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Excellency,

You will recall that the Committee on the Elimination of Racial Discrimination, at its 64<sup>th</sup> session held from 23 February to 12 March 2004, considered the fifteenth and sixteenth periodic reports of Nepal and adopted concluding observations in relation thereto (CERD/C/64/CO/5). As noted in paragraph 25 of this document, the next periodic report was expected to be received by 1 March 2008. To date, the Committee has not received any information from your Government in this respect.

As stated in the Committee's letter transmitted to your Government on 6 March 2009, the Committee is also concerned over reports concerning the inadequate participation of indigenous peoples' representatives in the ongoing constitution-making process in Nepal. According to information submitted to the Committee, representatives of indigenous peoples may only formally participate if they are chosen by political parties and act in strict conformity with the manifestos of those parties. In this regard, the Committee wishes to assist Nepal in ensuring that the rights guaranteed by the Convention are fully recognized and respected and that irreparable harm to indigenous peoples is avoided.

You will recall that in its letter of 6 March, the Committee had called for the establishment of a thematic committee for indigenous peoples to guarantee their full representation and participation in political life. The Committee commends your Government's intention of addressing indigenous peoples' rights through the Committee to Protect the Rights of Minority and Marginalized Communities. However, in light of reports concerning the problems faced by indigenous peoples in aiming to exercise their right to effective participation, the Committee is concerned that this mechanism may not be an effective alternative to a specific thematic committee on indigenous peoples, as proposed by the Committee.

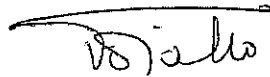
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In light of the above, the Committee reiterates that the establishment of such a thematic committee should be urgently considered and that effective indigenous representation should be guaranteed by allowing the participation of indigenous representatives who are freely chosen and identified by the peoples concerned according to their own processes.

In order to continue a constructive dialogue with your Government, the Committee requests that information regarding the above be provided by 30 November 2009. The Committee would also like to be informed on progress in the elaboration of the combined seventeenth to nineteenth periodic reports of Nepal, which fell due on 1 March 2008.

Allow me, Your Excellency, to repeat the wish of the Committee to pursue a constructive dialogue with your Government, and to underline that the Committee's request for information is made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah  
Chairperson of the Committee on the  
Elimination of Racial Discrimination