

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

IMADR Oral Statement: 27th session of the Human Rights Council
Half-day discussion on the Rights of Indigenous Peoples

17 September 2014

Thank you Mr. President,

This is a joint statement by IMADR and National Coalition Against Racial Discrimination (NCARD) in Nepal.¹ Firstly, we would like to endorse the Expert Mechanism Advice No. 7 (2014) on disaster risk reduction initiatives.²

Floods and landslides have killed 260 people in the last three months across Nepal.³ It is safe to assume that indigenous peoples, along with Dalits, have been most impacted in those disasters though official data does not exist.⁴ Nepal has been in a long process of formulating necessary legislation to minimize the impacts of natural disasters. Indigenous peoples are one of the most vulnerable groups to those disasters due to their poverty, place of residence (remote rural and mountainous areas) and social background (historical exclusion from State power). However, they have been greatly ignored in this process, which is clearly evident when one reads through National Strategy for Disaster Risk Management, 2009.⁵ Although the Strategy does not even include a specific reference to indigenous peoples, it takes into account indigenous skills and technologies.

At the same time, Nepal's indigenous peoples – majority of whom live in and depend on forest resources – have already been feeling significant impacts of climate change, including climate-change induced migration, threats to and loss of livelihoods, etc.⁶ They have thus been strongly lobbying for respect for their rights, including right to Free, Prior and Informed Consent (FPIC), in formulation and implementation of strategies on forest, REDD+, and biodiversity and nature conservation.⁷

¹ With contribution from Indigenous Peoples' Rights Activists Network (IPRAN)

² Expert Mechanism on the Rights of Indigenous Peoples, *Promotion and protection of the rights of indigenous peoples in disaster risk reduction, prevention and preparedness initiatives*, 7 August 2014, A/HRC/27/66

³ The Himalayan Times, *Govt told to bring Bill on disaster management*, 8 September 2014, <http://www.thehimalayantimes.com/fullNews.php?headline=Govt+told+to+bring+Bill+on+disaster+management+&NewsID=426878>

⁴ Asian Human Rights Commission, *NEPAL: विपद प्रभावित समुदाय र मानवअधिकारको सवाल*, 4 September 2014, <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-070-2014-NE>

⁵ *Nepal National Strategy for Disaster Risk Management (Unofficial translation)*, <http://www.un.org.np/report/nepal-national-strategy-disaster-risk-management>

⁶ NEFIN Climate Change Partnership Program, *Indigenous Peoples' Perspective on Climate Change and REDD+ in Nepal (video)*, 10 October 2013; Benupraj Bhattarai, *Clouds of uncertainty*, 13 September 2013, http://www.myrepublica.com/portal/index.php?action=news_details&news_id=83080

⁷ Dev Kumar Sunuwar, *To Get Ready for REDD+*, 9 May 2014, <http://www.lahurnip.org/details.php?id=197>; NEFIN Climate Change Program, *Indigenous Peoples' Position Paper on the upcoming Forest Strategy, National REDD+ Strategy, National Biodiversity Strategy and Action Plan, and Strategic Framework on Nature Conservation*,

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As per Interim Constitution 2007, indigenous peoples and other discriminated groups have the right to participate in state structures. Further, Nepal voted in favor of UNDRIP and is the only Asian country to have ratified ILO Convention 169 in the same year 2007. Thus, we urge the Government of Nepal to immediately take necessary legislative and administrative actions, in consultation with indigenous peoples, to enhance their recognition and participation in disaster risk reduction processes.

Thank you Mr President.

<http://nefinclimatechange.org/declaration-document/indigenous-peoples-position-paper-upcoming-forest-strategy-national-redd-strategy-national-biodiversity-strategy-action-plan-strategic-framework-nature-conservation/>