

## PREFACE

### 1945

\*The United Nations Charter was formed to prevent the scourge of war.

Subsequently, covenants were negotiated to guarantee Civil and Political Rights along with economic, social and cultural rights ; and then obligations were incurred and commitments were made to protect the environment.

These documents contained obligations to be discharged and commitments to be made and to be acted upon; expectations to be fulfilled.

So many obligations had been incurred and commitments made; but *so few implemented*; probably because of the prevalence of what I later referred to as **systemic constraints** and marked here with the code **&&**

\*Under article 2.1 of the UN charter, is Article 2 shall act in accordance with the following Principles: The Organization is based on the principle of the sovereign equality of all its Members.

Yet, **&&** like in Orwell's "Animal Farm", some sovereign states are more equal than others because of the veto

"The Security Council has continued to violate the principle of sovereign equality in the U.N. Charter. The Council has been discredited primarily because of the of the veto by the United States and specifically by the U.S. practice of intimidating, cajoling and offering 'check-book' diplomacy."

Article 1 of the UN Charter, outlines the purposes and principles of the United Nations. It establishes the organization's core objectives, including the maintaining of international peace and security, developing of friendly relations among nations, and promoting cooperation in solving international problems. The Organization and its members, in pursuit of the purposes stated in Article 1.

## CHAPTER VI

### United Nations Charter, Chapter VI, Pacific Settlement of Disputes

#### Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

#### Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## Article 35

Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly, any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

## Article 36

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties. In making recommendations under this Article, the Security Council should also take into consideration that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## Article 37

Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

## Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

&& skip to the seventh

&& Chapter VI is usually ignored and if a State wishes to invade another State The State goes to chapter VII to seek support in the UN Security which supposedly deems the invasion WOULD BE LEGAL but if the UNSC does not agree, often what happens is the belligerent State will form a "coalition of the willing" and then invades anyway. Chapter VII has given rise to campaigns calling for the delegitimization of war which supports the position that war is neither legal nor just.

## 1946

My concern with international issues began when I was 8 years old, when, in 1946, my father worked at the UN. At that time, it appeared that the black and coloured UN delegates could not find suitable accommodation on Long Island and that the UN had to rent the Lido Beach hotel on Long Island to

house all the delegates (including my family). I was shocked to find out that there had been discrimination against families that I had grown to know.

## 1947

**&&** Systemic constraint related to the majority vote in the UN General Assembly; where there was an unequal representation among religious States.

The United Nations Partition Plan for Palestine was a 1947 proposal to divide the British Mandate of Palestine into separate Arab and Jewish States, with Jerusalem as an international zone. The plan, adopted as UN Resolution 181, was intended to resolve the growing conflict between the Jewish and Arab populations in the region. However, the plan was ultimately rejected by Palestinian Arabs and the neighboring Arab states, leading to conflict and the end of the British Mandate.

The UNGA gave majority support to the division in resolution 181--56.47...% for Israel and 42.88 % for Palestine.

**&&** If chapter VI of UN charter would have been applied, the division would never have been so unjust. The plan, outlined in UN Resolution 181, was approved by the UN General Assembly but rejected by the Palestinian Arabs; leading to a subsequent war.

### Article 36 of chapter VI

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The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

In making recommendations under this Article, the Security Council should also take into consideration that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

In making recommendations under this Article the Security Council should do the following:

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of *nine members* including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 27, a party to a dispute shall abstain from voting.”

Article 27 Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

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&&Chapter VI and article 27 were ignored.

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## 1948

I found out that the UN Declaration on Human Rights had been partially drafted at the Lido Beach Hotel isolated from the widespread discrimination elsewhere in New York.

## 1960

I went to Paris and I lived in the Canadian house at the International Cité Universitaire | Paris At the Cité. There were students from around the world. When I was there the Cité had been described as a political hot bed. For me it was definitely a wonderful, early introduction to international politics.

## 1985

Years later for my masters degree in 1985, I wrote a manual entitled "A Method of Teaching Human Rights". This manual, which was funded by the Secretary of State and published by the Vancouver Island Human Rights Coalition, extended the concept of human rights to include peace, environment and equity issues. In the Manual, a method of teaching human rights through the use of internationally agreed to principles was introduced and developed. Also for the manual, a content analysis of international human rights documents and selected Charters was carried out In this content analysis; principles were extracted and the information was clustered into different categories around the principles. The manual also included a "Framework Concept Diagram" entitled "A Path through Rights that are or are not Protected". This framework diagram consisted of clustered concept categories, displayed on a single sheet and reproduced as a blueprint. Through this diagram, it was possible to compare what had already been agreed to internationally in the Human Rights Declaration, and Human Rights Covenants with what had not yet been agreed to. This project has been expanded in different ways over the years and an educational program entitled, "Principle-based Education", based on international documents, has been developed. The purpose of using international instruments was to allow teachers to introduce issues into the class room without being accused of indoctrination

## 1991

In 1991, I went to the Leanners conference in Kingston to present a paper and while I was there, I attended a presentation by Dr Ken Hewett and later I discussed with him the concept of system constraints preventing the necessary socio/political equitable, peaceful ecological change and global change

## 1992

○ I attended the conference on environment and development (UNCED) and I wrote a summary of Agenda 21 and passed it on to Noel Brown from UNEP

○ At UNCED, I circulated the Noble Laureate Declaration

## 1992 NOBEL LAUREATE DECLARATION

By the Nuclear Age Peace Foundation and Whistler Foundation for a Sustainable Environment.

“The primary goal of the summit will be to lay the foundation for a global partnership between developing and developed countries based on mutual need and common interest; to ensure the future of the planet. This partnership will undoubtedly require the mutual solution of the population and over-consumption issues. Equity and environment problems are linked and must be solved together. Further, the only major source of the discretionary funds necessary for addressing these issues rests in the radical reduction of the military budget of the ‘Nations of’ Dr Fred Knelman, Vice President of the Whistler Foundation For a Sustainable Environment; and Dr David Krieger, President of the Nuclear Age Peace Foundation.

## NOBEL LAUREATE STATEMENT TO UNCED 92

We, the undersigned Nobel Laureates, urge all nations and peoples to unite in the great cause of creating a secure and sustainable Earth.

This important conference, Earth Summit, links two key issues of sustainability – environment and development – and offers a unique opportunity to find global solutions to problems threatening our common future

Recognizing that we all inhabit one Earth and share a common responsibility to posterity, we urge you to act decisively to protect and preserve the integrity of the biosphere that sustains all life by establishing adequate global regulations, penalties and enforcement mechanisms to prevent human induce global warming, depletion of the ozone layer, destruction of forests and fisheries, pollution of air and water, irreversible loss of species, and release of hazardous substances into the environment.

- to establish a time –table for phasing out fossil fuel and nuclear energy and for the rapid development of solar and other forms of non-polluting energy, and for more efficient energy use;
- to end hunger and poverty in the world by the transfer of adequate resources and environmentally sound technology required for this task;
- to demand an immediate end to all nuclear weapons tests.
- to prevent further proliferation of nuclear weapons and other weapons of mass destruction by establishing effective international controls.
- to develop international regulations regarding nuclear waste disposal and nuclear power plant operations
- to initiate a global program of population stabilization
- to promote a global educational campaign to encourage resource conservation, recycling and environmental protection; and

- \*to bring protection of the environment under the rule of international law; establishing appropriate regulation, criminal penalties and methods of enforcement, within the structure of the United Nations and other international organizations

Signed: Gerd Binnig, The XI Dalai Lama, Leo Esaki, Val L. Fitch, Herbert A. Hauptman, Dudley Herschbach, Gerhard Herzberg, David H. Hubel, Jerome Karle, Gregory S. Kavka, Klaus von Klitzing, Leon M. Lederman, Yuan T. Lee, Wassily Leontief, Bernard Lown, Mairead Corrigan Maguire, Barbara McClintock, J.E. Meade, Sinon van der Meer, Bruce Merrifield, Marshall W. Nirenberg, Linus Pauling, John Polanyi, Carlo Rubbia, Abdus Salam, Claude Simon, Herbert A. Simon, George D. Snell, Roger W. Sperry, Henry Taube, Jan Tinbergen, Archbishop Desmond Tutu, George Wald, Elie Wiesel, Robert W. Wilson.

Prepared By:

Nuclear Age Peace Foundation --Whistler Foundation for Sustainable Environment  
To be circulated, Joan Russow at UNCED to counter:

○ The Heidelberg Appeal, authored by Michel Salomon [was an appeal directed against the findings of the Intergovernmental Panel on Climate Change

○ I participated in ECOED by presenting a paper and by posting a poster about translating rhetoric into action:

Following the failure to translate rhetoric into action at Ecoed, I made a large poster with the following information and placed in the section with UN bulletin board information and many thought it was a message from the UN

### **ECOED 1992 UN PROCLAMATION FOR TRANSLATING RHETORIC INTO ACTION**

IN 1972, WE SAID, recognizing our ignorance in the Declaration of the United Nations Conference on the Human Environment

- 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 in difference, we can do massive and irreversible harm to the earthly environment...
- Man [human] has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generations (Principle 1)
- Man [human] and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs, on the elimination and complete destruction of such weapons (Principle 26)

IN 1982, WE WERE STILL SAYING,  
World Charter of Nature (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 (11 b)
- Activities which are likely to cause irreversible damage to nature shall be avoided (11. a)
- 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 type of ecosystems and to the habitats of rare or endangered species (3)

- Every form of life is unique, warranting respect regardless of its worth to man, and to accord other organisms such recognition, man must be guided by a moral code of action (a)
- Knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education. (16)
- Military activities damaging to nature shall be avoided (Principle 20)

NOW IN 1992, WE ARE SAYING AGAIN with knowledge

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 (Agenda 21, Preamble, 1.1)

From 1992— to present, I have circulated position pieces, petitions and resolutions at different international conferences, such as a Global Compliance Resolution calling for state compliance with obligations, commitments and expectations; and a Petition calling for the establishment of an International Court of Compliance where citizens can take evidence of Non-Compliance.

○ In 1992 -97, I co-taught a course at the University of Victoria, with Dr Fred Knelman, the author of Reagan God and the Bomb, and subsequently America, God and the bomb. Our course dealt with human rights, ecology and peace.

&&At the UN, States ratify/accede, or adopt the United Nations instruments and failed to enact the necessary legislation to ensure compliance.

## 1993

○ I worked with Dr Rod Dobellon on Canada's submission on climate change in an eight Country study at the Harvard Kennedy school and I submitted an ideograph Comparing the eight country submissions

### ○ IN DECEMBER: I LAUNCHED THE GLOBAL COMPLIANCE RESEARCH PROJECT

Co-ordinator. Global Compliance Research --a project involved with ethical governance based on principles extracted from International instruments related to the furtherance of the "public trust": guaranteeing human rights, including women's rights, indigenous rights, and minority rights and including economic, social and cultural rights, and civil and political rights; protecting the environment; preventing war and conflict, and ensuring social justice. The purpose of the project is to educate citizens about government obligations incurred through Treaties, Conventions and Covenants; government commitments made through Declarations and Conference Action Plans, and government expectations created through General Assembly Resolutions of the global compliance project For over fifty years, through international agreements, the member States of the United Nations have undertaken: to promote and fully guarantee respect for human rights, including equality between women and men; to prevent environmental degradation and to ensure the preservation and protection

of the environment; to create a global structure that respects the rule of law; to achieve a state of peace, justice and disarmament, and to enable socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference Action Plans and General Assembly Resolutions. If these fifty years of obligations would have been discharged, and if these fifty years of expectations fulfilled, respect for human rights could have been guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled. In international agreements member States of the United Nations are deemed responsible for the discharging of obligations and for the fulfilling of expectations through enacting the necessary legislation and through the enforcing this legislation.

## **1994**

- Copy of principles circulated to NGOs, by Joan Russow, Coordinator, the Global Compliance Research Project at the New York Prep Com, March 1995
- Redefined development in equitable and Ecological terms, presentation at Environmental Law Conference, University of Victoria, 1994)
- In June, I made presentation on "Redefinition of Development in Equitable and Ecological terms, presentation at Environmental Law Conference, University of Victoria, 1994)

## **EXHIBIT**

### **1. ENSURING ECOSYSTEM INTEGRITY**

Ecosystem integrity is a prime consideration in developing any criteria. The interdependence of [the biota] and the delicate balance between various components (air, water, aquatic life, wild life, land, etc.) in an ecosystem [are essential to life on earth.] must be considered. The uniqueness of each ecosystem must be respected.

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

"Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit (Convention on Biological Diversity, UNCED, 1992). Biodiversity is defined as "the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (Convention on Biological Diversity, UNCED, 1992)

### **2. COMPLYING WITH ALL INTERNATIONAL, NATIONAL, BILATERAL AND REGIONAL AGREEMENTS, PROTOCOLS AND CONVENTIONS AS A MINIMUM. IF THERE IS A CONFLICT BETWEEN INTERNATIONAL, NATIONAL, BILATERAL AND REGIONAL AGREEMENTS, THE MOST STRINGENT ENVIRONMENTAL PROVISIONS SHALL PREVAIL.**

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

### 3. ESTABLISHING AND ENFORCING REDUCTION AND ELIMINATION TARGETS

Ambient criteria, or environmental quality criteria refers to levels of contaminants in the environment that must be zero use, production, and release in all cases; where a toxic substance is persistent or bio-accumulative. It also applies when a substance will generate persistent or bio-accumulative toxic by-products or breakdown products during its productions, use or disposal (Zero Toxics Alliance Statement of Principles)

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

### 4. COMPLYING WITH THE PRECAUTIONARY PRINCIPLE

As enunciated as the following:

where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

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

The anticipatory principle is a pro-active measure to ensure that substances, processes and activities which are harmful to the environment are prevented from entering the environment, and to ensure that costly subsequent means of restoration are avoided and that irreversible environmental degradation are avoided. Adverse effects include, but are not limited to, toxicity, bio-accumulation, 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.

### 6. REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

There is no guarantee that the Best Available Technology (BAT) will be ecologically sound. The BAT may be the best available but it may not be good enough. It is important to support and promote the development of and the use of BEST. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out/outlawed, or the demand for the product reduced through public education. In this case, the industry involved shall be assisted in the conversion to alternative processes or products involving BEST.

### 7. ENFORCING THE POLLUTION PREVENTION PRINCIPLE

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances or activities on the ecosystem including the adverse effects on the health of human and non-human species.

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

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

The environmental audit and ecological consequences principle is the following: to assess both the environmental costs of not converting to ecologically sound practices; the environmental costs of permitting ecologically unsound practices, (including the costs to future generations of irreversible environmental degradation) and the environmental costs of potential mitigation, and restoration.

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

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

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, 7.42)

In addition, assessment of full costs of violating the rights of the disenfranchised shall be carried out. The groups bearing the greatest impact from ecologically unsound practices are usually the disenfranchised in society—the poor and the members of minority groups.

## 9. REQUIRING A LEGITIMATE ENVIRONMENTAL IMPACT ASSESSMENT

An actual assessment of the short and long term potentially adverse environmental effects of existing and proposed projects and activities shall be carried out. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.

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

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

Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes.

## 11. ENSURING AND ENFORCING THE *POLLUTER PAY* PRINCIPLE

Enforcing the Polluter Pay Principle to ensure that those who may release polluting substances into the environment pay the full-cost of environmentally safe handling, treatment, disposal, and remediation; in addition, permits shall be suspended and canceled, if the polluter has caused serious irreversible ecological damage.

## 12. PRINCIPLE: ENFORCING *ENVIRONMENTAL COMPENSATION* PRINCIPLE

Given that throughout history, sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, the current government shall seek environmental compensation from companies that can be shown to have consistently contributed to environmental degradation. The funds from environmental compensation shall be put into developing BEST (Best Ecologically Sound Techniques).

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

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

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

Ensuring consistent protection throughout the province, means ensuring both the variation in air, water, and soil conditions across British Columbia and the variation in effects of different substances emitted. That all discharges, no matter where they are located in the province will be equally affected by the criteria. Ensuring consistent protection also means that states will not transfer its pollution problems onto other jurisdictions, nor will it relax its standards in order to attract industry. The criteria must ensure acceptable ambient environmental conditions all across States. No particular area should be penalized due to a preexisting high-quality environment

- In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and everyone has to follow
- No proposal to relax standards or technical regulations shall be used to attract industry [see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)]

## 15. ENSURING THAT STANDARDS AND TECHNICAL REGULATION WILL NOT BE RELAXED TO ATTRACT INVESTMENT

• the argument that in a pristine environment that has not yet been polluted by industrial activity shall be able to have emission standards relaxed is inherently invalid and should be discounted. In other words, a licence to pollute could be given to industry in a pristine area because the area is not yet officially been designated as being polluted.

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

## 16. ENSURING INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES

Ensuring that every activity or substance that could prevent the protection and conservation of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act

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

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

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

20. RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE

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

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

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

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The anticipatory principle is a pro-active measure to ensure that substances, processes and activities which are harmful to the environment are prevented from entering the environment, and to ensure that costly subsequent means of restoration are avoided, and that irreversible environmental degradation are avoided. Adverse effects include, but are not limited to, toxicity, bio-accumulation, bioconcentration; persistence, depletion]of the stratospheric ozone layer, reduction of carbon sinks, increased greenhouse gases, increased human-induced climate change, reduction or loss of biodiversity, as well as heat, light and electro-magnetic radiation, atomic radiation, hormone mimicry.

### 6. REQUIRING THE USE OF BEST ECOLOGICALLY SOUND TECHNIQUES (BEST)

There is no guarantee that the Best Available Technology (BAT) will be ecologically sound. The BAT may be the best available but it may not be good enough. It is important to support and promote the development of and the use of BEST. In the event that there is no BEST technology which can prevent the release of persistent or bio-accumulative toxics then the extractive or productive activities which produce the product or substance process should be changed; the activities and product phased out/outlawed, or the demand for the product reduced through public education. In this case, the industry involved shall be assisted in the conversion to alternative processes or products involving BEST.

## 7. ENFORCING THE POLLUTION PREVENTION PRINCIPLE

Mandatory standards and technical regulations will be developed to prevent adverse effects of substances or activities on the ecosystem including the adverse effects on the health of human and non-human species.

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

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

The environmental audit and ecological consequences principle is the following: to assess both the environmental costs of not converting to ecologically sound practices, the environmental costs of permitting ecologically unsound practices, (including the costs to future generations of irreversible environmental degradation) and the environmental costs of potential mitigation, and restoration.

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

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

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, 7.42)

In addition, assessment of full costs of violating the rights of the disenfranchised shall be carried out. The groups bearing the greatest impact from ecologically unsound practices are usually the disenfranchised in society—the poor and the members of minority groups.

## 9. REQUIRING A LEGITIMATE ENVIRONMENTAL IMPACT ASSESSMENT

An actual assessment of the short and long term potentially adverse environmental effects of existing and proposed projects and activities shall be carried out. It is understood that a review of a project or activity to assess the "environmental, economic, social, cultural, heritage, health effects of the reviewable projects" is not a legitimate environmental impact assessment.

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

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

Every proponent of an intervention in the ecosystem must demonstrate that the intervention will not cause harm to the environment or will not create ecologically unsound wastes.

## 11. ENSURING AND ENFORCING THE POLLUTER PAY PRINCIPLE

Enforcing the Polluter Pay Principle to ensure that those who may release polluting substances into the environment pay the full-cost of environmentally safe handling, treatment, disposal, and remediation; in addition, permits shall be suspended and canceled if the polluter has caused serious irreversible ecological damage.

## 12. PRINCIPLE: ENFORCING ENVIRONMENTAL COMPENSATION PRINCIPLE

Given that throughout history sympathetic government regimes have failed to enforce their own statutory legislation, and given that there has been resultant environmental degradation, the current government shall seek environmental compensation from companies that can be shown to have consistently contributed to environmental degradation. The funds from environmental compensation shall be put into developing BEST (Best Ecologically Sound techniques).

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

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

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

Ensuring consistent protection throughout the province means ensuring both the variation in air, water, and soil conditions across British Columbia and the variation in effects of different substances emitted. That all discharges, no matter where they are located in the province will be equally affected by the criteria. Ensuring consistent protection also means that States will not transfer its pollution problems onto other jurisdictions, nor will it relax its standards in order to attract industry. The criteria must ensure acceptable ambient environmental conditions all across states No particular area should be penalized due to a preexisting high-quality environment

- In no way shall the requirement to ensure consistency be used as a justification for the relaxing of province-wide standards and technical regulations. There must be tough standards that stand the test and that everyone has to follow.
- No proposal to relax standards or technical regulations shall be used to attract industry [see principle enunciated in NAFTA. (re: relaxation of standards to attract industry)]

## 15. ENSURING THAT STANDARDS AND TECHNICAL REGULATION WILL NOT BE RELAXED TO ATTRACT INVESTMENT

- the argument that in a pristine environment that has not yet been polluted by industrial activity shall be able to have emission standards relaxed is inherently invalid and should be discounted. In other words, a licence to pollute could be given to industry in a pristine area because the area is not yet officially been designated as being polluted.
- Polluting industries that have been regulated under statutory law, shall not through redefinition of practice be excluded from the previous regulations [ Current situation in Delta where a plant with "industrial ? ] air emissions is redefined as a recycling plant and thus the regulations related to "industrial.... ] is deemed inapplicable.

## 16. ENSURING INCLUSIVENESS OF ACTIVITIES AND SUBSTANCES

Ensuring that every activity or substance that could prevent the protection and conservation of the environment will be included under this Act, regardless of whether the activity or substance is presumed to be covered under another Act

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

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

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

20. RESPECTING AND ADHERING TO THE INTERGENERATIONAL EQUITY PRINCIPLE

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

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

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

○ The Global Compliance Research project for Beijing was presented and supported at the NGO/CIDA consultation held at the International Women and Sustainable Development Conference in Vancouver, Canada,

The global compliance research project 's involvement in U.N. conference on women

The Global Compliance Research project for Beijing was presented and supported at the NGO/CIDA consultation held at the International Women and Sustainable Development Conference in Vancouver on June 1, 1994. At the consultation, I stressed that all issues are women issues.

The meeting in Vancouver peace, the environment, equality/equity, social justice and human rights a 'women's issues'. The review of the international documents in the Global Compliance Research Project will reflect this extended concept of 'women's issues'. The Global Compliance Research project for Beijing has proceeded under the auspices of the British Columbia Council on International Cooperation (BCCIC). As the coordinate, I receive a \$50,000 CIDA grant to set up an international network of women and to write a book about compliance with international obligations and commitments

Since the inception of the United Nations, the equality of men and women has been enshrined in the founding Charter. Over the past two decades, there have been three significant United Nations conferences that have addressed women's demands for equality. The first conference took place in Mexico City in 1975, which was proclaimed International Year of Women. The decade that followed, 1975-1985, was proclaimed the "Decade of Women" and incorporated a mid-decade conference in 1980 at Copenhagen, Denmark. At the end of the decade, a final conference took place in Nairobi,

Kenya in 1985 which produced the document entitled, "Forward-Looking Strategies for the Advancement of Women". There have been several Prep Coms leading up to the Beijing. At the New York Prep Com, we circulated a Global Compliance Pledge calling upon states to sign what they had not signed, to ratify what they had not ratified, and to enact the necessary legislation to ensure implementation of what had been ratified.

The Global Compliance Research Project for Beijing now comprises an international advisory 17 Committee of fifty women from over 30 countries. The Global Compliance Research Project is continuing to examine obligations undertaken by states in the area of Human Rights, Peace, Environment, Equality and Equity and Social Justice. The purpose of the project is to carry out a content analysis and synthesis of strong obligations that have already been undertaken, so that states in Beijing 17 will not agree to less, in the Platform of Action, than that which they have already agreed to, and should not ask for less than states have already agreed to.

The Global Compliance project has clustered these obligations through content analyses of international instruments, displayed these obligations through graphic representations, and compiled these obligations into a Charter of Obligations. With a deeper understanding and knowledge of these obligations, members of "civil society" can become more effective in contributing to the needed changes to address the urgency of the global situation. The purpose of this Charter is to remind governments of obligations that they have already incurred and to inform civil society of these obligations so they will demand that governments comply with them, not ask for less than has already been agreed to and continually move governments beyond existing obligations,

The Global Compliance Research Project will also continue to collaborate with other groups interested in promoting the awareness of international obligations, and will continue to set up a network of individuals and organizations interested in using the Global Compliance documents and publications from the Global Compliance project to educate individuals and groups about international obligations. This network will then continue the process of examining developments in the implementation of international obligations and in promoting compliance with these obligations.

1995 The meeting of the UN Congress on International Public Law, the Global Compliance Research Project had the opportunity of addressing the plenary which was held in the General Assembly, in March, 1995. I urged them to assist in calling upon governments to pledge to fulfill 50 years of previous obligations. In addition, at that meeting, judges and lawyers from around the world appeared to endorse significant UN reform related to compliance with international law. One of their proposals was to have a "Compliance Protocol" as part of the Convention of the Law of Treaties, and to establish a citizen's international court. Another proposal was to eliminate ambiguities, and notwithstanding clauses in international documents.

GEAR

## **1995**

March

For the Beijing Prep-com in New York I wrote 100 page booklet entitled: "Charter of Obligations" and I circulated a Global Compliance pledge calling upon States to sign what they had not signed, to ratify what they had not ratified and to enact the necessary legislation to ensure implementation of what had been ratified.

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

1995 the meeting of the UN Congress on International Public Law, the Global Compliance Research Project had the opportunity of addressing the plenary which was held in the General Assembly, in March, 1995. I urged them to assist in calling upon governments to pledge to fulfill 50 years of previous obligations. In addition, at that meeting, judges and lawyers from around the world appeared to endorse significant UN reform related to compliance with international law. One of their proposals was to have a "Compliance Protocol" as part of the Convention of the Law of Treaties, and to establish a citizen's international court. Another proposal was to eliminate ambiguities, and notwithstanding clauses in international documents

April

I was invited to make a presentation to the Trustee council and I presented what I called 1995 Declaration of Global Emergency Action

"Throughout the past 50 years the United Nations has undertaken obligations to address the violation of human rights, the escalation of war and conflict, the degradation of the environment, and the denial of equity and social justice. Many member states of States the United Nations have failed to sign these international instruments, to ratify these instrument, or even when signed and ratified to enact the necessary legislation to discharge their obligations and enforce these instruments.

In 1972, leading scientists in the Science Council of Canada decried that "it was not too late yet". In 1992, at Rio, the United Nations affirmed that "Humanity stands at a defining moment in history. We are confronted with perpetuation of disparities between nations, and a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Agenda 21, UNCED, 1992). many member states of the United Nations including even judges treat international law with disinterest or disdain.

For example, in Canada, in the Provincial and Federal Court, the demonstration of disdain for International law exists. For, example, a BC Court judge, Mr. Justice Bouk, when a protester referred to the International Covenant on Civil and Political rights, replied with disdain by saying that "sounds like some international something or other". Mr. Justice Carothers ruled that International law was not judiciable in the courts of BC, and Federal Court judge, Hargreaves, concurred with Attorney General's lawyer, that the International Covenant on Civil and Political Rights could not be applied in Federal Court because there had been no implementing legislation

In 1995 I completed my dissertation in interdisciplinary studies

The Global Compliance resolutions calls upon each government to execute the 50 years of moved obligations each country has made at the United Nations.

May 1995

○ The Global Compliance Research Project for Beijing now comprises an International Advisory Committee of fifty women from over 30 countries. The Global Compliance Research Project is continuing to examine obligations undertaken by States in the area of Human Rights, Peace, Environment, Equality and Equity and Social Justice. The purpose of the project is to carry out a content analysis and synthesis of strong obligations that have already been undertaken, so that states in Beijing 18 will not agree to less, in the Platform of Action, than that which they have already agreed to, and should not ask for less than states have already agreed to. In particular, to link the Beijing Conference with the fiftieth Anniversary of the United Nations and call upon states to fulfill a pledge to discharge 50 years of obligations.

The Global Compliance project has clustered these obligations through content analyses of international instruments, displayed these obligations through graphic representations, and compiled these obligations into a Charter of Obligations. With a deeper understanding and knowledge of these obligations, members of “civil society” can become more effective in contributing to the needed changes to address the urgency of the global situation. The purpose of this Charter is to remind governments of obligations that they have already incurred and to inform civil society of these obligations so they will demand that governments comply with them, not ask for less than has already been agreed to and continually move governments beyond existing obligations, The Global Compliance Research Project will also continue to collaborate with other groups interested in promoting the awareness of international obligations, and will continue to set up a network of individuals and organizations interested in using the Global Compliance documents and publications from the Global Compliance project to educate individuals and groups about international obligations. This network will then continue the process of examining developments in the implementation of international obligations and in promoting compliance with these obligations The Global Compliance Research Project is preparing a questionnaire related to the Charter of Obligations for the purpose of determining if significant areas have been missed in the analysis of the documents. In response to the results of the questionnaire and input of the initial analysis, the Global Compliance Project will re-examine the international documents. A subsequent educational booklet on a method of teaching global issues through principle-based education drawing upon the Charter of Obligations is also being prepared.

○ In San Francisco, on the 50th anniversary the following resolution was adopted at the plenary of Civil Society: In 1994-95, the Global Compliance Research (GCR) project received a \$50,000 CIDA grant to (a) carry out a content analysis of international agreements for a book, The Charter of Obligations to be distributed at the UN Conference on Women: Equality, Development and Peace, and (b) set up an international network of women At the New York Prep Com for the UN Conference on Women. The GCR Project circulated a 100 page draft version of the Charter of Obligations, along with a resolution calling for State compliance with obligations and expectations (Global Compliance Resolution). Also at the Prep com, the GCR Project had the opportunity of addressing the UN Commission on the Status of Women on the necessity of linking the Platform of Action with precedents reflecting obligations and expectations, and on the necessity of States undertaking to discharge obligations and fulfill expectations at the co-incidence of the UN Conference on Women and the 50th anniversary of the United Nations. At the end of the Prep Com the International advisory committee for the GCR project had a network of representatives of organizations from over thirty states.

## Beijing

○ in September 1995, IN Beijing there was a feature article in the Toronto Star about my criticizing member States of the United Nations for ignoring obligations and commitments; about institutional memory being short and the need for compliance. In Beijing, a Toronto Star reporter, Paul Watson, interviewed me about the Global Compliance Research project. He wrote “Beijing: An Exercise in Futility?” Ironically, to complement the article, was a photo of Flora MacDonald schmoozing with some delegates.

## ○ EXHIBIT

“Beijing: An Exercise in Futility?”

By Paul Watson

Beijing--Joan Russow had an idea so sensible it sounded flaky. When thousands of people were earnestly writing and rewriting more solemn promises to heal the world's women, why not concentrate

on making governments live up to the shelves upon shelves of accords, conventions, constitutions declarations, resolutions and treaties that have been filed away for decades....? Russow, a session lecturer on Global issues at the University of Victoria, lobbied for days to get a motion on the floor demanding that governments live up to the commitments they've already made.

That was a lot like insisting the 'Emperor Has No Clothes', so Russow and her supporters got mostly blank stares and hostility.

○ In an interview, she said, "If you get governments to commit to less than they are already obliged to do is that success?" .... Russow is convinced that the Universal Declaration of Human Rights, adopted away back in 1948, is broad enough to cover demands for gay rights which were rebuffed again in Beijing.

"That was a profound document on human rights," she said, "and the drafters of it wanted to ensure, I would presume, that any form of discrimination that was not anticipated at that moment of signing in 1948, would be accommodated."

○ In September for Beijing I completed the Charter of Obligations which had become a 350 page compilation in English (350 pages and a 200 pages French version by my assistant Eugenia Amporfu

○ 50 years of obligations incurred internationally through international agreements. The Charter of obligations placed a number of the contentious bracketed sections of the Platform of Action in the context of previous obligations incurred and expectations created. The Charter was classified as research material and was approved for official distribution as a research document to every state delegation at the Fourth UN conference on Women: Equality, Development and Peace. The purpose of the Charter was to inform and remind states at the UN conference that many of the presumably forward looking statements in the bracketed sections were little more than what states had already agreed to through previous obligations and expectations, and to encourage states to undertake new commitments beyond past precedents. The purpose of the Charter was not only to encourage states to move beyond what they had already agreed to but to persuade the non-Governmental Organizations to not ask for less than states were already obliged to do through previously negotiated, signed, or ratified conventions, treaties and covenants, or less than states were expected to do through adopted Conference Agendas and Action plans or through passed General Assembly Resolutions.

○ I prepared a set of three 40 x 50 Global Compliance charts with the states of the United Nations across the top and the Human Rights, peace, and Environment documents down the side. For this chart information was gathered on which states had not signed, which states had signed but not ratified, and which states had both signed and ratified. This chart was placed in the

○ NGO lounge at the UN Conference on Women, and displayed at numerous conferences and meetings including the March 1996 meeting of the UN Commission on the Status of Women. A copy of the charts is in the Women's Centre library at the United Nations in New York. The GCR project gave a workshop on the project at the NGO Forum, and co-conducted a workshop on Bringing the Conventions to the Grassroots. The essence of the GCR project has been to call upon states to translate the words of rhetoric into the action of compliance, implementation and enforcement. (from Russow, Redefinition of Development in Equitable

As the co-ordinator of the Global Compliance

○ In June, 1995, at the "We the Peoples.. Conference in San Francisco, the Global I initiated a workshop on the Global Compliance resolution, and circulated the Global Compliance Resolution; the Global Compliance resolution was adopted by the plenary and forwarded to The Secretary General of the United Nations,

○ Dr. Boutros Boutros Ghali who subsequently sent me a letter of support for the resolution.

We then 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)

○ While Boutros Bourtos Ghali had wide support of 14 of the 15 members of the United Nations Security Council. for a second term ,Clinton said && that he would veto a second term.

The Global Compliance resolution called upon States to demonstrate the political will on the 50th Anniversary to the United Nations to discharge 50 years of obligations and fulfill 50 years of expectations by signing what they have not yet signed, by ratifying what they had not yet ratified, by enacting the necessary legislation to ensure compliance and implementation, and by undertaking to enforce and monitor the enforcement of the legislation. Letters with a Global Compliance Resolution were sent to all the State contacts for the UN 50th Anniversary. The Compliance resolution was also circulated in Beijing, and a subsequent meetings and conferences.

In September in Beijing

○ I did a content analysis of the Platform of Action and in particular an analysis of specific language related to action such as implementation. I then made a Covenant of Implementation (12 page scroll on single space 9 point type),

○ The Global Compliance resolutions calls upon each government to execute the 50 years of moved obligations each country has made at the United Nations.

I presented the scroll at a community meeting in Victoria, at the Praxis Women’s conference at the University of Victoria, and then circulated it internationally.

○ I also participated at the follow-up meeting of UN Commission on the Status of Women in New York in March 1996. I proposed, at one of the plenaries discussing optional protocols, a call for an International Court of Compliance where citizens could take evidence of state non-compliance. I also organized a workshop on the International Court of Compliance, and I presented it at NGO briefing session, and then circulated a petition. I completed my dissertation in Interdisciplinary Studies

## 1996

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

at the NGO presentation to Committee II, and was I 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 Global Compliance Research Project had a network of over 100 representatives from over 70 states worldwide. It was an undertaking to increase this representations to over 150 states. There is a network of over 20 women in Canada, involving representatives from Universities and research institutions from a wide range of disciplines, and activists. The Global Compliance Research Project is currently revising the Charter of Obligations; incorporating issues raised in Beijing and Habitat II and adding additional international obligations and expectations omitted in the previous publication or incurred or created through recent International agreements. In addition, the project is (a) extracting international principles and delineating proposals on what would constitute compliance with these international obligations, and expectations; and (b) undertaking to do a comparative analysis among states of the systemic constraints that are preventing states from the discharging of obligations and from the fulfilling of expectations.

## TITLE OF THE PROJECT

○ Synthesis of Obligations Incurred and Expectations Created: Knowledge of International Agreements as an Instrument of Change

If there is to be global change, it is essential for civil society to become aware of the principles established through international agreements. This project, through the new synthesis of international principles, will provide civil society with a knowledge base from which to propose change through international instruments. In addition, the expansion of the principles to include what would constitute compliance or non-compliance will be essential for policy makers.

The international advisory committee of the Global Compliance Research project is composed primarily of women -academic/activists throughout the different regions of the world. The women involved in the project have realized the importance of disseminating information about the obligations incurred and expectations created as instruments of change.

• to publish documents and report cards based on previous obligations,

## GOALS AND OBJECTIVES OF THE PROJECT

The overall goal of the Global Compliance Research Project is to carry out extensive and continuing research into significant obligations incurred and expectations created through international agreements, and to disseminate this information to a global wide network of academics/researchers/activists. Through the publication and distribution of the Charter of Obligations and the Habitat II document, the Global Compliance research project has attempted to disseminate information about the nature and substance of the international principles extant in international agreements. What is needed now is a synthesis of the principles with an accompanying delineation about what would constitute compliance or non-compliance with these principles. Since the Beijing and Habitat conferences, numerous requests have been made for the CIDA funded material- the Charter of Obligations. Because both the Charter of Obligations and the Habitat Agenda Comment were designed specifically for those conferences, they have become somewhat dated. What is needed now for distribution is a synthesis of the international agreements drawing upon and expanding on the original research.

A synthesis of principles will be prepared from international agreements drawing upon obligations incurred through the Charter of the United Nations, the UN Conventions, treaties, and covenants, and the expectations created through declarations, conference action plans, and General Assembly resolutions. In addition to synthesizing the international obligations and expectations, an analysis will

be done. This synthesis will draw on previous work done by the Global Compliance Research project in consultation with the international advisory committee. A survey will be carried out to determine key principles to be examined in this phase of the project.

A content analysis of the systemic constraints will be carried out including a comparative analysis of systemic constraints that are peculiar to a particular state, region etc. A synthesis of these systemic constraints will be carried out and integrated with the systemic constraints delineated in the Global Compliance Research of Obligations. A comparative analysis will be carried out to determine what actions need to be taken to overcome these constraints; in addition an analysis of what systemic constraints might be in place to prevent the actions from being carried out.

## 1966

The actions in this phase of the project will be linked to significant international events such as the 5 year review of UNCED in 1997, the 50th Anniversary of the Universal Declaration of Human Rights, the culmination of the decade devoted to the furtherance of international law, 1999 (Global Compliance Resolution) . and the year 2000 the beginning of a decade devoted to promoting and fully guaranteeing respect for human rights, including equality between women and men; to preventing environmental degradation and to ensuring the preservation and protection of the environment; to creating a global structure that respects the rule of law, to achieving a state of peace, justice and disarmament, and to enabling socially equitable and environmentally sound development.

0 GLOBAL 24, 1995 GLOBAL COMPLIANCE RESOLUTION

JUNE 1995 We initially 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." The resolution called upon States, at the June 26, 1995 UN Affirmation Ceremony, to pledge to discharge fifty years of obligations.

commitments and expectations



“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”  
( July 5, 1995)

Since then at Beijing on September 13th, the Global Compliance resolution was officially distributed to all delegations of the member States at the United Nations at the UN 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, the final day of that conference.

The resolution was also sent to every UN 50th Association representative. A response was received from Dr. Sohreh Tabatabai, the Coordinator of the 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”.

The Global Compliance Project now challenges States to rededicate their commitment to the United Nations by proposing, seconding, or supporting the Global Compliance Resolution as follows:  
50/1 Proclamation of the International day of Global Compliance

The General Assembly

Whereas the General Assembly has decided unanimously to proclaim solemnly, on the Fiftieth Anniversary of the United Nations, the International Year of Global Compliance on the 24 October 1995, the fiftieth anniversary of the United Nations,

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

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

Whereas fulfillment of the purpose of the United Nations would require the discharging of the 50 years of obligations related to guaranteeing respect for human rights, preserving and protecting the environment, promoting peace, and ensuring socially equitable and environmentally sound development;

Whereas, the freeing up of money through the peace dividend would assist in the discharging of these obligations,

Whereas the fiftieth anniversary of the United Nations provides a unique opportunity to reaffirm the support for and commitment to the purposes and principles of the Charter of the United Nations, and to undertake to discharge previous obligations are undertaken through Charters, Covenants, Conventions, Declarations and Resolutions,  
September

○ 1996

I became the Common security editor of on-line Peace Earth and Justice news  
And I became the editor and continued to publish articles On the eve of  
1, 1998. Launching of the Charter challenge of first past the post Monday, September 21, 1998

Professor David Beatty  
Professor Edward Morgan  
Faculty of Law  
University of Toronto  
Toronto, On. M5S 2C5

Dear Professors Beatty and Morgan

Further to our on-going conversation over the past year and after discussions with the executive of the Green Party of Canada, we would like to instruct you and the Constitution Litigation seminar at the University of Toronto to pursue the possibility of instituting a Charter Challenge to those sections of the Canadian Elections Act which institute the single member plurality system.

If it is required, I am prepared to stand as an individual party to this action along with the Green party of Canada.

Yours Very Truly

Joan Russow (Ph.D.)  
National Leader of the Green Party of Canada

Monday, September 21, 1998

I received a grant for \$1500 from the Toronto faculty of law to pursue this which they did there were numerous affidavits from specialists

&&Now in 2017, the same group that in 1998, had refused to support the 1998 challenge, are asking people to pledge \$35000 to support the charter challenge case

Note they were not always the same members

## 2008

For the 2008 UN conference on the Status of Women, I co-drafted and circulated, the Canadian Voice of Woman (VOW) Petition: "De-legitimization of War through International Instruments and Norms". Near the end of the Conference

.I was the only VOW member left at the UN on March 8, on International Women's Day. I was told, by Cora Weiss, that there was a special opportunity on international women's day to sign up to address some members of the Security Council who were convening in the Trustee Council. I decided to select issues which indirectly criticized the actions by the US. In my presentation, I stressed the importance of chapter VI and not rushing to Chapter VII- which is used to seek legitimacy for a military intervention but proceeding immediately to Chapter VI- the Peaceful resolution of disputes. I especially focused on the imperative of recognizing the jurisdiction and decisions of the International Court of Justice. I also expressed concern about the misuse of article 51- self defense. Only eight non permanent members of the Security Council were there; four said they agreed with me. When I stressed the importance of chapter VI they seemed to be unaware of chapter VI perhaps because when a state wants to invade a country they go right to chapter VII&&

The UN Office for Disarmament Affairs (UNODA) cordially invites inputs from your organization to the biennial report of the UN Secretary-General to be submitted to the seventy-third session of the General Assembly later this year which will review the results of the implementation of the recommendations (of the UN Study) and possible new opportunities for promoting disarmament and non-proliferation education.

The report of the Secretary-General is a biennial compilation of work by Governments, UN offices, inter-governmental organizations and non-governmental organizations in this field. It is presented to the full membership of the General Assembly, and also circulated to a wide audience of peace and disarmament educators. It will be published in all six UN official languages.

The UN kindly invites you to provide us with information about the activities of the Global compliance Research Project, on its disarmament and non-proliferation education and training efforts covering the from July 2017 until June &&) in Microsoft Word format by 31 May &&. Kindly send the electronic version to gohg@un.org copied to unoda-web@un.org.

in your submission. The executive summary should be not more than 150 words.

Gillian Goh, PhD

Disarmament and Non-Proliferation Education Focal Point

Given that I have decided to not travel to the UN anymore, I thought it would be an opportunity to raise a number of issues related to what constitutes the real threats to peace, to include systemic constraints which had bothered me at the UN, and to promote a Universal Declaration on Common Security. So I put the compilation aside until 2019 and resolved that I would drop everything else and work for two months and in May 28 submitted my document "A Vision of Education Material related to Furthering Common Security.

Activities of the Global Compliance Research Project on Common Security  
2015

Until 2015 when I was invited by the IPS UN PRESS TO DO AN OP ED  
ON THE UN AT 70



If states comply with these many instruments, the global community will have more respect for the rule of international law, and more faith in the United Nations, including for the compliance with and implementation of the SDGs. Credit: UN Photo/Joao Araujo Pinto  
by Joan Russow, Lori Johnston (Victoria, British Columbia, Canada)  
Monday, April 27, 2015  
Inter Press Service

[http://www.pejnews.com/index.php?option=com\\_content&view=article&id=10462:cop21a-lack-of-global-vision-but-not-stemic-constraints-&catid=86:i-earth-news&Itemid=210](http://www.pejnews.com/index.php?option=com_content&view=article&id=10462:cop21a-lack-of-global-vision-but-not-stemic-constraints-&catid=86:i-earth-news&Itemid=210)

In 2017, I had renewed hopes because of the 2016 adoption, in the UNGA, by the majority of the UN member states, of the Treaty on the Prohibition of nuclear weapons and I was invited again, by IPS, to write an op-ed about the treaty. For IPS, I wrote Fate of Earth Must Not be Decided by US & Fellow Nuclear arms States [http://www.ipsnews.net/2017/04/fate-of-earth-must-not-be-decided-by-us-fellow-nuclear arms-states/](http://www.ipsnews.net/2017/04/fate-of-earth-must-not-be-decided-by-us-fellow-nuclear-arms-states/) I attended the June 2017 session of the Treaty. For the first couple of days, I was astonished at the cooperative and collaborative negotiations building on each other's comments; something I had really not seen in the over thirty years that I had attended the United Nations. On the third day, I realized that the co-operative nature of the negotiations was because the United States and its fellow nuclear weapons states and all but one NATO states were absent.

Then in March && I was contacted by The UN Office for Disarmament Affairs (UNODA) and invited to have input into the && Report of the United Nations Secretary-General on implementation of the Recommendations of the 2002 UN Study on Disarmament and Non-Proliferation Education The UN Office for Disarmament Affairs (UNODA) cordially invites inputs from your organization to the biennial report of the UN Secretary-General to be submitted to the seventy-third session of the General Assembly later this year which will review the results of the implementation of the recommendations (of the UN Study) and possible new opportunities for promoting disarmament and non-proliferation education.

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2025

○ Revisiting the Rome Statute in light

of Israel planning on over-taking Cyprus (ICC) considers the act of a State taking over another state to be an invasion and a crime of aggression, provided specific criteria are met. This falls under the ICC's

if a non signatory state attacks a state that is party to the Rome statute the leader of the non-signatory state can be charged under the ICC

s

(ICC) considers the act of a state taking over another state to be an invasion and a crime of aggression, provided specific criteria are met. This falls under the ICC's jurisdiction over Cyprus which is a party to the ICC party if Israel, as a non-party, takes over Cyprus which is a party Netanyahu can be charged under the ICC

what happened with Putin was Russia as a non-signatory attacked Ukraine which is a party therefore Putin could be charged under the ICC

1999

When I was at the peace conference in 1999 in Den Hague, I had grave misgivings about Phillip Kirch when I saw him speak on behalf of Canada at the international court of justice and he stood with other NATO members and claimed the ICJ had no jurisdiction in the case of Kosovo &&

I was equally concerned I when in his role as president of the ICC he said that only if the state does not have a legitimate legal system, will the ICC step in

This is probably why the international Law professor Francis Boyle describe the ICC as the white man's court" && considers the act of a state taking over another state to be an invasion and a crime of aggression, provided specific criteria are met. This falls under the ICC's jurisdiction over Cyprus which is a party to the ICC party if Israel, as a non-party, takes over Cyprus which is a party Netanyahu can be charged under the ICC

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members 1998 Rome statute

○ According to the Rome Statute, it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes. The International Criminal Court can only intervene where a State is unable or unwilling to genuinely carry out the investigation and prosecute the perpetrator:

States that are not party to the Rome Statute

States that are not party to the Rome Statute of the International Criminal Court (ICC) include China, India, Indonesia, Israel, Russia, and the United States,

Non-signatories can be charged under the Rome Statute if the alleged crime occurred on the territory of a State Party, or if a State not party to the Statute accepts the Court's jurisdiction for that specific situation or individual. This territorial jurisdiction allows the International Criminal Court (ICC) to try individuals, including nationals of non-party states, for crimes committed on the territory of a State that has ratified the Rome Statute.

Palestine signed the Rome accord on January 2, 2015. Is Palestine a state under international law?

The Palestine Liberation Organization (PLO) declared the establishment of the State of Palestine on November 15, 1988. As of February 2025, the State of Palestine is recognized as a sovereign state by 147 of the 193 member states of the United Nations, or just over 75% of all UN members.

## INTRODUCTION

### UNRAVELING SYSTEMIC CONSTRAINTS AND EVENTUALLY SYSTEMIC CONSTRAINTS

This became 7000 pages. I was advised to divide it into chapters which I did. The compilation was divided into 8 chapters: Chapter 1 The selection of examples of systemic constraints. Chapter 2 Part 1 of international systemic constraint related to human rights: indigenous rights, women's rights, peace, militarism and pretexts for war and invasions; \*Chapter 2 part 2: ecological rights, climate change and biodiversity. Chapter 3: The systemic constraints implemented by a varied combination of states, municipalities, citizens, corporations, globe, trade agreements, military, indigenous rights, religion, democracy ethics, and media [many of these systemic constraints could be moved elsewhere because this chapter was written before the compilation was divided into chapters] \*Chapter 4 systemic constraint related to decision making; \*Chapter 5 politics: part 1 Latin America, part 2 Canada and US: \*Chapter 6 systemic constraints with NGOs; \*Chapter 7 systemic constraints Education and culture promotion; and Chapter 8 and I decided to only finish the first Chapter and if time I would finish the other draft Chapters

### TABLE OF CONTENTS

Chapter one

TITLE DELINEATING SYSTEMIC CONSTRAINTS PREVENTING THE NECESSARY SOCIO-POLITICAL/PEACEFUL/ECOLOGICAL CHANGE

A\* AN EXAMPLE OF SYSTEMIC CONSTRAINTS THROUGH INTERNATIONAL NEGOTIATIONS ON CLIMATE CHANGE  
'TYRANY OF CONSENSUS"

B\* AN EXAMPLE OF A SYSTEMIC CONSTRAINT WITHIN A CONVENTION  
DISJUNCTION BETWEEN THE PREAMBLE AND THE OPERATIONAL CLAUSES RE  
CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL  
HERITAGE

C\* EXAMPLE OF SYSTEMIC CONSTRAINTS FROM PRINCIPAL ORGANS OF THE UNITED  
NATIONS AND MISSED OPPORTUNITIES TO COUNTER CONSTRAINTS "WHAT IS WAR GOOD  
FOR? ABSOLUTELY NOTHING  
D\* AN EXAMPLE OF A SYSTEMIC CONSTRAINTS BY BC GOVERNMENT AND CORPORATIONS  
AND AN EXAMPLE OF A SYSTEMIC CONSTRAINTS FROM A ROUND TABLE NATIONAL  
ROUND TABLE ON PULP AND PAPER AND DISCHARGE EMISSIONS  
"GLORIFICATION OF CONFLICT OF INTEREST"

E\*AN EXAMPLE OF SYSTEMIC CONSTRAINTS BY MISLEADING  
CHARITABLE STATUS "PRESCRIPTION NOT PROSCRIPTION  
"FEIGNED ALTRUISM"

F\* EXAMPLES OF SYSTEMIC CONSTRAINTS FROM  
WEAPONS AND ENERGY INDUSTRIES  
"NUCLEAR ENERGY THE UNFORGIVING TECHNOLOGY" FRED KNELMAN

1992 THE "NOT-TOO-HIDDEN AGENDA" OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) AT UNCED: NUKESPEAK, AND SEDUCTIVE DEVICES, DOCTRINES, DOGMAS, STRATEGIES AND FALLACIES

G\* AN EXAMPLE OF SYSTEMIC CONSTRAINTS BY STATE AND DRAFTERS OF THE UN DECLARATION ON HUMAN RIGHTS  
"NO ROOM AT THE INN"

H\* AN EXAMPLE OF SYSTEMIC CONSTRAINT BY A PROVOCATIVE MILITARY ORGANIZATION NOT ONE INCH FURTHER EAST "WE ARE ONLY A DEFENCE ORGANIZATION"

I\* AN EXAMPLE OF SYSTEMIC CONSTRAINTS

J\* EXAMPLES OF SYSTEMIC CONSTRAINTS BY THE FEDERAL GOVERNMENT AND NATIONAL POLICE SERVICE OF CANADA.

K\* EXAMPLES OF SYSTEMIC CONSTRAINTS THROUGH IMPOSING A SYSTEM OF EVALUATING THE STATE OF ECONOMY WITH A SYSTEM THAT "ASSESSES NOTHING THAT MATTERS." (JOSEPH STIGLITZ)

L\* EXAMPLES OF SYSTEMIC CONSTRAINTS OF UNFULFILLED OBLIGATIONS INCURRED AND COMMITMENTS MADE BY THE UNITED NATIONS AND MEMBER STATES AS ILLUSTRATED BY IN THE YEAR 2525 "IN THE YEAR 2525 IF WE ARE STILL ALIVE" EARL EVANS

M AN EXAMPLE OF A SYSTEMIC CONSTRAINTS BY NGO OBTAINING DUBIOUS ECOSOC STATUS AND MISLEADING LOGO

N AN EXAMPLE OF A SYSTEMIC CONSTRAINT BY GOVERNMENT RELATED TO INDIGENOUS PEOPLES AND BY LEADERS OF POLITICAL PARTIES

"FIRST THEY TAKE THE CHILDREN FROM THEIR LAND THEN TAKE THE LAND FROM THEIR CHILDREN"

O\* AN EXAMPLE OF SYSTEMIC CONSTRAINT BY UN PRACTICES AND DISREGARD FOR SOVEREIGN EQUALITY OF THE UNITED NATIONS

"SOME STATES ARE MORE EQUAL THAN OTHERS" ANIMAL FARM\*

P\*AN EXAMPLE OF A SYSTEMIC CONSTRAINT THROUGH UN COMPACT CORPORATE WASH "COMPACT WITH THE DEVIL"

Q\*AN EXAMPLE OF SYSTEMIC GLOBAL CONSTRAINTS IMPEDING COOPERATIVE SUSTAINABILITY"COOPERATIVES A COUNTER POINT TO CAPITALISM

R\* EXAMPLES OF SYSTEMIC CONSTRAINTS BETWEEN UN PRINCIPLES AND FEDERAL STATE DEPARTMENT INTERPRETATION AND BETWEEN LEADER OF AGENCY AND PURPOSE OF AGENCY

S EXAMPLES OF \*SYSTEMIC CONSTRAINTS BETWEEN BOTH ETHICAL INVESTMENTS AND PENSION FUNDS

REPORT; ABSENCE OF POSITIVE AND NEGATIVE SCREENS NEGATIVE SCREEN FOR ETHICAL AND PENSION INVESTMENTS AND DUE DILIGENCE

T\* EXAMPLES OF SYSTEMIC CONSTRAINTS PREVENTING THE "DELIMITATION OF WAR UNDER CHAPTER VII

U\* AN EXAMPLE OF SYSTEMIC CONSTRAINTS THROUGH TAMPERING WITH FOOD SECURITY LABEL NOT BAN = FOOD INSECURITY

V AN EXAMPLE OF SYSTEMIC CONSTRAINTS SURROUNDING MISCONCEPTION OF NAFTA, AND THE JUST TINKERING WITH THE WTO

W\* EXAMPLE OF SYSTEMIC CONSTRAINTS THROUGH CABINET PROROGATIVE AND BANGOR WASHINGTON

“FAILURE TO USE ARTICLE 7 OF THE CANADIAN CHARTER”

X\* EXAMPLE OF A SYSTEMIC CONSTRAINT FROM THE MOUTHS OF THE OIL INDUSTRY CEOS

“THE CAUSE OF CLIMATE CHANGE IS STILL UP IN THE AIR”

Y\* EXAMPLES OF SYSTEMIC CONSTRAINTS BY EDUCATIONAL INSTITUTIONS AND BY THE HOLY SEE INTERVENTIONS’

“GULIVER TRAVEL FIGHTING OVER WHETHER TO CUT THE EGG IN NARROW OR WIDE END POLICY AT THE COUNTRY”

IN 2025

I turned 86 and I decided to only complete chapter I and if, time, complete the other drafts of the other chapters