



## **“Rights-based governance beyond borders” The role of extraterritorial obligations (ETOs).**

Chumpot Pantip Conference Room,  
4<sup>th</sup> Floor, Prajadhipok Rambhai-Barni Building  
Chulalongkorn University, Bangkok, Thailand

9:00 – 17:00, September 2<sup>nd</sup> 2014

*Co-organized by: the ETO Consortium; MA in International Development Studies (MAIDS) program, Chulalongkorn University; Focus on the Global South; the Asia-Pacific Forum on Women, Law and Development; and the Stockholm Environment Institute*

### **Background**

Human rights provide a powerful tool for environmentally sustainable development. Many States in South East Asia and elsewhere still interpret their human rights obligations as being applicable only within their own borders. The attempt to ignore extraterritorial obligations (ETOs) and to limit obligations territorially has led to gaps in human rights protection (and environmental protection) in various international political processes including: the lack of human rights regulation and accountability of transnational corporations (TNCs); the absence of human rights accountability of Intergovernmental Organizations (IGOs), in particular international financial institutions (IFIs); failure to apply human rights law to investment and trade rules, policies and disputes; and the lack of implementation of the duties to protect and fulfill Economic, Social and Cultural Rights (ESCRs) abroad.

These challenges were addressed in 2011 in the "[Maastricht Principles on ETOs in the area of ESCRs](#)" that summarized recent developments in international human rights treaty law. Strengthened ETOs will help to safeguard people's rights in the region – including those of women, peasants, and indigenous communities who are often most at risk. ETOs also articulate clear standards for intergovernmental organizations, UN reform - and the international human rights framework more broadly. They are closely linked to issues on the borderline of environmental law and human rights. They help to redress the growing influence of corporations' control over national and international governance mechanisms and to defend democratic international rule that respects, protects and fulfills economic, social and cultural human rights.

This conference will bring together persons from civil society organizations, academia, UN and government institutions. The purpose will be to raise awareness of the importance of extraterritorial obligations of States (ETOs), share lessons on their implementation in Asia, and explore their role in rights-based national and global governance.

## Program

8:30 - 9:00 Registration

### 9:00 – 10:40 Session 1: Keynotes

Chair: Prof. Surichai Wun'gao, Chulalongkorn University

Welcome remarks: Representative, Chulalongkorn University

Opening remarks on ETOs by Fons Coomans, ETO Consortium.

9:20 - 9:45 Keynote 1: “ETOs in ASEAN: Context and Prospects” Dr. Sriprapha Petcharamesree (former Thai representative to the ASEAN Intergovernmental Commission on Human Rights)

9:45 – 10:10 Keynote 2: “ETOs in a global context,” Cephas Lumina, (former UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights).

Discussants: Representative, ETO Consortium  
Radhika Balakrishnan (Center for Women's Global Leadership) (tbc)  
Marcos Orellana (Center for International Environmental Law)

Q&A from the floor

### 10:40 – 11:00 Coffee break

### 11:00 – 12:30 Session 2: ETOs in Asia

Panel discussion on the roles of the United Nations, National Human Rights Institutions (NHRI), Regional Human Rights Institutions, and Civil Society Organizations in advancing rights-based governance beyond borders through Extra Territorial Obligations.

Chair: Asst. Prof. Dr. Naruemon Thabchumpon

Heisoo Shin (UN ESCR Committee)  
Dr. Seree Nonthasoot (AICHR) (tbc)  
Lidy Nacpil (Jubilee South)  
Representative, Indonesian National Human Rights Commission (Komnas HAM)

The panelists will address the following questions:

- What has been your experience of ETOs to date? What were the outcomes and challenges?
- How do you evaluate the current awareness and commitment of states in (SE) Asia to ETOs? What expectations are there of non-Asia states towards implementing ETOs in their interaction with Asia?

- What are the priorities for ETOs in Asia, and what measures and strategies might be adopted to attain them?

*Introduction in plenary of the afternoon's working groups.*

**12:30 – 13:30 Lunch**

**13:30 – 15:15 Session 3: Parallel working groups**

*Session 3A. ETOs for regulation of finance, investment, and trade*

Resource persons:

Cephas Lumina (former UN Independent Expert on foreign debt and human rights) [Chair]  
 Niko Lusiani (CESR)  
 Aldo Cagliari (Center for Concern) (tbc)  
 Shuji Hisano (University of Kyoto) (tbc)  
 Radhika Balakrishnan (CWGL) (tbc)  
 Representative of UNCTAD (tbc)

*Session 3B. ETOs to stop regional resource grabs (land/soils/water/seeds), food systems, and for TNCs accountability.*

Resource persons:

Eric Kemp-Benedict (SEI) [Chair]  
 Jaybee Gargantera (ATM),  
 Ana Maria Suarez Franco (FIAN)  
 Alfred Brownell (GreenAdvocates)  
 Shalmali Guttal (Focus)  
 Babette Ressurrección (SEI)  
 Eang Vuthy (Equitable Cambodia)

*Session 3C. ETOs and institutional governance in development cooperation (including post 2015), corporate capture and multistakeholderism (GRI)*

Resource persons:

Dorothy Guerrero (Focus on the Global South) [Chair]  
 Sarah Lincoln (Brot für die Welt),  
 Brid Brennan (TNI)  
 Tessa Shamim Khan (APWLD)  
 Gorik Ooms (Antwerp Institute for Tropical Medicine)  
 Bret Thiele (GI-ESCR) (tbc)

**15:15 – 15:45 Coffee break**

**15:45 – 17:00 Session 4: Plenary on ETOs: Status and Prospects**

Chair: Carl Middleton (MAIDS) (tbc)

15:45 – 16:15 Brief summary reports from working groups

16:15 – 16:45 Plenary discussion (ETOs: Status and Prospects in SE Asia and Beyond)

16:45 – 17:00 Concluding remarks (Representatives of the organizers)