



## **ETO CONSORTIUM NEWSLETTER FEBRUARY 2013**

### [Welcome by Rolf Künnemann](#)

Dear subscriber,

Welcome to our very first edition of the ETO Consortium Newsletter.

This periodic publication offers you an opportunity to stay up to date with political and legal developments in the field of ETOs.

We encourage you to explore our newly launched web site and make use of its wide array of resources and references related to ETOs. We would also like to welcome any feedback, questions and/or comments you may have.

As a member-led network of CSOs and academics, the ETO Consortium aims to mainstream and apply extraterritorial obligations.

The upcoming Vienna+20 conferences constitute an important step in this process. Scheduled to take place in Vienna this summer on June 25-28, the Vienna+20 will evaluate the implementation of the Plan of Action agreed during the 1993 Vienna World Conference on Human Rights and map the human rights challenges now -twenty years later. As a series of conferences partly organised by the Austrian government and partly by civil society, Vienna+20 will offer excellent opportunities to mainstream and apply ETOs.

The Consortium will use this occasion to hold its 6th International Conference on June 25. In this context, we invite you to mark your calendar, take part in the substantial preparation, and join us in Vienna.

Rolf Künnemann

### [New report on human rights and the environment makes reference to ETOs](#)

The 'Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment' makes mention of the Maastricht Principles and elaborates on ETOs.

On its 22nd session on 24 December 2012, the Human Rights Council adopted the report of the independent expert, John H. Knox, on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

The report presents some of the outstanding issues relevant to the relationship between human rights and the environment.

The independent expert notes that although some fundamental aspects of the relationship between human rights and the environment are now firmly established, many issues related to the human rights obligations of States regarding environmental protection need greater study and clarification.

The first priority of his mandate is therefore to provide greater conceptual clarity to the application of human rights obligations of States relating to the environment.

Of particular relevance to promotion of ETOs is paragraph 48, in which Knox states: “The application of human rights law to transboundary and global environmental harm requires consideration of questions regarding the extraterritorial reach of human rights norms. Those questions are often complex, not least because human rights treaties employ varying language to define the scope of their application. Recent years have seen heightened attention to the extraterritoriality of human rights obligations, but there is still a need for more detailed clarification (see A/HRC/19/34, para. 64). These issues are of particular importance in the environmental context, in the light of the number and intensity of transboundary and global environmental threats to the full enjoyment of human rights.”

Access the full report from our online Library **here**.

### [Latin American ETO consultation in Lima, Peru, 13th and 14th of December](#)

The Secretariat of the ETO Consortium and the Inter-American Platform on Human Rights, Democracy and Development, represented by Perú EQUIDAD, carried out a regional consultation with diverse organizations from the region on the 13th and 14th of December in Lima - Perú. Its aim was to discuss the Maastricht Principles on ETO in the Area of Economic, Social and Cultural Rights and to define the action plan that the Consortium’s regional focal group would follow.

After a general introduction on the rationale of the ETO Principles, participants presented and analyzed diverse cases of violations affecting their countries. This demonstrated the relevance of implementing the ETO principles and the need to take them into account when developing case advocacy strategies in order to close existing gaps of protection in North – South cases, as well as in South-South cases.

The presentations by Ana Maria Suarez Franco (FIAN) and Marcos Orellana (CIEL) allowed the participants to understand the content of the principles and the most critical aspects discussed during the drafting process. Finally three working groups gave their inputs for the definition of an action plan, which will be consolidated during the first months of 2013. This action plan will include activities at national level, at sub regional level – for example at Mercosur or CAN and at the Inter-American Human Rights System. Expectations were formulated that, as result of this consultation, more CSOs from the region will become members of the Consortium and more materials for analysis and dissemination will be produced in Spanish. Moreover the planned lobby activities will ensure recognition of the topic in the region.

At the end of the consultation, a public event was held where the Maastricht Principles were presented to a broader public. During the presentation community representatives of indigenous communities in Perú and peasants communities in Paraguay exposed their cases and Maria Silvia Guillen (CENIDH) and Javier Mujica (Peru EQUIDAD) presented their analysis on the

legal and political dimensions of the ETOs in the region. The various presentations underlined the great potential of the ETO Consortium's work in the in the region. View this news piece in Spanish [here](#).

### [Recent Guiding Principles on Extreme Poverty and Human Rights elaborate on ETOs](#)

On 20 December, the UN General Assembly adopted a resolution on human rights and extreme poverty, where it "Takes note with appreciation of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11 as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate." (A/C.3/67/L.32/Rev.1, paragraph 17.)

These Guiding Principles had been prepared by Magdalena Sepúlveda, special rapporteur on extreme poverty, and adopted by consensus on 27 September by the Human Rights Council. The Principles respond to the significant social, cultural, economic and structural obstacles that people living in poverty face, which prevent them from enjoying their rights.

The Principles deal with extra-territorial obligations in the following two paragraphs:

#### VI Obligations of international assistance and cooperation

92. As part of international cooperation and assistance, States have an obligation to respect and protect the enjoyment of human rights, which involves avoiding conduct that would create a foreseeable risk of impairing the enjoyment of human rights by persons living in poverty beyond their borders, and conducting assessments of the extraterritorial impacts of laws, policies and practices.

#### VII Role of non-State actors, including business enterprises

99. States have a duty, in accordance with their international obligations, to prevent and protect against human rights abuse committed by non-State actors, including business enterprises, which they are in a position to regulate. Where transnational corporations are involved, all relevant States should cooperate to ensure that businesses respect human rights abroad, including the human rights of persons and communities living in poverty. States should take additional steps to protect against abuses of human rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies.

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