Overall Perspectives of His Majesty’s Government of Nepal
On
Indigenous Nationalities

National Dialogue Conference on ILO Convention No. 169
on Indigenous and Tribal Peoples and Peace Building
in Nepal
19-20 January 2005, Kathmandu, Nepal

Jointly organized by NFDIN, NEFIN and ILO, Nepal

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1. Background

The people of Nepal comprise many different races, religions, languages, cultures and traditions. The National Foundation of Indigenous Nationalities (NDFIN) defines indigenous nationalities according to the National Foundation for Development of Indigenous Nationalities Act, 2002 as 'a tribe or community having its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history' (Section 2, Sub-Section a). NFDIN has the authority to change this schedule after consulting the concerned communities.

In 2001, the Central Bureau of Statistics (CBS) provided data on 100 caste/ethnic groups of Nepal and cited 92 different mother tongues. Among them NFDIN has identified 59 Indigenous Nationalities. The population of Indigenous Nationalities is estimated to be more than 37% in Nepal. Many of these groups are classified as 'disadvantaged groups' (DAGS). In 2001, CBS recorded only 43 out of the 59 groups. This anomaly can be explained by either, two or more groups being lumped together, some groups being included under the category of unidentified caste/ethnic groups or by certain groups being omitted the list. Consequently, the exact number of Indigenous Nationalities is still not determined. Among them Magar (7.14%), Tharu (6.75%), Tamang (5.64%), Newar (5.48%), Rai (2.79%), Gurung (2.39%) and Limbu (1.58%) are the largest groups (Population Monograph of Nepal, Volume I).

Although today, Indigenous Nationality groups are found scattered across the country, many continue to occupy a particular habitat (Dahal, D.R., in Population Monograph of Nepal, Volume I, 2003,91). Their population, according to the census of 2001, is given in the following table:-


## Table of Indigenous Nationalities Population

<table>
<thead>
<tr>
<th>S.N.</th>
<th>Indigenous Nationalities</th>
<th>Population</th>
<th>% S. N.</th>
<th>Indigenous Nationalities</th>
<th>Population</th>
<th>%</th>
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<tbody>
<tr>
<td>1</td>
<td>Kisan</td>
<td>2,876</td>
<td>0.01</td>
<td>31 Baramo</td>
<td>7,383</td>
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<td>2</td>
<td>Kumal</td>
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<td>32 Bahra Gaunle</td>
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<td>3</td>
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<td>4</td>
<td>Kusunda</td>
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<tr>
<td>5</td>
<td>Gangai</td>
<td>313,18</td>
<td>0.14</td>
<td>35 Bote</td>
<td>1,622,421</td>
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<tr>
<td>6</td>
<td>Gurung</td>
<td>543,571</td>
<td>2.39</td>
<td>36 Magar</td>
<td>72,614</td>
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<tr>
<td>7</td>
<td>Chepang</td>
<td>52,237</td>
<td>0.23</td>
<td>37 Majhi</td>
<td>72,614</td>
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<td>8</td>
<td>Chhartyal</td>
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<td>0.04</td>
<td>38 Marphali Thakali</td>
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<tr>
<td>9</td>
<td>Chhaiontan</td>
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<td></td>
<td>39 Mugali</td>
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<tr>
<td>10</td>
<td>Jirel</td>
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<td>40 Meche (Bodo)</td>
<td>3,763</td>
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<tr>
<td>11</td>
<td>Jhangad</td>
<td>41,764</td>
<td>0.18</td>
<td>41 Kakha</td>
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<tr>
<td>12</td>
<td>Dolpo</td>
<td></td>
<td>0.02</td>
<td>42 Rai</td>
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<tr>
<td>13</td>
<td>Tangbe</td>
<td>43,186</td>
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<td>43 Rautie</td>
<td>658</td>
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<tr>
<td>14</td>
<td>Tajpuriya</td>
<td>13,250</td>
<td>0.06</td>
<td>44 Rajbansi (Koch)</td>
<td>95,812</td>
<td>0.42</td>
</tr>
<tr>
<td>15</td>
<td>Tamang</td>
<td>1,282,304</td>
<td>5.64</td>
<td>45 Rajhi</td>
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<tr>
<td>16</td>
<td>Tingaunle Thakali</td>
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<td></td>
<td>46 Larke</td>
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<td></td>
</tr>
<tr>
<td>17</td>
<td>Tapkegola</td>
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<td></td>
<td>47 Limbu</td>
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<td>18</td>
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<td>48 Lepcha</td>
<td>3,660</td>
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<tr>
<td>19</td>
<td>Thymi</td>
<td>22,999</td>
<td>0.10</td>
<td>49 Lhoba</td>
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<tr>
<td>20</td>
<td>Tharu</td>
<td>1,533,879</td>
<td>6.75</td>
<td>50 Lhomi Shingswa)</td>
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<td>21</td>
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<td></td>
<td>51 Walung</td>
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<td>Danuwuar</td>
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<td>0.23</td>
<td>52 Byasi</td>
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<tr>
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<td>Darai</td>
<td>14,589</td>
<td>0.07</td>
<td>53 Sherpa</td>
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<tr>
<td>24</td>
<td>Dura</td>
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<td>0.02</td>
<td>54 Satar (Santhal)</td>
<td>42,698</td>
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<tr>
<td>25</td>
<td>Dhanuk Rajbansi</td>
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<td>55 Siyar</td>
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<tr>
<td>26</td>
<td>Dhimal</td>
<td>19,537</td>
<td>0.09</td>
<td>56 Sunevar</td>
<td>95,524</td>
<td>0.42</td>
</tr>
<tr>
<td>27</td>
<td>Newar</td>
<td>1,245,232</td>
<td>5.48</td>
<td>57 Surel</td>
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<td></td>
</tr>
<tr>
<td>28</td>
<td>Pahari</td>
<td>11,505</td>
<td>0.05</td>
<td>58 Hayu</td>
<td>1,821</td>
<td>0.01</td>
</tr>
<tr>
<td>29</td>
<td>Free</td>
<td></td>
<td></td>
<td>59 Hyolmo</td>
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<tr>
<td>30</td>
<td>Bankariya</td>
<td>5,259</td>
<td>0.02</td>
<td>Adibasi/Janjati</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total 8,470,424
The Human Development Index (HDI) of Indigenous Nationalities in general lies in between Dalit and other caste groups. Representation of Indigenous Nationalities in Parliament, the judiciary and administrative jobs is also disproportionate compared to other caste groups. Representation in Local Bodies is significantly higher (29%) in comparison to other sectors. In terms of political representation, Indigenous Nationalities come above Dalit but under other caste groups. However, among the Indigenous Nationalities, Thakali and Newar are two particularly developed communities, which rank highly on the HDI (Nepal Human Development Report, 2004, UNDP.)

The literacy rates of Thakali, Byasi, Hyolmo, Newar, Gurung, Limbu, Yakkha, Darai, Chhantal, Jirel, Dura, Rai, and Magar rose in 2001 above the national average (53.7%). Literacy rate of Thakali, Byasi, Hyolmo and Newar approaches that of the hill Brahmins (75.6%). But the literacy rates of Kusbadiya, Santhal, Jhangad and Chepang still only average approximately 27% (Nepal Human Development Report 2004, UNDP, Nepal).

3. Constitutional and Legal provisions

Nepal is committed to the fundamental human rights of its citizens. According to the Constitution of the Kingdom of Nepal, all citizens are equal before the law and no person will be denied the equal protection of law (Article 11, Sub-Article (1). In the same way, Article 11, Sub-article (3) also has a special provision for the protection and advancement of the interests of women, children, the aged, disabled and economically, socially and educationally backward classes.

The Directive Principles and Policies of the State set out in the Constitution include that: the social objective of the State shall be to establish and develop on the foundation of justice and morality, a healthy social life by eliminating all types of economic and social inequalities and by establishing harmony amongst the various castes, tribes, religions, languages, races and communities (Article 25 Sub-article (3), the state shall, while maintaining the cultural diversity of the country, pursue a policy of strengthening the national unity by promoting healthy and cordial social relations amongst the various religions, castes, tribes, communities and linguistic groups, and by
helping in the promotion of their language, literatures scripts, arts and culture (Article 26, Sub-article (2). The Constitution also includes a provision to pursue a policy by the state, which will help promote interests of the economically and socially backward groups and communities by making special provisions with regard to their education, health, and employment (Article 26, Sub-article (10).

The Local Self-Governance Act (LSGA) lays stress, in its preamble, on institutionalizing the process of development by enhancing the participation of all people, including the ethnic communities, indigenous people and down-trodden, as well as socially and economically backward groups, in bringing about social equality in mobilizing and allocating means for the development of their own region and in the balanced and equal distribution of the fruits of development.

LSGA includes a provision for nomination of Indigenous Nationalities in the council and board of the Local Bodies. This provision has been made in order to increase participation of Indigenous Nationalities in decision-making bodies at the local level. In the same way, the provision that mandates participation of Indigenous Nationalities in the formation of mediation committees in Local Bodies further enhances the opportunity of this community to participate in decision-making processes.

LSGA also has a provision for Local Bodies to give priority to projects that benefit women and children, as well as marginalized groups like Indigenous Nationalities, while formulating their development plans. (Section 43 Sub-section 3(b), Section 111 Sub-section 4(e) and Section 201(e).

Provision for nomination from among Indigenous Nationalities in the Upper House (Rastriya Sabha) also gives ground to represent in the legislative.

4. Some efforts for the Upliftment of Indigenous Nationalities

a. The Eight and Ninth Plan

HMG/N has tried to focus on the issues of Indigenous Nationalities, together with other marginalized groups, since the Eighth (Five Year) Plan. The Eighth
Plan aimed to uplift Indigenous Nationalities by implementing a number of welfare programs. However, the programs formulated by the plan were not able to benefit the diverse range of Indigenous Nationalities across the country. Nevertheless, this plan helped initiate the realization that many of the issues raised by indigenous communities need to be considered separately from group to group, as well as from mainstream groups.

Considering the drawbacks of the earlier programs, the Ninth Plan included special policy and programs related to Indigenous Nationalities, with the aim of eliminating social disparities by improving their socio-economic condition and raising the overall cultural status of the nation by undertaking research works on their cultural heritages, which would also help conserve their distinct cultures. The Plan also aimed to enhance their capabilities through empowering them economically, socially and communally and involving them in the task of nation building by ensuring access to resources by promoting knowledge and modernizing their traditional occupations.

Although Indigenous Nationalities issues have been highlighted in both the Eighth and Ninth development plans of Nepal, the outputs of these two plans were not encouraging and poverty levels were found to be increasing. Subsequently, a new approach was adopted for the Tenth Plan, in which social and economic inclusion of poor and marginalised groups formed one of the four main pillars.

b. Indigenous Nationalities in the Tenth Plan

The Tenth Plan (2002-2007) represents a renewed commitment by HMG/N to poverty alleviation. The sole objective is to achieve remarkable and sustainable reduction in the poverty level in Nepal, from 38% (estimated) of the population at the beginning of the Plan period, to 30% by the end of the Tenth Plan, and to further reduce the poverty rate to 10% in about fifteen years time. To this end, HMG/N has formulated a "four pillar" poverty reduction strategy, which squarely addresses the main causes and determinants of poverty identified in the preceding poverty analysis. This strategy, is based on four overarching approaches: achieving sustained high and broad based economic growth, focusing particularly on rural economy; accelerating human development through a renewed emphasis on effective delivery of basic social services and economic infrastructure; ensuring social and economic inclusion of poor, marginalized groups and backward regions in the development process; and vigorously
pursuing good governance as a means of delivering better development results and ensuring social and economic justice. Particularly noteworthy, the Tenth Plan seeks, as an integral part of its poverty reduction strategy, to bring the marginalized sections of the population and backward regions into the mainstream of development, and to make visible progress in reducing existing inequalities.

Long Term Vision

The long term vision of the Tenth Plan, for the upliftment of Indigenous Nationality communities, is to boost indigenous people and ethnic groups to achieve their all-round development in the areas of economic growth, education, social and cultural upliftment, by mainstreaming ethnic diversity and mainstreaming them into national development on the basis of equality.

Objective

The objective is to provide development opportunities by empowering the 'backward' people and people of indigenous and ethnic groups who are unable to participate actively in the development mainstream.

Strategies, policies and working policies

Some of the Indigenous Nationalities and ethnic groups are far behind the mainstream of modern development because of geographic remoteness, harsh climatic conditions and alternative social values. The promotion of social justice through capability enhancement and participation in social and political development processes will help to mainstream their concerns in the overall development process, thus contributing to their socio-economic development. Based on this backdrop, the major strategies, policies and working policies of this sector are as follows:
## Strategies, policies and working policies for Indigenous Nationalities in the Tenth Plan

<table>
<thead>
<tr>
<th>S.N.</th>
<th>Strategy</th>
<th>Policy and working policy</th>
</tr>
</thead>
</table>
| 1.   | Assist to create an egalitarian society by making all-round development of indigenous people and ethnic groups through the programs related to social, educational, economic and cultural development as well as uplift indigenous people and ethnic groups. | All-round development and egalitarian society  
- Arrangements will be made to implement the ongoing-targeted programs of indigenous and ethnic groups, making necessary structural and institutional reforms effective.  
- Priority will be given to persons of highly backward and endangered indigenous people and ethnic groups of admission in technical and non-technical subjects under higher education. Similarly, the scholarship program will be extended for the children of that community in the schools and it will be made effective.  
- Priority will be given to establish schools and health posts for that community and areas to increase their access to education and health care services.  
- In order to make active participation in the development activities, awareness among economically backward indigenous people/ethnic communities in the matter of education health, economic and social will be increased. The employment and profession oriented programs will be implemented with the intention on minimizing economic and social imbalances existed between the indigenous people/ethnic groups and the advanced ethnic communities.  
- Women of indigenous/ethnic groups will be empowered by extending women development programs.  
- The capacity of women of indigenous/ethnic group will be developed by providing legal protection of their traditional development friendly rights.  
- Mandatory arrangements will be made to analyze the status of indigenous people and ethnic groups of district in the time of formulation of district plan by the local institutions particularly District Development Committee. |
| 2.   | Protect and promote the language, scripts, culture / literature, art, history of indigenous people and ethnic groups. | Conservation of cultural heritage  
Steps will be taken to establish model village or museums to enable the identification of multi-lingual, multi-religious, multi-culture of the country. |
| 3.   | Protect and promote traditional skill, technology and | Traditional Skills and specialization  
- Indigenous people and ethnic group will be made partner in the process of national development through conducting research. |
specialized knowledge and assist to utilize them in commercial purpose.

- The National academy for Development of Indigenous Nationalities Act, 2058 B.S. with the objectives of protecting the rights of indigenous people and ethnic groups as well as protection and conservation of their culture, language and diverse knowledge has been promulgated. The Academy will be established and strengthened.

4. Indigenous people and ethnic groups will be made partners in the mainstreaming of overall development by fostering good relationship, goodwill and respect among the various indigenous people, ethnic groups, castes and communities.

Mainstreaming

- The indigenous people and ethnic groups will be empowered through decentralization, local community development, human resources development and mobilization, efforts of poverty alleviation and lingual and cultural institutions.

- The programs of various agencies of His Majesty’s Government will be targeted to those groups and to those areas where majority of indigenous people and ethnic groups reside. Special arrangements will be made for monitoring and evaluation of investment programs launched by the non-governmental organizations to uplift people and ethnic groups.

**Programs**

**Institutional Arrangements**

The National Foundation for the Development of Indigenous Nationalities (NFDIN) is an autonomous body, formally established in 2002 and operational since 2003, for the development of Indigenous Nationalities. The aim is to progressively strengthen the Foundation and establish district-based units, which will monitor indigenous/ethnic programs in 75 districts. These units will work in close co-operation with District Development Committees (DDCs).

**Language and Cultural Development**

Protection, conservation and development of languages will be undertaken. Indigenous and ethnic languages will be categorized into four groups: 1) endangered, 2) without traditional scripts, 3) moving towards traditional scripts and 4) established traditional scripts. Developing curriculum, course books, and support materials in their mother tongues will facilitate the provision of basic education in their mother tongue, as a medium of instruction, in line with the program on Education for All.
The cultural heritage of Indigenous Nationalities will be protected, conserved and developed by identifying, conducting research, and documenting various aspects of both their tangible and intangible heritage. Establishment of museums and model villages for the protection of these assets will be supported at the local and central level. Awareness programs on health and sanitation, family planning and gender issues will be conducted in this regard. Special awareness campaigns and informal education will be promoted through communities and NGOs. Informal education in the mother tongue will also be initiated.

**Human Resources Development (HRD)**

HRD of the Indigenous Nationalities will be emphasized. Scholarships will be provided to students of Highly Marginalised Indigenous Nationalities (HMIN). Special scholarships on technical and non-technical education will also be provided to them. Programs protecting and conserving traditional language, skills and technology will be implemented.

**Social and Economic Development**

Traditional skills, craftsmanship and knowledge will be protected, including the implementation of programs like market management, social development, rehabilitation etc., in order to support the poverty alleviation of Indigenous Nationalities below absolute poverty line.

These people will be involved to the maximum in the formulation process, implementation and management of development projects for them, with a view to increase the effectiveness of such interventions.

**Monitoring and Evaluation (M&E)**

The community, in the initial stages, will carry out monitoring and evaluation of the programs. In districts, district level units, in coordination with MoLD and NFDIN, will carry out this job. **One of the indicators for the monitoring and evaluation of the projects under the Tenth Plan is that at a minimum, 30% beneficiaries should be from among the Dalits and Indigenous Nationalities.** This provision has been initiated to create increased access of these people in the development process.
Financial Arrangements

HMG/N will make arrangements to provide funds through District Development Committees (DDCs) and Development Committees (VDCs) for the programs aimed at Indigenous Nationalities. Total outlay for the sector is Rs.1600 million, of which Rs. 500 million will be borne by Poverty Alleviation Fund and the remaining Rs.1100 million will be grant in-aid to Local Bodies for all programs, except those conducted through line ministries.

c. Kamaiya Emancipation

A system of bonded labor, called Kamayia was widely practiced in some districts of the Terai in the mid-western region of the country. Most of the Kamaiyas came from the indigenous Tharu community. HMG/N abolished this system of bonded labour in July 2000, freeing the Kamayia’s from decade-long loans and resettling them in the neighboring areas, providing land and housing facilities. As follow-up to these efforts, several NGOs are working on developing skills and empowering these people.

d. Road Map for Administrative Reforms

HMG/N has recently initiated some plans for Affirmative Action. The Road Map of Administrative Reform Project has decided on institutionalising a policy of reservation for Dalits, Indigenous Nationalities, women and people with special abilities in the public services, including in semi-government organizations. The decision of the Cabinet of ministers is still to be enacted before implementation can begin. Nevertheless, this initial groundwork is a good start in this regard.

A high level Committee was formed under the chairmanship of the Minister of Finance to make recommendations on reservation for Dalit, Indigenous Nationalities and women in education, employment, health, civil service and representative institutions. The recommendations of the committee have not yet been received. Different sub committees have also been working intensively on
these issues. A recent verdict by the Supreme Court has increased the legitimacy of such initiations. HMG/N is very positive towards this end.

**Policy Announcement of HMG/N**

HMG/N announced a policy on August 17th 2003, which calls for:

- Elimination of all kinds of discrimination and exploitation,
- Ascertain the representation of Indigenous Nationalities and Dalits in ratio to their national population in the National Assembly of the Parliament of Nepal,
- Ascertain the representation of the women by twenty five percent in the Parliament and other representative institutions at all levels of the country,
- Representation for women, Indigenous Nationalities and Dalits in the areas of education, health and employment
- Provision of the use of national languages as second language in the Local Bodies,
- Formulation of a political system in which all Nepalese people can participate,
- Create equal environment for self-development for each Nepali citizen.

**Commitments of Nepal in National Development Forum (NDF), 2004**

- A meeting for the Nepal Development Forum was held in Kathmandu in 2004. HMG/N presented several papers on different development issues and aspects. The future directions proposed in some relevant fields are as follows:
Decentralization

- Participatory planning process needs to be strengthened and consolidated to integrate all devolved functions into the Local Bodies planning, programming and management,

- Gender mainstreaming, budgeting and auditing mechanism should be instituted at all levels of local governance,

- Strategy has to be worked out to include political leadership and their commitment to mobilize NGOs, CBOs, civil society and private sector for enhancing local level development activities with adequate inclusion of women, Dalits and disadvantaged groups (DAGs),

- Assessment of social mobilization efforts by different agencies should be made, along with mapping for programme expansion (intensive and extensive), consolidation and graduation, to help avoid overlapping and duplication of efforts. Attention should be given to more focused program directed at the ultra poor, disadvantaged and Dalits,

Service Delivery

- More efforts are required to mobilize marginalized groups and Dalits so that they can articulate their demands and be brought into the development mainstream, ensuring their access to services. Similarly, a number of improvements are required to make Local Body plans technically and financially feasible.

- HMG/N has identified employment generation as one of the most important areas to address exclusion of marginalized communities and ultra poor, and also the tremendous growth of unemployed youth as a result of escalation of the conflict in remote areas. Programs like Food for Work will be emphasized, which address income poverty, food deficiency and malnutrition simultaneously.

- Programs like Food for Work, affirmative action through giving priority in service delivery, and employment will be expedited under targeted programs. Adequate representation, as well as effective participation of excluded communities, will be ensured in Local Bodies and Community Organisations to bring them into mainstream.
To address service delivery in conflict situations, flexible mechanisms will be introduced. Given the success of mobile camps, such services will be extended. Larger involvement of local communities in delivery of services is the other strategy to help ensure service delivery.

Conflict and Development

The main objective of Integrated Peace Development Programs (IPDP) is to provide both human security and development in areas which are heavily affected by the conflict, maintain law and order, protect government property and promote peace-building process through advocacy, awareness and communication strategies.

The support strategy for peace and development includes (i) promoting activities that directly contribute to the youth empowerment and mobilization for peace (ii) rehabilitating and reintegrating victims (iii) raising awareness and dissemination of information on actions which can be taken to promote transformation of conflict into positive and peaceful means for development and (iv) winning "hearts and minds of people" by addressing communities development needs.

e. Some other efforts

The Ministry of Education and Sports (MoES) has also initiated reservation for Dalits and Indigenous Nationalities in the study of medicine (MBBS). Tribhuvan University also recently announced its policy of reservation for Dalits, indigenous people and women.

A Curriculum Development Center under the MoES has initiated the production of textbooks in different indigenous languages. This was introduced after the recommendation of the National Language Policy Recommendation Committee. Provision of free education to the poor and marginalized students from Indigenous Nationalities, together with other students from disadvantaged groups, has also been initiated. There is a scholarship program in MoES spending significant amount every year for disadvantaged groups, including Indigenous Nationalities.

Radio Nepal has started to transmit news in different languages. Local FM radio stations also are transmitting different programs in different national
languages. HMG/N is committed to promote and protect languages, arts, scripts and culture of the Indigenous Nationalities.

5. National Foundation for Development of Indigenous Nationalities (NFDIN)

National Foundation for Development of Indigenous Nationalities (NFDIN) was established according to the provision of National Foundation for Development of Indigenous Nationalities Act, 2002 for social, economic and cultural development and upliftment of various indigenous nationalities of Nepal and for their equal participation in the mainstream of national development. The Academy is an autonomous corporate body (the only one of its type) with perpetual succession. It has the following objectives:

1. To make overall development of indigenous nationalities by formulating and implementing the programmes relating to the social, educational, economic and cultural development and upliftment of indigenous nationalities,

2. To preserve and promote the language, script, culture, literature, arts, history of the indigenous nationalities,

3. To preserve and promote the traditional knowledge, skill, technology and special knowledge of indigenous nationalities and to provide assistance in its vocational use,

4. To cause the indigenous nationalities to be participated in the mainstream of overall national development of the country by maintaining a good relation, goodwill, and harmony between different indigenous nationalities, castes, tribes and communities.

5. To provide assistance in building an equitable society by making social, economic, religious and cultural development and upliftment of indigenous nationalities.¹

¹ Section 5, National Foundation for Development of Indigenous Nationalities Act, 2002
Since its inception, the main activities initiated by the foundation comprise several linguistic, cultural preservation and socio-economic empowerment programmes for marginalized indigenous nationality groups. Some initiatives to provide scholarships and programs to promote languages have yielded promising results. However, the Foundation is still in its infancy and a lot more work needs to be done.

Presently NFDIN is also responsible for the Praja Development Program. This program was initiated since 1979 by HMG/N. This program aims to develop the Praja community, identified as one of the endangered communities of Indigenous Nationalities. Several NGOs are also working with the Praja community.

6. Nepal Federation of Indigenous Nationalities

HMG/N is committed to work together with civil society to address the issues of indigenous nationalities. Several NGOs are working to this end. Nepal Federation of Indigenous Nationalities (NEFIN), an umbrella organization of organizations representing the 59 indigenous nationalities, works towards the upliftment and empowerment of indigenous communities. It represents a broad spectrum of indigenous nationality civil society in this regard. Janjati Empowerment Project (JEP) is one of its main activities to empower the affiliate organizations. NEFIN has 48 indigenous organizations affiliated to it, along with several other organizations, such as indigenous women’s organizations.
# 7. National Human Rights Action Plan

HMG/N approved the National Human Rights Action Plan (NHRAP) in 2004. This Plan also includes a chapter on Indigenous Nationalities, details of which are as follows:

## NHRAP for Indigenous Nationalities

<table>
<thead>
<tr>
<th>S N</th>
<th>Objectives</th>
<th>Programs</th>
<th>Activities</th>
<th>Cooperating Agencies</th>
<th>Implementation Period</th>
<th>Means of verification</th>
<th>Risk Factor</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Enact and/or reinforce and safeguard equal rights of Indigenous people in conformity with international human rights norms and standard</td>
<td>Review of existing laws and formulation of new laws related to indigenous people</td>
<td>Formulation/revision of laws related to Indigenous people and ethnic groups after a review of the existing laws. Formulation of policies related to upliftment of Indigenous people and ethnic groups</td>
<td>MoLJPA, LRC, MoWCSW, Indigenous community, NGOs</td>
<td>2061/62</td>
<td>Reports</td>
<td>Delay in General election of the parliament, Tendency of exclude legitimate stakeholders during law revision</td>
</tr>
<tr>
<td>2</td>
<td>Ensure the rights of Indigenous women and children affected by conflict</td>
<td>Rehabilitate indigenous women and children displaced by conflict</td>
<td>Skill development training and micro credit without any security bond or interest (15 districts with effect of conflict and 10 districts with high number of internally displaced)</td>
<td>NPC, MoHA, MoES, NGOs, Local Bodies</td>
<td>2061/62, 2062/64</td>
<td>Analysis and monitoring reports</td>
<td>Lack of adequate budget, Lack of priority</td>
</tr>
<tr>
<td>3</td>
<td>Protect the way of life, culture and identity of indigenous communities</td>
<td>Protect heritage, language, scripts, cultures and historical and religious sites of indigenous people, Establish a program</td>
<td>Protection and enhancement of mother tongues, scripts and cultural heritages, Study researches, Establishment of culture museums,</td>
<td>MoCTCA, MoHA, MoES, Local Bodies</td>
<td>2061/62-2063/64</td>
<td>Reports, Progress reports</td>
<td>Lack of financial resources</td>
</tr>
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1 NHRAP, HMG/N, Office of the Prime Minister and Cabinet Secretariat, Kathmandu, Nepal
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<td>4</td>
<td>Protect the right to education of indigenous children and adults</td>
<td>Implement program to increase access of indigenous people to technical and vocational education</td>
<td>Scholarship/education material aid for technical and vocational education</td>
<td>MoES, Local Bodies, NGOs</td>
<td>2061-62-2063-64</td>
<td>Progress reports</td>
</tr>
<tr>
<td>5</td>
<td>Update statistical database on indigenous people to monitor incidence of poverty</td>
<td>Collect data on a regular basis to obtain information on various aspects of life of indigenous people</td>
<td>Mapping of indigenous people and ethnic group</td>
<td>CBS, Local Bodies</td>
<td>2061/62-2063/64</td>
<td>Progress Report</td>
</tr>
<tr>
<td>6</td>
<td>Increase employment opportunities to indigenous people</td>
<td>Formulate and implement policies to increase employment opportunities both in domestic and foreign sectors for indigenous people</td>
<td>Preparation of employment Plan, Development of entrepreneurship, Micro credit without security bond and interest (25 districts)</td>
<td>MoLTM, MoST, Employment promotion board, Local bodies, Indigenous communities organizations</td>
<td>2061/62-2063/64</td>
<td>Progress report</td>
</tr>
<tr>
<td>7</td>
<td>Protect and promote indigenous technologies, skills, knowledge, arts and crafts</td>
<td>Protect indigenous technologies skills, knowledge, arts and crafts</td>
<td>Identification, protection and enhancement of the skills, knowledge, technology, and wisdom of the indigenous people and ethnic groups</td>
<td>MoLTM, MoST, Employment promotion board, Local bodies, Indigenous communities</td>
<td>2061/62-2063/64</td>
<td>Progress report</td>
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</table>

The programs included in the NHRAP for Indigenous Nationalities comprise, the enactment/reinforcement of human rights for indigenous peoples, compiling and updating data, increasing employment opportunities and protection and promotion of indigenous technology and knowledge.

The Action Plan spells out the responsibilities of different agencies. MoLD is the implementing agency in this regard. The programs are implemented through Local
Bodies and NGOs at the community level. The Office of the Prime Minister and Council of Ministers; NPC; NHRC; Foreign Affairs and Human Rights Committee and other Committees of Parliament are entrusted for monitoring and evaluation.

8. **ILO Convention no. 169 and some constitutional, legal and administrative provisions in Nepal**

ILO Convention no. 169 on Indigenous and Tribal Peoples is the foremost instrument of international law that protects and promotes the rights of indigenous nationalities. Since its adoption in 1989, it has proved an effective instrument to protect the rights of indigenous peoples and address numerous issues raised by them. Some 17 countries, mostly in Latin America, have ratified this convention. Civil society in Nepal, together with NEFIN, have initiated a dialogue regarding the ratification of the convention by Nepal, with the result that the matter is under serious consideration with HMG/N. ILO and NEFIN have organized a series of consultations and a national dialogue with the purpose of discussing this issue in greater depth. The provisions of the convention compared to the constitutional, legal and administrative measures already adopted by Nepal, are set out in the following table:

**ILO Convention no. 169 and Nepalese provisions**

<table>
<thead>
<tr>
<th>S.N.</th>
<th>Particulars</th>
<th>Provision of the Convention</th>
<th>Domestic arrangements</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Definition if Indigenous people</td>
<td>Distinct social, cultural and economic condition having own customs and tradition,</td>
<td>People with own mother tongue, own traditional rites and customs, distinct cultural identity, distinct social structure and written and unwritten history. NFDIN Act 2002, Section 2 (a)</td>
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<td>Inhabited in a specific region.</td>
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<td>(Article 1)</td>
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<td>2</td>
<td>Self identification</td>
<td>Self-identification a fundamental criterion.</td>
<td>Identified by HMG/N after the recommendation of NFDIN council represented by Adibasi Janjati organizations. NFDIN Act 2002, Section 7 Sub-section (1)</td>
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<table>
<thead>
<tr>
<th></th>
<th>Protection of the rights of Indigenous people</th>
<th>Right to equality and freedom guaranteed by the constitution (Article 11,12), NFDIN Act 2002, Tenth Five year Plan, NHRAP 2004, Ratification of ICCPR, Civil Liberties Act 1954</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Special measure to safeguard the people</td>
<td>State policies and principles for the protection of disadvantaged people like INs, (Article 25 and 26 of the Constitution) Fundamental rights of the people, (Article 11-23 of the Constitution), LSGA, -Planning priority in LBs -Mediation committee -Nomination in LBs, Provision for the nomination in upper house NFDIN Act 2002 One of the indicators of the M&amp;E of MoLD projects at local level is that the beneficiaries be 30% from among the INs and Dalit</td>
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<td></td>
<td>Recognition and protection</td>
<td>Formulation of policies and programs for INs people (NFDIN act 2002, Section 6 and 9), State Policies and principles mentioned in the constitution</td>
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<td></td>
<td>Consultation with the people</td>
<td>LSGA, -Planning priority in LBs</td>
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</tbody>
</table>

<p>|   | Right to equality, Right to freedom, Protection and promotion of social, economic and cultural rights, Assistance to eliminate discrimination (Article 2 and 3) | Right to equality and freedom guaranteed by the constitution (Article 11,12), NFDIN Act 2002, Tenth Five year Plan, NHRAP 2004, Ratification of ICCPR, Civil Liberties Act 1954 |
|   | Special measure to safeguard the persons, institutions, property, labor, culture and environment, Right to decide own priorities and participation for their socio-economic development and protection of environment, Free enjoyment of general rights. (Article 4) | State policies and principles for the protection of disadvantaged people like INs, (Article 25 and 26 of the Constitution) Fundamental rights of the people, (Article 11-23 of the Constitution), LSGA, -Planning priority in LBs -Mediation committee -Nomination in LBs, Provision for the nomination in upper house NFDIN Act 2002 One of the indicators of the M&amp;E of MoLD projects at local level is that the beneficiaries be 30% from among the INs and Dalit |
|   | Recognition and protection                    | Formulation of policies and programs for INs people (NFDIN act 2002, Section 6 and 9), State Policies and principles mentioned in the constitution |
|   | Consultation with the people                  | LSGA, -Planning priority in LBs |</p>
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<td>&amp;</td>
<td>administrative</td>
<td>Mediation committee</td>
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<td>measures,</td>
<td>Participation in decision-making,</td>
<td>Nomination in LBs,</td>
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<td>Make resources available</td>
<td>(Article 6)</td>
<td>Provision for the</td>
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<td>nomination in upper house</td>
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<td>NFDIN Act 2002</td>
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<td>7</td>
<td>Right to retain the Customs</td>
<td>Due regards to the</td>
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<td>8</td>
<td>Customs and offences</td>
<td>Custom to be considered</td>
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<td>in matters to penalize</td>
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<td>9</td>
<td>Land, environment and relocation</td>
<td>Right to use land,</td>
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<td>Right to cultural use of land,</td>
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<td>Right to natural resources</td>
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<td>Right against forced relocation,</td>
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<td>Unauthentic use of land,</td>
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<td>10</td>
<td>Recruitment and conditions of employment</td>
<td>Reservation in</td>
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<td>employment,</td>
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<td>Equal remuneration,</td>
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<td><strong>Right to join trade union.</strong></td>
<td><strong>Right to equality (Article 11 of the constitution)</strong></td>
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</tbody>
</table>
| **Vocational training, handicrafts and rural industries** | **Equal opportunity measures (Article 21),**  
**Special training programs,**  
**Promotion of handicrafts and indigenous technology (Article 22-23)** | **Right to equality (Article 12 of the constitution),**  
**NFDIN Act 2002, NHRAP 2004,** |
| **Social security and health** | **Social security,**  
**Adequate health services,**  
**Community based health services (Article 25)** | **Social security provisions (allowances) for senior citizens, widows, people with special abilities,**  
**Sub health posts and health posts managed by community/LBs,** |
| **Education** | **No discrimination in education (Article 26),**  
**Own educational institutions (Article 27),**  
**Promotion of Indigenous languages.** | **No discrimination in general,**  
**Initiations on reservation**  
**Initiation of primary education and curriculum development in some mother languages,** |
| **Contact and cooperation across border** | **Contact between indigenous people** | **Provision of international relations by law to NFDIN (NFDIN ACT, 2002)** |

Although the convention has not yet been ratified, from this initial analysis it can be discerned that many of the provisions of the convention have already been applied in the case of Nepal. However after ratification, section 9 of the 1991 Treaty Act would make incorporation of the provisions of the convention in national law mandatory. Upon ratification, Nepal will have to report to the ILO at specific intervals on aspects relating to implementation of the convention.

Some people argue that it may be fruitful to include indigenous nationalities in the peace process to solve the conflict situation of Nepal. Ratification of the convention may create obligatory conditions to include indigenous people in the peace process. HMG/N is also considering this issue seriously.
9. Problems and Constraints

Besides several legal and institutional measures, discrimination against indigenous nationalities at the societal level continues to exist in Nepal. The progress made in the last decades is encouraging, but not sufficient. For example, Nepal still lacks a conducive environment to enable marginalized Indigenous Nationalities to participate in the national development processes. Furthermore, it must be noted that, one of the root causes of present conflict is discrimination against indigenous nationalities and other marginalized groups. Consequently, it is clear that empowerment activities so far, have not been effective enough in addressing these issues.

From the above information we can see that Nepal has made minimum necessary constitutional and legal arrangements for the protection and promotion of the rights of Indigenous Nationalities. The Tenth Plan has also given due importance to the inclusion of socially marginalised sections of society. The Plans and Programs for the upliftment of Indigenous Nationalities and for the promotion and protection of their culture, language, arts and scripts reflect the keen interest and commitment of HMG/N in this regard. Approval of NHRAP is yet another step further in addressing this issue (implementation of which has been initiated from this fiscal year). The commitments made by HMG/N during the Nepal Development Forum (NDF) meeting are also encouraging. MoLD is trying to coordinate and facilitate the implementation of NHRAP in coordination with agencies concerned. In addition, NFDIN will play an important coordinating role in implementing the provisions of the Tenth Plan and NHRAP. Local Bodies should naturally play key role in order to implement projects and programs at the community level. One of the indicators for the monitoring and evaluation of the projects under the Tenth Plan is that at a minimum, 30% beneficiaries should be from among the Dalits and Indigenous Nationalities. NGOs and civil society should also be mobilized properly in order to achieve the target within the specified time. However, the present situation of conflict continues to present a huge hurdle to implementation of programs at the community level.

As already stated, Nepal has developed several policies and institutional bases to address the issues raised by indigenous nationalities, but the implementation of these policies is not satisfactory. The problems faced in this regard should be analyzed in social, economic and political perspectives. General problems
experienced when attempting to address issues of Indigenous Nationalities are as follows:

1. Lack of information/data on the status of Indigenous Nationalities is felt at every step of planning, implementation, monitoring and evaluation.

2. Insufficient capacity of Indigenous People's Institutions/Organizations at the local level is reflected in the poor implementation of the programs and absence of monitoring and evaluation mechanisms.

3. Less access to upliftment programs for the Highly Marginalized Indigenous Nationalities (HMIN) at the local level.

4. Less access of marginalised Indigenous Nationalities to natural resources.

5. Programs to educate the marginalized Indigenous Nationalities are not effective.

6. The issue of Indigenous Nationalities has not been recognized as a cross cutting issue. Subsequently, Sectoral ministries hesitate to take responsibility for the implementation of programs.

7. Low levels of education and awareness.

8. Loss of indigenous skills and culture.

9. Insufficient access to policymaking and decision making for Indigenous Nationalities.

10. Inadequate affirmative action policies.

11. Disappearance of Indigenous Nationalities' languages, scripts, arts and cultures.

12. Inadequate access to mass media.

13. Lack of practical implementation of Local Self Governance Act and other domestic laws related to Indigenous Nationalities.


15. Lack of assimilation of in society,
16. Present situation of conflict is the most difficult challenge in order to implement the plans and programs for the upliftment of the Indigenous Nationalities.

17. Monitoring and evaluation mechanisms for programs targeted to indigenous nationalities are not effective. The initiation taken by HMG/N needs to be improved and implemented efficiently.

10. Recommendations and Conclusion:

HMG/N is serious about addressing the issues raised by the Indigenous Nationalities. The Tenth Plan has made specific arrangements for the inclusion of indigenous people in the mainstream of development. Civil society is also serious about addressing these issues. The problems of Indigenous Nationalities should be analyzed at all levels, including the social, political and economic dimensions. Some general recommendations have been made to develop and improve the quality of life of Indigenous Nationalities, and are as follows:

- A study / survey to identify the status of the indigenous people is recommended in order to assess the population, socio-economic condition, indigenous occupations/technologies, potentials of development and empowerment, their language, script, culture, arts and other information. It is also imperative to identify and focus on the Highly Marginalised Indigenous Nationalities in order to prevent their extinction.

- Restoration of peace in Nepal is the most important pre-condition for the social, economic and political development of Nepalese people including the upliftment, protection and promotion of indigenous nationalities.

- The institutions and organizations of the indigenous people are not sufficiently matured to discharge their responsibilities in an efficient manner. Therefore capacity building of such organizations also a priority. The Janjati Empowerment Project (JEP) could contribute substantially in this regard.
• HMG/N has recognized the issues related to indigenous people. However the implementation of the related legal provisions and the projects for their upliftment are not satisfactory. HMG/N has to create a conducive environment for the implementation of legal provisions as well as empowerment and development projects for indigenous nationalities, ensuring their active participation at all stages. The issue of participation of Indigenous Nationalities is imperative and projects for their upliftment should be implemented as a cross cutting issue from the line ministries and Local Bodies as well.

• Functional access and affordable education opportunities (general and technical) to the highly marginalized indigenous nationalities may contribute significantly to increasing their living standards.

• Several indigenous occupations and technologies may be economically viable or could be viable after their promotion or modification. HMG/N has to prioritize the promotion and protection of such occupations and technologies with the participation of the community itself. Such approaches can help generate employment opportunities, thus contributing to poverty alleviation.

• Affirmative action and Road Map of Administrative Reforms Project, (currently under consideration by HMG/N) should be decided, enacted and enforced as soon as possible, in order to mainstream excluded communities, including Indigenous Nationalities. This will both facilitate indigenous nationalities' access at policymaking level and provide employment opportunities. A target, based on their ratio of population, should be decided for the political representation in local and central level. In the same way the literacy rate and education for indigenous nationalities should be decided, taking certain threshold approaches so as to prioritise the most marginalised communities. In the same way setting goals of minimum indexes of HDI could help contribute to the sustainable development of Indigenous Nationalities.

• Programs related to the protection and promotion of their language, arts, culture, scripts, and customs should be implemented after accessing their strengths in the present context.

• Provisions of LSGA and other domestic laws should be implemented properly. Nepal is a signatory to the International Convention the
Elimination of all forms of Racial Discriminations (ICERD), in addition to several other covenants and conventions. Proper implementation of these instruments would be highly beneficial for improving the position of Indigenous Nationalities.

- A mass awareness program should be designed in order to create awareness among the general population, including the different groups of Indigenous Nationalities, of the need to develop a positive attitude towards indigenous communities. Indigenous communities should also be sensitized on the balance between assimilation into mainstream society and promotion of their specific indigenous nature and needs.

- Mass communication media including electronic media should be utilized to create awareness among the people about the issues of indigenous peoples and for the promotion and protection of their languages, scripts, culture, arts and other strengths.

- Equitable access to land and natural resources should be guaranteed in time.

- Monitoring and Evaluation mechanisms in the government, Local Bodies and community level should be developed and strengthened in order to effectively implement empowerment programs targeting Indigenous Nationalities.

- Following the current trend of promoting partnerships between government, private sector and civil society for the development of human beings, public-private partnerships should also be encouraged for initiatives on Indigenous Nationalities in Nepal.

- Commitments made by Nepal on the future direction in NDF should be materialized with active participation of HMG/N, international partners, civil society and private sector.

- Nepal has to develop an implementation culture from formulation culture. Proper implementation of formulated plans and policies is imperative for national development.

- MoLD has been entrusted to work as the focal ministry for Dalits and Indigenous Nationalities. Strengthening of the desk looking after
Dalit and Indigenous Nationalities would also help ensure efficient coordination and facilitation.

The rich diversity of cultures, religions, languages, scripts and arts of Nepal’s indigenous nationalities are an asset to the nation. Protection and promotion of these assets is imperative for the sustainable development of the people of Nepal. Therefore, upliftment of all marginalised Indigenous Nationalities, particularly the highly marginalised, is imperative. HMG/N has expressed its commitment to working together with civil society, private sector and international partners to this end. The National Dialogue Conference on ILO Convention No. 169 and Peace-Building in Nepal, will help to highlight the importance of indigenous peoples issues at the national level.
11. References


- **National Human Rights Action Plan,** HMG/N, Office of the Prime Minister and Council of Ministers, Kathmandu, Nepal.


- **ILO Convention no.169,** ILO.


- *Decentralization in Nepal*, Retrospect and prospect (Discussion Paper) NDF-2004, Pre-consultation Meeting, HMG/N, MoLD.

- *Conflict and Development*, (Discussion Paper) NDF-2004, Pre-consultation Meeting, HMG/N.
12. Acronyms

CBO: Community Based Organization
CBS: Central Bureau of Statistics
CO: Community Organization
DAG: Disadvantaged Group
DDC: District Development Committee
GO: Government Organization
HDI: Human Development Index
HMG/N: His Majesty’s Government of Nepal
HMIN: Highly Marginalized Indigenous Nationalities
HR: Human Rights
HRD: Human Resources Development
HRPC: Human Rights Promotion Center
ICCPR: International Covenant on Civil and Political Rights
ICERD: International Convention on the Elimination of all forms of Racial Discriminations
ILO: International Labor Organization
IN: Indigenous Nationalities
I/NGO: International/ Nongovernmental Organization
JEP: Janjati Empowerment Project
LB: Local Body
LDTA: Local Development Training Academy
LSGA: Local Self- Governance Act
M & E: Monitoring and Evaluation
MBBS: Bachelor of Medicine and Bachelor of Surgery
MoES: Ministry of Education and Sports
MoF: Ministry of Finance
MoGA: Ministry of General Administration
MoHA: Ministry of Home Affairs
MoLD: Ministry of Law and Justice
MoLTM: Ministry of Labor and Transport Management
MoWCSW: Ministry of Women, Child and Social Welfare
NDF: National Development Forum
NEFIN: Nepal Federation of Indigenous Nationalities
NFDIN: National Foundation Development of Indigenous Nationalities
NHRAP: National Human Rights Action Plan
NPC: National Planning Commission
NWC: National Women’s Commission
PAF: Poverty Alleviation Fund
PPP: Public Private Partnership
TU: Tribhuvan University
UNDP: United Nations Development Program
VDC: Development Committee