



Columbia Center
on Sustainable Investment

A JOINT CENTER OF COLUMBIA LAW SCHOOL
AND THE EARTH INSTITUTE, COLUMBIA UNIVERSITY

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: indigenous@ohchr.org

Mandate of the Special Rapporteur on the rights of indigenous peoples

Workshop on Indigenous Peoples and International Investment

May 12, 2016

**Ford Foundation headquarters
320 East 43rd St., New York**

BACKGROUND

In 2015, the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, presented a report to the 70th session of the General Assembly setting out her concerns regarding the impact of international investment and free trade agreements on the human rights of indigenous peoples. The report focused on foreign investment relating to indigenous peoples' lands, waters, and the extraction of natural resources therein, and made a series of recommendations regarding how the international instruments governing investment and trade should be reformed in order to ensure respect, protection, and fulfillment of the rights of indigenous peoples.

The Special Rapporteur is now carrying out further investigations to support the preparation of a second thematic report on international investment and the rights of indigenous peoples. This includes an exploration of additional strategies to strengthen the rights and interests of indigenous peoples in the context of the various laws, policies, and instruments governing international investment.

In addition to a growing web of investment treaties and free trade agreements with investment chapters, like the recently signed Trans-Pacific Partnership (TPP), investor-state contracts are also frequently used to govern individual investments. These treaties, agreements, and contracts, which can all affect the rights of indigenous peoples, are usually negotiated behind closed doors, without the participation of indigenous peoples and other stakeholders. Such instruments, as well as corresponding enforcement mechanisms, raise concerns regarding systemic imbalances in the protection of corporate rights and human rights. They are also potentially at odds with the growing emphasis placed on the responsibilities of investors to respect human rights, as outlined in the United Nations Guiding Principles on Business and Human Rights, and associated processes aimed at minimizing business impacts on the human rights of affected communities, including indigenous peoples.

This workshop is intended to broaden the range of potential strategies for strengthening the rights of indigenous peoples in this context. It brings together indigenous representatives, legal practitioners, academics, and other stakeholders, each of whose experiences can provide additional perspectives to help advance a more nuanced understanding of, and more creative solutions for, investment and the rights of indigenous peoples.