

Peris Sean Jones

# Putting ILO Convention 169 in its Place?

**The case of Nepal**

Title: **Putting ILO Convention 169 in its Place?**  
The case of Nepal

Author: Peris Jones

NIBR Working Paper: 2009:117

ISSN: 0801-1702  
ISBN: 978-82-7071-802-3

Project number: 2587  
Project name:: Indigenous groups in Nepal and ILO 169

Financial supporter Norad

Head of project: Peris Jones

Abstract: A host of issues arise when states ratify and implement human rights provisions. The Working Paper therefore explores where Nepal is in terms of the early stage of implementation of ILO169 and especially some of the main concerns expressed by the main stakeholders in this process.

Summary: English

Date: August 2009

Pages: 35

Publisher: Norwegian Institute for Urban and Regional Research  
Guastadalléen 21,  
N-0349 OSLO

Telephone (+47) 22 95 88 00  
Telefax (+47) 22 60 77 74  
E-mail: [nibr@nibr.no](mailto:nibr@nibr.no)  
<http://www.nibr.no>

Org. nr. NO 970205284 MVA

© NIBR 2008

# Preface

NIBR has been involved in a 3-year collaboration project with Nepalese institutions on social exclusion and group mobilisation in Nepal. As the growing significance of ILO (International Labour Organisation) Convention 169 became apparent in Nepal a mini-project 'spin-off' was established. The current paper draws in total on a 4 week time- frame and is intended merely to provide a 'snapshot' at a particular stage of national deliberation over the content and initial stages of implementation of ILO 169.

Thanks go to Hari Regmi for assisting in accessing stakeholders and providing a highly experienced and knowledgeable source of consultation. We would also like to thank all those respondents who kindly gave their time during the visit to Kathmandu. Thanks also to Inger Balberg and Berit Willumsen for the technical editing of the paper.

We would also like to thank NORAD for funding the project. The views and conclusions of this report are not necessarily shared by NORAD.

NIBR, August 2009

Marit Haug,  
Research Director

---

# Table of Contents

Preface.....	1
Summary .....	3
1 Introduction: ILO 169 in a context of rapid political transition.....	5
2 From Social Exclusion to Inclusion through ILO 169?.....	8
2.1 Recent political developments .....	12
3 ILO 169 in recent history in Nepal.....	16
3.1 Themes from Interviews with key Stakeholders in ILO 169.....	18
3.1.1 Competing Interpretations .....	18
3.1.2 Participation and consultation: New energy- old attitudes?.....	19
3.1.3 Misinformation.....	22
3.1.4 Ownership or Management of resources .....	23
3.1.5 IP, Non-IP, and local mechanisms.....	24
3.1.6 National Action Plan 2009 .....	25
4 Conclusion: The road ahead for 169 .....	27
References.....	31
Appendix 1 Lists .....	33

---

# Summary

*Peris Jones*

## **Putting ILO Convention 169 in its place? The Case of Nepal**

NIBR-Working paper: 2009:117

A host of issues arise when states ratify and implement human rights provisions. There may be political and legal effects sometimes anticipated but also developing a dynamic of their own. And a preliminary stage of implementation concerns initial deliberation over the scope and content of human rights provisions. In Nepal, the discussion of one such human rights convention, namely, ILO 169, brings to the surface competing interpretations and understandings of human rights. Wide-ranging ruling government coalition plans for re-modelling of state and society, to reverse deep social exclusion, now centre upon measures which also include implementation of ILO 169 itself. The report therefore explores where Nepal is in terms of the early stage of implementation of 169 and especially some of the main concerns expressed by the main stakeholders in this process. But a common refrain was that there is a large information gap in understanding 169: both on the side of state bureaucrats and also especially Indigenous Peoples ('IP') and non-IP residents at a local level. Is it therefore possible to gauge the true face of 169: for IPs, on the one hand, as a tool for dialogue and conflict resolution, or, compromising state capacity and the public interest, as interpreted by many bureaucrats, on the other? Much of the conversations with respondents, understandably, tended to come back to the big issues that loom over Nepal in terms of a constitutional and geographical (i.e. federal) settlement. For 169 to be put in its place first requires tackling uncertainties and the mutual mistrust surrounding it and also finalising these grand political plans. In recognising that contentious issues, particularly concerning

NIBR-Working paper: 2009:117

ownership of natural resources, will remain, surely underscores even more the need to build a common consensus as a prelude to then implementing 169.

---

# 1 Introduction: ILO 169 in a context of rapid political transition

How human rights treaties and provisions improve respect for human rights is a source of much debate.<sup>1</sup> We can assume states enter into these treaties in anticipation of the legal and political effects of ratification. Even this premise, however, is by no means straightforward. What might be a more open question is therefore to seek to gauge what *impact* human rights actually have and to explain why this may be the case. The project aimed to improve understanding of some of the current issues in implementing one such convention in Nepal, namely, the highly topical ILO 169.<sup>2</sup> This is a country, after all, that has emerged only recently from a protracted civil war and entered into a peace process in 2006. Many observers deem recent transformation in Nepal as ‘profound’ and a ‘remarkable peaceful transition’ underpinned by a spirit of political consensus.<sup>3</sup> Some now caution, however, that much of the political consensus has evaporated and needs to be rediscovered. It is even suggested that the political settlement

---

<sup>1</sup> Neumayer, E. (2005) ‘Do International Human Rights Treaties Improve Respect for Human Rights?’, *Journal of Conflict Resolution*, Vol. 49, 6, pp. 925-953. For example, Neumayer provides a quantitative analysis, and comes to the conclusion that it is neither simply a ‘yes’ or ‘no’ answer. Rather, he says, ratification can improve respect for human rights, conditional on depth of democracy and strength of civil society.

<sup>2</sup> See ILO (2003) ‘ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169): A manual’, ILO, Geneva.

<sup>3</sup> See UNHCHR (2009) ‘Report of the United Nations High Commissioner for Human rights on the human rights situation and the activities of her office, including technical cooperation in Nepal’, A/HRC/10/53; International Crisis Group, *Nepal’s Faltering Peace Process*, Asia Report No. 163, 13th February 2009, respectively.

reflected more a temporary convergence rather than any deeply shared vision for a reshaped Nepal.<sup>4</sup> Fundamental obstacles in the peace process remain in need of tackling. Furthermore, Nepal is confronted by ongoing instability, with armed insurrection in parts of the country and indications of the growth of identity-based movements in this extremely ethnically diverse society. Wide-ranging ruling government coalition plans for re-modelling of state and society, which include implementation of ILO 169 itself, must therefore be assessed within the vagaries of such a delicate political context. Nepal's political transition beats to a rhythm that often appears to move at break-neck speed, in a highly volatile environment, while simultaneously buffeted by deeply entrenched power structures.

While the intent of ILO 169 is relatively clearly stated in terms of giving recognition to, consulting with and empowering the rights of indigenous groups (henceforth 'IPs'), the implications, particularly in countries undergoing rapid yet fragile transition, are much less certain. Not least, transferring some degree of ownership, management or benefit from land, natural resources and particularly health and education services, to local IP communities are particularly radical objectives of 169. As such these objectives and their implementation require insights into how 169 is currently being deliberated over in Nepal. The report is intended as providing merely a 'snap-shot' of implementation of 169 at a particularly relevant moment when fieldwork was undertaken. The report aims to capture some of the major challenges in implementation as currently portrayed by key stakeholders in the process. The 4 week project was designed as follows:

- 1) As a desk review followed by short field visit to Nepal whose objective was: to study the status of the ILO Convention 169 and its impact on indigenous peoples' development struggles with special reference to their efforts in improving socio-economic and political rights in Nepal.
- 2) To ascertain how provisions in the Convention are being taken into account by the state and used by the indigenous peoples in their struggle for political and socio-economic rights.

---

<sup>4</sup> International Crisis Group. Ibid.



3) The approach taken was therefore to identify stakeholders who are involved in the implementation of ILO Convention 169. The time-frame allowed for only a relatively small sample. And the limitations implicit to a four week study are to be borne in mind when reading the report. In particular, given the limited amount of field time available the report is also 'Kathmandu-centric'. Nonetheless, the sample did cover the key national IP organisations, as well as state bureaucrats, and a member of the Constituent Assembly, and donors. There were also attempts to gauge at least some aspects pertaining to local level IP interest groups both within and beyond Kathmandu. The topics identified within the Convention are many. This project therefore chose to ask stakeholders themselves what they thought were the most pressing challenges regarding 169. Methods therefore included interviews conducted with a range of stakeholders, and a group discussion with a small group of IPs, some representing non-Kathmandu organisations. This was supplemented by review of English language press, and primary and secondary sources relevant to 169 in Nepal.

4) The following categories of people were therefore approached for interviews:

- Government officials who are responsible for the implementation of ILO 169
- Donors who support the implementation of ILO 169 (Norwegian Embassy and British High Commission in particular)
- Civil society organisations and institutions who have been involved in lobbying for the adoption by Nepal of the Convention and other civil society organizations who are involved in promoting indigenous rights in Nepal
- Members of the Constitutional Assembly

## 2 From Social Exclusion to Inclusion through ILO 169?

Given historically embedded levels of social exclusion and discrimination encountered by marginalized groups, it is little wonder that a commonly held analytical and policy lens used to understand Nepal concerns 'social inclusion'. Lawoti (2005), for example, cites compelling evidence to suggest that exclusionary political institutions and structures have been the major cause of the exclusion of approximately 85% of the population. This is manifested in exclusion from parliament, cabinet, administration and judiciary, amongst other structures. And with over 25 discriminatory laws in the Constitution and 40 legal provisions in common laws' having direct consequence for indigenous marriage and criminal punishments, amongst other aspects, the constitution can rightfully be considered the key stone of discrimination. Neither customary law nor indigenous land rights were given recognition and public holidays, and place name changes, all reflect bias towards Hinduism. Characterised by over centralisation, and lack of horizontal accountability from other sections of the state, one manifestation is the executive domination, and heightened political stakes in capturing this. The conflict and instability is often directly correlated to levels of social exclusion. It is suggested, for example, that the previous war of insurgency in Nepal can not be distilled to one single cause. Certainly, observers indicate that while pivotal, caste and ethnicity are not necessarily the determining factors. The apparent deep well of anger at deeply embedded inequalities, the increasing role of a free media in making more visible the poor governance decisions at the centre, and, not least, a rapidly increasing population, with school leavers unable to enter employment, all contributed to the popular uprising. But because the pace and scope of mobilisation was as

fast as it was broad is also testimony to the ability of Maoist ideology to tap into these deep frustrations. The poor record of political parties in tackling social exclusion can be correlated with the high level of support for the Maoists in the 2008 elections:

‘Even though difficult to generalise, what is almost clear now is that the spread of Maoist influence has strong social and economic roots *including the exclusion of the poor and the marginalised by the State...*’ (Karki and Bhattarai, 2003:xiii, emphasis added, and see Aasland and Haug, 2008).<sup>5</sup>

In a recent report on Nepal, the United Nation’s High Commissioner for Human Rights (OHCHR) also located the peace process within the context of combating exclusion:

‘OHCHR Nepal has repeatedly stated that a focus on addressing human rights issues that lay at the root of the conflict and are the key to durable peace and development...*structural inequalities and discrimination*, must remain central during the transition period’.<sup>6</sup>

Nepal’s draft National Action Plan on Convention 169<sup>7</sup> itself (see later) also identifies with this broader ‘social exclusion’ paradigm commonly used to interpret Nepal. The Plan flags up, for example, ‘marginalization’, ‘structural and policy constraints’ and the need for ‘affirmative action’. Hence, ‘social exclusion’ remains a powerful analytical tool used by academics, multilateral and bi-lateral agencies and others. A critical issue often missing in such analysis is precisely what occurs at the very moment social inclusion interventions seek to correct and reverse exclusion: what

<sup>5</sup> Karki, A. and Bhattarai, B. (eds., undated) *Whose War, Economic and Socio-Cultural Impacts of Nepal’s Maoist-Government Conflict*, and Aasland, A. and Haug, M. (2008) ‘Social Exclusion in Nepal’, NIBR Working paper

<sup>6</sup> And they also linked this strongly to impunity (see later). ‘Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical cooperation, in Nepal’. [http://nepal.ohchr.org/en/resources/Documents/English/other/2009/March%2009/2009\\_03\\_HRC%20report\\_updated\\_E.pdf](http://nepal.ohchr.org/en/resources/Documents/English/other/2009/March%2009/2009_03_HRC%20report_updated_E.pdf), accessed, March, 23, 2009.

<sup>7</sup> This was recently agreed upon by the Task Force on 169, and will circulate around the Ministries and Cabinet prior to its acceptance and enactment. ‘Draft National Action Plan on Implementation of C169’, International Labour Organisation (2009).

are the terms of inclusion and into what are the excluded now to be included? Indeed, whilst some observers cite the need to support inclusionary policies they also warn against interventions that contribute to hardening group boundaries (Aasland and Haug, 2008).<sup>8</sup>

Given a historical context of exclusion based on the caste system, it is perhaps somewhat paradoxical to suggest how this may have contributed to interdependence and fluidity across group boundaries. Because group definition was associated with enhancing economic prospects, and dealing with the state in the context of the caste system- nonetheless a defining characteristic was therefore 'heterogeneity within as well as between the primary named ethnic groups' (Levine, 1987).<sup>9</sup> How definition according to ethnic group rather than caste in the context of jostling for economic and political power, of which ILO 169 is such a powerful expression, may be increasing and altering boundaries within and between groups is a key question. And whether increasing politicisation of group differences may create new forms of exclusion within and between groups may be increasingly significant. These are important questions but ones whose answer lies beyond the scope of the report. Another critical issue is how human rights alter the relationship between state and civil society. Whether the rights associated with treaties such as 169 undermine or serve to reinforce the state's capacity to implement policies in the national interest is a necessary consideration.

Decision-making processes, historically, have been narrowly based, exclusive and non-transparent- a trend that continues today in Nepal (Whelpton, 2005). In other words, as the socially excluded demand accommodation within state and associated structures and development opportunities, one must also consider the reaction of the included occupying those positions. As it is implemented, if social inclusion is to be more than cosmetic then it must inevitably confront and even squeeze out others because the effects are not necessarily zero-sum. As the state is the main duty bearer for human rights provisions, such as 169, it was an important consideration that the report give scope for expression of the

---

<sup>8</sup> Aasland, A. and Haug, M. (2008) op. cite.

<sup>9</sup> Levine, N. (1987) 'Caste, State, and Ethnic Boundaries in Nepal', *Journal of Asian Studies*, Vol. 46, 1, pp. 71-87.

views of those deemed the ‘included’ in bureaucratic leadership. Similarly it sought to pose the question to IP groups about whether they increasingly identify and politicise according to ethnic or indigenous status as a vehicle for inclusion. How both – very crudely and inaccurately defined- ‘camps’ choose or do not choose to act will have significant impacts upon the prospects for social and political transition towards accommodating multi-culturalism. How actors are interpreting and responding to ILO 169 is also critical in adjudicating what impact it is actually having.

ILO 169 is a wide ranging convention adopted by member states in Geneva in 1989 and intended to respect, protect and promote the rights of IPs. Implicit to 169 are a number of core principles. First is the understanding that IP rights are best protected by their participation at all levels of decision-making (Article 6). Second, is the principle of exercising control over development (Article 7). This control concerns consultation in design or consideration of any plans that will have potential impact on these communities. But, perhaps more radically, enabling transfer of ownership and management of natural resources, land, and services, such as education and health to these communities is a specific objective (stated across several of the articles). When these principles are also underpinned by an additional emphasis upon ‘self-determination’ (albeit left deliberately open-ended), a number of complex legal and political implications are not difficult to envisage. These features probably explain why, since 1989, and starting with Norway in 1990, only 19 countries have to date ratified 169.<sup>10</sup> This is not to say that any of the provisions are insurmountable but rather require deliberation and negotiation.

The nature of 169 should therefore make it even more important to consider broader political developments and rule of law governance issues occurring immediately before and since ratification in 2007 in Nepal, as in other countries. Reading and understanding ILO 169 narrowly outside of these political and legal processes would reflect a serious omission.

---

<sup>10</sup> See <http://www.ilo.org/indigenous/Conventions/lang--en/index.htm>.

## 2.1 Recent political developments

Such developments provide a necessary context in which both the level of *political will* within state –including both politicians and bureaucracy can be ascertained, as well as to gauge the *depth of democracy* that is required to anchor the implementation of 169. In addition, there may also be significant *technical and capacity challenges* whose essence requires disentangling from the appearance of lack of political will. Some recent important developments for reconciliation and peace include the following briefly flagged up en route to the main discussion on 169 itself:

- In 2006 *the Comprehensive Peace Agreement* paved the way for peaceful transition with interim legislation and an interim government, characterised by some as ad hoc pre-negotiation of important issues. It is nonetheless considered a significant period whereby political consensus was achieved to reach a peaceful settlement. However, issues still to be resolved include integration of the Maoist Liberation Army and the Nepalese army; tackling the impunity associated with a range of atrocities and withdrawals of cases considered of a ‘political nature’ involving individuals, and also return of land and property confiscated by the Maoists during the war.<sup>11</sup>
- In April 2008 *General Elections to the Constituent Assembly* were a major land mark in reaching a peaceful transition. These elections –with some important exceptions- were generally deemed ‘peaceful and orderly’, with the general environment described by observers as ‘positive’, with no overtly restrictive requirements for candidates.<sup>12</sup> At stake were 601 seats in the Constituent Assembly (240 first past the post; 335 proportional representation; 26 appointed). A major feature of the Elections in terms of responding to historical exclusion of specific groups concerned the requirement that each party has a proportional number of such groups amongst its candidates through a quota system: IPs (37.8%); Dalits (13%) Women (half of each group quota); Backward

---

<sup>11</sup> See OHCHR, op. cite and International Crisis Group op. cite.

<sup>12</sup> See for example, Franklin, J. (2008) Nepal Elections, NORDEM, Norwegian Centre for Human Rights.

regions (4%), Madhesis 31.2%. This was a concrete effort to reverse the extremely low level of these groups representation in the Constituent Assembly. The Maoist's (CPN) emerged as the biggest single party, forming a coalition government and which provided considerable political space for their reforms to be driven.

- One of the first steps in government was for the CPN to declare a *secular state* in May 2008, which also ended the 240 year old monarchy.
- *Constitution-writing process*  
According to the Interim-Constitution, this has a 2 year time frame for completion (i.e. by 28<sup>th</sup> May 2010). Major issues concern technical challenges but even more so the need for party agreement on each article. A particular challenge is to gain popular support for the constitution, to ensure popular buy-in and hence improving prospects for longevity of the constitution. During the field visit there appeared to be an apparent lack of popular engagement, with very few written comments on constitution, and especially, apparent lack of debate and consultation concerning key issues, such as ethnic and regional demands for federalism.<sup>13</sup> More recently, 10 committees have been formed that will deal with specific topics and travel around Nepal to debate these issues (and see later regarding additional demands for an IP thematic committee). It can not be overestimated how important a mechanism of popular engagement is for the legitimacy of the final document.
- *Government Ordinances-* February 2009  
At the start of 2009 government has introduced a package of policy measures through public ordinances. These concern: ensuring proportional representation in the public service sector; and ordinance to form a high level commission to probe forced disappearances, and an ordinance to amend electoral rolls. The decision was taken by cabinet. The ordinance on public services (Nepal Acts Amendment Ordinance) is particularly relevant here- at least nine public services: including the Nepalese Army, police force,

---

<sup>13</sup> See, for example, one indicator was the very low level of written submissions to the Constituent Assembly, Editorial, *The Kathmandu Post*, February 12, 2009.

development committees, health service, local development bodies and community schools will have to allot at least 45% reservation for excluded groups. While Public Ordinances as vehicles for legislating policy change have been criticised by opposition parties and human rights groups, they are perhaps indicative of government's desire to accelerate policy actions in response to perceptions that their empowerment of minorities and commitment to transformation was floundering.

- *Law and Order*  
There has been a significant decrease in acts of violence since the CPA and CA elections. During the fieldwork, however, it became evident that there was deterioration in stability. The Tarai, in particular, has been associated with violent *bandhs*, which has seen an increase in numbers of murders and destruction of property in late 2008 into early 2009. Furthermore, the imposition of blockades has prohibited free movement of people and goods between areas and ruined agricultural produce. This is an important theme, particularly as there are also indications that a politicisation of ethnicity is also apparent in some of the protests. Not least the mobilisation of the *Tharu* reflects a simmering conflict, concerning the status of the Tharu within the Madhesi. For example, the dispute took on another dimension following the government's ordinance on the Public Service Commission, and Integrated Service Centres, which inflamed the situation. The ordinance was interpreted by the Tharu as subordinating them to Madhesi, especially regarding classification of 92 castes in the region as Madhesi rather than IP. People were chanting 'we want Tharuhat', an ethnically autonomous region for the Tharu, with the Tharu Welfare Council opposing any attempts to place them under an autonomous Madhesi region.<sup>14</sup> There have also been sporadic waves of unrest related to Hydro Electricity power projects ('HEP' projects). In Melamchi, for example, villagers shut down the Indrawati IV HEP station by padlocking it whilst under construction, as well as the Electricity Authority Office, and then also Indrawati III

---

<sup>14</sup> See *Kathmandu Post* 8<sup>th</sup> February 2009, and see *Kathmandu Post* 13<sup>th</sup> February 2009, and 28<sup>th</sup> February 2009 *Kantipur.com*, for example.



---

station. Locals demanded that government fulfil promises made before project construction, and that locals get a certain share of dividends and free share of electricity.<sup>15</sup> There are also increasing tensions surrounding Arun II HEP in Eastern Nepal.<sup>16</sup> Local ethnicity based alternative justice systems have also emerged that lie outside of police administration and courts of law, for example, in eastern regions under the *Sanghiya Limbuan Rajyaparisad*. While the press labelled these ‘Kangeroo courts’ the issue of parallel justice systems is also integral to 169 (see later).<sup>17</sup> When set against a backdrop of ‘dangerous weakening of the state’s authority and capacity to govern’ these incidents should be taken seriously.<sup>18</sup>

These are just some of the most significant political developments and, as stated, provide an absolutely critical context in which to now explore ILO 169.

---

<sup>15</sup> *Kathmandu Post* 10th February 2009.

<sup>16</sup> Discussion with NGO Federation of Nepalese Indigenous nationalities representative from Eastern Nepal.

<sup>17</sup> A spokesperson describes these courts as delivering speedy and unbiased justice without being a drain on resources. See ‘Kangeroo Courts flourish in the eastern district’, *The Himalayan Times* 11<sup>th</sup> February 2009.

<sup>18</sup> International Crisis Group, op. Cite.

### 3 ILO 169 in recent history in Nepal

During the decade long war of insurrection the Maoists consistent objective was to end the feudal system and abolish the monarchy. Indeed, at least since 1974 the Maoists have been articulating some of these demands in direct association with IP demands. But from 1990 with the end of the Panchayat system and the beginnings of state recognition of ethnic and cultural diversity, new found democratic spaces were increasingly used by IPs to articulate a specifically ethnic agenda. Ethnic associations began to form and there were increasingly vocal demands for the creation of an ad hoc committee to move to create a permanent structure to voice the concerns of Janajati to government. The Maoists increasingly added IP struggles to their class analysis of systemic exclusion in Nepal. By 1996 a Charter of 40 points demands were raised by the Maoist movement. At least 5 of these were related to specific ethnic demands: 'ethnic autonomy', 'end ethnic oppression', 'equality of languages', 'secular state', 'regional devolution' (see Appendix for full list of 40 points). In 1997 a Maoist Politburo meeting decided on the right to self-determination for ethnic organisations. At this stage, land and resource rights, however, were not included. Gurung (2005) suggests that while many areas of convergence exist between the Maoist agenda and IPs this does not mean any virtual conjunction existed.

By February 2001 there was an emphasis given to ethnic and regional fronts as the organisational basis of the New People's Government. In 2003 all Maoist demands concerning mother tongue education, demands in some local areas regarding working language, were not met by government. Most radical of all was the call for ethnic autonomy. By 2003 Maoists declared the Magyar

region autonomous. This demand for ethnic autonomy appears to be the default mode amongst IPs, with even the Nepal Indigenous People's Organisation (NFDIN) –which considers itself as a bridge between government and IPs- taking this position.

However, there is debate concerning the extent of the autonomy, and whether it will take place within the existing state framework with federalism (NFDIN) or a more radical interpretation of cessation. More recently, following the CPA in 2006, and the popular uprising known as Janandolan II, IP demands were finally given real bite for a number of reasons. First, the IP groups had launched a 2 day *bandh* in June 2007 with demands for proportional representation and self determination, which ratcheted up the political stakes. Significantly, Maoists sat in the interim government and were pressured to respond to these demands. One early concession was to enact the Civil Service Act concerning reservation. Second, indigenous communities had been agitating and mobilising around a 20 point list of demands.

Agreement was reached between Nepal Federation of Indigenous Nationalities (NEFIN) and Government after 10 rounds of talks. Key aspects included, for example, guarantees on proportional representation of IPs in political parties, and at least, for all 59 indigenous groups in the Constitutional Assembly; local language use in local bodies, and a State Restructuring Commission to look at federalism. Of particular relevance for ILO 169 therefore concerned the following two additional points:

- *Arrangements will be made to immediately pass the proposal to ratify and adopt Convention 169 of the International Labour Organisation.*
- Appropriate steps will be immediately taken to complete the necessary legal process for adopting the United Nations Declaration on the Rights of Indigenous Peoples.<sup>19</sup>

These demands were accepted, with backing from the Maoists, culminating in the ratification of ILO 169 itself by Parliament on August 22<sup>nd</sup> 2007. A major mile stone in the struggle for IP rights had finally been reached. But how would it be implemented?

According to the ILO time-frame, following ratification a year is given to prepare to enter it into force. This is then followed by

---

<sup>19</sup> See 'Agreement between Government and Janajati', <http://www.nefin.org.np/nefin/20-point-agreement>, accessed, November 19 2008.

another year within which to report on progress in implementation. The field work was therefore undertaken at a particularly interesting time when a Task force was deliberating on a draft National Action Plan for implementation of 169 in Nepal. The following section highlights some of the most important issues to emerge from discussion with stakeholders involved in the process of implementation.

### 3.1 Themes from Interviews with key Stakeholders in ILO 169

#### 3.1.1 Competing Interpretations

It was particularly striking that stakeholders have very different interpretations of 169. Overall, it is evident that whilst hard work is being undertaken in order to create consensus on 169 there is, nonetheless, a lack of common understanding. Generally, across a broad spectrum of interviewees, at one end, IP actors interviewed regarded 169 as a constructive tool for dialogue and engagement. It was cited as the basis for solving many problems the country faced, namely, related to ethnic and cultural exclusion. On the other hand, some of the views expressed by certain state actors, namely, high ranking bureaucrats, tended to regard 169 as a vanguard of measures that threatened to unhinge Nepal state and society, to plunge it into disintegration. One high ranking bureaucrat whose office is very relevant to 169 revealed his major concern as follows:

I asked government to think twice before ratification. Being honest, it is very challenging. Signing it is simple but bringing it into force is very complex. It is like we are discussing sharing the pie before the pie is even made' (Senior Civil Servant).

That this is made by, as mentioned, a particularly relevant stakeholder is of particular concern. These may well be genuine concerns over political and legal implications of implementation of 169. But whether they are amplified by perceived threats elite caste dominance is also important to consider in interpreting such views.

---

Alternatively, seen from the point of view of a leading IP organisation:

‘Past experience has not been pleasant. We must work hard to convince the Constituent Assembly [referring to IPs now forming a large quota of representatives for the first time and encountering opposition there]). Government has not been willing previously, so we started to agitate and then the government agreed to ratify 169. So now experience tells us that government will not easily implement it. Even now there is this sense. So a balance of approaches is needed (i.e. constructive negotiation but also agitation)’.

The sense from this perspective is of an obstinate state reluctant to implement 169. Each quotation captures opposite ends of the spectrum of views of 169. In suggesting there is a generally wide gulf in interpretation should not obscure areas of overlap and mutual efforts wherever this does seem to occur across 169 (such as agreement by the Task Force on a draft National Action Plan on 169- see later).

### 3.1.2 Participation and consultation: New energy- old attitudes?

The question was posed to various stakeholders as to whether levels of consultation and participation had improved since ratification of 169. Generally, progress was clearly indicated, especially concerning the agreement to ratify 169, obviously a major breakthrough, and in also meeting the 36% quota in the CA elections. However, NEFIN did indicate that there were problems in reclassifying the number of groups officially recognised by the state (59, being currently revised), as some IPs were unhappy at being classified within larger groups (within the Rai, for example). The Chair person of NEFIN also suggested that perhaps up to 19 of the 59 groups were also not being represented in the CA. Furthermore, another issue concerns groups beyond the 59 who are therefore still not officially recognised. This was raised by the IP discussion group as a very significant omission. They also were concerned more generally about what kind of mechanism will link local communities to government implementation of 169 (see later). Another major change acknowledged by the IPs was that

NEFIN was now a force to be negotiated with by state. Prior to NEFIN, national institutional organs representing IPs were non-existent. But although positive changes were clearly expressed, the IPs also generally expressed caution regarding the 169 process. This was especially due to what some saw as the slow pace it was proceeding at. Most IP respondents also highlighted how caution is also warranted because they have had to push government in order to win concessions. Most notably, this took the form of 'street protest', still considered an important option should government drag its feet, in order to get the latter to (re)act.

Regarding the 36% quota of IPs in the CA, the discussion group cited a fundamental problem with this level of participation. IP members of the CA still had to represent established political parties rather than IP specific parties. How representation could be made therefore of both was deemed contradictory- party interests would predominate. The chair person of NEFIN and several of its ruling body members were both MPs and office holders in NEFIN. Calls were made, therefore, for the chair person of NEFIN to resign. An interview with the Lawyers' Association for Human Rights of Nepalese Indigenous People (LAHURNIP) also revealed that a court case was being filed by them (straight after the interview) at the Supreme Court under the provisions of the interim constitution, as well as international conventions, that Nepal is a party to, contesting the lack of IP representation in the Constitutional process. One of the demands of LAHURNIP (since also taken up by the OHCHR), is that IPs have the right to nominate representatives from their respective organisations in the constitution making process to address their issues and that a thematic committee be formed to ensure representation and participation.

These issues were put to an IP MP, Jaipuri Gharti, deputy whip of the CPN. She tended to see the challenges differently- and claimed to represent her own region, woman, Janajati, and as fighting sources of oppression more generally. In this she also cited the formation recently of an IP CA caucus, to organise IP members, and discuss 169. The issue for this MP was more to reconcile and deal with her disappointment that her initial energy and enthusiasm upon coming into the CA had been metered by ingrained negative attitudes displayed there towards IPs. Furthermore, the extent to which party structures had changed to

accommodate IPs in leadership positions was still questionable. It also became apparent that in terms of linkages, there is no apparent institutional link between the work of the Task Force and the CA, nor between NEFIN and the CA. Reflecting this, the MP did not have any knowledge of the Task Force, nor, the National Action Plan. But 169 was regarded as in line with CPN manifesto which, she said, needed to go beyond aspirations to actual implementation. Again, a major challenge raised was a fundamental disconnect between Kathmandu political elites and local area, like her own (and see later). NEFIN and NFDIN were not considered as penetrating into local areas and these places were not being enabled to participate in broader debates.

Regarding the impact of HEP or dam projects, although not necessarily a new issue, for example, 'now more discussion is taking place'. One representative from a coalition of IP NGOs claimed, however, that at a local level, there was still scant evidence of consultation and participation preceding the development of a HEP project in his home region. The gap was generally symptomatic of the distance between political elites and local communities in Nepal. It would also appear to explain some differences of opinion between national-level IP organisation representatives and some of those working more.

IP oriented actors were, however, also clear in linking the slow pace of change to the obstacle of what was identified as the 'old mind-set' of bureaucracy and the state. NFDIN indicated that whilst the state does generally accept policy change on 169, they were also perceived in some quarters to be resisting it. Some IPs considered how civil servants had reservations, as expressed above in the quotation. Bureaucrats were considered as trained to deal with policy implementation in traditional ways, whereas 169 implied new approaches and issues. Indeed, the ILO suggested that there was a major challenge to be met in terms of both government awareness of 169 and the commensurate finances required to respond adequately to it. In this, the co-ordinating capacity of the Task Force was deemed critical and a major challenge to co-ordinate all the various Ministries involved. This issue of finances was also flagged up by Ministry of Local Development (MLD), who expressed firm commitment to implementation of 169 but saw some major challenges. Costing of Task Force activities, for example, at least at the preliminary stage

was placed at 700,000 US Dollars and at the time of interview these resources had not been worked out. MLD also defended the slow pace of change citing inherent risks in moving to quickly in a context of great misunderstanding on 169. One of the fundamental challenges raised on the side of MLD, as well as IP groups, and the ILO was therefore the time frame for government's acceptance of the draft National Plan on 169. It is clearly a huge land mark. But it was an open question raised by respondents concerning how long it may take to circulate around the Ministries and Cabinet before it is finally approved.

### 3.1.3 Misinformation

So, before turning to look at some of the other bureaucrat concerns it is important to emphasize the perception of inflated expectations and misinformation that surrounds 169. On the topic of misinformation, the spectre of unrealistic expectations had been raised by both IP and non-IP bureaucrats alike. This was deemed by IPs as related to their fundamental mistrust of the state. In addition, however, they did also acknowledge the over-inflation of aspirations as also part of the problem. It was suggested that there was a need to respond adequately to both the fears, especially on some of the side of bureaucrats, and also the suspicion IPs have of existing state structures and laws. One bureaucrat commented how 169 had fallen pray to sloganeering and heavy politicisation. Another expressed deep concern that donor activities on 169 were not being properly conveyed to government. He cited frustrations with donors that they do not properly inform government about donor funded activities and that this undermines government's position. The point was also made in the context of misconceptions that arise because of lack of information sharing. Again, the caution expressed by IPs about the pace of change was defended by MLD as a necessary precaution in that government needs to feel it also 'owes' process. This was interpreted as needing the time to familiarise themselves with 169 in terms of being properly informed and equipped. These opinions therefore also expressed a need for education and information to counter over inflated IP demands and expectations, plus, clarify government's own role. Hence the MLD had a concrete suggestion to make an education campaign to inform on 169 and what it can and can not do.



### 3.1.4 Ownership or Management of resources

Another fundamental issue to arise concerned the interpretation of 169 with regards to IP relationships to natural resources. This issue in particular highlighted fundamental differences in opinion and interpretation. The Department of Electricity Development saw a fundamental need for discourse on 169 to distinguish between *ownership* and *utilisation* of resources. The Director General saw this as a mistaken interpretation of 169, to regard it as only about ownership. This sentiment was regarded as undermining state capacity and hence also the broader public interest. Above all, the fear was conveyed that local community demands for a stake in projects would scare investors away. Although maintaining impartiality as a bureaucrat, this spokesperson spoke about some of the practical concerns in implementation. He had come across 169 because time and again this issue of ownership of resources came up in the name of 169. The main concern was that demands for local equity will increase the costs, scare investors away, and furthermore, was not fair as this should eventually pass to ownership of the state for the public good:

‘Rights to local people are fine. But they should not kill the project. Ownership and utilisation has become mixed up and if we don’t understand this clearly, it will generate conflict’.

In this context 169 was regarded as creating conflict. IPs spoken to did recognise that dialogue should take place on this problem. But, they also highlighted that nonetheless the underlying problem was the context of neglect of IP communities, who had been excluded historically from any benefits and still see rights trampled on. NDFIN cited the problem as one of Nepal having borrowed a model of development from India’s colonial era. As an example, the NFDIN chair had visited the Suma Kosi area 25 years ago. While the project was on the national electricity grid, the area itself was dark, and local people got no benefits. To this day they are still deprived of electricity. ILO also highlighted the need to provide security to investors. But again, the underlying objective of ownership was necessary. Rather what was required were alternative models to be found regarding how to attract investment but while giving ownership to the community. Again, 169, it was claimed, would assist in clarification and problem solving.

According to NFDIN this also depends on scale of project. Big projects should be benefited from; but medium and small scale should be outright owned or controlled. To some extent the Electricity Board saw the existing laws as adequate. This was in direct contrast to IPs who did not see any evidence of 169 in existing laws and also regarded government as not serious about these issues because 'bureaucracy is not loyal to us'. Furthermore, one local representative who voiced concerns mentioned earlier regarding lack of consultation in his community, suggested that the longer this did not take place, the more anxious his community were. This was especially since helicopters had recently appeared in the area but local people were not informed about why this was the case.

### 3.1.5 IP, Non-IP, and local mechanisms

Other related issues again reflected generally opposing points of view and concern whether these benefits should accrue only to IPs rather than non-IPs in these same areas. One bureaucrat perceived IPs as seeking revenge against higher castes which precluded any talk of non-IPs receiving any of these special rights. The MLD spokesperson also raised the issue of definition of IPs as complex. At times, he said, it very difficult to separate out IPs from other non-IP ethnic groups, particularly some who had also been there centuries. Another practical challenge raised by a bureaucrat concerned the provisions in 169 for recognising and developing IP alternative justice mechanisms. These provisions were deemed totally incompatible with a system of unified common law:

'How can you give different treatment to persons who have done the same crime? Can preferential justice be achieved?'

These sentiments reinforced the sense expressed by some, but not all, bureaucrats of 169 as undermining common public systems of governance and law. The earlier reference to ethnic based courts also tends to undergird these perceptions and is reflective of a society and state struggling to adapt to multi-cultural legal and political systems. NEFIN, however, did link the issue of 169 rights for IPs to non-IPs. The ILO also stated 'an equal need to address non-IPs and all stakeholders to try and implement 169 in an harmonious way, as we are all citizens of Nepal'. Furthermore, the

IP discussion group was also aware of some tensions beginning to emerge between IPs and non-IPs over exactly this issue. Some historically developed social relations between groups were perceived as potentially under threat. The non-IPs, it was claimed, were increasingly worried and feared that final plans for federation would not accommodate them within IP areas but rather only give special '169' rights to IPs alone. Interestingly, whilst IP respondents drew attention to this, as an issue also raised by upper-caste respondents, they also suggested that the problem is exaggerated. This is because no IP group would be more than 50 per cent in any planned region. In other words, the main groups will still need to work with other (non-IP) groups.

Again, the MP respondent also suggested there was misperception of transformation. The special rights of IPs were perceived not as depriving people of authority but rather about creating equality, through a level playing field and inclusion in the state.

The information and participation gap so evident in Nepal therefore reflects broader concerns about the lack of engagement with the so-called 'grassroots'. So, an accessible legitimate institutional vehicle to decentralise 169 and take it into local areas is clearly required. However, whereas the MLD indicated that over 3195 Village Development Committees (VDCs) were available to be the local implementing branches, the IP respondents rejected this idea. The VDCs were not regarded as targeting beneficiaries. A need for alternative channels was expressed. DFID also expressed interest in the new Integrated Planning Committees linked to the VDCs and claimed that if working properly they could really contribute to the process.

### 3.1.6 National Action Plan 2009

During the field work an important development concerned the acceptance by the Task Force on 169 of a 'National Action Plan' to guide implementation in Nepal. This document now represents a significant breakthrough in February 2009. But its terms also perhaps underscore some of the polarised views expressed in interviews. The Plan, for example, describes itself as 'a guideline to translate these constitutional and legal commitments into practice' and identifies areas of action to be taken on those sectors to be incorporated into Laws and rules, and institutions covered in 169

(p. 6-7 draft). It therefore constitutes an extensive work plan that covers 169, with specific measures, objectives, programmes, responsible agents, indicators and so on.

Concerning the obligations of government, for example, the action plan mentions specific 'government responsibilities' (p20). These include preparing a constitutional commission and provision for necessary budgeting, in order to monitor and evaluate IP and nationalities and to provide remedies. Another is to provide a framework structure to co-ordinate and facilitate meaningful participation; as well as a focal point person within MLD; local mechanisms to interface with MLD; information via broadcasting; a resource centre and desegregated data regarding IPs. These details in the Action Plan therefore embody the rather radical spirit and intent of 169. At the time of writing the draft Plan was circulating amongst Cabinet and the Prime Minister's Office. Respondents conveyed that a great deal depends upon political will at this high level to accept the Plan and had reservations about the time scale for this (see final footnote).

---

## 4 Conclusion: The road ahead for 169

The discussion reveals a number of quite sharp differences in opinion. One concerns a degree of incomprehension expressed by several bureaucrats that 169 is either necessary or practical. For some it is regarded as a threat to the integrity of the state, and is linked with inciting conflict, hatreds even. Notably MLD is an important exception that whilst raising some valid concerns did express full support for implementing 169. IP-oriented actors clearly expressed that 169 is a practical tool to solve the nation's problems and especially to correct deeply felt imbalances. Many stated that it was necessary to implement ILO 169 in order to anchor its provisions in a concrete legal and policy framework. Otherwise, they suggested, the state would be unaccountable. Indeed, there was a keen sense expressed that government has needed to be pushed on indigenous issues historically. 169 therefore was deemed as requiring more binding measures. But a common refrain interpreted was that there is a large information gap both on the side of state stakeholders but also local IP and non-IP communities. An issue also to emerge is to what extent the frustrations presented by bureaucrats reflect intransigence or merely some degree of uncertainty and insecurity in a context of a new government. To illustrate this flux, in the first quarter of 2009 thousands of civil service positions have been shuffled. Even some of the interviewees had only recently started in their current positions within the bureaucracy.

Some observers suggest this appearance of intransigence is surmountable. If strong, inspirational leadership is provided then bureaucrats will follow the prevailing policy line taken. However, it is apparent in this short study that the goal of radical social transformation is not universally shared. Indeed, ILO 169 can be

considered a manifestation of distrust on both sides –if we can really label them that in a multi-cultural highly complex country.

A lot of the conversations with respondents tended to come back to the big issues that loom over Nepal in terms of a political and geographical settlement. Federalism based on ethnic autonomy was clearly endorsed by all IP respondents, although it was also suggested that this should exist on multiple levels, with no one correct recipe. There is not the space to enter into alternatives here. Rather the key point raised is that the uncertainty surrounding final plans are also adding to anxieties regarding 169. Many of the views expressed on 169 must therefore be read in the context of concerns over the broader transformation of Nepal. Indeed, some respondents claimed that once the scope and nature of power to the new regions is spelt out then much of the perceived difficulties regarding natural resource management and ownership would no longer be as uncertain or conflictual. An overall point is that these plans or potential plans should also be taken to communities who should also be enabled to determine the future shape of Nepal.

Clearly there is a major role for dialogue and education, especially within local communities and the state itself. What the appropriate mechanism is for this is an open question to be resolved by Nepalis. But in terms of concretising the implementation of 169 some important developments have taken place in the first quarter of 2009, as we saw, not least, with the National Action Plan on 169. It is estimated that the Plan would be accepted by Cabinet during the first quarter of 2009 (although see final footnote, below).

Consultation, and some degree of control and benefit from water and other resources throws down significant challenges to state actors, civil society and private sector companies and demands new modes of working. It is precisely these new approaches that appear to create problems. The report has highlighted the fundamental differences underlying interpretations of 169. These, as suggested, are amplified by the issues thrown down by the transition underway. Mutually held suspicions require close monitoring as to whether 169 is helping or actually hindering reconciliation and broader development prospects for Nepal. For example, is the spirit of 169, its core essence, concerning

consultation and participation of IPs with a view to enhancing a greater degree of their self-management and control over livelihoods and development being respected? The views expressed here are generally positive but also cautious as well as mixed. And, if not, as a critical dimension to redress, is oversight monitoring of the process being adhered to, and, especially, as also per the Action Plan, legal aid made available to local communities? How the process is being implemented will be particularly significant- the nature of progress on making guidelines and consultations and planning, amongst other aspects. Above all, 169 is a dynamic process, a living document, how is it altering relationships between actors and within communities?

An important dimension is to find ways to urgently alleviate some of the mistrust. Education and campaigns will be an important first step. Furthermore, settling the larger political questions, such as the Constitution writing and federation, will also be essential. This would provide a more settled and agreed basis upon which ILO 169 can really be put in its place in a manner that is regarded less as a threat and more as an opportunity for genuine reconciliation and growth of a multicultural state and society. Another critical dimension to the larger political settlement is the level of political will exhibited by the Prime Minister and his office: whether there is acceptance of the Action Plan and indeed, continuing proactive engagement with 169 from the highest political level may no longer be a foregone conclusion.<sup>20</sup> Most recently of all, Prachanda's forced resignation has precipitated the Maoist party's loss of political control of the government. Exactly what these developments now mean for the future trajectory of ILO 169 in Nepal remains very much an open question. Many difficult and

---

<sup>20</sup> During the Prime Minister's recent state visit to Oslo, for example, at a public presentation given by Prachanda, the author was able to put a question directly concerning the government's commitment to 169. The question unambiguously asked when Prachanda, his cabinet and the Prime Minister's office would accept the Action Plan on 169. In reply, rather surprisingly, Prachanda stated that 169 had not been ratified by his government but by the previous government. How do we interpret these comments? A degree of misunderstanding of the question and reply can not be discounted. However, the overall impression made by this author was to interpret Prachanda as replying somewhat negatively on the topic of 169. The author interpreted this reaction as an attempt by Prachanda to distance the current government from implementation of the Action Plan and hence 169.

highly complex issues clearly remain. Surely this underscores the need to return to creating a level playing field in terms of interpretations and understanding of 169 as the basis of common political commitment to implementation.



---

## References

- Aasland, A. and Haug, M. (2008) 'Social Exclusion in Nepal', NIBR Working paper.
- Franklin, J. (2008) Nepal Elections, NORDEM, Norwegian Centre for Human Rights.
- Harka Gurung (2005) 'Social exclusion and Maoist Insurgency', Paper presented at National Dialogue Conference on ILO Convention 169 on Indigenous and Tribal Peoples, Kathmandu, 19-20 January 2005.
- ILO (2003) 'ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169): A manual', ILO, Geneva.
- ILO (2009) 'Draft National Action Plan on Implementation of C169', International Labour Organisation (2009), Kathmandu.
- International Crisis Group, *Nepal's Faltering Peace Process*, Asia Report No. 163, 13th February 2009, respectively.
- Karki, A. and Bhattarai, B. (eds., undated) *Whose War, Economic and Socio-Cultural Impacts of Nepal's Maoist-Government Conflict*, NGO Federation of Nepal.
- Lawoti, M. (2005) *Towards a Democratic Nepal: Inclusive Political Institutions for a Multi-cultural Society*, Sage publications.
- Levine, N. (1987) 'Caste, State, and Ethnic Boundaries in Nepal', *Journal of Asian Studies*, Vol. 46, 1, pp. 71-87.
- Neumayer, E. (2005) 'Do International Human Rights Treaties Improve Respect for Human Rights?', *Journal of Conflict Resolution*, Vol. 49, 6, pp. 925-953.

UNHCHR (2009) 'Report of the United Nations High Commissioner for Human rights on the human rights situation and the activities of her office, including technical cooperation in Nepal', A/HRC/10/53.

Whelpton, J. (2005) *A History of Nepal*, Cambridge University Press.

### **Respondents**

Department of Electricity Development, Director General, S. R. Lacoul, 8/02/09

Dfid, Governance and Inclusion Advisor, Bandana Risal, 11/02/09

ILO, Saloman Rajbanshi- ILO focal person for 169 and Dr.M. Lamu, advisor, 9/02/09

Gharti, Jaipuri, Member of Constitutional Assembly (CPN), 10/02/09

Group discussion, IPs, 11/02/09, arranged by NEPAN.

LAHURIP, Shankar Limbu, 11/02/09

Ministry of Labour and Transport Management, Bishnu Prasad Lamsal.

Ministry of Law and Justice and Constituent Assembly Affairs, Sadhu Ram Sapkota.

Ministry of Local Development, Kirshna Devkota, 10/02/09

ILO 9/10/09

NEFIN 9/02/09 Pasang Sherpa chair person of NEFIN

NFDIN, Jitpal Kirat, Chair, Vice chairman, Lok Bahadur Thapa Magar, 10/02/09

---

# Appendix 1

## Lists

Maoist demands, February 1996

Nationalism (7)

Political (13)

Economic (13)

Socio-cultural (7)

1. Abrogation of 1950 Treaty
2. Abrogation of Mahakali Treaty
3. Border regulation
4. Discontinue Gurkha recruitment
5. Introduce work permit system
8. End cultural invasion
9. Stop imperial elements (INGO)
10. Republican constitution
11. End royal privileges
12. Civil authority over army
13. Repeal repressive regulations
14. Release prisoners
15. End state terrorism

NIBR-Working paper: 2009:117

16. Enquiry on actions against Maoists
17. Recognition to martyrs and penalty to perpetrators
20. Ethnic autonomy
23. Freedom of speech
24. Freedom of thought
25. Regional devolution
26. Local governance
6. End capital aggrandizement
7. Self-reliant economy
27. Land to the tiller
28. Nationalization of dubious property
29. Employment generation
30. Set minimum wage
31. Resettle squatters
32. Debt relief, credit provision
33. Cheap inputs, fair price for agriculture products
36. Control price
37. Provide road, electricity, water supply to rural areas
38. Promote cottage industries
39. Control corruption
18. Secular state
19. Equality to women
20. End ethnic oppression
21. Abolish untouchability
22. Equality of languages
35. Access to education and health services
40. Protection of the disabled

---

### **Maoist Initiatives on Ethnic Issues**

1991: Adoption of agenda on secular state and linguistic/ethnic equality.

November 1994: Formation of Akhil Nepal Janajati Sangh (All Nepal Nationalities Association)

July 1995: Adoption of 'Ethnic Policy in Nepal' (regional autonomy, equality of all languages, secular national ethnic academy, focus on uplift of endangered ethnics).

February 1996: Out of 40 demands, four addressed ethnic concerns (secular state, equality of languages, regional autonomy, end of ethnic oppression).

January 1997: Adoption of ethnic autonomy with the right of self-determination.

August 1998: Establishment of Ethnic Department at central level. United People's Front dissolved and formation of 9 ethnic and 2 regional fronts.

February 2001: Emphasis on ethnic and regional fronts as the organisation basis of the New People's Government.

May 2001: Formation of United Revolutionary People's Council (URPC) and proposition of nine autonomous regions (6 ethnic, 3 geographic); high representation of ethnic fronts in District and Village committees of People's Government.

Source: Sharma, 2002, pp. 13-17, in Gurung (2005).