

Right Honourable Prime Minister Madhav Kumar Nepal,
Office of the Prime Minister, Singha Durbar,
Kathmandu.

Subject: **Letter of Memorandum.**

Right Honourable Prime Minister,

The Adivasi/Janajati Vrihat Assembly was successfully organized at Chumlung Him, Kirat Yakthung Chumlung, Tikhedewal, Lalitpur on 21 November 2009 (2066 Mangsir 6, Saturday, N.S. 1130 Thinlathwa 5). The Assembly was attended by political parties, Adivasi/Janajati Sabhasad Sabha, ethnic sister organizations, ethnic political parties, Nepal Federation of Indigenous Nationalities, National Federation of Adivasi/Janajati Women, ethnic organizations, Nepal Adivasi/Janajati Federation, District Coordination Council, National Federation of Adivasi/Janajati Women, District Coordination Committee, Adivasi/Janajati organizations, ethnic nongovernmental organizations, ethnic professional and class organizations, organizations, struggle committee, networks, alliances, forums of Adivasi/Janajati youths and students, Adivasi/Janajati intellectuals and representatives of organizations and other participants. The Vrihat Assembly constituted “Adivasi/Janajati Vrihat Morcha, Nepal”. The Vrihat Assembly has formed a Joint Council of two representatives (one female and one male) from each of all the organizations affiliated with the Vrihat Forum and a 27-member Struggle Committee.

Following below are our demands that the Constituent Assembly and the Government should fulfill immediately during the process of constitution building:

1. In the process of constitution building, a thematic committee and other appropriate mechanisms should be established in the Constituent Assembly by 2066 Mangsir 19 (4 December 2009) in accordance with the provisions of international law, the early warning letter sent to the Government of Nepal on 13 March 2009 and the follow-up letter to the same sent on 28 September 2009 by the Committee of the Convention on the Elimination of All Forms of Racial Discrimination, and the recommendations forwarded on 20 July 2009 by the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, in order to seek prior and informed consent of the Adivasi/Janajatis and to ensure meaningful and effective representation of the Adivasi/Janajatis, and the constitutional principles, Preamble, Articles, Clauses, Appendices and other provisions related with, and instrumental to the issues of the Adivasi/Janajatis should be endorsed as well as separate provisions should be made regarding the identity and collective rights of the Adivasi/Janajatis only after obtaining free, prior and informed consent through the said mechanism, while the mechanism and process of obtaining free, prior and informed consent through the representatives selected in accordance with the traditions of the Adivasi/Janajatis should be established and ensured within the given deadline.

2. There should be a Thematic Committee of Adivasi/Janajatis in the Constitution as recommended by the Committee of the Convention on the Elimination of All Forms of Racial Discrimination and in accordance with the traditions of the Adivasi/Janajatis.

7. All the rights of the Adivasi/Janajatis shall be equally applicable to the Adivasi/Janajati women and men. The Adivasi/Janajati women shall be provided with special

rights in leadership for equality and development. The State shall adopt different measures for effective remedy against discrimination, violence and human rights violations against the Adivasi/Janajati women, elders, youths, children, third gender and differently-abled people. The Adivasi/Janajati women should have a right to participate in every organ of the State along with their identity on the basis of proportionate representation.

8. The new Constitution should provide for additional special rights for the endangered, marginalized and highly marginalized groups within the Adivasi/Janajatis.

9. The State of Nepal should ensure and implement the rights of inherent self-determination of the Adivasi/Janajatis in the Constitution. Besides, the right to effective participation in the political, economic, social and cultural sectors of the State through independently selected representatives, in accordance with the procedure of the Adivasi/Janajatis, should be ensured.

10. Nepal shall be a sovereign, independent, multinational, multilinguistic (polylinguistic), multicultural and secular State. Moreover, Nepal shall be a federal, democratic and republic State.

11. The State should recognize such rights of the Adivasi/Janajatis as the right to independently determine their political system, right to adopt economic, social and cultural development, and the right to ownership and effective control over the ancestral and traditional land, region and resources. In this regard, there should be the right of the Adivasi/Janajatis in every level of the Government, as well as the right of the Adivasi/Janajatis to free, prior and informed consent in the issues that may affect their rights, life, regions, and interests. It also includes the right to restoration of their traditional land, habitation and religious sites (shrines) in their original form.

12. The State should safeguard the right of the Adivasi/Janajatis to maintain, develop and protect their political, economic and social systems and organizations, Adivasi traditional knowledge and skill, heritage, religious educational system and the like, and the right to uninterrupted access, use and control over their livelihood and means of development, as well as the right to independent involvement on their traditional and economic activities.

We demand that the State include in writing the following common issues of the Adivasi/Janajatis in its constitutional, legal, administrative and policies, strategies, plans and programmes:

1. Operation of the collective life of the Adivasi/Janajatis through their own ownership and control and in accordance with their own norms and values.

We demand that the State fulfill the genuine demands of our rights by Mangsir 19, 2066 Friday (4 December 2009) (N.S. 1139 Thinlaga 2). We shall be compelled to launch a phase-wise, strong movement if it ignores our genuine demands. We demand that the State does not compel us towards that, and the State alone shall be responsible for creating such mandatory circumstances.

Adivasi/Janajati Vrihat Assembly, Nepal
Struggle Committee

1. Member Struggle Committee - Pasang Sherpa, Nepal Federation of Indigenous Nationalities **Sd**
2. Member Struggle Committee - Soma Rai, National Federation of Adivasi/Janajati Women **Sd**
3. Member Struggle Committee - Basant Sherchan, Thakali Sewa Samiti (Representative, Jatiya Samstha (Himalayas)) **Sd**
4. Member Struggle Committee - Naresh Tamrakar, Newa: Deya Dabu (Representative, Jatiya Samstha (Hills)) **Sd**
5. Member Struggle Committee - Dhan Bahadur Majhi, Nepal Majhi Utthan Sangh (Representative, Jatiya Samstha (Terai)) for **Sd**
6. Member Struggle Committee - Virsu Lal Uranw, Nepal Jhangad (Uranw) Kodem Sudhara (Representative, Jatiya Samstha (Terai)) **Sd**
7. Member Struggle Committee - Minraj Chaudhari, Nepal Adivasi/Janajati Students Federation **Sd**
8. Member Struggle Committee - Sopa Magar, Adivasi Students Society **Sd**
9. Member Struggle Committee - Rupa Chaudharu, Adivasi/Janajati Sabhasad Sabha **Sd**
10. Member Struggle Committee - Laxman Tharu, Tharuhat Autonomy State Council (Federal Democratic Republic Forum) **Sd**
11. Member Struggle Committee - Kumar Lingden, Federal Limbuwan State Council (Federal Democratic Republic Forum) **Sd**
12. Member Struggle Committee - Vijay Sainju, Nepa: National Party
13. Member Struggle Committee - Sanjuhang Palungwa, Federal Limbuwan State Council for **Sd**
14. Member Struggle Committee - Suresh Ale Magar, Adivasi-Jatiya-Chhetriya Mahasangh, Nepal (Representative, Political Parties Sister Organizations) **Sd**
15. Member Struggle Committee - Anjana Tamli, National Federation of Adivasi/Janajati Women, District Coordination Council
16. Member Struggle Committee - Shukra Bahadur Majhi, Nepal Adivasi/Janajati Federation, District Coordination Council **Sd**
17. Member Struggle Committee - Nagendra Kumal, Adivasi/Janajati Highly Marginalised Community **Sd**
18. Member Struggle Committee - Lokendra Jero Kirati, Adivasi/Janajati Community Due to be Registered
19. Member Struggle Committee - Dinesh Ghale, Adivasi/Janajati Professional and Vocational Organization (Lahurnip) **Sd**
20. Member Struggle Committee - Bharat Shrestha, Nepal Adivasi/Janajati Youth Federation **Sd**
21. Member Struggle Committee - Yam Bahadur Kulung, Federation of Adivasi/Janajati Nongovernmental Organizations **Sd**
22. Secretary - Dr. Krishna Bhattachan, Adivasi/Janajati Intellectual **Sd**