

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

By Dr. Joan Russow

Presented at the eco- solutions conference in Australia by Dr Vanda Rounsefell

Joan Russow is the president of the Global Compliance Research project, and National leader of the Green Party of Canada

Dr. Joan Russow has taught a course in global issues at the University of Victoria. She initiated the Global Compliance Research project and compiled the Charter of obligationsÑ350 pages of international obligations incurred, commitments made and expectations created. This charter was officially distributed to all state delegations at the UN conference on Women. She prepared a similar document for Habitat II and participated at the NGO forum as the chair of the Urbanization caucus. She has been circulating several documents and petitions internationally such as the "UN Proclamation for Translating Rhetoric into Action: A petition for a Citizen's Treaty for Corporate and state Compliance: the Nemesis of MAI, and a petition for an International Court of Compliance where citizens could take evidence of state non-compliance. She was recently elected as National leader of the Green party of Canada, and continues to use international law as an instrument of change in the local, national and international field.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## OVERVIEW

The urgency of the Global situation was reaffirmed internationally at the United Nations Conference on Environment and Development (UNCED) in 1992

"Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992)"

The reaffirmation of the urgency of the global situation and the corresponding admission that inaction is negligent (Alternative Earth Charter, 1992) presented the prerequisite for shaping the political will to adopt eco-solutions.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

For years, ecologically sound solutions have been available and proposed, but ignored because of the lack of political will of corporate sympathetic government administrations, and because of the relentless lobbying by transnational corporations.

There are two streams of international law documents: documents that further the "public trust" and those that promote "vested economic interest". The former endorses eco-solutions and the later undermines eco-solutions.

International public trust law could be described as the body of international law that purports to guarantee human rights, to protect and conserve the environment, to prevent war and conflict, to ensure social justice and to provide for socially equitable and environmentally sound development, and thus to promote eco-solutions.

International vested economic interest law could be described as the body of international law that attempts to enshrine deregulation, privatization, voluntary compliance etc. [examples of documents coming from General Agreement on Tariffs and Trade (GATT), the World trade organization (WTO), Organization of Economic Cooperation and Development (OECD), Asian Pacific Economic Cooperation (APEC).

The devolution of power to the corporations has been occurring for years. Probably since the

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

formation of the Breton Woods Institutions in 1946. GATT as one of the primary proponents of the vested interest economic international agreements revealed its real concerns very well in 1971 in anticipation of stiff environmental provisions coming out of the 1972 UN Conference on Humans and the Environment. GATT expressed concern not about the cost to the environment of not having regulations but the economic costs of environmental regulations.

The concern for the "cost of environmental regulations" has been reiterated over the years by transnational corporations, corporate-front Non-governmental organization (NGO) lobby groups, corporate sympathetic administration in their promotion of vested economic interest international agreements. Increasingly through the influence of the corporate lobby and the through the withholding of funds from the UN, the UN has been compelled to seek "partnerships" with the corporations. This increased partnership has meant the erosion of public trust international law.

Citizens concerned about the promotion of eco-solutions must use the principles already existing in international public trust law to prevent the erosion of public trust law.

Through international public trust law, for over fifty years. the member states of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; including the rights of women; (ii) to ensure the preservation and protection of the environment; (iii) to create a global structure that respects the rule of law, (iv) to achieve a state of peace; justice and security , and (v) to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; commitments made through Conference Action Plans and expectations created through the United Nations Declarations, and General Assembly Resolutions.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

If these years of obligations had been discharged, if these years of commitments acted upon and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development with eco-solutions might have been enabled. Many of these obligations have never been discharged because states often fail to sign international legally binding treaties that they themselves have negotiated; because states that sign legally binding conventions and treaties, often fail to ratify them; and because states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement.. Many of the commitments have not been acted upon. Commitments have been made through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Similarly, many of the expectations created through General Assembly resolutions have not been fulfilled.

Increasingly corporate sympathetic governments have been devolving power to the corporations. The devolution of power is evident in increased deregulation and decreased government funding of public trust programs. Deregulation is reflected in a moving away from "command and control" to "compliant friendly agreements" or to "voluntary compliance" - the latest oxymoron to emerge from the NAFTA, Commission on Environmental Cooperation. Since 1991, the ISO (International Standardization Organization) has been devising a program of self regulation where corporations set up their own environmental policy and are then evaluated on how well they conform to their self initiated policy. [a scheme with no external normative mandatory standards]. Decreased public trust funding is reflected in the corporate determining of the philosophical underpinnings of public education, and in the corporate control of research and development in universities. **THE RULE OF CORPORATIONS IS ALREADY IN PLACE.** The rule of the corporation and of corporate sympathetic administrations undermine any progress that can be made in developing eco-solutions. this process.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

This process must be reversed and the knowledge of existing public trust international law could assist in this reversal.

In recent conferences, however, every member state in the United Nations made a commitment to ensure that corporations including transnational corporations comply with national codes and with international law. The control of corporations through regulation and through requiring them to adhere to international principles could be used to drive eco-solutions not as an option but as a requirement because of obligations and commitments. The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as at the international level (UN Resolution 37/7)

If these obligations had been discharged, the commitments acted upon, the expectations fulfilled, ecological solutions would be now in place. In this paper the use of international law as an instrument of political change will be examined. In this paper principles relevant to eco-solutions will be drawn from the obligations, expectations and commitments; what would constitute compliance with these principles will be examined, the systemic constraints preventing the adherence to these principles and the adoption of eco-solutions will be discussed, and a Treaty for State and Corporate Compliance will be proposed.

## PART II OUTLINE AND INTERNATIONAL PRINCIPLES

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## OUTLINE OF PROCESS OF USING INTERNATIONAL AGREEMENTS AS INSTRUMENTS OF CHANGE

1. DELINEATION OF 50 INTERNATIONAL PUBLIC TRUST PRINCIPLES THAT COULD PROMOTE ECO-SOLUTIONS

2. DETERMINATION AND IMPLEMENTATION OF ACTIONS THAT WOULD CONSTITUTE COMPLIANCE WITH THESE PRINCIPLES IN THE PROMOTION OF ECO-SOLUTIONS

3. CLARIFICATION AND ELIMINATION OF SYSTEMIC CONSTRAINTS THAT PREVENT THE PROMOTION AND IMPLEMENTATION OF ECO-SOLUTIONS 4. ADHERENCE TO PRINCIPLES AS A MEANS OF COMPLIANCE WITH INTERNATIONAL LAW AND AS A MEANS OF PROMOTION OF ECO-SOLUTIONS 5. PROMOTION OF A TREATY THAT CALLS FOR STATE AND CORPORATE COMPLIANCE. THAT WOULD REQUIRE ECOLOGICALLY SOUND ALTERNATIVES.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## 1. DELINEATION OF 50 INTERNATIONAL PUBLIC TRUST PRINCIPLES THAT COULD PROMOTE ECO-SOLUTIONS

These 50 principles have been drawn from conventions, treaties, charters, conference action plans and General Assembly resolutions.

Principles from international public trust agreements must rule the corporate sector rather than the corporate sector overruling the principles from international public trust agreements.

If international public trust agreements are to be used as instruments of change towards eco-solutions, the discernment and dissemination of principles of public trust international agreements will have to occur.

The following is an excerpt of some of the principles that could potentially be used to promote eco-solutions. (For further discussion of principles see Russow, J. (1995). Charter of Obligations, Commitments and Expectations; Russow, J. (1995) Mandatory International Normative Standards (MINS): Corporate and State Compliance. and Russow, J. and Rousenfeld, V (in progress) Book of Resolutions (the Istanbul Manifesto).



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

"A goal could be described as the final purpose or end to which a design tends or which a person, institution or any other body aims to attain. Principles, however, do not establish a goal or vision which is unattainable, and which is to be compromised through trade-offs. A principle is a foundation from which anything proceeds, a comprehensive law or doctrine from which others are derived or on which others are founded. Principles give substance to standards. A standard is that which is set up and established by authority as a rule for the measure of value, or that which is established by authority, custom or general consent as an example or criterion. The principle provides the foundation for the standards" Russow, J. (1995) Mandatory International Normative Standards (MINS).

## SELECTED PRINCIPLES

1. RESPECT OF INHERENT WORTH OF NATURE PRINCIPLE Every form of life is unique, warranting respect regardless of its worth to man [Humanity], and to accord other organisms such recognition's, man [humans] must be guided by a moral code of action (Preamble, UN Resolution, 37/7, World Charter of Nature, 1982)

2. REDUCTION OF THE ECOLOGICAL FOOTPRINT PRINCIPLE AND PROMOTION OF CHANGES IN UNSUSTAINABLE PRODUCTION AND CONSUMPTION PATTERNS PRINCIPLE Promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; ( 27 b, Habitat II, 1996)

### 3. RESPECT THE CARRYING CAPACITY OF ECOSYSTEMS PRINCIPLE

(16, Habitat II).

PROMOTION OF THE CONSERVATION AND SUSTAINABLE USE OF URBAN AND PERIURBAN BIODIVERSITY PRINCIPLE (Article\* 98 bis Habitat II, 1996)

### 4. ASSURANCE OF EQUAL ACCESS TO... GREEN SPACES PRINCIPLE

(Article \*87(a) Habitat)

5. ENTITLEMENT TO ... HEALTHY PRODUCTIVE LIFE IN HARMONY WITH NATURE PRINCIPLE (Article 23, Habitat II, 1996)

6. ADOPTION OF PERFORMANCE STANDARDS PRINCIPLE (Art. 169 n, Habitat II, 1996)

7. ESTABLISHMENT OF POLICIES, LAWS AND REGULATIONS PRINCIPLE. (Article 19, Habitat II, 1996)

8. ESTABLISHMENT AND ADOPTION OF A REGULATORY FRAMEWORK PRINCIPLE

(Article 50 e, Habitat II)

9. ESTABLISHMENT OF LEGISLATIVE AND REGULATORY FRAMEWORKS PRINCIPLE  
(Art. 180 (a), Habitat II, 1996)

10. ASSURANCE OF COMPLIANCE OF PRIVATE SECTOR PRINCIPLE Assurance that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws (Article 148 \* e, Habitat II)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

11. ESTABLISHMENT OF MONITORING AND EVALUATING COMPLIANCE WITH ENVIRONMENTAL REGULATIONS AND EFFECTIVENESS OF ENFORCEMENT AT ALL LEVELS PRINCIPLE Establish, equip and build capacity for monitoring and evaluating compliance with environmental regulations and effectiveness of enforcement at all levels (Article 97 (c) Habitat II);

12. PROMOTING COMPLIANCE AND ENFORCEMENT PRINCIPLE (Article 75 d Habitat)

13. PRECAUTIONARY PRINCIPLE

where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation (UNCED, 1992)

14. ASSURANCE OF ADEQUATE REGULATORY ...MEASURES TO PREVENT DISASTERS PRINCIPLE PREVENTION OF DISASTERS, including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II, 1996)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

15. INVOCATION OF THE ANTICIPATORY PRINCIPLE Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effect are not fully understood, the activities should not proceed (General Assembly Resolution, 37/7, 1982)

16. ADOPTION OF PREVENTIVE MEASURES PRINCIPLE (18.45 Fresh water, Agenda 21, UNCED, 1992)

17. PROMOTION OF A CULTURE OF SAFETY PRINCIPLE (7.60, Agenda 21, UNCED, 1992)

18. PROMOTION OF THE USE OF TOOLS FOR DISASTER PREVENTION OF NATURAL, ANTHROPOGENIC AND INDUSTRIAL DISASTERS PRINCIPLE (Article 75 (g) Habitat II, 1996).

19. PREVENTION OF DISASTERS THROUGH BUILDING A CULTURE OF SAFETY PRINCIPLE (Article \* 127 (d) Habitat II, 1996)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

20. REDUCTION SIGNIFICANTLY OR ELIMINATION ENVIRONMENTALLY HARMFUL SUBSIDIES PRINCIPLE Reduce significantly or eliminate environmentally harmful technologies, subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies. (Article 122 (e) Habitat II)

21. PREVENTING THE TRANSFER OF SUBSTANCES AND ACTIVITIES THAT ARE HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT PRINCIPLE

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Rio Declaration, UNCED, UNCED, 1992)

22. AVOIDANCE OF DUMPING OF ENVIRONMENTALLY UNSOUND TECHNOLOGIES PRINCIPLE (Article \*151 b Habitat II)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

INTERNATIONAL PUBLIC TRUST AGREEMENTS AS INSTRUMENTS OF CHANGE Dr.  
Joan Russow

Joan Russow is the president of the Global Compliance Research project, and National leader of the Green Party of Canada

Dr. Joan Russow has taught a course in global issues at the University of Victoria. She initiated the Global Compliance Research project and compiled the Charter of obligationsÑ350 pages of international obligations incurred, commitments made and expectations created. This charter was officially distributed to all state delegations at the UN conference on Women. She prepared a similar document for Habitat II and participated at the NGO forum as the chair of the Urbanization caucus. She has been circulating several documents and petitions internationally such as the "UN Proclamation for Translating Rhetoric into Action: A petition for a Citizen's Treaty for Corporate and state Compliance: The Nemesis of MAI, and a petition for an International Court of Compliance where citizens could take evidence of state non-compliance. She was recently elected as National leader of the Green party of Canada, and continues to use international law as an instrument of change in the local, national and international field.

OVERVIEW

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

The urgency of the Global situation was reaffirmed internationally at the United Nations Conference on Environment and Development (UNCED) in 1992:

"Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992).

The reaffirmation of the urgency of the global situation and the corresponding admission that inaction is negligent (Alternative Earth Charter, 1992) should have under-girded the prerequisite for shaping the political will to adopt eco-solutions.

For years, ecologically sound solutions have been available and proposed, but ignored because of the lack of political will of corporate sympathetic government administrations, and because of the relentless lobbying by transnational corporations.

Through the UN system, there have been two streams of international law documents: those that further the "public trust" and those that promote "vested economic interest". The former endorses eco-solutions and the latter undermines eco-solutions.



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

Public trust international law could be described as the body of international law that purports to guarantee human rights, to protect and conserve the environment, to prevent war and conflict, to ensure social justice and to provide for socially equitable and environmentally sound development, and thus to promote eco-solutions.

Vested economic interest international law could be described as the body of international law that strives, and usually succeeds to enshrine deregulation, privatization, voluntary compliance etc. [examples of documents are those coming from General Agreement on Tariffs and Trade (GATT), the World trade organization (WTO), Organization of Economic Cooperation and Development (OECD), Asian Pacific Economic Cooperation (APEC).

The devolution of power to the corporations has been increasing since the formation of the Breton Woods Institutions in 1946. GATT as one of the primary proponents of the devolution of power to the corporations revealed its anti-environmental agenda in 1971. In 1971, GATT, in anticipation of stiff environmental provisions coming out of the 1972 UN Conference on Humans and the Environment (UNCHE). expressed concern not about the cost to the environment of not having regulations but the economic costs of environmental regulations.

The concern for the "cost of environmental regulations" and for the need for vested economic interest agreements has been reiterated over the years by transnational corporations, corporate-front Non-Governmental Organization (NGO) lobby groups, corporate sympathetic administrations.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

Increasingly through the influence of the corporate lobby and through the withholding of funds from the UN, the UN has been compelled to seek "partnerships" with the corporations. This increased partnership has meant the erosion of public trust international law, and the promoting of vested economic interest economic law. As a result of this increased corporate involvement in the UN, the language of obligation and commitment has moved from public trust to vested interest.

Before the public trust international law is completely eroded, citizens concerned about the promotion of eco-solutions should use the principles already existing in international public trust law to promote eco-solutions.

Through international public trust law, for over fifty years. the member states of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; (ii) to ensure the preservation and protection of the environment; (iii) to create a global structure that respects the rule of law, (iv) to achieve a state of peace; justice and security , and (v) to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; commitments made through Conference Action Plans and expectations created through the United Nations Declarations, and General Assembly Resolutions.

If these years of obligations had been discharged, if these years of commitments acted upon

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development with eco-solutions might have been enabled. Many of these obligations have never been discharged because states often fail to sign international legally binding treaties that they themselves have negotiated; because states that sign legally binding conventions and treaties, often fail to ratify them; and because states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement.. Many of the commitments have not been acted upon. Commitments have been made through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Similarly, many of the expectations created through General Assembly resolutions have not been fulfilled.

Instead of complying with the body of public trust international law, corporate sympathetic governments have been increasingly devolving power to the corporations. The devolution of power is evident in increased deregulation and decreased government funding of public trust programs. Deregulation is reflected in a moving away from "command and control" to "compliant friendly agreements" or to "voluntary compliance" - the latest oxymoron to emerge from the NAFTA, Commission on Environmental Cooperation. Since 1991, the ISO (International Standardization Organization) has been devising a program of self regulation where corporations set up their own environmental policy and are then evaluated on how well they conform to their self initiated policy. [a scheme with no external normative mandatory standards]. Decreased public trust funding is reflected in the corporate determining of the philosophical underpinnings of public education, and in the corporate control of research and development in universities.

**THE RULE OF CORPORATIONS IS ALREADY IN PLACE.** The rule of the corporation and of corporate sympathetic administrations undermine any progress that can be made in developing eco-solutions.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

This process must be reversed and the knowledge of existing public trust international law could assist in this reversal.

At least until 1996 the rhetoric was still present. In recent conferences, UN Conference on Women (1995) and the UN conference on Human Settlements (1996) every member state in the United Nations made a commitment to ensure that corporations including transnational corporations comply with national codes and with international law, including international environmental law. The control of corporations through regulation and through the requirement to adhere to international principles could be used to drive eco-solutions not as an option but as an imperative because of existing obligations, commitments and expectations in public trust international law.

If these obligations had been discharged, the commitments acted upon, the expectations fulfilled, eco-solutions would be now in place. In this paper the use of international law as an instrument of political change will be examined. Principles relevant to eco-solutions will be drawn from the obligations, expectations and commitments existing in public trust international law; the actions that would constitute compliance with these principles will be examined, the systemic constraints preventing the adherence to these principles and the adoption of eco-solutions will be discussed, and a Treaty for State and Corporate Compliance will be proposed.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## PART II REVISED PAPER: PRINCIPLES

### OUTLINE OF PROCESS OF USING INTERNATIONAL AGREEMENTS AS INSTRUMENTS OF CHANGE

1. DELINEATION AND DISSEMINATION OF 52 INTERNATIONAL PUBLIC TRUST PRINCIPLES THAT COULD PROMOTE ECO-SOLUTIONS

2. DETERMINATION AND IMPLEMENTATION OF ACTIONS THAT WOULD CONSTITUTE COMPLIANCE WITH THESE PRINCIPLES IN THE PROMOTION OF ECO-SOLUTIONS

3. CLARIFICATION AND ELIMINATION OF SYSTEMIC CONSTRAINTS THAT PREVENT THE PROMOTION AND IMPLEMENTATION OF ECO-SOLUTIONS

4. PROMOTION OF A TREATY THAT CALLS FOR STATE AND CORPORATE COMPLIANCE. THAT WOULD REQUIRE ECOLOGICALLY SOUND ALTERNATIVES.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## 5. ADHERENCE TO PRINCIPLES AS A MEANS OF COMPLIANCE WITH PUBLIC TRUST INTERNATIONAL LAW AND AS A MEANS OF PROMOTION OF ECO-SOLUTIONS

### 1. DELINEATION OF 52 INTERNATIONAL PUBLIC TRUST PRINCIPLES THAT COULD PROMOTE ECO-SOLUTIONS

These 50 principles have been drawn from conventions, treaties, charters, conference action plans and General Assembly resolutions.

Principles from international public trust agreements must rule the corporate sector rather than the corporate sector overruling the principles from international public trust agreements.

If international public trust agreements are to be used as instruments of change towards eco-solutions., the discernment and dissemination of principles of public trust international agreements will have to occur.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

The following is an excerpt of some of the principles that could potentially be used to promote eco-solutions. (For further discussion of principles see Russow, J. (1995). Charter of Obligations, Commitments and Expectations; Russow, J. (1995) Mandatory International Normative Standards (MINS): Corporate and State Compliance. and Russow, J. and Rousenfeld, V (in progress) Book of Resolutions (the Istanbul Manifesto).

"A goal could be described as the final purpose or end to which a design tends or which a person, institution or any other body aims to attain. Principles, however, do not establish a goal or vision which is unattainable, and which is to be compromised through trade-offs. A principle is a foundation from which anything proceeds, a comprehensive law or doctrine from which others are derived or on which others are founded. Principles give substance to standards. A standard is that which is set up and established by authority as a rule for the measure of value, or that which is established by authority, custom or general consent as an example or criterion. The principle provides the foundation for the standards" Russow, J. (1995) Mandatory International Normative Standards (MINS).

## SELECTED PRINCIPLES

1. RESPECT OF INHERENT WORTH OF NATURE BEYOND PRINCIPLE Every form of life is unique, warranting respect regardless of its worth to man [Humanity], and to accord other organisms such recognition's, man [humans] must be guided by a moral code of action (Preamble, UN Resolution, 37/7, World Charter of Nature, 1982)

2. REDUCTION OF THE ECOLOGICAL FOOTPRINT PRINCIPLE AND PROMOTION OF CHANGES IN UNSUSTAINABLE PRODUCTION AND CONSUMPTION PATTERNS  
PRINCIPLE Promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress , promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; ( 27 b, Habitat II, 1996)

3. RESPECT THE CARRYING CAPACITY OF ECOSYSTEMS PRINCIPLE

(16, Habitat II 1996).

4. PROMOTION OF THE CONSERVATION AND SUSTAINABLE USE OF URBAN AND PERIURBAN BIODIVERSITY PRINCIPLE (Article\* 98 bis Habitat II, 1996)

5. ASSURANCE OF EQUAL ACCESS TO... GREEN SPACES PRINCIPLE



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

(Article \*87(a) Habitat, 1996)

6. ENTITLEMENT TO ... HEALTHY PRODUCTIVE LIFE IN HARMONY WITH NATURE  
PRINCIPLE (Article 23, Habitat II, 1996)

7. ADOPTION OF PERFORMANCE STANDARDS PRINCIPLE (Art. 169 n, Habitat II, 1996)

8. ESTABLISHMENT OF POLICIES, LAWS AND REGULATIONS PRINCIPLE. (Article 19,  
Habitat II, 1996)

9. ESTABLISHMENT AND ADOPTION OF A REGULATORY FRAMEWORK PRINCIPLE

(Article 50 e, Habitat II)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

10. ESTABLISHMENT OF LEGISLATIVE AND REGULATORY FRAMEWORKS PRINCIPLE  
(Art. 180 (a), Habitat II, 1996)

11. ASSURANCE OF COMPLIANCE OF PRIVATE SECTOR PRINCIPLE Assurance that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws (Article 148 \* e, Habitat II, 1996).

12. ESTABLISHMENT OF MONITORING AND EVALUATING COMPLIANCE WITH ENVIRONMENTAL REGULATIONS AND EFFECTIVENESS OF ENFORCEMENT AT ALL LEVELS PRINCIPLE (Article 97 (c) Habitat II, 1996).

13. PROMOTING COMPLIANCE AND ENFORCEMENT PRINCIPLE (Article 75 d Habitat, 1996).

14. PRECAUTIONARY PRINCIPLE

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

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

(UNCED, 1992)

15. ASSURANCE OF ADEQUATE REGULATORY ...MEASURES TO PREVENT DISASTERS PRINCIPLE PREVENTION OF DISASTERS, including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II, 1996).

16. INVOCATION OF THE ANTICIPATORY PRINCIPLE Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effect are not fully understood, the activities should not proceed (General Assembly Resolution, 37/7, 1982).

17. ADOPTION OF PREVENTIVE MEASURES PRINCIPLE (18.45 Fresh water, Agenda 21, UNCED, 1992)

18. PROMOTION OF A CULTURE OF SAFETY PRINCIPLE (7.60, Agenda 21, UNCED, 1992)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

19. PROMOTION OF THE USE OF TOOLS FOR DISASTER PREVENTION OF NATURAL, ANTHROPOGENIC AND INDUSTRIAL DISASTERS PRINCIPLE (Article 75 (g) Habitat II, 1996).

20. PREVENTION OF DISASTERS THROUGH BUILDING A CULTURE OF SAFETY PRINCIPLE (Article \* 127 (d) Habitat II, 1996).

21. REDUCTION SIGNIFICANTLY OR ELIMINATION ENVIRONMENTALLY HARMFUL SUBSIDIES PRINCIPLE Reduce significantly or eliminate environmentally harmful technologies, subsidies and other programmes, such as those which stimulate the excessive use of pesticides and chemical fertilizers, and price control or subsidy systems that perpetuate unsustainable practices and production systems in rural and agricultural economies. (Article 122 (e) Habitat II, 1996).

22. PREVENTING THE TRANSFER OF SUBSTANCES AND ACTIVITIES THAT ARE HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT PRINCIPLE

States should effectively cooperate to discourage or prevent the relocation and transfer to

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Rio Declaration, UNCED, 1992).

23. AVOIDANCE OF DUMPING OF ENVIRONMENTALLY UNSOUND TECHNOLOGIES  
PRINCIPLE (Article \*151 b Habitat II, 1996).

24. IMPLEMENTATION OF TRANSBOUNDARY POLLUTION-PREVENTION PRINCIPLE

states shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. (Art. 194. 2., Law of the Seas, 1982)

25. PROMOTION OF EDUCATION ABOUT ENVIRONMENTALLY SOUND TECHNOLOGIES  
AND BEST PRACTICES PRINCIPLE (Article 27 f quarter, Habitat II, 1966).

PART III REVISED PAPER PRINCIPLES CONTINUED

26. PROMOTION OF THE APPLICATION OF LOW-ENERGY ENVIRONMENTALLY SOUND AND SAFE TECHNOLOGIES ENCOURAGING AND PROMOTING TECHNOLOGY WITH REGULATORY MEASURES PRINCIPLE

(Article 71 \* (b) Habitat II, 1996).

27. PROMOTION ENVIRONMENTALLY SOUND TRANSPORTATION PRINCIPLE  
Environmentally sound transportation systems (27 d Habitat II, 1996))

28. ENCOURAGEMENT AND RESEARCH DEVELOPMENT AND USE OF NON-MOTORIZED OR LOW-ENERGY TRANSPORT SYSTEMS PRINCIPLE

(Article 101 (d) Habitat II, 1996).

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

29. REDUCTION OF NEGATIVE EFFECTS OF TRANSPORT ON THE ENVIRONMENT  
REDUCTION OF UNNECESSARY TRAVEL PRINCIPLES

(Article 102 \* Habitat II, 1996).

30. DEVELOPMENT OF ALTERNATIVES OTHER THAN THE AUTOMOBILE  
DEVELOPMENT OF ALTERNATIVE FUELS PRINCIPLES

(Article 102 \* Habitat II, 1996).

31. PROMOTION OF AFFORDABLE, EFFICIENT AND ENERGY-SAVING MODES OF  
TRANSPORT PRINCIPLE (Article \*103 bis. Habitat II, 1996).

32. PROMOTION AND IMPLEMENTATION OF DISINCENTIVE MEASURES THAT  
DISCOURAGE THE INCREASING GROWTH OF PRIVATE MOTORIZED TRAFFIC  
PRINCIPLE

(Article 104 \* (d) Habitat II, 1996).

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

33. ACKNOWLEDGMENT THAT CONGESTION IS DAMAGING ENVIRONMENTALLY  
ENCOURAGING ALTERNATIVE TRANSPORT METHODS PRINCIPLE

(Article 104 \* (d) Habitat II, 1996).

34. ASSURANCE OF PRIORITY TO COLLECTIVE MEANS OF TRANSPORT WITH  
ADEQUATE CARRYING CAPACITY AND FREQUENCY PRINCIPLE (Article 104 \* e Habitat II,  
1996),

35. PROMOTION, REGULATION AND ENFORCEMENT OF QUIET USE EFFICIENT AND  
LOW-POLLUTING TECHNOLOGIES PRINCIPLE

(Article 104 (f) Habitat II, 1996).

36. PROMOTION OF PRACTICES AND CONSUMPTION THAT WILL  
CONSERVE...PRINCIPLE (Article 98(a), Habitat II 1996).



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

37. PROMOTION OF ENVIRONMENTALLY SOUND RENEWABLE ENERGY PRINCIPLE  
(Article 66\* (f) Habitat II, 1996).

38. PROVISION FOR ENVIRONMENTALLY SOUND SHELTER PRINCIPLE

(Article 2 bis, Habitat II, 1996).

39. PROMOTION OF DEVELOPMENT IN ACCORDANCE WITH INDIGENOUS PRACTICES  
AND ADOPT TECHNOLOGIES APPROPRIATE TO LOCAL CONDITIONS (7.42 C, Agenda 21,  
UNCED, 1992)

40. PROMOTION OF SUSTAINABLE PRODUCTION SYSTEMS such as traditional methods  
of agriculture, agroforestry, forestry, range and wildlife management, which use, maintain or  
increase biodiversity (15.5 Biodiversity, UNCED, 1992)

41. PROMOTION OF INDIGENOUS PLANNING AND DESIGN TECHNIQUES PRINCIPLE

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

(Article 69(a) Habitat II, 1996).

#### 42 ENCOURAGEMENT AND SUPPORT OF THE USE OF ...LOCAL BUILDING MATERIALS PRINCIPLE

(Article 152 \* c bis merged with d bis) Habitat II, 1996).

#### 43. STRENGTHENING OF THE INDIGENOUS BUILDING MATERIALS INDUSTRY PRINCIPLE

#### PROVISION OF DATA BASE ON ADVERSE ENVIRONMENTAL EFFECTS OF BUILDING MATERIALS

(51 d Habitat II, 1996).

#### 44. ENDORSEMENT OF ENVIRONMENTAL AUDITS AND ECOLOGICAL CONSEQUENCES PRINCIPLE (Agenda 21, 20.20 e UNCED, 1992).

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

45. INCLUSION OF ECOLOGICAL CONSEQUENCES IN ANALYSIS OF COSTS  
PRINCIPLE (Agenda 21, 7.42, UNCED, 1992).

46. ENVIRONMENTAL ASSESSMENT REVIEW PRINCIPLE Activities which are likely to  
cause irreversible damage to nature shall be avoided (UN Resolution 37/7 1982) (Article 14, 1A,  
Convention on Biological Diversity, UNCED, 1992)

47. ENCOURAGEMENT OF SOCIALLY AND ENVIRONMENTALLY RESPONSIBLE  
COMMUNITY INVESTMENT PRINCIPLE

(Article \* 157 e bis Habitat II, 1996).

48. PROMOTION OF SOCIALLY AND ENVIRONMENTALLY RESPONSIBLE CORPORATE  
INVESTMENT PRINCIPLE. (31 d Habitat II, 1996).

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

49. TAKING INTO ACCOUNT THE POLLUTER-PAY PRINCIPLE In different section of Agenda 21, the polluter Pay principle is advocated: 20.20 b Agenda 21, UNCED, 1992)

(21.42 b Agenda 21, UNCED, 1992)

50. INVOCATION OF THE INTERGENERATIONAL PRINCIPLE Reaffirming that man [humans] must acquire the knowledge to maintain and enhance his ability to use natural resources in a manner which ensures the preservation of the species and ecosystems for the benefit of present and future generations, (UN Resolution 37/7, 1982)

51. CONTRIBUTION TO COMMON GOOD PRINCIPLE All people have rights and must also accept their responsibility to respect and protect the rights of others- including future generations and to contribute actively to the common good.... (Article 79 Habitat II)

52. ENDORSEMENT OF THE REQUIREMENT FOR SCIENTISTS TO ABIDE BY THE "DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF HUMANITY PRINCIPLE (General Assembly Resolution, 1975).

## PART IV CLARIFICATION OF WHAT WOULD CONSTITUTE COMPLIANCE

### 2. DETERMINATION AND IMPLEMENTATION OF ACTIONS THAT WOULD CONSTITUTE COMPLIANCE WITH THESE PRINCIPLES IN THE PROMOTION OF ECO-SOLUTIONS

The above principles are a selection from many principles that have been agreed to internationally through Public Trust International Law. In order to establish a strong international framework of international obligations and commitments to support eco-solutions one must not only be aware of the existing principles but also willing to derive secondary principles that can be supported by the existing principles. For example, from the above principles it could be stated that a prevention principle and a reverse onus principle could be drafted such as the following:

#### PREVENTION PRINCIPLE

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

## REVERSE ONUS PRINCIPLE

that the proponents of an intervention into the ecosystem must demonstrate the safety of the intervention rather than the opponent being required to demonstrate the harm.

In addition, to being aware of existing principles and being willing to derive secondary principles one should be prepared to determine what would constitute compliance with the existing and derivative principles.

For example, as mentioned above every member state of the United Nations has undertaken to invoke the precautionary principle, and every state has made a commitment to develop environmentally sound public transit systems. principle. What would, however, constitute compliance with these principles:

## EXAMPLE 1: PRECAUTIONARY PRINCIPLE

where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation (UNCED, 1992)

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

If citizens concerned about eco-solutions are not fully aware of what has been agreed to as the precautionary principle, they will not be able to argue against corporations and corporate-sympathetic administrations that make statements such as the following:

"Given that there is no scientific certainty that an existing activity [logging in a community watershed] would cause environmental degradation, the activity should be permitted to proceed" (Minister of Forests, British Columbia, Canada, 1993).

" We do not have to wait for scientific certainty that economic disaster will occur for us to prevent measures [i.e. reduction of greenhouse gas emissions] that will cause this harm (statement made at a Fraser Institute [right wing think tank in Canada] Conference on the Politics and Science of Global Warming, 1997).

If the precautionary principle were seriously invoked, it could justify the phasing out of all environmentally unsound activities and the implementation of all eco-solutions. (For further information see Russow, J. Application of the Precautionary Principle as an Instrument of Global Change (Paper presented at an International Environmental Law conference, 1997, Washington, D.C).

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## EXAMPLE II: MOVING AWAY FROM CAR DEPENDENCY, DEVELOPING ENVIRONMENTALLY SOUND TRANSPORTATION AND ENERGY PRINCIPLE

At Habitat II, in 1996, member states of the United Nations agreed to move away from car dependency, and promote environmentally sound transportation and energy. At the United Nations Conference on Environment and Development, through the Framework Convention on Climate Change member states of the UN incurred the obligations to reduce CO2 emissions, and conserve carbon sinks.

If in the terms of reference, the overarching statement contains the commitment to move away from car dependency and to promote environmentally sound transportation and energy, and obligation to reduce CO2 emissions then the question then becomes not whether or not it should be done but how it should be done. The resolve to embrace eco-solutions will thus be reinforced by the existing international commitments and obligations.

The emphasis on obligations and commitments will move the discussion away from whether or not to move away from car dependency to the following measures related to how to move away:

phase-out of the use of fossil fuels through the elimination of all subsidies for the fossil fuel industry and the promotion environmentally sound technology including public transportation and alternative environmentally sound energy



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

Requirement of compensation for past environmental degradation and human rights violations [e.g. Ogoni people] caused by the production and consumption of fossil fuels and Conversion of the car-industry into public transit alternative energy environmentally sound energy and technology Promotion of eco-cities

ETC.

## PART V SYSTEMIC CONSTRAINTS

### 3. CLARIFICATION OF SYSTEMIC CONSTRAINTS THAT PREVENT THE PROMOTION AND IMPLEMENTATION OF ECO-SOLUTIONS<sup>4</sup>. TO DETERMINE

Institutional memory related to principles from past precedents, and related to obligations incurred, commitments made and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations, commitments and expectations should provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition NGOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

International documents acknowledge the urgency of the global situation. Nevertheless, systemic constraints often prevent the global community from implementing change. The term "systemic constraints" in this document refers to patterns of behavior, of International bodies, states, the market and "civil society", which have become obstacles to change.

The terms "civil society" and "market" will be used in the following list of Systemic Constraints. In the context of this paper they will be defined as follows:

"Civil society" shall be redefined to include citizens who have demonstrated a commitment to preserving the environment and to preventing environmental degradation, to guaranteeing the protection of human rights, to ensuring social justice and to promoting socially equitable and environmentally sound development. The term

"Market" shall include all those that have a vested economic interest in the outcome of de

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

If eco-solutions are to be in place systemic constraints must be prevented and removed. The following represents a range of "systemic constraints: (adapted from Russow, J. and T. Boston, F. Knelman, D. White, and T. Russow, "Systemic Constraints Preventing Change" 1992, and the update in Russow, J. "Charter of Obligations")

## GENERAL SYSTEMIC CONSTRAINTS: PRACTICES AND BEHAVIOURS

NEGLIGENCE OF INACTION IN FACE OF URGENCY ¥ Failure of International institutions, governments, civil society and the market to recognize that the global situation is so urgent that immediate action is necessary, and that inaction is negligence, and that the global community is obliged to act to adopt eco-solutions

## FRAGMENTATION OF ISSUES

¥ Failure of the United Nations, and its institutional bodies, states and civil society to examine the interdependence of the escalation of conflict and war, of the violation of human rights and of the degradation of the environment, and propose solutions that reflect the addressing of this interdependence, such as eco-solutions

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

¥ Reluctance of the United Nations, States and civil society to deal with essential issues such as the link between "nuclear civil reactors and the nuclear arms industry" or the link between poverty and the lack of a universal "secondary" as well as "primary" health care system UNCED, Agenda 21, 3.6. e Combating Poverty)

#### RELUCTANT ENFORCEMENT

¥ Willingness to enunciate, and undertake principles and action plans without enacting the necessary legislation to ensure compliance

¥ Condoning of institutional collusion between perpetrator and enforcer and confounding of role of regulator and promoter (IAEA both promotes and regulated civil nuclear energy)

¥ Failure of the United Nations, its international institutions and States to abide by the common law "doctrine of legitimate expectation", and thus, when they have undertaken an obligation, civil society can expect that the obligation will be discharged

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

¥ Reluctance of the United Nations or its relevant international institutions to endorse standards and states and to enact legislation that would provide for the revoking of the charters of all the transnationals that have contributed to conflict, to the escalation of war, to the violation of human rights and to the degradation of the environment.

¥ Willingness of states to use the claim of "sovereign rights" as a means of justifying environmental degradation, violation of human rights, escalating conflict and war, and condoning inequity

¥ Reluctance of States to accept the jurisdiction of the International Court of Justice, and the rule of international law, and to "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained" (UN. Charter)

¥ Failure of the United Nations to use the Doctrine of Legitimate Expectation to ensure that General Assembly resolutions as an expression of the majority of state opinion are implemented

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

¥ Reluctance of States to establish stringent and mandatory international standards and technological regulations to protect the environment, guarantee human rights and equity and attain peace with justice

#### DISREGARD FOR COMPLIANCE

¥ Persistence in international and national policy-making of self regulation of the environment thus firmly entrenching the power of decision making in those that are financially benefiting from its destruction

¥ Unwillingness of the United Nations and member states of the United Nations to address the intransigence of corporate-sympathetic administrations failing to recognize an existing body of international law by watering down conference action plans, by failing to sign conventions, treaties, and covenants, by failing to ratify and if ratified , failing to enact the necessary legislation to ensure compliance .

¥ Reluctance of the United Nations, international institutions and states to act on commitments to ensure corporate compliance with international law, to establish stringent and mandatory international standards and technological regulations to drive the market, and to thus promote eco-solutions

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

¥ Failure of States to seek full compensation from the transnationals, and other members of the “market” for causing environment degradation, for violation of human rights, for the escalation of conflict or war. These funds shall be transferred to the member states of the United Nations to promote and fully guarantee respect for human rights, to ensure the preservation and protection of the environment, to create a global structure that respects the rule of law, to achieve a state of peace, justice and security, and to participate in socially equitable/equal and environmentally sound development and eco-solutions

\* Continued misplaced distinction between when to discuss "Whether to" and when to discuss "how to" for policy formation and for the decision-making process

\* Reluctance of States to respect Civil society's interpretation of what would constitute compliance with international, national, regional and local obligations.

\* Failure of the United Nations to draft a protocol of Compliance for the Vienna Convention on the Law of Treaties

\* Failure of the United Nations to establish an International Court before which civil society could present evidence of state non-compliance to international obligations

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

## UNCONSCIONABLE DEVOLUTION OF POWER

\* Unwillingness of the United Nations to prevent the undermining of the UN through corporate infiltration at all levels, through corporate front groups, corporate "partners" and through trade organizations such as the elite OECD negotiating an agreement that purports to be legally-binding conferring obligations on all parties, and thus undermining the body of existing public trust international law.

ENDORSEMENT OF THE VOICE OF SELF-INTEREST Persistence of the situation where those who should be speaking out are constrained because of professional commitments, and where those who are willing to speak out are not heard because the media fails to report their statements

\* Persistence of the situation whereby the power to prevent environmental harm or to preserve environmental heritage resides in those whose interest it is to benefit economically from the exploitation of the environment.



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

SHORT-TERM VESTED INTERESTS ENTRENCHMENT      Willingness to take unacceptable risks, endangering human health and causing irreparable damage to the environment for the sake of short-term economic interests

\*      Willingness of States, international institutions and civil society to condone giving primacy to short term economic interests over long term socially equitable and environmentally sound concerns embracing eco-solutions

\*      Continued condoning of the "out of sight out of mind syndrome" where members of civil society acting in self interest are willing for the sake of vested economic gain to sacrifice principle when investing their money in funds such as mutual funds

## PART VI SYSTEMIC CONSTRAINTS CONTINUED

### QUESTIONABLE LIAISONS

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

- \* Continued "odd bed-fellow" civil society alliances

Although it is important for labour, human rights, social justice and environment, and peace groups to work together, it is important to address the odd-bedfellows syndrome. The labour and labour-sympathetic administrations have legitimate concerns, and have also been at the forefront of human rights and social justice issues. In many cases, however, the large unions are still involved in the military, producing arms, mining uranium, deforesting the old growth forests, building nuclear reactors, producing toxic, hazardous and atomic wastes, dumping wastes on lands of indigenous peoples, developing countries, and of the marginalized citizens, planting land mines, exploiting indigenous peoples. It is time for the other movements to be prepared to speak out against the unions that engage in socially inequitable, reprehensible, environmentally unsound, destructive practices which prevent a united voice for eco-solutions.

- \* Continued adherence to excessive nationalism where citizens' opposing vested interest international trade agreements will ignore national intransigence, and thus undermine other citizens from promoting eco-solutions

- \* Condoning of 'solutions' which could have more disastrous or equally disastrous consequences as the original problem (nuclear as solution to climate change)

**FLAWED POLICY MAKING AND DECISION-MAKING PROCESSES**                      Failure of the United Nations, international institutions and States to move from a consensus-like process which often leads to the lowest common denominator to a principled based decision-making process drawing upon the highest tenable principles

\* Willingness of the United Nations and states to condone research and development into rectifying the harm done through ecologically unsound practices (mitigation through the market 'environment industry') rather than discontinuing ecologically unsound practices (prevention through Best Ecologically Sound Techniques (BEST) eco-solution

\* Reluctance of the United Nations, international institutions and States to exclude market interests (i.e. conflict of interest with "multistakeholder") in the decision-making process and thus to no longer condone vested interests as a legitimate part of the decision-making process

\* Unwillingness of the United Nations, its international institutions and states to prevent the monopolization and influence of economic interest groups such as transnational corporations in the global, national and regional decision-making process

\* Reluctance of many States to involve "civil society", with the relevant expertise and experience, in the decision-making process, at the formulation of the terms of reference, and throughout the decision- making process

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

\* Continued glorification of decentralization into complete community control without overarching principles.

The advocating of change through decentralized community-based decision making without overarching public trust principles has often been flouted as being the solution. There has been the naive assumption that if communities are left to develop resources as they see fit, that socially equitable and environmentally sound practices will ensue.

#### MISPLACED FUNDING PRIORITIES

\* Failure of the United Nations to call upon States to fulfill previous obligations to reduce the global military budget and transfer funds to socially equitable and environmentally sound development, and failure of states to reduce the military budget and transfer funds socially equitable and environmentally sound development,

\* Unwillingness of the United Nations to discourage the continued financial support for the promotion of the Western model of socially inequitable, and environmentally unsound development

## PERSISTENCE OF INEQUITABLE PERCEPTIONS AND STRUCTURES

\* Failure of the United Nations to discourage the stereotyping of countries into categories of "developed, underdeveloped, and developing" rather than designating behaviours and attitudes as being "developed, underdeveloped and developing"

\* Failure of the United Nations and other international bodies to discontinue the division of countries into developed, developing and underdeveloped which indicates that the present patterns of development in "developed" countries is attainable or desirable as the ultimate goal for developing and "underdeveloped" countries

\* Reluctance of the United Nations and other international bodies to discontinue the simplistic distinction between North (environment) and South (development)

\* Unwillingness of the United Nations to discard the presumption that technological transfers should always pass from

"North" to "South"

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

\* Presumption that it is desirable that the practices that the "North" utilizes for its technological fix to environmental problems should be transferred to the "South." This technological transfer often results in supporting mitigative strategies toward environmental destruction that is employed by the "North" instead of encouraging endogenous preventive strategies Ñ eco-solutions

\* Failure of the United Nations and other international bodies to redefine "development" in equitable and ecological terms

\* Reluctance of the United Nations, to demonstrate that all nations are equal ("sovereign equality", Charter of the United Nations), by ensuring that no state shall be perceived to be less equal than others and by discontinuing a structure such as the Security Council which supports a state hierarchical system

\* Reluctance of the United Nations to cease giving special status to the nuclear powers, and to eliminate the Security Council which creates a two-tier system in an organization that purports to support sovereign equality

## PART VII PROMOTION OF TREATY FOR STATE AND CORPORATE COMPLIANCE

### 4. PROMOTION OF A TREATY THAT CALLS FOR STATE AND CORPORATE COMPLIANCE. THAT WOULD MANDATE ECO-SOLUTIONS

The proposed treaty is based on the foundation of principles from public trust international law and is intended to attempt to remove the systemic constraints that are preventing the adoption of eco-solutions.

The time for the use of only mollifying terms such as "corporate and state accountability" and "responsibility" has passed. "Corporate accountability and responsibility" are terms that would have been relevant years ago. These terms almost undermine the need for "command and control" and regulations. Corporations are continually stating "we have sinned but trust us now". For civil society in the furtherance of eco-solutions using weak language to object to vested economic interest international agreements such as the Multilateral Agreement on Investment (MAI) furthers the power of the corporations. It is time to speak the language of control, of strong regulations, of the banning of socially inequitable and environmentally unsound practices and of the entrenchment of public trust law and of the immediate implementation of eco-solutions.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

The existing public trust international law is in place to presumably address the urgency. What is need now is a Citizen's Treaty of Corporate and State Compliance to promote eco-solutions. The following Treaty has been circulating internationally and received a considerable amount of support.

TREATY OF CORPORATE AND STATE COMPLIANCE [proposed General Assembly Resolution to be circulated to governments by their citizens]

Through more than 50 years of concerted effort, the member states of the United Nations have created international obligations, commitments and expectations in which they have undertaken the following:

1. to Promote and fully guarantee respect for human rights and social

justice;

2. to Enable socially equitable and environmentally sound development;

3. to Achieve a state of peace, justice and security;



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

4. to Create a global structure that respects the rule of law; and
  
5. to Ensure the preservation and protection of the environment.

Concerned that trade organizations such as the World Trade Organization (WTO) and Asia Pacific Economic Cooperation (APEC), and trade agreements such as the North American Free Trade Agreement (NAFTA) and the Multilateral Agreement on Investments (MAI) proposed by the member states of the Organization of Economic Cooperation and Development (OECD), undermine the work of over 50 years in creating obligations, commitments and expectations with respect to the matters set out above;

Recalling the commitment made by all the member states of the United Nations in the Platform of Action at the UN Conference on Women: Equality, Development and Peace (Beijing, 1995) and in the Habitat II Agenda, "to ensure that corporations including transnationals comply with national codes, social security laws, and international law, including international environmental law";

WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE THE FOLLOWING:

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

1. (a) To sign and ratify those existing international agreements that have not yet been signed and ratified,

(b) to enact the domestic legislation necessary to implement them and to fulfill the legitimate expectations created by General Assembly resolutions and declarations, and

(c) to act upon commitments arising from conference action plans;

2. To establish mandatory international standards and regulations (MINS), based on international principles and on the highest and strongest regulations from member states with respect to

(a) Human rights and social justice,

(b) Socially equitable and environmentally sound development, and

(c) Protection and preservation of the environment,

and to harmonize standards continually upwards;

3. To demand compensation and reparations from corporations, and from administrations that have permitted corporations to, or assisted them in, degrading the

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

environment or violating fundamental human rights, especially where those actions occurred:

(a) in developed and developing countries, or

(b) on the lands of indigenous peoples or in the communities of

marginalized citizens in either developing or developed countries;

4. To revoke the licences and charters of corporations, including

transnational corporations, if those corporations have persistently: (a) violated human rights,

(b) caused environmental degradation,

(c) disregarded labour rights, or

(d) contributed to conflict and war, or if they fail to pay compensation for past non-compliance with international agreements;

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

5. To reduce military budgets and use the savings:

(a) to guarantee:

- the right to adequate food,

- the right to safe and affordable shelter, - the right to universal health care,

- the right to safe drinking water,

- the right to a safe environment,

- the right to education, and

- the right to peace;

(b) to fund socially equitable and environmentally sound work; and

(c) to fund education and research free from corporate direction and

control;

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

6. To increase funding for United Nations agencies and for international, national and regional educational institutions so that their missions will not be undermined by corporate direction or control;

7. To develop criteria for partnership with the United Nations so as to ensure the exclusion of corporations from such a partnership if in any part of their operation they have violated human rights, caused environmental degradation, contributed to war and conflict, or failed to promote socially equitable and environmentally sound development;

8. To distinguish "civil society" from the "market", and to define civil society as those elements of society that serve to guarantee human rights, foster justice, protect and conserve the environment, prevent war and conflict, and provide for socially equitable and environmentally sound development;

9. To prevent the transfer to other states of substances and activities that cause environmental degradation or that are harmful to human health, as agreed in the Rio Declaration; this prohibition would cover activities such as those related to:

(a) the import or export of toxic, hazardous, or atomic substances and

wastes,

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

- (b) production or consumption of ozone-depleting substances,
- (c) extraction of resources by environmentally unsound methods,
- (d) production or distribution of questionable genetically-engineered

food substances and genetically modified organisms, (e) the questionable production or distribution of genetically

engineered crop/pesticide systems,

- (f) increased greenhouse gas emissions;

10. To act upon the commitment made at recent United Nations

Conferences to move away from the overconsumptive model of development, to reduce the ecological footprint, and to reject the economic dogma that maximum economic growth will resolve the urgency of the global situation;

11. To prohibit all trade zones that have the effect of circumventing obligations and

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

commitments intended to guarantee human rights, including social justice and labour rights, or to protect, preserve and conserve the environment.

12. To work with banking and finance institutions to terminate all Structural Adjustment Programs (SAPs) which prescribe:

- (a) the indiscriminate privatization of state-owned enterprises,
- (b) the indiscriminate reduction of government expenditures,
- (c) and the indiscriminate liberalization of trade regimes,
- (d) the indiscriminate opening of states to increased foreign

investment, especially where this entails the attraction of foreign capital by deregulating markets and offering low wages, high interest rates, and little or no environmental protection, or

- (e) the indiscriminate encouragement of producing of goods for export

at the expense of traditional crops, products and services which serve the needs of domestic peoples;

13. To ensure that no state relaxes environmental, health, human rights

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

or labour standards in order to attract industry, and that no corporation allows a branch or subsidiary to engage in: (a) practices that are unacceptable in the controlling corporation's

state of origin,

(b) activities that are banned or restricted in the controlling

corporation's state of origin, or

(c) manufacturing or transferring substances that are banned or

restricted in the controlling corporation's state of origin.

14. To ensure that no state shall justify trade with a country that

violates human rights on the grounds that such trade will lead to a betterment of human rights.

15. To establish an International Court of Compliance where citizens



Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

can bring evidence of state and corporate non-compliance with all states' overriding obligations and commitments to: (a) protect and advance human rights,

(b) foster social justice,

(c) protect and conserve the environment,

(d) prevent war and conflict, and

(e) enable socially equitable and environmentally sound development.

Contacts:

Joan Russow (PhD) (250) 598-0071, e-mail [jrussow@coastnet.com](mailto:jrussow@coastnet.com) Caspar Davis (LLB),  
[prana@coastnet.com](mailto:prana@coastnet.com)

TO SIGN-ON

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

NAME

ADDRESS

e-mail

please send copy to [jrussow@coastnet.com](mailto:jrussow@coastnet.com)

## 5. ADHERENCE TO PRINCIPLES AS A MEANS OF COMPLIANCE WITH INTERNATIONAL LAW AND AS A MEANS OF PROMOTION OF ECO-SOLUTIONS

Corporations, corporate sympathetic administrations, corporate-front groups, and captive corporate scientists are all striving to allay fears of global urgency. The global urgency to address the violations of human rights, the degradation of the environment, the perpetuation of war and conflict and the eroding of social justice has to be forefront in any global discussion in eco-solutions are to be fully adopted.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

If the urgency of the global situation is to be addressed, if principles existing in public trust international law are to be disseminated, if systemic constraints are to be removed, and if the devolution of power to economic vested interests is to be curbed citizens concerned about the promotion of eco-solutions must act now.

There needs to be global overarching public trust principles; there needs to be clarity in the determination of which actions would constitute compliance with these principles; there needs to be the promotion of community participation in socially equitable and environmentally sound practices that will ensure the compliance with these principles

Nation states need to be called upon to fulfill and adhere to previously agreed-upon documented principles and courses of action; and, to enter into formal obligations derived from the legitimate expectations based on their previous statements and actions or pursuant to international customary law. The United Nations also needs to provide an international body for citizens to take evidence of state non-compliance with legally binding conventions and covenants, or with expectations created through General Assembly resolutions, Declarations and Conference Action plans. In addition, the mandate of unions has to be the willingness to forego economic concerns when these concerns undermine the public trust, and citizens concerned about eco-solutions must be prepared to call for financial assistance for the conversion of socially equitable and environmentally unsound development.

Posted by Joan Russow  
Saturday, 01 June 2019 14:37 -

---

ONLY THEN WILL THERE BE THE FULL ADOPTION OF ECO-SOLUTIONS.