

AWARE THAT

While the United Nations representing over 180 nation states was negotiating the follow-up to the United Nations Conference on Environment and Development (UNCED), the Organization of Economic Cooperation and Development OECD representing 28 states has been undermining the UN process by setting up their own international agreement (the Multilateral Agreement on Investment-MAI). The MAI has been devised to promote and entrench in terms of rights and obligations the vested interest of the corporate sector.

For years behind the scenes, the OECD countries comprised of corporate-sympathetic administrations have been working with the corporate sector to undermine years of obligations incurred by states through conventions, treaties and covenants, years of commitments made through conference action plans and years of expectations created through General assembly resolutions.

Through these international obligations, commitments and expectations states have undertaken the following :

- (i) to promote and fully guarantee respect for human rights and social justice;

- (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.

Citizens must act to ensure the discontinuance of all further negotiations on MAI and the cancellation of previous free trade agreements such as NAFTA which have undermined and continue to undermine over 50 years of international obligations, expectations and commitments..

One commitment that all member states of the United Nations have undertaken in the Platform of Action in the UN Conference on Women: Equality, Development and Peace (Beijing, 1995) and in the Habitat II Agenda was “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”.

To assist the governments to act on the above corporate-compliance commitment citizens could draft a Citizens Treaty for Corporate and State Compliance.

Here are some potential provisions of this treaty.

All member states of the United Nations will undertake the following:

- 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, and to fulfill expectations created through General Assembly resolutions and declarations, and to act upon commitments arising from conference action plans.

- To establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states, and to harmonize continually upwards

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- To demand and ensure compensation and reparation will be sought from corporations and sympathetic administrations for the environmental degradation and human rights violation in developed and developing countries, on lands of indigenous peoples and in the communities of the marginalized citizens in both developing and developed countries.

- To revoke licences and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, disregarded labour rights, or contributed to conflict and war, and if they have failed to pay compensation. for past non-compliance with international agreements.

- To reduce the military budget 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,

- To increase funding for United Nations agencies and international, national and regional educational institutions so that their missions will not be undermined by corporate direction of research.

- To develop criteria for partnership with the UN to ensure the exclusion of all corporations if

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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.

- To distinguish civil society from the market, and define civil society as those members of society that adhere to principles within the United Nations system that guarantee human rights, foster social justices, protect and conserve the environment, prevent war and conflict, and enable socially equitable and environmentally sound development.

- 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

- To undertake to act upon a commitment in recent UN Conferences to move away from the overconsumptive model of development, reduce the ecological footprint and reject the notion that economic growth will solve the urgency of the global situation.

- To prohibit all trade zones designed to circumvent obligations, and commitments related to the guaranteeing of human rights, social justice, and labour rights; and to the protecting and preserving of the environment.

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- To establish an International Court of Compliance where citizens can take evidence of state and corporate non-compliance

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Dr Joan Russow compiled and circulated internationally a Charter of Obligations — 350 pages of statements delineating international obligations, expectations and commitments. Since April she has been circulating a resolution calling upon the UN to urge the OECD to discontinue all further negotiations on MAI because the agreement would undermine years of UN obligations, expectations and commitments.