

PLEASE CHECK AGAINST DELIVERY

Statement by the delegation of Nepal at the 3rd Session of the Expert Mechanism on the rights of indigenous peoples, July 12, 2010

13

Mr. Chairman,
Distinguished Members of the Expert Mechanism
Delegates & Representatives
Ladies and Gentlemen:

Allow me to begin by congratulating you, Mr. Chairman, on your election as the Chair of the Expert Mechanism on the Rights of Indigenous Peoples. We are convinced that your expertise, experience and wise leadership will guide the Session to a fruitful conclusion. We also wish to congratulate the Vice Chair on his election. Let me assure you, Mr. Chairman, full cooperation and support of my delegation in the accomplishment of your responsibility.

My delegation appreciates the report of the thematic study by the Expert Mechanism on the topical subject of indigenous peoples' right to participate in decision-making. While we have some reservations over the references made about the situation in our country, we consider the study an important contribution in sensitizing the cause of the 370 million indigenous people living around the globe. We would appreciate further elaboration on the paradox of the 'internal' and the 'external'; on the difficulty of meeting the balance between the need of encouraging the indigenous people into mainstream process of governance and preserving the 'autonomy' and unique characteristics of their culture, tradition and polity.

Mr. Chairman,

Let me briefly touch upon the achievements we have made and good practices we have developed in Nepal in the direction of enhancing the participation of peoples of all sectors and identities into the mainstream decision making process. Leaving behind the institutions of feudal society, we have come a long way in transforming the State into a truly inclusive, democratic polity. Accordingly, we have developed both normative and institutional framework of innovative character in ensuring participatory governance. The present Interim Constitution defines Nepal as a 'nation having multi-ethnic, multi-lingual, multi-religious, multi-cultural characteristics with common aspirations.....' The State has formulated laws paving the way for positive discrimination so as to enhance the representation of marginalized people and communities in the State machineries. Every year, competitive individuals from indigenous communities are getting into civil service thanks to seats reserved for them lately and discussion is ongoing on applying the same procedure in other state machineries.

On the institutional front, the National Foundation for the Development of Indigenous Nationalities has been set up, as an autonomous body, headed by the Prime Minister and an expert team of the representatives of indigenous nationalities. The Foundation is at work for the empowerment of indigenous nationalities.

Nepal is in the process of a historical transformation after the success of People's Movement in 2006. The state has been declared a republic and all major political and civil society stakeholders are single-voiced on the need of restructuring the State and the system of governance so as to create an inclusive, democratic society. The Constituent Assembly elected in 2008 to draft the new constitution has been a rare symbol of proportionality and inclusiveness. The Assembly comprises of 601 members whereof 218 members are from various indigenous communities. We feel proud to inform that the honoured leadership of the Assembly has been shouldered by an indigenous. Contrary to the claim made in the report of the distinguished Expert Mechanism (Page 18, Para 76 of A/HRC/EMRIP/2010/2), these representatives from indigenous nationalities are free to advocate their cause in the constitution making forum, irrespective of the party affiliation.

Mr. Chairman,

Nepal was the first country in Asia to ratify the ILO 169. This reflects our commitment and alacrity to the development, welfare and overall protection and promotion of the rights of indigenous people living in the country. In consonance with the spirit of the Convention, we are in the process of developing effective mechanism of consultation and participation of the indigenous peoples in issues related to their own developments. We are working to ensure their right to equal treatment and access to state services and specific provisions to protect and promote indigenous and tribal peoples' cultures and communities.

Albeit a developing country confronting with a host of formidable challenges of limited resource and capacity, Nepal has made significant strides forward in empowering the indigenous people. Many of the problems we face are identical to the experiences of governments around the world. We, therefore, attach huge importance to the discussion in this chamber as it provides us a forum for sharing best practices and learning from experiences elsewhere.

In conclusion, I would like to request for comments from the experts of the Expert Mechanism on the paradox I mentioned earlier: is it not that emphasis on 'autonomy' or 'internal' decision making entails a risk of further isolation and insulation among communities and undermine the much needed 'dialogues among civilizations?'

I thank you once again.