

16th Session of the Expert Mechanism on the Rights of Indigenous Peoples

Item 5:

Interactive dialogue with members of the Expert Mechanism on the Right to Development

Tuesday 18 July, 2023

Statement of

Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)

Delivered by Shankar Limbu

Thank you, Mr. Chair,
Distinguished delegates,
Indigenous brothers and sisters

Mr. Chair,

We welcome the Expert Mechanisms on the Rights on Indigenous Peoples and Expert Mechanism on the Right to Development (EMRTD) continuing effort to dialogue for collaboration and synergies between two Expert Mechanisms that give effect to the provisions of UNDRIP and DRTD, relating the right to development in a harmonious manner.

"Development" is a narrative that is often found problematic to indigenous peoples without rights that are enshrined under various international human rights including the ILO Convention No. 169 and UNDRIP.

Mr. Chair

In its decision NO. 9829, the Supreme Court of Nepal establishes jurisprudence that says "Development is essential to make human life comfortable and prosperous, however, it cannot be considered as a balance development if the development activities put human life at risk and jeopardize harmonious relation with the environment" This is just an example that how the Judicial body can play a constructive role in guiding the development in the nation.

Thus, one of the area of potential collaboration of both mechanisms shall be working with the judicial and quasi-judicial bodies for effective implementation of articles 3, 23, and 32 of UNDRIP *vis a vis* Declaration on the right to development to facilitate governments, other actors including business companies and entities to implement both instruments to avoid development aggression and ensure just development that respects Indigenous Peoples' rights of self-determined development, permanent sovereignty over lands, territories, and natural resources, which is a minimum right for Indigenous Peoples to live with dignity as peoples.

I, Thank you Mr. Chair