



UN Expert Seminar on Good Practices and Challenges for Indigenous Peoples' Entrepreneurship

*University of Colorado Law School
Boulder, Colorado (USA)
6-7 March 2017*

Concept Note

Background

Established by the United Nations Human Rights Council in 2007, the Expert Mechanism on the Rights of Indigenous Peoples provides the Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples. The studies and advice of the Expert Mechanism are meant to provide a better understanding of the provisions of the Declaration and to propose concrete actions that States, indigenous peoples, civil society, international organizations, national human rights institutions and others can take in order to further its implementation.

To date, the Expert Mechanism has carried out studies on themes including indigenous peoples' rights with respect to their cultural heritage; access to justice for indigenous peoples; the right to health and indigenous peoples; and the right of indigenous peoples to education. The Office of the High Commissioner for Human Rights (OHCHR) provides secretariat support to the Expert Mechanism.

In September 2016, the Human Rights Council requested the Expert Mechanism to undertake a study on "good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities", to be presented to the Council at its 36th session in September 2017. A draft of the study will be discussed and finalized for presentation to the Council during the 10th session of the Expert Mechanism (10-14 July 2017).

The Expert Mechanism has traditionally partnered with academic institutions in order to organize a seminar on the theme of its annual study. The University of Colorado Law School will host the 2017 seminar on Good practices and challenges in business and access to financial services by indigenous peoples. Colorado Law School is one of the prominent centres for legal studies in the United States, offering multiple nationally recognized programs, including programs in Natural Resources, Energy, and Environmental law; American Indian Law; and Entrepreneurial and Business Law. The American Indian Program is widely known for its strong faculty and influential, innovative engagement with indigenous issues, which place Colorado Law School at the epicentre of American Indian and indigenous legal activism. As Colorado Law expands these programs into the international legal realm, the University is eager to welcome and collaborate with the Expert Mechanism and the Office of the High Commissioner for Human Rights.

Objectives

The objective of the Expert Seminar is to inform the Expert Mechanism on the Rights of Indigenous Peoples on its 2017 study on Good practices and challenges in business and access to financial services by indigenous peoples. The Seminar will examine these issues from a human rights perspective, paying particular attention to the UN Declaration on the Rights of Indigenous Peoples. In addition to contributing to the study, the seminar also provide an opportunity for exchange among academics, practitioners and other experts on this issue.

Participants

The Seminar will bring together approximately 20 participants, including:

- Members of the Expert Mechanism on the Rights of Indigenous Peoples
- Experts on indigenous peoples, business and access to financial services from different regions
- Staff of the Office of the High Commissioner for Human Rights
- Faculty from the University of Colorado
- Staff from relevant UN agencies
- Academic friends of the Expert Mechanism working on this issue

In addition, students will be welcome to observe the proceedings of the seminar.

Structure of the seminar

The seminar will be structured along the central themes to be addressed in the Expert Mechanism's study. The seminar's structure will be designed to best enable contributions by participants to the topics addressed in the background paper for the Study, which will be disseminated to participants before the seminar begins. It is hoped that the focus of each session will be on suggestions for language, examples/cases and ideas for inclusion in the study.

A preliminary list of topics to be addressed in the study is as follows:

- The international legal framework regarding indigenous peoples' rights, business and access to financial services
- State and regional practices on indigenous peoples' businesses: Overview of policy frameworks, practices
- Discrimination in access to financial services
- Indigenous entrepreneurs, with a focus on women
- Indigenous persons with disabilities in the context of business and access to financial services
- Role of indigenous-owned businesses in promoting corporate responsibility and respect for human rights in the private sector
- Indigenous knowledge-based businesses: Sectors (tourism, handicrafts, etc.), scope, and protection (intellectual property, benefit sharing, etc.)
- Business operations based on indigenous peoples' lands: Challenges and opportunities
- Indigenous youth entrepreneurs