

Human rights beyond borders: UN experts call on world governments to be guided by the Maastricht Principles

GENEVA (26 September 2013) – A group of United Nations human rights experts today urged governments worldwide to take into account a set of guidelines on extraterritorial obligations adopted by leading specialists in international law and human rights on 28 September 2011 in Maastricht, the Netherlands: the Maastricht Principles*.

“By nature, some of the world’s most pressing issues spill over national boundaries,” the UN experts said, while highlighting the importance of the Maastricht Principles as a key tool in addressing complex contemporary cross-border human rights challenges, including global poverty, hunger and food security, and access to water.

“The Maastricht Principles clarify the human rights obligations of States beyond their own borders, especially their obligation to avoid causing harm and to protect human rights extraterritorially,” the UN experts on extreme poverty, food, water and sanitation, and international solidarity explained.

When making policy and deciding on new laws, they said, States must consider their impact on the enjoyment of human rights of people outside their own country. “The protection and promotion of human rights beyond borders must be elevated to the heart of States’ national and international decision-making,” the experts stressed.

“28 September 2011 was a significant moment in the development of international human rights law,” they noted. “The Maastricht Principles filled a critical gap in the international legal framework, allowing human rights to effectively respond to the negative impacts of globalisation that cannot be regulated by one State alone.”

Extreme poverty

“Holding States to account for their extraterritorial obligations is fundamental to our ability to fight extreme poverty globally,” said the UN Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda. “These obligations were also recognised in the UN Guiding Principles on Extreme Poverty and Human Rights, in acknowledgement of the specific obstacles people in poverty face.”

“In particular,” she noted, “the extraterritorial obligations framework offers an important basis for States to work collectively to tackle the structural and systemic dimensions that underlie and perpetuate extreme poverty and global

inequality.”

Right to food

“The full realization of the right to food depends on national efforts, but also on an international environment that supports such efforts by enabling countries to put in place and implement effective national food security strategies,” the UN Special Rapporteur on the right to food, Olivier De Schutter, said. “The Maastricht Principles make it clear that shaping such an international environment is not a matter of goodwill: it is a legal obligation grounded in international law.”

“Moving towards the right to food depends on the promise of Article 28 of the Universal Declaration of Human Rights being fully implemented,” he said. “This provision guarantees to each individual an international social order in which human rights can be fully realized. It calls for trade, investment and development cooperation policies to be aligned with the requirements of human rights.”

Water and sanitation

“Sixty percent of global freshwater flow is transboundary. More than 80 percent of all wastewater generated worldwide is not treated,” noted the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque. “This means we must address extraterritorial issues to ensure the human rights to water and sanitation.”

“The Maastricht Principles underscore the States’ obligation to avoid causing harm extraterritorially and to protect human rights extraterritorially,” she said. “This translates into an obligation to avoid contamination of watercourses in other jurisdictions and to regulate non-State actors accordingly.”

International solidarity

“International solidarity requires that States —as a minimum— should respect the exercise and enjoyment of human rights in other countries, and refrain from actions with adverse extraterritorial consequences,” the UN Independent Expert on human rights and international solidarity, Virginia Dandan, stressed.

“In particular, Principles 26 to 35 of the Maastricht Principles clearly spell out the conduct of States in their relations with each other taking into account their shared human rights obligations,” she said.

(*) Check the Maastricht Principles:

<http://www.maastrichtuniversity.nl/web/Institutes/MaastrichtCentreForHumanRights/MaastrichtETOPinciples.htm>

*On 28 September 2011, a group of experts in international law and human rights adopted the **Maastricht Principles** on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, at a meeting organized by Maastricht University and the International Commission of Jurists. The experts came from organizations and universities from all regions of the world, and included current and former members of international human rights treaty bodies, regional human rights bodies, and former and current Special Rapporteurs of the United Nations Human Rights Council.*

