

Linking Local Issues to the
Broader Context of Seeking
Recognition for Rights and the
Right to Self-Determination &
FPIC

UNDRIP and ILO 169 in Asia

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Introduction & Objectives

Context: Indigenous Peoples in Asia face legal, social, and political marginalisation

Objectives:

- Connect local indigenous issues to international frameworks
- Understand how UNDRIP and ILO 169 can support local struggles
- Promote strategies for recognition and implementation

Key Concepts

- Self-Determination
- Free, Prior, and Informed Consent
- UNDRIP (2007)
- ILO 169 (1989)



Linking Local to Global – Why It Matters

Local violations reflect global human rights concerns

Use of international mechanisms for local protection

States commit to UNDRIP & ILO 169 but often fail in implementation

Advocacy leverages global tools to strengthen grassroots movements

UNDRIP & ILO 169 – What They Offer

- **UNDRIP:** Recognition of identity, land, culture, FPIC, self-governance
- **ILO 169:** Legally binding treaty recognising Indigenous rights
- **Status in Asia:**
 - **UNDRIP:** Supported by most states
 - **ILO 169:** Only ratified by Nepal



Context: Being Indigenous in Asia

Who Are the Indigenous Peoples of Asia?

- Diverse languages, cultures, customary laws, and political institutions.
- Distinct from dominant ethnic groups in our countries
- Shared struggle for the Right to Self-Determination & Territorial Sovereignty.



Context: Being Indigenous in Asia

Impact of Colonization

- Military occupation and or dispossession of lands, destruction of ecosystems
- Forced relocation and cultural assimilation
- Loss of Self-Determination under non-indigenous governments



The Current Situation

- **Land and resource rights** are under threat from extractive industries, development, and state policy
- **Legal recognition** is weak or absent in most countries
- **Cultural erosion**, forced displacement, and marginalization are widespread





The Current Situation

Deepening Challenges

- Language and knowledge excluded from formal education
- Erosion of indigenous worldview & spirituality
- Governments unrepresentative and unaccountable to indigenous communities



The Current Situation

Socio-Economic Marginalization

- Limited access to education, healthcare, and opportunities
- Ongoing poverty, isolation, and discrimination

Gaps Between Norms and Practice

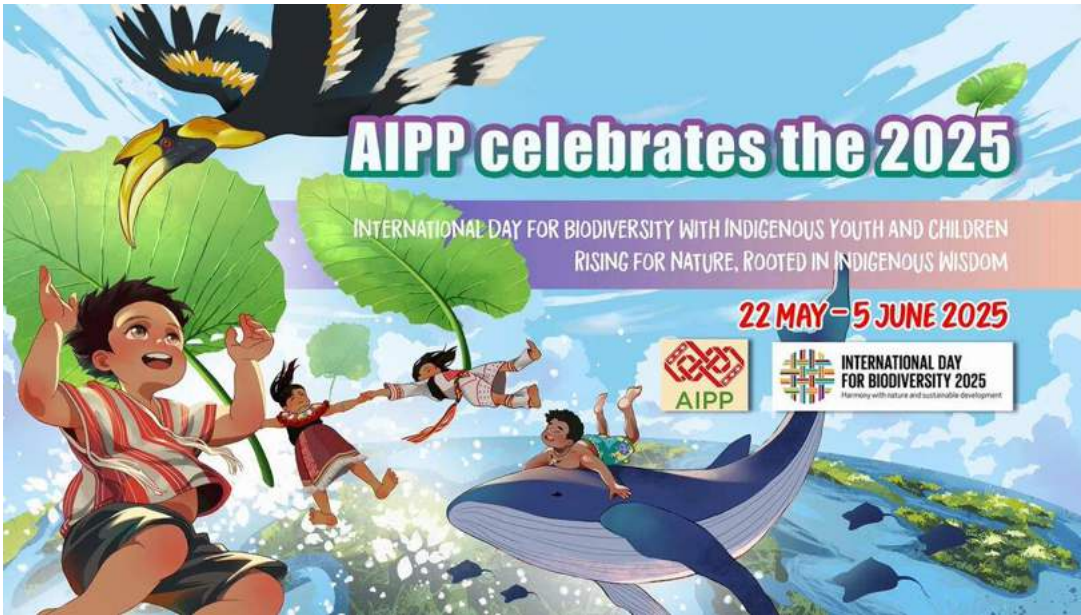
National laws do not align with international standards

FPIC ignored or misused

Development often imposed without consent

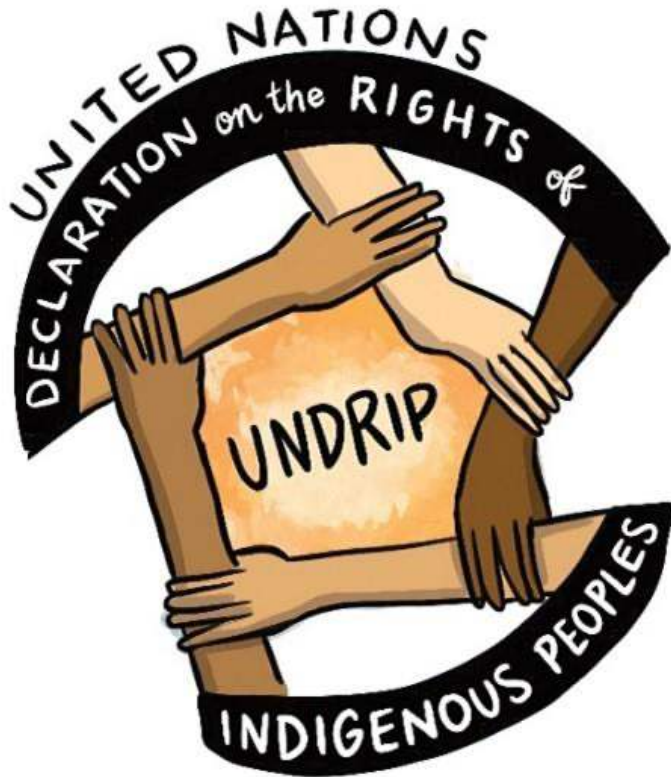
Lack of political will for collective rights

Why the UNDRIP?



- International law instruments are based on state systems.
- Indigenous Peoples are non-state societies and are therefore not part of internal law or state systems.
- The UNDRIP emphasizes the unique characteristics of IPs e.g.:
 - Our worldview.
 - Guardianship and spiritual connection to our lands, territories and resources.
 - Continuity as distinct peoples.

The UNDRIP



There are **24 preambular paragraphs (PP)**. The PP... define the parameters of the operative articles, which set down the actual rights of IPs. The PP are statements of historical reference and reiteration of international instruments that uphold the fundamental rights of IPs. Most importantly, it gives reference to existing:

- International HR standards
- Basic principles of international law
- Above all, the principle on the equal application of the right to self-determination to all peoples



UNDRIP by thematic areas

The thematic areas of the UNDRIP are as follows:

1. Self-determination and self-government
2. Free, Prior and Informed Consent
3. Customary Law
4. Lands, Territory and Resources
5. Cultural Rights
6. Development Issues
7. Migration and Trans-Border Issues
8. Militarization and Human Rights Issues
9. Special Sectoral Issues

Most controversial provisions of the UNDRIP

Self-determination and
self-government:
Article 3; 4; 5; and 46



Free, Prior and Informed
Consent: Article 10; 11;
19; 28; 29; and 32



Lands, Territory and
Resources: 25; 26; 8;
and 10





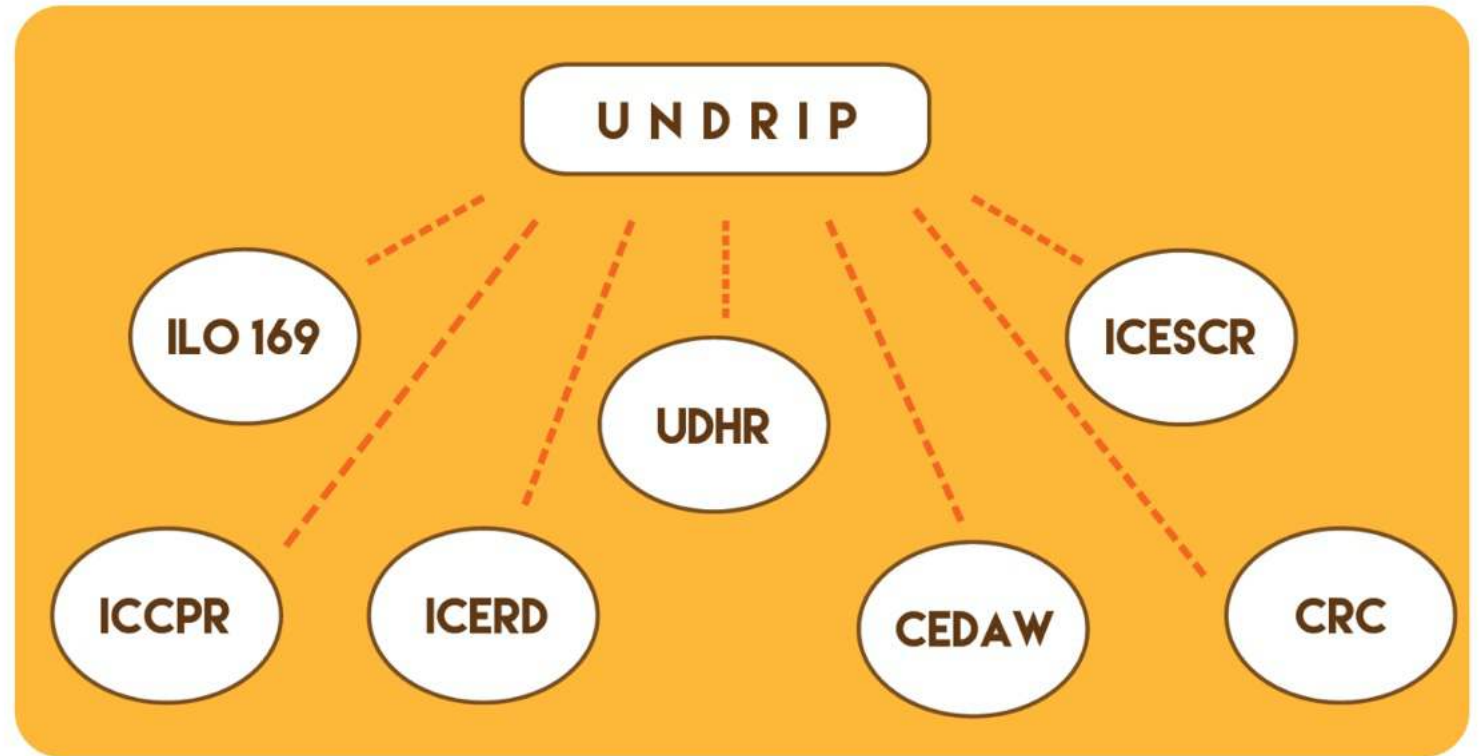
Self-determination & self-identification: distinct social, cultural, economic & political systems.

Social & cultural: *community living (bonding, love & care for nature)*

Economic: *subsistence & reciprocity*

Political: *usually deliberative and consensus democracy*

Moral reform: international human rights instruments





Article 13

2. The use of the term ***lands*** in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

ILO 169

Strategies for Bridging the Gap

- Strengthen Indigenous Community Protocols, community mapping and legal claims
- Engage with UN mechanisms (UPR, BHR, UNPFII, EMRIP)
- National and regional advocacy platforms
- Build alliances across movements





Role of Movements and Solidarity

- Networks like AIPP, NIWA, indigenous community organisations
- External CSOs and specific advocacy groups
- Youth and women leading change
- Cross-border solidarity and knowledge exchange
- Strategic campaigns and media advocacy