



ETO CONSORTIUM NEWSLETTER July 2013

Dear Subscriber,

Welcome to our second edition of the ETO Consortium Newsletter. It took us a while to get back in touch with you as the ETO Secretariat was heavily involved in the preparation of the Vienna+20 CSO Conference (see article below) and the 6th ETO Conference that took place as a special event in the context of the Vienna+20 Action Week for Human Rights.

It was no surprise that the Vienna+20 CSO Conference on “Human Rights in Crises” dealt heavily with ETOs: Many of the developments that lead to the multiple crises that we experience worldwide (finance, food, climate, ecodestruction) deal with severe failures of global and national governance. These failures can only be addressed if the primacy of human rights is implemented and enforced. This was the key message of the CSOs in Vienna. Moreover, in view of the global nature of the crises, it was evident that the extraterritorial states obligations need to be strengthened. One of the ten main chapters in the CSO Declaration exclusively dealt with ETOs and came up with the following six demands (with the respective articles of the Declaration in brackets):

1. States take separate and joint measures to create an international enabling environment conducive to the universal fulfilment of human rights. (16)
2. States fully integrate extraterritorial obligations as the central terms of reference into their law, policies and practices at the national and international levels and to ensure that remedial mechanisms are in place. (16)
3. National, regional and international human rights bodies apply extraterritorial obligations in reporting and monitoring systems, include them in accountability and remedial procedures and strengthen the review of compliance with these obligations in the jurisprudence, and in the interpretation of international law and standards. (17)
4. States ensure that these mechanisms serve to guarantee the right to an effective remedy for breaches of extraterritorial obligations. (17)
5. The UN human rights protection system, including the Human Rights Council, its Special Procedures and the UN treaty bodies, play a fundamental role in the promotion

of and accountability for extraterritorial obligations and responsibilities of States as well as obligations and responsibilities of intergovernmental organizations. (17)

6. States and human rights mechanisms apply the Maastricht Principles on Extraterritorial Obligations of States and the law and standards on which they are based when acting unilaterally and multilaterally, including through intergovernmental organizations. (18)

ETOs, also figured in other parts of the Vienna+20 Declaration, in particular those on TNCs, food and nutrition, and post 2015. In its concluding section the Declaration called for a 3rd World Conference on Human Rights. ETOs and primacy are certainly among the key issues that the community of States has to address - by the establishing the respective mechanisms for implementation and remedy.

With best regards,

Rolf Künemann

[Vienna+20 CSO Declaration issues call to strengthen ETOs](#)

Vienna/Heidelberg, 26 June 2013 – The Vienna+20 CSO Conference on June 26 adopted a Declaration calling for a World Conference on Human Rights in 2018. 25 years after the Second World Conference on Human Rights in 1993 the time will have come for a Third World Conference on Human Rights with full participation of the civil society addressing issues of worldwide concern, including those raised in the Vienna+20 CSO Declaration.

More than 140 persons from various CSOs around the world gathered at Vienna on the occasion of the 20th anniversary of the 1993 World Conference on Human Rights and its Vienna Declaration and Programme of Action issued on June 25, 1993. The Conference discussed and adopted a forward looking declaration based on months of extensive prior consultation in various preparatory groups on the different parts. The Declaration was adopted with broad support.

The Vienna+20 CSO Declaration stresses the primacy of human rights. Respect, protection and fulfilment of all human rights are the first responsibilities of states. Despite progress made in human rights protection, vested interests, in particular corporate interests, tend to prevail, even in multilateral for a and agreements. Especially economic, social and cultural rights still lack adequate forms of legal sanctions as compared to other legal regimes such as international commercial law.

There are substantial gaps in human rights protection arising from the fact that, despite the universality of human rights, many States still interpret their obligations as being applicable only, or primarily, within their own borders. Without the acceptance and implementation of extraterritorial obligations, human rights cannot be universally realized, nor can they play a substantial role in the regulation of globalization. The Vienna+20 CSO Declaration demands accountability and binding regulation of transnational corporations and intergovernmental organizations and reminds States of their human rights obligations in the context of international cooperation and assistance.

Access the full Vienna+20 CSO Declaration from our online Library in **www.etoconsortium.org**.

[South Asia Regional ETO Workshop in Kathmandu, 16-19 April 2013](#)

The ETO Consortium and, FIAN Nepal jointly organized a South Asia Regional Workshop “Access to Natural Resources and Extraterritorial States Obligations” in Kathmandu, Nepal from 16 to 19 April, 2013.

The workshop consisted of two parts. Part one (16-17 April) aimed at providing clarity and knowledge about ETOs, in particular discussing new instruments and initiatives, like the Maastricht Principles, and exploring their potential for challenging land grabbing and human rights violations related to extraterritorial states obligations.

Part two (18-19 April) focussed on the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (Tenure Guidelines) adopted by the Committee on World Food Security (CFS) in 2012. These Guidelines were put in the context of formulating strategies and initiate joint action at country/regional level against land grabbing.

The discussion was based on examples and cases from different countries of the region and towards developing advocacy strategies. Participants from Bangladesh, India, Nepal, Pakistan, and Sri Lanka shared their experience and the steps taken at different levels to address the related violations. This exchange among representatives from the five South Asian countries was very fruitful, as it gave a lot of insight into the respective cases dealt with as well as into the specific country situations, and was highly appreciated by the participants.

During the workshop participants got acquainted with practical skills and tools to analyze ETO related cases with a special focus on the application of the Maastricht principles. An in depth discussion about strategies towards advancing ETOS in South Asia took place, and a set of strategic steps was identified.

At the end of the workshop a focal group to promote ETOs in the region was formed, consisting of both CSO representatives and academics. The group will soon come up with a detailed proposal about follow up activities, and how to link up with the ETO consortium in future.

[ETOs at the African Commission’s April session in Banjul](#)

The ETO Consortium’s activities at the African Commission’s April session started with a very short intervention at the plenary of the public session. It was basically used to mention the challenges that ETOs address and to invite interested participants to the side event on April 10th in the late afternoon.

The side event on April 10 was attended by more than 50 persons representing a wide variety of organizations - mainly NGOs, but also state representatives. The side event had the full participation of Commissioners Khalfallah (working group on ESCR) and Manirakiza (working group on extractive industries). The two Commissioners mainly presented the mandates of the working groups they lead by relating them to ETOs and putting the latter in the African context. Sisay Alemahu Yeshanew from the Consortium’s Steering Committee presented the work of the ETO Consortium - introducing the issues and how the Consortium has worked on them. Then Frans Viljoen of the Pretoria Centre for Human Rights presented the Maastricht Principles by squarely relating them to the African Charter and case-law from the African Commission. Clement Muvungu (ICJ) presented four ETO-related cases from the continent. Many participants

took to the floor to raise substantive issues and highlight relevant cases. In an interesting conclusion, Commissioner Khalfallah reflected on ways of integrating ETOs within ESCR-related work at the Commission, including a possible revision of the Nairobi ESCR principles to include ETO aspects.

The side event was quite successful in "turning the light on" ETOs - introducing the concept with its legal implementation and practical examples. Its relevance to Africa and to the work of the Commission was clarified. There has to be a follow-up to encourage the Commission and its relevant special procedures to integrate ETOs in their practical work.

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