



Governing Body

341st Session, Geneva, March 2021

Institutional Section

INS

Date: 24 March 2021

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Thirteenth item on the agenda

Report of the Director-General

Third supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

1. By a communication dated 25 January 2018, the Nepal Telecom Employees' Union (NTEU) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Nepal of the Indigenous and Tribal Peoples Convention, 1989 (No. 169).
2. The representation referred to a road-widening project undertaken by the Government of Nepal in the Kathmandu Valley, which allegedly involved forced displacement and the demolition of houses and significant Newar cultural heritage sites. The representation alleged that the Government had not undertaken consultations with the Newar people on the road-widening plan; that it had not conducted environmental and social impact assessments; and that it had failed to comply with legal procedures for expropriation and demolition of houses.
3. Pursuant to the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004),

the Governing Body declared the representation receivable, at its 333rd Session in June 2018, and set up a tripartite committee to examine it.

4. In January 2019, the Office informed the parties that, at its 334th Session (October–November 2018) the Governing Body had adopted new measures concerning the operation of the representations procedure, among them the possibility for the parties to accept an “optional voluntary conciliation” procedure. Both parties expressed their willingness to engage in a voluntary conciliation process in March 2019.
5. In October 2019, the tripartite committee instructed the Office to request the parties to transmit information on the results achieved since the acceptance of the conciliation. In November 2019, the tripartite committee requested the parties to indicate whether they would accept to enter into conciliation with an independent conciliator and having the ILO as an observer.
6. Based on the information received from the parties concerning the meetings held, the tripartite committee instructed the Office, in June 2020, to request both the Government of Nepal and the complainant organization to provide information on new discussions and results achieved, and, in the absence of agreement to continue conciliation, to provide updated information for examination by the tripartite committee.
7. Finally, on 22 December 2020, the Office received a communication from the complainant organization by which it informed the ILO Director-General of the decision of the NTEU to withdraw the representation. The NTEU indicated that “the situation has now been improved significantly as most of those who were displaced have been reasonably compensated and resettled, and court decisions have been implemented; thus, the concerns and issues raised in the said representation no longer stand valid and relevant now”. The NTEU requested the ILO to set aside the representation and annul all proceedings subsequently taken in this regard with immediate effect.
8. The tripartite committee takes note of the request submitted by the Nepal Telecom Employees’ Union (NTEU) and recommends that the Governing Body adopt the draft decision below.

▶ Draft decision

9. **The Governing Body declared that the representation had been withdrawn and closed the case.**

11 February 2021

(signed)

Government member: Juan Pablo Schaeffer
Employer member: Fernando Yllanes Martinez
Worker member: Mary Liew Kiah Eng