Side events proposal for 2022 session of the UN Permanent Forum on Indigenous Issues

**Name of organizing entity or entities**

- Asia Indigenous Peoples Pact (AIPP)
- Diplomacy Training Programme (DTP)
- International Workgroup for Indigenous Affairs (IWGIA)

Email address of the organizer; guangchunliu@aippnet.org

Title of the event: *Strengthening democracies in Asia through recognition of Indigenous Peoples right to self-determination as enshrined in the UNDRIP.*

Date of the event: 27<sup>th</sup> April 2021

Time of the event: 8AM NY time

Faced with increasing inequity and injustice, an increasingly uninhabitable planet on the brink of an impending climate crisis, the search for a responsive and responsible governance system has become an imperative. A democracy that dismantles hegemony has become an urgent need. The governance structures conceived and in place, at least in law, could very well provide an effective counter if only this becomes a common popular political agenda and process. This historical role to extend the struggle for another democracy is the challenge.

411 million Indigenous Peoples (IPs) are estimated to live in Asia, confronted with similar historical marginalisation, which has political, cultural, social and economic dimensions. The question of ‘who is Indigenous’ often is subjected to debates, and remains the main challenge in the recognition of and identification of certain communities as Indigenous Peoples. This narrow understanding blinkered by experience of European Colonisation, in turn impact public policies, wherever there is some extent of recognition.

The political situation in many countries of Asia has always been volatile. As a result, these countries have long suffered from internal conflicts and their populations from attacks on their freedoms. In this context, Indigenous Peoples’ interests have randomly been considered by national governments, while violence against them and violations of their rights have become routine. Recognition of the right of Indigenous Peoples to self-determination will not only help mitigate historic injustices but will also serve to strengthen democracies across Asia.

During the last decade, the weaknesses of Asian democracy begun to expose itself. In recent years, several Asian democracies have been rapidly drifting towards centralization and autocracy. The situation has worsened during the pandemic with legislative developments in several countries having detrimental consequences on the rights of Indigenous Peoples (IPs). These legislative developments include corporate stimulus and compensation such as automatic renewal of licenses for extractive industries, opening up

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new environmentally sensitive areas for mining and top-down pandemic solutions that disregard Indigenous Peoples’ rights.

The principle of democratic structures that represent the will of the people being in charge over the functional departments, and therefore accountable to democracy, do not exist or are weak, or if present, is not adhered to in letter and spirit. Colonial structures whose explicit intent was to colonise the land and people by treating the people as subjugated was inherited, and have more often been strengthened (forest bureaucracy is a classical example). Democratisation of structures of governance has been slow, fragmented and in-between.

With the adoption of the UNDRIP and other instruments like the ILO convention 169, there have been some advances in the recognition of Indigenous Peoples’ rights, but a lack of implementation across nation-states means the rights of Indigenous Peoples remain unrecognised and unrealised. While most nation states in the region have adapted and integrated legal provisions to support the recognition of ethnic minorities living within their borders, Indigenous Peoples – and Indigenous identities – are not fully recognized and consequently do not enjoy the full spectrum of rights enshrined under the UNDRIP and other relevant international standards.

India has extensive legal and policy framework targeting scheduled tribes. Nepal, Phillipines, and Cambodia have some recognition of Indigenous peoples, and Bangladesh has some agreements and legal provisions, but gaps in understanding remain, hence the gap in conceptualisation of such frameworks. Its not just a matter of implementation gap.

This lack of recognition to Indigenous Peoples self-determination and autonomy and implementation of collective rights of Indigenous Peoples remains the key driver of attacks against Indigenous Peoples Human Rights Defenders. Self-determination is labelled as separatism in some contexts – making advocates vulnerable to anti-subversion and anti-terrorism legislation and to the exploitation of populist nationalist politics. Closing in of civic and democratic spaces remains an impediment for IPHRDs to advocate for their rights.

To strengthen weak democracies in the region, governments must recognize and take action in implementing the provisions of UNDRIP in letter and spirit.

Political mobilization, therefore is essential to open up political space for governance reforms. For this there is a need for concrete critical examination for an informed engagement for it to be constructive and to pave the path forward. History teaches this; where these have been present, even briefly, the results are phenomenal. For instance, the emergence of pro-people laws themselves is enough evidence of the validity of this approach. The challenge is also how to sustain this enough for changed to be made and take effect sufficiently to turn the tide.

For the duration of the indigenous rights movement in the post-colonial period, civic spaces and governance structures at national and international levels have excluded our institutions and practices and ways of knowing and being. In essence, the state structure and civic space has always been closed to Indigeneity, and current regional and country-level developments further risk marginalizing us at a time when states are rapidly shifting towards authoritarianism and autocracy in Asia.

Recognizing the right to self-determination entails democratization and strengthening of democracy in Asia. This could provide an opportunity for the state to revisit its institutional architecture for
accommodating and protecting our autonomy and right to self-determination that is based on self-governance of Indigenous Peoples.

There is a need therefore to forge partnerships to sustain this political mobilization and to sustain this agenda at all levels.

The discussion will focus on the

- Critical examination of the implementation of UNDRIP in Asia- achievements, challenges, opportunities
- What is needed to build a political mobilization to open up spaces for governance reforms that will ensure self-determination of Indigenous Peoples?
- How and with whom do we build partnerships to sustain this agenda?