

Freedom Matters

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Smart Growth: Agenda 21 in Drag. Part 3: The MOU

by Bob Bowman

Below is a verbatim reproduction of the public document setting forth the agreement between Wisconsin and Bavaria. The "Whereases" are the feel-good part. The "Therefore, Be It Resolved" part is the heart of the matter. Note that the "Be It Resolved" part specifically proposes to implement chapters 30, 38 and 39 of **Agenda 21**. It then stipulates that, with reference to the **worldwide** goal of **sustainable development**, the working partnership's goal is to achieve a sustainable economic and environmental system in Wisconsin and Bavaria. Thus, by the signature of Wisconsin's Governor, Wisconsin was committed to implementing **Agenda 21**. That U.N. program was drafted in 1992 and embodied in U.S. federal policy by President Clinton via his Council on Sustainable Development, and its 1995 report, *Sustainable America, a New Consensus*.

Still, please note that the resolution stipulates that the two states achieve this by **voluntary** means, and not by central command and control. Hence, if it comes to lawsuits as to the meaning of the comprehensive planning law in Wisconsin, this MOU says that Wisconsin is to press for **voluntary** systems via the law, and not by enacting of central command and control systems or by enacting of mandatory regulations.

As an aside, under "Be it further resolved", the 9th point of 10 proposes an "offensive" trans-Atlantic activity. It almost certainly means an "aggressive" activity. The unusual choice of words likely resulted from translation between German and English.

Finally, this MOU was signed in 1998. In 1999, Governor Thompson put comprehensive planning legislation into his draft of the state budget bill. That legislation, as then reworked by Wisconsin's equivalent of NGOs (i.e., special interests), arguably is an intended implementation of **Agenda 21**, vis-a-vis this MOU.

MEMORANDUM OF UNDERSTANDING to create the WISCONSIN-BAVARIA REGULATORY REFORM WORKING PARTNERSHIP

This MOU is made by and between the: State of Wisconsin and WI Dept. of Natural Resources and Bavarian State Ministry for Regional Development and Environmental Affairs

WHEREAS, Wisconsin's and Bavaria's traditions of excellence and innovation in government and commerce present an opportunity for innovation to benefit our states' ecological and economic futures; and

WHEREAS, Ecologically-conscious, voluntary Partnerships among business and government units are necessary for positive, credible and enduring change; and

WHEREAS, Policies and practices In the public, private and non-governmental may change to meet compatible needs that the command and control regulatory system is unlikely to meet, and

WHEREAS, Business and governments desire benefits from efficient systems and lean organizations that support their competitive positions; and

WHEREAS, Regulatory simplification and environmental performance systems can maintain compliance to standards and

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< <http://www.takebackwisconsin.com/> >
< <http://www.propertyrightsresearch.org/> >

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produce greater, verified environmental results, and

WHEREAS, The integration of business process systems can produce verified protection for employees, employers and consumers who value safe workplaces and quality products; and

WHEREAS, This Agreement will benefit a sustaining global environment, trans-Atlantic commerce and the People of Bavaria and Wisconsin; now

THEREFORE, BE IT RESOLVED:

That the State of Wisconsin and Wisconsin Department of Natural Resources and the Bavarian State Ministry for Regional Development and Environmental Affairs agree, referring to the Agenda 21 (Chapt. 30, 38, 39) and the U.S.- EU New Trans-Atlantic Agenda from December 3rd 1995, to create the Wisconsin - Bavarian Regulatory Reform Working Partnership in consideration of their respective responsibilities and consistent with Constitutional and legal frameworks in both states; that with reference to the worldwide goal Sustainable Development the Working Partnership's goal shall be to reach a sustaining economic and environmental system in our states and beyond our states by way of self-responsibility of all parties; that we shall achieve more cooperation between government and business than is possible under the command and control method; and that voluntary agreements and environmental management systems (EMSs) are the decisive aspects to achieving performance and therefore most important objects of exploration in the Working Partnership; and

BE IT FURTHER RESOLVED, THAT BOTH PARTIES.

- * Agree to establish joint projects to promote businesses' participation in EMSs verified/certified to EMAS/150 14000 et seq. standards according to the principles of performance audits and legal compliance;
- * Agree to strive for integrated environmental, occupational health and risk management systems, which ensure an efficient and lean organization, with greater results;
- * Agree especially to support the cooperation with and among small and medium sized enterprises (SMEs) with regard to environmental performance and compliance strategies;
- * Agree to welcome business group or public sector cooperation with agreements on new management systems approaches;
- * Agree to propagate the awareness of need for the EMS approach in the new era of environmental law among all social players (business, government, non- government organizations and local authorities);
- * Agree to promote the exploration of EDP (Electronic Data Processing) support for compliance systems within the homework of EMSs;
- * Agree to support a trans-Atlantic academic partnership between experts in engineering, technology, environmental management and new regulatory systems at institutions such as the University of Wisconsin and Bavarian universities; also to further the research into and the development of environmental technologies;
- * Agree to work on a common international environmental law project in cooperation with the International Environmental Lawyers' Network (I.E.L.N.) and other competent partners;
- * Agree to consider an offensive trans-Atlantic personnel exchange between business, government and non-government sectors for opening the door to inspect, learn and share mutually best practices that protect the environment, enhance the economy and promote good government
- * Agree to publish annual statements of results of our cooperative efforts on the basis of this memorandum to demonstrate that this is a results-driven agreement.

Signed by Gov. Tommy G. Thompson and Dr. Werner Schnappauf in Munich, Germany, December 1, 1998