

submission Canada Pension Plan (CPPIB); must have investment screens and must redefine what constitutes due diligence

By Joan Russow

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in Victoria

A. Suggestion related to rephrasing the CPPIB Mission statement

B. Importance of both positive and negative screens and peremptory norms

C. Redefinition of what constitutes due diligence

D. Conclusion

A

SUGGESTION RELATED TO REPHRASING THE CPPIB MISSION STATEMENT

ADDITIONS GREEN

Our investment strategy is designed to deliver a well-balanced and globally diversified portfolio that promotes ``common security`` with the following objectives

* To achieve a state of peace, and disarmament; through reallocation of military expenses and delegitimization of war

*To create a global structure that respects the rule of law and the international court of justice;

*To enable socially equitable and environmentally sound employment, and ensure the right to development and social justice

*To promote and fully guarantee respect for human rights including labour rights, women's rights civil and political rights, indigenous rights, social and cultural rights – right to food, right to housing, right to safe drinking water and sewage treatment, right to education and right to universally accessible not for profit health care system;

*To ensure the preservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, the reduction of the ecological footprint, the enshrining of ecological rights, right to a healthy environment and the moving away from the current model of overconsumption

To accomplish this the CPP will have to establish mandatory positive and negative screens and to redefine what constitutes due diligence for sustained long-term returns without incurring undue risk to common security

B.

IMPORTANCE OF BOTH POSITIVE AND NEGATIVE SCREENS

Under the European Commission on SRI they refer to screens.

I remember attending a meeting of a so-called “environmental” fund; at the meeting they profiled several funds which could be deemed environmental. I asked to see their AGM report and I saw that they also invested in funds which were anything but environmental. I pointed this out and they said we do not have a screen through which we pass our funds. Many invested in this fund presuming that all the investments were environmentally sound.

Under the European Commission on SRI they make the distinction between positive and negative screens.

Positive screens identify companies based upon practices that in some way benefit society,

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such as sensitivity to the environment or exemplary employee relations.

- Negative screens weed out poor SRI performers, including those that are polluters or that maintain poor working conditions.

Positive screening, on the other hand, implies that companies are selected according to their positive performance on social and environmental issues.

http://www.sustainability.eu/pdf/csr/policies/Socially%20Responsible%20Investment%20in%20EU%20Member%20States_Final%20Report.pdf

Sometimes positive screens, however, can contribute to misrepresentation;

There was an ethical fund in Canada that had a screen which stated they would only invest in civic projects but they did not say that they would not invest in the military and in arms. In fact, they did invest in a company with 35% of their investments in the military

The European commission expanded on the negative screen'

The negative screening approach goes back to the early days of SRI ratings, when companies of so-called "sin industries" (such as alcohol, tobacco or weapon/armament industries) were excluded from investment decisions (Blodgets, 2007).

http://www.sustainability.eu/pdf/csr/policies/Socially%20Responsible%20Investment%20in%20EU%20Member%20States_Final%20Report.pdf

Negative screening involves excluding companies from the investment universe on the basis of criteria relating to their products, activities, policies or performance this includes sector-based screening (where entire sectors are excluded)

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I believe that what is needed is to invest in a fund that embraced both positive and negative screens. For example, to invest in a fund that promotes peace and opposes militarism.

The European Commission mentioned norm-based screening

Conducts positive or negative screenings of companies with respect to their compliance with international standards and norms issued, for example, by the UN, the OECD, the ILO, etc.

http://www.sustainability.eu/pdf/csr/policies/Socially%20Responsible%20Investment%20in%20EU%20Member%20States_Final%20Report.pdf

companies are excluded if they are considered to have violated internationally accepted norms in areas such as human rights and labour

These norms could be extended to embrace the concept of international peremptory norms which are norms accepted and recognized by the international community of states as a whole from which no derogation is permitted. (Article 53, Vienna Convention on the Law of Treaties

These peremptory norms arise from

i. commitments made through un conference action plans adopted through consensus by state delegation of the united nations

ii. obligations incurred through UN Treaties Conventions, and Covenants that have been either signed or ratified by all states or by a majority of member states from a range of legal systems and of geographical areas

These peremptory norms could be combined with the above-mentioned vision of common security and with the positive/negative screens could be for investments that include the promotion of and exclude the undermining of peremptory norms and common security. (PNCS)

To accomplish this will require a redefinition of due diligence along with the establishment of both positive and negative screens which will be able to contribute to sustain long-term returns without incurring undue risk.

C

REDEFINITION OF WHAT CONSTITUTES `DUE DILIGENCE

In addition, this PNCS screen could address the thorny issue of “due diligence

Due diligence must be linked to these international peremptory norms, reflecting common security so that that investment managers will not be deemed to be failing to exercise due diligence if they invest in funds with the above PNCS screen

Often investment managers have refrained from investing in socially equitable and environmentally sound investments, or socially responsible investments because of the notion

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of “due diligence”. If investment managers invest in the fortune 500 or in mutual funds and the funds go down, they will not be criticized for not exercising due diligence; if, however they invest in socially equitable and environmentally sound investments, or socially responsible ethical investments and the funds go down managers could be accused of not exercising due diligence. Managers could, out of fear of legal action, secure the best possible return for the investment, regardless of other norms and principles

A proposed due diligence list of actions, by states and corporations, that CPPB investments should support (CAPITALS IN GREEN POSITIVE SCREEN) and not support (LOWER CASE IN RED NEGATIVE SCREEN), if CPPB really had a vision for future generations

I

ACHIEVE A STATE OF PEACE, AND DISARMAMENT; THROUGH REALLOCATION OF MILITARY EXPENSES AND DELEGITIMIZATION OF WAR(POSITIVE SCREEN)

Contributing toward and Conflict (negative screen)

1.Participating in war; - Given the social, environmental, health, human rights, economic consequences of war, under no conditions or circumstance is war legal or just.

2. Undermining the international resolve to prevent the scourge of war; this would include engaging in intimidation, in cajoling or in offering economic incentives in exchange for support for military interventions.

3. Refusing to abide by the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity.

4. Failing to reallocate military spending as agreed to under Chapter 33 16e of Agenda 21, UNCED

5. Misconstruing of Article 51 (self-defence) of the Charter of the United Nations to justify premeditated non-provoked military aggression, or to use various such pretexts for invading other sovereign states.

6. Using "human security" which has been extended to "humanitarian intervention", and used along with the "responsibility to protect" or with right to intervene with a view to justifying military intervention in other states.

7. Endorsing the guise of the pre-emptive/preventive attack policy that has resulted in aggressive attacks on sovereign states and that has been in violation of the Article 2 of United Nations and international law as being the 'supreme' international crime of a war of aggression.

8. Invoking Chapter VII of the Charter of the United Nations rather than invoking Chapter VI - the peaceful resolutions of disputes - and refusing to be judged by the International Court of Justice.

9. Disrespecting the jurisdiction and decisions of the International Court of Justice.

10. Tolerating military involvement and occupation of sovereign states.

11. Trumping of health, environment, civil and political and human rights for the sake of "security", power and profit.

12. Undermining True security which is "common security", as defined in documents prepared by Olaf Palme, and which entrench peremptory norms related to the preventing war and conflict, guaranteeing human rights, protecting the environment, and ensuring social justice.

13. Targeting or assisting in the assassination of leaders of other sovereign states, and of engaging in "regime change".

14. Mollifying public opposition by couching aggressive acts in euphemistic "operations" such as "Operation Just Cause", "Operation Iraqi Freedom", "Operation Enduring Freedom",

15. Destabilizing states and regions through the sale of arms, including through the guise of 'foreign aid' or through infiltration of NGOs, such as USAID, NED, Freedom House or through fundamentalist Christians in groups such as Operation Rescue.

16. Producing land mines, in violation of the Convention against landmine and procrastinating, by those responsible, to remove land mines from all areas of the world where land mines are known to exist.

17. Supporting nuclear arms states which fail to ratify the NPT, and parties to the NPT that are in noncompliance with the Nuclear Non-Proliferation Treaty by failing to implement Article VI of the Treaty, (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.).

18. Producing weapons of mass destruction such as nuclear, chemical, and biological, as agreed to in UNCHE in 1972, and in specific conventions. And continuing the gutting of the Treaty on Cluster bombs

19. Producing uranium, exporting of uranium, using weapons such as those with depleted uranium and continuing to make profit- from the sale of arms and trade in small arms.

20. Condoning NATO and its disregard of the international rule of law, including the objective of the Charter of the United Nations, and the Convention against Torture.

21. Engaging in propaganda for war (ICCPR), including establishing military bases, engaging in war games, producing and selling of armaments, and holding arms exhibitions unequal treatment of the states. Supporting government investment in weapons systems

22 supporting the destabilizing impact of the Middle East as a result of the possession of nuclear weapons by Israel.

23. Disregarding the obligations under the 1967 Outer Space Treaty to ensure that exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity].

24 failing to repeal the Anti-Terrorism Act and thus violating civil and political rights, and results in racial profiling.

25 Supporting "Rendering"- sending "persons of interests" to countries which are known to condone torture.

26. Refusing to be judged by an international tribunal for any actions that might be deemed to

violate international law related to crimes against the peace, to war crimes, or to genocide.

27. Misusing UN "peacekeeping" forces to clean up aggressive acts of destruction and occupation caused by other states.

28 failing to support the converting, to peaceful purposes, all foreign military bases in sovereign states around the world.

29. Allowing the production, circulation and berthing of nuclear powered or nuclear arms-capable vessels throughout the world.

30 Participating in "War Games" or "Military Exercises" such as Exercise Trident Fury or Northwest Training Range complex.

31 Continuing the propping up and financing of military dictators and supporting the long-standing policy enunciated against Somoza "he's a bastard but he is our bastard".

32. Refusing to demilitarize the economy by reallocating resources presently committed to military purposes to provide for the needs of citizens to pass on the peace dividend to the developing countries as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions and Declarations.

33. Supporting misplaced spending priorities: on militarism, on adulterated unsafe food, on production of products and substances harmful to the environment and human health, and redirecting budgetary expenses to eradicate poverty.

II

TO ENSURE THE PRESERVATION AND PROTECTION OF THE ENVIRONMENT, THE RESPECT FOR THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE, THE REDUCTION OF THE ECOLOGICAL FOOTPRINT, THE ENSHRINING OF ECOLOGICAL RIGHTS, RIGHT TO A HEALTHY ENVIRONMENT AND THE MOVING AWAY FROM THE CURRENT MODEL OF OVERCONSUMPTION (POSITIVE SCREEN)

Causing Environmental Devastation and Health problems (negative screen)

34. Exploiting Nature instead of affirming in 1982 World Charter of Nature that every form of life is unique, warranting respect regardless of its worth to humans, and to accord other organisms such recognition's, humans must be guided by a moral code of action,

35. Engaging in unsustainable patterns of production and consumption, particularly in industrialized countries; this pattern has contributed to poverty, to the inequitable distribution of resources within countries and between countries, has increased the vulnerability to natural disasters and has threaten the well-being of future generations.

36. Increasing the ecological footprint which has contributed to a socially inequitable and environmentally unsound world; converting nature into a source of raw materials, and the promoting of "built-in obsolescence" (in opposition to Habitat I1, 1996)

37. Misconstruing the precautionary principle – The international version is in the Rio Declaration, the Convention on Biological Diversity, and the Framework Convention on Climate Change- as a general and enforceable principle of law: where there is a threat of irreversible harm the lack of full scientific certainty shall not be used as a reason for postponing measure to prevent the threat.

38. Revising reverse onus strategy which places the onus not on the proponent of an intervention to prove safety but on the opponent, to demonstrate harm.

39. Causing Natechs- natural disasters through technology or technological disasters caused by natural disasters and relying on after-the fact attempts to reduce or mitigate disasters rather

than preventing harm.

40. Discounting the precautionary principle, and producing and distributing genetically engineered food and crops, and engaging the practice of biopiracy of genes of indigenous peoples, the dumping of GE food and adventitious materials [living modified organisms] on developing countries. And placing on the shelves processed foods containing genetically engineered material.

41. Producing persistent Organic Pollutants (POPs) which are bioaccumulative and toxic, and are capable of traveling long distances from their original source.

42. Opposing the prosecution of countries for violating the transboundary principle that holds that states shall be held legally responsible for any pollution, in other states, caused by activities under their own jurisdiction.

43. Causing environmental devastation and then relying on restorative or clean-up technologies to remediate the environmental destruction rather than taking the preventive approach so as to avoid costly and inadequate subsequent measures to "rehabilitate" the site.

44. Engaging in unsustainable forest management, the converting of forests into agricultural land and the expanding large-scale agro-industrial monocultures for food, fibre and, increasingly, energy. Engaging in the land grab for biofuel, by developed states, in developing states

45. Causing land degradation, soil erosion, salinization, water logging, and soil pollution, which all contribute to loss of soil fertility.

46 Substituting proposals of adaption to or offsetting of climate change rather than seriously

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addressing the issue of preventing climate change by reducing greenhouse gas emissions. Using the guise of `transition` to justify continuation of the fossil fuel industry such as tar sands, LNG. Carbon capture Pipelines,

Rather than acting on the urgency to immediately move to socially equitable and environmentally sound renewable energy such as solar, wind and geothermal. Condoning the violation of the 92 call to action in the Truth and Reconciliation Commission:
Business and Reconciliation 92.

We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources.

This would include, but not be limited to, the following:

i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

47. Undermining the divestment fossil fuels, especially those from the unconventional sources such as the tar sands, opposing reduction of other greenhouse gas producing activities, supporting fracking and denying the substantial contribution to greenhouse gas emissions caused by methane gas resulting from the dependency on animal protein.

48. Promoting false "solutions" to climate change such as biofuels, large hydro projects,

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bio-engineering, and nuclear energy which are not socially equitable and environmentally safe and sound renewable energy sources. Supporting the market-based proposal of the so-called ``Green Economy`` that commodifies nature

49. Disregarding the failure of the Intergovernmental Panel on Climate Change to investigate and estimate the full impact of greenhouse gas emissions by the military, and opposing the demand that each state release information related to the greenhouse gas emissions from the production of all militarism, from military exercises, war games, weapons testing, military aviation troop transfer, military operations, and waste generation, to reconstruction after acts of violent interventions etc.

50. Supporting the practice of member states relying not on the emerging scientific data, but on the IPCC 2007 report which was based on 2004 and 2005 data. The emerging data now indicates the urgency of keeping the rise in temperature below the dangerous level of 1 °C, [which is the point at which global systems on land, water and air will be so affected as to create vicious feedback cycles and destabilise many ecosystems and human societies]; whereas the IPCC 2007 Report had indicated that 2 degrees was the safe threshold. The emerging scientific data also indicates that there are more serious climate-induced events than anticipated in the 2007 IPCC Report. In COP21, failing to recognize that even at 1 degree rise in temperature from pre-industrial levels, there are climate incidence that contravenes article 2 of the UNFCCC. Failing to respect the original baseline of 1990 and target of 2020

51. Disregarding the climate injustice of using the atmospheric space of developing countries, and refusing to pay compensation

52. Misappropriating agricultural land for the growing of biofuel and contributing to food insecurity, and purchasing and using of land for biofuels to serve foreign markets and undermine food security.

53. Condoning the practice, by the International Atomic Energy Agency (IAEA), of violating the principle that a regulator must not be a promoter of promoting civil nuclear energy.

54. Justifying the use of civil nuclear energy, and accepting nuclear energy as the solution to climate change and supporting Article IV of the NPT which bestows the inalienable right of

states to access so-called "peaceful` use of nuclear energy.

55. Relocating and transferring to other States any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14 Rio Declaration, 1992)

56. Showing defiance of principle 7 of the 1992 Rio Declaration which was adopted by all states at the UN Conference on Environment and Development (UNCED). This principle states that:

``States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. (Principle 7, Rio Declaration)

57. Causing environmentally induced diseases, refusing to address the social determinant of health problems- such as poverty, and provide universal access to a publicly-funded not-for-profit health non-two-tier health care system.

58 Supporting the lack of commitment to ensure, as agreed in Habitat II, that Corporations, including transnational corporations, comply with international law, including international environmental law

59. Tolerating the notion of 'prior consent" to persuade the poor, disadvantaged and vulnerable countries or communities within developed countries to accept the dumping of products and substances that are potentially harmful to the environment and human health. Promoting the ruse of using extraterritorialism. -what right do we have to impose our higher standards on a developing country with lower standards

60. Condoning Pharmaceutical collusion between university and Pharmaceutical corporations, and the policy of permitting Universities to sell products of research to corporations

61. Disregarding the practice of the Pharmaceutical and PR industry creating new health problems to justify market potential for new drugs

62. Condoning the patenting of genes under the WTO TRIPS provision

63. Tolerating Pharmaceutical industry pushing drugs when change in life style could effectively address the health problem

64. Condoning continued production and export of products that have been banned... or withdrawn

65. Exporting products banned or not yet approved in country of origin

III

PROMOTING FAIR TRADE (POSITIVE SCREEN)

Sustaining Exploitative Trade (negative screen)

66. Tolerating the undermining, by International Trade agreements, such as GATT, and the subsequent WTO, of measures which would advance and promote socially equitable environmentally safe and sound renewable energy, transportation, agriculture, forestry etc.

67. Opposing the dismantling or abrogation of trade institutions and agreements, such as WTO and NAFTA, CETA, TPP which do or would promulgate globalization, deregulation and privatization; these institutions and agreements undermine the rule of international public trust law, and condone and actively facilitate corporations benefiting and profiting from war and from environmental destruction.

68. Disregarding all proposals which will result, through the practice of harmonization of standards and regulations, in arriving at the lowest common denominator for health and environmental standards.

69. Condoning the practice of "testing once. That if the private sector has already tested the substance or product, Environmental agencies would have to justify before congress if they

want to test again.

(i) "Testing once" to eliminate redundancy by testing once so that if a product is tested in one of the three countries it does not have to be tested in the other two. This practice would undermine the ability of states to carry out their own tests and ban substances such as the banning by Canada of RBST or Bovine Growth Hormone in milk.

70. Supporting the IMF Structural Adjustment Program which has led to the violation of human rights, has exploited citizens in the developing world, which has resulted in years of privatization, and elimination of essential services throughout the world and has adversely impacted on vulnerable and indigenous peoples around the world.

IV

PROMOTION SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND ENTERPRISES AND RIGHT TO DEVELOPMENT (POSITIVE SCREEN)

Promulgating Corporatism and questionable
Financial Institutions (negative screen)

71. Condoning the privatization, including Public Private Partnerships, of public services such as water, sewage and health care, and opposing the affirmation that the access to water is a human right.

72. Promoting corporate funding of education, including the corporate direction of research, and opposing principle that research must be arms-length and not tied to corporations.

73. Opposing the international commitment made to ensure that corporations, including transnational corporations, comply with international law including international environmental law. And supporting corporate "voluntary compliance" such as ISO 14000

74. Promoting the subsidizing and investing, of public funds, in corporations that have developed weapons of mass destruction and "conventional arms" that have violated human rights that have denied social justice, that have exploited workers, and that have destroyed the environment.

75. Opposing the Revocation of charters of corporations, including transnational corporations, which have engaged in activities that impact on health and environment, including on the right to food, and right to water; tolerating the legal fiction that the corporate form has constitutional rights as a person and prohibit corporate funding of political parties.

76. Opposing the phase-out of sunset industries-ones that are harmful to human health and the environment and the instituting of a fair and just transition for workers and communities affected by the phase out, and condoning the lucrative profits made on money trading.

77. Engaging in the egregious practice of derivatives and other banking schemes, and supporting non-cooperative and non-community banks

78. Condoning the bail-out of corporations and banks under the guise of their being "too big to fail", and reclassifying of function, by financial institutions, such as Goldman Sachs in order to take advantage of the bail -out

79. Supporting the centralization of banks and the egregious funny money banking systems and promoting the capitalist, exploitative, competitive economic model, and condoning corporate funding of politicians,

80. Disregarding the shifting, by corporations, of their addresses offshore to lower their taxes, and the evading, by corporations, of criminal charges by spinning off their companies.

V

TO PROMOTE AND FULLY GUARANTEE RESPECT FOR HUMAN RIGHTS INCLUDING LABOUR RIGHTS, WOMEN'S RIGHTS CIVIL AND POLITICAL RIGHTS, INDIGENOUS RIGHTS, SOCIAL AND CULTURAL RIGHTS – RIGHT TO FOOD, RIGHT TO HOUSING, RIGHT TO SAFE DRINKING WATER AND SEWAGE TREATMENT, RIGHT TO EDUCATION AND RIGHT TO UNIVERSALLY ACCESSIBLE NOT FOR PROFIT HEALTH CARE SYSTEM (POSITIVE SCREEN)

promulgating social injustice, human rights violations, and poverty (negative screen)

81 disregarding the widening gap between the developed and the developing countries and opposing the steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

82. Refusing to cancel Third World debt and to implement the long-standing international commitment to transfer .7% of the GDP for overseas development aid (ODA)

83. Condoning the practice of sending arms as ODA and linking the extension of active assistance to developing countries tied, political or military conditions, and refusing to cancel third world debt

84. Tolerating the discrimination on the following grounds:

- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, sexual orientation, gender identity, marital status, or form of family, [including same-sex marriage]
- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status.

85. Condoning the violation of human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to water right to sewage treatment, right to a universally accessible, not-for-profit health care system, right to education and social justice.

86. Denying the labour right to strike, and the right to have collective bargaining, and many other International Labour Conventions. Refusing to ratify ILO Conventions

87. Opposing of the requirement of equal pay for work of equal value as guaranteed in the legally binding International Covenant on Social Economic and Cultural Rights

85. Redefining torture and thus violating of the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment,

86. Condoning the practice of rendition of citizens and failing to abide by the Geneva Conventions.

87. Condoning cruel and inhumane punishment such as capital punishment, which violates accepted international norms.

89. Condoning discrimination against immigrants, and refugees and against Migrant Workers and their Families; the Secure Fence Act and the unconscionable wall between the United States and Mexico, and the wall in Israel/

90. Condoning the no-fly` list, and no-cross boarder lists.

91. Condoning Strategic Law Suits Against Public Participation ("SLAPP) suits" against public participation.

92 Condoning targeting, intimidating and discriminating against activists on the grounds of political and other opinion (a listed ground in the International Covenant on Civil and Political Rights).

93. Supporting religious extremism and proselytization including the spread of Evangelical Christianity around the world, which has undermined local indigenous cultures, instilled fear through the dangerous beliefs in the "rapture", "Armageddon" and "left behind", and dispensationalist "end times" scenario which has serious irreversible consequences. And has led to the undermining of other established beliefs and practices

94. Condoning the practice of ending speeches with the invocation of God bless a country

VI

SIGNING AND RATIFYING INTERNATIONAL CONVENTIONS. COVENANTS AND TREATIES AND ENACTING LEGISLATION TO ENSURE COMPLIANCE (POSITIVE SCREEN)

Defying international law. (negative screen)

95. Being defiant of the Geneva Conventions on the treatment of civilians, and of international human rights and humanitarian law, supporting unilateral actions that undermine global common security.

97. Condoning current irreversible practices that will violate the rights of future generation-intergenerational equity including the rights of future generations to their cultural, natural heritage and to a safe environment.

98. Refusing to respect the jurisdiction of the international Court of Justice and seeking revenge through military intervention rather than justice through the International Court of Justice.

99. Condoning the reluctance to do the following:

- i. to ratify the Vienna Convention on the Law of Treaties
- ii. to ratify the international Convention for the Elimination of all Forms of Discrimination Against Women and its protocol

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- iii. to ratify the Convention on Biological Diversity
- iv. to ratify the Kyoto Protocol
- v. to ratify the Convention on the rights of migrant Workers and their families.and what assets are owned
- vi. to ratify the Convention on the Rights of the Child
- vii. to ratify the International Covenant of Social economic, and Cultural Rights
- viii. to ratify the Optional Protocols of the International Covenant on Civil and Political Rights
- ix. to abide by the Convention Against Torture
- x. to abide by the Geneva protocols on prohibited weapons and to sign and ratify the Convention for the Banning of Landmines,
- xi. to sign and ratify all Geneva Protocols, including Protocol V, which requires the removal of remnants of war
- xii. to invoke the precautionary principle, which appears in the Rio Declaration, the UN Framework Convention on Climate Change and the Convention on Biological Diversity, as a general and enforceable principle of law

D.Conclusion

At what point are levels of governments/ other institutions and citizens complicit through their investments in contributing to violation of these peremptory norms and to the perpetuation of a state of global common insecurity.

On the CPPIB Website is the the following statement: Canadians have a right to know why,how and where we invest their CPP as well as who makes the investment"

In 2017 ther assets were 316.7 billion; in 2016, it is estimated that their investment in the tar sands was in billions

2018 update CPPIB invests in

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I. nuclear arms industries firms even though 122 members of the United Nations adopted the Treaty on the Prohibition of nuclear weapons

<http://coat.ncf.ca/research/ CPP/CPP-Nukes-2017.htm>

ii. in US detention firms

<https://www.theguardian.com/ world/2018/oct/12/canada- pension-fund-invests-in-us- immig ration-detention-firms>

iiii . in GLYPHOSATE- a probable carcinogen (WHO)

UPDATE 1-Canada's CPPIB to buy stake in Brazil's Aliansce

Or <https://uk.reuters.com/ article/aliانسce-cppib- generalgrowth- idUKL1N0FZ1LT20130729>

CPPIB may invest in Kinder Morgan if it abides by Canadian government request

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· <https://business.financialpost.com/news/fp-street/cpp-investment-board-approached-about-trans-mountain-ceo-says-no-decision-yet>

Is this what Canadian citizens want to invest in ?