

## CHARTER for INDUSTRIAL and COMMERCIAL ETHICS

CORAIL VIVANT and GONDWANA-NC (NGOs) and, Bruno VAN PETEGHEM, 2001 Goldman Environmental Prize, present their proposal :

### A - BACKGROUND

It has become clear that nations can no longer focus on national realities but must find global answers to the multitude of industrial developments that have taken place in the planet. These have sometimes occurred in their midst and / or in other countries where serious environmental devastation has resulted from commercial global development.

Armed with firsthand experience (in Kanaky New Caledonia), we submit this project, with the aim of achieving better control over impact studies declared and submitted by industrialists, as well as the permanent follow up of their statements.

Problems recorded fall into 3 major categories :

1. The difficulty for citizens of a small country to withstand the immense and complex flow of technical information, especially with regards to processes which are protected by trade secrets and patents.
2. Local populations facing serious problems of unemployment, acquiesce to, and anticipate such projects without questioning their legitimacy. The result is economic impacts of a significant negative impact.
3. Politicians support these projects because proclaimed, anticipated economic benefits can be used in their electoral campaigns.

### B - GOAL

In view of the above, we propose the drawing up of a charter of industrial and commercial ethics, together with the creation of an Industrial and Commercial Ethics Bureau (ICEB) charged with :

- Defining level of environmental impact with reference to regional variations,
- Examining studies provided by industries and,
- Ensuring ongoing monitoring and control of their statements.

Sanctions against violations of the charter, of the Bureau's recommendations or data stated in the studies would be strictly in the form of a financial penalty.

International financial organisations, whose aid is sought for such investments, would seek the opinion of the ICEB before giving their approval to proposed projects. The conclusions of the ICEB reports would be published and communicated to local populations concerned, as well as to

financiers.

This approach would enable the inclusion of segments of multilateral agreements regarding certain kinds of by-products (such as CO<sub>2</sub>s and SO<sub>2</sub>s). This could be extended to proposals which in the long term prove to be dangerous (for example GMOs).

## C - PROPOSAL

We therefore propose the establishment of the following :

- 1 • The Charter
- 2 • The Industrial and Commercial Ethics Bureau: ICEB

- 1 • The Charter

The Charter could be the subject of a European agreement so, it should become European Bureau of Industrial and Commercial Ethics (EBICE). It should define a set of rules starting with the planetary (european, national and local) necessity to preserve the human species (mankind) in its entirety, culminating in the protection and empowerment of citizens affected by an industrial or commercial projects, culturally, socially and environmentally.

The first theme of the Charter should be based on the recognition of the diversity of cultures and the reality of the impacts of industrial and commercial investments on local populations.

### Preamble

The signatory states to the Charter,

- Recognise that the cultural diversity of humanity is one of the foundations of its development.
- Recognise that developments initiated by scientific, technical, technological, industrial and commercial progress emanating from western culture do not necessarily produce favorable results for the well-being of the human species (mankind). Even if, in the short term, they can bring about improvements in the comfort, interactions, aspirations for longevity for certain generations concentrated in geographic areas from which this culture originates.
- Confirm that this extension of western culture also engenders all sorts of imbalances, of which one result is the badly controlled or uncontrolled industrial development in regions with cultural, social or environmental variations.
- Note that the development of these industrial and commercial activities proceeds at a much more rapid than the implementation of regulatory tools capable of adequately monitoring the developments in question.
- Affirm that all types of resources, deemed eligible to exploit by industrial and/or commercial corporations, should remain the property of the people's organisations in the geographical area where their exploitation is envisaged.
- Affirm that no industrial and / or commercial development be allowed to lead to the breakdown of sociocultural structures and the loss of local indigenous expertise.

- Confirm the principle of non-interference in the internal affairs of States, but agree to act in concert through the use of an instrument to be known as the European Bureau of Industrial and Commercial Ethics - EBICE.
- Finally, they affirm that fundamental rights, universally recognised now and in the future, should govern the conceptualisation, elaboration of agreements and guidelines of structures emanating from the Charter.

## 2 • The European Bureau of Industrial and Commercial Ethics : EBICE

In accordance with the principles defined in the preamble of the Charter, the signatory States agree to create a " European Bureau of Industrial and Commercial Ethics, EBICE ".

### Structure

The EBICE is composed of :

- High Ethics Committee,
- Scientific Committee,
- Impact Study Committee,
- European body of Investigating Commissioners
- Control Board.

### Role

The High Ethics Committee will be composed of internationally reputed philosophers and wise men.

Its missions :

- Definition of a set of principles and data capable of informing mankind of the sociocultural and environmental effects of industrial and commercial activity in the short, medium and long terms,
- Drawing up, with the assistance of the scientific and impact studies committees, of plans concerning direct or indirect world consequences on the planet, on the populations directly concerned and on their immediate environment.

The Scientific Committee will be composed of specialists in all fields of human sciences, recognised throughout the world for their independence of spirit and the value of their work.

The Impact Study Committee is composed of specialists in sociocultural and environmental fields.

The body of Investigating Commissioners is composed of people who will be forbidden to act in their country of origin and who will be responsible for advertising and organising public consultations.

### The Control Board (CB)

The Scientific committee, the Impact Study Committee and, the body of Investigating Commissioners, will thus form a european industrial and commercial ethics " Control Board - CB " which will monitor, during the life of industrial installations, that the criteria and ratios stated in the impact studies and approved by the EBICE are adhered to. In the event of their non-compliance, the Control Board may make public the details and compel the enterprise, to reimburse all kinds of direct and indirect assistance from which he may have benefited. It will use legal means put in place by the signatory

States, who expressly agreed thereto.

The EBICE shall define criteria preventing insurance on stockpiles, on the transport by land, sea or air of materials, which by their intrinsic or extrinsic nature or by the risk which could arise from the proximity of materials, not dangerous in themselves, but possibly becoming so as a result of this proximity.

Only the States themselves will be able to take these responsibilities.

Furthermore, the EBICE will ensure that concerned populations, together with any other interested persons are informed of impact studies. Priority will be given, however, to the concerned populations.

## Mechanisms

These plans will serve as a basis for the determination of direct impacts and potential threats from the proposed project. This will be a compulsory requirement to be met by industrial and commercial establishments prior to their investments. If the criteria and impact studies presented by these establishments are not credible or cannot be verified by adequate and reliable data, the EBICE may deny a permit to proceed. The consequences of this will be the inability to access direct financing, or any other advantages through international organisations and / or the signatory States.

The EBICE will make public its guideline documents and conclusions concerning impact studies referred to it for examination.

The independence from all means of public, institutional or private pressure on EBICE members is guaranteed by its regulations.

The EBICE will be the only body to impose sanctions or exclusions, resulting from a betrayal of secrecy, the need for independence, corruption or interior regulations concerning professional obligations.

Financing such a structure would be borne by the countries, in proportion to the level of industrialisation of the signatory countries, and by their industrialists through their Chambers of Commerce and international financial organisations.

Document could be enhanced by more discussion of the mechanisms to be used by the EBICE's Control Board. We need to highlight its uniqueness.

Idea

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