

Report of Nepal's Indigenous Peoples for
Voluntary National Review of Nepal
Under the UN High-Level Political Forum on Sustainable
Development
10-19 July 2017

Prepared by
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Executive Summary

This summary highlights the report submitted for Nepal's Voluntary National Review during the High Level Political Forum on Sustainable Development being held from 10 to 19 July 2017 in UN headquarters New York.

Nepal is a diverse country in terms of ethnicity, languages, cultures, religions and geography. The recently promulgated 2015 Constitution of Nepal declares Nepal as multi-ethnic, multilingual, multi-religious, multi-cultural and with diverse regional characteristics. According to 2011 census, there are 125 caste/ethnic groups, 123 languages and 10 religious groups. Among them, indigenous peoples (IPs) comprise 35.8 percent of the total population. Nepal has legally recognised 59 indigenous nationalities, referred to as *Adivasi Janajati*.

The 11 articles of the 2015 Constitution are against the rights of IPs, 23 articles are discriminatory to the IPs, 49 articles are exclusionary to them and 5 articles are tend to establish the supremacy of ruling caste groups. In this regard, the new Constitution affects the implementation of the Sustainable Development Goals (SDGs) mainly in three ways to indigenous peoples of Nepal. First, the constitution lacks effective inclusion of all groups, including IPs, in state structures. Second, it lacks effective and meaningful participation of IPs at all levels including in decision making and thirdly, it excludes IPs' issues and concerns that directly affect and question the mainstreaming of IPs at all levels of SDGs.

Indigenous peoples' organizations of Nepal have collectively prepared this report. Several rounds of meeting were held and various reports and publications of government institutions, university and civil society organisations consulted in the course of preparation of the report.

The poverty level of the IPs is higher than that of the ruling caste groups. Among hill indigenous peoples, nearly one-fourth (24.6%) are living below the poverty line whereas the hill Brahmin's poverty is 10.34%.¹The major reason behind their poverty is the lack of recognition and promotion of their traditional occupation and lifestyles. Similarly, hunger is rampant among the marginalised indigenous communities; for instance, the Chepangs in the central Nepal constantly face food crisis and hunger. Early marriage, safe drinking water and access to modern toilet facilities are the major indicators of health and wellbeing. 35.48% IPs get married before the age of 18 and 82.32% IPs have access to safe drinking water where only 36.48% have access to modern toilet facilities.

Indigenous women are seeking for recognition of their distinct identity. But often they are ignored in the overall discussion on women, which disregards their specific concerns regarding access to economic opportunities and social and cultural development. The ruling caste women most often captured those opportunities for women. Industrialisation and infrastructure development project mostly initiated in the lands of IPs often disregard the right to information and Free, Prior and Informed Consent (FPIC) of IPs. Also, there is no mechanism established by the government and corporate sectors to ensure their right to FPIC.

¹ LAHURNIP (2014) *A Study on the Socio-Economic Status of Indigenous Peoples in Nepal*, P.27.

Major Challenges

Following are the major challenges for implementation of SDGs for IPs in Nepal;

- National laws and policies are not in line with the ILO Convention 169 and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which are applicable to Nepal.
- Lack of mechanism to ensure the participation of IPs in the planning, implementation and monitoring process of SDGs.
- Lack of disaggregated data on the basis of ethnicity that often results in ambiguities in the planning process.
- Lack of recognition of the rights of IPs over their traditional and customary lands, practices and systems by the national laws and policies
- No legal provision to address the issues of multiple forms of discrimination faced by indigenous women and persons with disabilities.
- No mechanism for implementation of right to FPIC prior to initiating the industrial and other infrastructural development projects.

Recommendations

Following recommendations can be made for ensuring the rights of IPs under the SDGs:

For the government of Nepal

1. Recognise the rights of IPs over their customary lands and to traditional institutions and practices to promote their livelihoods and health conditions.
2. Ensure proper and appropriate plans and policies for poverty reduction and improvement of health conditions of IPs with their effective participation.
3. Reform and enact laws and policies that fully recognise the rights of the IPs enshrined under the United Nations Declaration on the Right of Indigenous Peoples (UNDRIP) and ILO C169 inter alia other international human rights instruments.
4. Ensure participation, consultation and representation of IPs in the decision-making process as well as establish Free, Prior and Informed Consent (FPIC) mechanism in planning, implementation and monitoring process of the development projects.
5. Ensure that the business projects follow due process of laws and respect human rights in the course of implementation of such project abiding with the UN Guiding Principles on Business and Human Rights and other human rights instruments.
6. Generate and provide disaggregated data by gender and ethnicity to appropriately identify and address gaps in the status of IPs in their economic condition, health, education, and representation in the decision/policy making level.
7. Establish effective mechanism to ensure IPs' meaningful representation and issues in the planning, implementation and monitoring process of the SDGs.
8. Establish IPs ministry, introduce strong mandated IPs commission and enhance the capacity of National Foundation for Development of Indigenous Nationalities (NFDIN)
9. Strengthen and empower National Human Rights Commission to address the issues of IPs rights

For the donors

1. Generate and provide disaggregated data by gender and ethnicity to appropriately identify and address gaps in the status of IPs in their economic condition, health, education, and representation in the decision/policy making level.
2. Prepare inclusive plans and allocate budgets for development of IPs
3. Establish IPs desk in the organisation to support and deal IPs issues and grievances
4. Strengthen and empower National Human Rights Commission to address the issues of IPs rights

For the private sectors

1. Comply with the UN Guiding Principles on Business and Human Rights inter alia human rights instrument in the course of implementation business activities.
2. Establish proper and effective grievance mechanism
3. Implement Corporate Social Responsibility (CSR) activities with the representation of IPs bonafied representatives

Introduction

Nepal is a diverse country in terms of ethnicity, languages, cultures, religion and geographical location. The 2015 Constitution of Nepal declares Nepal as multi-ethnic, multilingual, multi-religious, multi-cultural and with diverse regional characteristics.² Nepal is a Himalayan, landlocked, secular³, federal democratic republic country with an area of 147,181 sq. km. It borders the People's Republic of China in its north and the Republic of India in its south, east and west.⁴ Nepal is a pluralistic country with many castes and ethnic groups, cultures, languages and religions. According to 2011 census, there are 125 caste/ethnic groups, 123 languages and 10 religious groups. Among them, indigenous peoples comprise 35.8 percent of the total population.⁵ Nepal has legally recognised 59 indigenous nationalities, referred to as *Adivasi Janajati*, of which 19 are from the mountains, 21 are from the hills, 7 are from the Inner Terai and 12 are from the Terai regions.⁶ The National Foundation for Development of Indigenous Nationalities Act, 2002 defines *Adivasi Janajati* as a group or community with their own mother tongue and traditional customary practices, distinct cultural identity, social structure and oral or written history. Similarly, *Adivasi Janajati* population groups are outside the Hindu *varna*, or caste system.⁷

Thus, *Adivasi Janajati* is a widely accepted categorisation within the mapping of the country's complex mosaic of ethnic identity. It is used to identify those culturally distinct groups whose ancestors inhabited parts of present-day Nepal before the arrival of the Hindus centuries ago, and who have been excluded from the dominant social and religious hierarchy. *Adivasi Janajati* differ from the other, mainly Hindu and Nepali-speaking, parts of society in various ways, including in their social structures, languages, distinct cultural and religious traditions, and ways of life. At varying levels, most indigenous peoples in the country have faced situations of social and political marginalization or exclusion, lack of cultural recognition and economic disadvantage. Of particular concern are the groups classified as endangered in Government indicators.⁸

After annexation of the small principalities by King Prithvi Narayan Shah in the second half of the 18th century, the native groups were forced to assimilate into the Hindu caste system and their traditional cultures, social practices and institutions were discriminated against and forbidden. It

² The Constitution of Nepal, 2015, Preamble.

³ In contrast, there is definition of secular in favor of Hinduism in Constitution of Nepal, article (4) as 'secular' means religious, cultural freedoms, including protection of religion, culture handed down from the time immemorial.

⁴ Krishna B. Bhattachan (2008) *Minorities & Indigenous Peoples of Nepal*, Kathmandu: National Coalition Against Racial Discrimination (NCARD), P. 13.

⁵ CBS (2012) *National Population and Housing Census 2011: National Report*, Volume 01, Kathmandu: National Bureau of Statistics, Government of Nepal.

⁶ These are categorized according to four major geographical regions: **Mountain:** (1) Bara Gaunle, (2) Bhote, (3) Byansi, (4) Chhaintoran, (5) Dolpo, (6) Larke, (7) Lhomi (Shingsa), (8) Lhopa, (9) Marphali Thakali, (10) Mugali, (11) Siyar, (12) Tangbe, (13) Thakali, (14) Thudam, (15) Tingaunle Thakali, (16) Topkegola, (17) Sherpa, (18) Hyolmo, and (19) Wallung. **Hill:** (1) Bankaria, (2) Baram/Baramo, (3) Bhujel/Gharti, (4) Chepang, (5) Chhantyal, (6) Dura, (7) Fri, (8) Gurung, (9) Hayu, (10) Jirel, (11) Lepcha, (12) Limbu, (13) Magar, (14) Newar, (15) Pahari/Parí, (16) Rai, (17) Sunuwar, (18) Surel, (19) Tamang, (20) Thami, and (21) Yakkha. **Inner Terai:** (1) Bote, (2) Danuwar, (3) Darai, (4) Kumal, (5) Majhi, (6) Raji, and (7) Raute. **Terai:** (1) Dhanuk, (2) Dhimal, (3) Gangai, (4) Jhangad, (5) Kisan, (6) Meche, (7) Rajbanshi, (8) Satar/Santhal, (9) Kushbadiya (10) Kusunda, (11) Tajpuria, and (12) Tharu.

⁷ National Foundation for Development of Indigenous Nationalities (NFDIN) Act 2002: Sec. 2

⁸ A/HRC/12/34/Add.3, *Report on The Situation of Indigenous Peoples in Nepal*, Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, 20 July 2009, P. 6-7.

is within the context of suppression and marginalisation by the dominant Hindu groups that the indigenous peoples of Nepal are identified. The Muluki Ain of 1854 was a written version of such social code derived from the Manusmriti tradition. The classical varna (order) model had four occupational categories: (1) Brahmin priest; (2) Kshatriya warrior; (3) Vaisya farmer/trader; and (4) Sudra labourers. These 'categories' later evolved into an orthodox hierarchical caste structure. However, Nepal's caste division diverged from the four-fold Vedic model of Hindustan (India). Instead, the Nepalese version had five hierarchies to accommodate the tribal natives between the pure and impure castes. The State counselors, who were mostly from hill high caste groups, endorsed the Muluki Ain (1854) formulated on the basis of Hindu orthodoxy. Thus, caste hierarchy and internal status ranking was influenced by political consideration. Caste discrimination nurtured by the State has been the foundation of social exclusion.⁹ Among the five hierarchical categories; 'tagadhari' (wearers of holy cord), 'Matwali', (alcohol drinkers), it was categorized under it as 'Non-enslavable Matwali', and 'enslavable Matwali', Impure, but Touchable and Untouchable Castes.¹⁰

Nepal is a signatory to a number of international instruments and conventions including the International Covenant on Civil and Political Rights 1966, International Covenant on Economic, Social and Cultural Rights 1966, International Convention on the Elimination of All Form of Racial Discrimination 1969, UN Convention on the Rights of Child 1989, and the Convention on Biological Diversity 1992. On 14 September 2007, Nepal's parliament ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and Nepal voted in favor of the passing of the United Nations Declaration on the Rights of Indigenous Peoples in the UN General Assembly on 13 September 2007. But still there are significant policy gaps in implementation of those international instruments.

Nepal promulgated its new constitution on 20 September 2015. Indigenous peoples' movement of Nepal has not fully accepted this Constitution because their fundamental issues on identity and rights were not considered. The 11 articles of the constitution are against the IPs, 23 articles are discriminatory to the IPs and 49 articles are exclusionary to them. Similarly, 5 articles tend to establish the supremacy of ruling caste groups.¹¹ Concerning the restructuring of the State, indigenous peoples' movement claims that 7 provinces and 744 local level structures are not favorable in the perspectives of indigenous peoples. The 7 provinces demarcated establish the monopoly of the dominant caste groups, Khas Arya, ignoring the demands and aspirations of IPs. Similarly, 744 local level units divide and segregate the lands and clusters of IPs against their demands to maintain the cluster and lands during demarcation of the local bodies. The restructuring of our lands is an act of Hinduization/Sankritization to our identity. The demarcation and naming of the Village and Municipal Councils are unconstitutional, unscientific, and discriminatory. Demands for demarcating autonomous, protected and special regions under the federal/provincial law and accommodating their mandate in the annex of the

⁹ Harka Gurung (2006) From Exclusion to Inclusion- Socio-Political Agenda for Nepal, Kathmandu: Social Inclusion Research Fund, P.11-12.

¹⁰ Andras Hofer (1979) The Caste Hierarchy and the State in Nepal: A Study of the Muluki Ain of 1854, Innsbruck:Universitat, Verlag Wagner, P. 45.

¹¹ LAHURNIP (2016) Adivasi Janajati Adhikar ko Sandarbha ma "Nepal ko Sambidhan" ko Adhyayan tatha Bishleshan (Study and analysis of the Constitution of Nepal from the perspective of indigenous peoples), Kathmandu: Lawyers' Association for Human Rights of Nepalese Indigenous Peoples.

Constitution as per the provision of the Art. 56 (5) of the Constitution have been dismissed.¹² The constitutional provisions related to inclusion of IPs and other marginalized groups in state structures are vague, ambiguous and largely non-operative. On the top of that, ethnic identity has not been considered as a basis in framing of the federal structure in Nepal.¹³

In this regard, the new constitution affects the implementation of the SDGs mainly in three ways to indigenous peoples of Nepal. First, the constitution lacks effective inclusion of all marginalized groups, including IPs, in all levels of state structures. Second, it lacks effective and meaningful participation of IPs at all levels including in decision making and thirdly, it excludes IPs' issues and concerns that directly affect and question the mainstreaming of IPs at all levels of SDGs.

Methodology

The indigenous people of Nepal have collectively prepared this report. Several rounds of meeting with various indigenous peoples organizations and member organisations affiliated to Indigenous Peoples' Network for SDGs - Nepal were carried out to identify the thematic areas and issues pertaining to IPs. Secondary data has been obtained from various reports and publications of government institutions, university and civil society organisations.

Content

The sections below provide an analysis of the situation of indigenous peoples in Nepal and their particular issues and concerns vis-à-vis the Goals under the 2030 Agenda for Sustainable Development, which will be reviewed and discussed in the forthcoming High Level Political Forum on Sustainable Development.

Goal 1: No Poverty

Poverty has long been a crucial issue for the IPs of Nepal. Level of poverty for the IPs is higher than that for the ruling caste groups. Among hill indigenous peoples, nearly one fourth (24.6%) are living below the poverty line whereas the hill Brahmin's poverty is only 10.34%.¹⁴ The major reason behind their poverty is the lack of recognition and promotion of their rights to traditional occupations and lifestyles based on lands and resources. The traditional livelihood systems of indigenous peoples are under threat due to lack of recognition and protection plans and programmes of the government. The high poverty rates of many indigenous groups can be linked to the historical deprivation of resources experienced by those groups.¹⁵ There are also strong correlations of their poverty levels with their geographic location, large family size, primary sources income, and lower proportion of expenditure devoted to education and other durable goods.¹⁶

¹² *Kathmandu Declaration-2017*, Nepal Federation of Indigenous Nationalities (NEFIN), National Assembly on 11-12 April 2017.

¹³ Krishna Hachhethu, 2017, 'State Restructuring and Federalism in Nepal' in *Indigenous Peoples Rights in Nepal: Policy Status, Challenges and Opportunities*, Tahal Thami and Gobinda Chhantyal (eds.) Kathmandu: LAHURNIP, P. 376.

¹⁴ LAHURNIP (2014) *A Study on the Socio-Economic Status of Indigenous Peoples in Nepal*, P.27.

¹⁵ *ibid*, P.29.

¹⁶ *Ibid*.

Data from the Nepal Living Standards Survey fielded in FY2011 puts consumption-based poverty in the country at 25.2 percent. The head-count poverty rate declined by an average annual rate of 2.2 percentage points per year between FY1996 and FY2011- one of the fastest rates regionally.¹⁷ Between 1995/96 and 2003/4, it seems that poverty has declined from 41 to 31 percent but poverty did decline equally social groups of Nepal. In this period, the poverty level has decreased by 46% among Brahmin-Chhetris, 10% among Adivasi Janajatis and 6% among Muslims.¹⁸ However, the SDG 2016-2030 National Preliminary Report of Nepal prepared by Nepal National Planning Commission does not include the SDG indicator to promote IPs traditional economic and livelihood systems. Apart from that, there is no specific target to ensure the rights over resources of IPs. Sustainable Development Goals 2016-2030 National (Preliminary) Report¹⁹ stated to ensure equal rights to access economic resources but it does not have preference to the IPs. Without special measures, it is difficult to enhance to economic status of IPs.

Goal 2: Zero Hunger

Hunger is rampant among the marginalised indigenous communities. For instance, the indigenous Chepangs in the central Nepal are constantly facing food crisis and hunger.²⁰ The National Preliminary Report of Nepal has proposed targets disregard SDGs target 2.3, which is “By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment”. Similarly, the proposed indicators do not include SDGs Indicator 2.3.2: “Average income of small-scale food producers, by sex and indigenous status.” Furthermore, the proposed indicators are not sustainable as it fails to recognize traditional agricultural practices and seeds management. It focuses more on high agricultural production. So, firstly, the national indicator does not match with global indicator and secondly, it does not highlight the indigenous peoples in its national indicators

Goal 3: Good health and well being

Health issues are critical for IPs in Nepal as most of the IPs reside in the remote areas and lack access to the medical facilities. Their lack of awareness and health education pushes them to live under poor health conditions. Early marriage is one of the key factors for poor health situation of indigenous women. At the national level, 36.38% of girls get married before the age of 18. The highest percentage of under-age marriages takes place within the Madhesi caste groups with

¹⁷ Nepal Country Economic Memorandum-Climbing Higher: Toward a Middle-Income Nepal by World Bank Group, May 2017, P.2

¹⁸ Resilience Amidst Conflict: An Assessment of Poverty in Nepal, 1995-96 and 2003-04, CBS and World Bank, DFID and ADB, 2006, P.

¹⁹ Sustainable Development Goals 2016-2030 National (Preliminary) Report, Target 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

²⁰ <https://thehimalayantimes.com/nepal/chepangs-facing-food-crisis/>

43.22% of girls marrying before they are 18. This is followed by Dalits (43.05%), Muslims (42.88%), Adivasi Janajatis (35.48%) and Brahmin-Chhetris (32.71%).

Similarly, IPs have lesser access to the safe drinking water than dominant caste groups. At the national level, 82.9% of households in the country have access to safe drinking water. 94.34% Muslim people have access to safe drinking water, followed by Madhesi castes (93.6%), Adivasi Janajatis (82.32%), Brahmin/Chhetris (80.3%), and Dalits (79.27%). Furthermore, the access to modern toilet facilities is also the major indicator towards the health conditions. At the national level, 41.7% of households have access to a modern toilet facility, but there are high levels of social variation. 57.6% of Brahmin-Chhetri households have access to modern toilet facilities but only 20.74% of Muslim households have such access. Similarly, 36.48% of Janajati households have access to modern toilets followed by Dalits (22.8%) and Madhesi castes (21.37%). As the data shows, those ethnic and caste groups falling behind in health indicators also appear to lag behind in education and vice versa.²¹

Goal 5: Gender equality

Gender equality is significant challenge in Nepal where women, particularly from indigenous and other marginalized groups, have minimal representation in the decision-making levels. According to the National Census 2011, women hold 51% of the total populations. But it is very much necessary to have disaggregated data of women by ethnicity, age and physical disability. Putting all the women in the same basket fails to recognize their specific needs and the multi-layered discrimination they encounter. Indigenous women have been constantly demanding for the recognition of their specific needs and conditions in laws and policies. As per official data, women held 29.5% of the seats in the national parliament in 2015, which is expected to reach to 40% by 2030. Further, the representation of women in the local government bodies was 33% in the same year, which is targeted to reach 45% by 2030. Similarly the participation of women in the decision making level in private sector, cooperative sector and public service decision-making positions were 25%, 50% and 2% respectively.²² But there is no disaggregated data on the situation of indigenous women of Nepal, which is of utmost importance to understand their specific needs and challenges.

According to National Census 2011, women head just over one quarter (25.73%) of households in Nepal. The highest number of female-headed households is recorded in Brahmin/Chhetri communities (29.44%) followed by Dalit communities (28.08%), Adivasi/Janajati communities (27.81%) and Madhesi caste groups (11.17%).²³ This is reflective of the lack of empowerment of women from indigenous and other marginalized group in Nepal in comparison to women from hill caste groups.

²¹ *Social Inclusion Atlas of Nepal Demography, Health and Education*, 2014, Vol. III, Kathmandu: Central Department of Sociology/Anthropology, TU, P. 10-14

²² Data obtained from National Planning Commission.

²³ *Social Inclusion Atlas of Nepal Demography, Health and Education*, 2014, Vol. III, Kathmandu: Central Department of Sociology/Anthropology, TU, P. 5.

Goal 9: Industry, innovation and infrastructure

In the aftermath of the 2006 Comprehensive Peace Accord in Nepal, infrastructure development and business activities are increasing rapidly, such as road construction and improvement projects, shopping malls and others. Such infrastructures and businesses require land acquisition, which more often than not involves encroachment of IPs lands and sacred places impacting their livelihoods, traditions, cultures and so on. IPs affected by those projects are not given full disclosure on the impacts of such activities and when those displaced from their lands and territories are not compensated adequately, if at all. Those projects often do not obtain Free, Prior and Informed Consent of the IPs. Some such projects in Nepal include Khimti-Dhalkebar 220 KV Transmission Line in Sindhuli, Chhayadevi Business Complex in Kathmandu, Hongshi-Shivam Cement in Palpa, Upper-Trishuli Hydropwer project in Rasuwa, Jabdi Animal Skin Refinery Company in Bardiya and so on.²⁴ The legitimate demands of the communities in relation to the development and business activities are often answered by the State with brutal activities such as arrests, beatings, intimidations, case of public offense etc.

The ongoing 14th Development Plan of the Government is more focused on the economic growth while there is urgent need to address the social, cultural and community identity aspect of developments. There are some programmes and strategies to address the social aspect but no emphasis has given to the IPs in particular. The 14th Plan has not even included the term “indigenous peoples”. Thus, the Plan seems to aim to systematically exclude IPs and is evidently regressive to the Three Year Interim Plan (2007/08 – 2009/10)²⁵, in which there were clear and specific plans and strategies for IPs. At the same time, the Interim Plan had clearly articulated the implementation of the ILO C 169 and UNDRIP with necessary reforms in the existing national laws and policies.

Goal 17: Means of Implementation

Disaggregated data is of utmost importance in terms of means of implementation of SDGs in Nepal to ensure formulation of appropriate plans and its proper implementation. But there is continuing lack of disaggregated data based on ethnicity. The National Census 2011 only presents the data of ethnic groups but not its subgroups and up to the smallest local units. Apart from that, the Census report also does not disclose the data regarding their income level, status of education and so on. That is in contrast to the 2001 Census data where there was some disaggregation based on caste/ethnicity, linguistic groups. Even the UNDP's Human Development report undermines the disaggregated data and follows the trends of the Government, which overwhelmingly represents the interest of the dominant caste groups.

Similarly, there is no disaggregation of data by disability vis-a-vis ethnicity. The population of persons with disabilities in Nepal is 1.94% of the total population in 2011. The Census report includes data by types of disability but not by ethnicity and geography. So, there is no data on indigenous persons with disabilities who face multiple and intersectional forms of discrimination and are most often vulnerable. In order to effectively implement the aim of 'leaving no one

²⁴ For details see www.lahurnip.org

²⁵ Three Year Interim Plan (2007/08 – 2009/10), P. 119-128.

behind', it is indispensable that the SDGs reach to the groups like indigenous women with disabilities who have been left farthest behind so as to ensure their rights and dignity.

Further, there has been no specific and targeted consultation regarding the SDGs planning process with the IPs representative organization, which would be the first crucial step to accommodate the issues and concerns of IPs in the development process.

Major Challenges

In above context, following are the major challenges for implementation of SDGs for IPs in Nepal:

- National laws and policies are not in line with the ILO Convention 169 and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which are applicable to Nepal
- Lack of mechanism to ensure the participation of IPs in the planning, implementation and monitoring process of SDGs
- Lack of disaggregated data on the basis of ethnicity that often results in ambiguities in the planning process
- Lack of recognition of the rights of IPs over their traditional and customary lands, practices and system by the national laws and policies
- No legal provision to address the issues of multiple forms of discrimination faced by indigenous women and persons with disabilities.
- No mechanism for implementation of right to FPIC prior to initiating the industrial and other infrastructural development projects

Recommendations

Following recommendations can be made for ensuring the rights of IPs under the SDGs:

For the government of Nepal

10. Recognise the rights of IPs over their customary lands and to traditional institutions and practices to promote their livelihoods and health conditions.
11. Ensure proper and appropriate plans and policies for poverty reduction and improvement of health conditions of IPs with their effective participation.
12. Reform and enact laws and policies that fully recognise the rights of the IPs enshrined under the United Nations Declaration on the Right if Indigenous Peoples (UNDRIP) and ILO C169 inter alia other international human rights instruments.
13. Ensure participation, consultation and representation of IPs in the decision-making process as well as establish Free, Prior and Informed Consent (FPIC) mechanism in planning, implementation and monitoring process of the development projects.
14. Ensure that the business projects follow due process of laws and respect human rights in the course of implementation of such project abiding with the UN Guiding Principles on Business and Human Rights and other human rights instruments.
15. Generate and provide disaggregated data by gender and ethnicity to appropriately identify and address gaps in the status of IPs in their economic condition, health, education, and representation in the decision/policy making level.

16. Establish effective mechanism to ensure IPs' meaningful representation and issues in the planning, implementation and monitoring process of the SDGs.
17. Establish IPs ministry, introduce strong mandated IPs commission and enhance the capacity of National Foundation for Development of Indigenous Nationalities (NFDIN)
18. Strengthen and empower National Human Rights Commission to address the issues of IPs rights

For the donors

5. Generate and provide disaggregated data by gender and ethnicity to appropriately identify and address gaps in the status of IPs in their economic condition, health, education, and representation in the decision/policy making level.
6. Prepare inclusive plans and allocate budgets for development of IPs
7. Establish IPs desk in the organisation to support and deal IPs issues and grievances
8. Strengthen and empower National Human Rights Commission to address the issues of IPs rights

For the private sectors

4. Comply with the UN Guiding Principles on Business and Human Rights *inter alia* human rights instrument in the course of implementation business activities.
5. Establish proper and effective grievance mechanism
6. Implement Corporate Social Responsibility (CSR) activities with the representation of IPs bonafied representatives

Annex I: List of the organisations engaged in preparation of the report

1. Nepal Federation of Indigenous Nationalities (NEFIN)
Kusunti, Lalitpur, Nepal; Phone: (+977-1) 5555454; Post Box No. 8975 EPC 1851
Email: info@nefin.org.np, nefen@wlink.com.np **URL:** www.nefin.org.np
2. National Indigenous Women's Federation (NIWF)
Buddhanagar, Kathmandu, Nepal; Phone: (+977-1) 4784192
Email: niwf2057@gmail.com **URL:** www.niwf.org.np
3. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)
Anamnagar, Kathmandu, Nepal; Phone: (+977-1) 4268510; GPO Box 11179,
Email: lahurni.nepal@gmail.com, **URL:** www.lahurnip.org
4. National Indigenous Disabled Association (NIDA)
Bhanimandaal, Jawalakhel, Lalipur, P. B. No 21535 Phone (+977-1) 9841457270
Email: info@nidanepal.org.np **Web:** www.nidanepal.org.np
5. Youth Federation of Indigenous Nationalities, Nepal (YFIN)
Kathmandu, Nepal; Phone: (+977) 9851001946
Email: yfin.nepal@gmail.com **URL:** www.yfin.org.np
6. NGO-Federation of Nepalese Indigenous Nationalities (NGO-FONIN)
Basanteswor Galli-11, Dillibazar, Kathmandu, Nepal Phone: (+977-1) 4417060 P.B. No. 7229
Email: ngofonin.2004@gmail.com **Web:** www.ngofonin.org.np
7. Asian Indigenous International Network (AIIN)
Kathmandu, Nepal; Phone: (+977-1) 6200328; Post Box No. 9774
Email: asianindigenousint.network@yandex.com,
8. National Indigenous Women Forum
Kathmandu, Nepal; Phone: (+977-1) 5156113; Post Box No. 11923
Email: niwfnepal@gmail.com **URL:** www.niwfnepal.org.np
9. Centre for Alternative Development Studies (CEADS)
Lalitpur, Nepal; Phone: (+977-1) 5533362
Email: ceads.nepal@gmail.com **URL:** www.ceadsnepal.org
10. Nepal Laborious Society Centre (NLSC)
Dhangadhi-7, Kailali; Phone: (+977-99) 680784
Email: nlscjhalari@yahoo.com
11. National Indigenous Disabled Women Association Nepal (NIDWAN)
Bhanimandaal, Jawalakhel, Lalipur, P. B. No 21535, Phone: (+977-1) 9841457270/
983016859, **Email:** info@nidwan.org.np **URL:** www.nidwan.org.np.

12. Indigenous Nationalities Women Youth Network (INWYN)
Sankhamul, Lalitpur, **Email:** inwyn.nepal@gmail.com, **Phone:** (+977 0) 5201187
13. Indigenous Women's Legal Awareness Group (INWOLAG)
Kumari Pati Lalitpur, P O Box: 8975 EPC1601, Email: inwolag@yahoo.com,
www.inwolag.org, Phone: (+977 01) 16214638
14. Community Empowerment and Social Justice Foundation (CEmSoJ)
Anamnagar, Kathmandu, Email: cemsoj@gmail.com URL: www.cemsoj.wordpress.com