



**Strengthening
Democracy
Through
Recognition of
Indigenous
Peoples' Rights**

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Asia Indigenous Peoples Pact

Discourse on self-determination of Indigenous Peoples

1. IPs rights are necessary for strengthening and developing pluralistic democracies.
2. Recognition of indigenous forms of self-government and self-governance has valuable lessons for strengthening democracies and democratic resilience.
3. Discourse on indigenous self-determination can give a new life and philosophy to States and societies in the search for social and democratic transformation.
4. Restoring political space for the realization of Indigenous Peoples' vision.
5. Communitarian forms of democracy practiced by Indigenous Peoples can be a powerful contributor towards a path of genuine de-feudalization, decolonization and democratic decentralization.



Self-determination and Autonomy in Asia



- Asia was defined by Princely states or kingdoms and modern form of democracy was unknown.
- There are several forms of autonomy in Asia and the oldest forms are in India.
- Autonomy exists at the village level, district level and State or Provincial level.

Problems in the framing and design

- Asian States had no proper conception of autonomy or democracy.
- Asian States did not know the people for whom autonomies were framed for.
- For examples, in India, framing of autonomy has its origin in the British-India Act of 1935.
- Forced to embrace the concept of state administration and did not allow the development of Indigenous Peoples' own conception of self-governance and administration.



Fundamental unresolved issues

- Asian States made no effort to understand or incorporate indigenous values and systems in their administrative systems.
- Indigenous values and systems are treated as antithetical to the mainstream system and not tapped.
- The approach to autonomy is based on competencies of subject matters creating several jurisdictional conflicts e.g., in the arena of education.
- It is not based on the principle of subsidiarity where subject matters are handled based on territorial and level of administrative without creating ambiguity.
- Meaning that all subject matters are handled to the extent possible by the first governing unit i.e., the village level (as an inherent right) and delegates subject matters that are beyond their capacity to the appropriate higher level.



Fundamental unresolved issues

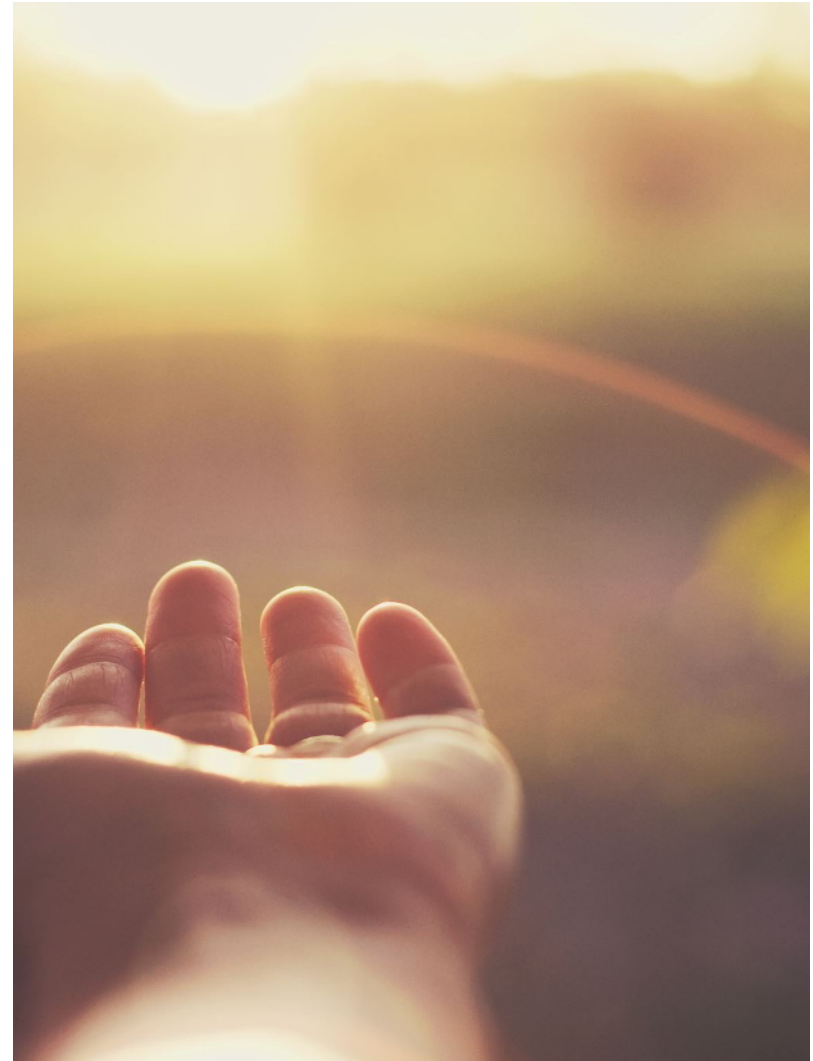
This is a problem because modern states are good at delegation of authority and power from the top to the lower levels but not good at delegation from the lower to the higher level.

The imposition of Electoral democracy leads to replacing people's sovereignty with majoritarian democracy, which is sometimes called majoritarian dictatorship.

This is in conflict with Indigenous Peoples' approach to consensus democracy where diverse opinions and active participation of the community in governance matters.

The new vision and approach

- More than anything else, self-determination of IPs is a social necessity.
- The approach can be generally understood as **Territorial Autonomy**, meaning that IPs exercise self-governance and sovereignty within their territory.
- This could be understood as a nested sovereignty that is under the protection of the State by upholding each other's sovereignty.
- Thus, it is about finding our mutual role based on trust, transparency and accountability, and most importantly cooperation and reciprocity.
- Territorial Autonomy is important because we have the love for our homes, and we also have our unique values and characteristics that are today recognized by international laws.



The new vision and approach

- Spiritual attachment to our land and territory is crucial in dealing with global problems such as climate change and biodiversity loss.
- Kinship is not just about blood relations (as understood by external people). It should also be understood as a moral concept that helps create neighborliness and close ties with nature.
- It is also about having a common yardstick for meaningful conversation for moving forward.
- So, our effort must be to come together to build pluralistic democratic state that is decentered but united in vision and action.
- For social and political transformation as well as for problems of humanity such as global warming and biodiversity losses.

