Joint Statement to the 12th session on the Expert Mechanism on the Rights of Indigenous Peoples 15-19 July 2019

Agenda item: Indigenous peoples' rights in the context of borders, migration and displacement

National Indigenous Disabled Women Association Nepal (NIDWAN) and Indigenous Person with Disabilities Global Network

Delivered by: Pratima Gurung

Mr./Madam Chair, distinguished representatives, indigenous sisters and brothers, I am Pratima Gurung speaking on behalf of National Indigenous Disabled Women Association Nepal (NIDWAN) and Indigenous Person with Disabilities Global Network

Indigenous peoples in many parts of the world including in Nepal experience situations of displacement, forced migration and exclusion. This leads to development aggression and displacement by dams, hydro projects, energy projects, logging, plantations, road expansion projects. Aggressive development has displaced many Indigenous Peoples from our lands, territories and resources, resulting in food insecurity, malnutrition, means of livelihood and access to resources. These projects together have displaced close to half a million indigenous peoples, especially women, children and peoples with disabilities causing them to lose their land, livelihoods, homes and lives.

The few examples are the Newar Indigenous Peoples, the victims of road expansion projects, are protesting against cultural genocide. Government security forces use excessive forces against Indigenous Peoples. Legal cases are subdue and dialogue between the Nepal Army and the Indigenous Newars is ongoing. ILO is in communication with the Nepal Government on the issue of violation of rights due to road expansion project in the Kathmandu Valley.

Similarly another examples is the on going hydro power projects in Lamjung and Manag district. There are many critical issues that these hydropower projects have impacted especially Gurung indigenous peoples ad dalit peoples. Problems like environmental degrading, respect their rights, including to health, safety, and livelihoods and possible chances of migration is happening. Despite the rigorous environmental and social due diligence policies of the EIB and the ADB, the local communities were not consulted properly about the transmission line project. They are demanding that hydropower projects in their region seek their **free, prior, and informed consent.** In addition, displacement due to natural and man-made calamities, such as typhoons, floods, landslides, earthquakes, fire, hurricane is also significant that aggravates the vulnerability of indigenous people including women children and peoples with disabilities that are in vulnerable and risk situation.

So we recommendation to EMRIP are

1) To call upon the Nepal Government and International Development Partners, specially the World Bank, ADB, IUCN, and WWF, working in Nepal to stop aggressive development in the lands and territories of Indigenous Peoples, and immediately establish a mechanism to get Free, Prior and Informed Consent of Indigenous Peoples.

2) To call upon the Nepal Government to make in federal, provincial and local body laws and policies to ensure ownership and control of lands, territories and resources by Indigenous Peoples, by providing adequate, accessible, affordable, appropriate and culturally and disability sensitive social services and basic infrastructure to uplift the wellbeing and address the vulnerability of remote indigenous communities in accordance to UNDRIP and Convention No. 169 of ILO.

3) To call upon International Development Partners and concerned stakeholders, to comply with international standards of human rights as per UNDRIP and Convention No. 169 of ILO, while supporting the Nepal Government in any development project in the lands and territories of Indigenous Peoples.
4) To call upon UN agencies UNDP, IFAD, FAO, UNFPA and other International Development Partners to recognize vulnerability of among IPs like women and person with disabilities and target studies, research

and evidences to bring those gross human right violation cases and take action intervening in policies and programs.

Thank you!