

## Eleventh Session of the UN permanent Forum on Indigenous Issues

Date: 7-18, May 2012

### Agenda Item No 3

Honorable Chairperson, Ladies and Gentlemen,

I would like to thank you Mr. Chairperson for granting me an opportunity to make a presentation personally and on behalf of Nepalese Indigenous peoples. Though, Nepal is a party to number of UN human rights instruments including ILO C. 169 and UNDRIP, it has continued to systematically deny indigenous peoples their internationally recognized and protected rights contained in the ongoing constitution-making process. The Nepal government failed to ensure indigenous peoples their rights to freely chose their own representatives and to participate fully, equally and effectively in the Constituent Assembly, as per the provisions of CERD, ICCPR, UNDRIP and ILO Convention 169—all treaties that Nepal is party to. In this regard, Prof. James Anaya, the UN Special Rapporteur on Indigenous peoples and the UN Committee on the Elimination of Racial Discrimination (CERD) have both recommended establishing participatory and consultative mechanisms in the constitution making process to consult directly with indigenous peoples, through their own chosen representatives and to ensure respect for and implementation of = their own methods of decision-making process which to date have been ignored and disregarded in political processes in the country. The Nepal government's failure to adequately ensure indigenous peoples' participation in the Constitution-making process in accordance with international law is likely to cause irreparable harm to indigenous peoples, minimizing the chances that indigenous rights are included in the forthcoming constitution. To protect the traditional and discriminatory dominance of high caste groups in Nepal, the Major Political Parties have been meeting outside of the Constituent Assembly—violating Art.70 of the Interim Constitution that clearly says any decision about the Constitution making process shall be made in the Constituent Assembly—to make key decisions without the influence and participation of indigenous peoples thereby harming Indigenous Peoples' rights to (among other things) participation, power sharing, self-governance, respect for their customs and customary laws, and consultation in regards to the disposition of their lands, territories and natural resources. The new Constitution is set to be promulgated at the end of May, and the Supreme Court has refused to extend the term of the Constituent Assembly despite the fact that many key issues have not been resolved including—most significantly—how the new Nepal will be federalized. Without more time, the Constituent Assembly will be unable to hold the public consultations which would ensure that these issues are resolved in a way satisfactory to the peoples of Nepal.

Not only has the Government systematically denied indigenous peoples their right to participation and jeopardized the inclusion of other indigenous rights in the forthcoming constitution, but it has further continued to discriminate against indigenous peoples and their traditional practices. For example, despite the fact that Nepal was declared a secular country in 2006, the Civil Code continues to call for imprisonment if any one slaughters a cow—a sacred animal under Hinduism. Indigenous peoples are most often the victims of this discriminatory law as beef is used in many of their rituals.

Mr. Chairperson, in line with the above information we recommend:

# **Profile of The Kirat Rodu Nachhiring Sakham. Kathmandu, Nepal. Asia.**

Email: [sakham.ktm@gmail.com](mailto:sakham.ktm@gmail.com) Update on Monday 9<sup>th</sup> April 2012. By Pratap Singh Nachhiring, Founder Chairperson.

The KIRAT RODU NACHHIRING SAKHAM is the Kirat NACHHIRING Indigenous peoples Organization in Nepal. It has been established in the date of Monday 15 May 1996 and it has been registered to the Government of Nepal, at the office of the Chief District Officer (CDO Office) in Kathmandu, Nepal in the date of Friday 12 January 2001. THE Registered Number is 540/2001-2002.

The Kirat Rodu Nachhiring Sakham was established for the purpose of uplifting language, culture, & recognition of hidden original Identity of Nachhiring Indigenous peoples as well as bringing awareness to the community on the fundamental freedom and Human Rights of Indigenous peoples in Nepal.

A very important point to be noted is that Nachhirings community was Rai-ised by government since 1814 B.S. by issuing a lalmohar (Government Document) and also one religion and Culture since then the original identity has been hidden of the Nachhiring indigenous peoples in Nepal.

We Kirat Nachhirings are the ancient indigenous peoples with the origin from Khotang district according to history of Nepal. Nachhirings are also densely populated in Solukhumbu district. Both of these district are in eastern part of Nepal. At present Nachhirings are also found in Dhankuta, Panthar, Sunsari, Taplejung, Sangkhuwasabha, Bhojpur, Ilam, Jhapa, Morang, & Kathmandu etc.

The location of Kirat Nachhiring Indigenous peoples resides is mostly in Hilly region and some are with the range of Himalayan region which is approximately the range of 3,000 to 4,000 ft. in altitude.

Their population is about 100,000 all over the country. Their literacy rate is assumed 20 percent only. The exact data can not found yet.

Nachhirings are not represent in policy and decision making level. Their own language, culture, religion are ignored by the the state for long time. Women status of Nachhirings community is vulnerable in relation to their health, education, empowerment and their traditional culture due to the one Hindu religion and one caste policy for long time in Nepal.

The economy status of Nachhirings Indigenous communities is also deplorable and that needs to improve urgently.

However, Kirat Rodu Nachhiring Sakham oarganization(IPOs) continue keep it's efforts to bring awareness to the community through meetings, seminars, conference, orientations etc to the community & bringing attention of as submitting memorandums to the state.


That the UNPFII should encourage the Nepal government not to violate indigenous rights enshrined in UNDRIP, ILO C. 169 and respect the recommendation of the SRIP as well as early warnings of CERD by establishing a special mechanism for ensuring indigenous peoples' free, prior and informed consent in decision-making processes in the country

Repeal the Civil Code Chapter of Quadruped and release IPs who are imprisoned under charges of Cow Slaughter.

Respect Indigenous peoples' right to culture and allow them to exercise traditional cultural and political practices

Thank you for your consideration.

Thanking you again on behalf of

Pratap Singh Nachhiring 

Founder Chairperson of Kirat Rodu Nachhiring Sakham, NEPAL.

**Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) Nepal.**

**Asia Indigenous Peoples Pact (AIPP)**

**Also I would APPRECIATE to The Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations for the sake of participation of me (I Mr. Pratap Singh NACHHIRING) in the 11<sup>th</sup> session of the United Nations permanent forum on Indigenous Issues that made possible by generous support of financial grant.**

**THANK YOU ! ALANU !**

Wednesday 9<sup>th</sup> May 2012, New York.