

Twelve policies how States can make good use of extraterritorial human rights obligations



Imprint

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Preface:

Why would a State undertake extraterritorial obligations? Not necessarily because a State likes obligations – but rather because it makes sense that other States have these obligations and because citizens request States to act according to these norms. States will take on obligations essentially when they are useful and reciprocal. This, however, requires that the State itself is open to undertake them. To the extent that there is widespread agreement that international relations should be grounded in the basic values underpinning human rights, extraterritorial human rights obligations (ETOs) are essential.

This booklet is meant primarily for public officials and their advisers working in international relations. It could, of course, be useful for everybody else concerned with international affairs. Its purpose is to trigger thought and discussion about the added value of extraterritorial human rights obligations for international policies. Although published by the ETO Consortium, neither the choice of the 12 policies nor the reasoning behind them reflects a position of the Consortium or any of its members. The responsibility is with the author. He tried to capture the gist of many discussions inside and outside the ETO Consortium, but ended up writing his own opinion.

Public officials and their advisers sometimes wonder how extraterritorial obligations in the area of economic, social and cultural human rights (ESCR) can be used in politics. While it is generally accepted that the UN Charter is the guiding document for international relations and that international law is based on this Charter and on human rights law – in reality both play only a marginal role as terms of reference. This is due to a lack of understanding of ESCR in general – and the related ETOs in particular. The Maastricht Principles on ETOs in the area of ESCR summarize the state of international law in this field.¹ For an open mind, reading the Maastricht Principles will immediately disclose their significance for almost all fields of international relations – linking States policies with the rights of individuals and communities. The Commentary on the Maastricht Principles on ETOs in the area of ESCR provides for each Principle ample legal terms of reference.²

ETOs are not new, but there are good reasons to strengthen ETOs for the sake of human rights.³ The current booklet will show that ETOs in the area of human rights are useful tools for States even beyond the area of immediate human rights concerns. The public interest, nationally and globally, can benefit from the application of ETOs. These obligations are fundamental to bring about a world that most people aspire.

Far from limiting the sovereignty of States, ETOs in fact are tools to defend sovereignty. States can make good use of ETOs - in the interest of their own populations and for the world at large.

Human rights are universal and so are the related States' obligations including ETOs. A State may deny human rights or deny being bound by related ETOs - but this will not serve that

States well. In doing so it disqualifies itself: While military and economic power can make an impression on other peoples, if this power lacks justification in terms of human rights, such States will not win the hearts and minds of peers and peoples.

People and peoples have a right that their States promote peace and international cooperation. ETOs are an important tool in doing so. States must not hesitate to make use of them in policy design. Some States are hesitant, though. This hesitation is often based on misconceptions about ETOs – and about ESCR.⁴

Foreign policy must not be based on a State's self-interest alone, but on a vision that includes the interests of the others. Human rights can provide this vision – if they are not seen as a merely national affair, between the State and the people in the State's territory. Human rights, due to their extraterritorial dimension, can be highly useful in the context of an international political project for peace and cooperation.

Human rights need to be seen as emanating from the people, and providing legitimacy, instruction and limits to States' powers. In this context people have made it clear that the powers handed over to their States must not be used arbitrarily when it comes to persons and communities abroad, but that States are legitimate only to the extent that they meet certain human rights obligations with a view to persons abroad. This provides the needed point of reference for the use of human rights in foreign policy.

Human rights are the rights of human beings. People must have recourse against human rights violations by a foreign State or intergovernmental organisation. The State of the victims may also take action in such contexts, and make use of inter-State complaints mechanisms to ensure that extraterritorial obligations of foreign States towards its residents are met.⁵ This should be kept in mind when reading the following 12 policies for States to make good use of ETOs.

To date, the positive political potential of ETOs remains largely untapped. This has to change.

Rolf Künneemann
Heidelberg, March 2016

Policy 1: From coexistence to cooperation: Joint international governance by governments.

A few years ago, a senior advisor to various governments of the USA published a book noting the decline of his country's powers and predicting global chaos.⁶ Be this as it may – the community of States faces many problems that can only be solved in cooperation – without one country imposing solutions or preventing them. International cooperation has to be binding and reliable rather than an option. While humanity is growing together in many ways, it is also clear that people want to maintain their own identities and cultures. That should be fine as long as they don't step on other peoples' toes. Unfortunately nation states have had these tendencies

in the past. At the same time the vision that all human beings will turn into look-alike consumers of global market products under the wise guidance of an international corporate class is ecologically impossible and for many other reasons unacceptable.

How can policies approximate binding international cooperation without a world state and without handing over “global governance” to entities of questionable legitimacy and no real accountability? There are many steps that need to be taken. One important step is to operationalize extraterritorial obligations in the area of economic, social and cultural rights – and for human rights in general. This importance will become transparent in the context of the following policies. Key issues in this context are the fragmentation of international law, attempted corporate capture of policy spaces, and lack of political vision.



The first and foremost requirement is to overcome the lack of political vision. Policies to overcome this lack of vision have to start from foundations that are inspiring, that see humanity as a community of communities and are universal in this sense. Human rights in their full meaning as civil, cultural, economic, political, and social rights are a fundamental part of this vision. Other rights like the rights of communities, of peoples, and of Mother Earth, should also be considered, but this is beyond the scope of this booklet. In order to allow human rights to meet this fundamental purpose, human rights have to reach beyond borders. This requires a clear idea of ETOs, the related principles and their limits.

Conclusion on policy 1: States can make use of ETOs for a policy that shows vision and leadership towards joint international governance by governments.

Policy 2: Establishing the international constitutional role of human rights

The weakness of international law is largely due to its fragmentation: A legal doctrine has been developed that puts almost exclusive emphasis on treaty law, with all treaties seen as having essentially the same status. In situations of conflict between treaties, a balance has to be struck, and for practical purposes the risk and severity of sanctions determine policies. There is no international court that would declare treaties (or some interpreta-

tions of treaties) void or invalid on the basis of superior international “constitutional” law.

Human communities and societies establish States via constitutions. Constitutions build on basic rights of the citizens. Constitutions are binding for all national States’ authorities and also for the citizens of that State. Constitutions are safeguarded and interpreted by constitutional courts. The court checks whether laws are compliant with the constitutions, the court receives complaints from citizens about violation of basic rights. The court can make judgments on such laws or basic rights, for example by directing states authorities including parliament to take specific action addressing the substance of the complaint. The strength of a constitution depends on its basic values and the basic rights it enshrines.

The constitution of the community of States has to be a Great Law of Peace with similar functions: It has to be grounded in basic rights of people and peoples – without, however, interfering with national constitutions. The Great Law of Peace has to be binding for the States, of course, but also for all international States’ authorities, i.e. those IGOs that States have established to take joint action. The Great Law of Peace has to be safeguarded by an international court that checks whether international treaties are compliant with the Great Law of Peace. The strength of the Great Law will depend on its basic values and the basic rights it enshrines. Every community is based on solidarity. The community of States is based on peoples’ solidarity with each other. Citizens impose basic rights on States with obligations towards



their inhabitants, communities, peoples. International solidarity makes them impose similar obligations towards persons, communities, peoples abroad or globally – extraterritorial obligations. ETOs fill a gap in what must reasonably be expected as States obligations. Without ETOs, there would be no universal basic rights. Basic rights would be simply a territorial matter, without any link between people and States across borders, and therefore without universality. This would not only be anachronistic – it would basically prevent human rights from assuming their much needed international position. Extraterritorial obligations of States invite us to see human rights as fundamental for reshaping the international legal order. As in national constitutional law, basic rights

and hence human rights must provide the Great Law of Peace - the basic fabric of international law. If human rights treaties were de facto reduced to States agreeing with each other what they owe people inside their own borders (i.e. to territorial obligations), they could not serve their international constitutional purpose – and could not help to overcome the fragmentation of international law.

Conclusion on policy 2: States can make use of ETOs to operationalize international cooperation, make human rights the corner stone of the Great Law of Peace and overcome the fragmentation of international law.

Policy 3: Defending a State's population against adverse interventions by foreign States.

Some States have developed drones to kill any person any time anywhere. This threatens people's human rights to life and physical integrity, and the policy of their States should be to outlaw use of these drones. States can do so on the basis of ETOs that prohibit such use of drones abroad as direct intervention.⁷ Another example: A State is intruding into the privacy of persons abroad, collecting data, spying their mobile phones. Again, the policy will be to make sure that such practice does not affect States' sovereignty, the privacy of its people, and the integrity of political life. ETOs outlaw the States authorities' invasion of privacy abroad. For this matter persons and States that are victimized can take international action on human rights grounds.

A State has to protect its residents against a damage originating abroad. Under ETO Principle 13 (ETOP 13) foreign States must desist from acts that create a real risk of impairing the enjoyment of economic, social and cultural human rights in other States. ETOs are therefore important tools to defend a population against such interventions by foreign States.

Under ETOs States must not only do no harm to the human rights values of persons abroad by action - but also by omission: Within the limits described by the Maastricht ETO Principles, States have to take action to protect and fulfill these values abroad. The next chapters provide some examples. How then about questions of jurisdiction? As long as those protect- and fulfil-activities take place on the territory of a State carrying these ETOs there is no jurisdictional problem. Care must be taken, of course, that these activities stay within the limits of general international law and of ETOs. ETOs do not authorize a State to take enforcement acti-



on for human rights abroad (ETOP 10) or otherwise act in violation of the UN Charter and general international law.

Conclusion on Policy 3: A State can make use of ETOs to defend its residents against impairment of their human rights by foreign States.

Policy 4: Defending a State's population against harm done by transnational enterprises through investment treaties.

Examples how foreign-based transnational corporations can impair the human rights values of persons in a State's territory include land grabbing, destroying eco-systems in the context of agribusiness or extractive industries or preventing the State from taking measures that would protect the health of its

population. A transnational investor is often protected by investment agreements against States' attempts to regulate. Via such treaties the investors' States impair the ability of recipient States to comply with their obligations under ESCR. This, however, is prohibited as an indirect intervention.⁸ The recipient States have been made to believe that investment agreements would attract investment. There is little evidence that this is indeed the case. Investment treaties with international investor-state-dispute settlement mechanisms allow TNCs to sue a State for damages, if it took (often human rights related) measures that - as a side-effect - decreased the expected profits of the TNC. The related investor-state dispute mechanisms put a chill on States that discourages them from implementing ESCR in their territories.

States get increasingly weary of such an investment regime. Both – home and host States to investment – are under human rights obligations to desist from such treaties in so far as they conflict with their human



rights obligations. Pulling out of such treaties is in fact a necessity under human rights obligations.

Conclusion on Policy 4: States can make use of ETOs to reject an investment treaty regime for constraining their policy spaces to safeguard their residents' economic, social and cultural rights.

Policy 5: Defending a State against unfair trade and investment.

Trade is only justified if it is beneficial for both partners. That this is in fact essentially the case with all trade is the ideological assumption that underlies many trade agreements. This assumption, however, is not borne out by the facts.

In such situations the State will have to take measures that may be decried as protectionist and even lead to sanctions. If it can be shown that upholding the unfair trade relations will impair the enjoyment of human rights, ETOs can be used to reject the protests of traders abroad and the sanctions and claims for damages. This will save States' sovereignty to decide on their trade policies with the required care and differentiation.

Some forms of speculation can be seen as unfair investment and trade. In the financial markets it can lead to attacks on the currency of a State and hence on its economy and the ESCR of its population. All states with a base for regulating speculators have an ETO to do so - to the effect of protecting States against such attacks.

Conclusion on Policy 5: States can make use of ETOs to regain control over their national economies – and hence over the wellbeing of their peoples.



Policy 6: Defending a State against financial arms-twisting by foreign States. Facilitating joint regulation of finance.

The retrogressive impact of the historic structural adjustment programs on many countries is well-known. Foreign debt can force States into difficulties. These difficulties can be used by foreign States and some finance institutions to impose conditionalities on new loans that can further aggravate the State's economic difficulties and force them to take retrogressive measures ("austerity") on economic and social human rights. Unless States have provided proof that there are no alternative policy measures available, such conditionalities breach the respective foreign States' extraterritorial obligations not to interfere indirectly and hence violate human rights of people in the indebted State. The UN Guiding Principles on Foreign Debt have laid out the respective ETOs. The related commentary makes use of the Maastricht Principles.

The current international financial system and many national systems cannot be described as an enabling environment conducive to the universal fulfilment of economic, social and cultural rights. ETOP 29 recalls that it is obligatory for States to take "deliberate, concrete and targeted steps, separately, and jointly" to create such an international environment. In reality the failures of the international – and some national - financial systems have led to a global economic crisis – and the systems continue at high risk. They are geared to the interests of speculators



instead of public interest - despite some temporary emergency measures by States. Financial regulation is an ETO of States separately and jointly. Regulation includes far-reaching reforms of the monetary systems.

Conclusion on Policy 6: States can make use of ETOs to identify and reject inadequate conditionalities on foreign loans, and to develop the human-rights-based regulation of monetary and financial systems.

Policy 7: Making IGOs accountable

States rarely feel that they are in control of international governmental organisations – not even jointly. IGOs are largely controlled by their administrations - with growing influence of corporations. ETOs have far-reaching implications for IGOs: The governing States of IGOs “must take all reasonable steps” to stop IGO policies that are not consistent with the States’ ETOs.⁹ IGOs are international governmental authorities for the States that are members to the IGO. An act of a national State’s authority can be attributed to the respective State. Similarly the conduct of an IGO can be attributed to a voting majority of governing States that supports or tolerates such conduct. Most IGOs have a voting majority of States duty-bound under the ICESCR. Such IGOs must avoid

policies inconsistent with the ETOs of these States, because otherwise the IGO would imply some duty-bound States into breaches of their obligations. This is tantamount to a duty of the IGO itself to avoid policies that are inconsistent with these States ETOs, just as national governmental authorities are duty-bound to avoid policies inconsistent with their State’s obligations. This opens up avenues for victims of IGO violations to sue IGOs. It strengthens the powers of the governing States vis-a-vis the IGO’s administration and finally puts IGOs under public control. As IGOs must be seen as authorities of the community of States that are parties to it, the immunities they are endowed with under international law were never meant to put them beyond the true governance of these States parties and beyond these States parties’ ETOs. Hence these immunities are exhausted, when it comes to human rights. Internal complaint mechanisms for IGOs have proved inadequate for remedy. The





standards against which IGOs are to be judged are not self-chosen standards. The applicable standards are those that are implied by their governing States human rights law obligations – including ETOs. While IGOs have no territory and hence no ETOs, their governing States' obligations include ETOs, as for most of those States the area of IGO operation is extraterritorial. The IGOs are therefore bound to the respective human rights standards, and must be made actionable by their victims in case of breach. This allows the victims to make IGOs directly responsible instead of having to take up a series of governing States. If properly supported by governing States, this facilitates effective governance of IGOs just as the corresponding mechanisms in domestic administrative law advance the proper functioning of States authorities.

Conclusion on Policy 7: States can make use of ETOs to truly govern IGOs.

Policy 8: Using ETOs in the regulation of transnational corporations and other business enterprises.

The difficult international legal regulation of TNC activities has been one of the main international obstacles to the implementation of States policies that are in line with their human rights obligations – and has led to governance gaps. TNCs have become a threat to the sovereignty of peoples and States.

ETOP 24 recalls that such regulation is obligatory whenever States have a base for regulation (as described in ETOP 25). While the State of the victims (often called the “host State”) always has a base for regulation, there are many other States that also do – the “home States”. ETOP 25 underlines that a home State is not only the State where the company or its parent company is registered. There can be many home States – all States where the company or its parent company is domiciled or has some headquarters or has substantive business. This introduces the regulation of TNCs as an obligatory collective effort of identifiable home States.¹⁰ The home States’ protect-obligation exists independently of the host States’ territorial obligations. As home States have base for protection by definition they have to act immediately.

Amazingly some people refer to a State’s “right to regulate” companies. Fact is, that

States have an obligation to regulate, overriding any rights that corporations claim for themselves in order to escape regulation. ETOs offer standards for jointly regulating TNCs. For that matter they are an important ingredient in any international effort to this regard.

Conclusion on policy 8: States can make use of ETOs to jointly and separately regulate TNCs.

Policy 9: Defending a State against climate destruction and ecocide.

Climate destruction (euphemistically called climate “change”) has emerged as one of the largest threats to the survival of the human species and many other species. Climate destruction leads to the decay and disappearance



ce of eco-systems (eco-destruction). Ecocide is a severe form of eco-destruction and an international crime (currently proposed to be included in the list of the Rome Statute of the International Criminal Court). Ecocide is reflected in the current extinction rate of species – the most devastating since the last extinction 66 million years ago that put an end to 75% percent of all species (including the dinosaurs). There are estimates that by 2100 up to half of plant and animal species will have died out as a consequence of human activity.¹¹ The survival of the human species itself is doubtful.

Human rights must not discriminate according to generation: The current acts of climate and eco-destruction will impact mostly on the coming generations, including the children that are already among us. Details of this impact may be unknown, but there is a real risk that these impacts will be catastrophic to them. States are therefore under an extra-generational human rights obligation to avoid such harm separately and jointly.

The impacts of climate destruction and ecocide travel across borders. And eco-destruction often has immediate effect. Many acts of eco-destruction (or of real risk in this regard) originate from other countries than where their effects can be found. The victimized populations and States can therefore make use of those foreign States' ETOs. ETOs in International Human Rights Law could be potentially more powerful than International Environmental Law, because ETOs allow for people's action against a foreign State and its policy failures to respect and protect their ESCR, whereas Environmental Law is limited to action between States. If States take these issues as human rights issues in an int-

erstate ETO-procedure, this will create additional leverage.

In cases such as climate destruction it is impossible to single out one or two States where the harm originates. Nevertheless, even though there is shared responsibility, this responsibility is highly differentiated. In climate destruction the share of responsibility is concentrated on a relatively small group of countries: If ecological footprint per capita is taken as an indicator this group includes the USA, the rich European countries, Canada, Australia, the rich Arab countries, Japan, Korea Republic, Israel, Russia.

Effectively curbing the destruction of eco-systems and of the climate requires a social and economic reconstruction. The countries mentioned are in an economic position to implement the needed changes. Human rights ETOs can be a new driving force in this direction.

Conclusion on Policy 9: States can make use of ETOs to address destructive action of foreign States that has climate effects and effects on the health of eco-systems in its territory.

Policy 10: Defending peoples' cultural identities.

In the context of ESCR, cultural rights as human rights have often been overlooked – as the focus has been on economic and social rights. All three types of rights, however, are closely linked. The impairment of cultural rights is often a consequence of economic

and social oppression – national and international - but also a tool thereof. Policies of ethnocide have been used in colonial times – and sometimes continue even today: Ethnocide means that an ethnic group is denied the right to enjoy, develop and transmit its own culture and its own language, whether collectively or individually.

Globalization and TNCs benefit from global cultural uniformity. Global uniformity of consumers removes obstacles to increasing the markets – and profits - for TNCs. This development is not “natural”, but a policy choice – to the detriment of cultural diversity, of local/national production and local markets. Economic and cultural oppression are conditioning people and peoples on the dominating culture.

Language is world. Languages, however, are dying out at a large rate. Sometimes we are made to believe that peoples forget about their own cultures and languages, because they are stupefied by the dominating powers. There are, however, conditioning policy choices involved here – and States have to take policy measures in order to safeguard cultural rights at home – and abroad.

Culture originally means something sacred – a way of life that is a specific contribution of human communities to the rich and diverse totality of humanity. Nevertheless culture has been commodified to events, to books, films and museums, downgraded to entertainment and promoted via media that condition people abroad with a hegemonic “culture”.

A country’s education system is meant to be an important part of transmitting its cultures to the young generation. Colonialists used to

introduce their own “home-country” education systems and languages. This continues in many subtle ways. States continue failing to protect people abroad against such practices originating from their territories – or even promote these practices (for example in the context of “development cooperation”).

The activities of TNCs can have severe cultural impacts abroad in their fields of operation. To the extent that these impacts impair cultural human rights abroad, the affected States can call on the ETOs of the home States, as those have a base for protection against such practices.

Conclusion on Policy 10: States can make use of ETOs to safeguard their peoples’ cultures.

Policy 11. Introducing international social policies.

One of the problems in international assistance is the lack of cooperation between the “donor States”. International assistance is often more characterized by competition of donor countries and agencies than by cooperation between them. International assistance is meant to address misery. A key tool for fulfilling social rights in the donor States themselves – social policies, social protection and social transfers – has been notably absent from international assistance until about a decade ago. For “donor States” international assistance serves a number of policy objectives. ETOs make clear that international assistance must primarily be a tool for contributing to the fulfilment of economic, social and cultural rights extraterritorially and that

there is a duty for all States to cooperate to this effect to the maximum of their available resources.¹² At the same time ETOP 31 underlines that each State has to meet ESCR in its territory to the maximum of its ability. This calls for standard setting as to what can be reasonably expected of each State (including from a donor State). The ETOPs provide principles and priorities for such standard setting.¹³

For this matter ETOs are an important ingredient in reforming international assistance to include international social policies as a priority and to cooperate in the donor state community with the same principles and priorities. ETOs provide standards for measuring and enhancing aid efficiency. As ETOs emanate from ESCRs abroad, States internationally cannot deal with international social policies as they please, but there is a common legal ground on which such international assistance takes place: ETOs.

Conclusion on Policy 11: States can make use of ETOs to structure international emergency aid and to prioritize international social policies in cooperation.

Policy 12: Advancing from the UN Charter to the Great Law of Peace.

A first approximation to the Great Law of Peace mentioned in Policy 1 has been the UN Charter. The original UN Charter project was fairly clear on fundamental issues in the Great Law of Peace: States and peoples agree to cooperate and turn cooperation into a legal duty. Human rights – including civil, cultural, economic, political, and social rights - were meant to fulfill the function of people's basic rights in the international community. The UN Charter, similar to a



national constitution drawn up by a national assembly, speaks in the name of Peoples (not States) constituting the UN. The Charter prevails over other treaties, just as national constitutional law prevails over other law.

International cooperation has to comply with human rights. And human rights have to be implemented via international cooperation. Human rights treaties refer to international cooperation in most prominent places. ETOs sum up what it means to cooperate internationally for the implementation of human rights – and what it means for individuals and communities victimized by foreign or international actors.

The ETO concept “calls for little more than for human rights to be re-established in the position they were occupying more than sixty years ago, when the Charter of the United Nations and the Universal Declaration of Human Rights were adopted. Under the UN Charter, all Members of the United Nations pledge to ‘take joint and separate action in cooperation with the Organization’ to achieve the purposes set out in Article 55 of the Charter, which include ‘universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.’ When it was adopted three years later, the Universal Declaration of Human Rights not only provided a catalogue of rights concretizing the requirements of the United Nations Charter. It also set out a duty of international cooperation in Article 22 for the realization of economic, social and cultural right: this objective, it states, must be achieved ‘through national effort and international co-operation and in accordance with the organization and resources of each State.’ And Article 28 of the

Universal Declaration of Human Rights also stipulates that ‘Everyone is entitled to a social and international order in which the rights and freedoms in this Declaration can be fully realized’. ... Today, it is these promises that are finally being revived.”¹⁴

Politically the UN has been misused for a number of purposes alien to its Charter. Moreover the UN has been financially and politically starved by some of the States – with private corporations and foundations coming into the UN with funding and influence. In return those private interests receive some “blue-washing”, and can start setting their own agenda under the guise of partnership. The policies outlined in the World Economic Forum’s “Global Redesign Initiative”, are already being implemented. They marginalize the international community of States and peoples – essentially replacing multilateral policy making by a network of “multi-actor forums” with transnational corporations as key members designing global policies.

So it is high time for States to get their policies together and start moving towards a Great Law of Peace. International coalitions of States have to be set up that establish joint international governance of States based on international cooperation around human rights and related ETOs.

Conclusion on Policy 12: States can make use of ETOs to reject corporate capture of international policy spaces, restore the original UN project, move towards the Great Law of Peace and create the institutions and treaty regimes that are human-rights-based and accountable to the people.



¹ The 2011 Maastricht Principles and other documents on extraterritorial obligations can be found on www.etoconsortium.org

² O. de Schutter et al., Commentary on the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, HRQ Vol 34, No.4, Nov.2012

³ Twelve reasons to strengthen ETOs, FIAN International, October 2013

⁴ Fourteen misconceptions about ETOs, FIAN International, May 2014

⁵ Maastricht ETO Principle 39 (in short: ETOP 39)

⁶ Z.Brzezinski, Strategic Vision, America and the Crisis of Global Power, 2012 Basic Books, New York City

⁷ ETOP 20

⁸ ETOP 21a

⁹ ETOP 15

¹⁰ Moreover ETOP 27 recalls the obligation to cooperate in the protection against impairment by third parties such as TNCs.

¹¹ Wilson, E.O., The Future of Life (2002).

¹² ETOP 31

¹³ ETOPs 30-35

¹⁴ O. de Schutter, Foreword, in F.Coomans, R.Künnemann (eds.), Cases and Concepts on Extraterritorial Obligations in the area of Economic, Social and Cultural Rights, Intersentia, 2012, p.v

ETO Consortium

The ETO Consortium is a member-led network, comprised by a large number of CSOs and academics interested in human rights promotion and protection.

Established in Geneva in 2007, the purpose of the ETO Consortium is to address the gaps in human rights protection that have opened up through the neglect of extraterritorial obligations (ETOs).

The ETO Consortium mainstreams and applies ETOs, using as a key term of reference the Maastricht Principles on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights. The Consortium is continuously working to advance ETOs in multiple contexts and on various occasions, for instance by virtue of international and regional conferences and capacity building, case-work, research and advocacy.

The ETO Consortium organizes its work in focal groups according to thematic issues and to geographical regions. In addition

to the focal groups, there is an academic support group, with a separate mandate to assist the focal groups and members. The ETO Consortium members use the Maastricht Principles in their day-to-day work, individually and in cooperation, with a view to seeking new avenues for addressing some of the most urgent problems related to the protection of economic, social and cultural human rights.

The ETO Consortium is led by an elected Steering Committee with academics and representatives of CSOs from various regions of the world. The Consortium appoints one of its member CSOs to host the ETO Consortium Secretariat for a certain period of time.

CSOs and academics interested in cooperation or membership are invited to contact the ETO Consortium's Secretariat.

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