

UN Expert Seminar on the Impact of Militarisation on the Rights of Indigenous Peoples

5-6 December 2022
Venue: Palais Wilson
OHCHR Geneva

Background and Objectives

Established by the United Nations Human Rights Council in 2007, the Expert Mechanism on the Rights of Indigenous Peoples-EMRIP- 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 (UNDRIP). It is composed of seven members, serving in their individual capacities.

In September 2016, the Human Rights Council amended the mandate of the Expert Mechanism, to include inter alia the preparation of an annual study on the status of the rights of Indigenous Peoples worldwide in the achievement of the ends of the Declaration, focusing on one or more interrelated articles of the Declaration, at its own choice.

In this framework, the EMRIP will hold a **2-day expert seminar on the Impact of Militarisation on the Rights of Indigenous Peoples** to take place from **5 to 6 December 2022 in Geneva, Switzerland**. This theme was selected by the Expert Mechanism for its next annual study to be presented to the Council at its 54th session in September 2023. A draft of the study will be discussed and finalized by the EMRIP during the 16th session of the Expert Mechanism in July 2023.

The objective of the Expert Seminar is to inform the Expert Mechanism on the theme as reflected in UN Declaration on the Rights of Indigenous Peoples. The seminar provides an opportunity for exchange among academics, practitioners and other experts on this issue. The studies and advice of the Expert Mechanism provide a better understanding of the provisions of the Declaration and propose concrete actions that States, Indigenous Peoples, civil society, national human rights institutions, international organizations, businesses and others can take in order to further its implementation.¹The Office of the United Nations High Commissioner for Human Rights (OHCHR) provides technical and substantive support to the Expert Mechanism.

Objectives

- Hold an in-depth discussion on the topic to give input to EMRIP's 2023 study

¹To 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; right to participate in decision-making; the right of Indigenous Peoples to education; the free, prior and informed consent; migration; right to land; indigenous children; and treaties, agreements and other constructive arrangements.

- Discuss the latest related developments in the policy, legal and institutional fields, at national, regional and international levels
- Identify good practices and challenges from different regions relating to the theme
- Contribute to approaches that facilitate constructive dialogue between States and Indigenous Peoples in the framework of the UNDRIP

Participants

The 2-day expert seminar (**5 and 6 December**) will include the following participants

- Members of the UN Expert Mechanism on the Rights of Indigenous Peoples
- Experts on the impact of militarisation on the rights of Indigenous Peoples from different regions
- Indigenous Peoples from the region
- Staff of the Office of the UN High Commissioner for Human Rights
- Staff from relevant UN agencies
- National Human Rights Institutions

Focus of study

To assist all parties in contributing to this seminar, the EMRIP sets out below some of the elements it intends to focus on in its study².

Impact of militarization on the rights of indigenous peoples (Article 2-7, 10, 11, 14, 19, 22-24, 26, 28–30, 32, and 36 of the UNDRIP)

- Consider the types of militarization that occur around the world and its impact on the rights of Indigenous Peoples.
- Analyze violence and its impact on Indigenous Peoples' right to life, liberty and security in the context of militarization.
- The extent to which militarization impacts on the right to land and natural resources of Indigenous Peoples, the right to self-determination and free, prior, and informed consent;
- Examine the impact of militarization on the social, economic and cultural rights of Indigenous Peoples, including the right to health; the right to education, among others;
- The extent to which militarization impacts the right of Indigenous women and Indigenous children to be free from all forms of violence and the right to be free from all forms of discrimination.

Effective mechanisms/programmes/remedies

- The role of national courts on violations of Indigenous Peoples rights caused by militarization
- Positive examples of conflict prevention processes to avoid increased militarization on indigenous lands.

²The introduction and legal framework to the Study will include the link between Article 30 and Articles 26, 30, 7, 32, 29, 10, 36, 23 and 19 of the Declaration.

- Extent to which conflict resolution strategies could reduce militarization on indigenous lands.
- Consider how Indigenous Peoples' own laws and customs, as well as national and international law, can be used to facilitate mediation as well as peaceful resolution of conflicts.
- Types of problem-solving approaches that facilitate constructive dialogue between States and Indigenous Peoples.