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OBSERVER

A JOURNAL ON THREATENED HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES

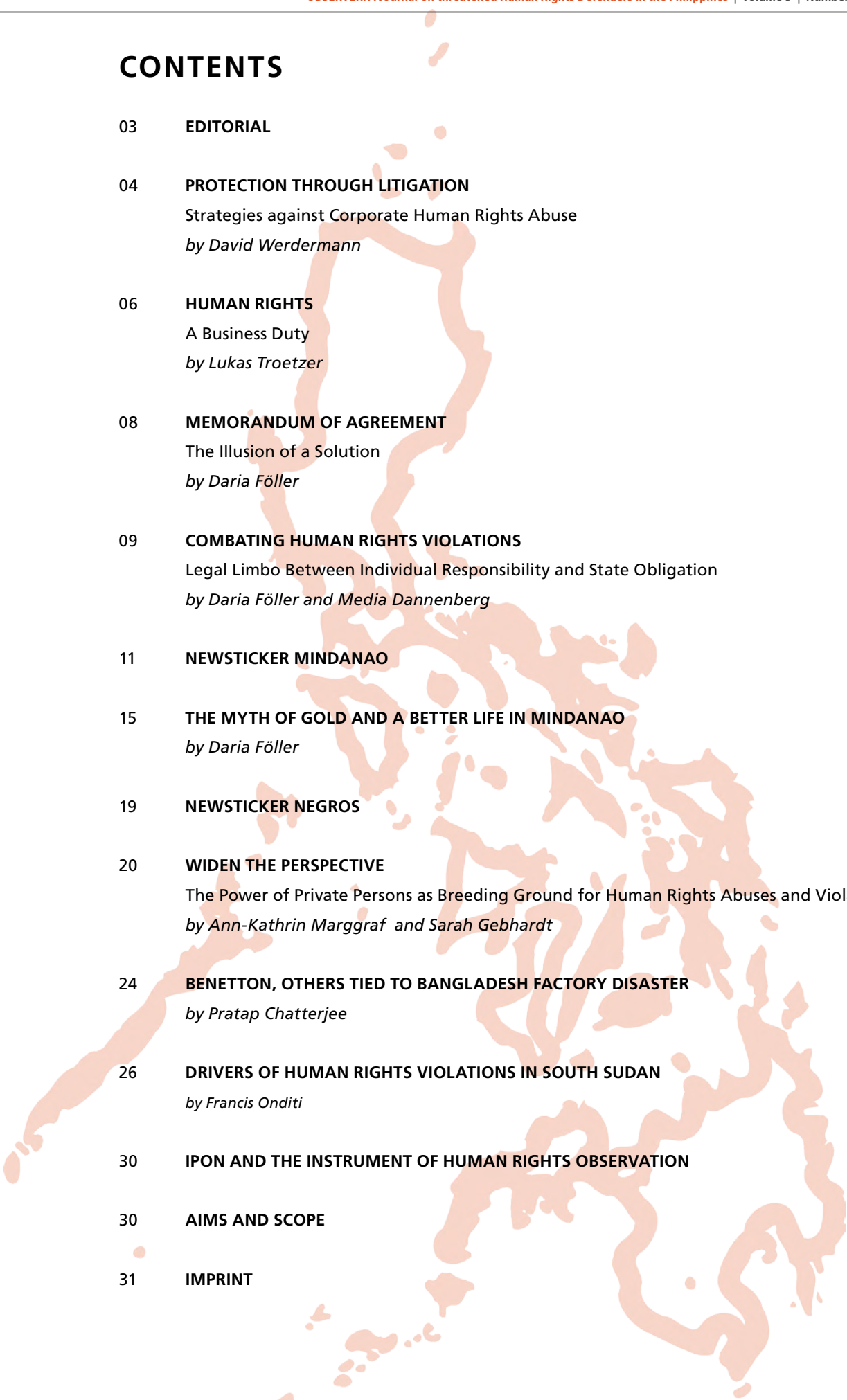
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OBLIGATIONS BEYOND BORDERS

Divisibility of Liability for Fundamental Human Rights

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EDITORIAL

The role of the state and of transnational organisations as the only legitimate institutions responsible to protect human rights seems to be increasingly questioned. Recent debates, centered

für die Welt to serve as a guideline for activists and affected communities by introducing legal instruments for the fight against human rights abuses committed by corporations.



Who we are – Some members of IPON Coordination. (Source IPON)

around the topic of globalisation analyse phenomena as global financial flows, companies and organisations, the decentralisation of production and pursuit to find new answers and solutions to the problems of concern. As a result, political debates increasingly raise the question of political responsibility of stakeholders other than the state. Multinational corporations, due to their international presence and economic force, are particularly targeted by these debates and recent trends have shown a willingness to make these corporations accountable for protecting and implementing human rights, especially when related to their economic activities. The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework endorsed by the United Nations in June 2011, are clearly representative of this trend.

In this issue Werdermann presents the brochure "Making corporations respond to the damages they cause", published by the European Center for Constitutional and Human rights (ECCHR) in cooperation with the German church-related development agencies Misereor and Brot

A recent and tragic example for such human rights abuses involving famous multinational corporations was the collapse of a factory in Bangladesh, killing more than 400 people. Although some multinationals first tried to distance themselves from their responsibility, activists, particularly labour activists, have insisted that they take responsibility, as Chatterjee reports. However, as Marggraf & Gebhard outline in their article, it is not only corporations that commit human rights abuses, it can also be powerful private persons who engage in commercial activities. Landowners in the Philippines often sell their products in accordance to the anonymous conditions of the world-market, which diffuses the question of the responsibility of merchants, brokers, manufacturing companies and corporations and consumers – but not for the acting individuals and the states responsibility to protect human rights on site.

Trötzer, who briefly explains the Guiding Principles on Business and Human Rights, highlights the importance of the state's responsibility.

This ultimate responsibility of the state seems both undeniable and difficult to

put into practice in the case of countries that have a weak legal system, where political elites enjoy impunity and where people's safety and interests are subordinated to economic interests. The case of the Philippines, illustrated by Paulke, Dannenberg & Föllner, and of the young republic of South Sudan, which Onditi describes, are excellent examples of situations where the gap between theory and practice raise the question of responsibility of the different stakeholders involved.

The state alone cannot ensure the protection and implementation of human rights – it needs the assistance of other stakeholders such as NGOs or corporations – but it should nevertheless uphold the ultimate power to do so. In the case of states where multinational corporations and/or private people have a lot of economic and political power due to the weakness of the state, a lot needs to be done in terms of clarifying each stakeholder's role(s). ■

CALL FOR ARTICLES

Red-Baiting in the Philippines is a political strategy – most notably employed by national security forces – to accuse, denounce and persecute individuals and civil society organisations as members or supporter of front organisations of communist guerrilla groups to obstruct their work.

The upcoming issue (referring to vol. 3 no. 2) will strengthen and gather Red-Baiting and related issues by discussing innovative approaches and dialogues.

We welcome articles of 5,500 or 12,000 characters that contribute a systemic analysis of the topic with a focus on human rights or human rights defenders, until 1st December 2013 (editorial deadline). Please send a short note concerning your presumed topic until 20th November 2013. You can also find our author guidelines and further informations on www.ipon-philippines.org.

Contact: editor@ipon-philippines.org