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Harper, Canada and Biodiversity: Time to dispel the myths, not perpetuate them:

PEJ News- Joan Russow (PhD) - Global Compliance Research Project - In a CBC report, the following was quoted: ³Speaking to UN delegates in Bonn, Harper said Canada was the first industrialized country to ratify a biodiversity treaty in 1992, and that this country took a varied approach to environment protection, involving all sectors of society, and not just government². Time to dispel the myths not perpetuate them

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HARPER SAID CANADA WAS THE FIRST INDUSTRIALIZED COUNTRY TO RATIFY A BIODIVERSITY TREATY IN 1992:

All roses and not action:

I remember well former Conservative Prime Minister Brian Mulroney's and former Conservative Environment Minister Jean Charest's feigned dedication to biodiversity. In 1992, at the UN Conference on Environment and Development (UNCED), Mulroney held a press conference to announce the signing of the Convention on Biological Diversity. He went to the microphone surrounded by roses and made lofty pronouncements. When asked if he would ban practices such as clear-cut logging, uranium mining, etc. which destroy biodiversity, he hesitated and then declared that this was not the time to talk about issues. He turned away, smiled at the captive media and then looked at me again and said: "and you know exactly why". Obviously, I missed the point - that this was his photo-op!

While Mulroney was negotiating the Convention on Biological Diversity, biodiversity was being destroyed through clear-cutting old growth forests, through trials of genetically-engineered food and crops [subsequently released in 1996], through the mining of uranium, through the dumping, by Cominco etc. of effluent into water systems, through dumping of raw sewage into the ocean, through the continued production of asbestos, through permitting salmon aquaculture. Also at UNCED, at a press conference, the Honourable Jean Charest, the then

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Conservative Environment Minister, held a press conference on the Canadian "Green Plan". I pointed out some of the above practices, and then said that UNCED should be a time to dispel myths, not perpetuate them.

It seemed that it was never the time to talk about issues. After UNCED, Mulroney ratified the Convention on Biological Diversity, but proceeded to do nothing other than fund projects through the IDRC to help developing countries fulfill their obligations to the Convention on Climate Change. It is obviously still the time to perpetuate myths, not dispel them.

HARPER SAID, ³THIS COUNTRY TOOK A VARIED APPROACH TO ENVIRONMENT PROTECTION, INVOLVING ALL SECTORS OF SOCIETY, AND NOT JUST GOVERNMENT²

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Approaches such as arresting citizens and treating them as criminals for standing on the road, asking for little more than Canada to live up to its international obligations under the Biodiversity Convention;

Canadian citizens are well aware of the varied approaches to ³environmental protection². To protect the biodiversity of the old growth forests in British Columbia, thousands of protesters were arrested and many imprisoned. Some still have a criminal record.

Misconstruing the purpose of an injunction:

The Canadian government has misconstrued the role of an injunction. The police, in conjunction with corporations, use the injunction against protesters. The remedy of an injunction was primarily to prevent irreparable harm:

³The remedy [of injunction], of course, is an equitable one. The exercise of the equitable jurisdiction is not to be restricted by the straitjacket of rigid rules but is to be based on broad principles of justice and convenience, equity regarding the substance and not merely the facade or the shadow. It moves with time and circumstances.² (Justice J.A. Norris).

injunctions that were previously deemed to prevent irreparable harm have been used to prevent those who wish to prevent irreparable harm from irreparable harm.

Claiming that all international law is not negotiable in the Province of British Columbia:

Even though Canada made the following commitment to the global community, the necessary legislation which would mean that the international obligations would be judiciable across Canada was never enacted.

³Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted ("Canadian Reply to Questionnaire on Parliaments and the Treaty-making power", 1982). In British Columbia, in 1994, Judge Carothers ruled that all the international law, including the Convention on Biological Diversity was not judiciable in the Courts of British Columbia.

Entering into Free Trades agreement with the United States which had neither signed nor ratified the Convention on Biological Diversity:

At UNCED, the US signed the Framework Convention on Climate Change but refused to sign the Convention on Biological Diversity. Canada negotiated the North American Free Trade

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Agreement, which listed only four international instruments which would take precedence over NAFTA. The Convention on Biological Diversity was not one of them.

Under Clinton, the United States signed but did not ratify the Convention on Biological Diversity. Under Article 18, of the Vienna Convention on the Law of Treaties: in the interim between the signing and ratifying of a convention nothing should be done to defeat the purpose of the Convention. In the case of the Convention on Biological Diversity, the purpose is to conserve biodiversity.

Canada, however, along with the United States, has continually negotiated away and relaxed standards and regulation that would protect biodiversity through subsequent trade agreements such as the Security and Prosperity Partnership (SPP). Canada, along with the US, has also used the World Trade Agreement to undermine resolve in other states to protect biodiversity.

Making a mockery of environmental impact assessments:

At UNCED, member states made a commitment to do the following:

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (7.42 Agenda 21, UNCED, 1992).

What often happens, in Canada for example, when developers wish to develop an area, they seek advice about what would trigger an environmental review, and then proceed to destroy it.

Setting up of Round Tables that are mandated to make decisions by consensus:

Since UNCED, Canada has set up round tables which glorify conflict of interests. Around the table ³multisectors², including the corporations whose actions destroy biodiversity sit and, through a grueling process, descend to the lowest common denominator.

Opposing an IUCN resolution to protect biodiversity in old growth forests:

In 1994, the following IUCN resolution was passed by all but one country, Canada.

Resolution passed by the IUCN General Assembly meeting at Buenos Aires, Tuesday, January 25, 1994, 19.72REV2 North American Coastal Temperate Forests (retyped with January 25 Amendments from the floor);

RECOGNISING that temperate coniferous forests, and especially rain forests, constitute a very rare type of ecosystem in the world, originally covering less than one-fifth of one percent of the earth's land surface, and that one-half of the earth's original forest of this type occurs along the Pacific Coast of North America from northwestern California to southeastern Alaska;

UNDERSTANDING that many endemic and unusual plants and animals occur only in these forests; and that in biomass productivity the old growth forests (ancient forests) of this biome are unequalled anywhere;

AWARE that more than one-half of the Earth's original coastal coniferous forests (ancient forests) have been logged, including more than 40 % of the ancient forests of this type in North America, and that few large unfragmented examples of this type of forest, other than in protected areas, exist outside of British Columbia and Alaska;

MINDFUL of the fact that such ancient forests on Vancouver Island and on the mid-coast [mainland coast] of British Columbia are disappearing at a rapid rate as a result of practices that have, to date, not been ecologically sustainable;

ALSO MINDFUL that past management practices have been controversial, while the US

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government has enacted legislation to ensure sustainable management of all forests, questions continue to arise;

UNDERSTANDING that the Raincoast Conservation Society, the Sierra Club, and the Western Canada Wilderness Committee have proposed a large network of protected areas, including conservation corridors, in areas of such ancient forests on Vancouver Island and the midcoast of British Columbia;

AWARE of the fact that none of the protected areas that Canada maintains in forest areas along the Pacific Coast have been designated as World Heritage sites under the provisions of the World Heritage Convention[s] and that these ancient forests may be of outstanding universal value;

The General Assembly of IUCN < the World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. **URGES** the Government of Canada and the United States to properly manage the temperate coastal coniferous forests of the Pacific Coast of North America by establishing appropriate protected areas and by adopting ecologically oriented systems of forest management which can be permanently sustained and which protect biodiversity;
2. **CALLS UPON** the Governments of Canada and British Columbia to substantially expand the amount of land in networks of protected areas, with conservation corridors, on Vancouver Island and the midcoast of British Columbia, taking into consideration the recommendations of environmental groups active in the regions such as the Raincoast Conservation Society, the Sierra Club and the Western Canada Wilderness Committee;
3. **URGES** the Government of Canada to consider nominating sites or combinations of sites (such as networks), in these forests as World Heritage sites under the World Heritage Convention[s];
4. **RECOMMENDS** that special efforts be made by these parties and their citizens to restore degraded parts of these forests and to secure the overall integrity of the biome by linking now separate forest stands.

Resolution proposed by Michael McCloskey, Sierra Club USA, in collaboration with Joan Russow, (B.C. Canada) member of the IUCN Commission on Education and Communication.