

**Human Rights Situation of Indigenous Peoples in Nepal**  
**SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF NEPAL**  
**for 4<sup>th</sup> Cycle 51<sup>st</sup> Session of the UPR Working Group**  
**Human Rights Council**  
**Jan - Feb 2026**

**Joint submission by**

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



International Work Group for Indigenous Affairs (IWGIA)



KIOS Foundation



National Indigenous Women's Federation (NIWF)



Indigenous Media Foundation (IMF)



Nepal Indigenous Disabled Association (NIDA)



Indigenous Women Legal Awareness Group (INWOLAG)



Nepal Kirat (Rai) Mahila Sangh (NKRMS)



National Indigenous Disabled Women Association Nepal (NIDWAN)



Nepal Chepang Women Association (NCWA)



National Indigenous Women Forum (NIWF)



Federation of Indigenous Women of Nepal in America (FIWNA)



National Indigenous Disabled Self Employment Association Nepal (NID SEWA Nepal)



National Indigenous Disabled Youth Association (NIDYA)



**Submitted to**  
**The United Nations Human Rights Council**  
**Geneva**

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## **Abbreviations**

AI	Amnesty International
APF	Armed Police Force
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CPN (UML)	Communist Party of Nepal (Unified Marxist Leninist)
CRPD	Convention on Rights of Persons with Disabilities
FIWNA	Federation of Indigenous Women of Nepal in America
FPIC	Free, Prior, and Informed Consent
GR	General Recommendation
HRC	Human Rights Council
ILO	International Labor Organization
IMF	Indigenous Media Foundation
INSEC	Informal Sector Service Centre
INWOLAG	Indigenous Women Legal Awareness Group
IPHRDs	Indigenous Peoples Human Rights Defenders
IPOs	Indigenous Peoples Organizations
IPs	Indigenous Peoples
IW&G	Indigenous Women & Girls
IW&GwD	Indigenous Women & Girls with Disabilities
IWGIA	International Work Group for Indigenous Affairs
LAHURNIP	Lawyers' Association for Human Rights of Indigenous Peoples of Nepal
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual+
NCWA	Nepal Chepang Women Association
NID SEWA Nepal	National Indigenous Disabled Self Employment Association Nepal
NIDA	Nepal Indigenous Disabled Association
NIDWAN	National Indigenous Disabled Women Association Nepal
NIDYA	National Indigenous Disabled Youth Association
NIWF	National Indigenous Women Forum

NIWF	National Indigenous Women's Federation
NKRMS	Nepal Kirat (Rai) Mahila Sangh
OECMs	Other Effective Area-Based Conservation Measures
SCN	Supreme Court of Nepal
UN	United Nations
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGPs	UN Guiding Principles on Business and Human Rights
UPR	Universal Periodic Review

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**INTRODUCTION**

1. This joint submission by Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and thirteen other national and international organizations (see Annex I) on the Human Rights Situation of Indigenous Peoples (IPs) in Nepal is to supplement the report of the Nepal Government, focusing on IPs, scheduled for review in the Universal Periodic Review (UPR) Working Group sessions 51<sup>st</sup> session (Jan - Feb 2026) of the UPR Working Group of the Human Rights Council (HRC) in Geneva in January 2026.
2. The following orders, recommendations, and statements are all respectful of and recognize the rights of IPs in Nepal, and therefore are important to keep in mind in the UPR process. IPs of Nepal welcome the Directive Order (074-WO-0053)<sup>1</sup> (LAHURNIP *et al.* Vs. the Office of the Prime Minister *et al.*) issued by the Supreme Court of Nepal (SCN) on February 8, 2024 (the full text of the court verdict was made public on May 5, 2025) to formulate laws and policies for federal, provincial, and local bodies, as well as to enact, amend, or reform the Bills tabled in the legislature-parliament, and Laws as per the spirit and essence of ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
3. We appreciate the High Commissioner for Human Rights for her letter to Nepal's Minister of Foreign Affairs on 8 October 2021, mentioning the following in the annex of the letter:  
"Amending the Constitution to explicitly recognize the rights of Indigenous women, in line with the United Nations Declaration on the Rights of Indigenous Peoples", and "Ensuring the safety of indigenous peoples who have been subjected to threats, harassment and other arbitrary and violent acts by government agents and/or private individuals, and taking measures to prevent, investigate and punish such acts."<sup>2</sup>
4. We further appreciate her for stating, "Several organizations indicated that the 2015 Constitution of Nepal had been drafted without meaningful participation of indigenous peoples, and thus failed to ensure their rights to self-determination, and to their lands, territories and resources."<sup>3</sup>
5. IPs in Nepal appreciate the State Party Nepal's National report submitted to the Human Rights Council (A/HRC/WG.6/37/NPL/1)<sup>4</sup>. However, IPs feel offended and undermined because the term "Indigenous" appears only nine times, including "Indigenous people" twice, "indigenous community" twice, and five other instances as part of the names of institutions. This raises serious concerns about the reliability, validity, and meaningfulness of the government's submission about the actual situation of IPs in Nepal.

**METHOD**

6. This joint submission has been prepared by fourteen organizations coordinated by LAHURNIP (See the cover page). LAHURNIP has been in close consultation with women, men, Indigenous People with disability, community leaders, customary leaders, experts, activists, Indigenous Peoples Human Rights Defenders (IPHHRDs), and communities affected by development aggression. Tahal Thami and Dr. Krishna B. Bhattachan contributed to researching, drafting, and finalizing the report. The draft was revised and finalized for its submission based on a series of consultations carried out by LAHURNIP with the leaders of various rights-based movements during May 2025. Signe Leth of IWGIA helped in language editing and provided constructive suggestions, enriching the

report. LAHURNIP organized a final consultation meeting on 23 June 2025 and a validation workshop on 11 July 2020 in Kathmandu.

## **SCOPE OF THE REPORT**

7. LAHURNIP and a coalition of Indigenous Peoples Organizations (IPOs) make the present submission on the state of human rights of Indigenous Peoples to the UPR 2025 (the fourth cycle) on behalf of the IPs of Nepal. This submission focuses on the human rights situation of IPs of Nepal, including: (i) land grabbing, (ii) climate injustice, (iii) injustice in the name of just transition, and (iv) Issues of intersectionality of IPs.
8. Information on two urgent issues: (1) alarming situation of business-induced and state-led cultural genocide in the Mukkumlung (alias "Pathibhara") requiring urgent actions to prevent future bloodbath, and (2) non-implementation of recommendations made at both national and international levels with focus on the directive order and mandamus of the Supreme Court of Nepal (SCN) and implementation of the UNDRIP and other treaties, declarations and recommendations made by the treaty bodies, are provided in this report.

## **SITUATION OF HUMAN RIGHTS OF INDIGENOUS PEOPLES OF NEPAL**

9. IPs of Nepal would like to draw the attention of the UPR Working Group giving high priority to the following two urgent issues and make strong recommendations to Nepal to stop cultural genocide and new crimes against humanity<sup>5</sup> in Nepal. IPs of Nepal further request the UPR working group to recommend to the Government of Nepal to implement both national and international commitments on IPs' rights. If implemented and the collective rights of IPs are respected, the State can prevent a bloodbath from happening.

### **1. URGENT ISSUE 1: Alarming Situation of Business-Led, State-Supported Cultural Genocide in Mukkumlung<sup>6</sup> Requires Urgent Action to Prevent Future Bloodshed.**

10. An alarming situation has been escalating at the sacred site Mukkumlung (Hinduized name alias "Pathibhara") of Yakthung (Limbu) (hereafter Yakthung) in Taplejung, located in Yakthung Laze in the eastern hills of Nepal.<sup>7</sup> The site has become an interconnected confluence of the state, business, and human rights, due to a cable car project being forcefully implemented by a private company supported by the State, but opposed by the IPs, resulting in cultural genocide and new crimes against humanity,<sup>8</sup> attack on cultural and spiritual belief/faith, environmental damage, land grabbing, militarization, criminalization of human rights defenders, false charges against them, non-recognition of self-determination, autonomy, and customary self-government with customary laws, as well as severe violations of IPs' collective and individual rights, and breach of treaty of 1774 between the Limbu (Yakthung) and King Prithvi Naraya Saha. Before this treaty, Yakthung's ancestral land, Yakthung Laze or "Limbuwan", was a fully sovereign independent nation-state that made a treaty with King Prithvi Narayan Shah in 1774. Mahesh C. Regmi has quoted a text from this treaty on a promise by the King to the Limbu (Yakthung)<sup>9</sup>: "Enjoy the land from generation to generation, as long as it remains in existence... In case we confiscate your lands...may our ancestral gods destroy our kingdom." This treaty respected and recognized Yakthung's (Limbu's) ancestral land as their State with pre-existing rights. Bairagi Kainla (Til Bikram Nembang), former Chancellor of the Nepal Academy, said, "[t]here were no human-made things in Mukkumlung before 1943."<sup>10</sup> Until 1963, no one could buy or sell lands in their territories. After changing Kipat land into taxable land system in 1963, the state slowly encroached on the lands by enacting different laws, leading to conflict between the "Limbu" [Yakthung]

and the Hindu Brahman, as the latter gradually began to take control of the lands, bringing "Hindu-Tribal" interface that led to "Limbus [Yakthung] and Brahman cleavage."<sup>11</sup>

11. The cleavage has been ripped wide apart since 1996, but the Nepal government, since the establishment of the Pathibhara Area Development Committee through an Order, the Pathibhara Kshetra Bikas Samiti (Gathan) Adesh, 2053<sup>12</sup> on 19 May 1996, granting legal recognition to Pathibhara, recently adopted the name of a Hindu goddess by undermining Mukkumlum-the sacred site of Indigenous Yakthung (Limbu). The order was amended on 1 April 2019 with defined geographical territorial areas covering Ward (the lowest unit of the local government) numbers 3, 4, 6, and 9 of Funcling Rural Municipality.<sup>13</sup> The Council of Ministers passed a resolution on 31 December 2016, leasing 6.2228 hectares of forest to the cable car company for 30 years and permitting the cutting of 10,231 trees without the Free, Prior, and Informed Consent (FPIC) of the Indigenous Limbu People. Although the 2015 Constitution provisions state that "[e]ach community living in Nepal shall have the right to preserve and promote its language, script, culture, cultural civilization and heritage,"<sup>14</sup> ironically, the State itself has been violating this. Since the enactment of this Order, and the deployment of the Armed Police Force (APF) for protection of cable car construction works, including felling down of age old, and rare species trees in the sacred forest, severe human rights violations, abuse, cultural genocide, new crimes against humanity, the felling of ancient forest trees in this sacred site, militarization, violence, and the criminalization of defenders of Indigenous Peoples' rights have emerged. Recent news, as cited below by both national and international media, indicates that the conflict is escalating, with the government and the business company engaged in such activities. If serious action is not taken against human rights violations by the state and abuses by business enterprises, civil war could be on the horizon. Here are some news articles that illustrate the gravity of the problem, which is merely the tip of the iceberg.
12. "On May 13 [2024], workers of a cable car company felled 12,000 trees at night," according to The Indigenous World 2025<sup>15</sup>, "but the defenders of Mukumlung chased them away, and subsequently planted trees, and declaring a *banda* (transportation shutdown)".<sup>16</sup> The Informal Sector Service Centre (INSEC) reported that in a clash between supporters and opponents of the cable car project during inauguration of its construction on November 8, two persons supporting the cable car construction, and two persons, Chandra Maden and Arjun Limbu who opposed it were injured.<sup>17</sup> The Hindu reported, "At least 24 people, including 12 security personnel, were injured in clashes between security forces and protesters opposing a cable car project in the Pathibhara area of Taplejung district in eastern Nepal, officials said on Sunday, February 23, 2025."<sup>18</sup> "France24"<sup>19</sup> reported, "In January, protests at Taplejung escalated into battles with armed police, with four activists wounded by gunfire and 21 officers injured", though "The protests calmed after promises construction would be suspended, but erupted again this week, with 14 people wounded on Thursday -- 11 of them members of the security forces."<sup>20</sup> The Kathmandu Post reported on 4 July 2025, the APF personnel intervened leading to the confrontation resulting a violent clash between the 'No Cable Car' group and security personnel injuring at least 13 people—a protester, a taxi driver and 11 security personnel."<sup>21</sup>
13. According to Mongabay,<sup>22</sup> the environmental impact assessment for the controversial cable car project has many flaws. He quotes an anonymous Professor of Botany at Tribhuvan University, who, fearing retribution, said the "report lacks accurate details on legally protected plant species in the area."
14. As an indication of heightening tension between the defenders of indigenous sacred site and the defenders of cable car construction, Setopati, an online news portal, reported, "Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) Secretary Yogesh

Bhattarai was met with protests during his visit to his home district Taplejung on Friday. The 'Identity Advocacy Group' surrounded him when he was inside the toilet and shouted slogans against him. After a while, police personnel were deployed immediately to rescue him unharmed."<sup>23</sup>

15. When the National Action Plan for Business and Human Rights was inaugurated by the State of Nepal on 27 December 2023 unveiled National Action Plan on Business and Human Rights on 23 January 2024, United Nations Development Programme (UNDP) said that "a clear commitment from the Government of Nepal to promote economic development while safeguarding the rights of its citizens and the environment."<sup>24</sup> However, the case in Mukkumlung shows the opposite. On the contrary, there has been a clear violation and abuse of the UN Guiding Principles on Business and Human Rights (UNGPs) in Mukkumlung. Instead of upholding the three general principles, Nepal has failed to fulfill its obligation.<sup>25</sup>
16. On February 11, 2025, during a scuffle between demonstrators and the police, eighteen innocent individuals were arrested, five women were detained at a police station, and charges of criminal disturbance and riot were filed against four demonstrators in the Taplejung District Court.<sup>26</sup> They are released on bail, but the case is still sub judice in the Taplejung District Court (Police Inspector Rohit Kumar Sharma Badhai *et al.* Vs. Chandra Maden *et al.*, Case no. 081-01-0070 with registration No. 20-081-00376).<sup>27</sup>
17. The ESCR-Net, a global network of over 300 organizations, in its letter addressing Nepal's Prime Minister, urged the Nepalese government to "immediately suspend the cable car project, withdraw security forces, launch an independent investigation and release individuals unlawfully arrested in connection with the protests."<sup>28</sup> The Himalkhabar reported, "In a confidential report prepared by the Nepal Police it is suggested that as there is a risk of spread of violence in Pathibhara area any time it is better to find solution by stopping the construction work of the cable car."<sup>29</sup> What Yaron Gottlieb<sup>30</sup> has stated "attacks Against Cultural Heritage is a crime against humanity" applies in the case of Mukkumlung as well.
18. The news reporting and the unfolding ground reality in Mukkumlung clearly show that both the cable car business and the State are not following the UNGPs. It is a serious matter that both the business and the government are violating the three pillars of business and human rights, i.e. protect, respect, and remedy. The laws, regulations, and policies applied in business do not prevent or address abuse; instead, the government supports the business in its abuse and impunity. The Nepal government is not respecting human rights by avoiding harm; instead, they are enabling businesses to harm IPs. Furthermore, human rights due diligence addressing risks and ensuring the responsible operation of the cable car is utterly lacking. There is no regular assessment to identify problems, mitigate them, address issues, record data, monitor, or communicate timely, and no judicial or non-judicial mechanisms are competent and effective. The cable car company and the state are not addressing the impacts of the cable car business, avoiding diverse impacts, and maximizing benefits, even though the IPs have not given FPIC for its construction. IPs have utilized grievance mechanisms, including complaints to the National Human Rights Commission, petitions to the Supreme Court of Nepal, submissions to the Special Rapporteur on the Rights of Indigenous Peoples, and the Committee on the Elimination of Racial Discrimination (CERD).
19. LAHURNIP, in its communication with the Special Rapporteur on the rights of Indigenous Peoples<sup>31</sup>, has stated the involvement of government officials in these atrocities, the denial of access to justice, and violations of IPs' rights—such as the lack of FPIC, racism, and

cultural assimilation, treaty rights violations, environmental degradation, economic displacement, and ongoing militarization.

20. What is happening at the Mukkumlung (alias "Pathibhara") is a textbook case of violations of the UNDRIP, ILO Convention No. 169, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), CEDAW General Recommendation (GR) No. 39, and UNGPs, among others. IPs' of Nepal have a serious concern<sup>32</sup> about this alarming situation.<sup>33</sup> The same situation is building up in upper Mustang with a proposed construction of 80 km long cable car from Pokhara to Chumi Gyarche (alias "Muktinath", a Hindu name), a sacred site of mountain IPs.<sup>34</sup> According to the Nepal Desk, Nepal government and the Muktinath Darshan Pvt Ltd. signed an agreement to build an eighty kilometer long cable car from Pokhara to Chumi Gyarche.<sup>35</sup> This project will initiate cultural genocide of ten Indigenous nations, including Baragunle.

### **Questions for Nepal**

What system or mechanism of regular assessment in identifying problems, mitigating, addressing, recording, monitoring, and communicating about violations or abuse of human rights and environmental degradation in sacred sites, including Mukkumlung does the State of Nepal have?

What policies and plans does Nepal have to fully protect sacred sites, like Mukkumlung, of IPs fully in line with the UNDRIP?

What challenges does the government of Nepal have in formulating diligence policies that comply with court verdicts and recommendations of treaty bodies?

### **Recommendations to Nepal**

Immediately withdraw the APF and immediately stop cultural genocide.

Explicitly ensure IPs' rights to self-determination, FPIC, custodianship of ancestral lands, territories, and resources, customary laws, and all other collective and individual rights fully in line with the UNDRIP, ILO Convention No. 169 as directed by the Supreme Court of Nepal, and also in full compliance with CEDAW GR No. 39.

Nepal Government formally invite the Special Rapporteur on the rights of IPs to carry out an urgent assessment of human rights violations and abuse in the sacred site of Mukkumlung and provide recommendations.

Urge the government of Nepal to withdraw all the projects implemented in the sacred sites of IPs.

Urge the Government of Nepal to respect the Treaty of 1774 relating to lands, territory, and natural resources, including sacred sites, cultural, and spiritual sites in line with Article 30 of the UNDRIP.

Formulate policies and amend or enact new laws to effectively protect and promote sacred sites of IPs, such as Mukkumlung and Chumi Gyarche ("Muktinath"), fully in line with the UNDRIP.



## **URGENT ISSUES 2: Non-Implementation of Supreme Court orders and Recommendations by International Human Rights Mechanisms**

### ***Non-implementation of the most recent directive order issued by the Supreme Court of Nepal***

21. In its verdict on the case LAHURNIP et al. Vs. The Office of the Prime Minister et al., the Supreme Court of Nepal issued a Directive Order (074-WO-0053)<sup>36</sup> on February 8, 2024 directing the executive and legislative branches at the federal and provincial levels, along with local bodies, to formulate the laws and policies necessary for implementing the ILO C. 169 and the UNDRIP in Nepal. Additionally, the Legislature-Parliament Secretariat and the Ministry of Federal Affairs and Local Development are to enact, amend, or reform Bills and Laws by the legislature-parliament by the spirit and essence of the convention and declaration. The Court has notified the Prime Minister and the Council of Ministers *et. al.* regarding this verdict.
22. In another recent verdict concerning violations of human rights by the Upper Solu Hydroelectric Company Pvt. Ltd. (074-WO-1031),<sup>37</sup> the Supreme Court Nepal issued a writ of Mandamus against the Nepal government to implement ILO Convention No. 169, the UNDRIP, 2007, the principles of Business and Human Rights, 2011, and the UN Declaration on the Rights to Development, 1986.

### ***Non-implementation of the Constitutional Provisions and the Directive Order of the Supreme Court of Nepal issued in 2018 to implement Article 56(5) of the Constitution of Nepal, 2015 relating to Autonomy of Indigenous Peoples***

23. Before the directive Order of the Supreme Court of Nepal issued on February 8, 2024 in the court case of Bhuban Baramu *et al.* vs. Prime Minister and the Office of the Council of Ministers et al. (074-WO-0239)<sup>38</sup>, the Supreme Court of Nepal, citing Article 56(5) of the Constitution of Nepal, 2015, "Special, protected and autonomous regions may be created for sociocultural protection or economic development according to Federal law," and Article 295(3) of the Constitution, "Government of Nepal shall form a commission for determination of number and borders of the Village Council, Municipal Council and Special, protected, or autonomous regions to be formed pursuant to clauses (4) and (5) of Article 56 .... (4) The commission to be formed pursuant to clause (3) shall be formed within six months from the date of commencement of this constitution and the term of office of such commission shall be of one year."<sup>39</sup> to enact laws to implement these constitutional provisions. However, the government. Such inaction is nothing short of defamation of the Court and a violation of Indigenous Peoples' human rights.
24. In the court case of LAHURNIP Vs. Prime Minister and the Council of Ministers (065-WO-0475)<sup>40</sup>, the Supreme Court of Nepal, citing Nepal's international obligations, including ILO Convention No. 169, issued a Directive Order on April 21, 2023, for direct representation in the election of the Constituent Assembly by amending the Constituent Assembly Election Act, 2007,<sup>41</sup> the Constituent Assembly Election Rules, 2007<sup>42</sup>, the Constituent Assembly Rules, 2008<sup>43</sup>, and other laws. It was never meaningfully implemented.

### ***Non-implementation of International treaties and Treaty Body's recommendations***

25. The following recommendations stated in Summary of Stakeholders' submissions on Nepal, Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/WG.6/37/NPL/3) issued on 5 November 2020, 1) adoption of laws and an action plan aligned with the UNGPs (para 16), 2) a mechanism and measures to ensure that Indigenous communities are meaningfully consulted to obtain their FPIC before launching

any project, and in associated planning, implementation, monitoring and evaluation; and 3) to provide redress to communities for losses incurred, and 4) recognize IPs' rights over land and other resources in accordance to ILO Convention No. 169, and UNDRIP (Para 18)<sup>44</sup>, None of these recommendations by the high commissioner for human rights have been implanted yet.

26. In all programs organized by the LAHURNIP and consortium members, many participants often wonder why no action is taken against the government for non-implementation of recommendations made by the UPR, the treaty bodies such as CEDAW and CERD, the Special Rapporteurs, and the directive orders and mandamus issued by the Supreme Court of Nepal regarding international treaties and declarations. What, then, is the use or significance of these treaties and declarations? How many times, and for how many years, must we continue to repeat the same recommendations? For example, the CEDAW Committee recommended in 2018 that Nepal amend the constitution to explicitly recognize the right to self-determination of IPs and all the rights of Indigenous women and girls enshrined in the UNDRIP, yet the same recommendations were reiterated in 2025. A mechanism or process for "punishment" is needed for non-compliance by the government and business enterprises; otherwise, impunity will continue unabated.

### **Questions for Nepal**

Why is Nepal not implementing the treaties and declarations, including the UNDRIP, to which Nepal is a party, as well as the court decisions and recommendations made by the treaty bodies, including CEDAW?

### **Recommendations to Nepal**

Implement and uphold the orders of the Supreme Court of Nepal to ensure the rule of law as a cornerstone of any true democracy.

Take necessary time-bound initiatives with the representation and participation of IPs, and by obtaining FPIC to meaningfully implement the treaty body recommendations, and submit its progress report to the UPR during its mid-term and end of the review.

Mandatory provision for meaningful implementation of the UNDRIP, ILO Convention No. 169, CEDAW GR No. 39, and UNGPs in all the agreements for any grant or loan between the government, business, and international bilateral and multilateral or international non-governmental organizations.

## **PRIORITY ISSUES 1: Lands, Territory, and Resources**

### **Land grabbing<sup>45</sup> of historic cultural sites**

27. Despite constitutional provisions, IPs are facing forced eviction, forced displacement, and loss of land and livelihood due to land grabbing by the state and businesses in the name of development and conservation projects, such as State-led conservation programs<sup>46</sup>, Sunkoshi-Marin diversion multipurpose project<sup>47</sup>, and Tanahu hydropower project, without obtaining FPIC from the IPs.<sup>48</sup>
28. Regarding land grabbing and cultural destruction by hydropower projects, the Mongabay reported that a hydropower project<sup>49</sup> in the Chhunjam River in Sankhuwasabha violated IPs' rights: "The list of alleged crimes and lies is long: accusations of forging local signatures, signing children's names on contracts, creating false reports, bulldozing through farmlands under the cover of night, and trapping sacred animals." The victims -

Bhote/Singsa/Lhomi Indigenous People - hope the court will issue a stay order to suspend the ongoing activities in their legal battle and provide justice.

29. IPs are concerned about the government's draft of Other Effective Area-Based Conservation Measures (OECMs) in Nepal. The proposed 57 OECM areas include “Tinjure-Milke-Jaljale” (Menchhayem) with a land area of 45063 ha, Chepang Landscape with 13479 ha, and Limi Valley with 119943 ha.<sup>50</sup> It was prepared without consulting or obtaining FPIC from the IPs, who fear that it is yet another ploy to grab lands, like national parks.
30. The UN Special Rapporteur on the Rights of Indigenous Peoples writes, “In Nepal, mobility is a distinct aspect of the Chepang IPs' identity. They depend on common property and solely live from the lands, forests and waterways that surround them. In 1971, the Chitwan National Park was established on Chepang lands without their FPIC. Since then, they have been subjected to forced evictions, the destruction of their homes, ill-treatment and torture.” (para 41).<sup>51</sup> The findings of the KIOS Foundation and LAHURNIP in the report “Impact of Dhorpatan Hunting Reserve and Chitwan National Park on IPs in Nepal” published in 2022 state, “The restriction on the use of rangelands threatens to weakening the traditional institution of the Magar through which they have been exercising their autonomy and self-determination. The socio-political system of Magar, ... was under threat of extinction.”<sup>52</sup> Amnesty International (AI) has also documented similar violations in a report titled ‘Violations in the Name of Conservation: “What Crime Had I Committed by Putting My Feet on the Land that I Own?”’, published in 2021.<sup>53</sup>

### **Questions for Nepal**

Is there any mechanism or process for obtaining FPIC from IPs before using their ancestral lands and resources?

### **Recommendations to Nepal**

Stop further land grabbing, and returning lands unlawfully taken from IPs by immediately establishing a mechanism, processes, and protocol of FPIC directly representing customary self-government and IPs' representative organizations through their own customary chosen process.

### **PRIORITY ISSUES 2: Climate Injustice in the name of Climate Justice**

31. “At International Court of Justice, Nepal demands climate justice”, reported The Kathmandu Post in 2024.<sup>54</sup> As the government is engaged in climate injustice in the name of climate justice, Indigenous youth demand, “[a]s Indigenous youth, we are the frontline advocates for our lands and cultures. It’s time that resources flow directly to us, so we can lead the way in protecting our futures, without being filtered through intermediaries. We know our needs, and we should be the ones making the decisions.”<sup>55</sup> There will be climate justice without justice to IPs and intersectionality.

### **Questions for Nepal**

Why are Nepal's IPs excluded from climate action, high-level dialogues, and benefit sharing from carbon trade, and why is FPIC not obtained in all climate actions?

### **Recommendations to Nepal**

Ensure Nepal's climate change action plan, national adaptation plan, and use of money coming from climate finance and climate funds are sincerely for climate justice, environmental justice,

and justice to IPs, Indigenous Women & Girls, IPs with disabilities, and multi-spirited Indigenous People fully in line with the UNDRIP and CEDAW G.R. No. 39.

Ensure meaningful direct representation and participation of IPs at all levels of decision-making on climate justice and climate action, and obtain FPIC in any climate action directly or indirectly affecting the IPs.

### **PRIORITY ISSUES 3: Just Transition**

32. In Nepal, like elsewhere<sup>56</sup>, the just transition is green colonialism. Policies, plans, programs, strategies, projects, and laws of just transition are developed and implemented by the Nepal government, business companies, and international investors are unjust transitions for IPs of Nepal.
33. The use of energy generated from hydropower projects is expanding rapidly, but these seriously violate IPs' human rights. According to the Business & Human Rights Center, "A report alleges that the Tanahu Hydropower Project "has and will cause direct and material harm to [Indigenous Magars] ancestral land, livelihoods, and traditional practices... [Community] did not receive adequate information and opportunity for meaningful participation and proper consultation in the Project."<sup>57</sup> According to Durga Rai, "Indigenous Peoples are defending their land, resources, and self-determination against the threat posed by clean energy projects, which have led to land dispossession, forced evictions, militarization, and environmental harm. These projects jeopardize Indigenous cultural identity, spirituality, and livelihoods. Despite growing movements advocating for sovereignty and self-determination, the government and developers continue to push these aggressive energy projects in the name of development and decarbonizing the economy."<sup>58</sup> He writes, eighty one hydropower projects, including the World Bank-financed Bharatpur-Bardaghat 220kV power transmission line, "are in operation, 180 are under construction, and 311 are undergoing license surveys", and "the state, private entities, public institutions, and International Financial Institutions are investing in these projects as they continue to commit to increasing their roles as climate banks." Though most of these are located in ancestral lands, projects are implemented without obtaining FPIC. He writes, "the pursuit of renewable energy projects is revealing the darker side to this transition—one that disproportionately impacts Indigenous Peoples and their rights to land territories and resources and self-determination."

### **Questions for Nepal**

Why are IPs' lands, territories, and resources targeted and grabbed in implementing hydropower projects without obtaining IPs' FPIC?

### **Recommendations to Nepal**

Ensure direct representation and participation of IPs at all levels of decision-making relating to just transition, and ensure a mechanism and protocol to obtain FPIC from IPs.

### **PRIORITY ISSUES 4: Issues of Intersectional Indigenous Peoples**

#### **Indigenous Women & Girls**

34. Indigenous Women and Girls and Indigenous Women and Girls with disabilities, according to a CEDAW Shadow report submitted by a consortium of Indigenous Women's organizations, "continue to be invisible not only in the government's 7<sup>th</sup> periodic report but

also in the Constitution, all levels and branches of Nepal government and its policies, plans, and programs, and also in the “mainstream” women’s movement, and Indigenous Peoples’ movement in Nepal.”<sup>59</sup> Concerning violence against Indigenous Women & Girls and Indigenous Women and Girls with disabilities, the consortium states that it is “complex and multi-layered, as it is often a constellation of factors based on identity, Indigeneity, gender, language, religion, culture, disability and region. IW&G [Indigenous Women & Girls] and IW&GwD [Indigenous Women & Girls with Disabilities] are facing violence not only as women & girls but also as IW&G and IW&GwD as being Indigenous and being rooted in ancestral lands having distinct languages, faiths, cultures, and distinct collective ways of life. CEDAW in its Concluding observations on the sixth periodic report of Nepal (CEDAW/C/NPL/CO/6)<sup>60</sup> recommended on 14 November 2018 to “Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples” (see para 41(a), and repeated the same recommendation in its Concluding Observations on the seventh periodic report of Nepal (CEDAW/C/NPL/CO/7)<sup>61</sup> issued on 28 April 2025 to **“Amend the Constitution to explicitly recognize the rights of Indigenous women, including their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples”** (see Para 41(a).

### **Questions for Nepal**

Why did Nepal fail to **“Amend the Constitution to explicitly recognize the rights of Indigenous women, including their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples”**, as per CEDAW recommendations of 2018 and 2025?

When will Nepal recognize Indigenous Women & Girls, and intersectionality, in the constitution, laws, policies, plans and programs?

### **Recommendations to Nepal**

**Amend the Constitution to explicitly recognize the rights of Indigenous women, including their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples.**

Recognize Indigenous Women & Girls, and intersectionality, as a legal personality in the constitution, laws, policies, plans, and programs.

### **Indigenous Peoples with Disabilities**

In Nepal, Peoples with disabilities are discriminated against, marginalized, and excluded. Indigenous Women and Girls with disabilities suffer from various forms of violence, from violence against women to domestic violence. Indigenous Peoples with disabilities have no access to justice. The State often violates their human rights. In a White Paper released by NIDA in May 2025, identified problems and issues facing Indigenous Peoples with disabilities, which are: no recognition in legal and policy area, procedural discrimination and structural violence, non-compliance of self-determination and right to life with dignity, no participation in decision making through representative organization, no compliance of FPIC, no access to service and assistance, structural discrimination within organizations of disables and IPOs, violation of right to identity, no compliance of the Convention on Rights of Persons with

Disabilities (CRPD) and lack of disaggregated data.<sup>62</sup> IWGwDs are further discriminated against as being Indigenous and women. According to a CEDAW Shadow report, "The various international normative frameworks are legally binding documents that are produced by the UN mechanism and systems enshrine the rights of IWGwDs, however, these reports are not translated into real lives of IWGwDs."<sup>63</sup> The CRPD is not being implemented meaningfully in Nepal, and whatever has been implemented is not in line with the UNDRIP, ILO Convention No. 169, and CEDAW G.R. No. 39. In the Concluding observations of 2018 on the initial report of Nepal by the Committee on the Rights of Persons with Disabilities (CRPD/C/NPL/CO/1) has recognized Indigenous Peoples with disabilities.<sup>64</sup>

### **Questions for Nepal**

What plans Nepal government have for a meaningful implementation of the CRPD with a focus on the recommendations made by the treaty bodies relating to the rights of IPs, and Indigenous Women, with disabilities?

### **Recommendations to Nepal**

Take necessary measures to mainstream disability inclusion, engage and ensure meaningful participation of the IPs, and Indigenous Women with disabilities in policies, laws, plans, programs, and projects from the community to the federal level.

Come up with a time-bound action plan for meaningful implementation of the CRPD with a focus on the recommendations made by the treaty bodies relating to the rights of IPs, and Indigenous Women, with disabilities.

### **Multi-spirited Indigenous Peoples**

35. In Nepal, IPs' have a tradition of respecting dignity, equality, and freedom of multi-spirited or LGBTQIA+ in the community. Indigenous Newar have six spirited people (gender).<sup>65</sup> Nowadays, multi-spirited IPs are often discriminated, harassed, excluded, and ill-treated by both insiders and outsiders making their every-day-life miserable. Additionally, they become victims of multiple forms of discrimination, including racism, colonialism, Brahmanism<sup>66</sup>, and genderism. Although LGBTQIA+ are organized in Nepal but those belonging to IPs are yet to get organized and claim rights in line with the UNDRIP, ILO Convention No. 169, CEDAW G.R. No. 39, and the Yogyakarta Principles Plus 10.<sup>67</sup>

### **Questions for Nepal**

What has the Nepal government done to protect and promote human rights of multi-spirited IPs?

### **Recommendations to Nepal**

Meaningfully implement the Yogyakarta Principles plus 10 and the recommendations made by the treaty bodies relating to the rights of multi-spirited or LGBTQIA+ Indigenous Peoples.

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<sup>1</sup> [https://supremecourt.gov.np/cp/assets/uploads/supreme\\_173725.doc](https://supremecourt.gov.np/cp/assets/uploads/supreme_173725.doc)

<sup>2</sup> Letter by the High Commissioner of Human Rights to Nepal's Foreign Minister.

[https://www.ohchr.org/sites/default/files/2021-11/HC\\_letter\\_to\\_Nepal.pdf](https://www.ohchr.org/sites/default/files/2021-11/HC_letter_to_Nepal.pdf)

<sup>3</sup> Letter by the High Commissioner to the Foreign Minister. [https://www.ohchr.org/sites/default/files/2021-11/HC\\_letter\\_to\\_Nepal.pdf](https://www.ohchr.org/sites/default/files/2021-11/HC_letter_to_Nepal.pdf)

<sup>4</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/WG.6/37/NPL/1&Lang=E>

<sup>5</sup> Yaron Gottlieb 2020. Attacks Against Cultural Heritage as a Crime Against Humanity, 52 Case W. Res. J. Int'l L. 287(2020), Pp 287-330.

<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2574&context=jil>

<sup>6</sup> Mukkulung, LAHURNIP writes in its communication with the Special Rapporteur on the Rights of IPs that the sacred site (Mundhumi heritage) is the Hill/Mountain of Taplejung in Eastern Nepal, which forms part of the ancestral lands of Yakthung since time immemorial. According to Yakthung Mundhum, "Mukkulung" refers to power, and "lung" to Hill or Mountain or sacred stone.<sup>6</sup> This sacred site is situated at an elevation of 3,794 meters. The escalating confrontation is between the Yakthung, the Pathibhara Devi Darshan Cable Car Company, and the State. The conflict is approaching a zero-sum game. The Yakthung vow to save their sacred Mundhumi site, even if it means sacrificing their lives. The cable car company and the government are also determined to construct the cable car, deploying the Armed Police Force (APF). Conflict experts have warned that the government and business enterprises should not play with fire, as the construction of the cable car using the APF could lead to long-term conflict.<sup>6</sup>

<sup>7</sup> A similar situation is building up due to a construction of 80 km long cable car from Pokhara to Chmu Ghyarche ("Muktinath")<sup>7</sup> affecting seven Indigenous Peoples, namely Tamu, Magar, Tamang (Thakali), Mharipali Thakali, Tingaunle Thakali, Barha Gunle and Lhopa.

<sup>8</sup> Following Yaron Gottlieb (2020) who stated and elaborated in detail that attacks against cultural heritage as a crime against humanity, or attacks against cultural property as a crime against humanity of persecution, attacks on Mukkulung is a crime against humanity. Yaron Gottlieb, Attacks Against Cultural Heritage as a Crime Against Humanity, 52 Case W. Res. J. Int'l L. 287 (2020), Pp. 287-330. <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2574&context=jil>

<sup>9</sup> Regmi, Mahesh C. 1965. **Land Tenure and Taxation in Nepal VOLUME III** The Jagir, Rakam, and Kipat Tenure Systems. Institute of International Studies University of California, Berkeley, p. 88.

<sup>10</sup> Bairagi Kainla 2025. Mukkulungbare sabaile Bolna Pauchna Tynai Manb Adhikar Ho. Ukaal0. 5 June 2025. (Text in Khas Nepali language) [https://www.ukaalo.com/opinion/20250220-interview-with-bairagi-kainla/23686?fbclid=IwY2xjawKuAO1leHRuA2FlbQIxMQBicmlkETFYUjR5dlVYZ1oydmxNQlIUAR5vjJeS\\_zDO7KsIUU430Aa8cF4OFQdam1B71leUQ745zIlpQ0apX\\_kNi4xpDYg\\_aem\\_eUnj2QMS3HjDuLMJYNwgE\\_w](https://www.ukaalo.com/opinion/20250220-interview-with-bairagi-kainla/23686?fbclid=IwY2xjawKuAO1leHRuA2FlbQIxMQBicmlkETFYUjR5dlVYZ1oydmxNQlIUAR5vjJeS_zDO7KsIUU430Aa8cF4OFQdam1B71leUQ745zIlpQ0apX_kNi4xpDYg_aem_eUnj2QMS3HjDuLMJYNwgE_w)

<sup>11</sup> Caplan, Lionel 1970. Land and social change in East Nepal: A study of Hindu-Tribal relations. University of California Press, Berkeley.

<https://pahar.in/pahar/Books%20and%20Articles/Nepal/1970%20Land%20and%20Social%20Change%20in%20East%20Nepal--study%20of%20Hindu-tribal%20relations%20by%20Caplan%20s.pdf>

<sup>12</sup> Pathibhara Area Development Committee (Establishment) Order, 1996 Text in Khas-Nepali language, [https://www.tourism.gov.np/files/publication\\_files/41\\_1503554993.pdf](https://www.tourism.gov.np/files/publication_files/41_1503554993.pdf)

<sup>13</sup> Link to see text in Khas Nepali <http://rajpatra.dop.gov.np/welcome/download?ref=23631>

<sup>14</sup> Article 32 (3).

<sup>15</sup> See page 275 in [https://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY5NjAwNH0.hgvJa9yhC\\_tm7rH3QUg5awj7j468f2mbhOhNbVRiQUU](https://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY5NjAwNH0.hgvJa9yhC_tm7rH3QUg5awj7j468f2mbhOhNbVRiQUU)

<sup>16</sup> See p. 275 in The Indigenous World 2025. IWGIA. [https://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY1OTMyM30.kyweKPUHhkgYIKp1uByDuV\\_3TyZLv42siP9vcCLKzu4%22%3Ehttps://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-](https://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY1OTMyM30.kyweKPUHhkgYIKp1uByDuV_3TyZLv42siP9vcCLKzu4%22%3Ehttps://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-)



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See also, Millington, Alice. "In Nepal, a cable car in a sacred forest sparks swift, and controversial, direct action." Mongabay, 31 July 2024. <https://news.mongabay.com/2024/07/in-nepal-a-cable-car-in-a-sacred-forest-sparks-swift-and-controversial-direct-action/>

<sup>17</sup> INSEC online 2024 Six Injured, Including Two Police Officers, in Clash During Inauguration Pathibhara Cable Car Construction. November 9, 2024. Informal Sector Service Center (INSEC) is a human rights organizations associated with the Communist Party of Nepal (Unified Marxist-Leninist), now one of the two ruling parties who are behind the construction of the cable car <https://inseconline.org/en/news/six-injured-including-two-police-officers-in-clash-during-inauguration-pathibhara-cable-car-construction/>

<sup>18</sup> <https://www.thehindu.com/news/international/clashes-between-security-forces-and-protesters-opposing-cable-car-project-in-eastern-nepal/article69254421.ece>

<sup>19</sup> Nepal community fights to save sacred forests from cable cars – AFP. Issued on: 21/02/2025 -

07:49 Modified: 21/02/2025 - 07:45

[https://www.france24.com/en/live-news/20250221-nepal-community-fights-to-save-sacred-forests-from-cable-cars?fbclid=IwY2xjawKshqllleHRuA2FlbQIxMABicmlkETFWQTNpRGtCUWFIQXhyUnZBAR6bBgt\\_oQszKgR0DAkosBiRuxJgATbp0VjfbcuHwSV6Qxuu1p9rmznTmJMENA\\_aem\\_iDjbFMms2WA9wo9Bvhs1vw](https://www.france24.com/en/live-news/20250221-nepal-community-fights-to-save-sacred-forests-from-cable-cars?fbclid=IwY2xjawKshqllleHRuA2FlbQIxMABicmlkETFWQTNpRGtCUWFIQXhyUnZBAR6bBgt_oQszKgR0DAkosBiRuxJgATbp0VjfbcuHwSV6Qxuu1p9rmznTmJMENA_aem_iDjbFMms2WA9wo9Bvhs1vw)

Also in the Taipei Times

[https://www.taipeitimes.com/News/world/archives/2025/02/22/2003832328?fbclid=IwY2xjawKsk\\_tleHRuA2FlbQIxMQBicmlkETFKbWJxcEJiTWfVWENmRXFuAR5EkRPbUTAFITnHmDXT2Mip3dRjrX\\_9pGJQC1kp8M4Jv94q\\_JNchu9FJ4xZ2A\\_aem\\_I9GWg0c\\_9sk4oYL8axYCEQ](https://www.taipeitimes.com/News/world/archives/2025/02/22/2003832328?fbclid=IwY2xjawKsk_tleHRuA2FlbQIxMQBicmlkETFKbWJxcEJiTWfVWENmRXFuAR5EkRPbUTAFITnHmDXT2Mip3dRjrX_9pGJQC1kp8M4Jv94q_JNchu9FJ4xZ2A_aem_I9GWg0c_9sk4oYL8axYCEQ)

<sup>20</sup> The Onlinekhabar.com reported, "According to hospital sources, Sagun Lawati sustained a gunshot wound to the chest, Yam Bahadur was shot in the thigh, and Palungwa suffered a fractured collarbone" ([Injured from Taplejung incident being airlifted to Kathmandu. January 26, 2025. https://english.onlinekhabar.com/injured-from-taplejung-incident-being-airlifted-to-kathmandu.html](https://english.onlinekhabar.com/injured-from-taplejung-incident-being-airlifted-to-kathmandu.html))<sup>20</sup> My Republica/The New York Times reported, "Organizations dedicated to Mukkulung protection held a protest against the colonization and encroachment of Mukkulung in Taplejung district with the rally from Maitighar to Baneshwor on Saturday." (Darsandhari, Dipesh 2025. Local forest conservation group protests Pathibhara Cable Car construction in the capital (Photo Feature) The forest area, called Mukkulung by the locals, is considered a sacred place. Reublica/The New York Times. [https://myrepublica.nagariknetwork.com/news/associations-involved-in-mukkulung-protection-hold-protest-against-coloniz...-67790cb2c8ee9.html?fbclid=IwY2xjawKse7lleHRuA2FlbQIxMABicmlkETFWQTNpRGtCUWFIQXhyUnZBAR7fAcA\\_gm36xqXhfCtmxFerbb\\_qjKLOboHG0pTKiooBiwkpe5O7zfyotk9Tpg\\_aem\\_XmxkRtG6FYffasKPa\\_s3UjA](https://myrepublica.nagariknetwork.com/news/associations-involved-in-mukkulung-protection-hold-protest-against-coloniz...-67790cb2c8ee9.html?fbclid=IwY2xjawKse7lleHRuA2FlbQIxMABicmlkETFWQTNpRGtCUWFIQXhyUnZBAR7fAcA_gm36xqXhfCtmxFerbb_qjKLOboHG0pTKiooBiwkpe5O7zfyotk9Tpg_aem_XmxkRtG6FYffasKPa_s3UjA))<sup>20</sup> Marty Logan June 21, 2024, wrote in Dialogue Earth (Logan, Marty 2024. 'It benefits investors, not locals': Indigenous leaders oppose Nepal cable car project Three controversial development projects face fierce resistance from Indigenous groups determined to defend their sacred sites and culture.)<sup>20</sup>, "They [Yakthung] vow to protect it from the cable car development, but face an uphill struggle; the project has the backing of local businesses, major political parties and the government of Nepal." One of the main leaders of the movement stated in an interview that she and other Indigenous women are afraid of three things: first, encountering a person in a police uniform; second, a person wearing a helmet following them; and third, a person wearing a jumper and a cap on their head.

[https://khabarhub.com/2025/04/755816/?fbclid=IwY2xjawKuAINleHRuA2FlbQIxMQBicmlkETFYUjR5dIVY\\_Z1oydmxNQIIUAR4gU69uBkfxXnHcdSNBhPMqGfcLc2om44KnWT9C2-LbGq4Bvq2R1FfEPbzd0Q\\_aem\\_YAM6c7S5xIEQ8CyBvBM9Pg](https://khabarhub.com/2025/04/755816/?fbclid=IwY2xjawKuAINleHRuA2FlbQIxMQBicmlkETFYUjR5dIVY_Z1oydmxNQIIUAR4gU69uBkfxXnHcdSNBhPMqGfcLc2om44KnWT9C2-LbGq4Bvq2R1FfEPbzd0Q_aem_YAM6c7S5xIEQ8CyBvBM9Pg) ).

<sup>21</sup> <https://kathmandupost.com/province-no-1/2025/02/21/pathibhara-cable-car-protest-resurges-several-injured>

<sup>22</sup> Cable car project in Nepal under fire for flawed environmental review

[https://news.mongabay.com/2025/05/cable-car-project-in-nepal-under-fire-for-flawed-environmental-review/?fbclid=IwY2xjawKsmd1leHRuA2FlbQIxMQBicmlkETFKbWJxcEJiTWfVWENmRXFuAR7nMoSkIgJBpVWwOLTAeOSV1H2WJMiXPrbGDmtwILMj1hbtE2x8pX6Vt1VtJw\\_aem\\_dZnVpTxBjxOMH4KJ\\_TOj5Q](https://news.mongabay.com/2025/05/cable-car-project-in-nepal-under-fire-for-flawed-environmental-review/?fbclid=IwY2xjawKsmd1leHRuA2FlbQIxMQBicmlkETFKbWJxcEJiTWfVWENmRXFuAR7nMoSkIgJBpVWwOLTAeOSV1H2WJMiXPrbGDmtwILMj1hbtE2x8pX6Vt1VtJw_aem_dZnVpTxBjxOMH4KJ_TOj5Q)

<sup>23</sup> The present coalition government with two-thirds-majority in the House of Representatives is led by CPN-UML and Prime Minister K. P. Oli belongs to this party and Yogesh Bhattarai is one of the powerful party secretary close to the Prime Minister. <https://en.setopati.com/political/164477>;



<sup>24</sup> UNDP 2023. Nepal Government Unveils National Action Plan on Business and Human Rights <https://www.undp.org/nepal/press-releases/nepal-government-unveils-national-action-plan-business-and-human-rights#:~:text=January%2023%2C%202024&text=The%20Government%20of%20Nepal%2C%20Ministry,human%20rights%20standards%20in%20Nepal.>

<sup>25</sup> The business enterprise, in this case, the cable car project, has failed to comply with all applicable laws and to respect human rights, and rights and obligations are not matched while breaches continue (United Nations 2011. Guiding Principles on Business and Human Rights. UN/OHCHR. P. 2.) In Mukkumlung, the State has failed to "protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises", i.e. the cable car company, and "taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication." (p. 3). Instead, the government is providing armed personnel for their security and shooting bullets into the chests and thighs of the defenders of the sacred site Mukkumlung. The business enterprise has not avoided infringing upon Yakthung's human rights and has not addressed the adverse human rights impacts with which they are involved by constructing a cable car in the sacred site.

<sup>26</sup> Information received from Indigenous Peoples Human Rights Defenders.

<sup>27</sup> In a Court Order dated 1 June 2081.,

<sup>28</sup> ESCR-Net Urges Nepal to Halt Pathibhara Cable Car Project Amid Human Rights Concerns  
ESCR-Net–International Network for Economic, Social & Cultural Rights  
Monday, February 10, 2025. [https://www.escr-net.org/news/2025/escr-net-urges-nepal-to-halt-pathibhara-cable-car-project-amid-human-rights-concerns/?fbclid=IwY2xjawKsgPlleHRuA2FlbQIxMQBicmlkETFWQTNpRGtCUWFIOXhyUnZBAR6BGJkRfGEYbMt1EXPquW5o1LeghkFw32cdOmV1LeSttksCd8iSFFamGlbw\\_aem\\_FIIZcjPipYoPp5J2TvXgrw](https://www.escr-net.org/news/2025/escr-net-urges-nepal-to-halt-pathibhara-cable-car-project-amid-human-rights-concerns/?fbclid=IwY2xjawKsgPlleHRuA2FlbQIxMQBicmlkETFWQTNpRGtCUWFIOXhyUnZBAR6BGJkRfGEYbMt1EXPquW5o1LeghkFw32cdOmV1LeSttksCd8iSFFamGlbw_aem_FIIZcjPipYoPp5J2TvXgrw)

<sup>29</sup> Man Bahadur Basnet 2025. Intelligence report: Risk of spread of violence in Pathibhara cable car controversy. Himalkhabar. Text in Khas Nepali language. Translation ours. Video of the discussions available in Youtube at [https://youtu.be/\\_I3IHAKTbkw](https://youtu.be/_I3IHAKTbkw)

[https://www.himalkhabar.com/news/144084?fbclid=IwY2xjawKuAGNleHRuA2FlbQIxMQBicmlkETFYUjR5dlVYZ1oydmxNQIiUAR6oC-6nhH\\_by\\_-](https://www.himalkhabar.com/news/144084?fbclid=IwY2xjawKuAGNleHRuA2FlbQIxMQBicmlkETFYUjR5dlVYZ1oydmxNQIiUAR6oC-6nhH_by_-)

[AkqGp9dq8oNCHTYJDyJeZ0mvVyx900pf7GtfQ2YjXvebbMw\\_aem\\_6jhDawERpvLDQjtqyrG5Gg](https://www.himalkhabar.com/news/144084?fbclid=IwY2xjawKuAGNleHRuA2FlbQIxMQBicmlkETFYUjR5dlVYZ1oydmxNQIiUAR6oC-6nhH_by_-)

<sup>30</sup> Yaron Gottlieb, Attacks Against Cultural Heritage as a Crime Against Humanity, 52 Case W. Res. J. Int'l L. 287 (2020) , Pp. 287-330. <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2574&context=jil>

<sup>31</sup> LAHURNIP 2025. Communication on a Gross Human Rights Violation Against Limbu Indigenous Peoples caused by a Cable Car Construction Project in the Sacred Site (Mukkumlung) in Taplejung district, Eastern Nepal. ref. 84/2081/82. February 13, 2025.

<sup>32</sup> Press release in solidarity with the No Cable Car Movement and Save Mukkumlung Movement by Indigenous Peoples' Organizations (IPO) and movements.

<sup>33</sup> Yakthung (Limbu) Indigenous Peoples are one of the 59 Indigenous Nationalities recognized by Nepal government. Nation foundation for Development of Indigenous Nationalities Act, 2002.

<sup>34</sup> <https://singhadarbar.com/en/permission-granted-to-build-81-km-cable-car-from-pokhara-to-muktinath-at-a-cost-of-rs-57-billion-2/>

<sup>35</sup> <https://nepaldesk.com/news/muktinath-cable-car>

<sup>36</sup> [https://supremecourt.gov.np/cp/assets/uploads/supreme\\_173725.doc](https://supremecourt.gov.np/cp/assets/uploads/supreme_173725.doc)

<sup>37</sup> Full text of the Court verdict in Khas Nepali language available at

[https://supremecourt.gov.np/cp/assets/uploads/supreme\\_186967.doc](https://supremecourt.gov.np/cp/assets/uploads/supreme_186967.doc)

<sup>38</sup> Full text of the Court verdict in Khas Nepali language available at

[https://supremecourt.gov.np/cp/assets/uploads/supreme\\_175609.doc](https://supremecourt.gov.np/cp/assets/uploads/supreme_175609.doc)

<sup>39</sup> Full text of the Court verdict in Khas Nepali language available at

<https://www.lahurnip.org/uploads/project/file/%E0%A4%B5%E0%A4%BF%E0%A4%B6%E0%A5%87%E0%A4%B7,->

[%E0%A4%B8%E0%A4%82%E0%A4%B0%E0%A4%95%E0%A5%8D%E0%A4%B7%E0%A4%BF%E0%A4%A4-%E0%A4%B5%E0%A4%BE-](https://www.lahurnip.org/uploads/project/file/%E0%A4%B5%E0%A4%BF%E0%A4%B6%E0%A5%87%E0%A4%B7,-)

[%E0%A4%B8%E0%A5%8D%E0%A4%B5%E0%A4%BE%E0%A4%AF%E0%A4%A4%E0%A5%8D%E0%A4%A4-](https://www.lahurnip.org/uploads/project/file/%E0%A4%B5%E0%A4%BF%E0%A4%B6%E0%A5%87%E0%A4%B7,-)

[%E0%A4%95%E0%A5%8D%E0%A4%B7%E0%A5%87%E0%A4%A4%E0%A5%8D%E0%A4%B0-%E0%A4%AC%E0%A4%B0%E0%A4%BE%E0%A4%AE-](https://www.lahurnip.org/uploads/project/file/%E0%A4%B5%E0%A4%BF%E0%A4%B6%E0%A5%87%E0%A4%B7,-)

[%E0%A4%B8%E0%A4%B0%E0%A5%8D%E0%A4%B5%E0%A5%8B%E0%A4%9A%E0%A5%8D%E0%](https://www.lahurnip.org/uploads/project/file/%E0%A4%B5%E0%A4%BF%E0%A4%B6%E0%A5%87%E0%A4%B7,-)

[A4%9A-%E0%A4%85%E0%A4%A6%E0%A4%BE%E0%A4%B2%E0%A4%A4-%E0%A4%A8%E0%A4%BF%E0%A4%B0%E0%A5%8D%E0%A4%A6%E0%A5%87%E0%A4%B6%E0%A4%A8%E0%A4%BE%E0%A4%A4%E0%A5%8D%E0%A4%AE%E0%A4%95-%E0%A4%86%E0%A4%A6%E0%A5%87%E0%A4%B6.pdf](#)

<sup>40</sup> Full text of the Court verdict in Khas Nepal language available at

<https://www.lahurnip.org/uploads/project/file/dn-8990-decision-making-process.pdf>

<sup>41</sup> [https://constitutionnet.org/developmentzone.co/sites/default/files/cae\\_election\\_act\\_2064\\_english.pdf](https://constitutionnet.org/developmentzone.co/sites/default/files/cae_election_act_2064_english.pdf)

<sup>42</sup> <https://aceproject.org/ero-en/regions/asia/NP/nepal-election-of-the-members-of-constituent>

<sup>43</sup>

[https://constitutionnet.org/sites/default/files/comprehensive\\_rules\\_of\\_procedure\\_of\\_the\\_constituent\\_assembly.pdf](https://constitutionnet.org/sites/default/files/comprehensive_rules_of_procedure_of_the_constituent_assembly.pdf)

<sup>44</sup> <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/WG.6/37/NPL/3&Lang=E>

<sup>45</sup> Nepal's Indigenous Peoples have never given ancestral lands to the State and the State has always been grabbing Indigenous Peoples' lands in the name of territorial integration through unprovoked war against Indigenous Peoples by King Prithvi Narayan Shah before 1768, applying the theory of terra nullius and Regalian doctrine since 1768, nationalization of forest in 1956, converting Kipat (land tenure system that gave exclusive rights of lands to Indigenous Peoples) to taxable land in 1968, Protected areas, such a National parks, wildlife reserve, hunting ground, conservation area, buffer zone, and community forest, and more recently other effective land-based conservation management (OECM), and through Eminent Domain since 1951.

<sup>46</sup> <https://www.lahurnip.org/uploads/project/file/17.-violation-of-indigenous-peoples-human-rights-in-chitwan-national-park-of-nepal.-feb-2020.pdf> and [http://niwf.org.np/wp-content/uploads/2022/01/33\\_Manuscript\\_of\\_the\\_Book\\_Violation\\_of\\_IPW\\_Rights\\_NIWF-2021-Apr-6.pdf](http://niwf.org.np/wp-content/uploads/2022/01/33_Manuscript_of_the_Book_Violation_of_IPW_Rights_NIWF-2021-Apr-6.pdf)

For example, the recent case of land grabbing of the historic Kamal Pokhari (lotus pond) by a business company turning it into a Chaya Center-a business complex. According to The Indigenous World 2025, "On 14 May 2024, The UN experts "expressed concern over reports of ongoing retaliations against human rights defenders because of their opposition to the development of the Chhaya Center retail and entertainment complex in Nepal." The experts have deplored violations of international human rights norms."(<https://www.ohchr.org/en/press-releases/2024/05/nepal-retaliations-against-human-rights-defenders-over-business-complex>). After receiving a complaint, the Swiss government instructed the Visa Facilitation Service (VFS) Global to relocate from the premises at the Chhaya Center(<https://cemsoj.net/2024/12/23/vfs-global-decides-to-relocate-from-the-premises-at-the-chhaya-center-in-kathmandu-as-soon-as-feasible/>). The case remains pending before the full bench of the Supreme Court of Nepal.

<sup>47</sup> <https://rightenergypartnership.org/indigenous-majhi-and-local-communities-affected-by-sunkoshi-marin-diversion-multipurpose-project-submit-13-point-demands-to-the-local-authorities/>

<sup>48</sup> [https://iwgia.org/images/publications/new-publications/2020/FPIC\\_protocol\\_Nepal.pdf](https://iwgia.org/images/publications/new-publications/2020/FPIC_protocol_Nepal.pdf) and [https://aippnet.org/wp-content/uploads/2023/08/FPIC-Nepal-Version\\_Rai\\_Final\\_21Aug2023.pdf](https://aippnet.org/wp-content/uploads/2023/08/FPIC-Nepal-Version_Rai_Final_21Aug2023.pdf)

<sup>49</sup> <https://news.mongabay.com/2024/08/reporting-confirms-alleged-indigenous-rights-violations-in-nepal-hydropower-project/>

<sup>50</sup> [https://wwfasia.awsassets.panda.org/downloads/oecm-booklet--english-\\_1\\_1.pdf](https://wwfasia.awsassets.panda.org/downloads/oecm-booklet--english-_1_1.pdf)

<sup>51</sup> <https://docs.un.org/en/A/79/160>

<sup>52</sup> See pages 30-31 in <https://www.lahurnip.org/uploads/publication/file/impact-of-dhorpatan-hunting-reserve-and-chitwan-national-park-on-indigenous-peoples-in-nepal.pdf>

<sup>53</sup> <https://www.amnesty.org/en/wp-content/uploads/2021/08/ASA3145362021ENGLISH.pdf>

<sup>54</sup> <https://kathmandupost.com/climate-environment/2024/12/11/at-international-court-of-justice-nepal-demands-climate-justice>

<sup>55</sup> See page 273 in [https://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWwiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY1OTMyM30.kyweKPUHhkgYIKpluByDuV\\_3TyZLv42siP9vcCLKzu4](https://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWwiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY1OTMyM30.kyweKPUHhkgYIKpluByDuV_3TyZLv42siP9vcCLKzu4%22%3Ehttps://iwgia.org/doclink/iwgia-the-indigenous-world-2025-eng-online/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWwiOiJpd2dpYS10aGUtaW5kaWdlbm91cy13b3JsZC0yMDI1LWVuZy1vbmxpbmUiLCJpYXQiOiJlbnV4cCI6MTc0NTY1OTMyM30.kyweKPUHhkgYIKpluByDuV_3TyZLv42siP9vcCLKzu4)

<sup>56</sup> JUST TRANSITION OR 'GREEN COLONIALISM'?

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[https://www.amnesty.se/documents/278/Final\\_Just\\_transition\\_or\\_Green\\_colonialism.pdf](https://www.amnesty.se/documents/278/Final_Just_transition_or_Green_colonialism.pdf)

<sup>57</sup> <https://www.business-humanrights.org/en/latest-news/nepal-magar-indigenous-community-protests-tanahu-hydropower-project-alleging-lack-of-adequate-information-consultation/>

<sup>58</sup> Rai (Yamfu), Durga Mani 2025. The Unseen Cost of a 'Just Transition': Indigenous Rights at Risk in Nepal's Renewable Energy Projects. **Indigenous Debates**. 23 May 2025. IWGIA.

<sup>59</sup> See page 2 in

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=ceFFjITJXKNQXg7Me4SkH5WeQdbzMx1jrBjS2PQotQI8/k+I+CPVefcJs5QtjswH](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=ceFFjITJXKNQXg7Me4SkH5WeQdbzMx1jrBjS2PQotQI8/k+I+CPVefcJs5QtjswH) and

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=JtOMHgPNVu30ve0rRyAgtBK4IFYcwf4OefHIyxX3U7pCXVdat7QlahmufGuYqwr](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=JtOMHgPNVu30ve0rRyAgtBK4IFYcwf4OefHIyxX3U7pCXVdat7QlahmufGuYqwr)

<sup>60</sup> <https://docs.un.org/en/CEDAW/C/NPL/CO/6>

<sup>61</sup>

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCO%2FNPL%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCO%2FNPL%2FCO%2F7&Lang=en)

<sup>62</sup> Magar, Khadga Saru, Yubaraj Lama and Nisma Dhami (Eds.) 2025. White Paper on Indigenous Peoples with Disability. Nepal Indigenous Disables Association (NIDA). May 2025.

<sup>63</sup> Shadow Report for the Seventh periodic Report CEDAW/C/NPL/7 on The Situation of Indigenous Women and Girls with Disabilities in Nepal Submitted by the National Indigenous Disabled Women Association Nepal (NIDWAN) and Other co-lead organizations. 5 January 2025

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=tOlGZOclpbDuzH4BE5H3g5/qyq4NCyP9wasIQMCfzxKyTg+TIKD5MMp7P8gziJYM](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=tOlGZOclpbDuzH4BE5H3g5/qyq4NCyP9wasIQMCfzxKyTg+TIKD5MMp7P8gziJYM)

<sup>64</sup> <https://www.undocs.org/en/CRPD/C/NPL/CO/1>

<sup>65</sup>

<https://www.youtube.com/watch?v=E6NF4RmilyY&pp=ygU3c2l4IHNwcm10cyBvZiBhemltYSBpbuBuZXdhciBzdW5pbCBiYWJlIHhbnQgZG9jdW1lbnRyeQ%3D%3D>

<sup>66</sup> Brahmanism, popularly known as Bahunbad, is an ideology and practices that put the dominant caste group Khas Arya, i.e. Bahun, Chetri, Thakuri and Dasnami, are constitutionally recognized and consider as superior to others and have out of proportion representation with monopoly in executive, legislature, judiciary, media and civil society.

<sup>67</sup> <https://yogyakartaprinciples.org/principles-en/yp10/>

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Annex I: Details of the Submitting Organizations

SN	Name of Organization	Address	Contact Person(s)
1	Lawyers' Association for Human Rights of Indigenous Peoples of Nepal (LAHURNIP)	Anamnagar, Kathmandu, Nepal Post Box: 11179 Tel: +977 1 5705510 Email: thamitahal@gmail.com/ lahurnip.nepal@gmail.com Website: www.lahurnip.org	Shankar Limbu, Vice-chair,  Tahal Thami, Director
2	International Work Group for Indigenous Affairs (IWGIA)	Prinsessegade 29 B, 3rd floor DK 1422 Copenhagen Denmark Phone: (+45) 53 73 28 30 E-mail: iwgia@iwgia.org CVR: 81294410 Website: https://iwgia.org	Signe Leth, Senior Advisor, Women & Land Rights, Asia
3	KIOS Foundation	Lintulahdenkatu 10 00500, Helsinki, Finland Email: kios@kios.fi Website: https://kios.fi	Veera Teittinen, Adviser for Grantmaking Programme in South Asia
4	National Indigenous Women's Federation (NIWF)	Kathmandu, Nepal Phone: +977-01-4794192 Email: niwf2057@gmail.com Website: niwf.org.np	Nimi Sherpa, Chairperson
5	Indigenous Media Foundation (IMF)	PO Box: 13461, Anamnagar, Kathmandu, Nepal Phone: +977-01-4102757 Email: indigenousmediafoundation@gmail.com Website: https://www.indigenousmediafoundation.org	Dev Kumar Sunuwar, Chairperson
6	Nepal Indigenous Disabled Association (NIDA)	Jadibuti-32 Kathmandu, Nepal Phone: +977 984-1173881 Email: khagdasm2017@gmail.com/ info@nidanepal.org.np Website: www.nidanepal.org.np	Khadga Saru Magar, President
7	Indigenous Women Legal Awareness Group (INWOLAG)	Kumaripati - Mahalaximisthan Rd, Lalitpur 44600, Nepal Phone: +977- 01-5408706 Email: inwolag@yahoo.com/ inwolag9@gmail.com Website: https://inwolag.org.np/	Indira Kumari Shreesh, Chairperson
8	Nepal Kirat (Rai) Mahila Sangh (NKRMS)	Central Committee, Kathmandu, Nepal Phone: 9801016540 Email: shusil_gole@yahoo.com	Sushila Rai, Treasurer
9	National Indigenous Disabled Women	Lalitpur Metropolitan City Post Box No. 21535 Phone: +977-01-5424054	Pratima Gurung, President

	Association Nepal (NIDWAN)	Email: nidwan2015@gmail.com/ nidwan2021@gmail.com Website: <a href="https://nidwan.org.np/">https://nidwan.org.np/</a>	
10	Nepal Chepang Women Association (NCWA)	Central Committee, Kathmandu Nepal Phone: 9849289376 Email:	Sharmila Chepang, Chairperson
11	National Indigenous Women Forum (NIWF)	Pepsicola, Kathmandu, Nepal Phone: +977-01-5156113 Email: niwfnepal@gmail.com Website: <a href="https://niwfnepal.org.np/">https://niwfnepal.org.np/</a>	Suni Lama, Chairperson
12	Federation of Indigenous Women of Nepal in America (FIWNA)	215 76th St, Elmhurst, NY 11373, United States Phone: +1 646-730-6173 Email: fiwna123@fiwna.org Website: <a href="https://fiwna.org/">https://fiwna.org/</a>	Indira Chongbang, President
13	National Indigenous Disabled Self Employment Association Nepal (NID SEWA Nepal)	tarkeshwor Municipality, Kathmandu, Nepal Phone: +977 985-1012162 Email: infonidsewa@gmail.com/ gangaxntyal@gmail.com	Ganga Chhantyal, Chairperson
14	National Indigenous Disabled Youth Association (NIDYA)	Koteshwor-32, Kathmandu, Nepal Phone: +977-9849655364 Email: info@nidyanepal.org.np Website: <a href="https://nidyanepal.org.np">https://nidyanepal.org.np</a>	Jeevan Rana Magar, president