Expert Seminar in Support of the Work of the UN Expert Mechanism on the Rights of Indigenous Peoples

*Establishing effective monitoring mechanisms at the national and regional levels for the implementation of the UN Declaration on the Rights of Indigenous Peoples*

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<th><strong>Panelist</strong></th>
<th>Mr. Gam Awungshi Shimray</th>
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<td>Panel 3: Monitoring by Indigenous Peoples</td>
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| **Location**    | Robert H. Lee Alumni Centre  
                    University of British Columbia  
                    6163 University Blvd  
                    Vancouver, BC       |
Establishing Monitoring Mechanisms on the Implementation of UNDRIP?

Gam A. Shimray
Asia Indigenous Peoples Pact
Significance of UNDRIP

• UNDRIP is a good framework for the realization of IPs rights and to be put into practice.
• However, the crucial problems and issues of how it will be implemented are not well defined.
• To monitor the implementation of UNDRIP means that the problems and issues for its implementation have to be well defined.
• UNDRIP is a declaration of the acknowledgement and acceptance of the unique history and characteristics of Indigenous Peoples.
• In the words of James Anaya, the former Special Rapporteur on the right of IPs – It is about morally reforming the UN system and human rights instruments.
Macro-level narratives

• Colonial narratives have not changed.
• The ‘uncivilized’ need to be ‘civilized’ provided the justification for subjugation or assimilation.
• The ‘terrorists’ or ‘rebels’ needs to be subdued provides the justification for anti-terror or draconian laws for killing and wiping out IPs.
• Development narratives such as ‘IPs are against development’ provides the justification for evicting IPs from their homelands.
• In another words, narrative towards IPs has been a basis for “managing”, “overcoming” or “suppressing” indigenous identities and rights.
Asian States

• The move towards liberal democracy brought some changes in the recognition of IPs rights in some Asian countries like Indonesia, Philippines, Cambodia, Japan, Taiwan, Bangladesh, etc.

• However, most of these legislations have not been given positive effects.

• Rather, the experience is one of rapid downward spiraling and rights are slowly subverted by rising intolerance engineered through toxic narratives.

• IPs are labelled against the national interests and vision for development.
The power of narrative

**Narrative is a crucial tool for:**
- Suppressing peoples and minority rights.
- Subverting institutional structures and rights.

**It is also a powerful tool for:**
- Addressing horizontal inequalities by serving to strengthen habits and mindsets of respect for diversity.
- Enable institutional reforms.
- And institutional reforms can further strengthen cultural work creating a virtuous cycle.
Pluralism: Will Kymlicka

Pluralism = “institution work” and “culture work”.

Institution = hardware

Culture = software
Monitoring: UNDRIP & Self-determination as a resource for conflict resolution

1. **Political and legal commitments in support of pluralism**: international and national.

2. **Political agreements for self-government arrangement must be culturally matched**: in compliance with UNDRIP (as political entities or nations).

3. **Implementation of political and legal commitments**: neighborliness and support to IPs without conditions.

4. **Leadership**: political parties, courts, media, etc. on protection and respect for a culture of pluri-nation state.

5. **Cultural behavior**: practices of actors across society.

6. **Relationship & levels of belonging**: between states and indigenous governments, and between indigenous peoples and other groups.

7. **Safeguards**: for compliance in cases of non-compliance (access to international institutions and national obligations and grievances mechanism).

8. **Political reform**: monitoring mechanism and political reform agenda should be matched within the framework of right to self-determination.