

Posted by

Friday, 25 November 2005 04:37 - Last Updated Friday, 25 November 2005 04:37

COP 11 Climate Change: Voluntary Compliance and Procrastination: The Demise of the Environment

INCLUDED. REPORT CARD ON COMPLIANCE WITH THE FRAMEWORK CONVENTION ON CLIMATE CHANGE

We are living in the wake of negligence of corporate and government collusion. For years, governments, especially Canadian governments, have promoted corporate voluntary compliance and procrastinated about implementing and enforcing regulations to reduce greenhouse gas emissions, and to conserve carbon sinks, COP 11 Climate Change: Voluntary Compliance and Procrastination: The Demise of the Environment

INCLUDED. REPORT CARD ON COMPLIANCE WITH THE FRAMEWORK CONVENTION ON CLIMATE CHANGE

Joan Russow PhD
Global Compliance Research Project

One of the reasons that the environment is deteriorating is that corporate "voluntary compliance" and associated regimes are lauded ideologically or inadvertently by most political parties.

For years, Canadian governments have promoted voluntary compliance and procrastinated about implementing and enforcing regulations;.

In 1992, at the United Nations Conference on the Environment and Development, the Canadian Government (Mulroney's Conservatives) agreed to the Convention on Biological Diversity and the Framework Convention on Climate Change, The Canadian government also made commitments through the Rio Declaration and Agenda 21. Canada agreed to environmental principles, such as the precautionary principle, which could have prevented the introduction of many substances and practices harmful to human health and the environment.

In December 1992, Brian Mulroney, after full consultation with the provinces, ratified the above two conventions. Rather than proceeding to implement and enforce a regulatory regime, the Conservatives embraced voluntary compliance.

The corporate world was leery that governments would potentially implement these obligations and commitments, and demand adherence to environmental principles. Ingeniously, the corporate world extended the work of the International Standards Organization (ISO) to cover not just standardized measurements but a self-regulated voluntary regime.

Posted by

Friday, 25 November 2005 04:37 - Last Updated Friday, 25 November 2005 04:37

ISO 14000 was industry's response to the possibility that governments would introduce mandatory international environmental regulations and standards to make industry accountable. Rather than regulations, corporations would self-regulate through ISO 14000 certification.

Under ISO 14000, corporations set out their environment management goal or plan, and then outlined the means to attain their goal. There is no external evaluation of whether their means would effectively address environmental issues. Since there are no external standards by which to judge the self-generated goals or measures, the process is totally controlled by the corporations.

Mulroney's Conservatives had missed the opportunity of seriously implementing and enforcing compliance with international environmental law. Similarly the Liberals, including David Anderson and Stephane Dion as environment ministers, opted for a voluntary compliance regime rather than a strong regulatory regime.

The consequences of ISO 14000 and voluntary compliance is that corporations display isolated cases of minor environmental successes and use these isolated cases as justification for the continued reliance on voluntary measures.

In 1988, Canada played a leading role in the Climate Change issue by hosting an international conference, The Changing Atmosphere in Toronto. At that time scientists, politicians and members of non Government organizations (NGOs) at the conference warned that:

"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".

In the Conference Statement from the 1988 Conference, the participants, scientists, government representatives, industry, other organizations called for:

" the Stabilizing of the atmospheric concentrations of CO₂ is an imperative goal.

It is currently estimated to require reductions of more than 50% from present [1988] emission levels. Energy research and development budgets must be massively directed to energy options which would eliminate or greatly

reduce CO₂ emissions and to studies undertaken to further refine the target reductions."

THE FEDERAL GOVERNMENT IGNORED THE 1988 WARNING AND RECOMMENDATION
Canada, along with the other member states of the United Nations Canada incurred obligations by signing (June 1992) and ratifying (December, 1992) the Framework Convention on Climate Change. The Canadian government as the signatory of the Framework Convention on Climate

Posted by

Friday, 25 November 2005 04:37 - Last Updated Friday, 25 November 2005 04:37

Change is the responsible wing of government to ensure that Canada discharges its obligations under the Convention. However, at a meeting of provincial Environment ministers in November 1992, all provinces passed a resolution calling upon Canada to ratify the Framework Convention. Thus all provinces are equally bound by the Convention, and thus the 1937 Supreme Court case, "International Labour Convention Case" would not apply. In that case, the Supreme Court decided in favour of the Provinces because the provinces had not been consulted prior to the federal government's signing and ratifying of the Agreement.

The Climate Change Convention came into force in the spring of 1993. Under the Convention, the signatories of the Convention were bound to invoke the precautionary principle which affirmed that where there is the threat of environmental harm, lack of full scientific certainty should not be used as a reason for postponing measures to prevent the harm. This principle is now deemed to be a principle of international customary law. After signing the Framework Convention on Climate Change, the Federal government made a commitment to reduce CO₂ emissions to 1990 levels by the year 2000.

THE FEDERAL GOVERNMENT FAILED TO ACT ON ITS 1992 COMMITMENT.

The corporate sector that has been contributing to climate change has funded several scientists who have been attempting to undermine the widespread agreement of the scientific community on the urgency of the current situation and to obfuscate any resolve to seriously address the Climate Change issue. The precautionary principle is an operative principle that gives justification for rejecting the views of those scientists marginalized by vested interests.

Prevention not mitigation is the answer. The federal government along with the corporate sector has continually struggled to find ways of continuing business as usual with mitigation either by purchasing old growth forests to offset Canada's emissions, or by claiming that the sale of CANDU civil nuclear reactors to other countries will offset Canada's emissions. Rather than continually caving into fossil fuel, forest, auto, nuclear etc. industries, the federal government must undertake the following actions to reduce greenhouse gases and conserve carbon sinks:

- ? Preserve and enhance sinks (forests and bogs), in particular preserve original growth and conservation corridors

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

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

- ? Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED, 1992).

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

Posted by

Friday, 25 November 2005 04:37 - Last Updated Friday, 25 November 2005 04:37

? Establish extensive networks of alternative environmentally safe and sound means of transportation (as agreed in Agenda 21), move away from car-dependency (as agreed in Habitat II) and cease the construction of all new highways. Ensure that all new urban and rural construction be founded on environmentally sound principles

? Provide for and support the conversion of existing urban and rural settlements to environmentally sound principles including environmentally sound energy, and public transportation, and to ensure that new urban and rural settlements be founded on environmentally sound principles including environmentally sound energy, and public transportation. (Paraphrase of commitments made at Habitat II)

? Reduce the ecological footprint as agreed in Habitat II.

? 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)

? Ensure that adaptive or mitigative measures are not used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.

? 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).

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

? End all subsidies to the fossil fuel and nuclear energy industries. and transfer all energy-directed funding into renewable energies that are ecologically safe and sound.

? Phase out immediately the use of the pesticide methyl bromide and promote organic agriculture

? Provide additional funds from the budget to assist in implementing the above measures coupled with ensuring a fair and just job transition strategy for workers and communities affected.

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

Move away from car-dependency, reducing the ecological

Posted by

Friday, 25 November 2005 04:37 - Last Updated Friday, 25 November 2005 04:37

footprint, and promoting environmentally sound energy and transportation.

Canada continues to demonstrate its lack of resolve to address seriously and to discharge honestly its international obligations related to climate change, and until Canada is willing to fulfill these obligations through enactment of the necessary legislation with mandatory standards and regulations, little substantial change will occur to reduce the greenhouse gases and to conserve the carbon sinks both of which are essential for addressing climate change.

Report on Obligations under the Climate Change Convention and under the Chapter on Atmosphere in Agenda 21: "

? The Climate Change Convention was signed (June, 1992) and ratified by Canada (December, 1992) and this legally binding document has now come into force, March, 1994.

? Chapter 9 on Atmosphere in Agenda 21 was adopted by consensus by the states represented at UNCED.

? Chapter 6 on Protection of health in Agenda 21 was adopted by consensus by states represented at UNCED

REPORT CARD ON CANADA'S COMPLIANCE OR NON COMPLAINE WITH THE FRAMEWORK CONVENTI9N ON CLIMATE CHANGE

1. PRECAUTIONARY PRINCIPLE

? 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.

(Climate Change Convention)

O A B C D E F

2. COMMITMENT TO ALTERNATIVE TRANSPORTATION

" develop appropriate pollution control technology on the basis of risk assessment and epidemiological research for the introduction of environmentally sound production processes and suitable safe mass transport 6.42. a) i. Protection of health, Agenda 21)

O A B C D E F

3. DEVELOPMENT OF SAFE AND MORE EFFICIENT AND LESS POLLUTING TRANSPORTATION SYSTEM

"to plan and develop [safe and] more efficient and less polluting transportation systems, especially mass transit to support economic development efforts in an environmentally [safe and] sound way, giving special attention to urban and metropolitan areas. (9.11.b Atmosphere, Agenda 21)

O A B C D E F

Posted by

Friday, 25 November 2005 04:37 - Last Updated Friday, 25 November 2005 04:37

4. DOCUMENTING SOURCES AND SINKS

? Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties; 4. (a)
(Climate Change Convention)

O A B C D E F

5. CONSERVATION AND ENHANCEMENT OF SINKS (INCLUDING OLD GROWTH FOREST)

? The conservation, sustainable management and enhancement, where appropriate, of all sinks for greenhouse gases; (Atmosphere Chapter, Agenda 21)

O A B C D E F

6. LIMITATION OF ANTHROPOGENIC EMISSIONS

? 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 (Climate Change Convention)

O A B C D E F

Please send results to j.russow@shawlink.ca