



**Statement by Richard Bennett
Representative of the United Nations High Commissioner for Human Rights in Nepal
*Delivered at a Dialogue Between Indigenous Peoples and Government
On the Effective Implementation of ILO 169 and Promotion of UN-DECRIPS***

27 February 2008, Kathmandu

Honourable Mr Prithvi Subba Gurung, Minister for Culture, Tourism and Civil Aviation, Hon Mr Nagendra Chaudhary, Minister of State for Culture, Tourism and Civil Aviation, Hon Mr Indra Bahadur Gurung, Minister of State for Law, Justice and Parliamentary Affairs, Hon Mr Navin Kumar Bishwokarma, Minister of State for Local Development, Mr Gauri Pradhan, Member of the National Human Rights Commission, Mr Bijaya Subba, MP, other distinguished panellists, participants, members of the media, and friends:

Thank you for including the Office of the High Commissioner for Human Rights in this session today on the implementation of ILO Convention 169, which Nepal ratified in 2007, and to discuss promotion of the UN Declaration on the Rights of Indigenous People, which was adopted by the General Assembly last September.

Many of you are closely acquainted with the provisions of these international human rights instruments, and understand their significance. ILO Convention 169 commits governments, among other things, to full and meaningful consultation with Indigenous Peoples on matters that will have a direct effect on their lives. The rights in the Declaration, on the other hand, constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world. My Office had the pleasure of delivering here today 500 copies of the Declaration, which we have translated into Nepali.

Transforming the commitments made in these instruments into reality is the challenge that lies ahead. As you may know, last December the Human Rights Council decided to create an expert mechanism on the human rights of indigenous peoples. Its task is to identify and recommend to the Council effective means to implement, develop and mainstream international standards that promote and protect the human rights and fundamental freedoms of indigenous peoples, and to work with all interested States, UN bodies, international and national human rights organizations, NGOs and indigenous people themselves in doing so. At least three of the mechanism's six independent members will be representatives of indigenous peoples. I would suggest that the new expert mechanism will be a useful tool for all those, like yourselves, who are working to ensure that ILO Convention 169 and the Declaration contribute to improving the lives of indigenous peoples.

Of course, States are the primary duty bearers for the protection and promotion of the human rights of their populations. This is stated explicitly in Article 2.1 of ILO 169, which states, “Governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity”.

The Declaration outlaws discrimination against indigenous peoples. It reaffirms that, both individually and collectively, indigenous peoples enjoy all rights already recognized at the international level, and that the special circumstances of their existence as discriminated peoples will demand particular attention by States. This includes, *inter alia*, providing effective mechanisms for prevention of, and redress for:

- (a) Any action which has the aim or effect of depriving indigenous peoples of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- (d) Any form of forced assimilation or integration;
- (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Earlier this month the United Nations Development Group issued *Guidelines on Indigenous Peoples' Issues*. While the Guidelines are designed to assist the activities of UN Country teams, their principles are relevant to all of those working with indigenous peoples, especially duty bearers. The Guidelines state: “In particular, the proposals of indigenous communities to integrate their social, political, cultural and economic rights and their aspirations into future development strategies must be considered so that that the challenges they are facing are fully addressed, respect for their rights and cultures is ensured, and their survival and well-being is protected. In this context, participation of indigenous peoples, including indigenous women, must be an over-arching principle.”

National human rights institutions (NHRIs) have an essential role to play in promoting and protecting the rights of indigenous peoples. They will be important partners for the Human Rights Council’s new expert mechanism in order to effect change at the country level to guarantee the human rights of Indigenous Peoples. NHRIs can serve as focal points for promotion and for further research at the national and international levels, and to bring together all concerned stakeholders to discuss these important issues. My Office is happy to see that the new commissioners at Nepal’s NHRC have a strong commitment to promoting and protecting the rights of historically marginalized groups.

As for OHCHR, in her Strategic Management Plan, 2008-2009, the High Commissioner for Human Rights commits to continuing to promote integration of indigenous peoples into public policies through the development of expertise, guidelines and tools on the Declaration on the Rights of Indigenous Peoples. Best practices will be made available to meet the needs of partners on issues, including indigenous justice systems and efforts to protect isolated indigenous peoples.

Since the People's Movement of April 2006, OHCHR-Nepal has been stressing the right to participation of Adivasi/Janajati people in the peace process and in all State institutions, including the upcoming Constituent Assembly elections. We look forward to continuing this work, with all of you here, in the no doubt, momentous months ahead. I would like to wish you all a successful dialogue.

Thank you.

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