

The

Special Rapporteur on the Rights of Indigenous Peoples

(SRRIP)



What is the United Nations Special Rapporteur on the Rights of Indigenous Peoples?

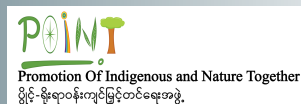
The Special Rapporteur on the Rights of Indigenous Peoples (SRRIP) is an independent expert who holds a thematic mandate on the rights of indigenous peoples. The SRRIP is one of the three United Nations mechanisms created for indigenous peoples. The mandate was established in 2001 by the Commission on Human Rights, which was replaced by the HRC in 2006. The SRRIP carries out the following duties;

1. Promotes good practices, including new laws, government programs, and constructive agreements between indigenous peoples and states, to implement international standards concerning the rights of indigenous peoples;
2. Makes recommendations and proposals on appropriate measures to prevent and remedy violations of the rights of indigenous peoples;
3. Reports on the human rights situations of indigenous peoples around the world;
4. Addresses specific cases of alleged violations of indigenous peoples' rights.

How does the SRRIP carry out its Mandate?

The Rapporteur's mandate is to report as well as to make recommendations and proposals on the situation of the fundamental rights and freedom of indigenous peoples. The Rapporteur's activities are focused on 4 main areas (HRC Resolution 15/14 and 24/9)

1. Writing annual reports for the Human Rights Council (occasionally for the General Assembly) on the activities undertaken over the past year or relevant themes related to the promotion and defense of indigenous peoples' rights.
2. Receiving and replying to communications;
3. Carrying out official field visits;





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2. Receiving and replying to communications;
3. Carrying out official field visits;
4. Making recommendations to States.

How do Indigenous Peoples' representatives engage with the SRRIP?

The SRRIP, as a special procedure mandate holder, has a complaint mechanism. Any organization or individual can make a complaint. The SRRIP can then send a communication to the state in question

or inter-governmental organizations, businesses or military. In these letters, the SRRIP report on the allegations they have received. Allegations can include;

1. Past human rights abuses – which can be the object of the letter;
2. On-going or potential human rights violations – which can be the object of an urgent appeal;
3. Concerns relating to law and policy in violation with indigenous peoples rights.

While the SRRIP does not have the power or capability to enforce complaints, communications nonetheless add significant weight to an issue that can be used for advocacy. A communication sent by the SRRIP can have the following important results;

1. They may draw attention of other governments and organisations on alleged abuses;
2. Request that violations are ceased, prevented, investigated or that remedial action is taken;
3. As the Human Rights council is reported to on communications sent and replies received, public awareness is raised on either the individual or group cases.

United Nations Mechanisms for Engagement of Indigenous Peoples

For decades, indigenous peoples have mobilized themselves to influence the UN systems to assert and establish the recognition and inclusion of their rights in global processes and mechanisms. In 2007, this culminated in the achieving the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by the United Nation. Since then three other mechanisms have followed the UNDRIP under the Human Rights Council to further the rights of Indigenous Peoples, these are: the UN Permanent Forum on Indigenous Issues (UNPFII), the Special Rapporteur on the Rights of Indigenous Peoples (SSRIP) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).¹



Who are Indigenous Peoples?

An official definition of “indigenous” has not been adopted by any UN-system body due to the diversity of indigenous peoples. Instead the system has developed a modern understanding of this term based on the following:²

1. Have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories;
 2. Consider themselves distinct from other sectors of the societies now prevailing in those territories;
 3. Form at present non-dominant sectors of society;
 4. Are determined to preserve, develop and transmit to future generations their own cultural patterns, social institutions and legal systems.
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- A photograph showing a group of indigenous people, including men and women, working in a field of tall grass. They are wearing traditional headwraps and clothing. The scene is outdoors and appears to be a rural or agricultural setting.



Indigenous Peoples in the Context of Myanmar ³

In Myanmar, Indigenous Peoples are broadly sub-grouped under eight categories- Kachin, Kayah, Kayin, Chin, Mon, Bamar, Rakhine, and Shan. This broad categorization is contested however. For example, the Naga, Danu and Tavoy (Dawei) Indigenous Peoples do not identify themselves as belonging to any of those broad categories. Likewise, the term taing-yin-tha in Burmese (sometimes officially translated as national races by the government, or ethnic nationalities) is used to refer to those who have been present in the current geographical area of Myanmar/Burma since before the beginning of the first British annexation, and is usually used to refer to the main eight ethnic categories, including the majority group of Bamar.

Indigenous Peoples' use the terminology htanay-taing-yin-tha for Indigenous Peoples', which translates as "original dwellers who have strong ancestral ties to the present territories", based on the concept of self-identification, and using the criteria of non-dominance in the national context, historical continuity, ancestral territories, and cultural values.

Htanay-taing-yin-tha have their own traditional systems of self-governance. Some indigenous areas were later colonised by Bamar kingdoms, but many continued with self-governance until British annexation (such as Chin, Kachin and Shan). Other indigenous areas such as Naga were never colonised by the British and were considered to be 'unadministered areas' during the colonial era.

References

¹— Right! Volume 2: Updated training manual on Indigenous Peoples, 2015, AIPP.

²— UNDP Factsheet: Who are Indigenous Peoples and POINT's who are IPs?

³— IP Coalition of UPR report in Myanmar 2020

https://www.docip.org/fileadmin/documents/Docip/Fiches_pratiques/Fiches_EM RIP/EN/Factsheet_EM RIP_2019-en.pdf

<https://www.docip.org/en/indigenous-peoples-at-the-un/permanent-forum/>

