



ETO CONSORTIUM NEWSLETTER

May 2018

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The Inter-American Court of Human Rights recognizes the extraterritorial dimension of the right to a healthy environment

The Inter-American Court of Human Rights has reaffirmed in its [Advisory Opinion OC-23/17](#) the extraterritorial obligation of States to protect and guarantee the human right to a healthy environment (Article 11 Protocol of San Salvador).

The advisory opinion is an answer to a request from Colombia which wanted the Court to elaborate on States' human rights obligations in relation to the environment, in the context of a dispute with Nicaragua concerning an oil drilling project in the Caribbean.

In its landmark advisory opinion, the Court reaffirmed the intrinsic connection between the right to a healthy environment and other human rights such as the right to life and personal integrity established in the American Convention on Human Rights.

The court furthermore establishes in Advisory Opinion OC-23/17 that the obligation of States to protect human rights goes beyond their borders. The Court clarifies circumstances in which the extraterritorial conduct of the States constitutes an exercise of jurisdiction by that State (parr.74-78) and therefore clearly states that the "jurisdiction of a State is not limited to its territorial space" (parr.95). The Court recognizes in paragraph 97 of the advisory opinion that a State can be responsible for the violation of the right to a healthy environment beyond its borders (parr.97).

UN CESCR calls on New Zealand and Sweden to comply with their ETOs

The UN Committee on Economic, Social and Cultural Rights (CESCR) has recently made recommendations to both Spain and New Zealand pertaining to their ETOs.

The Committee expressed concern that Spanish legislation does not define the legal responsibility which corporations domiciled under their jurisdiction may have for human rights abuses they commit abroad. The Committee therefore recommends Spain to strengthen its normative framework as to ensure the legal responsibility of corporations for human rights abuses they directly commit abroad, or which result from the activities of their subsidiaries. Spain should also guarantee mechanisms to investigate claims against corporations and guarantee access to effective remedies, reparation and compensation for the harm occurred.

The CESCR made similar recommendations to New Zealand, which should "strengthen the regulatory framework, including concerning legal liability, for companies operating in the State party, and those domiciled under its jurisdiction acting abroad, to ensure that their activities do not negatively affect the enjoyment of economic, social and cultural rights, and that victims can claim reparations through the State party's judicial and non-judicial mechanisms".

You can read the UN CESCR concluding observations to Spain [here](#), and those to New Zealand [here](#)

The ETO Consortium organizes a briefing on ETOs with Permanent Missions in Geneva

On May 24, the Secretariat of the ETO Consortium jointly organized a briefing with the South Centre in Geneva on ETOs. The briefing was intended for representatives of Permanent Missions in Geneva members of the South Centre, which comprises 54 States from the "global South". Steering Committee members Ashfaq Khalfan (Amnesty International) and Cephias Lumina (University of Fort Hare) participated in the briefing, presenting what ETOs are, why they are vital for the universal respect of human rights, as well as some of their important legal sources. In total 12 representatives from Permanent Missions attended the briefing and engaged meaningfully, raising their concerns on ETOs as well as sharing their experience dealing with ETOs in different governance and negotiating spaces.

Although the briefing didn't provide enough time to deepen discussions, Permanent Mission representatives expressed great interest in further collaboration with the ETO Consortium and have since requested to receive further information.

Canada creates ombudsperson to investigate human rights abuses committed by Canadian companies abroad

Canada announced this week that it is creating an ombudsperson with the responsibility to monitor and investigate allegations of human rights abuses linked to the activities of Canadian corporations operating abroad. The "[Canadian Ombudsperson for Responsible Enterprises \(CORE\)](#)" will initially focus on corporations in the mining, oil and gas, and garment sector, but will then expand its scope of focus to all other business sectors.

This independent body replaces Canada's "Extractive Sector Corporate Social Responsibility Counsellor", a weaker body which required a complaint and the permission of companies to investigate allegations of abuses. This newly created ombudsperson will have the competence to investigate on its own as well as to make its findings public.

Nevertheless, the ombudsperson will not be able to sanction corporations in any way, but will rather use the publication of its findings and recommendations as an incentive for companies to avoid any reputational damage.

The Canadian government also announced the creation of a multi-stakeholder advisory board composed of businesses and civil society "to advise the Government and the CORE on responsible business conduct abroad."

ETO Consortium workshop in Heidelberg

The ETO Consortium held an internal workshop in Heidelberg on 23 and 24 April 2018. This workshop was a follow-up meeting of the [European regional conference of the ETO Consortium](#) that took place end of September in Brussels. At this latter conference, participants looked at a wide range of (policy) fields linked to extraterritorial obligations: a) debt and austerity, b) climate and ecology, c) degrowth and monetary reform, d) financialisation, land grabbing and microfinance, e) regulating TNCs (and other businesses), and f) investment and trade. The Heidelberg workshop aimed at looking more closely to two rather new policy fields from an ETO-perspective that were tackled half a year earlier in Brussels: debt and austerity as well as climatecide and ecocide, with financialisation as an issue concretely touching both areas.

The second part of the ETO Consortium also looked at human rights of future generations. Thus, participants of the ETO Consortium workshop – from diverse backgrounds: academia, NGOs, social movements, indigenous people – discussed human rights obligations – not only beyond borders – but also towards future people. How do austerity and debt as well as ecodestruction and climatecide affect future people's human rights?

ETO Consortium website now available in English, French and Spanish!

We are glad to inform you that the ETO Consortium website is now available in three languages: English, French and Spanish.

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Web: www.etoconsortium.org

Twitter: @ETObligations

E-mail: secretariat@etoconsortium.org

