

Written by Joan Russow
Thursday, 24 November 2016 08:54 -

SUBMISSION TO THE SENATE COMMITTEE REVIEWING THE ANTI-TERRORISM
ACT. October 17, 2005
Joan E. Russow (PhD)

When Bill C 36 – the Anti-terrorism Act – was proposed, I publicly criticized the act as being in violation of international human rights instruments including the International Covenant of Civil and Political Rights.

I have been concerned that the “war against terrorism” and the Anti-terrorism Act have perpetuated the disregard for the rule of international law and for the International Court of Justice. Serious consequences such as the redefinition of what constitutes self-defence; condoned pre-emptive aggression with prohibited weapon systems; “renderings” and the violation of the Convention against Torture, and Geneva Conventions; institutionalizing of racial profiling; indefensible "preventive arrests"; increased mistrust;; guilt by association; the imposition of a Culture of fear and suspicion; the creation of a palpable chill; increased mistrust: the fostering of unquestioning, embedded and compliant media.

.... have all resulted from the War Against Terrorism or from the anti-terrorism Acts.

At the opening of the 59 UN General Assembly, Kofi Annan affirmed that

Those who seek to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it" Mr. Annan said at the opening of the 59th session of the UN General Assembly. ...We must start from the principle that no one is above the law and no one should be denied protection" 2004.

The United Nations for years has had difficulty defining terrorism because the United States and certain allies have refused to consider certain state activities to be acts of terrorism or threats to security. Ironically it is often citizens who through lawful advocacy protest and dissent are the ones that are deemed to be a threat to security

In fact after September 11, 2001, the FBI circulated a list:

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...category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process.

The intelligence community appears to be inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at a colloquium, entitled the 'Challenges of SIRC'. An official from SIRC acknowledged the following:

In assessing the distinction between those who have a disagreement with politics and those who are deemed to be terrorists...Police agencies are not good at making that distinction and err on the side of security ". "Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up. We have to have the ability to identify clearly this distinction. If we don't do this we are threatening the fabric of the civil liberties of Canadians.

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the politics of the Government of Canada to be threats to Canada.

At least since 1997, I have been on an RCMP Threat Assessment Group (TAG) List. I have a doctorate, I was a former lecturer in global issues at a university, and I am a former federal leader of a registered political party in Canada. I found out about being on a Threat Assessment Group List inadvertently, during the release of documents in the APEC RCMP Public Complaints Commission inquiry. Evidence emerged during the APEC inquiry that I was put on the list as a result of a directive from the Prime Minister's Office. My picture along with eight others was placed on a RCMP Threat Assessment Group List entitled "other activists". I have enclosed a copy of the RCMP threat Assessment. Exhibit A and Exhibit B.

Under the CSIS Act, "threats to the security of Canada" means

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada

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or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada are clandestine or deceptive or involve a threat to any person

c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and

d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada.

Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) TO (D). 1984 C.21, S2.

Citizens engaged in lawful advocacy, protest, or dissent have been designated as “threats”. Given the definition of “threats” in the CSIS Act, the only conclusion is that citizens engaged in lawful advocacy, protest, or dissent, and designated as a threat, must have been linked to espionage, sabotage, violence against persons or property, the destruction of the constitutionally established system of government, etc. There really is no other logical conclusion.

The Solicitor General who is responsible for the RCMP and CSIS has a dual role: a role as a party member and a non partisan role as officer of the Crown. The importance of the non-partisan role was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned:

Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they may decide to have the police investigate people because of their party stripes

Although I was not a member of the NDP at the time, I presume that his comment applied to any opposition political party.

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When news that I had been placed on the RCMP Threat Assessment List was broadcast and published across the country, the Solicitor General's office feared that there might have been a challenge in parliamentary question period about the RCMP and CSIS placing the leader of a registered political party on a threat assessment list. The Solicitor General's office prepared an Aide Memoire to deflect the potential criticism, and rather than addressing the serious allegations of the violations by intelligence agencies of their own statutory law, the Solicitor General in his reply wrote: "As I have indicated, the APEC RCMP Public Complaints Commission will address all concerns raised, and we should allow them the opportunity to do their work."

I assumed from this statement that I would have my concerns addressed and be able to appear before the RCMP Public Complaints Commission, to have the opportunity to clear my name, and to prove that I am not a threat. I was subsequently not permitted to appear, even though I had been one of the original complainants.

I have never engaged in any activity which could be even remotely construed to fall into within the CSIS definition of a 'threat. I have been a strong policy critic of government practices, nationally and internationally, and could be considered to have a "difference in politics". I have spent over twenty years calling upon governments to discharge obligations incurred through international covenants, treaties and conventions, and to enact the necessary legislation to ensure compliance. I have called upon governments to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I have exercised my constitutional right to lawful advocacy, protest, and dissent. I have, however, not engaged in activities directed toward undermining by covert clandestine, unlawful acts, directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada

Placing citizens who engage in lawful advocacy, protest or dissent on threat lists is an act of discrimination on the grounds of political and other opinion – one of the grounds that has been included in years of international human rights instruments such as the following:

(i)
Art. 2, The Universal Declaration of Human Rights, 1948;

- (ii)
Art. 2, The Universal Declaration of Human Rights, 1948;
- (iii)
Art. 27, Convention Relative to the Protection of Civilian Persons in Time of War, 1949);
- (iv)
Art.1.1, International Convention on the Elimination of all Forms of Racial Discrimination, 1965;
- (v)
Art. 2, International Covenant of Civil and Political Rights, 1966);
- (vi)
International Covenant of Social, Economic and Cultural rights 1966, in force, 1976;
- (vii)
Art. 7, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
- (viii)
Art. 2, Declaration on the Rights of Disabled Persons 1975;
- (ix)
Art. 2, Convention on the Rights of the Child, 1989;
- (x)
Principle 1.4, Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991.

I will refer here only to Article 2 of the International Covenant of Civil and Political Rights (ICCPR). Article 2. affirms that

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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Although under art 2 of the Charter of Rights and Freedoms, there is a reference in Art. 2.

Everyone has the following fundamental freedoms:

b) freedom of thought, belief, opinion and expression

This article implements the obligations in Art: 18 of (ICCPR).

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Unfortunately the ground of "political and other opinion" was not included as one of the listed grounds in article 15 of the Canadian Charter of Rights and Freedoms

Although there does not appear to be a remedy in Canada for discrimination on the ground of political and other opinion, there is a remedy under Article 2 of the Optional Protocol of the International Covenant of Civil and Political Rights. Under this article, citizens who have been discriminated against, and have exhausted all domestic remedies, can file a complaint with the UN Human Rights committee responsible for the implementation of the International Covenant of Civil and Political Rights. I have now proceeded to submit this complaint to the UN Human Rights Committee.

The listing of citizens engaged in legitimate advocacy has also violated the Charter of Rights and Freedoms; the right to security of the person; the right to mobility, and freedom of speech, and freedom of assembly. Now with facial recognition technology, there is the possibility that listed activists will not be able to enter the United States or fly over US Territory.

Since the fact that I was placed on a threat assessment list was broadcast and published across the country, I have had to live with the stigma of being designated a threat and the repercussions from this stigma –mistrust, and loss of employment and income. On a panel

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associated with the Arar inquiry, Warren Allmand, a former Solicitor General recognized that being associated with a listed group could impact on one's ability to obtain gainful employment. This recognition would presumably also apply to being listed as a threat.

Even if proved unfounded, the taint of being designated as a threat, remains. Once a reputation has been damaged or impugned, recovery from this designation is almost impossible.

Since the lists have possibly been shared with 'friendly nations' prior to September 11, 2001 and probably, shared with 'friendly nations' after September 11, 2001 when caveats were down, I have traveled with great trepidation. I have resorted to using my maiden name when traveling internationally, but now with the institution of facial recognition technology, I presume that it will be impossible for me to travel to the US or to travel over US air space.

I had a legitimate expectation that, after being placed on a RCMP Threat Assessment Group List, I would be able to correct the presumed misinformation through provisions in the Privacy and the Access to Information Acts. I was mistaken. In order to justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as "for national and international security reasons", or "for [being] injurious to the conduct of international affairs", or "for the defence of Canada".

I have filed complaints with the RCMP, with CSIS, with DND, and with the review bodies such as SIRC and the RCMP Public Complaints Commission. I had presumed that I had a legitimate expectation that, after being placed on an RCMP Threat Assessment Group list, I would be able to correct the presumed misinformation if not through complaints and reviews through provisions in the privacy and the access to information acts. To justify not revealing the reason that I had been perceived to be a threat, the government exercised exemption such as for "national and international security reasons" or "for [being] injurious to the conduct of international affairs", or "for the defence of Canada".

After almost eight years, I still do not know the reason for my being placed on an RCMP Threat Assessment Group List. I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, and subsequent requests for reviews by the Privacy and Access to Information Commissioners. These requests resulted in a series of outrageous financial demands, unacceptable delays, unjustifiable retention of data and redacted documents, along again with questionable government exemptions. In the end, the only recourse offered was to hire a lawyer, go to court, and if unsuccessful, pay court costs – an option that was not open to me, and I assume not open to many other citizens engaged in lawful

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advocacy, protest, and dissent.

Citizens engaged in lawful advocacy, protest, and dissent are often those who are addressing activities, by governments and corporations, which could be designated as threats to “true” security.

True security is not human security or a so-called “responsibility to protect” which has been recently used to support substantial increases in the military budget and to legitimize past, present, and future military expeditions wrapped in the guise of humanitarian interventions

True security is common security – a concept initiated by Olaf Palme, a former president of Sweden – and has been extended to embody the following objectives:

- to achieve a state of peace, and disarmament; through reallocation of military expenses
- to promote and fully guarantee respect for human rights including civil and political rights, and the right to be free from discrimination on any grounds
- to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice; labour rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, and the right to education
- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint ,and move away from the current model of overconsumptive development.
- to create a global structure that respects the rule of law and the International Court of Justice;

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To further Common Security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations. Member states of the United Nations have incurred obligations, made commitments and created expectations

The blue print for Common Security has been drawn; the issue is compliance and implementation.

The Senate Committee reviewing the Anti-terrorism Act has a real opportunity to determine what constitute real threats to common security.

Canada is at a cross roads: Canada can continue to support the US in its activities that pose a threat to global security, or Canada can be a proponent of true security: common security. In Annex I of my submission I have included a preliminary draft of a proposed Common Security Index (CSI).

When I found out that I was deemed to be a threat, I prepared a list of threats to global security and recently I have revised this list into a Common Security Index. I have attempted to address the issue of state activities that could be deemed to be threats. In the Common Security Index, I have referred to

- (i) existing international obligations or commitments
- (ii) state activity in compliance or non compliance with these obligations or commitments;
- (iii) lawful advocacy activity against the violation.

I raise the issue that often the intelligence community determines that the threat to security is the advocate who exposes the state violation of international law not the state who violates international law

I would like to submit the following recommendations for addressing the issue of threats to

common security.

RECOMMENDATIONS:

(i) that the Canadian government promote common security and end all further contribution to activities that foster global insecurity and threats to common security (see the Common Security Index in Annex 1.

(2) That the Department of Justice ensure that the necessary legislation to implement international obligations and commitments to global common security is enacted in Canada: Consequently, Canada, through acceding to and ratifying treaties has undertaken to perform treaties in good faith, has established on the international plane its consent to be bound, and to establish conditions for the maintaining of justice and respect for obligations under treaties.`

and to operationalize the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" whereby Canada made the following undertaking:

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

or by passing implementing legislation:

In Canada implementing legislation is only necessary if the performance of treaty obligations cannot be done under existing law or thorough executive action.

(3) That the Department of Justice address the issue of Canada's failure to implement key provisions in the Convention on the Law of Treaties, related to the implementation of international obligations throughout Canada..

Applicability of section in the Convention on the Law of Treaties on not defeating purpose of treaty from moment of signing (Article 18)

Under the Vienna Convention on the Law of Treaties, adopted in 1969; signed by Canada, acceded to by Canada on 1970 , and in force 1980, Canada, as a signatory to this Convention has been obliged to ensure the performance of treaties in the following ways:

(i) "to establish conditions under which justice and respect for obligations arising from treaties can be maintained" (Preamble)

(ii) to demonstrate, through the process of ratification (accession) of a Treaty, that the State has "established on the international plane its consent to be bound by a treaty" (Article 2)

(iii)): to "not defeat the object and purpose of a treaty prior to the entry into force"

(iv) to observe that "every treaty in force is binding upon the parties to it and must be performed by them in good faith. (Article 26)

(v) to interpret a treaty by agreeing that "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. (Article 31)

(vi) to not create a situation that would make performance impossible.

1. a party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty". ..

2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligations under the treaty or of any other international obligation owed to any other party to the treaty. (Article 61)

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(4) That the Department of Justice carry out an extensive review of obligations incurred through treaties, conventions and covenants; of commitments made through conference action plans; and of expectations created through UN General Assembly resolutions;

(5) That the Department of Justice determine what would constitute compliance with these obligations, commitments and expectations related to Common Security;

(6) That the Department of Justice seek to clarify the Supreme Court precedent established in 1937 Labour Convention case pertaining to federal-provincial powers with regard to international treaties;

(7) That the Department of Justice seek to establish what constitutes “matter of National concern” vis a vis federal and provincial jurisdiction, and what is the nature and extent of consultation required to bind the provinces to the international instruments signed and ratified by Canada;

(8) That the Attorney General and the office of the Attorney General not undermine attempts in the courts to comply with Canada's obligations under international law

(9) That judges at all levels undergo additional training to become more cognizant of relevant international instruments, so as to prevent the unfortunate current situation whereby international obligations and commitments are treated with derision by the Canadian court system;

(10) That the Department of Foreign Affairs be fully briefed on precedents related to

International law. In addition, at international conferences, Foreign Affairs staff members be required to respect previous precedents and to take a position if necessary that might be independent from the position taken by JUSCANZ - the negotiating group at the UN with representation from Japan, US, Canada, and Australia. JUSCANZ has generally demonstrated disregard for precedents in international law.

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(11) that the Department of Defence discontinue the practice of compiling Op-secur list in which are listed, as being threats to security, groups engaged in lawful advocacy, protest and dissent,

(12) that there be considerable oversight of and "Caveats Up" with any information shared by the department of defence and the "intelligence community" with so- called friendly nations;

(13) that the legal ground of "political and other opinion" should be included as an analogous ground in section 15 of the charter of rights and freedoms; and that the Canadian human rights commission undertake to include discrimination on the ground of political and other opinion as part of their mandate;

(14) that government and intelligence agencies should ensure that citizens who engage in lawful advocacy, protest and dissent and who criticize the government, locally, nationally and internationally for their failure to comply with international not be deemed as threats to Canada;

(15) That a federal cabinet minister overseeing the operation of an intelligence agency should be deemed an officer of the crown, and avoid partisan activities that would discredit this role;

(16) that CSIS should comply with its own act, and be able to distinguish between "those who have a disagreement with politics" and those who are deemed to "be threats of terrorists" to national security;

(17) That the RCMP should divulge the existence of threat assessment lists of activists who have engaged in lawful advocacy, protest and dissent; that these persons should be made aware that they have been placed on a list; that the RCMP should apologize to these persons and that these persons should be financially compensated for losses resulting from their being so place.

(18) that the intelligence community should take courses which would enable them to distinguish between those who have a "disagreement with politics" and those who are a threat to the security of Canada;

(19) that all citizens who have been deemed a threat because they have engaged in lawful advocacy protest and dissent should have opportunity to correct the information;

(20) That there must be a means to cross examine and test the reliability of the evidence used to label a citizen a “threat” and this evidence should be tested in the light of public scrutiny

(21) That there has to be an independent and arms length oversight body to ensure the quality and reliability of intelligence, and that there be provisions for challenging the information;

(22) That there must be a mechanism in place to rectify mistakes committed through national security investigations;

(23) That there must be a mechanism for removing citizens from any secondary search list, threat assessment list and no-fly list;

(24) that the access to information and privacy commissioners and their agents be required to be better informed about what would be legitimate exemptions under the acts, and whether there has been unjustifiable redaction of documents;

(25) That the Attorney General's office should be cautioned about the extensive redaction of government documents; the extensive redaction of CSIS and RCMP documents during public inquiries reflects more the Attorney General's partisan role than the Attorney General's role as officer of the crown.

(26) That CSIS along with the RCMP should be required to acknowledge that it has violated its own statutory law by providing information which resulted in citizens engaged in lawful advocacy, protest, and dissent being deemed threats to national security, or being listed as international terrorists;

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(27) That the Solicitor Generals, and Attorney Generals should be disciplined for their failure to perform their role as officers of the crown;

(28) that the Department of Defence, CSIS, RCMP, and solicitor generals should apologize and be prepared to compensate activists for having violated their charter rights and for impacting on the ability of these activists to seek gainful employment;

(29) that I would concur with other witnesses that the result of the anti- terrorism act has been the violation of civil and political rights, and similarly, the designation of citizens engaged in lawful advocacy, protest and dissent as threats has resulted in discrimination on the grounds of "political and other opinion";

(30) That the rule of law and adversarial process should be restored and secret proceedings eliminated;

(31) That the Anti-terrorism act should be sunsetted on the December 10, 2005 on the 57th anniversary of the UN Declaration of Human rights;

COMMON SECURITY INDEX:

A preliminary draft of the COMMON SECURITY INDEX. An index which can be used to evaluate states on their compliance on non compliance with international instruments related to the furtherance of Common security.

(EXCERPT FROM 190 POINT INDEX)

True security is common security

Common security was a concept initiated by Olaf Palme, a former president of Sweden, and has been extended to embody the following objectives:

- to achieve a state of peace, and disarmament; through reallocation of military expenses

- 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, civil and political rights, social and cultural rights- right to food, right to housing, right to safe drinking water and sewage, 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 and move away from the current model of unsustainable and overconsumptive development.

To further Common security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, and made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations member states of the United Nations have incurred obligations, made commitments and created expectations

Note: the following is an index of

(i) list of international obligations incurred through conventions, treaties, and covenants, of commitments made through conference action plans and expectations created through UN General Assembly resolutions related to “common security”.

(ii) State Activity: very preliminary comments about state compliance or non compliance with the obligations, commitments and expectations related to “common security). Eventually, key government positions will be included in this Common Security Index.

(iii) Lawful Advocacy Activity

of state activity and of lawful advocacy activity in relation to these international instruments. . the purpose of the list is to indicate the range of international obligations and commitments which if discharged or acted upon would contribute to global common security. Eventually, key international NGO campaigns will be included in this Common Security Index.

1. PEACE

Peace and Outer Space

(0) ENSURING THAT THE USE OF OUTER SPACE IS FOR THE BENEFIT OF ALL MANKIND [HUMANITY]

INTERNATIONAL: OBLIGATION AND COMMITMENT:

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

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

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

Reaffirming the importance of international co-operation in developing the rule of law in the peaceful use of outer space(The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

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

STATE ACTIVITY: (USA) has decided unilaterally to embark upon the militarization of space, and to use plutonium in space probes such as the Casini

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ADVOCACY ACTIVITY: has exposed the fact that the state is in violation of an existing treaty -the Outer Space Treaty, and of related General Assembly Resolutions. Has opposed the ballistic Missile Defence; and the Cassini Probe.

Peace and International Law

(1) **ADVOCATING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE ITS ROLE IN PACIFIC SETTLEMENT OF DISPUTES**

INTERNATIONAL OBLIGATION:

The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the opportunity under article 37 to refer potential situations of conflict to the International Court of Justice

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

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

...

In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.
Article 33

STATE ACTIVITY: Generally permanent members of the UN Security Council have ignored Chapter VI (peaceful resolution of disputes) and ignored the role of the International Court of Justice. They move to Chapter VII, and some permanent members, primarily the US, of the UN

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Security Council succeed in cajoling, intimidating and offering "checkbook diplomacy" to persuade other members of the UN Security Council to support military intervention. (1991 invasion of Iraq, invasion of Afghanistan, 2003 Invasion of Iraq, 2011 invasion of Libya)

LAWFUL ADVOCACY ACTIVITY: has urged the UN to revisit the section in the charter related to the International Court of Justice, and require state parties to the conflict to refer the conflict to the International Court of Justice, and to be bound by the decision of the court. Has written position piece in 1991 on UN Contravening its own Charter, and on the fact that the UN Security Council by supporting the invasion of Iraq, and by instituting the oil for food programme has discredited the United Nations. Has criticized Philippe Kirsch, who on behalf of Canada refused to accept the jurisdiction of the ICJ. [now he is the president of the International Criminal Court]

DEMANDS FOR Rio 2012 –All states must agree that to prevent the scourge of war Chapter VI must be used

(2) RESPECTING THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

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

When the United Nations Security Council did not support the invasion of Yugoslavia, the NATO states invaded Yugoslavia and then the former Federal Republic of Yugoslavia referred their case against ten NATO states to the International Court of Justice.

STATE ACTIVITY: NATO states, in the case of Kosovo, demonstrated disdain for the international rule of law, and refused to accept the jurisdiction of the International Court of Justice.

LAWFUL ADVOCACY ACTIVITY: has supported the former Federal Republic of Yugoslavia in its case at the International Court of Justice against the ten NATO states; urged that when there are disputes between and among states, the states should be mandated to go to the International Court of Justice, and has opposed the use of depleted uranium, which the USA claimed at the ICJ was a conventional weapon.

(3) RESPECTING THE INTENTION BEHIND SELF DEFENCE

INTERNATIONAL OBLIGATION:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security. (Article 51, Chapter VII, Charter of the United Nations).

STATE ACTIVITY: (USA) has perceived justice through revenge and military intervention, has redefined what constitutes "self defence" and has used the pretext of self defence to justify military intervention in Afghanistan. NATO states supported this interpretation of article 51.

LAWFUL ADVOCACY ACTIVITY: has argued that Article 51 was misconstrued and that the rule of law not revenge should prevail, and states should seek justice from the International Court of Justice. Has participated on a panel at the UN addressing the issue of what constitutes self defence. Generally it was concluded that the US interpretation of self defence was not in line with "self Defence" as defined in most national statutes.

(4) SAVING SUCCEEDING GENERATIONS FROM THE SCOURGE OF WAR AND PREVENTING AND RESOLVING CONFLICTS NOT ENGAGING IN "PREVENTIVE AGGRESSION

INTERNATIONAL OBLIGATION AND COMMITMENT

The purpose of the Charter of the United Nations is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity]

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The Convention on the Right to correction; 1952

The contracting States,

-Desiring to implement the right of their peoples to be fully and reliably informed

-Desiring to improve understanding between their peoples through the free flow of information and opinion

-Desiring thereby to protect mankind [Humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression

In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, a commitment to prevent and resolve conflicts (Art.15, Platform of Action, UN Conference on Women: Equality, Development and Peace.

STATE ACTIVITY: (USA) has demonstrated disdain for the international rule of law, and for the obligation to prevent the recurrence of aggression, and to ensure that people are fully and reliably informed. Has misconstrued the intention behind the "prevention of recurrence of aggression" by adopting a policy of pre-emptive/preventive aggression. Has engaged in an illegal act of invading a sovereign state in violation of the UN Charter and international law and has committed the 'supreme' international crime of the war of aggression

LAWFUL ADVOCACY ACTIVITY: stressed the distinction between the prevention of conflict, aggression and war, and the notion of pre-emptive/preventive attack. which escalates conflict and war; has urged states to bring the conflict to the International Court of Justice or has called for the evoking of the Uniting for Peace resolution which calls for an emergency session of the UN General Assembly.

(5) REFRAINING IN ITS INTERNATIONAL RELATION FROM THE THREAT OR USE OF FORCE AGAINST THE SOVEREIGNTY... OF ANY STATE

INTERNATIONAL OBLIGATION:

Proclaiming their earnest wish to see peace prevail among peoples.

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Recalling that every state has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations, (Preamble, Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

STATE ACTIVITY: (USA) has ignored this obligation

LAWFUL ADVOCACY ACTIVITY: has called for the discharging this obligation to refrain from the threat or use of force

(6) COUNTERING THE MISINTERPRETATION OF "SERIOUS CONSEQUENCES" IN UN SECURITY COUNCIL RESOLUTION

INTERNATIONAL: The term "serious consequence" in the UN General Security Council Resolution on Iraq was not equated with a "military intervention"

Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations; (13, UN Security Council resolution on Iraq, November, 2002)

STATE ACTIVITY: The US administration claimed that if the conditions set out in the Resolution were not met, :serious consequences legitimized the invasion of Iraq

LAWFUL ADVOCACY: criticized the above interpretation of "serious consequences" and proposed that "serious consequences" could in fact mean that the issue should be taken to the International Court of Justice

(7) PREVENTING THREATS OF ASSASSINATION OF LEADERS OF OTHER STATES

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INTERNATIONAL: ABSENCE OF OBLIGATION or COMMITMENT?

-Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression (The Convention on the Right to correction, 1952)

COMMENT: There does not appear to be an obligation or commitment to prevent this threat; although the Convention on the Right to correction does address provocation. The International Criminal Court should be able to take on cases of targeted assassination but appears to be helpless against states that have an established legal system, and of course incapable of acting in the case of non signatories. US treaty against targeting or assassinating leaders was passed in the mid 1970s but repealed by president George W. Bush

STATE ACTIVITY: (PRIMARILY USA) has engaged in a long standing practice of removing leaders; has targeted and has assisted in the assassination of leaders of other sovereign states, who interfered with national interests.

LAWFUL ADVOCACY RESPONSE: has condemned the practice and has condemned the condoning of assassinations. Has recommended a clear international statement condemning assassination included in the mandate of the International Criminal Court, and has called upon all states to sign and ratify the statute of the International Criminal Court. Has lobbied for the International Criminal Court to have jurisdiction regardless of state claim to have a legal system capable of trying the case in the country in which the crime occurred, or in which the accused criminal is a citizen.

(8) SETTING UP, PROPPING UP, FINANCING AND SUPPLYING ARMS TO MILITARY DICTATORS THAT FURTHERED FOREIGN VESTED NATIONAL INTERESTS

INTERNATIONAL OBLIGATION OR COMMITMENT

There does not appear to be any obligations or commitment condemning the propping up and financing the propping up of dictators.

This activity would certainly not fulfill the expectations of the Declaration of the Right of all Peoples to Peace:

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In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

This activity could certainly contribute to gross and systemic violations of human rights:

The gross and systematic violations and situations constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world, such violations and obstacles included, as well as torture and cruelty, inhuman and degrading treatment and punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights,, religious intolerance, terrorism, discrimination against women and lack of the rule of law (C. 30 World Conference on human rights.

STATE ACTIVITY: (PRIMARILY USA) has continued this long standing activity with impunity

LAWFUL ADVOCACY ACTIVITY: has condemned this activity and has continually pointed out the consequences when former friendly dictators become the evil ones

(9) CONDEMNING THE MAINTAINING OF MILITARY BASES IN OTHER SOVEREIGN STATES

INTERNATIONAL OBLIGATION OR COMMITMENT: There is a prohibition of military bases in the Outer space Treaty, and the prohibition of military bases in Antarctica

Prohibiting the establishment of military bases in Antarctica

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

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Otherwise, there does not appear to be a specific prohibition against foreign military bases unless they would be designated as "foreign occupation".

In the Declaration on the Right to Development adopted by General Assembly 1986

Mindful of the obligation of states under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threat against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind, [humanity]

STATE ACTION: (USA) has maintained over 750 military bases in sovereign states around the world

LAWFUL ADVOCACY ACTION: Has called for the closing of and conversion of US military bases, and other foreign owned bases. Social Forum has called for the closing and conversion of bases. In the Women's Action Agenda, 1992, reference was made to the presence of military bases:

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

(11) REFRAINING FROM THE THREAT TO USE FORCE

INTERNATIONAL OBLIGATION :

Every state has the duty, in conformity with the Charter of the UN, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the (Geneva Convention). Adopted on 8 June 1977 by the diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts

The high contracting parties,

recalling that the humanitarian principles enshrined in article 3 common to the Geneva convention of 12 August 1949 constitute the foundations of respect for the human person in cases of armed conflict not of any international character.

PART 1 SCOPE OF THIS PROTOCOL

article 2 personal field of application

1. This protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth birth or other status or on any other similar criteria (hereinafter referred to as "adverse distinction" to all persons affected by an armed conflict as defined in article 1. β case

ARTICLE 3 NON -INTERVENTION

2. nothing in this protocol shall be invoked as a justification for intervening directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the high contracting party in the territory of which that conflict occurs. (Geneva Convention)

STATE ACTIVITY: (US, CANADA et Al) extended "human security" to mean "humanitarian intervention" and "Responsibility to protect" have become a licence to increase the military budget and to legitimize military intervention;

(US) has engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently (NATO States) "Operation enduring freedom" against Afghanistan, and (US-led COALITION OF THE WILLING) "Operation Iraqi Freedom" against Iraq [see annex III]

LAWFUL ADVOCACY ACTIVITY: Has called for the force of Compliance: full scale implementation of obligations, commitments and expectations related to common security in an attempt to prevent destabilization, and potential threats.. The UN Security Council should be dissolved and power transferred to the UN General Assembly; the UN Security Council, with the veto powers, even with the addition of more permanent members, violates a fundamental

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principle in the Charter of the United Nations: the principle of "sovereign equality". Interstate conflicts should be reviewed by the UN General Assembly and then the states party to the conflict should be mandated to accept the jurisdiction and decision of the International Court of Justice. INTRA state conflicts should be also brought to various committees set up by the UN General Assembly with input from the key organs in the United Nations such as UNHCR, UNEP, UNESCO, UNDP, UNIFEM, DISARMAMENT with the goal of working with the parties involved to prevent any further escalation of the conflict. In specific cases, where the UN General Assembly in conjunction with various organs of United Nations determines that there have been individuals criminally responsible for crimes against humanity, the case should be investigated by the International Criminal Court, without exemptions for those countries deemed to have a functioning legal system. The International Criminal Court will not be effective if it is perceived to discriminate against specific nations.

(12) PROHIBITING ACTIVITIES OF CORPORATIONS FROM PROFITING FROM WAR

INTERNATIONAL: ABSENCE OF OBLIGATION AND COMMITMENT: COMMENT

There appears to have been international references to "mercenaries"...The businesses in this industry, known as privatized military firms(PMF), range from small consulting firms, comprised of retired generals, to transnational corporations that lease out wings of fighter jets or battalions of commandos.

In the Columbia Journal of Transnational Law, P.W. Singer: "In 1968, the U.N. passed a resolution condemning the use of mercenaries against movements of national liberation. The resolution was later codified in the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States (1970 Declaration).²⁸ The U.N. declared that every state has the duty to prevent the organization of armed groups for incursion into other countries. The 1970 Declaration represented an important transition in international law, as mercenaries became outlaws in a sense. However, it still placed the burden of enforcement exclusively on state regimes, failing to take into account that they were often unwilling, unable, or just uninterested in the task.²⁹ The legal movement against private military actors was followed by a definition of mercenaries in the 1977 Additional" (War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law

P.W. Singer*state activity: 522 Columbia Journal of Transnational Law [42:521.

STATE ACTIVITY: has increased the participation of "Privatized Military firms", and well as transnational corporations benefiting from access to natural resources. etc.

LAWFUL ADVOCACY ACTIVITY: has condemned corporations benefiting and profiting from

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war and promoting the drafting of an international instrument which would prohibit the profiting from war. Has proposed that the notion of "mercenary" could be extended to include foreign corporations

Peace - - Disarmament and elimination of weapons of mass destruction

(13) PROMOTING COMPREHENSIVE DISARMAMENT

.INTERNATIONAL COMMITMENTS AND EXPECTATIONS:

The maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace: ((b. The General Conference of member states on education Declaration, UNESCO)

A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, tribe, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance the principles agreed upon within the United Nations and relevant international agreements. (6. Declaration on the Preparation of Societies for Life in Peace Date)

The achievement of general and complete disarmament and the channeling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and in particular for the benefit of developing countries. proclaimed by General Assembly resolution 1542 (article 27 (a)_ XXIV of 11 December 1969) Declaration on Social Welfare, Progress and Development)

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and

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effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

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

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among states. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

...In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control... (Par 250 Nairobi Forward Looking strategy for the Advancement of women, 1985)

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should shall be

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devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries, (Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986)

STATE ACTIVITY: (USA) has obstructed even the mention of "disarmament" in the most recent 2005 World Summit;

LAWFUL ADVOCACY ACTIVITY has lobbied for the inclusion of a reference to disarmament in all international instruments, and has called for the reallocation of military expenses to global social justice.

(14) ELIMINATING AND DESTROYING WEAPONS OF MASS DESTRUCTION

INTERNATIONAL COMMITMENT AND OBLIGATION

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

STATE ACTIVITY: (USA) has proceeded to exclude nuclear weapons from the category of weapons of mass destruction; ignored commitment and continued to produce and subsidize industries that produce weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. (CANADA) sold the civil nuclear technology to both India and Pakistan, and has continued to supply uranium to nuclear arms states.

ADVOCACY ACTIVITY: has called for states to act on long standing commitment eliminate and completely destroy weapons of mass destruction, and upon Canada to end the export of civil nuclear technology and the export of uranium.

(15) REAFFIRMING THAT THE THREAT OR USE OF NUCLEAR WEAPONS VIOLATES INTERNATIONAL HUMANITARIAN LAW

INTERNATIONAL COMMITMENT:

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

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

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

Further convinced that a prohibition of the use or threat of use of

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

NUCLEAR DISARMAMENT

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

Convinced that nuclear disarmament is essential for the prevention of

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

Reiterates its request to the Conference on Disarmament to

commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, 8)

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Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. (Art. II, Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970)

Non-Proliferation Treaty (NPT)

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

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

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

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

Fifty-seventh session First Committee Agenda item 66 (b)

General and complete disarmament: towards a nuclear-weapon-free world: the need for a new agenda Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden: draft resolution

Towards a nuclear-weapon-free world: the need for a new agenda

On 1 October 2002 the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) submitted a draft resolution to the United Nations General Assembly

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entitled "Towards a nuclear-weapon-free-world: the need for a new agenda." (A/C.1/57/L.3)

The General Assembly,

Recalling its resolutions 53/77 Y of 4 December 1998, 54/54 G of 1 December 1999 and 55/33 C of 20 November 2000,

Convinced that the existence of nuclear weapons is a threat to the survival of humanity,

Declaring that the participation of the international community as a whole is central to the maintenance and enhancement of international peace and stability and that international security is a collective concern requiring collective engagement,

Declaring also that internationally negotiated treaties in the field of disarmament have made a fundamental contribution to international peace and security, and that unilateral and bilateral nuclear disarmament measures complement the treaty-based multilateral approach towards nuclear disarmament,

Recalling the advisory opinion of the International Court of Justice, on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226. and its unanimous conclusion that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control",

Declaring that any presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security,

Declaring also that it is essential that the fundamental principles of transparency, verification and irreversibility should apply to all nuclear disarmament measures,

Convinced that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear arms reduction and disarmament process,

Declaring that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States parties be held fully accountable with respect to the strict compliance with their obligations under the Treaty, and that the undertakings therein on nuclear disarmament have been given and that implementation of them remains the imperative,

Expressing its deep concern that, to date, there have been few advances in the implementation of the thirteen steps agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

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Stressing the importance of regular reporting in promoting confidence in the Treaty on the Non-Proliferation of Nuclear Weapons,

Expressing its deep concern at the continued failure of the Conference on Disarmament to deal with nuclear disarmament and to resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,

Expressing grave concern that the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force,

Expressing deep concern that the total number of nuclear weapons deployed and stockpiled still amounts to thousands, and at the continuing possibility that nuclear weapons could be used,

Acknowledging that reductions in the numbers of deployed strategic nuclear warheads envisaged by the Treaty of Moscow represent a positive step in the process of nuclear de-escalation between the United States of America and the Russian Federation, while stressing that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons,

Noting that, despite these bilateral achievements, there is no sign of efforts involving all of the five nuclear-weapon States in the process leading to the total elimination of nuclear weapons,

Expressing its deep concern about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the development of new types, and rationalizations for the use, of nuclear weapons,

Expressing concern that the development of strategic missile defences could impact negatively on nuclear disarmament and non-proliferation, and lead to a new arms race on earth and in outer space,

Stressing that no steps should be taken which would lead to the weaponization of outer space,

Expressing its deep concern at the continued retention of the nuclear-weapons option by those three States that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities, in particular given the effects of regional volatility on international security, and in this context, the continued regional tensions and deteriorating security situation in South Asia and the Middle East,

Welcoming progress in the further development of nuclear-weapon-free zones in some regions and, in particular, the consolidation of that in the southern hemisphere and adjacent areas,

Recalling the United Nations Millennium Declaration, Resolution 55/2. in which the Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in

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particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

Taking into consideration the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States parties to the Treaty are committed under article VI of the Treaty, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I (NPT/CONF.2000/28 (Parts I-II)), Part I, Article VI and eighth to twelfth preambular paragraphs, para. 6 under para. 15.

1. Reaffirms that the growing possibility that nuclear weapons could be used represents a continued risk for humanity;
2. Calls upon all States to refrain from any action that could lead to a new nuclear-arms race or that could impact negatively on nuclear disarmament and non-proliferation;
3. Also calls upon all States to observe international treaties in the field of nuclear disarmament and non-proliferation and to duly fulfill all obligations flowing from those treaties;
4. Further calls upon all States parties to pursue, with determination and with continued vigour, the full and effective implementation of the substantial agreements reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the outcome of which provides the requisite blueprint to achieve nuclear disarmament;
5. Calls upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances, pending the conclusion of multilaterally negotiated legally binding security assurances to all non-nuclear-weapon States parties, and agrees to prioritize this issue with a view to recommendations to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;.
6. Also calls upon the nuclear-weapon States to increase their transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures;
7. Reaffirms the necessity for the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to consider regular reports to be submitted by all States parties on the implementation of article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document, and on paragraph 4 (c) of the 1995 Decision;
8. Calls upon nuclear-weapon States to implement the Treaty on the Non-Proliferation of Nuclear Weapons commitments to apply the principle of irreversibility by destroying their nuclear warheads in the context of strategic nuclear reductions and avoid keeping them in a

state that lends itself to their possible redeployment;

9. Agrees on the importance and urgency of signatures and ratifications to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

10. Calls for the upholding and maintenance of the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

11. Reaffirms that the entry into force of the Comprehensive Nuclear-Test- Ban Treaty is particularly urgent since the process of the installation of an international system to monitor nuclear-weapons tests under the Comprehensive Nuclear-Test-Ban Treaty is more advanced than the real prospects of entry into force of the Treaty, a situation which is not consistent with a universal and comprehensive test-ban treaty;

12. Agrees that the further reduction of non-strategic nuclear weapons should be accorded priority and that nuclear-weapon States must live up to their commitments in this regard;

13. Agrees also that reductions of non-strategic nuclear weapons should be carried out in a transparent and irreversible manner and that the reduction and elimination of non-strategic nuclear weapons should be included in the overall arms reductions negotiations. In this context, urgent action should be taken to achieve:

(a) Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

(b) Further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;

(c) Concrete agreed measures to reduce further the operational status of nuclear-weapons systems, and to

(d) Formalize existing informal bilateral arrangements regarding non-strategic nuclear reductions, such as the Bush-Gorbachev declarations of 1991, into legally binding agreements;

14. Calls upon nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into a process leading to the total elimination of nuclear weapons;

15. Agrees that the Conference on Disarmament should establish without delay an ad hoc committee to deal with nuclear disarmament;

16. Agrees also that the Conference on Disarmament should resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices taking into

consideration both nuclear disarmament and nuclear non-proliferation objectives;

17. Agrees further that the Conference on Disarmament should complete the examination and updating of the mandate on the prevention of an arms race in outer space in all its aspects, as contained in its decision of 13 February 1992, CD/1125. and re-establish an ad hoc committee as early as possible;

18. Calls upon those three States that are not yet parties to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities to accede to the Treaty as non-nuclear-weapon States, promptly and without condition, and to bring into force the required comprehensive safeguards agreements, together with additional protocols, consistent with the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the International Atomic Energy Agency on 15 May 1997, International Atomic Energy Agency, INFCIRC/540 (Corrected). for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation;

19. Calls upon those States that have not yet done so to conclude full-scope safeguards agreements with the International Atomic Energy Agency and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol;

20. Reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament, and supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia;

21. Calls for the completion and implementation of the Trilateral Initiative between the International Atomic Energy Agency, the Russian Federation and the United States of America and for consideration to be given to the possible inclusion of other nuclear-weapon States;

22. Calls upon all nuclear-weapon States to make arrangements for the placing, as soon as practicable, of their fissile material no longer required for military purposes under International Atomic Energy Agency or other relevant international verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes;

23. Affirms that a nuclear-weapon-free world will ultimately require the underpinning of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments;

24. Acknowledges the report of the Secretary-General on the implementation of resolution

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55/33/C, A/56/309, and requests him, within existing resources, to prepare a report on the implementation of the present resolution;

25. Decides to include in the provisional agenda of its fifty-eighth session the item entitled "Towards a nuclear-weapon-free world: the need for a new agenda", and to review the implementation of the present resolution at that session.

The International Court of Justice ruled in July 1996 that the use or the threat to use nuclear weapons was contrary to international humanitarian law

STATE ACTIVITY: (NATO States) have continued to participate as members of NATO –an organization having a first strike nuclear policy and has used (USA) its control over NATO to circumvent the United Nations,

LAWFUL ADVOCACY ACTIVITY: has opposed NATO in its first strike policy, and has called for the disbanding of NATO

(16) PURSUING NEGOTIATION ... TO END THE NUCLEAR ARMS RACE AND ACHIEVE DISARMAMENT

INTERNATIONAL OBLIGATION:

Commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament. (Article VI :Nuclear Non Proliferation Treaty)

STATE ACTIVITY: (NUCLEAR ARMS STATES) have ignored key provisions in the Nuclear Non proliferation treaty, and has failed, as nuclear arms powers, to reduce nuclear weapons as agreed under Article VI.

Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden have promoted the important aforementioned resolution which was supported by International Peace Groups.

LAWFUL ADVOCACY ACTIVITY: has called for the discharging of key obligations under the Nuclear Non Proliferation treaty, and for a treaty calling for the abolition of nuclear weapons- Abolition 2000 treaty- to abolish nuclear weapons. Has opposed the clause in the treaty which advocates the peaceful use of civil nuclear energy, has noted the long standing link between

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civil nuclear energy and nuclear arms; has lobbied against the sale of uranium to nuclear arms states [because of the fungibility principle]; and against the proposal to use plutonium from dismantled nuclear weapons in the form of MOX in civil nuclear reactors.

(17) OPPOSING THE CIRCULATION OF NUCLEAR POWERED OR NUCLEAR ARMS CAPABLE VESSELS THROUGHOUT THE WORLD, AND THE BERTHING OF THESE VESSELS IN URBAN PORTS

INTERNATIONAL ABSENCE OF OBLIGATION OR OBLIGATION; COMMENT

There is no stated obligation or commitment related to this activity. However, this activity is in direct violation of the precautionary principle-- principle of international customary law:

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 (Principle, Rio Declaration, UNCED)

STATE ACTIVITY: [US, BRITAIN, RUSSIAN] have continued to produce, circulate, and berth nuclear powered and nuclear arms capable vessels; and states such as CANADA, have condoned the producing, circulating and birthing of nuclear powered and nuclear arms capable vessels;

New Zealand has prohibited the circulating of nuclear powered and nuclear arms capable vessels in New Zealand the berthing of these vessels in New Zealand ports.

LAWFUL ADVOCACY ACTIVITY: has called for the prohibiting of the construction, circulation and berthing of nuclear powered nuclear arms capable vessel, and lobbied at international conferences to have this statement included in international instruments. Has filed a law suit under the EARP guidelines, against the activity of continued circulating and birthing of these vessels, and has protested against this activity.

(18) PROHIBITING ANTI-PERSONAL LAND MINES

INTERNATIONAL COMMITMENT:

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

-1997 Ottawa Treaty: anti-personnel mines

STATE ACTIVITY: (USA et al) Has ignored the decision of International Court of Justice related to land mines (Nicaragua vs US, 1987), has continued to produce and use Mines and has failed to sign and ratify the treaty

LAWFUL ADVOCACY ACTIVITY: Has called for the banning of the production and use of land mines and for the universal signing and ratifying of the Ottawa Treaty

COMMENT:

LAND MINE TREATY: US EXCEPTIONALISM, 1997

To justify the US's opposition to the International Treaty to Ban Land Mines, the US spokesperson stated that the US has to balance a commitment to humanitarian concern with the obligation to maintain the power base of the US. The US's failure to act either on commitment or obligation whenever there are international agreements related to "eroding its military or corporate base" has contributed to the inability of international law to shape the political will. For years international political will to change has been undermined by the failure to act on commitments and to discharge obligations. .

The US continually with deep conviction proclaims its obligation not to international agreements for guaranteeing human rights, protecting and preserving the environment, and preventing war and conflict. but to maintaining its military and corporate power.

Canada usually supports the US in the weakening of conference action plans and General Assembly resolutions in the area of US vested interest in maintaining military and corporate power.. For example, Canada supported the US when the question of eliminating the production of nuclear arms arose in the UN conference on Women and in the Habitat II Conference In addition Canada abstained when the General Assembly voted on supporting and promoting the decision by the international court of Justice that the use or threat to use nuclear weapons was contrary to humanitarian law.

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Hopefully the willingness of Canada to stand up to the United States in the Land Mine treaty will hail a new independent political policy in Canada. Hopefully Canada will maintain this independent policy in other areas by canceling the Nanoose Agreement on the grounds that it is contravention of recent international commitments and obligations, and the rule of law reflected in the International Court of Justice decision. Hopefully Canada will also prevent all further berthing of US nuclear powered vessels in Canadian harbours.

Hopefully citizens will see an independent political stance taken by Canada in the area of trade agreements where it will abrogate NAFTA and discontinue all further negotiations on the Multinational Agreement on Investments. (MAI).

(19) PROHIBITING OF "NEW WEAPONS"

INTERNATIONAL OBLIGATION

4. PRINCIPLE: PROVISIONS RELATED TO "NEW WEAPONS"

In the study, development, acquisition or adoption of a new weapon, or method of warfare, a high contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party (Art 36 Protocol to the Geneva Convention)

Prohibitory rules

- dum-dum bullets (First Hague Peace conf) -asphyxiating/poisonous /other gases (Geneva Protocol (1925)

-1972 Convention on biological &toxin weapons -1993 Convention on chemical weapons

-1997 Ottawa Treaty: anti-personnel mines -1980 Convention on conventional weapons with "excessively injurious indiscriminate effect - protocol 1: non-detectable fragments (ban) - prohibited mines, booby- traps (ban on use of mines designed to cause superfluous injury/ unnecessary suffering prohibited: regulating use of other devices

- protocol III incendiary weapons - protocol IV blinding laser weapons

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

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Recalling with satisfaction the adoption, on 10 October 1980, of the

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

STATE ACTIVITY: (USA et al) has disregarded the Geneva Protocol, and has used weapons such as depleted uranium which would contravene the Protocol

LAWFUL ADVOCACY ACTIVITY: has condemned the use of prohibited weapons including depleted uranium at least as early as 1991 in Iraq. Have Called for discharging obligations under the protocol,

(20) PROHIBITING THE USE OF CERTAIN CONVENTIONAL WEAPONS

INTERNATIONAL OBLIGATION:

(i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or

Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to

universal ratification by the year 2000;

STATE ACTIVITY: (USA et Al) has disregarded the Geneva Protocol, and used weapons such as depleted uranium which would contravene the Protocol

LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation under this convention, has provided information about the use of Depleted uranium for the case at the International

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Court of Justice, and at the NATO press conference in Brussels

Peace; protection of cultural property

(21) EXERCISING DUTY TO PROTECT CULTURAL Property

INTERNATIONAL OBLIGATION:

Preserving natural heritage for future generations

ï
Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind [humankind] as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).

ï
Considering that in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value.. (Preamble, Convention for the Protection of the World cultural and Natural Heritage, 1972)

Undertaking not to damage directly or indirectly any world heritage site

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

STATE ACTIVITY: (USA-led coalition) as invader and occupier has disregarded the convention

LAWFUL ADVOCACY ACTIVITY: has condemned the failure to protect cultural property and has called for adherence to convention

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(22) PROHIBITING AND PREVENTING ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

INTERNATIONAL COMMITMENT:

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, General Assembly Resolution, (Return or restitution of cultural property to the countries of origin, 1983)

STATE ACTIVITY: (USA-led coalition) has ignored the commitment to prevent illicit import...during an invasion and occupation

ADVOCACY ACTIVITY: has condemned the failure to act on the commitment to prevent illicit import...

**(23) RESTITUTING OF CULTURAL PROPERTY TO COUNTRIES OF ORIGIN
INTERNATIONAL COMMITMENT;**

INTERNATIONAL OBLIGATION:

Being aware of the importance attached by the countries of origin to cultural property

Aware of the importance attached by the countries of origin to the return

of cultural property which is of fundamental spiritual and cultural value to

them, so that they may constitute collections representative of their cultural heritage (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring restitution of cultural property in case of illicit appropriation to a country of its cultural property to country of origin

Preparing of inventories of movable cultural property

Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work

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they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution

of cultural property, the preparation of inventories of movable cultural

property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring Restitution to a country of its objets d'art...

Reaffirms that the restitution to a country of its objets d'art monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

STATE ACTIVITY: (USA-led Coalition) has failed to fully discharge the obligation of restitution

LAWFUL ADVOCACY ACTIVITY; has condemned the failure of states to provide full restitution, and has called for the compliance with the obligations under the convention

Peace and human rights

(24) PROTECTING VICTIMS OF ARMED CONFLICT

INTERNATIONAL OBLIGATION;

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Preamble the High contracting parties

proclaiming their earnest wish to see peace prevail among peoples.

recalling that every state has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application expressing their conviction that nothing in this protocol or in the Geneva Conventions of 12 August 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations Convention second convention, third convention and fourth convention mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and sick in armed Forces in the field of 12 August 1949; the Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of 12 August 1949; the Geneva Convention relative to the treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian in time of War of 12 August 1949; the conventions means the four Geneva Conventions of 12 August 1949; for the Protection of war victims. Part III Methods and means of Warfare Combatant and prisoner of war status

STATE ACTIVITY: (USA et Al) have continued to unevenly comply with the obligations under the Geneva Conventions and have, to avoid compliance, reclassified prisoners as non combatants

LAWFUL ADVOCACY ACTIVITY: have condemned the failure to fully comply with the Geneva Conventions

(25) PROHIBITING ATTACKING WORKS OR INSTALLATIONS THAT COULD RELEASE DANGEROUS SUBSTANCES AND ACTIVITIES THAT COULD IMPACT ON CIVILIANS

INTERNATIONAL OBLIGATION:

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians. Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object

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of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

STATE ACTIVITY: (USA et Al) has violated Geneva conventions on the treatment of civilians, and has violated both international human rights and humanitarian law during the invasions and occupations of Kosovo, Iraq and Afghanistan, as well as other invasions and occupations (Annex iii)

LAWFUL ADVOCACY ACTIVITY: condemning the violation of the Geneva conventions, and has documented destruction of these sites

(26) PROTECTING VICTIMS OF INTERNATIONAL ARMED CONFLICTS

INTERNATIONAL OBLIGATIONS:

Protected persons are entitled, in all circumstances, to respect

for their persons, their honour, their family rights, their religious

convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

- Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

STATE ACTIVITY: (US et AL) has failed to adequately discharge obligations under this convention.

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LAWFUL ADVOCACY ACTIVITY: has reported incidents of abuse of this convention

**(27) PROHIBITING THE STARVATION OF CIVILIANS THROUGH ATTACKING OBJECTS
INDISPENSABLE TO THE SURVIVAL OF CIVILIAN POPULATION**

INTERNATIONAL OBLIGATION;

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

STATE ACTIVITY: (USA et Al) have often even with so-called smart bombs destroyed key locations indispensable to the survival of the Civilian population., or have reclassified sites as being legitimate military targets.

LAWFUL ADVOCACY ACTIVITY: has condemned the destruction of objects indispensable to the survival of the Civilian population.

**(28) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL,
INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT**

**2. NO EXCEPTIONAL CIRCUMSTANCES WHATSOEVER, WHETHER A STATE OF WAR
OR A THREAT OF WAR, INTERNAL POLITICAL IN STABILITY OR ANY OTHER PUBLIC
EMERGENCY, MAY BE INVOKED AS A JUSTIFICATION OF TORTURE.**

INTERNATIONAL OBLIGATION:

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987,

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. (PART I , Article 1

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

STATE ACTIVITY: (USA) has attempted to use "public emergency" to justify torture

LAWFUL ADVOCACY ACTIVITY: has condemned the use of public emergency to justify torture, and has brought states and leaders to various courts for violating the Conventional Against Torture. Lawyers specializing in international law have argued the following: The US engaged in counseling, aiding, abetting in torture at ABU GHRAIB and GUANTANAMO in contravention of the Convention against Torture George W. Bush is guilty of grave crimes against humanity and war crimes for which President Bush stands properly accused by the world, starting with the Nuremberg Tribunals "supreme international crime" of waging an aggressive war against Iraq in defiance of international law and the Charter of the United Nations, and including systematic and massive violations of te Geneva Conventions Relative to the Treatment of Prisoners of War and Relative to the Protection of Civilian Persons in Time of War, as well as the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(29) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING THE PRACTICE OF RENDITION

INTERNATIONAL OBLIGATION:

Article 3 General comment on its implementation

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

STATE ACTIVITY: (USA) to obtain information citizens have been sent to states where they are in danger of torture; this activity has been classified as "rendering" and has been carried out in contravention to the Convention on Torture.

LAWFUL ADVOCACY ACTIVITY: has condemned the insidious activity of "rendering" and has

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supported investigations into this activity

(30) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING COMPLICITY IN TORTURE

INTERNATIONAL OBLIGATIONS:

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature. Article 4

STATE ACTIVITY: (CANADA) Sharing of information with caveats down to USA which engaged in rendering; and counseling other parties to engage in torture, through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Ghraib prison; and through rendering

LAWFUL ADVOCACY: ACTIVITY: has condemned the state complicity in torture and degrading treatment; and has supported investigations into the treatment of prisoners.

(31) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: ENSURING THE RIGHT TO COMPLAIN AND ADEQUATE COMPENSATION

INTERNATIONAL OBLIGATION:

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Each State Party shall ensure in its legal system that the victim of an act of torture obtains

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redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation. (Convention Against Torture)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Peace - restitution

(35) PROVIDING RESTITUTION AND FULL COMPENSATION

INTERNATIONAL COMMITMENT:

Affirming the right to restitution and giving full restitution and compensation

The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples (4 f, Declaration of a New International Economic Order, 1974)

STATE ACTIVITY: (USA-led Coalition) have ignored the commitment, and instead have permitted their corporations to benefit from war and occupation

LAWFUL ADVOCACY ACTIVITY: has called for full restitution and compensation, and has opposed the practice of allowing corporations to benefit from a war

Peace - environment

(36) ACKNOWLEDGING THE INTERDEPENDENCE AMONG PEACE, DEVELOPMENT AND ENVIRONMENTAL PROTECTION

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INTERNATIONAL COMMITMENT

Peace, development and environmental protection are interdependent and indivisible.
(Principle 25, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(37) ACKNOWLEDGING THAT WARFARE IS INHERENTLY DESTRUCTIVE OF
SUSTAINABLE DEVELOPMENT, AND THAT STATES SHALL RESOLVE ENVIRONMENTAL
DISPUTES PEACEFULLY

INTERNATIONAL COMMITMENT

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary. (Principle 24, Rio Declaration, UNCED, 1992)

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations. (Principle 26, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) Sent a memo around at UNCED instructing the negotiators to not agree to any reference to the military; this memo included several other edicts like to not agree to the precautionary principle.

LAWFUL ADVOCACY ACTIVITY: it was intercepted and rewritten as the ten commandments

(38) PREVENTING DISCHARGE OF RADIOACTIVE OR TOXIC WASTES INTO NATURAL
SYSTEMS

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INTERNATIONAL COMMITMENT:

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

STATE ACTIVITY: DISREGARD OF COMMITMENT [only one state the US did not adopt the World Charter of Nature]

LAWFUL ADVOCACY R ACTIVITY has called for acting on commitment including banning the use of weapons systems that use depleted uranium

(40b) RECOGNIZING THAT WARFARE IS DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT

INTERNATIONAL COMMITMENT

"Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(41) PREVENTING THE THREAT TO THE ENVIRONMENT FROM WEAPON SYSTEMS

INTERNATIONAL OBLIGATION: AND COMMITMENT

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1 In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering

3 It is prohibited to employ methods or means of warfare which are intended, or may be expected to cause widespread, long-term and severe damage to the natural environment

(Section 1, Article 35 Basic rules: Methods and means of warfare Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Article 54 protection of objects indispensable to the survival of the civilian population

article 56 5. protection of the natural environment

1. care shall be taken in warfare or protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are indeed or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population

2. attacks against that the natural environment by way of reprisals are prohibited.

article 56 protection of works and installations containing dangerous forces Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1. works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses the works or installations shall not be made the object of attack if

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such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population article 86 Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

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

Avoiding military activities damaging to nature

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

STATE ACTIVITY: has often disregarded obligations and commitments

LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation and acting on commitment and in 1992, in preparation for UNCED, the Women's caucus proposed the following:

Preventing, eliminating and condemning the environmental impact of military activity

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

Peace and Social justice

(42) CONDEMNING TECHNIQUES OF INTIMIDATION AND CHEQUE BOOK DIPLOMACY

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS: COMMENT

Intimidation and bribery are against the law in most national statutes but appear to be condoned in the international sphere.

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STATE ACTIVITY: Has attempted, by intimidating or offering economic incentives in exchange for support for military intervention, to undermine the international resolve to prevent the scourge of war (the US et AL) continually cajoles, intimidates, and bribes other members of the United Nations)

LAWFUL ADVOCACY ACTIVITY: has raised at the United Nations press conferences, and at other sessions at the UN the issue of the US intimidating and “offering financial incentives” to members of the UN Security Council.

(43) EVOKING THE UNITING FOR PEACE RESOLUTION

INTERNATIONAL COMMITMENT

Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

STATE ACTIVITY: (USA) Sent intimidating letters to members of the United Nations General Assembly opposing the holding an emergency session of the UN General Assembly under the Uniting for Peace resolution.

LAWFUL ADVOCACY ACTIVITY: has circulated a global petition calling for an emergency session of the UN General Assembly to invoke the Uniting for Peace resolution. Organized a rally in front of the United Nations {citizens with placards could not stop momentarily in front of the USA Mission]

(44) PROHIBITING PROPAGANDA FOR WAR

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INTERNATIONAL OBLIGATION:

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

STATE ACTIVITY: (US) has declared that various states are on the axis of evil, or has proclaimed that you are either with us or with the terrorists. Has promoted notion of "regime change"

LAWFUL ADVOCACY ACTIVITY has opposed all propaganda for war and has called for the delegitimization of war

(45) PROVIDING A RIGHT TO CORRECTION

INTERNATIONAL OBLIGATION

"... to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression;
Convention on the Right to Correction

STATE ACTIVITY: (US and GREAT BRITAIN) Precipitously and falsely declared that a another state had weapons of mass destruction and interfered with the exercise of the international atomic energy agency in carrying our its inspection and that the unilateral or

LAWFUL ADVOCACY ACTIVITY: has raised the issue along with the majority of members of the UN General Assembly, that the IAEA should be permitted to complete its investigation into the existence of Nuclear weapons in Iraq. Has also proposed that the IAEA should carry out inspections of nuclear weapons in all nuclear weapons states, including the permanent members of the UN Security Council.

(46) REALLOCATING THE MILITARY BUDGET FOR GLOBAL SOCIAL JUSTICE

INTERNATIONAL COMMITMENTS:

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In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

STATE ACTIVITY: has ignored years of commitments related to reallocation of the military budget, has substantially increased the military budget, and has used the responsibility to protect and humanitarian intervention to justify increasing the military budget.

LAWFUL ADVOCACY ACTIVITY has called for the reallocation of the Global military budget at international conferences., and for implementing years of commitments to distributing the peace dividend.

Global Compliance Research Project statement on "Domestic financial Resources and Economic Instruments" for Implementing the Commitments made in the Habitat II Agenda.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rapaport, presentation at the World Order Conference, 2001)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

It is time for the member states of the United Nations to give substance to the Habitat II Agenda, by recapturing the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

Currently the Global Community spends almost one trillion the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally

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accessible, not for profit health care; and the right to free and accessible education.

WSSD: FUNDS FOR GLOBAL SOCIAL JUSTICE, NOT FOR ARMS

(published in Taking Issue, Friday August 30, 2002) at the WSSD, Johannesburg)

Delegates at the WSSD have been negligent in that they have ignored significant precedents related to a commitment to reallocate the military budget

In Agenda 21, at the United Nations Conference on the environment and Development, it is estimated that from 650-650 billion per annum would be necessary for the implementation of Agenda 21. Also in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

It is time for the member states of the United Nations negotiating at the World Summit on Sustainable Development to respect precedents by acting on commitments from previous conferences and General Assembly resolutions.

Currently, the Global Community spends more than \$850 billion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing, the right to unadulterated food (pesticide-free and GE-free food); the right to safe drinking water, the right to a safe environment; the right to universally accessible, not for profit health care and the right to free and accessible education.

(48) PROMOTING THE DE-LEGITIMIZATION OF WAR

INTERNATIONAL OBLIGATION:

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small (Charter of the United Nations)

STATE ACTIVITY: (STATES ENGAGED IN WAR) has disregarded the fundamental purpose of the Charter of the United Nations.

LAWFUL ADVOCACY ACTIVITY: have called for the delegitimization of war as a means of implementing the fundamental purpose of the Charter of the United Nations, Given the irreversible social, health, environmental, psychological, and economic consequences of war are such that under no circumstance or conditions is war either legal or justice

Peace - science

(49) DECLARING THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE

INTERNATIONAL COMMITMENTS:

PROCLAIMING that all States shall promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2., Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution,1975),

NOTING with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamentals. NOTING also with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or the groups and for human dignity. (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind Humanity, 1975)

Recognizing that scientific and technological developments can give rise to social problems, as well as threaten human rights

Taking into consideration that, while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individuals (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievements can be used to intensify the arms race

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production

Noting with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievement could entail dangers for civil and political rights

Also noting with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting the urgent need to neutralize the possible future harmful consequences of certain scientific developments

Noting the urgent need to make full use of scientific and technological developments for the welfare of man humanity and to neutralize the present and possible future harmful consequences of certain scientific and technological achievements (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Promoting and ensuring that the results of scientific and technological developments are used in the interests of strengthening international peace and security...

Promoting and ensuring that the results of scientific and technological developments are for the purpose of the economic and social development of peoples and the realization of human rights

All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Preventing the use of scientific and technological developments, particularly to limit or interfere with the enjoyment of the human rights

All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological

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Progress in the Interests of Peace and for the Benefit of humanity, 1975)

STATE ACTIVITY: has invested extensively in science and technology related to militarism. Has supported for such organizations as the Conference of Defence Association (CANADA)

LAWFUL ADVOCACY ACTIVITY; opposing the government investment in the military industries, condemning the sanction of pension funds being invested in militarism, protesting against exhibitions of the arms trade, and against military investment in Universities.

2. HUMAN RIGHTS

(50) **RECOGNIZING THE EQUAL AND INALIENABLE RIGHTS OF ALL MEMBERS OF THE HUMAN FAMILY**

INTERNATIONAL OBLIGATION:

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world

(Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(51) **PREVENTING DISCRIMINATION ON THE FOLLOWING GROUNDS**

INTERNATIONAL OBLIGATIONS AND COMMITMENTS

The following listed grounds have been enshrined in numerous international human rights instruments. There shall not be discrimination on the following grounds:

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- 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, - disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

STATE ACTIVITY: (USA et AL) has, along with the Holy See, attempted to limit the listed grounds to those enshrined in the Universal Declaration of Human Rights

(CANADA et AL) has recognized the ground of sexual orientation, and same sex marriage

LAWFUL ADVOCACY ACTIVITY: has lobbied for the addition of listed grounds such as "sexual orientation, gender identity, marital status, or form of family"

(52) GUARANTEEING OF EQUALITY WITHOUT DISCRIMINATION ON ANY GROUNDS

INTERNATIONAL OBLIGATION:

All persons are equal before the law and are entitled without any

discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(54) RESPECTING RIGHTS OF THE CHILD WITHOUT DISCRIMINATION ON THE GROUNDS OF ANY STATUS

INTERNATIONAL OBLIGATION:

States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the Child, 1989)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(55) RECOGNIZING THE RIGHTS OF ALL DISABLED PERSONS [PERSONS WITH DISABILITIES] REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person" Persons with disabilities shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(57) ENSURING GENDER EQUALITY/EQUITY IN PROMOTING INTERNATIONAL PEACE

INTERNATIONAL COMMITMENT:

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Women and men have an equal right and the same vital interest in contributing to international peace and co-operation. Women should {shall] participate fully in all efforts to strengthen and maintain international peace and security and to promote international co-operation, diplomacy, the process of detente, disarmament the nuclear field in particular, and respect for the principle of the Charter of the United Nations, including respect for the sovereign rights of States, guarantees of fundamental freedoms and human rights, such as recognition of the dignity of the individual and self-determination, and freedom of thought, conscience, expression, association, assembly, communication and movement without distinction as as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth, , or other status (Principle 1, International Conference on Population and Development, 1994)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(58) AFFIRMING THE RIGHT OF EDUCATION FOR ALL REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past,

activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

Human Right – Rights of the Child

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(60) PROCLAIMING THAT CHILDHOOD IS ENTITLED TO SPECIAL CARE AND ASSISTANCE

INTERNATIONAL OBLIGATION:

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(61) ENSURING] THAT THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION

INTERNATIONAL OBLIGATION:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Art. 3. 1. Convention on the Rights of the Child, 1989)

[CHECK] STATE ACTIVITY: (US et AL) the US objected to the article in the Convention that stated that children under 18 could not bear arms; also insisted on reference to the time when life began this was changed to accommodate the US. The US has not ratified the Convention.

LAWFUL ADVOCACY ACTIVITY: has called for implementation of the Convention, and support for UNICEF's programme for including children voting in elections, but criticized UNICEF for asking for children to pit one right against another

(62) RESPECTING THE RIGHT OF THE CHILD TO FREEDOM OF EXPRESSION

INTERNATIONAL OBLIGATION:

The child shall have the right to freedom of expression (Convention on the Rights of the Child reaffirmed Art. 13.1 same as one in International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(63) ENSURING THAT ALL SEGMENTS OF SOCIETY HAVE ACCESS TO BASIC KNOWLEDGE OF CHILD HEALTH AND NUTRITION...

INTERNATIONAL

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents (Art. 24. 1. e Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(64) ENSURING DIGNITY AND PROMOTING SELF-RELIANCE .. FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITY

INTERNATIONAL OBLIGATION:

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States Parties recognize that a child with a mental or physical disability] mentally or physically disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Art. 23., Convention on the Rights of the Child, 1989).

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(66) ENSURING THAT CHILDREN WITH DISABILITIES HAVE EFFECTIVE ACCESS TO EDUCATION AND TRAINING....

INTERNATIONAL OBLIGATION:

Recognizing the special needs of a child with a disability disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or other caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. (Art. 3., Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY;

Human Rights -Women's' Rights

(68) RECOGNIZING THE DETERMINANTS OF LIMITING WOMEN'S LIVES...

INTERNATIONAL COMMITMENT:

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the prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination, [the limited power many women have over their sexual and reproductive lives] and lack of influence in decision-making are social realities which have an adverse impact on their health. lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. good health is essential to leading a productive and fulfilling life [and the right of all women to control their own fertility is basic to their empowerment] (art. 94, advance draft, platform of action, un conference on women, may 15)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY:

(69) ENSURING THAT MEASURES [PREVENTIVE AND CURATIVE] ARE IMPLEMENTED BY PUTTING IN PLACE INTERNATIONAL SAFEGUARDS AND MECHANISMS FOR COOPERATION TO ELIMINATE ALL FORMS OF EXPLOITATION, ABUSE, HARASSMENT AND VIOLENCE AGAINST WOMEN

INTERNATIONAL COMMITMENT:

Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should take full measures to shall eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. Countries should shall pay special attention to protecting the rights and safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Action 4.9. International Conference on Population and Development, 1994)

STATE ACTIVITY: (USA AND OTHER OPPONENTS OF RIGHT TO CHOOSE) placed the above sections in brackets, which may or may not have been removed in the final document.

LAWFUL ADVOCACY ACTIVITY: has lobbied for the removal of the bracketed sections

(70) PROTECTING WOMEN'S' REPRODUCTIVE RIGHTS

INTERNATIONAL COMMITMENT:

In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given the highest priority and all attempts should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions (8.25, International Conference on Population and Development, 1994)

STATE ACTIVITY- US and other anti-choice states have continued to undermine this commitment, either held up plenary sessions, or even the whole international conference

(CANADA) has taken a lead role in promoting reproductive choice, and women's human rights but quiet about the 50/50 campaign – the promotion of increased representation of women in parliament. The senate is a better balance than parliament. Has promoted UN Security Council 1325.

ADVOCACY ACTIVITY: has lobbied for implementing the Platform of Action, from UN Conference on Women: Equality, Development and Peace, and for the implementation of UN Security Council 1325.

- Human Rights - Migrant Workers

(72) RESPECTING RIGHTS OF MIGRANT WORKERS WITHOUT DISTINCTION ON ANY GROUNDS

INTERNATIONAL OBLIGATIONS

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property,

marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

STATE ACTIVITY; Most developed states have refused to sign and ratify the convention

LAWFUL ADVOCACY ACTIVITY: has called for the ratification and implementation of the Convention

- Human Rights –Indigenous peoples

(74) [ENSURING] THE FULL RANGE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOM TO INDIGENOUS PEOPLES

INTERNATIONAL

Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries No. 169, 1990)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(75) ADOPTING SPECIAL MEASURES FOR SAFEGUARDING PERSONS,... PROPERTY, CULTURES AND ENVIRONMENT OF INDIGENOUS PEOPLES

INTERNATIONAL

Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. (Art. 4., Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(76) ENSURING THE RIGHT OF INDIGENOUS PEOPLES TO DECIDE THEIR OWN PRIORITIES

INTERNATIONAL OBLIGATION:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. (Art. 7.1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(77) AFFIRMING THE POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE

INTERNATIONAL COMMITMENTS:

recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3. ii., Indigenous People[s], Agenda 21, UNCED, 1992)

Recognizing that the lands of indigenous peoples [shall] be protected from activities that are environmentally unsound or culturally inappropriate

(ii)

Recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3.a.ii, Indigenous People[s], Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

.Human Rights - Refugees

(78) –(92)

Human Rights -- immigrants

(93) RECOGNIZING THE EXISTENCE OF BARRIERS INCLUDING IMMIGRANTS

INTERNATIONAL

[... many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion [sexual orientation] or disability, or because they are indigenous people. Many women face barriers related to their family status particularly as single parents, to their socio-economic status, including their living conditions in rural or isolated areas and in

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impoverished areas in rural and urban environments, or to their status as immigrants. Particular barriers also exist for refugee, migrant and displaced women, as well as those who are affected by environmental disasters and displaced women as well as for those who are affected by environmental disasters, serious and infectious diseases, additions and various forms of violence against women]

(Art.48 Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY: (US et AL) had placed the above section in brackets

LAWFUL ADVOCACY ACTIVITY: lobbied for the removal of brackets

Human Rights – persons with disabilities

(94) RECOGNIZING THE RIGHT OF EVERYONE TO THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL AND MENTAL HEALTH

INTERNATIONAL COVENANT:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (Article 12 International Covenant Economic, Social & Cultural Covenant, 1966)

STATE ACTIVITIES

LAWFUL ADVOCACY ACTIVITIES

(95) AFFIRMING THE RIGHTS OF ALL PERSONS WITH DISABILITIES REGARDLESS OF STATUS

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INTERNATIONAL COMMITMENT:

Disabled person shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}.

STATE ACTIVITY:

(CANADA) has enshrined “disability” as a listed ground in the Charter of Rights and Freedoms

LAWFUL ADVOCACY ABILITY: lobbying for having “disability” listed as a ground in international instruments

(96)

[ENSHRINING] THE INHERENT RIGHT OF PERSONS WITH DISABILITIES TO RESPECT FOR THEIR HUMAN DIGNITY

INTERNATIONAL COMMITMENT:

Disabled person have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible {3 Declaration on the Rights of Disabled Persons, 1975}

STATE ABILITY:

LAWFUL ADVOCACY ABILITY:

Human Rights - Displaced persons

(97) – (104)

Human Righte - religion

(105a) ENSHRINING THE RIGHT TO FREEDOM OF RELIGION

INTERNATIONAL

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching as long as such practices do not violate human rights (Art. 18., Civil and Political Covenant, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for the separation of religion and state, for the removal of all devotional services in public schools, and for the addition “as long as such practices do not violate human rights” to the International Covenant of Civil and Political Rights

(105b) CONDEMNING THE USING OF RELIGION TO LEGITIMIZE VIOLENCE OR WAR

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS:

STATE ACTIVITY: has claimed directions from God and rationalized war as being ordained by God

LAWFUL ADVOCACY ACTIVITY:

3. SOCIAL JUSTICE

Social Justice and new international economic order Development

(110) ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER

INTERNATIONAL COMMITMENTS

Establishment of a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the proposed Council of Governors of the International Monetary Fund (1d., International monetary system... Programme of Action on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY: (Most developed states) have ignored this Declaration, and have instead embraced the economic order established through the Bretton Woods organizations: World Bank and IMF, and supported structural adjustment programs (SAPS). ENEZUELA) has recently profiled this Declaration when President Hugo Chaves addressed the United Nations at the 2005 World Summit.

LAWFUL ADVOCACY ACTIVITY: has included this declaration in a Charter of Obligations which was officially distributed at the UN Conference on Women: Equality, Development and Peace.

(111) RECTIFYING INEQUITABLE DISTRIBUTION OF RESOURCES

INTERNATIONAL COMMITMENTS

Poverty is also closely related to inappropriate spatial distribution of population, to

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unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation (3.13., International Conference on Population and Development, 1994)

Despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount. (3.11. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(112) ERADICATING POVERTY, INEQUALITY AND INEQUITY

INTERNATIONAL COMMITMENT:

The eradication of poverty and hunger, greater equality and equity in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1., Combating Poverty, Agenda 21, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(113) RECOGNIZING CRITICAL SITUATION OF INADEQUATE SOCIAL CONDITIONS

INTERNATIONAL OBLIGATION:

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and

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international action is called for and needed (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(114) RECTIFYING INEQUALITIES RELATING TO SOCIAL CONDITIONS

INTERNATIONAL COMMITMENT:

We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability. (Commitment 6, International Conference on Population and Development)

STATE ACTIVITY: has generally not listed "social condition" as grounds for which there shall not be discrimination

LAWFUL ADVOCACY ACTIVITY: has lobbied for "social condition" as grounds for which there shall not be discrimination, internationally or nationally

(115) LISTING "ECONOMIC STATUS" WITHIN GROUNDS FOR WHICH THERE SHALL NOT BE DISCRIMINATION

INTERNATIONAL COMMITMENT:

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and

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improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(116) FULFILLING THE RIGHT TO DEVELOPMENT

INTERNATIONAL COMMITMENT:

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. (Principle 3, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(117) EXTENDING ACTIVE ASSISTANCE TO DEVELOPING COUNTRIES FREE OF ANY POLITICAL OR MILITARY CONDITIONS

INTERNATIONAL COMMITMENT:

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

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

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Social Justice - right to health

(118) URGING STATES TO ENSURE IMPLEMENTATION OF THE GLOBAL STRATEGY FOR HEALTH FOR ALL BY THE YEAR 2000, 1981)

INTERNATIONAL COMMITMENT:

Urges all Member States to ensure the implementation of the Global Strategy as part of their multisectoral efforts to implement the provisions contained in the International Development Strategy (2. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

Urging states to ensure implementation of the Global Strategy for Health

Also urges all Member States to co-operate with one another and with the World Health Organization to ensure that the necessary international action is taken to implement the Global Strategy as part of the fulfillment of the International Development

Strategy (Art. 3. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

STATE ACTIVITY: (MOST STATES) have ignored this long standing commitment to Health for all

LAWFUL ADVOCACY:

(122) ABOLISHING TRADITIONAL PRACTICES PREJUDICIAL TO THE HEALTH OF CHILDREN

INTERNATIONAL OBLIGATION:

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 3. Convention on the Rights of the Child, 1989)

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STATE ACTIVITY: (MOST ISLAMIC STATES ET AL) have continued to permit practices such a genital mutilation

LAWFUL ADVOCACY ACTIVITY: has lobbied against the enshrining of cultural relativism in international instruments, and against practices such as genital mutilation

(124) DEVELOPING PREVENTIVE HEALTH CARE AND FAMILY PLANNING

INTERNATIONAL OBLIGATION:

to develop preventive health care, guidance for parents and family planning education and services (Art. 24. 1. f Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for the need to promote health through prevention including prevention of environmentally induced diseases, and poverty related health problems, and for a universally accessible not for profit publicly funded health care system.

Social justice and right to food and food security

(125) ENDING THE AGE-OLD SCOURGE OF HUNGER

INTERNATIONAL COMMITMENT

Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all peoples expressing their will as individuals, and through their Governments, and non-governmental organizations to work together to bring about the end of the age old scourge of hunger. (Art. 8, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(127) PROCLAIMING THE INALIENABLE RIGHT TO BE FREE FROM HUNGER AND MALNUTRITION

INTERNATIONAL COMMITMENT;

Proclaiming the inalienable right to be free from hunger and malnutrition

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect. 1.9.Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY: Have generally ignored this commitment

LAWFUL ADVOCACY ACTIVITY: has called for the need for society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128a) PROCLAIMING THAT ERADICATION OF HUNGER IS A COMMON OBJECTIVE OF INTERNATIONAL COMMUNITY

INTERNATIONAL COMMITMENT

Proclaiming that eradication of hunger is a common objective of international community

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective.

Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help.

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(Art. 1. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for acting on commitment and for the need of society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128b) PROCLAIMING THAT A FUNDAMENTAL RESPONSIBILITY OF GOVERNMENTS IS TO WORK FOR...EQUITABLE AND EFFICIENT DISTRIBUTION OF FOOD

INTERNATIONAL COMMITMENT

Proclaiming that a fundamental responsibility of governments is to work for...equitable and efficient distribution of food

It is a fundamental responsibility of Governments to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should shall initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments should formulate appropriate [shall ensure] food and nutrition policies [are] integrated in overall socio-economic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2.10., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(129) UNDERTAKING ACTIVITIES AIMED AT THE PROMOTION OF FOOD SECURITY

INTERNATIONAL COMMITMENT

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Undertaking activities aimed at the promotion of food security

Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of sustainable agriculture (3.7.I., Combating Poverty, Agenda 21, UNCED, 1992)

To assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Human rights - sanitation

(130) ACKNOWLEDGING THE SERIOUSNESS OF LACK OF ACCESS TO BASIC SANITATION

INTERNATIONAL EXPECTATION:

By the end of the century, over 2 billion people will be without access to basic sanitation, and an estimated half of the urban population in developing countries will be without adequate solid waste disposal services. As many as 5.2 million people, including 4 million children under five years of age, die each year from waste-related diseases. The health impacts are particularly severe for the urban poor. (Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(131) PROVIDING THE POOR WITH ACCESS TO FRESH WATER AND SANITATION

INTERNATIONAL COMMITMENT

Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Human Rights –right to education

(132) AFFIRMING THE RIGHT TO EDUCATION

INTERNATIONAL

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) primary education shall be compulsory and available free to all;
- (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

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(c) higher education shall be made equally accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education; (d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (Art. 2. International Covenant of Social, Economic and Cultural Rights, 1966)

STATE ACTIVITY: (MOST STATES) ignore this obligation. : (CANADA) even takes students who have not been able to find gainful employment, to court for non payment of loan.

LAWFUL ADVOCACY ACTIVITY

(133) DEVELOPING BROAD-BASED EDUCATION PROGRAMS PROMOTING AND STRENGTHENING RESPECT FOR ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

INTERNATIONAL COMMITMENT:

Develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right to development promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

STATE ACTIVITY: has often opposed the introduction of such programmes in the schools because of fear of “indoctrination)

LAWFUL ADVOCACY ACTIVITY: has developed a programme –principle based education – placing human rights in the context environment, peace and social justice within a framework of international law

Human Rights - literacy

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(134) ERADICATING OF ILLITERACY

INTERNATIONAL

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency

Recognizing that for the effective implementation of the right to

education the eradication of illiteracy has a particular priority and urgency, Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security, (GA Resolution. The right to education 37/178 17 December 1982)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Social Justice: housing

(136) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER AND RECOGNIZING THAT THE RIGHT TO ADEQUATE HOUSING AS A BASIC HUMAN RIGHT

INTERNATIONAL

[provide] access to safe and healthy shelter [which] is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights (7.6, Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY: has not generally recognized the right to adequate housing as a basic

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human right

LAWFUL ADVOCACY ACTIVITY: has lobbied for the right to adequate housing to be designated as a basic human right, and for the implementation of programmes that would ensure the guaranteeing of this right.

(137) RECOGNIZING THE DETERMINANTS TO HEALTH PROBLEMS

INTERNATIONAL COMMITMENT:

... The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. Good health is essential to leading a productive and fulfilling life [and the right of all women to control their own fertility is basic to their empowerment] (Art. 94, Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(138) RECOGNIZING THE RIGHT OF EVERYONE TO AN ADEQUATE STANDARD OF LIVING, INCLUDING FOOD

INTERNATIONAL OBLIGATION:

The States... recognize the right of everyone to an adequate standard of living. for himself [herself] and his [her] family, including adequate food, clothing and housing and to the continuous improvement of living conditions. the states parties will take [appropriate~] steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent (Art.11.1, International Covenant of Social Economic and Cultural Rights, 1966)

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STATE ACTIVITY: (US et AL) has refused to ratify the Covenant, and has lobbied against the inclusion of the right to housing in the Habitat II Agenda

LAWFUL ADVOCACY ACTIVITY: has lobbied for the full ratification of the International Covenant of Social, Economic and Cultural Rights, and for inclusion of provisions from ICSECR in the Canadian Charter of Rights and Freedoms

(139) [AFFIRMING] THE RIGHT TO AN [ADEQUATE8] STANDARDS OF LIVING

INTERNATIONAL COMMITMENT:

They [human beings] have the right to an adequate standard of living for themselves and their families including adequate food, clothing, housing, water (Principle 2. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(140) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER

INTERNATIONAL COMMITMENT:

[Provide] access to safe and healthy shelter [which] is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights... (7.6., Settlement, Agenda 21, UNCED, 1992)

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STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Social Justice Development

(141) TRANSFERRING .7% OF THE GDP TO OVERSEAS AID

INTERNATIONAL COMMITMENT

In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, particularly the least developed countries, ODA is a main source of external funding, and substantial new and additional funding for sustainable development and implementation of Agenda 21 will be required. Developed countries reaffirm their commitments to reach the accepted United Nations target of 0.7 per cent of GNP for ODA and, to the extent that they have not yet achieved that target, agree to augment their aid programmes in order to reach that target as soon as possible and to ensure a prompt and effective implementation of Agenda 21. (Chapter 33, 33.15 Agenda 21, UNCED)

[

STATE ACTIVITY: has procrastinated about implementing this long-standing commitment (CANADA) it is claimed that Person first introduced the commitment at the UN

LAWFUL ADVOCACY ACTIVITY. has called for finally acting on this commitment

(143) ENSURING THE RIGHT TO FORM TRADE UNIONS

INTERNATIONAL COVENANT:

The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his/her economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others (Art. 8. 1. a International Covenant of Civil and Political Rights, 1966)

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STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.

LAWFUL ADVOCACY ACTIVITY. has lobbied for the fulfilling of labour rights and International labour Organization (ILO) Conventions.

(144) ENSURING THE RIGHT TO STRIKE

INTERNATIONAL COMMITMENT:

Ensuring the right to strike in conformity with the law

the right to strike, provided that it is exercised in conformity with

the laws of the particular country (Art. 8. 1.d International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.

LAWFUL ADVOCACY ACTIVITY.

(146) ENSHRINING EQUAL PAY FOR WORK OF EQUAL VALUE

INTERNATIONAL OBLIGATION:

Affirming labour rights, protesting against the undermining of labour rights. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (Article 11.1 d. Convention on the Elimination of All Forms of Discrimination Against Women)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY;

Social Justice - poverty

(147) ESTABLISHING EQUITABLE AND FAVOURABLE CONDITIONS OF WORK FOR ALL

(148) ASSURING JUST REMUNERATION FOR LABOUR WITHOUT ANY DISCRIMINATIONS

(149) ASSURING SUFFICIENTLY HIGH MINIMUM TO ENSURE A DECENT STANDARD OF LIVING

(150) PROMOTING SOCIAL WELFARE, PROGRESS AND DEVELOPMENT. AND LABOUR RIGHTS

INTERNATIONAL

The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment under employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety condition assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum to ensure a decent standard of living; the protection of the consumer; (article 10 a, Declaration on Social Welfare, Progress and Development)

STATE ACTIVITY:

LAWFUL ADVOCACY

(151) RECOGNIZING THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

INTERNATIONAL OBLIGATIONS

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- remuneration which provides all workers, as a minimum, with:
 - fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);
 - a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii); safe and healthy working conditions (b);
 - equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

(Art. 7 International Covenant of Civil and Political Rights, 1966).

STATE ACTIVITY: has denied labour rights, or has legislated workers back to work

LAWFUL ADVOCACY ACTIVITY;

4. ENVIRONMENT

Environment - (harmful substances and practices)

(153) WARRANTING RESPECT REGARDLESS OF ITS WORTH TO HUMANS

INTERNATIONAL COMMITMENT

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Ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans] , and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (World Charter of Nature) UN Resolution 37/7), 1982)

STATE ACTIVITY (All STATES BUT THE US) made the commitment; the USA was the only state that did not adopt the World Charter of Nature-presumably because of the reference to the military in the Charter. Few states, however, have acted on the above commitment

LAWFUL ADVOCACY ACTIVITY; has called for acting on commitment

(154) DIRECTING EDUCATION TO DEVELOPING RESPECT FOR THE NATURAL ENVIRONMENT

INTERNATIONAL OBLIGATION

States Parties agree that the education of the child shall be directed to:

the development of respect for the natural environment. (Article 29, 1.e. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (USA et Al) has not signed and ratified the Convention on the Rights of the Child; other states may or may not have acted on this commitment

LAWFUL ADVOCACY ACTIVITY: has lobbied for principle based education- a program based on a framework of international law

(155) PROMOTING COMPLIANCE WITH AND ENFORCEMENT OF ALL HEALTH AND ENVIRONMENTAL LAWS

INTERNATIONAL COMMITMENT

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (Article 75 d Habitat)

STATE ACTIVITY: has unevenly acted on this commitment

LAWFUL ADVOCACY ACTIVITY: has called for compliance with health and environmental laws

(156) PROMOTING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

INTERNATIONAL COMMITMENT:

... None the less, the effective use of resources, knowledge and technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for socially equitable and environmentally sound development has been seriously limited (Preamble 1.1. International Conference on Population and Development, 1994)

STATE ACTIVITY: has been usually promoting "sustainable development" as business as usual coupled with clean-up technological fix

LAWFUL ADVOCACY ACTIVITY: has been promoting socially equitable and environmentally sound development because it combines social and equity with environment and development.

(157) PROHIBITING THE PRODUCTION OF FOOD AND CROPS THAT COULD BE HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT

Formulate and implement human settlement development policies that ensure equal access to and maintenance of basic services, including those related to the provision of food security; education; employment and livelihood; primary health care [changed to basic health care, June 14], including reproductive and sexual health care and services [deleted June 14]; safe drinking water and sanitations; adequate shelter; and access to open and green spaces; giving special priority to the needs and rights of women and children, who often bear the

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greatest burden of poverty (Article *87(a) Habitat)

STATE ACTIVITY: has produced, promoted, grown or approved adulterated food such as genetically engineered foods and crops and has led to a deterioration of the food supply, and heritage seeds;

LAWFUL ADVOCACY ACTIVITY: had drafted and circulated a global petition calling for the invoking of the precautionary principle, and for banning genetically engineered foods and crops

Environment – Environmental impact assessment

(158) UNDERTAKING ENVIRONMENTAL IMPACT ASSESSMENT FOR ACTIVITIES THAT ARE LIKELY TO HAVE A SIGNIFICANT ADVERSE IMPACT

INTERNATIONAL COMMITMENT;

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Principle 17, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(159) ENSURING THAT RELEVANT DECISIONS ARE PRECEDED BY ENVIRONMENTAL IMPACT ASSESSMENTS

INTERNATIONAL OBLIGATIONS AND COMMITMENTS:

Ensure that relevant decisions are preceded by environmental impact assessments and

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also take into account the costs of any ecological consequences (Agenda 21, UNCED. s 7.42)

Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on Biological diversity with a view to avoiding or minimizing such effects, and where appropriate, allow for public participation in such procedures (Article 14, 1A, Convention on Biological Diversity)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the Rio Principles at the 2002 World Summit on Sustainable Development. Have often failed to carry out and legitimate environmental impact assessment for corporate and development projects

LAWFUL ADVOCACY ACTIVITY has criticized the common practice of removing elements which would trigger an environmental impact assessment

Environment – precautionary principle

(160) INVOKING THE PRECAUTIONARY PRINCIPLE TO PROTECT THE ENVIRONMENT

INTERNATIONAL

the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the precautionary principle at the 2002 World Summit on Sustainable Development. The opposition to the precautionary principle was led by the US; the

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US wanted to limit its use. CANADA concurred with the US, and claimed that the precautionary principle was not even a principle, and that it should not apply to health

LAWFUL ADVOCACY ACTIVITY has criticized JUSCANZ at the World Summit on Sustainable Development for gutting the precautionary principle

(161) INVOKING THE PRECAUTIONARY PRINCIPLE TO CONSERVE BIODIVERSITY

INTERNATIONAL OBLIGATIONS:

the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY has used the precautionary principle and the Convention on Biological Diversity in the Local court system. The Court case was to set aside an injunction and defend citizens who were arrested for protesting the destruction of old growth forests. These citizens were asking little more than for the government to live up to its obligations under the Convention on Biological Diversity. The judge held that all the international law was not judiciable in the regional court. The precautionary principle is increasingly necessary, given the consequences of ozone depletion, climate change, deforestation, acid rain, toxic, hazardous and atomic waste build-up, genetically engineered foods and crops production, breast implants, soil destruction through desertification and chemical dependent agriculture etc. The confluence of grave environmental and health consequences of the current model of overconsumption and reliance on technological fixes has given rise to an increased demand for the invoking and the implementing of the precautionary principle.

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

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- Environment and disaster

(162) ENSURING ADEQUATE REGULATORY ...MEASURES TO PREVENT DISASTERS

INTERNATIONAL COMMITMENT:

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)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY

(163) DEVELOPING A GLOBAL CULTURE OF PREVENTION

INTERNATIONAL COMMITMENT:

Development of a global culture of prevention as an essential component of (an integrated approach to disaster reduction; (9 a The World Conference on Natural Disaster Reduction, 1994)

STATE ACTIVITY: disregarded commitment

LAWFUL ADVOCACY ACTIVITY: Lobbied for states to act on commitment

(163) PREVENTING DISASTER IS BETTER THAN DISASTER RESPONSE

INTERNATIONAL OBLIGATION AND COMMITMENT

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Disaster prevention, mitigation and preparedness are better than disaster response in achieving the goals and objectives of the Decade. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long. This has been further demonstrated by the recent focus on response to complex emergencies which, although compelling, should not divert from pursuing a comprehensive approach. Prevention contributes to lasting improvement in safety and is essential to integrated disaster management (3 a Convention on Natural Disaster, 1994).

STATE ACTIVITY: has often been reluctant to act on advice from scientist or citizen to prevent potential disaster, or has relied on questionable science and disregarded the precautionary principle. Has often continued practices that are harmful to human health and the environment but have coupled these practice with clean-up technological fixes.

LAWFUL ADVOCACY ACTIVITY: has lobbied for the invoking of the precautionary principle in Call for discharging obligation and acting on commitment

(164) EMBRACING PREVENTIVE APPROACH TO AVOID COSTLY SUBSEQUENT MEASURE TO REHABILITATE

INTERNATIONAL COMMITMENT

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies. (18.45 Fresh water, Agenda 21)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(164) DEVELOPING A TSUNAMI WARNING SYSTEM FOR LOW LYING DEVELOPING STATES

INTERNATIONAL COMMITMENT:

“Natural disasters have disproportionate consequences for developing countries, in particular SIDS. Programmes for sustainable development should give higher priority to

implementation of the commitments made at the World Conference on Natural Disaster Reduction. There is a particular need for the promotion and facilitation of the transfer of early-

warning technologies to those developing countries and countries with economies in transition which are prone to natural disasters.” (Earth Summit +5, 1997)

STATE ACTIVITY: In the document from the 1997 Document from the Earth Summit + 5, every member state made a commitment to institute an early warning system for Tsunami's in low lying state. It was not as though the global community did not recognize the urgency of having warning systems in place. In the statement from Rio + 5, every state acknowledged the following:

LAWFUL ADVOCACY ACTIVITY have called for acting on commitment; For example, at the Earth Summit +5, every state made a commitment to institute early warning systems for Tsunami and hurricanes particularly in developing states.

(165) NOTIFYING OTHER STATES OF NATURAL DISASTER, OTHER EMERGENCIES OR ADVERSE TRANSBOUNDARY ENVIRONMENTAL EFFECT

INTERNATIONAL

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted. .(Principle 18, Rio Declaration, UNCED, 1992)

States shall provide prior and timely notification and relevant information to potentially affected states on activities that may have a significant adverse transboundary environmental effect and shall consult with those states at an early stage and in good faith. .

(Principle 19, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Environment – transfer of harmful substances

(166) PROHIBITING TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES

INTERNATIONAL OBLIGATION

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

STATE ACTIVITY: has disregarded this obligation

LAWFUL ADVOCACY ACTIVITY: call for discharging obligations

(167) PREVENTING THE RELOCATION AND TRANSFER OF ACTIVITIES HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT

States should shall effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and

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Development, 1992. Has also argued that the transfer to other states of substance and activities that are harmful to human health and the environment is acceptable providing the receiving state has facilities for dealing with the harmful substances or activities.

LAWFUL ADVOCACY ACTIVITY: has condemned the practice of dumping unsafe products in developing states and has called for acting on this commitment

(168) OPPOSING THE CONTINUED PRODUCTION AND EXPORT OF PRODUCTS THAT HAVE BEEN BANNED... OR WITHDRAWN

(169) PREVENTING IMPORT OF PRODUCTS BANNED OR NOT YET APPROVED IN COUNTRY OF ORIGIN

INTERNATIONAL COMMITMENT

Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware of the harm to health being caused in importing countries by the export of pharmaceutical products ultimately intended also for consumption and/or sale in the home market of the exporting country, but which have not yet been approved there,

Considering that many developing countries lack the necessary information and expertise to keep up with developments in this field,

Considering the need for countries that have been exporting the above-mentioned products to make available the necessary information and assistance to enable the importing countries to adequately protect themselves,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for consumer protection rests with each

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State,

Recalling its resolution 36/166 of 16 December 1981 and the report on "Transnational corporations in the pharmaceutical industry of the developing countries", and acting in pursuance of Economic and Social Council resolution 1981/62 of 23 July 1981,

Bearing in mind in this context the work of the Food and Agriculture Organization of the United Nations, the World Health Organization, the International Labour Organization, the United Nations Environment

Programme, the General Agreement on Tariffs and Trade, the Centre on Transnational Corporations and other relevant intergovernmental organizations (Preamble, Resolution 37/137 Protection against products harmful to health and the environment, 1982)

STATE ACTIVITY: has disregarded the expectations created under this resolution, and has continued to export products like DDT the continued transfer to other states -usually developing countries- of products that have been banned or restricted in developed country of origin

LAWFUL ADVOCACY ACTIVITY: have exposed for years this activity. For example, a product called Orobolin was sold in the developing countries as a growth hormone for children but in developed countries there was a caveat that it was dangerous for children

Environment – transboundary principle

(170) ENFORCING THE TRANSBOUNDARY PRINCIPLE

INTERNATIONAL OBLIGATION

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)

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States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. (Principle 2, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) attempted at the Prep Com to delete this principle arguing that it was the same as principle 14 (non- transference to other states of harmful substances or activities). Has enforced this principle when it interests the United States (case with Cominco)

LAWFUL ADVOCACY ACTIVITY: has called for this principle to be applied in numerous activities that originate in the United States and impact on Canada (e.g. Devil's lake)

(171) DEVELOPING FURTHER INTERNATIONAL LAW REGARDING LIABILITY AND COMPENSATION FOR ADVERSE EFFECTS ...TO JURISDICTION ..TO AREAS BEYOND THEIR JURISDICTION

INTERNATIONAL COMMITMENT

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.(Principle 13, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has argued that this principle is complementary to the transboundary principle, because it requires compensation if the transboundary principle is violated.

Environment – ecological footprint

(172) REDUCING THE ECOLOGICAL FOOTPRINT

INTERNATIONAL COMMITMENT

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)

STATE ACTIVITY: :Generally ignored this commitment, has often left its footprint

LAWFUL ADVOCACY ACTIVITY: has made life cycle diagrams displaying the ecological footprint

Environment – renewable energy

(173) ADVOCATING RENEWABLE ENERGY

INTERNATIONAL COMMITMENT

New and renewable energy sources are solar thermal, solar photovoltaic, wind, hydro, biomass, geothermal, ocean, animal and human power, as referred to in the reports of the Committee on the Development and Utilization of New and Renewable Sources of Energy, prepared specifically for the Conference (Chapter 9, Agenda 21, 1992).

STATE ACTIVITY: (JUSCANZ) lobbied at the WSSD to prevent time-bound commitment to eliminating subsidies for environmental unsustainable energy and to ensuring subsidies for environmentally sustainable energy; (MANY STATES) left opening for promoting nuclear.

LAWFUL ADVOCACY ACTIVITY: : calling for time bound elimination of subsidies for

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environmentally unsustainable energy, and time-bound subsidies for environmentally sustainable sound energy. Lobbied for elimination of civil nuclear energy

1. PROCRASTINATION AND REGRESSION ON ENERGY

Press release sent out from Johannesburg, on August 31, 2002

Environment – climate change

(174) REMOVING THE THREAT OF CLIMATE CHANGE

INTERNATIONAL COMMITMENT AND OBLIGATION

In Toronto, at the Changing Atmosphere conference hosted by Canada in 1988, Canada received this warning:

“Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth’s atmosphere is being changed at an unprecedented rate by pollutants resulting from wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now. Climate Change in the Conference statement, Changing Atmosphere Conference in 1988.

Canada signed (June 1992) and ratified (December, 1992) the Climate Change Convention. In the Climate Change Convention, Canada through signing and ratifying the Framework Convention on Climate Change incurred obligations to reduce Greenhouse gas emissions, to invoke the precautionary principle, to “conserve and enhance sinks” and “to document sinks”.

-Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

-Concerned that human activities have been substantially increasing the atmospheric

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concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

-Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs, (Preamble, Framework Convention on Climate Change, 1992)

-Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.

-The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. 3. (Preamble, Framework Convention on Climate Change, 1992)

STATE ACTIVITY: has continued to demonstrate its lack of resolve to seriously address discharge its international obligations, and until Canada is willing to fulfill these obligations through enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur. Has often supported proposed solutions that are potentially worse or as bad as the problem they are intended to solve. {even though the government Future problem avoidance principle:

The addressing of one environmental problem should not itself be an action that could cause irreversible harm (Standing Committee on Environment “ Out of Balance; The Risks of Irreversible Climate Change, 1991) [the promotion of nuclear energy as the solution to climate change]

LAWFUL ADVOCACY ACTIVITY: has lobbied nationally and internationally for comprehensive measures to reduce greenhouse gases and to conserve carbon sinks.

Actions

1..

Preserve and enhance sinks (forests and bogs), [as required in the Climate Change

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Convention] , in particular preserve large areas of original growth and conservation corridors.
Cease all further logging of old growth forests

2.

Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands

3.

Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land

4. .

Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED) and immediately ban all further development and export of CANDU reactors.

5.

Establish and enforce a national dedicated program for energy conservation and efficiency

6.

Establish extensive networks of alternative environmentally safe and sound means of transportation (Agenda 21), move away from car-dependency, and cease the construction of all new highways.

7.

Reduce the ecological footprint as agreed in Habitat II

8.

Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. "Inaction is negligence" (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)

9.

Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.

10.

Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. — Buying old growth forests to offset Canada's CO2 emissions)

11

Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices

12.

Transfer all energy-directed funding into renewable energies that are ecologically safe and

sound

13.

Transfer a significant proportion of the \$10 billion military budget to assist in implementing the above measures and in job conversion with a just transition job plan for sunset industries (1993-1996)

has supported the following internationally at conferences on climate change:

a.. At least a 20% Reduction in CO2 and other Greenhouse gas emissions from 1990 levels by the year 2000

b. Reducing CO2 emissions and other Greenhouse gas emissions to 50% by 2015 as proposed by NGO's in the international conference in 1988

c. Ending of government subsidies for production of fossil fuel and nuclear energy, and implementing a phasing out of the use of fossil fuels and nuclear energy

d. Increasing of programs for energy conservation, energy efficiency, and for renewable sources of energy, and for conserving and restoring carbon sinks.

e. Moving away from car dependency, reducing the ecological footprint, and promoting environmentally sound energy and transportation (1992, 1994, revised 1997 for Kyoto)

(175) PREVENTING DANGEROUS ANTHROPOGENIC INTERFERENCE WITH THE CLIMATE CHANGE.

INTERNATIONAL COMMITMENT

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.(Art. 2. Objective, Framework Convention on Climate Change, UNCED)

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STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(176) ADHERING TO THE PRECAUTIONARY PRINCIPLE AND ANTICIPATE, PREVENT AND MINIMIZE THE CAUSES OF CLIMATE CHANGE

INTERNATIONAL OBLIGATION

The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Article 3. Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has generally procrastinated about Climate Change; Many academics funded by the coal, oil and gas industries were ignoring the precautionary principle and denouncing the decision of the Intergovernmental panel on Climate Change. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and

reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out co-operatively by interested Parties. (Climate Change Convention, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

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(177) PROTECTING THE CLIMATE SYSTEM FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

INTERNATIONAL OBLIGATIONS

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. (Article 3 Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has supported the rights of future generations providing these rights did not impact on political or corporate interests

LAWFUL ADVOCACY: has lobbied for the inclusion, in the Constitution, of ecological rights to preservation of cultural and natural heritage, and has lobbied nationally and internationally for a clear determination of what would constitute the guaranteeing of and the implementing of the rights of future generations;

Environment – Sustainable production

(178) RECOGNIZING THAT ECOLOGICAL PROBLEMS ARE DRIVEN BY UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

INTERNATIONAL COMMITMENT:

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. (Principle 8, Rio Declaration, UNCED, 1992)

Growing recognition of the importance of addressing consumption has also not yet been matched by an understanding of its implications. Some economists are questioning traditional concepts of economic growth and underlining the importance of pursuing economic objectives that take account of the full value of natural resource capital. More needs to be known about the

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role of consumption in relation to economic growth and population dynamics in order to formulate coherent international and national policies. (4.6. Changing Consumption Patterns, UNCED)

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has disregarded the causal relation between ecological problems and unsustainable production and consumption

LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the overconsumptive model of development, and the dogma of economic growth at any cost

(179) ABANDONING UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has generally promoted unsustainable patterns of production and consumption

LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the overconsumptive model of development, and the dogma of economic growth at any cost

(180) ENCOURAGING CHANGES IN UNSUSTAINABLE CONSUMPTION PATTERNS

INTERNATIONAL COMMITMENTS

Linking of health population and overconsumption and inappropriate development (3.2 International Conference on Population and Development)

Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.(4.3 Changing Consumption Patterns, UNCED)

STATE ACTIVITY: MOST STATES have supported continued unsustainable pattern of consumption

LAWFUL ADVOCACY ACTIVITY: has promoted moving away from the current unsustainable pattern of consumption and production.

5. INTERNATIONAL LAW

International law multilateralism

(181) REVIEWING AND PROMOTING MULTILATERALISM

INTERNATIONAL COMMITMENT

Bearing in mind that multilateral treaties are an important means of ensuring co-operation among States and an important primary source of international law,

Conscious, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

Aware of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

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Convinced that the most rational use should be made of the finite resources available for the elaboration of multilateral treaties,

Aware that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making

Taking note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth, thirty-sixth and thirty-seventh sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,

Having considered the report of the Working Group on the Review of the Multilateral Treaty-Making Process established pursuant to resolution 36/112 of 10 December 1981 to review the multilateral treaty-making process, and noting that the Working Group will require more time to complete its mandate as provided in paragraph 2 of that resolution,

Taking into account the statements made at the current session in the debate in the Sixth Committee,

1. Decides to reconvene, at its thirty-eighth session, the Working Group with the aim of completing the examination of the matters referred to in paragraph 2 of resolution 36/112;
2. Reiterates its request to the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements, taking into account relevant new developments and practices in that respect;

STATE ACTIVITY: has usually disregarded precedents from international instrument; States have very short institutional memory, and go to international conferences and re-negotiate what has already been negotiated, and often undermine previous obligations and commitments. There also appears to be little interest in examining the complexity and interdependence of issues and as a result often there is inconsistency.

LAWFUL ADVOCACY ACTIVITY: has proposed that lawyers in each organ, such as UNEP, UNCHR, UNDP, UNIFEM, FAO, UNIDO, UNESCO, UNEP, and ILO etc of the UN monitor the precedents in their area of

expertise, and when new agreements are being negotiated they should inform the chair of the precedents. In 2002, at the WSSD, many of the member states anticipated that the US, because of various unilateral positions taken at the conference was planning on abandoning multilateralism. There was a concerted attempt to introduce language related to the importance of multilateralism.

The WSSD Peace Caucus proposed the following wording:

5. Peace, security, stability [amend and retain: disarmament, and respect for human rights and cultural diversity] are essential for achieving sustainable development and ensuring that sustainable development benefits all. [Peace caucus]

5.bis We underline the urgent need to put an end to the adoption and application of the unilateral coercive measures inconsistent with international law and the Charter of the United Nations. Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violation of human rights and fundamental freedoms. [Peace caucus]

5.ter Reaffirm that warfare is inherently destructive of sustainable development as agreed in Rio Declaration Principle 24. [Peace caucus]

there was a reference to unilateral measures but outside of the context of peace.

WSSD88.(bis) [Agreed] Take steps with a view to the avoidance of and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. Ensure that food and medicine are not used as tools for political pressure.

(183) COMPLYING WITH INTERNATIONAL OBLIGATIONS AND COMMITMENTS

INTERNATIONAL OBLIGATION:

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. (Preamble, Charter of the United Nations)

STATE ACTIVITY: (MANY STATES) have failed to sign and ratify international treaties, conventions and covenants, and if they ratify the instruments they often fail to enact the necessary legislation to ensure compliance. States have also failed to respect the jurisdiction and decisions of the International Court of Justice. (CANADA along with other Federal states) has violated the Vienna Convention on the Law of Treaties by its contravention of Article 27 of the Vienna Convention on the Law of Treaties, Canada is bound to not invoke Internal law to justify failure to perform a treaty.

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Refuses to accept the jurisdiction of the international court of justice

LAWFUL ADVOCACY ACTIVITY: Calling upon the state to accept the jurisdiction, and enforce the decision

(i) disregarded obligations incurred through conventions, treaties, and covenants; and commitments made through conference action plans related to Common security - peace, environment, human rights and social justice;

(ii) failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties;

(iii) undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice;

(iv) failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

International law; corporate compliance

(184) ENSURING THAT CORPORATION COMPLY WITH INTERNATIONAL LAW

INTERNATIONAL COMMITMENT

Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order, 1974)

Ensuring that transnational corporations comply with... laws...codes...

[Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws

By requiring [encouraging] [transnational and national corporations] [by the private sector]:

comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

[the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257]

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[the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257]

Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New

International Economic Order, 1974)

STATE ACTIVITY: (MOST STATES) have ignored this commitment, and have allowed corporate activity to proceed unhindered, and have ignored years of harm, caused by transnational corporations, to human health and the environment

LAWFUL ADVOCACY ACTIVITY: has called for limiting of the power of transnational corporations through charters, and for revoking of charters of transnationals

Limiting the power of transnational corporations through charters

When we look at the history of our states [US] we learn that citizens intentionally defined corporations through charters or the certificates of incorporation. In exchange for the charter, a corporation was obligated to obey all laws, to serve the common good, and to cause no harm. Early state legislators wrote charter laws and actual charters to limit corporate authority, and to ensure that when a corporation caused harm, they could revoke its charter. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)

A corporation in law is just what the incorporating act makes it. It is the creature of the law and may be molded to any shape or for any purpose that the Legislature may deem most conducive for the general good. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)

Revoking Charters of transnationals

Revoke Charters of Incorporation of industries and transnationals that have caused environmental destruction, violated human rights, and contributed to conflict or war (Recommendation to NGO Response to Platform of Action - agreed to by consensus but not included in the NGO submission)

Implementing International Code of Conduct for transnationals

All efforts should shall be made to formulate, adopt and implement an international code of conduct for transnational corporations (V. REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Preventing of interference of transnationals in the internal affairs of states

To prevent interference in the internal affairs of the countries where they operate and their

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collaboration with racist regimes and colonial administrations (V a., REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Seeking compensation from transnational Companies and other market representatives

Transnational Companies and other market representatives shall be responsible for paying compensation for denying social justice, for causing environmental degradation, for violating human rights, for contributing to violence, for escalating conflict, and (Global Compliance Research Project)

(185) ENSURING THAT TRANSNATIONAL CORPORATIONS COMPLY WITH... LAWS...CODES...

[ENSURE THAT TRANSNATIONAL CORPORATIONS COMPLY WITH NATIONAL LAWS AND CODES, SOCIAL SECURITY REGULATIONS AND INTERNATIONAL ENVIRONMENTAL LAWS] (167

INTERNATIONAL COMMITMENT:

Ensuring that transnational corporations comply with... laws...codes...

[
Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws

By requiring [encouraging] [transnational and national corporations] [by the private sector]:

comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

- International law undermined by Trade law

(187) OPPOSING TRADE AGREEMENTS THAT UNDERMINE INTERNATIONAL COMMON SECURITY

INTERNATIONAL ABSENCE OF ASSURANCE THAT THAT COMMON SECURITY INTERNATIONAL OBLIGATIONS AND COMMITMENTS TRUMP TRADE AGREEMENTS

STATE ACTIVITY: : (STATE MEMBERS OF THE WTO) have generally allowed for Trade obligations to trump other common security obligations and commitments

LAWFUL ADVOCACY ACTIVITY: OPPOSED the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research; has opposed the globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law;

Information

(188) PROTECTING THE PRIVACY INHERENT IN THE RETENTION OF INFORMATION

INTERNATIONAL COMMITMENT:

Guidelines for the regulation of computerized personal data files adopted by the General Assembly resolution 45/95 Dec. 14, 1990 the procedures for implementing regulations concerning computerized personal data files are left to the initiative of each state subject to the following orientations:

a. principles concerning the minimum guarantees that should be provided in national legislations

1. Principle of lawfulness and fairness

information about persons should not be collected or processed in unfair or unlawful ways, nor should it be used for ends contrary to the purposes and principles of the Charter of the United

Nations.

2 Principle of accuracy

persons responsible for the compilation of files or those responsible for keeping them have an obligation to conduct regular checks on the accuracy and relevance of the data recorded and to ensure that they are kept as complete as possible in order to avoid errors of omission and that they are kept up to date regularly or the information contained in a file is used, as long as they are being processed.

3. principle of purpose-specification

the purpose which a file is to serve and its utilization in terms of that purpose should be specified, legitimate and, when it is established, receive a certain amount of publicity or be brought to the attention of the person concerned, in order to make it possible subsequently to ensure that:

a all the personal data collected and recorded remain relevant and adequate to the purposes so specified;

b. none of the said personal data is used or disclosed, except with the consent of the person concerned, for purposes incompatible with those specified;

c the period for which the personal data are kept does not exceed that which would enable the achievement of the purposes so specified.

4. principle of interested person access

everyone who offers proof of identity has the right to know whether information concerning him is being processed and to obtain it in an intelligible form, without undue delay or expense, and to have appropriate rectifications or ensure made in the case of unlawful, unnecessary or inaccurate entries and when it is being communicated, to be informed of the addresses. provision should be made for a remedy, if cost of an rectification shall be borne by the person responsible for the file. it is desirable that the provisions of this principle should apply to everyone, irrespective of nationality or place of residence.

5 principle of non discrimination

subject to cases of exceptions restrictively envisaged under principle

6, data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour, sex life, political opinions, religious, philosophical and other beliefs as well as membership of an association or trade union, should not be compiled. 6 power to make exceptions

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departures from principles 1 to 4 may be authorized only if they are necessary to protect national security, public order, public health or morality, as well as inter alia, the rights and freedoms of others, especially persons being persecuted (humanitarian clause) provided that such departures are expressly specified in a law or equivalent regulation promulgated in accordance with the internal legal system which expressly states their limits and sets forth appropriate safeguards. exceptions to principle 5 relating to the prohibition of discrimination, in addition to being subject to the same safeguards as those proscribed for exception to principles 1 to 4 may be authorized only within the limits prescribed by the international bill of human rights and the other relevant instruments in the field of protection human rights and the prevention of discrimination

7 appropriate measures should be taken to protect the files against both natural dangers, such as accidental loss or destruction and human dangers such as unauthorized access, fraudulent misuse of data or contamination of computer viruses.

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

International law - intelligence lists

(189) EXPOSING INTELLIGENCE LISTS

INTERNATIONAL OBLIGATIONS: "political and other opinion"

All persons are equal before the law and are entitled without any

discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have designate citizens engaged in lawful advocacy, protest and dissent as threats or even terrorists

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(US) "... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

targeted and intimidated activists and discriminated on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):

LAWFUL ADVOCACY ACTIVITY: has called for complying with international human rights instruments, and statutory human rights documents, and for enshrining the ground of "political and other opinion" in national constitutions