undertaken under International Public Trust Law;

(vii) The member states of the United Nations undertook in recent conferences to "ensure that corporations comply with all national codes, social security measures, and international law, including international environmental law" (Platform of Action, UN Conference on Women; Habitat II Agenda);

THAT the resolution contained the following operative clauses

(i) We call upon the Secretary General of the United Nations, and the President of the United Nations General Assembly to demand that the OECD cease negotiations on the MAI on the grounds that this agreement would undermine the work of the United Nations, and 50 years of International Public Trust Law.

And we call upon the member states of the United Nations:

(ii) to sign and ratify all existing International Public Trust agreements, and to enact the domestic legislation necessary to ensure

compliance;

(iii) to respect commitments made through international conferences to ensure corporate compliance with all national codes, social security measures, and international law, including international environmental law;

(iv) to institute an International Court of Compliance where citizens could bring evidence of state and corporate non-compliance with International Public Trust Law, including international environmental, human rights, and labour laws;

(v) We call upon the G77 countries and other non-OECD member states of the United Nations to seek an injunction in the International Court of Justice to prevent the violation of the universality policy of the United Nations, and to prevent the violation of the Charter of the United Nations threatened by the MAI.

(vi) And we call upon the citizens of the OECD countries to petition their governments

(•) to seek an advisory opinion from the International Court of Justice as to whether or not a trade agreement that would undermine International Public Trust Law is contrary to the Convention on the Law of Treaties (Art. 27, States should not invoke internal law which would prevent the discharging of obligations under the Treaty);

(•) to seek an advisory opinion from the International Court of Justice as to whether or not member states of the OECD have failed to discharge their obligations under the International Covenant on Cultural, Economic and Social Rights (obligations to guarantee the right to shelter and the right to food which were enshrined in the International Covenant on Cultural, Economic and Social Rights);

NOTING THAT DECEMBER 10, 1998, IS THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WE CALL UPON THE CITIZENS OF THE WORLD

(•) to proceed to the UN Commission on Human Rights and declare that the MAI would violate the International Covenant of Civil and Political Rights. (This Covenant has an optional protocol which allows citizens, once they have exhausted all domestic remedies, to proceed to the UN Commission on Human Rights);

(•) to work towards ending the negotiations on the MAI and the cancellation of previous free trade agreements such as NAFTA, which also undermine over 50 years of International Public Trust Law.

THAT The time for the use of only mollifying terms such as "corporate and state accountability" and "responsibility" has passed.

"Corporate accountability and responsibility" are terms that would have been relevant years ago. These terms almost undermine the need for "command and control" and regulations. Corporations are continually stating "we have sinned but trust us now". For civil society to use weak language to object to vested economic interest international agreements such as the Multilateral Agreement on Investment (MAI) furthers the power of the corporations.

THAT It is time to speak the language of control, of strong regulations, of the banning of socially inequitable and environmentally unsound practices and of the entrenchment of public trust law and of the immediate implementation of socially equitable and environmentally sound solutions.

THAT The existing public trust international law is in place to presumably address the urgency. What is need now is a Citizen's Treaty of Corporate and State Compliance to promote socially equitable and environmentally sound development . The following Treaty has been circulating internationally and received a considerable amount of support.

THAT I have proposed with the assistance of Caspar Davis

A treaty is based on the foundation of principles from public trust international law and is intended to attempt to remove the systemic constraints that are preventing the implementation of public trust international law.

THAT THE CITIZENS' TREATY OF CORPORATE AND STATE COMPLIANCE is to be [proposed by citizens to the General Assembly]

THAT THE TREATY CONTAINS THE FOLLOWING CLAUSES

Through more than 50 years of concerted effort, the member states of the United Nations have created international obligations, commitments and expectations in which they have undertaken the following:

1. to Promote and fully guarantee respect for human rights and social justice;
2. to Enable socially equitable and environmentally sound development;
3. to Achieve a state of peace, justice and security;
4. to Create a global structure that respects the rule of law; and
5. to Ensure the preservation and protection of the environment.

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

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

WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE THE FOLLOWING:

1. (a) To sign and ratify those existing international agreements that have not yet been signed and ratified,
- (b) to enact the domestic legislation necessary to implement them and to fulfill the legitimate expectations created by General Assembly resolutions and declarations, and
- (c) to act upon commitments arising from conference action plans;

2. To establish mandatory international standards and regulations (MINS), based on international principles and on the highest and strongest regulations from member states with respect to

- (a) Human rights and social justice,
 - (b) Socially equitable and environmentally sound development, and
 - (c) Protection and preservation of the environment,
- and to harmonize standards continually upwards;

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

- (a) in developed and developing countries, or
- (b) on the lands of indigenous peoples or in the communities of marginalized citizens in either developing or developed countries;

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

- (a) violated human rights,
- (b) caused environmental degradation,
- (c) disregarded labour rights, or
- (d) contributed to conflict and war, or if they fail to pay compensation for past non-compliance with international agreements;

5. To reduce military budgets and use the savings:

- (a) to guarantee:
 - the right to adequate 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;
- (b) to fund socially equitable and environmentally sound work; and
 - (c) to fund education and research free from corporate direction and control;

6. To increase funding for United Nations agencies and for international, national and regional educational institutions so that their missions will not be undermined by corporate direction or control;

7. To develop criteria for partnership with the United Nations so as to ensure the exclusion of corporations from such a partnership if in any part of their operation they have violated human rights, caused environmental degradation, contributed to war and conflict, or failed to promote socially equitable and environmentally sound development;

8. To distinguish "civil society" from the "market", and to define civil society as those elements of society that serve to guarantee human rights, foster justice, protect and conserve the environment, prevent war and conflict, and provide for socially equitable and environmentally sound development;

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

- (a) the import or export of toxic, hazardous, or atomic substances and wastes,
- (b) production or consumption of ozone-depleting substances,
- (c) extraction of resources by environmentally unsound methods,
- (d) production or distribution of questionable genetically-engineered food substances and genetically modified organisms,
- (e) the questionable production or distribution of genetically engineered crop/pesticide systems,

(f) increased greenhouse gas emissions;

10. To act upon the commitment made at recent United Nations

Conferences to move away from the overconsumptive model of development, to reduce the ecological footprint, and to reject the economic dogma that maximum economic growth will resolve the urgency of the global situation;

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

12. To work with banking and finance institutions to terminate all Structural Adjustment Programs (SAPs) which prescribe:

(a) the indiscriminate privatization of state-owned enterprises,

(b) the indiscriminate reduction of government expenditures,

(c) and the indiscriminate liberalization of trade regimes,

(d) the indiscriminate opening of states to increased foreign investment, especially where this entails the attraction of foreign capital by deregulating markets and offering low wages, high interest rates, and little or no environmental protection, or

(e) the indiscriminate encouragement of producing of goods for export at the expense of traditional crops, products and services which serve the needs of domestic peoples;

13. To ensure that no state relaxes environmental, health, human rights or labour standards in order to attract industry, and that no corporation allows a branch or subsidiary to engage in:

(a) practices that are unacceptable in the controlling corporation's state of origin,

(b) activities that are banned or restricted in the controlling

corporation's state of origin, or

(c) manufacturing or transferring substances that are banned or restricted in the controlling corporation's state of origin.

14. To ensure that no state shall justify trade with a country that violates human rights on the grounds that such trade will lead to a betterment of human rights.

15. To establish an International Court of Compliance where citizens can bring evidence of state and corporate non-compliance with all states' overriding obligations and commitments to:

- (a) protect and advance human rights,
- (b) foster social justice,
- (c) protect and conserve the environment,
- (d) prevent war and conflict, and
- (e) enable socially equitable and environmentally sound development.

Contacts:

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Caspar Davis (LLB), prana@coastnet.com

THAT THERE ARE A SERIES OF SYSTEMIC CONSTRAINTS THAT MUST BE REMOVED

THAT Institutional memory related to principles from past precedents, and related to obligations incurred, commitments made and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations, commitments and expectations should 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.

THAT International documents acknowledge the urgency of the global situation. Nevertheless, systemic constraints often prevent the global community from implementing change. The term "systemic constraints" in this document refers to patterns of behavior, of International bodies, states, the market and "civil society", which have become obstacles to change.

THAT The terms "civil society" and "market" will be used in the following list of Systemic Constraints. In the context of this paper they will be defined as follows:

"Civil society" shall be redefined to include citizens who have demonstrated a commitment to preserving the environment and to preventing environmental degradation, to guaranteeing the protection of human rights, to ensuring social justice and to promoting socially equitable and environmentally sound development. The term

"Market" shall include all those that have a vested economic interest in the outcome of de

THAT if public trust international law is to counteract vested economic interest international law are to be in place systemic constraints must be prevented and removed.

THAT I had been a member of one of four Canadian NGO's slated for participating in the NGO consultation meeting with the OECD in Paris on November 25

THAT I became concerned because I thought that some of the NGOs were more interested in tinkering with the MAI than actually stopping the MAI

THAT I refused to participate in the meeting in Paris

SYSTEMIC CONSTRAINTS PREVENTING THE ADOPTION OF PUBLIC TRUST INTERNATIONAL LAW

THAT the following systemic constraints are preventing the adoption of public trust international law and the prevention of all further negotiations of the MAI

(i) NEGLIGENCE OF INACTION IN FACE OF URGENCY

- Failure of International institutions, governments, civil society and the market to recognize that the global situation is so urgent that immediate action is necessary, and that inaction is negligence, and that the global community is obliged to act to implement public trust international law

(ii) FRAGMENTATION OF ISSUES

- Failure of the United Nations, and its institutional bodies, states and civil society to examine the interdependence of the escalation of conflict and war, of the violation of human rights and of the degradation of the environment, and propose solutions that reflect the addressing of this interdependence
- Reluctance of the United Nations, States and civil society to deal with essential issues such as the link between "nuclear civil reactors and the nuclear arms industry" or the link between poverty and the lack of a universal "secondary" as well as "primary" health care system UNCED, Agenda 21, 3.6. e Combating Poverty)

(iii) RELUCTANT ENFORCEMENT

- Willingness to enunciate, and undertake principles and action plans without enacting the necessary legislation to ensure compliance
- Condoning of institutional collusion between perpetrator and enforcer and confounding of role of regulator and promoter (IAEA both promotes and regulated civil nuclear energy)

- Failure of the United Nations, its international institutions and States to abide by the common law “doctrine of legitimate expectation”, and thus, when they have undertaken an obligations, civil society can expect that the obligation will be discharged

- Reluctance of the United Nations or its relevant international institutions to endorse standards and states and to enact legislation that would provide for the revoking of the charters of all the transnationals that have contributed to conflict, to the escalation of war, to the violation of human rights and to the degradation of the environment.

- Willingness of states to use the claim of “sovereign rights ” as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity

- Reluctance of States to accept the jurisdiction of the International Court of Justice, and the rule of international law, and to “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (UN. Charter)

- Failure of the United Nations to use the Doctrine of Legitimate Expectation to ensure that General Assembly resolutions as an expression of the majority of state opinion are implemented

- Reluctance of States to establish stringent and mandatory international standards and technological regulations to protect the environment, guarantee human rights and equity and attain peace with justice

(iv) DISREGARD FOR COMPLIANCE

- Persistence in international and national policy-making of self regulation of the environment thus firmly entrenching the power of decision making in those that are financially benefiting from its destruction

- Unwillingness of the United Nations and member states of the United Nations to address the intransigence of corporate-sympathetic administrations failing to recognize an existing body of international law by watering down conference action plans, by failing to sign conventions, treaties, and covenants, by failing to ratify and if ratified, failing to enact the necessary legislation to ensure compliance .
- Reluctance of the United Nations, international institutions and states to act on commitments to ensure corporate compliance with international law, to establish stringent and mandatory international standards and technological regulations to drive the market, and to thus promote eco-solutions
- Failure of States to seek full compensation from the transnationals, and other members of the “market” for causing environment degradation, for violation of human rights, for the escalation of conflict or war. These funds shall be transferred to the member states of the United Nations to promote and fully guarantee respect for human rights, to ensure the preservation and protection of the environment, to create a global structure that respects the rule of law, to achieve a state of peace, justice and security, and to participate in socially equitable/equal and environmentally sound development and eco-solutions
- Continued misplaced distinction between when to discuss "Whether to" and when to discuss "how to" for policy formation and for the decision making process
- Reluctance of States to respect Civil society’s interpretation of what would constitute compliance with international, national, regional and local obligations.
- Failure of the United Nations to draft a protocol of Compliance for the Vienna Convention on the Law of Treaties
- Failure of the United Nations to establish an International Court before which civil society could present evidence of state non-compliance to international obligations

(v) UNCONSCIONABLE DEVOLUTION OF POWER

- Unwillingness of the United Nations to prevent the undermining of the UN through corporate infiltration at all levels, through corporate front groups, corporate "partners" and through trade organizations such as the elite OECD negotiating an agreement that purports to be legally-binding conferring obligations on all parties, and thus undermining the body of existing public trust international law.

(vi) ENDORSEMENT OF THE VOICE OF SELF-INTEREST

- Persistence of the situation where those who should be speaking out are constrained because of professional commitments, and where those who are willing to speak out are not heard because the media fails to report their statements
- Persistence of the situation whereby the power to prevent environmental harm or to preserve environmental heritage resides in those whose interest it is to benefit economically from the exploitation of the environment.

(vii) SHORT-TERM VESTED INTERESTS ENTRENCHMENT

- Willingness to take unacceptable risks, endangering human health and causing irreparable damage to the environment for the sake of short-term economic interests
- Willingness of States, international institutions and civil society to condone giving primacy to short term economic interests over long term socially equitable and environmentally sound concerns embracing eco-solutions
- Continued condoning of the "out of sight out of mind syndrome" where members of civil society acting in self interest are willing for the sake of vested economic gain to sacrifice principle when investing their money in funds such as mutual funds

(viii) QUESTIONABLE LIAISONS

- Continued "odd bed-fellow" civil society alliances

Although it is important for labour, human rights, social justice and environment, and peace groups to work together, it is important to address the odd-bedfellows syndrome. The labour and labour-sympathetic administrations have legitimate concerns, and have also been at the forefront of human rights and social justice issues. In many cases, however, the large unions are still involved in the military, producing arms, mining uranium, deforesting the old growth forests, building nuclear reactors, producing toxic, hazardous and atomic wastes, dumping wastes on lands of indigenous peoples, developing countries, and of the marginalized citizens, planting land mines, exploiting indigenous peoples. It is time for the other movements to be prepared to speak out against the unions that engage in socially inequitable, reprehensible, environmentally unsound, destructive practices which prevent a united voice for eco-solutions.

- Continued adherence to excessive nationalism where citizens' opposing vested interest international trade agreements will ignore national intransigence, and thus undermine other citizens from promoting eco-solutions
- Condoning of "solutions" which could have more disastrous or equally disastrous consequences as the original problem (nuclear as solution to climate change)

(ix) FLAWED POLICY MAKING AND DECISION MAKING PROCESSES

- Failure of the United Nations, international institutions and States to move from a consensus-like process which often leads to the lowest common denominator to a principled based decision making process drawing upon the highest tenable principles
- Willingness of the United Nations and states to condone research and development into rectifying the harm done through ecologically unsound practices (mitigation through the market "environment industry") rather than discontinuing

ecologically unsound practices (prevention through Best Ecologically Sound Techniques (BEST) —eco-solution

- Reluctance of the United Nations, international institutions and States to exclude market interests (i.e. conflict of interest with “multistakeholder”) in the decision making process and thus to no longer condone vested interests as a legitimate part of the decision making process
- Unwillingness of the United Nations, its international institutions and states to prevent the monopolization and influence of economic interest groups such as transnational corporations in the global, national and regional decision making process
- Reluctance of many States to involve “civil society”, with the relevant expertise and experience, in the decision-making process, at the formulation of the terms of reference, and throughout the decision- making process
- Continued glorification of decentralization into complete community control without overarching principles.

The advocating of change through decentralized community-based decision making without overarching public trust principles has often been flouted as being the solution. There has been the naive assumption that if communities are left to develop resources as they see fit, that socially equitable and environmentally sound practices will ensue.

(x) MISPLACED FUNDING PRIORITIES

- Failure of the United Nations to call upon States to fulfill previous obligations to reduce the global military budget and transfer funds to socially equitable and environmentally sound development, and failure of states to reduce the military budget and transfer funds socially equitable and environmentally sound development,

- Unwillingness of the United Nations to discourage the continued financial support for the promotion of the Western model of socially inequitable, and environmentally unsound development

(xi) PERSISTENCE OF INEQUITABLE PERCEPTIONS AND STRUCTURES

- Failure of the United Nations to discourage the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing"
- Failure of the United Nations and other international bodies to discontinue the division of countries into developed, developing and underdeveloped which indicates that the present patterns of development in "developed" countries is attainable or desirable as the ultimate goal for developing and "underdeveloped" countries
- Reluctance of the United Nations and other international bodies to discontinue the simplistic distinction between North (environment) and South (development)
- Unwillingness of the United Nations to discard the presumption that technological transfers should always pass from "North" to "South"
- Presumption that it is desirable that the practices that the "North" utilizes for its technological fix to environmental problems should be transferred to the "South." This technological transfer often results in supporting mitigative strategies toward environmental destruction that is employed by the "North" instead of encouraging endogenous preventive strategies — eco-solutions
- Failure of the United Nations and other international bodies to redefine "development" in equitable and ecological terms

- Reluctance of the United Nations, to demonstrate that all nations are equal (“sovereign equality,” Charter of the United Nations), by ensuring that no states shall be perceived to be less equal than others and by discontinuing a structure—the Security Council which supports a state hierarchical system
- Reluctance of the United Nations to cease giving special status to the nuclear powers, and to eliminate the Security Council which creates a two tier system in an organization that purports to support sovereign equality

THAT THE Citizens' Treaty has been circulated widely through NGO and Community groups, throughout different countries

THAT the Citizens' Treaty for State and Corporate Compliance has been circulated twice to all the UN missions of the member states of the UN in New York,

THAT the Citizen's Treaty for State and Corporate Compliance has been publicly submitted as a petition to Robert Fowler, the Canadian Ambassador to the UN, and he agreed to circulate it at the United Nations

THAT the citizens' Treaty for State and Corporate Compliance has been circulated twice to the international media

THAT I have at an international meeting called upon Kofi Annan, the Secretary General of the United Nations, to assure citizens that he would not permit the OECD to undermine years of public trust international law, and was assured that he would not

THAT I have written to Kofi Annan and submitted to him the resolution preventing all further negotiations of the MAI, and the proposed treaty for state and corporate compliance.

NAME ???

SWORN BEFORE ME
AT THE CITY OF VICTORIA
IN THE PROVINCE OF BRITISH COLUMBIA

THIS 4TH DAY OF DECEMBER, 1997

A COMMISSIONER FOR THE TAKING OF AFFIDAVITS WITHIN THE PROVINCE OF
BRITISH COLUMBIA.

() THAT in 1997 I wrote To: David Crowe <crowed@cnp-wireless.com>

From: jrussow@coastnet.com (Joan Russow)

Subject: Re: Web and position papers petitions etc. Petition re: APEC

Cc:

Bcc:

X-Attachments:

Dear David

Could we have a section on Position papers, petitions etc. that have been issued. I have enclosed the Petition that was submitted to the House of Commons and put on the floor on February 17, 1997. I think that I have been remiss in not sending you copies of all the press releases. I will go back through my files. I don't understand how the search engines work. Under press releases for the Green Party of Canada are two press releases listed.

JOan

ISSUED ON THE 49TH ANNIVERSARY OF
THE UN UNIVERSAL DECLARATION OF HUMAN RIGHTS December 10, 1997

PETITION
TO THE HOUSE OF COMMONS
IN PARLIAMENT ASSEMBLED

We the undersigned citizens
draw the attention of the House to the following

THAT the actions of governments in Canada in the arrests and treatment of citizens protesting in Clayoquot Sound, Temogami, Ipperwash, Oka, Gustafson lake, Slocan Valley and APEC have violated the civil and political rights of those arrested, and thus are in violation of the International Covenant of Civil and Political Rights to which Canada is a signatory.

THAT The treatment of citizens raises issues about the right to free assembly as guaranteed under the Charter of Rights and Freedoms and under the International Covenant of Civil and Political Rights.

THAT there is increased concern about the misapplication of justice in reference to rule by injunction and by the criminalization of "Contempt of Court" charges in cases where the citizens have exercised their right to assemble

THAT there is increased use of arrests by the police in response to legitimate peaceful and democratic process

THAT there is a public perception that the RCMP appear to be too much an arm of private corporate interests, much as was the case in the use of the RCMP in Winnipeg in 1919 to break up union activities, and in Regina to break up the protest of the unemployed in the thirties.

THAT during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the Charter of Rights and Freedoms and the International Covenant of Civil and Political Rights to which Canada is a signatory.

- The Vancouver police department assaulted protester with pepper spray when these protester posed no threat to the public or the police, and when like all other arrested demonstrators would not have resisted arrest, and further the police pepper sprayed civil protesters who were obeying the police direction to depart
- The RCMP and CSIS? intimidated citizens, through interrogation via visitations to their homes by agents, some of whom refused to identify themselves, and failed to inform the victims of their rights.
- The RCMP maltreated protesters by detaining them without charge and by strip searching (of women only)
- The RCMP arrested one protester with a simple message which read "democracy" and "Free speech"
- Prime Minister's office interfered with agreement between University of B.C. and RCMP for the establishment of an area in which students and faculty could protest in full view of the visiting dignitaries.
- Unidentified plain clothes person CSIS? video taped citizens serving warrant on President Suharto

- The Vancouver Police selectively arrested from within a protest group- two demonstration coordinators who were not participating in civil disobedience because they possessed communication devices
- The Vancouver Police and RCMP? required several people who were arrested to surrender their right to peaceful assembly as a condition of release.
- five plain clothes unidentified men apprehended organizer and put him into an unmarked car the day before the planned demonstrations. The organizer was charged him with having spoken too loudly on a megaphone two weeks earlier. This arrest was concocted and selectively executed to keep the person from participating and organizing.
- RCMP and media coordination at the APEC meeting engaged in questionable activities related to the pulling of media passes, and to the issuing of controlling instructions for the media at the APEC meeting
- Prime Minister's communication office censored at least one presentation to APEC meeting

THAT during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the federal immigration act by selectively misapplying the Act:

- By granting entry into Canada of citizens or leaders that have violated human rights through mass murders, genocide
- By preventing entry into Canada to participate in APEC of
 - Social justice, and human rights activists from other countries

THEREFORE, your petitioners request that Parliament

(i) seek an advisory opinion from the International Court of Justice on Canada's compliance with the International Covenant of Civil and Political Rights in relation to the arrests of citizens, to the criminalization of the contempt of court charges, and to the interference with citizens' rights and freedoms

(ii) investigate RCMP and other federal security agencies such as CSIS' behaviour in the assessment of what constitutes lawful dissent

(iii) examine the activities of these agencies during the APEC conference to determine whether there were violations of the Charter of Rights and Freedoms and of other Canadian laws.

(iv) examine the Canadian statutory law related to immigration in reference to the section which prohibits entry into Canada of citizens or leaders that have violated human rights

(v) investigate the immigration process whereby social justice, and human rights activists from other countries were prevented from entering Canada to participate in APEC.

(vi) ensure that the RCMP acts in the interest of the public trust

PETITION TO THE HOUSE OF COMMONS

SIGN-ON

NAME ADDRESS SIGNATURE

PLEASE SEND COPY TO Joan Russow at jrussow@coastnet.com, 1230 St. Patrick St. Victoria, B.C. V8S4Y4

>Where would you like this declaration placed on the website? It doesn't really fit under the category of news releases.

>Also, I think that I have included all press releases that I have received via email.
However, I may have missed a few.

>Regards,

>David Crowe