

*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*



THE UNIVERSITY OF BRITISH COLUMBIA



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Panelist	Mr. Gam Awungshi Shimray
Panel	Panel 3: Monitoring by Indigenous Peoples
Time	14.00 – 15.30
Date	Thursday 23 February 2023
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.