

Final

Statement by H.E. Dr. Dinesh Bhattarai, Ambassador/Permanent Representative of Nepal following the report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Prof. James Anaya.

Geneva, September 28, 2009

Mr. President,

Nepal thanks the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Prof. James Anaya, for his report, including the one on Nepal that he prepared following his visit to the country at the invitation of my Government.

As a multi-ethnic, multi-lingual and multi-cultural country, Nepal attaches great importance to the work of this mandate. In continuation of the excellent tradition of cooperation, the government extended all cooperation to the Special Rapporteur and facilitated widest possible interactions with all relevant stakeholders during his trip to Nepal.

Mr. President,

Nepal is undergoing through a historic political transformation within the overall framework of democratic polity. The people of Nepal elected Constituent Assembly last year which stands as rare example of the most representative institution in the country's history. Representation of the *Adivasi Janjatis* in the Assembly has marked historic record with one third of its membership being elected from these groups.

The main task of the Constituent Assembly is to write a democratic constitution incorporating universally accepted fundamental human rights, multiparty competitive democratic system, independent judiciary, press freedom, rule of law, periodic elections, social justice and equality. The Government is committed to inclusiveness, and state restructuring along the federal lines in place of the existing centralized and unitary structure of the State. Constituent Assembly, and various thematic committees remain engaged in the process of writing constitution. A separate Committee on the Protection of the Rights of the Minorities and Marginalized Groups has been formed within the Constituent Assembly to specifically articulate the rights and interests of these groups.

Mr. President,

Two years ago, Nepal voted for the adoption of the Declaration on the Rights of Indigenous People in the UN General Assembly. We later ratified the ILO Convention no. 169 on the Indigenous and Tribal Peoples. In consultations

with stakeholders, Expert Group and representatives from the *Adivasi Janajatis*, the Government of Nepal has prepared a comprehensive national plan of action for the implementation of the ILO Convention 169. This reflects our national commitment to the development, welfare and overall protection and promotion of the rights of *Adivasi Janajatis* and ensure their full and effective participation in all organs and levels of state mechanisms.

Mr. President,

The Interim Constitution of Nepal 2007 guarantees the right to equality to every citizen and provides equal protection of law. It guarantees civil liberties and fundamental human rights including the right to social justice, right against racial discrimination, right regarding employment and social security, among others. The Constitution also provides that the *Adivasi Janajatis*, among others, have the right to participate in state structures on the basis of principles of proportional inclusion.

We recognize and respect the diversity of Indigenous people and their cultural distinctiveness. There are constitutional provisions that guarantee the rights of all communities to preserve and promote their language, scripts, culture, artifacts, dance performances, and festivals.

The right to impart basic education in mother tongues of all communities has been recognized. These provisions have been put into implementation through reforms in the legislation; amendment in the Education Act, Local Self Government Act and related regulations; and through the formulation of related policy instruments, such as National Curriculum Frameworks, School Reform Programs, Education for All- National Plan of Action and the periodic national development plans.

Preparations of curriculum, text books and reference materials in languages spoken by *Adivasi Janajatis* have been undertaken. The course books in the ethnic dialects of Bantawa Rai, Kulung Rai, Limbu, Tharu, Tamang, Baramu, Magar, Gurung are being prepared. Similarly, research is underway towards the preparation of dictionaries in the dialects of indigenous nationalities. Training of teachers in those dialects remains a priority. This is an ongoing program that will continue to progress and develop.

Mr. President,

The Government of Nepal has implemented comprehensive and targeted scholarship schemes to encourage and assist the students from the *Adivasi Janajatis* in the tertiary level education. The scholarship facilities that are extended both to technical and non-technical education have produced encouraging impact in the enhancement of number of students from those communities. The programs on improvement and refinement of traditional

knowledge and skills have benefited especially the youth for self employment in those occupations.

Empowerment of *Adivasi Janajatis* and their enhanced participation in decision making positions remain as the priority agendas of the Government. Far reaching reforms in the areas of policy and institutions have been undertaken. In 2002, Nepal established an independent statutory body, the National Foundation for Development of Indigenous Nationalities (NFDIN), exclusively to work for the development of indigenous people and preservation of their distinct culture and life style; access to resources; and empowerment through their participation in the decision making process. NFDIN's organizational network is now expanded across the country and its participation is mandatory in the decision making of local planning and implementation process.

With a view to enhance the participation and making the State apparatus inclusive, reservation and quota system have been introduced to ensure fair representation of all communities in all state apparatus and decision making bodies, including in the parliament, civil service, police, army and all public sector employment. These provisions have already been put into implementation. There are encouraging results from the process of steady inclusion of the candidates from these communities in the public sector employment.

The Interim Development Plan (2007-2010) envisages long term vision for the overall development of indigenous people through education, social and cultural preservation, poverty reduction, special programs to preserve traditional skills and technology, preservation of their culture, tradition, dialects and way of life, access to resources, and mainstreaming them into national development. The Government has implemented targeted programs of empowerment of the indigenous people through income generation, poverty reduction, promotion of traditional knowledge and skills, and cultural expressions in the process of socio-economic transformation.

We have adopted policies to promote equality, justice, non-discrimination, political and economic empowerment of women, and marginalized communities, and have accordingly initiated several institutionalized efforts to enhance their socio-economic development. Government has introduced monthly allowances for all groups of endangered ethnicities.

Mr. President,

The democratic political process initiated in the country has unleashed opportunities for all people. The contributions made by the process in bringing the human rights and fundamental freedoms of all people in Nepal to the forefront and creating safeguards for the promotion and protection of their civil, political, economic, and cultural rights has been remarkable and therefore

needs to be acknowledged and duly recognized. Nepal is making a democratic transition after over a decade long armed conflict. Transition is a complex process with multifaceted tasks. The process is also a part of the transition from deprivation to development, marginalization to inclusiveness and participation, and discrimination to equality and impartiality. It is a continuous process and Government is committed to the process of mainstreaming as is reflected in this year's budget, and I quote "no resources will be constrained for the implementation of the agreements made by the Government of Nepal with the indigenous groups, ethnic groups, Tharus, backward communities, Muslims, other parties, organizations and trade unions". Unquote.

Mr. President,

Nepal is proud of its rich diversity. Diversity has enriched Nepal's unique unity, social harmony and tolerance. This is our national asset and therefore stands as a singular strength for national unity and development. Indigenous peoples through time immemorial have augmented this asset for national unity and integrity and made major contributions to the making of modern Nepal. Government considers them as the cornerstone of its multiculturalism and a unifying factor for the nation.

These values remain ingrained in our national character. They have shaped our civilization, culture and way of life. We are building national institutions premised on these time tested values and norms. My government remains committed to honor these values, consolidate the historic democratic achievements of the peaceful People's Movements, institutionalize them in the new constitution, and establish permanent peace in the country by taking the peace process to its positive and meaningful conclusion, writing a new constitution within the time frame and expediting the socio-economic transformation in the country.

I thank you Mr. President.