

CASE STUDY

INDIGENOUS PEOPLE'S

HUMAN RIGHTS VIOLATION

Chitwan National Park
and
Valley Road Expansion Project

SUBMITTED TO
Protecting Indigenous Peoples Defenders and Promoting Land Rights
in the Selected Communities Affected by Land Conflict in Peru and
Nepal Project

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Kathmandu Metropolitan City-10, Buddhanagar,

Tel.: +977-1-4794192

Email: niwf2057@gmail.com, Web.: www.niwf.org.np

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Chinimaya Majhi
Chairperson
National Indigenous Women's Federation
Kathmandu, Nepal.

CASE STUDY TEAM

1. Mr. Gyan B Tamang YONZON, Principal Researcher
 2. Ms. Sangita Bhujel, Researcher
 3. Ms. Sabitra Chepang, Researcher
 4. Ms. Ganga Kumari Lingden, Researcher
 5. Ms. Anita Majhi, Researcher
 6. Ms. Kamala Gurung (Policy and Advocacy Officer), Field Monitor
(Chitwan National Park, Chitwan and Nawalparasi)
-
1. Ms. Bidhya Shrestha, Lead Researcher
 2. Ms. Chhing Chippa Lhomi, Researcher
 3. Ms. Sreejana Pradhan, Researcher
 4. Ms. Nanu Thami, Researcher
 5. Ms. Hira Kumari Tamang (Local Coordinator), Field Monitor
(Valley Road Expansion Project, Kathmandu and Lalitpur)

LIST OF ACRONYMS

CBD	Convention on Biological Conservation
CBD	Centre Bureau of Statistics
CEDAW	Convention on Elimination of All Forms of Discriminations Against Women
CERD	Convention on Elimination of Racial Discrimination
CNP	Chitwan National Park
EC	European Commission
EU	European Union
FGD	Focus Group Discussion
FPIC	Free, Prior and Informed Consent (an overarching right of indigenous peoples)
GD	Group Discussion
GLD	Guided Land Development
HHs	Households
GoN	Government of Nepal
IPHRDs	Indigenous Peoples Human rights Defenders
IPs	Indigenous Peoples
IPOs	Indigenous People's Organizations
IUCN	International Union for Conservation of Nature
ILO	International Labor Organization
ILO C No 169	International Labor Organization's Convention 169
IW	Indigenous Women
KII	Key Informant Interview
Km	Kilometer
LAHURNIP	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples
NFDIN	National Foundation for the Development of Indigenous Nationalities
NHRC	National Human Rights Commission

NIWF	National Indigenous Women's Federation
NLSS	Nepal Living Standard Survey
NTEU	Nepal Telecom Employees' Union
Sq	Square
UN	United Nations
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
WPC	World Parks Congress

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PART - I
CASE STUDY
INDIGENOUS PEOPLE'S HUMAN RIGHTS VIOLATION
Chitwan National Park, Chitwan and Nawalparasi

1.0 INTRODUCTION AND METHODOLOGY

1.1 Background of the Case Study

National Indigenous Women's Federation (NIWF) is only umbrella organization of Indigenous Women Organizations in Nepal. NIWF works in awareness building, education, empowerment, research, publication, networking, rights and advocacy through a wide range of projects and programs at its own and with the supports of donors since last 17 years.

A protected area is a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values (IUCN (Definition 2008

The Chitwan National Park (CNP), a protected area in Nepal is defined and dedicated to conserve wildlife and natural resources. It is expected that the pursuit of the protected areas must contribute positively to the realization of human rights to lead and stewardship the conservation more effective. However, the CNP has generated negative impacts on people, particularly the indigenous peoples who live in and around the CNP. The CNP has failed to understand and address the issues of human rights and well-being of indigenous peoples, which can undermine the efforts and outcomes of the conservation.

In the context of the CNP, indigenous people's human rights identified as most contested and deprived. The fact is that the CNP has violated both the individual and collective rights of indigenous peoples, and excluded them from the CNP systematically. Many indigenous groups, i.e. the Tharu, Bote, Chepang and many other indigenous groups whose survival entirely depend in and around the present CNP and its associated resources (the CNP is declared

by acquiring a large-scale land and the associated resources by the authority forcibly). Indigenous peoples who live in and around the CNP are living in intimidation and fear of easy blame of poachers, conspirators, illegal fish catchers, illegal forest products collectors and many, etc. After the declaration of the CNP, indigenous peoples are deprived from the right to ancestral lands, territories and resources, and the right to life in dignity.

National news, research reports, Indigenous People's Organizations (IPOs) and the people live in and around the CNP claim that the CNP is responsible for human rights violations, including forced displacement, torture, arbitrary arrest, abuse and killings. The situation of indigenous women's human rights in relation to the establishment and expansion of the CNP is formidable, where the rights to land and FPIC are not respected and violated. Moreover, right to practice one's culture to pursue livelihoods activities and rituals that are important to indigenous cultural identity is not respected.

It is in this context, NIWF intends to generate evidence-based flashpoint issues of the indigenous people's rights and Free, Prior and Informed Consent (FPIC) Rights in the selected communities through this case study. Moreover, NIWF expects to publish and disseminate these cases widely and use as the tool for dialogue and policy advocacy with state and non-state actors to contribute in protecting indigenous people's rights in Nepal.

1.2 Objectives of the Case Study

As mentioned in the main project document, the objectives of the case study are to:

- Generate evidence based case studies on the issues on indigenous women's land and human rights violations in the CNP, and

- Publish and disseminate the case studies for policy advocacy.

In order to pursue the objectives, the case study has adopted two principal methodologies: i) group discussions and ii) key informant interviews with specific purposes. The purposes of the group discussions are to trace generation situation of indigenous women's human rights with relation to the establishment and expansion of the CNP and to identify the flashpoint issues on human rights violations to create a case study. Once the issues of indigenous women's human rights violations identified, the case study has employed the key informant interviews to generate comprehensive case studies on the issues of indigenous women's land and human rights violations in the CNP.

1.3 Scope of the Case Study

Since the present case study encompasses both the general situation of indigenous women's human rights violations and create case studies on the flashpoint issues on human rights violations in the CNP are the scope of the case study. This case study serves as evidence based tool for building awareness and educating broader audience and policy advocacy to protect and promote indigenous women's human rights, and help to strengthen rule of law, accountability and justice for indigenous women's human rights violations in the particular context of protected or conservation areas.

The scope of the case study also includes the situations of the specific rights to property, self-determination, access to and use of traditional land, natural wealth and resources, FPIC (an overarching right of indigenous peoples), freedom from forced eviction (the right to adequate housing or choose residence) in relation to indigenous peoples those who live in and around the CNP.

1.4 Methodology Employed in the Case Study

This case study has employed a set of methods to accomplish the case study objective. More specifically, the methods comprise a review and discussion of secondary sources, preparation of data collection instruments or the checklists, composition of the case study team, orientation to the case study team, field work, mode of data/information analysis, data/information presentation and limitation of the case study are major ones.

1.4.1 Review of Secondary Sources

The case study team began this study by doing the review of secondary sources at the preparatory stage for understanding of the project and general situation of indigenous women's human rights violation in the CNP, and formulation of the detailed checklists to generate required information to meet the objective of the case study.

1.4.2 Nature of Data

The case study is primarily based on the empirical data generated from the field work. However, some of the data have been used in this case study are from secondary sources.

1.4.3 Case study Area Selection Criteria and Process

The criteria used to select the study communities for the case study included: i) the community inhabited by indigenous nationalities in and around the CNP, ii) manifestation of the human rights violation due to the establishment and expansion of the CNP, and iii) the community which are not studied or rarely studied.

Similarly, the case study community selection made with the review of available secondary sources for the first instance and then made an intensive consultations with the representatives of local communities, Indigenous People's Organizations (IPOs) and existing networks of Indigenous Peoples Human rights Defenders

(IPHRDs) in the vicinities to select the community.

Finally, the target community selection was done, data collection checklists were prepared, an orientation to the case study team was conducted, and the case study team carried out the field work in the selected communities. List of the selected indigenous communities are as:

Table 1: Selected Indigenous Communities to the Case Study

SN	Ethnicity	Representative participants	Representing No. of HHs	Representing No. of Population*	Address/ Location
01	Kumal	47	700	4000	Yogi Tole, Bharatpur Metropolitan City 28, Chitwan
02	Darai	15	100	520	Khadgauli, Bharatpur Metropolitan City 23, Chitwan
03	Bote	13	65	350	Keureni, Devchuli Municipality 7, Nawalparasi
04	Chepang	17	55	370	Devendrapur, Madi Municipality - 7, Chitwan
05	Bote	6	17	110	Baghkor, Kawasoti Municipality - 15, Nawalparasi

** Representing number of households and population stand for estimated numbers projected by the participants of the group discussions for their respective communities.*

1.4.4 Data Collection Instruments

To collect data/information at field, the case study has employed two types of checklists: i) the checklist for group discussions that aims to generate information about the selected communities, trace general situation of human rights violations and abuses committed against IWs and generate information on IW's rights to land and FPIC, and ii) the checklist for key informant interview to generate information of human rights violations of an individual for making comprehensive case study.

The detail checklists were prepared by the principal researcher prior to the orientation and field work. Effort was made to elaborate the issues of the case study in the checklists being based on the main project document. The detail checklists were prepared in English first and translated into Nepali language for the convenience of the case study team (*for detail, please refer to annex 2a and 2b*). The case study team has also prepared a consent letter to get prior consent from the selected communities and the key informants prior to collect the information. The consent letter was prepared in local language- Nepali and applied to each selected community and key informant.

1.4.5 Case Study Team and Orientation

This case study has employed a team of six researchers (including the principal researcher, researchers and the policy and advocacy officer as the field monitor) which was divided into two sub-teams and each sub-team comprised of three members- one facilitator (to execute and steer the discussions and interviews) and two note takers (to take notes or document the discussions and interviews).

The principal researcher conducted and facilitated an orientation on the practical tips and in checklists of case study for researchers. The orientation was scheduled of two-days from 09:00 am to 05:00 pm to complete the agenda of the day. The principal

methods employed in the orientation was structured lecture sessions with power point presentations. Practical knowledge, skills and techniques were imparted by using hypothetical cases. Orientation made utmost efforts to make researchers understand the subject matter, and equip and get prepared them to carry out case study at filed.

1.4.6 Field Work

The actual field work was carried out for 10 days (including one day of muck exercise and two-days of travel (Kathmandu to field to Kathmandu), started from October 20 - 29, 2021. After a real field muck, each sub-team assigned in the selected communities to complete the field work on time. The principal researcher being a member of a sub-team fully involved in the field works. The principal researcher also provided instructions and guidance to other sub-team as per the needs in the field settings in a regular basis and the principal researcher who perused sub-team to determine if any required information was missed and subsequently compile information gathered from the field in every evening after the completion of each field work.

During the field work, the project coordinator worked as a coordinator, facilitator and monitor of the field works. The project coordinator also supervised the quality of data collection works and data of sub-teams, and gave necessary advice to the sub-teams as per the needs of the case study.

1.4.7 Data Interpretation and Presentation

The case study has both the qualitative and quantitative data. Data on general situation of human rights violations and abuses committed against IWs in CNP and information on IW's rights to land and FPIC are both qualitative and quantitative nature, and individual evidence-based issues of human rights violations and general information about the selected communities are

qualitative in nature. The quantitative data have been manually coded, organized and presented in terms of frequency distribution, percentage and average form.

Likewise, the qualitative data were methodologically narrated by first reading all the original field notes and then identified and listed all conceptualized text categories. The relationship between the text categories were also worked out by coalescing or separating them as appropriate. Verification of the context of the original description, development of generalization and then interpretations, being the processes of considering the events and their causes and consequences and interdependent relationships presented in the textual form in the report.

1.5 Limitation of the Case Study

This case study does not claim that it has completely been successful accomplishing its objectives. However, this case study has been able to represent the-ground-reality of indigenous women's human rights violation in the CNP. Moreover, recall bias (unable to recall exact date of incident, number of victims and raiders, etc.), fear of expressing the facts and emotional feelings during the interviews, lack of scientific accuracy and sampling bias are some limitations of the case study. Moreover, the male members of the selected communities found to take stand against land confiscation, human rights violations and intimidations of the national Park and they are the victims of the national Park's intimidations, which led to increased risks of abuse or neglect for female members of the selected communities is a further limitation to capture indigenous women's human rights violations. Despite these limitations, efforts have optimally been made to meet all other requirements and generate representative individual evidence-based issues of indigenous women's human rights violations for making case more comprehensive.

2.0 NATIONAL Park AND INDIGENOUS PEOPLES' RIGHTS

2.1 Chitwan National Park

Chitwan National Park (CNP) has a long history of protection area dating back to the early 1800s. However, CNP has been designated and legally protected under the National Parks and Wildlife Conservation Act, 1973, including the Chitwan National Park Regulation, 1974 and Buffer Zone Management Regulation, 1996. Nepalese Army is the key protector of the CNP since 1975.

The CNP is the result of the built-up area of Tikauli forest (which was declared as the Mahendra Mriga Batika (Mahendra Deer Park) by the late King Mahendra in 1959) and the southern area of Rapti River (which was demarcated as a rhinoceros sanctuary in 1963). The area was gazette as the country's first national Park in 1973 by recognizing its unique ecosystems of international significance. Moreover, the CNP was enlarged to its present area of 952.63 sq. km, lies between 27°16.56' -27°42.14' latitudes and 83°50.23' -84°46.25' longitudes and altitude ranges from 110m - 850m above sea level. It extends over four districts namely Chitwan, Nawalparasi, Parsa and Makwanpur at the foothills of the Himalaya (the Churia hills).

The UNESCO has declared the CNP as a World Heritage Site in 1984. In 1996, an area of 750 sq.km surrounding the CNP was declared as buffer zone, which consists of both the forests and private cultivated lands). Furthermore, in 1996, an area of 75,000 hectares consisting of forests and private lands surrounding the national Park was declared as a buffer zone, and in 2003, Bis Hazar and associated lakes within the buffer zone were designated as a wetland of international importance under the Ramsar Convention. The Government of Nepal (GoN) has made provision to provide 30-50% of the Park revenue for community development and natural resource management in the buffer zone.

The Park consists of a diversity of ecosystems, including tropical and subtropical forests (which cover 70%), Grasslands (covers 20%), Churia hills (one of the youngest hills in the world and highly erodible and fragile hills which represent ongoing geological processes), Ox-bow lakes (formed in the abandoned channel of a meander by the silting up of its ends after the stream has cut through the land) and the flood plains of the main drainage systems, i.e. Rapti, Reu and Narayani Rivers. The CNP has a particularly rich flora and fauna, and home to more than 50 mammal species, over 525 birds and 55 amphibians and reptiles, including the endangered fauna, such as One-horned Rhinoceros, Gaur, Royal Bengal Tiger, wild Elephant, Four-horned Antelope, Pangolin, Golden monitor Lizard, Python, Bengal florican, Lesser florican, Giant hornbill, Black stork, White stork, etc. The CNP is exceptionally high in fauna diversity- mammals (31%), birds (61%) amphibians and reptiles (34%) and fishes (65%). The CNP is famous for having one of the highest concentrations of birds (over 350 species) in the world and is recognized as one of the worlds' biodiversity hotspots.

The CNP, a trans-boundary national Park, and it also shares its boundary with the Parsa Wildlife Reserve. The CNP is the last surviving example of the natural ecosystems of the Terai subtropical lowland and the Terai river valleys. The spectacular landscape, covered with lush vegetation, home to fauna, including the endangered fauna and the Himalayas as the backdrop make the CNP an exceptional natural beauty of Nepal's lowlands and the most visited tourist destination. Various research articles and this case study reveal that the Park authority has largely failed to protect and promote the rights and cultural diversity of the local peoples.

2.2 National Park and Indigenous Peoples' Rights

Creation of protected areas, such as national Parks, wilderness

areas, nature reserves, etc. is the central idea of the conservation and protection of nature and natural species. However, the idea always rises the conflict between protected areas and indigenous and traditional peoples, removes indigenous and traditional peoples from their traditional lands and violates indigenous and traditional people's rights worldwide. In the context of Nepal, the creation of protected areas is a rowdy rush of land-grabbing and forced evacuation of indigenous people. The creation and expansion of the CNP followed the same and repeatedly to exclude indigenous peoples who lived in and made use of land, water and resources of CNP.

The CNP is also the land of the indigenous communities, such as the Tharu, Bote, Chepang, Kumal, Darai, etc. who have inhabited the area for generations. The property was the major surviving of the indigenous communities who live in and around the national Park. However, the link of Park-local community partnership in biodiversity conservation is missing. The traditional dependency of the indigenous communities on natural resources is strictly controlled by the national Park. The national Park evicted indigenous and traditional peoples from their homelands, denied their rights, and provoked long-term social conflict. Human-wildlife and Park-people conflicts remain an important issue that have been largely ignored by the Park authority and the government.

When the CNP was declared, the indigenous and traditional peoples were forced to remove from their traditional lands and led them into a situation of landlessness and poverty. Nepalese army who is responsible for the protection of the national Park destroyed the villages located in and around the the national Park, burnt down houses, trampled fields using elephants and forced indigenous and traditional to leave. The forced evacuation has repeated during the declaration of Tikauli Jungle as Mahendra

Deer Park in 1959, the demarcation of southern area of Rapti River as a rhinoceros sanctuary in 1963, the establishment of the CNP as the country's first national Park in 1973, the expansion of the CNP in 1977, the declaration of buffer zone (that consists of private cultivated lands) in 1996 and the designation of Bis Hazar and associated lakes as wetland under the Ramsar Convention in 2003. The forced impose and prejudice against indigenous and traditional peoples and their rights have been continuing in the CNP by the Park authority.

The opinions and rights of indigenous and traditional peoples found to be no or little concern to the national Park authority. It has been estimated that, some 75,000 hectares of private and farmlands were expropriated and many indigenous and traditional peoples have been evicted to make way for the national Park. Now they are living on the fringes of the CNP by suffering extreme poverty. Since we were expelled from their lands, they are heading toward extinction.

Since 1975, the World Conservation Union (the paramount body of the IUCN) and World Parks Congress (WPC) made statements implying recognition of the rights of indigenous and traditional peoples and the need to accommodate these rights in the protected areas. The Kinshasa Resolution 1975 recognizes the importance of traditional ways of life and land ownership, and called on governments to maintain and encourage customary ways of living. It also urges the governments to devise means by which indigenous and traditional peoples could bring their lands into conservation areas without relinquishing their ownerships, uses, and tenure rights. The same resolution recalled in 1982 affirms that the rights of traditional societies to self-determination and to participate in decisions affecting the land and natural resources on which they depend.

The World Conservation Congress has adopted seven resolutions

on indigenous peoples, including one that recognizes indigenous peoples' rights to their lands and territories of the protected areas, and also recognizes the indigenous peoples' rights to manage their natural resources in protected areas either on their own or jointly with others. The resolution enshrined in the International Labor Organization's Convention 169 (ILO C No. 169) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). All these instruments and guidelines emphasize the co-management of protected areas, agreements between indigenous peoples and conservation bodies, indigenous participation in protected areas, and recognition of indigenous peoples' rights to sustainable, traditional use of their lands and territories.

However, these standards of conservation are not yet being applied and the endowed rights of indigenous peoples are not yet respected in Nepal. The protected areas continue to be established, managed and administered in violating indigenous peoples' rights and ignoring the standards. Protected areas continue to oblige the forced eviction and denial of indigenous peoples' rights due to:

1. Rooted discrimination attitudes toward indigenous peoples and their ways of life,
2. Lack of implementation of international instruments signed by the government, and
3. Absence of reform of government laws and policies and regarding indigenous peoples.

As the consequences, indigenous peoples have been removing from their homelands and commonly experiencing:

1. Denial of the rights to land, and the loss of property and livelihoods,
2. Denial use of and access to natural resources as they used as the means of livelihoods,
3. Denial of traditional way of living,
4. Disrupted social networks and traditional knowledge of natural

resources management,
5. Deprivation of compensation and human dignity.

The history of indigenous peoples' relations to protected areas can be seen as a form of exclusion and marginalization. Many indigenous peoples have been pushed off their lands, which have been expropriated by the government in the name of the national Park by largely ignoring internationally recognize laws and the endowed rights of the indigenous peoples.

3.0 PRESENTATION OF THE CASE STUDIES

3.1 Indigenous Chepang Community (Case No. 1)

Madi Municipality 7, Devendrapur, Chitwan, Nepal

This case captures the life of the Chepang amidst extreme poverty, an instance of human rights violation as the result of the establishment of Chitwan national Park.

3.1.1 The Chepang

The Chepang is one of the highly marginalized and minority indigenous community live in central and southern parts of Nepal, particularly in Chitawan, Gorkha and Dhading districts. They are also known as the isolated and semi-nomadic indigenous community in Nepal. They have their own language, culture and traditions. The Chepang have largely preserved their unique identity by maintaining their traditional knowledge system and continuing the practice of animism. The total population of Chepang is 68,399 or 0.26% of the total population in Nepal (CBS, 2011). The primary lifestyle of the Chepang includes hunting, foraging for wild roots, fishing and traditional farming near forests (Gurung 1995; Ellis 2000), and they are considered to be the youngest community to initiate agriculture in Nepal (HMG, 1974). According to the recent Nepal Living Standard Survey 2020/2021, almost 90% of the Chepang live below the

poverty line.

3.1.2 The Chepang of Parwai River

The land in today's Chitwan national Park were once traditional home lands of indigenous peoples- the Tharu, Chepang, Bote, Kumal, Darai, etc. where they hunted, fished and gathered. The traditional home lands of the Chepang came to a sudden end when they were forcibly removed by the government for the establishment of Chitwan national Park. The Chitwan national Park denied the rights of the Chepang and provoked their life amidst poverty.

A newly established settlement of 55 small sheds on the bed of Parwai River of Madi Municipality 7, Devendrapur, Chitwan is called squatter settlement of the Chepang. The settlement was established in 2018 while they were forcibly removed from Kusum River by Chitwan national Park. Of the total 160 families of the Chepang and other indigenous groups evicted from Kusum River, a total of 45 Chepang families and 10 other indigenous families temporarily reside on the bed of Parwai River, which is at high risk of floods. Madi municipal authority has provided this space to them for residing, whereas the national Park authority and local residents disagree to provide the bed of Parwai River for the Chepang. Each family holds at least 100 square meters at the minimum to 300 square meters at the maximum of land to shelter.

Indigenous Chepang practice shifting cultivation (locally known as Khoriya, a traditional occupation and cultural identity of the Chepang is an integrated farming system, which is most viable option for steep slopes where the Chepang reside). Unsympathetic policy of the government, including the application of community forestry led Khoriya to an extinct, which elevated poverty among the Chepang. The traditional practice of Khoriya also related to the rights to land, natural resources and minerals, and traditional

economy, consultation and participation in policy formulation, customs and traditions and customary law. When the Chepang (shifting cultivators) were forced to look for alternative option of livelihoods and were not given any choices or opportunities, they started to move from steep slopes to river basins, and the Chepang settlement of Kusum River is one instance.

Several times, the Park authority and local have tried to remove the Chepang from the bed of Parwai River. The Park authority and local want to make the lives of the Chepang as difficult as possible. Lack of electricity, failing to ensure access to drinking water, rejecting applications for building permits, threatening further shelter demolitions, restricting access to use of resources and high risk of intimidation from local have led to violations of human rights of the Chepang of Parwai River.

The establishment and expansion of the national Park have encroached almost all the land that they occupied and demolished houses that they built at Kusum Khola. This has severely impacted their source of livelihoods, dignity of human life and forced them to live in hardship. This has impaired their rights, as indigenous peoples, to freely pursue their economic development, use and enjoy their land, territories and resources, and enjoy their own means of subsistence. Today, the Chepang of Parwai River try to earn a life through low-paid seasonal agricultural and labor works.

The Chepang settlement of Parwai River is one of the representative cases of the victims of Chitwan national Park who were evacuated forcefully without respecting the human rights and the special rights of indigenous peoples. While they were removed from Kusum Khola, all 55 families had to reside Kharkatta for a year and almost half-of-a-year on the bare bed of Parwai River under plastic sheet. Bishnuhari Parja (‘Prajā’ a political term used by

former King Mahendra in his royal visit to Chitwan to the Chepang, meaning ‘people’), a Chepang youth removed from Kusum Khola and residing on the bed of Parwai River said, ‘Parwai River bed is our fourth location. The National Park authority removed us from Kusum Khola inhumanly, house was burnt and smashed. We had no option, except to leave Kusum Khola. We moved from Kusum Khola and resided at Babai Bus Park for a couple of months. That was the Maoist insurgency period, the Park guards (Nepali Army) stationed at the Babai Bus Park provided support to reside at the bus Park. They also provided sacks of rice, and sent us back to Kusum Khola due to the fear of Maoists attack. When peace restored, we removed from Kusum Khola for forever and resided at Kharkatta to the bed of Parwai River (two locations of the bed of Parwai River)’. Ironically, a participant of the group discussion expressed, ‘we Chepang used to be a semi-nomadic (slash-and-burn, a type of shifting cultivation) lifestyle, the national Park made us the same at the present’.

3.1.3 An Instance of Human Rights Violation

A cluster of 55 families on the bed of Parwai River is totally contrast to the houses of local people is called the cluster of Chepang squatters who were driven out by the establishment Chitwan national Park. The national Park denied both universal and certain special rights over the land that the Chepang occupied and the natural resources that the Chepang used to live their traditional livelihoods and way of life. Madi municipal authority has provided this Parwai River bed to the Chepang for residing temporarily. The site is in conflict between the municipal authority and the national Park authority and local and also is at high risk of floods. The Chepang of Parwai River are fighting for life in hardships and injustice.

This incident indicates the growth and expansion of Chitwan national Park havocked the life of Chepang and violated the

fundamental human rights to life (the right of every human being not to be deprived of his life and the right of every human being to have the appropriate means of subsistence and a decent standard of life) and special rights of indigenous peoples. In this way, the government and the Park authority have directly been violating the rights of the Chepang. The access to land to shelter and resources to live remain a dream among the Chepang of Parwai River.

Kanchhi Maya Praja, a woman of 43 years living on the bed of Parwai River said- ‘I lived in poverty as a child, a young and an adult, being a poor Chepang woman, I can say that ‘Chepang women’ is one of the labels of the society to crash the life of Chepang women. Poverty that I face is exhausting and is just like a death sentence. Still, there is no guarantee that I will have land to shelter’.

‘While we were at Kusum Khola, we had a written agreement between the Chepang and the national Park authority to reside there (at Kusum Khola). However, the national Park removed us and made us destitute’, Kanchchimaya Praja shared. She added, ‘our case is just one of many cases of homeless and property less forcefully evicted at the hands of the Park guards and Park authority. It is not just the removal from home, it is the threat to the life of the Chepang’.

A participant of the group discussion said, ‘we are not Nepali citizens anymore. Had we committed a crime by residing on our own land?’ We have been facing forced evictions, arbitrary arrests, illegal detention, torture and unlawful killing on a regular basis just the reason of residing in the vicinity of Chitwan national Park’. The case evidently revealed that the establishment and expansion of Chitwan national Park has resulted in thousands of Chepang, including other indigenous groups being forcibly evicted from their homelands and deprived from the access to

traditional resources for subsistence. The national Park authority forced the Chepang off their homelands and brutally limit their access to traditional foods, medicine and other resources. The national Park has been largely failed to protect the rights and lives of indigenous Chepang.

3.1.4 The Chepang of Parwai River Living Amidst Extreme Poverty

The Chepang, one of Nepal's most deprived, marginalized and poorest of the poor indigenous groups are struggling for foods. The Chepang residing on the bed of Parwai River suffer by starvation year round. They do not have their own land, nor have option of livelihoods. They go to Jungles far from their settlement in search of wild fruits, leaves, tubers and roots, and go to nearby towns, villages and construction sites in search of labor works to feed themselves.

Except the tiny dry grass thatch roof shelter and a limited supply of drinking water, the settlement lacks all other basic facilities, such as trail, electricity, sanitation, health, hygiene, etc. Majority of the Chepang houses do not have toilets.

The Chepang settlement of Parwai River (consists of around 370 population) has been reeling under food shortage. Most of the day they have been surviving on a bowl of cornmeal porridge. They have not been lucky enough to have a meal at lunch and dinner. More surprising, mother of newly born baby, older, children and sick person are found difficult to manage a two square meal. Having a plate of meal is just a dream for them. Filling empty stomach with whatever they could manage is their utmost concern. The food crisis is a common fate and the crisis has gripped the entire Chepang of Parwai River.

Life becomes tougher during dry and winter. Forest turns into a desert to collect fruits and roots. Wild fruits are also not available. They survive on forest products, meager soup and gruel managed through loan from the local until they find wage works in agriculture season. Moreover, winter and rainy seasons are more difficult for them. They are unable to afford warm clothes to safe from chilly winter and safe roof to protect from continue rain. However, the rights to foods, clothes and shelters are just recognized in Universal Declaration of Human Rights, and enshrined in the Constitution. This situation indicates a disrespect to the Universal Declaration of Human Rights and the constitutional safeguards for the fundamental rights.

3.1.5 Chepang of Parwai River Transformed into Conservation-Refugees

Chitwan national Park has been largely failed to respect the human rights and human life in its establishment and expansion. The national Park has deteriorated the livelihoods assets, human dignity and lives of the Chepang. The links between human rights and livelihoods of those who lived in and around the national Park and the national Park is largely missing. Several times of forcibly removals and violations of human rights create ethical question of disagreements and dilemmas between the value of the life of the Chepang and wild animals. Unfortunately, the Chepang of Parwai River do not have stable place to live. The establishment of the national Park has resulted in their dispossession, violation and impoverishment of the Chepang. The government and the national Park authority never investigated and respond the cases of dispossessions, exclusions, impoverishments and violations of the human rights of the Chepang. The national Park uprooted the Chepang from their homelands, and transformed them into conservation-refugees.

3.2 Indigenous Darai Community (Case No. 2)

Bharatpur Metropolitan City 23, Khadgauli, Chitwan, Nepal

This case study represents a litany of human rights abuses of the Darai community in Chitwan national Park, one of the many instances of human rights violations.

3.2.1 The Darai

Darai is one of the marginalized indigenous nationalities of Nepal. Total number of population of the Darai is 16,789 (CBS 2011) in Nepal. The Darai speak their own language called ‘Darai’. Most of them live in Chitwan, Tanahun, Nawalparasi, Gorkha, Palpa and Dhading districts in Nepal. They are economically, socio-culturally and politically deprived and poor. They largely depend on traditional agriculture, whereas boating and fishing are their traditional occupations. They have their own culture, tradition and customary practices of living in harmony with the nature.

3.2.2 The Darai of Khadgauli

The indigenous peoples were primarily hunters and gatherers and often were nomadic. However they made little or no impact on the natural environment. It is believed that Khadgauli is the home land of the Darai of Khadgauli for generations. Abundant natural resources, such as river, forest, fish, fruits, roots and fertile plains pulled them to settle in Khadgauli. Later, the availability of resources reinforced population growth in Khadgauli.

Since Chitwan national Park, (the first national Park in Nepal established in 1973 and granted the status of a World Heritage Site in 1984) the origin or ancestral domains or traditional lands of indigenous peoples has been the subject of controversy, and started the untold history of forced relocation of indigenous peoples in the name of Chitwan national Park. Many Darai people recall today how soldiers forcibly removed them located

in and around the designated boundary of Chitwan national Park. Houses were burned down, fields were trampled by elephants and people were threatened at gun point. All those who lived in and around the designated boundary of Chitwan national Park lost all the properties, means of subsistence and became destitute. The Darai of Khadgauli are still reside in the area in hardships.

About 700 indigenous Darai families residing in Khadgauli village suffer losses of traditional lands and violations of the traditional resource rights due to the establishment of Chitwan national Park. Human-wildlife conflict is one of the most challenging problem for them at present. The adaptation of western approach in managing protected areas- the national Park prohibits the access to and use of the national Park and associated resources. Prohibition in the access to and use of those resources on which they depend on means the violation of the traditional resource rights and rights to food, water, fruits, medicines, fodder, fuels, building materials and forest and aquatic ecosystems based livelihoods of indigenous Darai of Khadgauli village.

3.2.3 A Dead Chital Resulted into an Arbitrary Arrest

On a glomming of sunset in Magh 2077 (January/February 2021), a Chital (Spotted Deer), encumbered through farm land in Khadgauli of Bharatpur Metropolitan City 23, near Ghaila-Ghanti community forestry outside the Chitwan National Park. People say that a stray dog killed the spotted deer that was came out of the national Park. Khadgauli village is witnessing such incidents of animals, such as deer, wild pig straying out of the national Park and becoming victims of stray dog attack.

The dead body of the Chital allured some of the Darai of Khadgauli and they brought the dead Chital into the village to eat the flesh. As a result, a total of seven people, including two women (namely Buddhi Bahadur Darai, Sukmaya Darai, Shanti

Darai, Chandra Kumar Darai, Suk Bahadur Darai, Santa Bahadur Darai and Deepak Darai) of Khadgauli village were arbitrarily arrested by a team of the national Park authority along with the Park guards within an hour. Disappointingly, Chitwan Online media exaggerated the incident as a celebration of ‘Darai fest’.

All the seven members of the villages were taken into custody for a total of 22 days and fined NPR 28000 each. The case is not close yet and they are regularly visiting Kasara, the head office of Chitwan National Park every 15th date of Nepali calendar month for hearing. All the villagers now remain silent about the case out of fear of reprisal. They are totally unknown about their accusation and about the date of hearing. They just have known that they brought the dead Chital into the village to eat the flesh, and this is the fact.

3.2.4 Human-Wildlife Conflict is the Most Challenging Problem

Human wildlife conflict results in negative impacts on the social, economic or cultural life of the Darai and on the conservation of wildlife. It is a severe issue resulting in crop damage, livestock depredation, property damage, human injuries and loss of human lives. Indigenous Darai of Chitwan national Park face many threats and challenges and are living in fear of viciousness of wildlife of Chitwan national Park.

As the Darai community said ‘the conflict is an increasing trend and has become one of the most challenging problems for the Darai community of Khadgauli. It has negative impacts on their economic, social and cultural life’. They added that ‘the wild animals of the national Park enter into the cultivated lands and damage the crops, depredate livestock, damage shelter and property, attack and kill people. The severe result is the loss of human lives which cannot be compensated’.

3.2.5 A Wild Beast Killed a Darai Woman

‘Samjhana Darai, a woman of 32 years dead in a rhino attack couple of months ago. The wild beast came and attacked Samjhana while cutting grass in Ghaila-Ghanti community forestry. Three friends who were company with her unable to save her life. Shamjhana who worked as peon in a school of the same village lost her life without reason’, shared the villagers. Family of Shamjhana still waiting for compensation money.

The same incident happened on Kali Bahadur Darai in the past. Kali Bahadur sustained serious injury with lifelong disabilities from rhino attack and he lost all his money and property for the treatment. Besides, three more Darais who have also fallen victims to wild animal attacks. In those cases, the victims are deprived of compensations.

3.2.6 Elephants Destroyed Home

‘In April 2018, the wild elephant destroyed a house and ate up food grains stored inside of Jamuna Darai, a mother of two daughters. Meanwhile, a team of Park guards chased the wild elephant to forest of the national Park. She has received NPR 10000 as compensation money from the national Park authority. ‘The wild elephant destroyed her house for the second time too, but she has been deprived of compensation for second time’, Jamuna said.

When Jamuna faced the second incident, she decided to leave the house due to the fear of repetition of wild elephant attack. Now she is homeless and living with her relative in the same Khadgauli village. Elephants are frequenting in the area. They complain the Park authority but the authority has not taken any initiatives to control the wild animals of the national Park. ‘The wild animals enter into our area all the time and damage the crops and properties, depredate livestock and attack people’, said the Darai of Khadgauli.

3.2.7 Wild Animals Raid Crops and Vegetables

Indigenous Darai, particularly the women members of the Darai community have to contend with another threat of raiding crops and vegetables by the wild animals of the national Park. ‘We grow crops and vegetables on our small piece of lands and wild animals of the national Park eat and destroy all, leaving nothing for us. We are unable to grow farm’s yields to feed our families’, shared a Darai women, a participant of the discussion.

Increasing incursions by wild animals of the national Park, mostly wild boars, spotted deer, peacocks from the national Park have increased over the last decade. Since the wild animal raids crops and vegetables, some of Darai families forced to shift into new crops and they have started banana cultivation. They have limited and scattered plots of farmland suffering from wild animals. The Darai of Khadgauli are guarding their fields against wild animal turn-by-turn. ‘It is extremely difficult to save farm’s yields. This has impacted our livelihoods, household foods and nutrition’, Deepa Darai added.

Unsurprisingly, the situation of the wild animal raiding crops and vegetables is worsening day-by-day and becoming a major problem in the Darai community, and the community is awaiting for reasonable relief from the national Park authority.

3.3 Indigenous Kumal Community (Case No. 3)

Bharatpur Metropolitan City 28, YogiTole, Chitwan, Nepal

Chitwan national Park is a contesting issue because the national Park pays evictions, hardships and poverty for the Kumal of YogiTole.

3.3.1 The Kumal

The Kumal is one of disadvantaged and marginalized indigenous

groups in Nepal. The traditional occupation of Kumals is making clay pots (pottery). Their traditional profession is endangered due to competition from cheaper and more durable industrial pots. At present, the Kumal largely depend on subsistence agriculture and animal husbandry. The total population of Kumal is 121,000 (CBS 2011) in Nepal. They are residing in various parts of Nepal. However, their population is concentrated in Eastern, Mid and Western parts of Nepal. They have their own language, tradition, cultural practices and lifestyle.

3.3.2 The Kumal of YogiTole

YogiTole of Bharatpur Metropolitan City 28, Chitwan is largely known as Kumal village. The village is home to approximately 700 Kumal families. The Kumal museum in YogiTole is the main attraction of tourists. The tourism plays an important role in the livelihoods of the Kumal of YogiTole. However, consistent intimidations and restriction of tourism activities (a newly adopted means of livelihoods of the Kumal of YogiTole) by Chitwan national Park made the life of Kumal havoc.

It is said that every household of Kumal of YogiTole has a story to tell about how they have been deprived by the national Park. In the past, the Kumal of YogiTole had lived in and depended on the resources of today's Chitwan national Park. Traditionally, the Kumal of YogiTole used to fishing and boating as their major mainstay and the source of livelihoods. Due to the strict restriction and misuse of licensing of fishing and boating, the Kumal of YogiTole have rooted off from their traditional occupation and the way of living.

3.3.3 Restricted Livelihoods Options of the Kumal

Chitwan national Park denies the special rights of the Kumal to the traditional lands they occupied and the natural resources they used to sustain their livelihoods. Due to the restriction to fishing and boating,

the Kumal of YogiTole have shifted their traditional occupations into a subsistence agriculture. The consistent intimidations and the restriction of traditional occupations by the national Park, and crops raiding by wild animals and impoverishing injustice of compensation compelled them to a new option of livelihoods. As a result, the Kumal of YogiTole involved into tourism activities and accommodations, such as homestay, boating and petty shops as a new source of livelihoods. However, these newly adopted livelihoods activities are being impeded by the national Park.

Jaya Mangal Kumal, local Kumal leader shared, ‘the national Park authority has issued boating and fishing licenses to the big hotels and restaurants in and outside of the national Park. They are free to catch fish, operate boat and other tourist activities. But the national Park authority restricts the Kumal for fishing and boating, whereas the fishing and boating are the traditional occupations and the primary sources of the Kumal’.

Meera Kumal said, ‘while we are restricted to fishing and boating, and deprived of compensation of damaged crops, we started petty shops under the umbrella and operated homestays at our own. The national Park authority is totally against our petty business related to the tourism and yet again, the national Park authority committed to impede our petty businesses. Intentionally, the national Park authority wants to make the lives of the Kumals as difficult as possible and wants to remove us from YogiTole to secure the national Park and the wildlife’.

3.3.4 Rights to Life of Kumal Women Violated

The Kumal of YogiTole experienced various forms of human rights violations. Physical assaults, harassments, arbitrary arrests, detentions, abuses, blaming as poachers by the national Park are common. If someone is suspected, the national Park authority take him or her in detention immediately and take instant action

of cruelty. There is almost nil chance of clarification and ascertain of not guilty.

Kumal women are submissive, voiceless, vulnerable and powerless by nature and due to the long history of deprivation. Silence and powerlessness go hand-in-hand. The national Park guards often take this situation as an advantage to deprive them. It is said that most of Kumal women of YogiTole are being victims of human rights violations in their lifetimes. The violence could be of misbehavior, assaults, harassments, arbitrary arrests, or criminal ones. Verbal abuses, harassments, forced to put-off clothes, attempt to rape are common to them in the past. It is also shared that a sizeable number of Kumal women have exploited sexually in the past. The Park guards married Kumal women and girls for sexual exploitation or exploited sexually with promises of marriage. The result, mother owns fatherless children (they named Gana bahadur, meaning son of army barrack and Gana Kumari, meaning daughter of army barrack) in the community.

At present, the trend of human rights violations by the national Park guards are declining. The study team asked the reason behind the declined cases of human rights violation compare to the past. They respond that Kumal community and Kumal women of YogiTole are comparatively a bit aware of their rights and attempt to raise voices against the violations. Shanti Maya Kumal said, 'it is also the reason of declining the cases of human rights violations in YogiTole that we do not want to go to Park areas and make presence in front of the national Park guards due to the fear of misbehavior and forceful conducts of the national Park guards'.

3.3.5 Inordinate delay of Compensation Deprived the Life of Kumal

Compensation is a serious concern at the inordinate delay of fair compensation to the Kumal of YogiTole that amounts

to deprivation of livelihoods and violates of the right to life. There is a legal obligation on the part of the authorities to complete the proceedings at the earliest and to make payment of requisite compensation. 'Due to excessive delay and lack of fair compensation, victims are unable to purchase any food grains or land or other property', said a Kumal woman of 32 years old reside at Sishabas momentarily.

It is not permissible for any state and state authority to uproot a person or community and deprive him/her or them of fundamental/constitutional/human rights in the name of any development. A state governed by the rule of law cannot arrogate to itself. There is a legal obligation of a state or government to protect its people. A majority of the participants of the group discussion said, 'Narayani River (one of the main water sources and the property of the national Park) cuts the banks first and shifted sideways every year.

There was not any initiative taken to control of risks of the river cut by the national Park. There is an ill intention of the national Park to extend the national Park areas by uprooting the Kamal of YogiTole', said Jaya Mangal Kumal. As the result, Nayarani River has completely converted the private cultivated lands of nearby 300 households of Kumals into a river bed, and the national Park has been claiming that river bed as the vital part of the national Park. This has created a serious problem of those who lost the lands by the river cuts. 'We are paying land tax of the lands that converted into a river bed as an evidence to claim either our lands or compensations. However, we all are strictly barred to use these lands and associated resources', added by a Kumal woman, a participant of the group discussion.

The non-fulfilment of the national Park's obligations at the behest of the state authority means forcing to uproot the Kumal of YogiTole to become indulge in anti-conservation activities,

which is not permissible. In the instant case, ‘we Kumal victims fall back upon for earning our livelihoods and depriving of our immovable properties - are a clear violation of human rights. We have been deprived of our genuine civil liberties for about two decades. We fail to understand for which class of citizens the Constitution provides guarantees of human rights in this regard? Who are the citizens of this country to whom constitutional benefits are accorded in accordance with the law?’, a victim participant questioned to the research team. A participant added that ‘some local elites were received the benefits of compensation and the Kumal of Yogitole are denied.

3.3.6 Violent Physical Act to a Kumal Man

An innocent Kumal boy (now, he is an adult and running a small grocery at YogiTole) of YogiTole had beaten brutally. It was the day of Teej (a monsoon festival, observed by married women who worship Lord Shiva and Goddess Parvati. Women fast on this festival for the well-being and long life of their husbands), women of YogiTole were performing dance at Parsa Bazar (a nearby local market place). The boy heard about a tension between the Kumal and the national Park guards at Parsa Bazar while returning from school and he headed to Parsa Bazar. ‘I saw a group of the national Park guards in civil dress were harassing Kumal women in public market place. Upon my arrival they suddenly jumped and beaten me. A total of five people, including me and the immediate chairperson (elected chair of the ward- a smallest unit of Local government) were victimized in the incident. We were taken in custody for a night. The Park guards drown us into cold water at the night of winter and beaten brutally whole night. One of us had beaten to bleed from mouth. That was a non-forgettable painful custody. After the incident we all are silent and voiceless’, the man shared.

3.4 The Bote Community (Case No. 4)

Kawasoti Municipality 15, BaghKhor, Nawalparasi

It is true that Chitwan national Park is threatening indigenous way of life, denying indigenous people's rights and provoking a conflict.

3.4.1 The Bote

The Bote, the river people who largely depend on fishing, boating, collecting particles of gold from the river are living along the East Rapti and Narayani rivers of Chitwan National Park. The Bote particularly reside in Chitwan, Nawalparasi, Gorkha, Tanahu and Lamjung districts. The Bote are least known indigenous peoples in Nepal. They have their own language, culture and traditions. Total population of the Bote is 2830 (CBS 2011).

The Bote at the bottom of the socio-economic ladder is one of the highly marginalized indigenous groups in Nepal. It is said that the Bote were known for laying bot means tree or branches across rivers to build bridge to allow people to cross, and later they are called Bote. Another saying is that the Bote did not own land or houses. They make shelter under trees around the river, and they came to known as Bote.

3.4.2 The Bote of BaghKhor

A group of the thatched mud huts of the Bote at the edge of the Chitwan National Park is known as BoteTole of BaghKhor. Of the total 72 households of Bote at BaghKhor moved to subsistence agriculture while traditional fishing and boating of the Bote were restricted after the Chitwan National Park. The national Park encroached the habitation, restricted traditional fishing and discouraged traditional boating of the Bote of BaghKhor. 'An unaffordable fee to get license and for annual renew discouraged our boating tradition rooted in our customs,

practices and subsistence economies, a deprivation of living', Gyan Bahadur Bote, a Bote leader shared.

The BoteTole literally lies by the river and on the edge of jungle, and the edge of the rapidly urbanizing towns of East-Weat highway. Modernization has been pushed them to adapt to a monetized, mostly tourism dependent economy of the Chitwan valley. The national Park with endangered wild animals and the Rapti and Narayani Rivers keep them at the risk. The main livelihoods of the Bote of BaghKhor is fishing, boating, subsistence agriculture and tourism activities. Since the national Park was established, fishing, boating and collecting foods and other materials have been regulated with strict guidelines. Still, 20 households Bote of BaghKhor depend on fishing, the main source of their livelihoods. Currently, the Bote of BaghKhor have been seeking labor works in villages and nearby cities and in neighbor India to earn life. Very few of them have involved in tourism activities, such as small but typical food shops, homestay, etc.

3.4.3 Traditional Occupation of the Bote is Limited to the Cost of Conservation

Chitwan National Park has limited traditional occupations and a source of livelihoods of Bote in Chitwan. These traditional occupations are tailored to and based on local environment and ecology and have developed through generations based on their knowledge-based practice systems. Fishing and boating are directly connected to the culture, tradition and cultural identity of The Bote.

Since the establishment of Chitwan national Park, fishing and boating are restricted, and the access to traditional land and resource is denied which negatively impacted livelihoods of the Bote. Moreover, restriction to the access to traditional lands

and resource, lack of enabling environment and supports and imperative conservation laws and policies have been eroding traditional occupations and discouraging traditional way of life of Bote.

Restriction of traditional lands, resources and occupations caused by Chitwan national Park have increasingly questioned. Indigenous Bote of BaghKhor, Nawalparasi argue that the restriction is just a myth in conservation. It ignores the close relationships between the Bote, their land and resources and livelihoods. The case study of the Bote community of BaghKhor, Nawalparasi shows that the Bote continue to recall their old days as 'full of life'. From their point of view, the restriction of fishing and boating is a threat to their livelihoods and violent disruption of their way of life, because these traditional occupations provided important basis to live a life of Bote.

3.4.4 Conservation Laws and Regulations Prevent Traditional Occupations

Restriction of traditional occupations continue displacing the Bote from their traditional lands, and eroding culture and ways of living. The government and the national Park have a false reputation of being preventive, in particular to the traditional occupations, because the conservation laws and policies prevent such traditional occupations in the name of conservation. The Bote of BaghKhor stated conflicts with the national Park authority relating to their own traditional lands and traditional occupations. The Bote complaint the Park authority how did they declared protected area in the Bote's traditional areas without our involvement or consent. At present, they are facing a lack of access to their traditional lands and resources, lack of performing traditional occupation and a lack of tenure security. Gyan B Bote, a leader of the Bote community said, 'lands and water are the basis for our traditional occupations, yet the national Park authority fail

to secure rights to perform traditional occupation which has been practiced by the Bote of BaghKhor’.

Prohibition of traditional practices is common in connection to the protected areas of Nepal. With regards to traditional fishing and boating, both individual or entity of the traditional fishing community and other than the traditional fishing community must apply for the fishing and boating with certain criteria for a quota of fishing and boating, which means competing with industrial or recreational fishing and boating rather promoting traditional occupations and also have an interest in this site – this usually involves a lot of money. If the indigenous community manages to do this, the authority get allocated the fishing and boating area in a renewable basis. Otherwise, fishing for personal consumption and boating for personal recreation is also restricted by the law.

3.4.5 Falsely Accused of a Crime

Dilip Kumar Bote and Ramesh Bote of 26 years, daily wage workers are live in BaghKhor, the buffer zone area of Chitwan National Park. Dilip has a wife and a daughter of 6 years and Ramesh has a wife and two daughters of 8 years and two months (whereas wife of Ramesh was pregnant at the time of the incident). Dilip and Ramesh who possess fishing license often collects fish from Narayani River to feed their families. In May 2021, the period of localized lockdown measure, they were fishing in Narayani River by using traditional handy fishing nets near the village. Suddenly the Park guards came and arrested them. They were brought to Kasara, the headquarters of the national Park. Both were taken to the custody for 19 days. They are released from the custody with a bail of NPR 20000 each and written promise to appear in Kasara (the head office of Chitwan national Park), and the case is ongoing. Both are accused of illegal fishing and intention of killing crocodile. They are stay-up-to-date and visiting Kasara every 15th date of Nepali calendar month to find

out the decision. The case is not yet decided and will go until the decisions of the Park authority. Both are very anxious of turning the case to the court and to the jail.

3.4.6 A tragedy as Bote Fisherwoman Drown in Narayani River

A Bote woman shares her opinion on the gender dimensions to traditional occupations painfully. She said- ‘since the fishing and boating are restricted by the national Park, our men increasingly abandon fishing and boating because they cannot make a regular income and possess the necessary things. Bote women are engaging in taking care of children and working at home. However, lack of income and shortage of things at home led us to company with husbands and family members to go fishing and in and outside the national Park during the license period. We suffer the most from both the national Park having a least exposure and experience of swimming to save life. And sometimes we faced tragedy of drown in river’.

A 49-year old fisherwoman, Mina Kumari Bote of BaghKhor village allegedly drowned at ProjectGhat Tapu of Narayani October 2021. Aitaram Bote, a fisherman of BaghKhor said, ‘Mina Kumari drown out fishing with her husband while she was searching for fish, the deceased made a fatal misstep that led to her falling into water current and swept away. Her husband and his neighbors managed to fish out the dead body of Mina Kumari’. He added, ‘fishing during the rainy or flooded season are usually risky and those who do not have swimming skills should stay away from fishing. Even though this is the first incident of this year, there is still a growing concern over fisherwoman during the rainy or flooded season which often leads to death’.

The Bote have the inherent rights to practice and continues their tradition- fishing and boating as their livelihoods subsistence.

However, the national Park authority allows fishing to the Bote and other whose traditional livelihood depends upon fishing with strict conditions, such as fishing only by the fishing license holder, fishing by using fishhook and traditional fishing net and fishing in the designated seasons and spaces are major ones. However, there is a serious issue of depriving the Bote and other communities whose traditional livelihoods depends on fishing and boating. The Park authority has been issuing fishing and boating license to other, particularly the big hotels and restaurants established in and outside the national Park that have discouraged and displaced traditional fishing and boating communities. Moreover, getting and renewing the license is a complicated process and can be confiscated with whatever the reason.

3.4.7 Arbitrary Arrest and Harassment

It was just a day before Saune Sankranti (Saune Sankranti, known as the beginning of fourth month Shrawan of Nepali calendar, the month of 'Lord Shiva', in which the Sun migrates from one zodiac to the next. The day is the beginning of a cleansing month, the day to throw skin diseases and the gateway of festive seasons of Hindus) of 2078, Aita Ram Bote, 70-year old of BaghKhor and his friends, namely Kumbha Narayan Bote, Bir Bhadur Bote, Ran Bahadur Bote, Hira Bote, and Nar Bahadur Bote, a team of six Bote people went to catch fish at GolaGhat of Rapti Dovan. Aita Ram said, 'we had just a plan to catch fish at GolaGhat to celebrate Saune Sankranti. As per the plan, we arrived at GolaGhat and started fishing by using traditional boats and traditional fishing nets. While we were fishing, a troop of national Park guards came and arrested us. All of us were brought to Kasara (the head office of Chitwan national Park) and faced the case of firing the woods in the national Park forest'. He added, 'we had no idea who collected woods and fired near our fishing spot. We were there to just for fishing, and did not notice the woods fired where we were fishing'.

He added, ‘we all have fishing licenses and permitted fishing tools, and we all belong to the traditional fishing community. However, the Park guards accused of firing in the national Park because of were validly fishing. That was just an intentional aggravation. We spent a total of five days in detention. During the detention, we are exploited to do cleaning work such as cleaning the office and office yards, cutting grass, etc. With the help of Deputy Mayor of the respecting Kawasoti Municipality, we were released with the fine of NRS 3400 per person and we accepted the fire, whereas that was not our fault and the accusation of fire was totally false’.

National Park authority recognizes the fishing and boating are traditional occupations of the Bote and provides license to the Bote. However, the Bote are facing various forms of problems, such as abuses, harassments, arbitrary arrests in performing their traditional occupations due to inadequate and lack of proper implementation of conservation laws and policies, and being indigenous peoples.

3.5 Indigenous Bote Community (Case No. 5)

Devchuli Municipality 1, Keureni, Chitwan, Nepal

This case captures a struggle of subsistence Bote farmers of Keureni against the situations of food deficit due to crop-raiding by wild animals of Chitwan National Park.

3.5.1 The Bote of Keureni

Keureni is well-connected with the East-West highway and neighboring villages and towns. This village has about 60 families of Bote, which comprises of about one third of the total village population. Their houses, some of them are made of brick with cement plastering and the majority are smaller houses of mud and straw. Farming is the main production activity of the Bote of Keureni. About 80 per cent of them depend on subsistence

agriculture on small farm lands for their livelihoods. They are small farmers or agriculture laborers. Daily wage laborer and shop-keeping are the other activities of livelihoods of the Bote in Keureni.

The ongoing agrarian distress and crisis is the question for the future livelihoods of the Bote of Keureni. It is said that the agriculture yields contributes 3-12 months foods for Bote families of Keureni. Majority of them have foods for six months from their own farmlands yields. They are already reeling under the impacts of climate change and growing outmigration. They have to contend with the threat of wild animals which raid crops on the other. Wild animals raiding crops and vegetables is serious issues of the Bote of Keureni.

3.5.2 Bote of Keureni Struggling Crop Raiding by Wild Animals

Crop raiding has been a serious issue of Bote of Keureni. It has a serious negative impact on economies, livelihoods and food security of the Bote of Keureni, where they depend on a single cropping season. They said that the crops raiding are highest in mature and harvesting stages of crops and also cultivated fields closer to the village or the national Park forest incurred higher damage. The impacts of crop-raiding on food security, and impacts of food security on calories, particularly in the case of the Bote of Keureni who are subsistence farmers are obvious. The food security of the Bote is threatened by crop-raiding. Crop raiding has become so extreme that almost all Bote of Keureni have started not cultivate cereal crops and potato farming and forced to leave their lands fallow.

‘I grew Maize on about a-half- acre of my cultivable land. A group of Boars from the national Park came and destroyed all. I have prepared all the necessary documents and visited to Kasara

(the head office of Chitwan national Park) for the compensation. The national Park has not accepted my claim. The national Park authority said that there is no provision of compensation for the crop raiding by boar’, ’said 43 years old Durga Devi Thanet.

‘We have been unable to grow much because wild animals from the national Park destroy everything, leaving nothing for us’, added Man Maya Bote of Keureni. Man Maya works at her own farm-land to help her family produce cereal crops and vegetables, the primary source of livelihoods. ‘Wild animals from the national have hampered agricultural productivity so much that her farm’s yield can feed her family for barely three to four months a year’, shared Man Maya.

The Bote of Keureni said that guarding wild animals for protecting our crops or decreasing crop raiding is almost impossible. Cheetal (Spotty bear), Sambar (Large beer- *Rusa unicolor*), Nilgai (*Boselaphus tragocamelus*) and Boar are reported to cause the most damage at Keureni. Consistent and increasing crops raiding and deprivation of compensation have been forced to buy cereal staples from the market instead of food grains from our own land.

‘However, we routinely guarding our cultivated areas against wild animals. If wild animals found in the cultivated areas, we can only be driven away, not hurt or killed. The wild animals have a free to run in the cultivated areas. It is extremely difficult to ward off the wild animals’, shared Kul Bahadur Bote.

3.5.3 Violence of the Right to Pursue Well-Being and Traditional Occupation

The lives of indigenous Bote dependent on natural resources have been affected by Chitwan national Park. They have never been at the center of the conservation discourse, but have severely affected by the conservation. Restrictions on engaging in and the lack of recognition of traditional occupations have been marginalized

them. Boating, the traditional occupation of the Bote is unjustly disregarded as being outdated, unproductive and prohibited by the conservation law. Moreover, unnecessary conditions and aggravations of the national Park authority further deteriorated the boating tradition of the Bote.

In the framework of the Convention on Biological Diversity, the practice of traditional occupations is one of the agreed indicators to measure progress towards the 2020 Biodiversity Targets. However, traditional occupations are discriminated that severely affected indigenous peoples.

Boating, the traditional occupation is directly related to daily livelihoods of the Bote. The Bote, residing in the vicinity of Chitwan National Park are historically and culturally dependent on forest and river resources for a living. Their acquaintance with the diversity of forest and riverine ecology reflects their indigenous wisdom and ecological knowledge. The elders of the Bote idealize their past as free and uninhibited by state imposed restrictions. They used to reside in the forest in the vicinity of rivers, and depended on both for a living. ‘We Bote have been deprived while the Ghat (the boating point) were brought under the property of Chitwan national Park and restricted for boating’, said Babu Ram Majhi. ‘Slowly, the national Park controlled over natural resources and displaced us from our traditional occupations and sources of livelihoods’, he added.

Severe restrictions imposed by the national Park authority posed problems for traditional occupations. Incidents of human rights violation has not decreased in Keureni. The trend of confiscation and smash of boats and battering of Botes is continuing. ‘The national Park authority favored wild animals and restricted our access to forests, fishing and boating. Transporting passengers across the river by boat was banned. It creates a serious livelihoods

crisis on the lives of the Bote', shared Kul Bahadur Bote. An amendment made in the National Park and Wildlife Conservation Act 1973 permitted fishing and boating, upon payment of annual fee. The annual fee is unaffordable for the Bote. This was a turning point to abandon the fishing and boating traditions.

4.0 CONCLUDING REMARKS

4.1 Concluding Remarks

Many protected areas of Nepal have been created on the traditional lands of indigenous peoples that have historically been the source of subsistence for them. In most cases, these areas were created with forceful evictions of them.

Now, the opinion of the conservationists is that indigenous peoples have their natural allies in the protected areas and the protected areas are the sources of livelihoods for them. This opinion considers that indigenous peoples having strong ties to the land and other natural resources can make the best conservation allies. They are aware of the relationship of dependence between their way of life and conservation of the services their ecosystems provide (Cicchón, 2007).

Over the decades, international conservation organizations have defined specific institutional policies to guide the actions regarding indigenous communities. The World Conservation Union (IUCN) and the World Wildlife Fund (WWF) have adopted the Principles and Guidelines on Indigenous/Traditional Peoples and Protected Areas in 1999. These principles and guidelines have incorporated customary resource use and indigenous land tenure, as well as control systems, as a means of enhancing biodiversity conservation. These principles and guidelines also value knowledge and practices of indigenous and other traditional peoples in the management of protected areas as a means of

enhancing biodiversity conservation.

Moreover, International Labor Organization (Conventions 107 and 169) have clearly recognized that indigenous peoples have the rights to i) the communal ownership of their ancestral lands, and ii) the management of the natural resources on their territories. They may not be removed from their lands except under very exceptional circumstances, in which case they should be compensated with land for land lost. More recent developments are moving to recognize even further rights, i.e. right to self-determination, ownership and control of their territories and of their traditional knowledge systems.

However, the adaptation of western model in managing protected areas has largely undermined livelihoods of indigenous and traditional peoples in Nepal. Imposed western model of wilderness preservation has led to forced relocation, impoverishment, human rights violations and a breakdown of traditional way of living and resource management. Human rights of indigenous and traditional peoples have been persistently overlooked and violated by the government and implemented conservation programs. Indigenous peoples' land rights are routinely ignored or denied. Forced eviction has been widespread and continues, causing severe hardship, social dislocation and cultural disruption (Colchester, 1994). Indigenous and traditional peoples are either the victims or refugees of the conservation.

4.2 The Way Forward

The government and national Park authority should bring changes or readjustment in existing conservation laws and related instruments to acknowledge indigenous rights. The national Park should began integration of the human dimension in conservation and Park management. This is essential to involve local people who live in and around the national Park, and the rights of indigenous and other traditional peoples and gender should consider as the

critical livelihoods and socio-cultural variables in the process to contribute the Seventh Meeting of the Conference of the Parties (CoP7) of the Convention on Biological Diversity (CBD) and its objective (2.2): enhancing and securing involvement of indigenous and local communities and relevant stakeholders in protected areas management, and help address critical issues in the Platform for Action adopted at the Fourth World Conference on Women in Beijing, 1995.

Government and the Park authority should ensure justice along with justifiable compensation to affected people and families of the national Park. Indigenous and other traditional peoples and gender should be considered as the means for protected area conservation, and the government and the Park authority should ensure that indigenous and other traditional peoples and women's traditional rights over resource use in protected areas. The traditional rights should not diminished with the establishment and expansion of the protected areas and with any other development activities.

Government should bring indigenous and local communities as the partners for conservation to sustain protected areas and mindful in protection and promotion of the rights of indigenous peoples. Government should change stereotype protected area management model and should believe that indigenous and other traditional peoples and women are equally capable of managing protected area together with state authorities by increasing livelihoods opportunities and continuing traditionally carried out activities in which they have a particular interests and have evidences of viability.

PART - II
CASE STUDY
**INDIGENOUS NEWA WOMEN'S HUMAN RIGHTS
VIOLATION**
Valley Road Expansion Project, Kathmandu and Lalitpur

1.0 Introduction and Methodology

1.1 Introduction

Kathmandu, the capital city of Nepal, is a diversified, historical, and archaeological metropolis with a mix of modern influences and preserved ancient culture and tradition. The valley is the traditional land of Newa Indigenous people that includes three big cities Yen, Yela, Khopa (Kathmandu, Lalitpur and Bhaktapur) with 2,517,023 (26.92% Newa) population. Until the conquest of the valley by the Gorkha Kingdom in 1769, all the people who had inhabited the valley at any point of time were either Newa or progenitors of Newa. So, the history of Newa correlates to the history of the Kathmandu Valley prior to the establishment of the modern state of Nepal. Newa community within it consists of various strands of ethnic, racial, caste and religious heterogeneity, as Newa people of today are descendants of the diverse group of people that have lived in Nepal since prehistoric times. The valley is the country's critical business and commercial centre through the efforts of Newa merchant families since the ancient period.

Following the establishment of democracy in Nepal in 2046 B.S., a fast surge in internal migration from neighboring districts to Kathmandu occurred, and many ethnicities co-existed in the valley alongside Newa peoples. Rapid urbanization resulted from the increase in people, requiring additional infrastructural development in the valley, such as roads and transit.

Road access is the backbone of infrastructural development that drives the economy of a country, however unlawful road expansion projects in Kathmandu have turned out to be a destruction and displacement plot for the inhabitants of the Kathmandu Valley.

1.2 Background of the Case Study

Majority of the people affected by the road expansion project are Indigenous Newa Peoples. The Newa are officially recognized as an Indigenous nationality in Nepal (National Foundation for the Development of Indigenous Nationalities Act 2002). Indigenous Newa women are primary custodians and guarantors of Indigenous Newa culture. Ancestral lands are inextricably linked to Indigenous women's existence and culture. The road expansion projects have evicted Indigenous Newa women from their lands and homes forcibly and they are physically, mentally, culturally, and spiritually distressed. The projects had provoked a valley-wide backlash and the Newa community including Newa women carried out peace protests in various places of Kathmandu valley.

1.3 The Road Expansion Project

In 2011-2012, the government of Nepal in coordination with the Kathmandu Valley Development Authority, The Ministry of Physical Infrastructure and Transport, The Roads Department, and the Ministry of Urban Development announced the launch of road expansion project for the valley. The government of Nepal initiated massive road expansion with a distance of 996 km in Kathmandu valley, of which above 300 km road had already been expanded through house demolition and land encroachment. Around 15,000 houses were demolished in the process and around 15000 more houses are on the verge of destruction amidst the project. Given the average household occupancy rate of 4.1 people per household in urban areas (according to the 2014-15 Annual Household Survey), this suggests the total number be affected maybe around 123,000. There is no information provided or published in any source to the public as to when, where, and to what distance the remaining road expansion plan will be operated.

Road expansion projects are also set to operate on banks of

Bagmati and Bishnumati River; 20 meters on both sides. Balkhu River with a length of 985 meters is also on the grip with plans to widen by 10 meters on both sides in width.

The road expansion projects are based on the published Nepal gazette of 2034 Panchayat system, Construction related criteria 2064, GLD road decision, and information published in Gorkhapatra daily newspaper.

The project has raised compensation issues as the compensation provided to the victims is the bare minimum and merely sufficient to demolish their own houses. The projects were initiated without FPIC, compensation, and consultation with the local people of project areas in the valley. Various protests were carried out by the affected communities against the projects that threatened their existence, identity and violated basic human rights. People perceived the projects as land encroachment, displacement, and demolishment designs rather than a development plan.

Numbers of public interest litigations have been filed in the Supreme Court demanding the fundamental rights to property, culture, heritage, consultation, housing, participation including compensation.

1.4 The Project Affected Areas

The areas mostly affected by road expansion projects are generally the oldest parts of Kathmandu Valley (including central urban areas, major Newa towns and long established roads connecting these areas) where Newa communities have been living for many generations and where they continue to be resident in high population. 90% affected people in Tokha and Kalimati are Newa along with 98% people in Balaju and 100% in Harissidhi. The following areas where house are demolished and/or affected during the rod expansion by the project in Kathmandu as:

SN	Name of the affected areas	Length of road expansion (Km)
1	Chabahil- Bouddha	2.7
2	Sinamangal-Dilibazar-Bagbazar-RatnaPark	4.4
3	CharkhalChowk- Gyanehwor- Maharajgunj	3.6
4	Lazimpat- Maharajgunj	2.2
5	Maitighar Mandala- Tinkune	3.6
6	Suryabinayak-Banepa	11.9
7	Lagankhel- Satdobato	1.8
8	Kamalpokhari (krishna bread)- Gyaneshwor- Ratopul- Gaushala	2.5
9	Balaju - Baisdhara	2

Simply take an example of Balaju bypass while expanding 2 km roads that demolished 42 homes of Newa IPs in means 42 IPs lost their households, livelihoods leaving them vulnerable ever; what could be numbered of rests?

There are several other inner roads in Kathmandu Valley that are demolished by the projects along with the above listings.

Similarly, there are marked for demolishment and are currently refrained by an interim order of Supreme Court are:

SN	Areas	Length (km)
1	Samakhusi-Tokha- Jhor	11
2	Galkhopakha-GongabuChowk	3
3	Teku- Soalteemode	2.3
4	Kalanki- Nagdhunga	9
5	Jorpati- Sundarijal	19.6
6	Chabahil- Sankhu	13
7	Chobhar- Dakshinkali	13.7
8	Lagankhel- Satdobato	1.5

9	Satdobato- Harisiddhi-Godawari	8.7
10	Sitapaila- Ramkot- Bhimdhunga	4.5
11	KoteshworPepsicola- SallaghariT- inkuneBhaktapur	10

1.5 Principal Methodology

The case study uses both primary and secondary data of qualitative and quantitative nature. Primary sources of data include field work in sample areas of Kathmandu valley through focus group discussions (FGDs), interviews and observation. Secondary sources include published books, reports, articles and unpublished reports. A total of five sites were selected for the case study namely, Samakhusi-Tokha, Balaju bypass, Thankot, Kalanki and Harisiddhi. Structured questionnaire were employed to collect information.

Qualitative survey data was processed using Excel. Qualitative data was processed manually and through discussions by all research team members.

2.0 General of the Project on Livelihoods of Indigenous Newa Women

Indigenous women are deeply rooted to their ancestral and traditional land emotionally. For women home is the heart, the dignity that aspires them to survive with in society by providing not only shelters but the identity to be presented as 'A Homemaker'. The attachment to home where women exercise full sovereignty with integrity.

Newa women who have been victimized by state-sponsored road expansion are unjustified and insane. The victims were forcibly evicted from their ancestor's land and the entire family was bound to live in rental housing. Women who were landlords become tenants as a consequence of road expansion projects. They are

subjected to economic dispossession and suffered from economic breakdown. They are indebted to loans. Women lost their business and source of income, such as house rent and shops operating at house while demolished their houses. Some of them whose houses are demolished have borrowed housing loans and still paying back. The victims had invested years to build their houses which lay in ruins after the project. The compensation provided to the victims was insufficient to purchase land and construct a new home for resettlement. Some of the old-aged women were compelled to seek shelter in old age care homes. Few of the houses were built centuries ago that exhibited antique craftsmanship and provided an insight into the structure of houses back then. Women lost their ancestral identity linked to their houses.

Women suffered from mental health issues like depression owing to the daily stress of bulldozer terrorization and demolition of their homes. The bulldozer would arrive to the marked areas without prior information during holidays, festivals and terrorize the people by intending to collapse their houses. The project decreased the fertility rate of women's fertility is more than just physical well-being; it is also about the mental well-being of women. Due to mental stress, women were having difficulties conceiving babies. This imposes a big threat to motherhood and the population of Newa Indigenous peoples are also in decreasing order. In this case 'Rights of Women' is just merely written in the Constitution of Nepal 2015.

Indigenous Newa of Nepal Mandal (Kathmandu valley) are innocent thus mostly stay at home. For them breathing to bed is in four walls and falling of those walls led them in deep grief with no way to be healed. Moreover, loss of their role as a good mother or caretaker in a family made Newa women to a position to revolt against the destroyer of their homes. To Newa innocent women being in the position to revolt could be a big threat to

society and the Nation itself. A mother's resistance can be harmful to all. There are various aspects of the negative impacts on Newa women that the road expansion has brought. The clear picture of discrimination on the basis of identity, caste, culture can be easily visible among Newa women. The pain that they have suffered is unacceptable.

Decreasing rate of Newa population as:

Census year	Percentage (%)	Total population	Remarks
1991	5.6%	1,041,090	-
2011	3.5%	846,557	Declined

Indigenous Newa women whose houses are marked for demolition are currently facing difficulty obtaining a construction completion certificate from the government whereas they have won the case. They are having trouble acquiring a bank loan as their houses are enlisted to demolish in the future. Banks are refusing to accept their homes and lands as collateral assets to proceed loan for their children's academics and medical expenses. They have also facing problem to sale their homes due to marked for demolition.

3.0 Presentation of the Case Studies

3.1 Landlady Turned Tenant after Demolishment of the House (Case - 1)

65 years old Sarada Devi Shrestha is a resident of Balaju, Kathmandu, ward number 16 not highly educated is a housewife. She has eight members in her family. She is currently residing in a house that is not her own. She has been living as a tenant in that house since six years now. She was once a landlady who owned a three-and-a-half-storied house in Balaju which was demolished by the road expansion project.

She had a monthly income of NRS 35,000 from the rent of her previous house. Her son had a watch shop setup at her house.

After her son deceased, her grandson looked after the shop. Rent of the house and watch shop were the only source of income of



her family. The project demolished her house two times. The first time her family received a minimal compensation of NRS 3 lakh 22 thousand for 418 square feet which were not even enough to rebuild the remnant of the house. Her son had to take a loan to rebuild the remaining part of the house to continue his shop. Her reconstructed house was demolished again by the project after a short time span of rebuilding. Her son recalls the moment as the most heart-wrenching one when her mother wasn't willing to leave her house even when the bulldozer with army forces were destroying their house from the back. She was left with neither a source of income nor a viable alternative settlement after the demolition. It was difficult for her family to even pay the monthly rent of the house as they were subjected to economic loss by the forceful eviction. Now she lives in a small narrow room with all her furniture and stuff scattered in the room every day reminiscing and wanting to go back and live in her old house.

Her mother-in-law Sanu Maiya Shrestha, who died recently (March 2021) willing to go back to her own home has to give

up hope of living in a world unknown at the age of 97. Bhim Dev Shrestha (67) years, the husband of Sarada Devi cries and regrets not being able to rebuild home for her mother. Bhim Dev Shrestha was himself had been arrested several times during resistance now has worse health conditions; seeking for financial support to run everyday life.

While interviewing Sarada Devi Shrestha: she added with tears rolling on her face that how she was forced to leave her home, state arrested all the males in the family and her house was bulldozed. Recently, a year before her husband was arrested during protest and kept for a week. She had to go through mental stress now she even does not want to remember any of the incidents.

3.2 An Old Woman Bound to Reside in an Old Age Care Home (Case - 2)

Ganga Devi Rajbahak, 78 years old had a house in Kamalpokhari. She has five daughters, two sons and twenty-one grandchildren in her family. Her house was completely demolished by the road expansion project which compelled her to live in Bhadra Ghale Old Age Care Home, and her family to a rental house. Her family was bound to take her to the old age home after the demolition of the house, which remained as the main source of livelihoods.

The minimal compensation of NRS 25,000 provided to her family was only enough to search for rental house and to shift their stuffs around. They have no any alternative roof to live than their own house. They suffered by severe economic crisis. Rental shop in her house was only source of income. After the sudden demolishment of their house, her son sought for help everywhere in their locality for rental houses and in the process found the old age care home. She sometimes cries and sometimes laughs remembering her family in the old-age care. She recalls the time when as a grandmother she used to share her stories and

experiences with her grandchildren and eat warm food served by her daughter-in-law. "We don't have money to even eat food. Is there no government in our country?" she asks.

Morally the government is accountable to the old citizens of its nation. What should the elder citizens especially women expect with whom? If in the name of development, the elder citizen has no choices to make?

3.3 Demise of an Elderly Woman Awaiting Justice (Case - 3)

Bishnu Devi Manadhar was a resident of Balaju Bypass, 16, Kathmandu. She was a single mother. She had built a house in Balaju with the help of her brother in law from Jitpurphedi, Tarakeshwar Municipality. She lived with a family of twelve members. Her only house was demolished by the project and she took her last breath during the first relay hunger strike in Balaju.

She had constructed the house with a lot of struggle as a single mother in terms of financial, emotional, and mental aspects during her time. When the house she worked so hard to build was demolished, she suffered physical and mental hardship even in her old age. She was in her senior year and unable to travel. Whenever her well-wishers visited her, she would always ask about the condition of her house, the progress of lawsuits in court, and the possibility of restoration of her house. Her son Shyam Krishna Manadhar was continually active in protests and movements for justice and re-settlement. The site of his former residence is now a taxi Parking lot which shows that expansion of road is not utilized for the stated purpose and is only unjust to the Indigenous people who lost their homes.

Still, her son Shyam Manandhar is continuing the resistance with the struggle committee. Till today he is busy in finding justice for her past mother and his family. Shyam Manandhar said 'I have the

ownership documents of my home 'SWO-BASI' that provided by the formal state Minister Ram Bir Manandhar, Ministry of Urban development when he was elected as a ward chairperson'.

3.4 Shaken Determination of a Strong Woman by the Project (Case - 4)

Sushila Maharjan, 53 years old is a resident of Thali Kathmandu, Shankarapur Municipality has built her house in her old age by earnings from her tea shop, sleepless works of wool, and savings from children's lunch pocket. It is almost 19 years of construction of the house. Her four-and-a-half-storied house was in the process of demolition by the project without prior information and consultation. She threatened the officials and warned that if they sent their workers to destroy her house, she would use fuel to fire all the machinery. Her house is safe from the demolition at the moment. However, she is suffering fear of demolition of her house because her house is already marked as the house to be demolish at the cost of road expansion and she has been getting threats of demolition. She said, if the project re-attempts to demolish my house, the project should kill me first. Now, she has not been able to rent out her house for shop space since then because her house is marked for demolition and the consequence she has not been able earn income to feed her family.

She has a husband, two sons and a daughter in law in her family. When the bulldozer came to her house, the police had detained her and kept in custody for one day. At that moment, her husband was so scared and hidden in the house. Fear and mental stress of that day had shaken her mind and mentally traumatized her. Currently she has been taking medicine to overcome mental trauma. She is shaken and cannot sleep without the medicines. Her sons send her to Newa cultural events to give her relief. Every day she has been thinking about her house which has being demolished. This has negative impact on her mental health.

The Supreme Court has ordered to provide compensation but the project and concerned local government denied to provide compensation. When she asks to Mayor for the compensation, ‘go and approach to the Supreme Court’ is the response of the Mayor. If she lost her house and compensated, she will never satisfy because the compensation cannot recompense her values to her house.

4.0 Impact of the Project on Cultural, Historical, and Sacred Sites of Kathmandu Valley

Nepal is a tourism-centric country and there are numerous historical, traditional, and cultural temples, monasteries, architecture in Kathmandu that date back thousands of years and attract tourists from all over the world. The road expansion projects jeopardize the thousands of year old preserved tradition, customs, norms, and values especially of Indigenous Newa women that are immensely valuable and rare. There are some historic customs that necessitate the visit of specific temples; otherwise, the traditions cannot be carried out. The tourism sector is also hampered by the projects, as tourists visit Kathmandu valley for the preserved history in the form of culture and heritage. Culturally significant areas of Indigenous Newa people affected by the project are:

SN	Temple/ monastery	Location	Cultural value
1	Narayan Pokhari (pond)	Tokha Municipality	Newa people celebrate <i>Jatra</i> (Carnival) on Baishakh 3 (April 15/16/17) every year in this pond. They perform rituals to dip the gods Chandeshwari Mai, SapanaTirtha Mai, Saraswati and Ganesh in this pond. It is vital for collective identity and social integrity.

2	Budhawa Mandir	Badegaun, Godabari Municipality	This is a 1700-year-old temple, Budhawa means Wednesday and day of Buddha. Newa people worship here during a month-long period during Shrawan (July-August) as a <i>GulanParba</i> . The Matya (one type of ritual group) have to compulsory visit this temple on the day of <i>Panchadaan</i> .
3	Bhairab Mandir	Badegaun, Godabari Municipality	BhairabJatra is celebrated on IndraJatra in this temple every year.
4	Sattal	Badegaun, Godabari Municipality	This is a Buddhist site where Newa people sing religious song about Lord Buddha every year.
5	Krishna Mandir	Badegaun (Old BusPark)	Newa people worship in this temple every day. They take the statue of god on a cart and travel all over the town.
6	Kumari Mandir	Chandragiri Municipality	This temple holds historical and cultural value where Newa people visit to perform all rituals from birth to death.
7	Saraswati Mandir	Chandragiri Municipality	Newa people worship god Saraswati in this temple.
8	Gupti Ganesh	Gokarna	Newa people celebrate <i>Jatra</i> (Carnival) in this shrine/sacred site two times a year, first on 25th April and second on 31st May.

5.0 Violations of Indigenous People's Rights by the Project

Indigenous Peoples' Right to Self-determination:

Article 3 of the UNDRIP acknowledges that Indigenous peoples

have the right to self-determination, and that by virtue of that right they freely determine their own political status, and freely pursue their economic, social and cultural development.

UNDRIP Article 4 addresses the internal aspects of the right to self-determination and states that “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions”.

Article 5 of the UNDRIP recognizes that Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the state.

Free Prior and Informed Consent (FPIC)

FPIC is a specific right that pertains to Indigenous peoples and is recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This is also embedded within the universal right to self-determination.

For Indigenous Peoples themselves, FPIC is a tool to ensure that their priorities are taken into account. The process allows them to be well informed about all aspects of the project that will affect them, to exercise control and manage their lands and territories, and to command respect for their cultural identity and self-determination, especially regarding their right to development as

distinct peoples.

Article 10 of UNDRIP states that "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return".

The road extension projects have entirely disregarded the Indigenous Newa community's right to self-determination and FPIC by not incorporating their representatives in development plans like the project and by operating the projects without their consent and agreement.

Indigenous Peoples' Right to Land and Resources

Indigenous people have exclusive rights to own, utilize, control and protect their lands and resources acquired by traditional ownership or occupation as well as non-traditional means. The state is obliged to provide legal recognition and protection to them, and the recognition must respect the 'customs, traditions and land tenure systems of the Indigenous peoples concerned. However, the road expansion projects have violated their rights to land and resources by unjust forceful eviction without compensation along with serious consequences to the people.

Indigenous Peoples' Right to Participate in Decision Making

UNDRIP Article 18 establishes that: "Indigenous have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions." In addition to article 18, the UNDRIP contains a large number of other provisions concerning Indigenous peoples' right to participate in decision-making, approximately 21 articles affirming Indigenous

peoples' right to participate in decision-making, in one or the other form.

Indigenous peoples must be able to participate in decision-making processes that affect their rights or interests, according to international human rights standards. However, the road extension projects have failed to include the Newa community in decision-making about the projects' functioning in their settlements, which has a severe impact on their rights.

Violation of Basic Human Rights

The road expansion projects are in contravention of the constitution of Nepal, 2072 pertaining to the basic human rights which are the Right to housing, the Right to language and culture, the Right to Food, the Right to identity, and the Right to freedom of religion. The projects jeopardized Indigenous women's preservation and promotion of their language and cultural life as with displacement, they were unable to give continuity to their cultural practices like before as ancestral homes and lands are essential elements of their existence and culture. They were subjected to food scarcity with the economic hardships from their lost homes and primary source of income. The Indigenous women's right to practice and protect their religious sites and *Guthis* (customary lands) were threatened by the project's demolition operation. The projects neglected to ensure their right to live with dignity maintaining their identity as Indigenous women's identity is inextricably linked with their homes and lands.

6.0 Information on Related National and International laws

6.1 National Laws

The Constitution of Nepal, 2072 includes a Right relating to property in Article 25 (1) which states that "Every citizen shall, subject to law, have the right to acquire, own, sell, dispose of, acquire business profits from, and otherwise deal with, property".

Article 25 (2) states that " The State shall not, except for public interest, requisition, acquire, or otherwise create any encumbrance on, property of a person".

Article 25 (3) states that " The basis of compensation to be provided and procedures to be followed in the requisition by the State of property of any person for public interest in accordance with clause (3) shall be as provided for in the Act".

Article 37 (2), Right to housing states that "No citizen shall be evicted from the residence owned by him or her nor shall his or her residence be infringed except in accordance with the law".

Public Road Act, 2031 clause 4 includes Power to Acquire Land for Public Roads and Road Border which states that "If it is required to acquire any land for the development, expansion or improvement of a public road or the road border, the Government of Nepal may temporarily acquire the land in accordance with the laws in force in relation to the acquisition of land".

Land Acquisition Act, 2034 clause 3 states that "Government of Nepal may, if it so deems necessary, acquire any land at any place for any public purpose, subject to compensation under this Act".

The Road Expansion Project infringes on the guaranteed rights to land and housing, as stated in the constitution of Nepal along with Public Road Act and Land Acquisition Act. So, the affected communities claim that the project is illegal in Nepal.

6.2 International Laws

International Covenant on Economic, Social and Cultural Rights

Article 11: The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself

and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

Convention on the Elimination of all Forms of Discrimination Against Women

Article 4, paragraph 1: Adaptation by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

International Covenant on Civil and Political Rights, 1966

Article 2(1): Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.

International Labor Organization (Convention No. 169)

Special international human rights instrument for Indigenous and Tribal peoples.

United Nation Declaration on the Rights of Indigenous Peoples

Special international human rights instrument for Indigenous and Tribal peoples.

7.0 Legal Action Taken by the Affected Communities

The victims from all affected areas filed a writ petition at the

court. The defendants were:

- Office of the Prime Minister and Council of Ministers, Singhadurbar, Kathmandu,
- Ministry of Physical Infrastructure and Transport, Singhadurbar, Kathmandu,
- Ministry of Urban Development, Singhadurbar, Kathmandu,
- Kathmandu Valley Development Authority, Anamnagar, Kathmandu,
- Kathmandu Valley Road Improvement Project Office, Baneshwor, Kathmandu,
- Federal Road Supervision and Monitoring Office, Babarmahal, Kathmandu,
- Department of Roads, Chakupat, Lalitpur,
- Division of Road Office, Lalitpur,
- District Administration Office, Lalitpur, and
- Lalitpur Metropolitan City Office, Pulchowk, Lalitpur.

The victims with the help of LAHURNIP has attempted to register a complaint in the office of the ILO. The process requires at least a trade union to register a complaint in the ILO. Thus, the victims of the project talked about cooperation with Nepal Telecom Employees' Union (NTEU) and the union agreed to support the victims. Though, the immense pressure from the Government of Nepal, the union refrained to support the victims, and the victims hold back complaint to register in ILO.

They also registered complaint to National Human Rights Commission (NHRC) and they requested to monitor the human rights situations in the project areas.

8.0 Resisting Movements by the Affected People

Affected victims have been organizing various protests, gatherings and demonstrations against the project with active participation of Indigenous women. Valley-wide Road Expansion

Victims Struggle Committee was formed amidst the fight against the project with 32 sub-committees. The victims staged many protests in Maitighar Mandala throughout the years and dozens were detained by the police every time with several injured protestors.



The police had demonstrated their violent attempt at the oppression of unarmed Indigenous people in the peaceful protest at Maitighar Mandala. The police had fired several rounds of tear gas and used water cannons at the protestors including active Indigenous women during the protest. There were many protestors injured by the baton charges launched by the police including women. The relay hunger strike has also been conducted by Balaju Bypass victims in their area. The victims also registered complaints in different embassies of Kathmandu Valley and sought co-operation from various political leaders but they didn't receive any response from the embassies and only received counterfeit solace from the political leaders.

Indigenous Newa community took it as the state-sponsored plot to displace Indigenous Newa from their ancestral land to uproot Newa peoples' culture, tradition and heritage sites from the Kathmandu Valley since the Newa peoples are being a big threat

to the Government now and then"-Shanta Prakash Shrestha one of the affected peoples and the founder president of Halin Newa Guthi (World Newa Guthi).

9.0 Conclusion and Recommendations

Demographically, women comprise 51.50% of the total population of Nepal. Indigenous women comprise 36% of the total women's population of Nepal. They have been facing double discrimination; as women and as Indigenous peoples. The existing laws and policies relating to women do not recognize the distinct identity and status of Indigenous women and their rights ensured by the UNDRIP, ILO Convention No. 169, CEDAW general recommendation number 25 and CERD.

Indigenous peoples' rights to land and territories are vulnerable and seeking formal recognition of customary law and collective ownership of land is crucial to protect these rights. However, greater autonomy or recognition for indigenous laws and culture does not necessarily result in enhanced rights for women within the group.

Indigenous women are often doubly vulnerable, as their access to land and resources is frequently mediated through customary law, which depends on their communities retaining control over territories. When communities are dispossessed of their land, women are often disproportionately affected because of their traditional role in procuring water, fuel or trading goods for their families. The atrocities that have been faced by affected women are still a very prevalent issue.

Thus, road expansion projects in Kathmandu Valley have treated local Indigenous communities as adversaries. The state has been apathetic to the protection and promotion of age-old traditions and values that characterize Indigenous communities. The projects

are illegal; against the policies and laws of Nepal.

Following recommendations are made in the context of the case study

There is centralization of infrastructural development only in Kathmandu valley neglecting the development of remote places in Nepal. The villages in Nepal are underdeveloped with little to no access to basic infrastructures like roads, health care, and education. Other districts and villages should also be emphasized for development so that the overpopulation in Kathmandu Valley will be in control and the need for road expansion is avoided.

The uncontrolled import of vehicles in Kathmandu Valley should be monitored. Government should be concerned about the maximum population that can be sustained by Kathmandu valley. The health problems are caused by air pollution due to excessive vehicles. Will the roads of Kathmandu Valley handle the surge of uncontrolled vehicles as a result of overpopulation?

The constitution of Nepal, national law and policies, international law like ILO Convention 169, UNDRIP, CEDAW and CERD that safeguard the rights of Indigenous peoples should be followed.

The areas where road expansion was successfully operated have experienced traffic congestion again in the span of 10 years since the start of road expansion in 2068 according to the study. In fact some expanded areas are either not utilized or repurposed as Parking lots. This proves that road expansion is not the solution and road will never be enough until the internal migration in the valley is controlled by developing the rural areas.

Huge financial investors like Asian Development Bank and World Bank should take into account the consequences of the project on the people of that region before investment in the projects.

Indigenous women should be respected as custodians of traditional knowledge and their vital role and contribution on environment conservation and natural resource management should be fully recognized and promoted along with their ownership rights to land and access to resources.

Indigenous women's vulnerability must be taken into consideration before forced eviction.

Governments should consider the special needs and concerns of Indigenous women and plan strategies without neglecting the rights of Indigenous people and gender perspectives while mapping socio-economic development. Policies, programs, and budgets must be formulated to eradicate any discrimination against Indigenous women.

Annexes

Annex 1: Informed Consent

(The intent of this memo is to receive Informed Consent from the target indigenous communities of Chitwan National Park to conduct the case study)

1. Case study title

Indigenous women's human rights violations

2. Case study area(s)

Chitwan National Park and Kathmandu valley

3. Case study organization

National Indigenous Women's Federation (NIWF)

4. Purpose of case study

Record evidence based case studies on the indigenous women's land and human rights violations in the Chitwan National Park and Kathmandu valley, and publish and disseminate the case studies for policy advocacy.

5. Case study procedure(s)

i) Keep information about the case study, ii) Reach affected community/ individual, iii) group discussion and iv) Key informant interview.

6. Risks

Personal safety, unable to recall precise information of the incident, fear of expressing the facts, sampling bias are major ones.

7. Benefits

Opportunity to gain a greater understanding of the issues to help reduce risks of such issues within a real-world context. (Your participation in this case study will be voluntary, and except the refreshment, the participants will not get any financial gain from the case study).

8. Confidentiality

Participants of this case study can be anonymous (if needed by the participants) for reducing risks and preserving confidentiality by assigning the code.

9. Contact information

NIWF:

Principal researcher:

10. Informed Consent

We are/I am informed about and understood the project and the purpose of the case study as mentioned above, and we/I understood the importance of our/my participation to this case study and also known that we are/I am free to withdraw at any time, without giving a reason. Therefore, we/I are agree to give our/my consent to take part in this case study through our/my signature in the attendant sheet.

11. Participant's signature

(Please, refer to the participant's attendant sheet)

Annex 2a: Questionnaire (for Group Discussion)

(for collecting information on IW's HRVs in CNP and Kathmandu Valley)

A. General information

1. Ethnicity of the community:
2. Name of the community:
3. Address of the community:
4. Estimated households covered by the community:
5. Estimated population covered by the community:
6. Date of the survey/discussion:
7. Total number of participants attended in discussion:

B. Human rights violations and abuses committed against IWs

1. In your community are human rights violations and abuses committed against IWs?

.....

If yes, please carry on the question with following:

1.1 What are the figures on human rights violations and abuses against IWs?

.....

1.2 Can you all provide a breakdown by type (*of violation and abuse*) and indicate time period?

Description HR violation/abuses	No. of victims	Victim details (sex, ethnicity & age)	Date of violation/abuses
1.			
2.			

.....

Note: *type can be- land confiscation, beaten, criminal charge, disappearances, abductions, killing, etc.*

1.3 Are they officially recorded? If so, for what reason?

Description of HR violation/abuses	No. of victims	Registration details (where, reason & progress)	Date of Record
1.			

2.			
----	--	--	--

.....

2. What do you think that IWs face violations and abuses of their human rights?

.....

3. Are there specific challenges to enjoy IW's human rights? If so, please list these challenges.

.....

4. When human rights violation or abuse has been committed against IWs, any investigative steps are taken by the authority? If yes, what investigative steps are taken?

.....

5. In the investigations carried out, how authority prepared the profile of the victim and the incident? Is there any specific considerations are taken into account when investigating violations committed against IW's human rights?

.....

6. Are investigations found fair?

.....

If not, what is the figure for injustice in such cases?

.....

7. What are the difficulties faced in acting with such cases of IW's HR violations?

.....

8. Are there legal gaps that prevent or hinder the investigation of IW's human rights violations? If so, please specify.

.....

9. Have you experienced any threats in protesting your rights or filling your HR violation case? If yes, what threats are experienced?

.....
***Note:** threats can be- physical, emotional black mailing, family torture, verbal threats, etc.*

10. Do you think Nepal has a protection mechanism for IW's human rights? If yes, ask them to specify which ones?
.....

11. What recommendations would you give to States, human rights institutions and civil society to ensure IW's human rights?
.....

C. IW's rights to land and FPIC

1. Are there indigenous peoples, particularly the IWs who are affected by CNP/KVREP?
.....

2. Do the indigenous peoples/communities in the CNP/KVREP area have formally recognized on demarcated land and resource rights in line with ILO Convention No. 169 and UNDRIP?
.....

If yes, has agreement or consent been reached on the overall project development?
.....

3. Are there implemented mechanisms for consultation (FPIC) with indigenous peoples prior to creation and expansion of CNP/KVREP?
.....

If yes, does the mechanism include indigenous peoples' experts?
.....

4. Has CNP//KVREP affected indigenous peoples and/or their lands, territories and resources?
.....

If yes, how and what amount CNP/KVREP has affected indigenous peoples and/or their lands, territories and resources?
.....

5. Have creation and expansion of CNP/KVREP created conflicts

between CNP/KVREP and indigenous?
.....

If yes, does the authority felt implementation gaps, creating conflict and failure to adequately implement land and resource rights and the requirement for consultation and consent?
.....

6. Has assessment done to cover different types of impacts on indigenous peoples?
.....

If yes, are indigenous peoples involved in the assessment and the impact mitigation measures?
.....

And has the impact assessment findings adequately documented and communicated?
.....

7. Has a specific plan for engagement with indigenous peoples been developed and agreed with concerned indigenous peoples/ communities?

8. Has a project-level grievance mechanism been developed and agreed with concerned indigenous peoples/ communities and/or external experts? Has this information been disseminated to the concerned rights-holders?

Annex 2b: Questionnaire (for Individual Case Recording)
(for collecting information on IW's HRVs)

After receiving general information or hearing the witness's narrative statement, we can identify the victim to interview for recording individual case. Individual case study can be done by using following questions to the victims or immediate relative/family member or witness.

1. Personal Details

- 1.1 Full name:
- 1.2 Full address:
- 1.3 Age/date of birth:
- 1.4 Sex:
- 1.5 Occupation:
- 1.6 Family status:
- 1.7 Religion:
- 1.8 Ethnicity:
- 1.9 Immediate contact details:

2. Date and place of HR violation/abuse

- 2.1 When the violation took place (day, month, year, hour)?
- 2.2 How can s/he prove the violation happened on that date?
- 2.3 Where did the violation take place (location or place)?
- 2.4 Why were you at that place?
- 2.5 What were you doing at that time of violation?
- 2.6 What else was happening around you at that time? (surrounding events)?

3. Details of the event (HR violation/abuse)

- 3.1 What was happened? And in what way?
- 3.2 How long or how many times that happened?
- 3.3 How do you remember the event that took place?
- 3.4 How many people were victims (trace exact numbers based on sex and age, if possible)?
- 3.5 Were any photographs or videos taken or evidence collected of the event? If yes where are they available?
- 3.6 Do you know the perpetrator/agent/committer/offender/criminal? If yes, who were they? (collect full detail, if known)
- 3.7 What was the reason or motive for the violation?
- 3.8 Did any other members of your community or other people see that violation?

4. Arrest or detention and injuries, damage or loss

- 4.1 Was force used to victimize or to under the arrest?
- 4.2 Did the police give a reason or showed a warrant for the arrest?
- 4.3 Was the victim taken away? If yes, how many days and how many people? Where?

4.4 What happened when arrived at custody/detention? (collect full details)

4.5 What were the conditions of confinement? (No. of occupants, amount & quality of food, sanitation, etc.)

4.6 Do you know other persons who have been detained at the same case? (collect full detail and exact figure)

4.7 When were you released? How? If the victim still in custody, please state location and days of planned detention?

4.8 Did the victim injured or killed or lost?

- If injured, who spent for the treatment and how much spent? (collect full detail and exact figure, if known)

- If killed, (collect full detail and exact information, if known)

- If lost, (collect full detail and exact figure, if known)

4.9 Were any photographs or videos taken or evidence kept of injuries or loses? If yes, where are they available?

Please attach any relevant source and resources that might be helpful for this report.

Thank you for participating in this discussion!

Name of Researcher: _____

Signature: _____

Annex 2c: Questionnaire (for Group Discussion)
(Valley Road Expansion Project)

1. Did you obtain a prior notice about road expansion projects in your locality?
2. Are there implemented mechanisms for consultation (FPIC) with indigenous peoples prior to operation of road expansion projects?
 1. If yes, does the mechanism include indigenous peoples' experts?
 2. What are the effects of the project in your economic and physical possessions?
3. What are the impact of the project in livelihood of indigenous women in your family?
4. What are the impact of the project in physical, social, psychological and mental health of indigenous women in your family?
5. Did you get any compensation for the loss of physical and economical possessions by the project?
6. What are the human rights violations and abuses committed against your community?
7. What are the steps taken by your family to raise voice against the projects?
8. Have you experienced any threats and injuries in protesting for your rights? If yes, what threats are experienced?
9. Do you have alternative plans for living and settlement?
10. Did you know about indigenous peoples rights?
11. Are there any organization that you sought for help to save your houses and lands?
12. What were their response to your problems?

Annex 3: List of Participants (Group Discussion and Individual Case Recording)

(for collecting information on IW's HRVs in CNP)

2.1 The CHEPANG

Madi Municipality 7, Devendrapur, Chitwan, Nepal

SN	Name	Gender
1	Ajit Kumar Praja	M
2	Aita Singh Chepang	M
3	Bal Bahadur Chepang	M
4	Dip Bahadur Chepang	M

5	Bishnu Hari Chepang	M
6	Bir Bahadur Chepang	M
7	Bishal Chepang	M
8	Santa Bahadur Chepang	M
9	Anita Praja	F
10	Kanchhi Maya Praja	F
11	Nir Maya Praja	F
12	Chari Maya Praja	F
13	Sarmila Praja	F
14	Anjali Chepang	F
15	Suku Maya Praja	F
16	Buddhi Maya Praja	F
17	Phul Maya Chepang	F

2.2 The DARAI

Bharatpur Metropolitan City 23, Khadgauli, Chitwan, Nepal

Date: October 21, 2021

SN	Name	Gender
1	Aarati Darai	F
2	Dipa Darai	F
3	Gori Darai	F
4	Sisam Darai	F
5	Binda Darai	F
6	Parbati Darai	F
7	Bindu Darai	F
8	Soya Darai	F
9	Rupa Darai	F
10	Tul Maya Darai	F
11	Jamuna Darai	F
12	Ranjana Darai	F
13	Mira Darai	F
14	Budhani Darai	F
15	Gyanu Darai	F

2.3 The KUMAL

Bharatpur Metropolitan City 28, YogiTole, Chitwan, Nepal

Date: October 23, 2021

SN	Name	Gender
1	Jaya Mangal Kumal	M
2	Som Bahadur Kumal	M
3	Buddhi Ram Kumal	M
4	Chhak Bahadur Kumal	M
5	Prem Singh Kumal	M
6	Bel Bahadur Kumal	M
7	Harka Bahadur Kumal	M
8	Suk Ram Kumal	M
9	Ram Bahadur Kumal	M
10	Bal Bahadur Kumal	M
11	Laxman Kumal	M
12	Sundar Prasad Kumal	M
13	Sashi Kumal	M
14	Dil Bahadur Kumal	M
15	Gopal Kumal	M
16	Sharmila Kumal	F
17	Soni Kumal	F
18	Shanti Kumal	F
19	Mina Kumal	F
20	Bir Bahadur Kumal	M
21	Harilal Kumal	M
22	Aita Ram Kumal	M
23	Gore Ram Kumal	M
24	Padam Bahadur Kumal	M
25	Sushan Kumal	M
26	Budhe Kumal	M
27	Khem Bahadur Kumal	M
28	Man Bahadur Kumal	M
29	Aakal Bahadur Kumal	M
30	Dil Bahadur Kumal	M
31	Satish Kumal	M
32	Sunil Kumal	M

33	Sita Ram Kumal	M
34	Youba Raj Kumal	M
35	Guna Bahadur Kumal	M
36	Dilli Ram Kumal	M
37	Chhabilal Kumal	M
38	Buddhi Ram Kumal	M
39	Hem Raj Kumal	M
40	Kalu Ram Kumal	M
41	Shyam Kumal	M
42	Mangal Singh Kumal	M
43	Narayan Misrit Kumal	M
44	Jag Maya Kumal	M
45	Bishnu Maya Kumal	M
46	Som Bahadur Kumal	M
47	Tul Bahadur Kumal	M

2.4 The BOTE

Devchuli Municipality 1, Keureni, Nawalparasi, Nepal

Date: October 24, 2021

SN	Name	Gender
1	Babu Ram Majhi	M
2	Sunita Bote	F
3	Anjana Majhi	F
4	Man Maya Bote	F
5	Laxmi Bote	F
6	Phul Kumari Bote	F
7	Suni Mahi	F
8	Phul Maya Bote	F
9	Kul Bahadur Bote	M
10	Hira Maya Bote	F
11	Sharmila Majhi	F
12	Purnima Bote	F
13	Durga Devi Thanet	F

2.5 The BOTE

BaghKhor, Kawasoti Municipality 15, Nawalparasi

Date: October 25, 2021

SN	Name	Gender
1	Gyan Bahadur Bote	M
2	Bir Bhadur Bote	M
3	Ran Bahadur Bote	M
4	Hira Bote	M
5	Nar Bahadur Bote	M
6	Aitram Bote	M

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14. <https://www.fao.org/Indigenous-peoples/our-pillars/fpic/en/>
15. <https://www.lawcommission.gov.np/en/archives/category/documents/prevailing-law/statutes-acts/land-acquisition-act-2034-1977>
16. https://www.mohp.gov.np/downloads/Constitution%20of%20Nepal%202072_full_english.pdf
17. <http://www.pimhorversphotography.com/blog-1/j66avfl2o5uvycd0izzjskkuidckkc>
18. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
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