

17th Session of the UN Permanent Forum on Indigenous Issues (UNPFII17)

Agenda Item 8. Special theme of session: "Indigenous People's collective rights to lands, territories and resource"

Madam Chair,

Nepal government reconsider the demand of changing the Fast-Track expressway alignment along the west bank of the Bagmati River to preserve arable lands and cultural sites. Considerable efforts must be made to ensure that the indigenous Newar community is not displaced in the name of fast-track development. The affected locals are not demanding compensation, but preservation of their land and heritage.

The Nepali Indigenous Community and Related stakeholders are deeply concerned by the foreseeable displacement of Khokana residents due to the Kathmandu-Terai Fast Track Project, one of Nepal's 'national pride' projects. The 76-km long Fast Track is proposed along the Bagmati River corridor, and is expected to considerably reduce travel time and distance from Nepal's capital Kathmandu, to the south of the country. The Fast Track is also expected to serve Nepal's proposed second international airport in Nijgad.

Mada Chair,

The track originates at Sano Khokana in Lalitpur district, south of Kathmandu, and reaches Nijgad in Bara district of Terai. While the Nijgad communities are strongly pushing for the quick construction of the expressway, expecting great economic opportunities, the indigenous Newar communities of Khokana and Bungamati in southern Lalitpur are concerned about violations of their property, land and cultural rights.

According to the Project's Environmental Impact Assessment (EIA) report government want to give compensation per aana (Small unit of land) NPR.100,000 but Community claimed at leats NPR.200,000 per aana. Threrere was significant objection" to taking productive agricultural land for the project. Instead, the report noted that the west bank of the Bagmati River has significant advantages that avoid valuable agricultural land in Khokana. Although the Government has changed the alignment of the Fast Track to be along the east bank of the River from its earlier plans to construct through the settlement areas, the land of more than 200 families will still be affected, including religious trust and communal land. Furthermore, despite repeated requests by the affected families, the official copy of the EIA report is yet to be received from the Government.

Madam chair

when the land acquisition notice for the Project was published in March 2016, Khokana representatives, including local political leaders, immediately submitted a complaint to the Ministry of Home Affairs citing an absence of consultation among affected communities about the project design and impact. With no response to their complaint, they then submitted a complaint to the National Human Rights Commission (NHRC) of Nepal in September 2017, demanding the respect and protection of their rights. That is also yet to bear fruit. In the meantime, Government authorities, including the Prime Minister, have announced that the Project construction should begin soon.

Now, the Nepal Army has been undertaking field assessment and preparing guidelines for the construction of the Fast Track. The Army has set up a camp and forcibly constructed fences around the area, not even allowing local Newar protesters to set foot near the construction area. This is in clear violation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The community has re-submitted a complaint to the NHRC, calling for the removal of the Army camp from Khokana.

Besides the Fast Track, there are several other infrastructure projects affecting the Khokana communities, such as the Kathmandu Outer Ring Road , Bagmati River Basin Improvement Project and Thankot-Bhaktapur Transmission Line Project (which has been on hold since 2004 due to community opposition), and Rural

Electrification, Distribution and Transmission Project. Community representatives claim that together, these projects will displace the Newar community of the area entirely.

Madam chair

Nepal has ratified the ILO convention 169 in 2007. Forceful development without discussion violates the Rights of Indigenous People, essentially Articles 7 and Articles 13-19 of ILO 169. The AHRC therefore demands that the government reconsider the demand of changing the expressway alignment along the west bank of the Bagmati River to preserve arable lands and cultural sites. Considerable efforts must be made to ensure that the local Newar community is not displaced in the name of fast-track development. The affected locals are not demanding compensation, but preservation of their land and heritage. In particular, the preservation of the KU-DAY ancient sites of Khonami, probably one of the oldest Newar settlements, which must be at least 32,000 years old, should be ensured.

Madam chair

We indigenous peoples are not against the development but we also never be lost our identity, culture and land in the name of development.

Recommendations:

1. Our recommendations for indigenous peoples Human Rights Defenders is for state to respect, promote and protect indigenous rights which is of course is our continuously call state but also to have a specific call on stop criminalization criminalizing dissent or peaceful demonstrations peoples human rights defenders do.
2. Nepal government should take Free Prior Informed Consent (FPIC) with targeted Indigenous peoples community.
3. Nepal government and Nepal army should revise their EIA report to manage compassion at least general value should be required.
4. The project should give priority to indigenous displacement community and local community to ensure job in that project.
5. we indigenous peoples need develop with ensure our right, culture and territory land.

Thank you.

Raju Bikram Rai
Chairperson
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