



UNITED NATIONS
OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS IN NEPAL



Press Release – 2 December 2008

UN expert urges action on Nepal's commitment to indigenous rights

KATHMANDU/GENEVA -- "This is a critical moment to respond to the many challenges that indigenous peoples of Nepal face," said Professor S. James Anaya, the United Nations Special Rapporteur on indigenous peoples, as he concluded his nine-day visit to Nepal. "While I am encouraged by expressions of commitment by the Government of Nepal to advance the rights of indigenous peoples, much needs to be done."

The Special Rapporteur, who expressed his appreciation for the Government's cooperation during all phases of his visit, met in Kathmandu with government officials, representatives of indigenous peoples' (*adivasi janajati*) organizations, members of civil society, and various representatives of the United Nations. In his visits to the districts of Ilam, Jhapa, Chitwan and Kailali, the UN expert consulted with indigenous communities and local authorities.

Professor Anaya observed with satisfaction the Government of Nepal's commitment to international standards upholding the rights of indigenous peoples, in particular its ratification of ILO Convention 169 on Indigenous and Tribal Peoples and its support for the United Nations Declaration on the Rights of Indigenous Peoples.

Nepal is the first Asian country to ratify the convention, which commits States to securing indigenous peoples' distinct cultures and ways of life, rights over lands and natural resources, as well as the right to meaningfully participate in all decisions affecting them.

During his visit, the Special Rapporteur was informed of a number of positive measures being planned for the benefit of indigenous communities, both in the framework of the constitution-making process and the implementation of ILO Convention 169. Professor Anaya noted, however, that these measures needed to be consolidated and better focused to not just uplift the economic and social conditions of indigenous peoples, but also to secure their survival as distinct communities within a genuinely multicultural political and social order.

"A long history of oppression and marginalization has excluded indigenous peoples from political representation and decision-making, full citizenship, and economic and educational opportunities; and their distinct cultures and languages have been continuously threatened," the UN expert said.

"Indigenous communities have been forcibly displaced from their ancestral lands and denied property rights, and they often lack access to justice. Indigenous women have suffered additional forms of discrimination and abuse," he added.

The Special Rapporteur was encouraged to learn that these conditions are being addressed in the ongoing constitution-making process. "It is critical to secure the rights of indigenous peoples in the new constitution and to include these peoples in the process leading to a new constitution," he stated.

While noting that a significant number of members of the Constituent Assembly belong to indigenous communities, Professor Anaya emphasized the need to develop additional mechanisms in the constitution-making process to consult directly with indigenous peoples, through their own chosen representatives and in accordance with their own methods of decision-making, as required by the international standards to which Nepal has committed.

"Indigenous peoples' legitimate demands for self-determination and autonomy need to be adequately incorporated into ongoing discussions about the federal structure that is expected to be embodied in the new constitution," said the Special Rapporteur, stressing the need for innovation and flexibility in the development of a federal model that advances

For further information contact Marty Logan at OHCHR-Nepal:
Tel.: 428 0164 (Ext.321); Mobile 98510.16922 or mlogan@ohchr.org.



the full realization of the human rights of all the country's diverse ethnic and indigenous communities. He underscored the importance of inclusive participation in the discussions about the complex issues involved in the design of the country's new political order.

Professor Anaya noted several other pressing matters that should be addressed immediately. Among them is the securing of rights to land for indigenous communities, including the implementation of land rights agreements already made by the Government. Also is the consideration of additional groups to be included in the official listing of indigenous nationalities.

Finally, the Special Rapporteur welcomed the initial progress made by the Government of Nepal in the early stages of the current political transition, and he expressed his eagerness to cooperate and remain actively engaged within the context of the mandate to promote the human rights of indigenous peoples that was conferred to him by the United Nations Human Rights Council.

ENDS

Professor Anaya expresses his gratitude to the Office of the High Commissioner for Human Rights in Nepal for their wholehearted support during the visit. Consistent with the terms of his mandate, the Special Rapporteur will present the findings of the visit and recommendations to the actors involved and to the United Nations Human Rights Council in Geneva.

The Human Rights Council appointed Professor Anaya for an initial period of three years as new Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and he assumed his mandate on 1 May 2008. He is James J. Lenoir Professor of Human Rights Law and Policy at the University of Arizona (United States).

For more information on the mandate of the Special Rapporteur write to indigenous@ohchr.org or visit the website <http://www2.ohchr.org/english/issues/indigenous/rapporteur/index.htm>