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Calling for follow up actions to protect the rights of Indigenous Newa communities in Khokana and Bungamati threatened by the construction of Kathmandu-Terai/Madhesh Fast Track (Expressway) and other infrastructure projects

Esteemed Special Rapporteur,

We, the undersigned groups, represent the Indigenous Newa¹ families and communities affected by the Kathmandu – Terai/Madhesh Fast Track (Expressway) Project along with other ongoing or planned infrastructure and urbanization projects, including, inter alia, Bagmati River Basin Improvement Project (Bagmati Corridor), Kathmandu Outer Ring Road and Thankot - Bhaktapur Transmission Line Project and one of the four planned “Smart Cities” in Kathmandu valley in the historical settlements of Khokana and Bungamati in the south of Nepal’s capital city Kathmandu. We write this to provide some major updates on the continued and increased imminent threats of displacement of our families and communities from our lands due to the Fast Track Expressway and call for immediate follow up actions from your office to protect our rights.

We firstly reiterate our sincere appreciation to the UN Special Procedures for continuously raising attention to the human rights situation of the Indigenous Newa communities of Khokana and Bungamati through an Allegation Letter (Ref: AL NPL1/2024²) submitted on 25 June 2024 to the Government of Nepal³, along with domestic and international businesses involved in the Expressway project, the home States of those businesses and the Asian Development Bank (ADB) that supported the feasibility study of the Expressway, and the earlier

¹ Also, popularly known as Newar

² See, <https://spcommreports.ohchr.org/TmSearch/RelCom?code=NPL%201/2024>

³ Ref. NPL 1/2024, <https://spcommreports.ohchr.org/TmSearch/RelCom?code=NPL%201/2024>

Allegation Letter (Ref: AL NPL 1/2021⁴) submitted on 30 March 2021 to Nepal⁵, among others. Those communications have provided important international attention to our human rights concerns. Regrettably, to the best of our knowledge, the Government of Nepal has not provided a response to the latest communication from the Special Procedures while the concerns raised by the Special Procedures remain unresolved.

Added to the absence of a response, the Government's recent actions to proceed with the Fast Track Expressway project, most notably through the re-publication of the land acquisition notice (earlier published on 16 March 2016) for the project on 18 June 2026, suggests that the authorities are insistent on pushing through the project in violations of our rights. We therefore respectfully submit this urgent follow-up communication to request the continued engagement of the Special Procedures.

Background

1. The Kathmandu – Terai/Madhesh Fast Track (Expressway) is a so-called national pride infrastructure project of the Government of Nepal. The approximately 70.97-kilometre expressway is intended to connect the capital city of Kathmandu with the East-West Highway at Nijgadhi in Bara district in southern Nepal. The aim is to reduce travel time between the Kathmandu Valley and the Terai/Madhesh region while improving national connectivity, trade, and strategic transportation. Since 2017, the project has been implemented by the Nepal Army under the direction of the Ministry of Defence of Government of Nepal⁶. As of 2026, construction has progressed across much of the alignment. However, construction in the historic Indigenous Newa settlements of Khokana and Bungamati sections of Lalitpur remains contested and has not progressed due to unresolved issues relating to land acquisition, Indigenous Peoples' rights, and cultural heritage. Recent re-issuance of the earlier land acquisition notice for the project as noted above in Khokana, Bungamati and adjoining Dukuchhap areas indicate that the Government is aiming to push through the construction of the Expressway in the affected Indigenous Newa settlements.
2. Khokana and Bungamati are ancient Newa towns situated in Lalitpur district adjoining Kathmandu in the south. Under the current alignment, the Expressway passes through the agricultural lands, Indigenous Newa communal lands (Guthi land), areas of cultural and religious significance of the Indigenous Newa communities of Khokana and Bungamati and beyond. The affected landscape does not merely consist of privately owned farmlands. It forms part of a living Indigenous cultural landscape where farming systems, traditional irrigation canals (rajkulo), communal institutions (Guthi⁷), temples, festivals, and sacred sites are closely interconnected.
3. Newa is one of the Indigenous Peoples (legally known as Indigenous Nationalities or Adivasi Janajati in Nepali) of Nepal. They are officially recognised under the National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002. They are the Indigenous inhabitants of the Kathmandu Valley and surrounding areas historically known as Nepal Mandal. They possess distinct languages, customary institutions, religious

⁴ See <https://spcommreports.ohchr.org/TmSearch/RelCom?code=NPL%201/2021>

⁵ Ref. NPL 1/2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26282>

⁶ <https://ktft.nepalarmy.mil.np/>

⁷ Guthi is traditional governance institution of Indigenous Newa people often including land endowment for socio-cultural purposes.

traditions, cultural practices, and systems of collective resource management that have evolved over centuries.

4. Khokana and Bungamati are among the oldest surviving Newa settlements in the Valley. They represent living cultural landscapes where tangible and intangible heritage, including traditional agricultural practices, guthi institutions, temples, monasteries, processional routes, sacred spaces, and customary governance, remain integral to the identity and continuity of the Indigenous Newa people. The communities' relationship with their ancestral lands extends beyond economic use and encompasses cultural, spiritual, social, and historical dimensions.

5. The affected Indigenous Newa communities have consistently stated that they are not opposed to development of public infrastructure as such. Rather, they oppose the current alignment and implementation of the Fast Track Project because it has proceeded without respecting their internationally recognised rights as Indigenous Peoples. For more than a decade since the conduct of the public hearing for the Environmental Impact Assessment (EIA) of the project in Khokana in 2009, community members have continuously raised opposition against the project due to disproportionate impacts. The Government has however turned deaf ears to their opposition voiced through petitions to the relevant authorities and constitutional bodies such as the National Human Rights Commission.

6. The communities have organized public protests, including outside the camp of the Nepali Army in Khokana forcibly installed in 2018 on private farmlands for the landowners have not accepted any compensation. Protests by the communities in Kathmandu in 2018 and in Khokana in 2020 resulted in heavy-handed responses by the police and armed police forces with scores injured when police used water cannons, lobbed tear gas shells and charged batons. The communities have nonetheless been able to halt construction of the project in Khokana and Bungamati areas due to their protests. The opposition and protests are evident that the Government has failed to obtain the Free, Prior and Informed Consent (FPIC) of the Indigenous communities in Khokana and Bungamati before making decisions about the Fast Track Expressway and other projects affecting their lands and territories.

Recent developments

1. Since we last submitted information to the UN Special Procedures in July 2022 and as noted in the latest Allegation Letter of the Special Procedures in June 2024, the Government of Nepal, through a decision of the Cabinet of Ministers on 18 April 2023, had formed a Committee under the coordination of then Deputy Prime Minister and Minister of Defence to resolve problems related to acquisition of land in Khokana and Bungamati for the Kathmandu-Terai/Madhesh Fast Track (Expressway) Project.⁸ The membership of the Committee includes the Mayor of Lalitpur Metropolitan City (within which Khokana and Bungamati lie). In response to the opinions/suggestions of the requested by the Ministry for the Committee, the Lalitpur Metropolitan City

⁸ <https://nawakantipur.com/archives/160049> (in Nepali)

organized a public interaction with the resident landowners and concerned local representatives on 24 August 2023 in presence of the Mayor and Ward⁹ Chairs from Bungamati and Khokana.¹⁰

Following the discussion attended by around 160 locals, the Metropolitan City office submitted the opinions and suggestions received at the discussion to the Ministry on 20 October 2023. The residents/landowners, who spoke at the discussion, opposed placing the entry/starting point (also widely reported as zero point) of the Expressway in Khokana and accordingly the Metropolitan City conveyed the option of moving the entry point by 8kms to the south from Khokana in Dukuchhap to avoid impacts in Bungamati and Khokana. This was a clear expression of no FPIC for the Expressway from the Indigenous Newa communities of Bungamati and Khokana that the local government has formally conveyed to the Ministry.

2. On 15 August 2023, the Government decided to amend the Detailed Project Report (DPR) of the Expressway to reduce the length of the Expressway to 70.97 km by removing some bends to further straighten the Expressway.¹¹ That also reportedly decreased the cost of the project. However, the Government did not consider or address our grievances while amending the DPR based on the supplementary Environmental Impact Assessment (EIA) undertaken for the project in 2021. As noted in our last information submission, we had expressed our grievances and demands during the conduct of the supplementary EIA, which was approved without considering our grievances/demands.

3. Elected representatives from Bungamati and Khokana to the federal parliament have also repeatedly voiced support for our demand to move the entry point of the Fast Track from Khokana in the parliament and in meetings with the concerned authorities, including as part of the works of the above-mentioned Committee. For example, on 28 June 2024, then Member of Parliament Udaya Shumsher Rana called for moving the zero point from Khokana to Dukuchhap from the floor of the parliament.¹² On 27 October 2024, Rana and other members of Parliament, including Toshima Karki, also raised concerns about socio-cultural impacts of the Fast Track Expressway in Bungamati and Khokana and called for addressing the demands of the affected communities.¹³

4. Further, we, representatives of the communities affected by the Expressway, have repeatedly met with the concerned national authorities to reiterate our grievances and demands, including as part of the works of the above-mentioned committee. Most recently, On 9 June 2025, we, together with local political and elected leaders, met with then Prime Minister of Nepal, KP Oli, to hand over our demand to relocate the entry point of

⁹ Ward is the smallest administrative unit in Nepal.

¹⁰ <https://onlinemajdoor.com/?p=97197>, <https://www.facebook.com/khonanepal/videos/1080011942968259/?rdid=8L05oygrYsgLSoJN#> (in Nepali)

¹¹ <https://ekantipur.com/news/2023/08/15/169210560900062043.html> (in Nepali)

¹² <https://www.republicadainik.com/2024/06/92691/> (in Nepali)

¹³ <https://www.facebook.com/watch/?mibextid=wwXlfr&v=1568786337360041&rdid=bfo8eK0yT6OGUt1S> (in Nepali)

the Fast Track from Khokana.¹⁴ Accordingly, in July 2025, Prime Minister Oli had directed to swiftly resolve the dispute about the entry point of the Expressway, including by adopting alternative options.¹⁵

5. On 30 June 2024, the Office of the Prime Minister had reportedly requested the Indigenous Nationalities Commission (Nepal's constitutional body dealing with Indigenous Peoples' issues) to support the response of the Government of Nepal to the last communication of the UN Special Procedures to Nepal in June 2024. Accordingly, on 18 June 2025, the Commission submitted its report to the Office of the Prime Minister following field visits to the Khokana, Bungamati and Dukuchhap and consultation meetings with us - the affected communities' representatives and relevant authorities. The Commission has reported that the section of the Expressway from Bungamati to Khokana, where its current starting point is located, contains religious and cultural heritage of the Indigenous Newa Community. The Commission further found that retaining the Fast Track's current starting point at Khokana would adversely affect and lead to the degradation of the Indigenous Newar Community's religious and cultural heritage. Accordingly, the Commission recommended that the project's starting point be relocated to the alternative site of Dukuchhap to the south of Bungamati.¹⁶

6. Another important development occurred on 17 February 2026 when Sushila Karki, the then Interim Prime Minister of the Government of Nepal formed after the Gen-Z revolution in September 2025, instructed authorities to proceed with the Expressway using an alternative starting point at a high-level meeting to review the project in light of the longstanding dispute concerning Khokana.¹⁷ During the meeting that took place after an inspection of the under-construction Expressway on 27 January, the Interim Prime Minister Karki acknowledged the concerns raised by the Indigenous Newa communities regarding the potential impacts of the project on their ancestral lands, cultural heritage, and religious sites. The Interim Prime Minister thus directed the relevant authorities to explore an alternative starting point for the Expressway and, if necessary, revise the Detailed Project Report (DPR) to minimise adverse impacts on Khokana and Bungamati. We, the affected communities, as well as our supporting groups welcomed the announcement as a positive indication that the Government was willing to engage in dialogue and explore alternatives that would respect their rights while achieving the project's development objectives. We hoped that their longstanding concerns would be meaningfully considered before any further implementation decisions were taken.

7. Following the formation of the current government in March 2026, there seems to be efforts from the authorities towards proceeding under the first alignment of the Expressway with Khokana as the starting point. On 18 June 2026, the District Administration Office of Lalitpur re-published the land acquisition notice (earlier published on 16 March 2016) for lands in Khokana and Bungamati required for the Kathmandu–Terai/Madhesh Fast Track Project.¹⁸ The notice called upon the landowners, who had not come to claim compensation for

¹⁴ https://www.onlinekhabar.com/2025/06/1699380/khokana-residents-suggestion-to-the-prime-minister-lets-maintain-dukuchhap-as-the-departure-point-of-the-fast-track?fbclid=IwY2xjawKzvGVleHRuA2FlbQlxMABicmlkETfUub2ptMEIBUTdPZFN2ZmZDAR4zpMsEO4yCZ0Jzi1k1OAOne05sRHl9A9adzoRP5xYfnTwVqOHBLLDzoZ4hJA_aem_7z6nwwrAcOGk608TJ646mg (in Nepali)

¹⁵ <https://www.google.com/url?q=https://ekantipur.com/news/2025/07/29/prime-ministers-directive-to-quickly-resolve-the-dispute-over-the-starting-point-of-the-expressway-46-47.html&sa=D&source=editors&ust=1789298752865584&usg=AOvVaw3MrcjWiB6fi-w3nFG8x2tl> (in Nepali)

¹⁶ <https://risingnepaldaily.com/news/63748>

¹⁷ <https://kathmandupost.com/national/2026/02/17/pm-karki-orders-alternative-start-point-for-kathmandu-tarai-expressway>

¹⁸ <https://www.facebook.com/photo/?fbid=1340446304945100&set=pb.100069392300293.-2207520000>

their land parcels, to claim compensation for their land from the Office or the project office. The notice stated that compensation for only 254 of the 1,179 land parcels notified for acquisition had remained unclaimed. We strongly contest the figure and affirm that compensation for more than 80% of land parcels notified for acquisition for the Expressway in Khokana and Bungamati has not been claimed.

8. While we were encouraged by positive developments until the recent republication of the land acquisition notice and various alternatives were reportedly being explored for the starting point¹⁹, no official information was provided to the knowledge of the affected communities regarding the review of the starting point - whether alternative starting points were fully assessed or the reason for proceeding with the disputed starting point in Khokana through the republication of the notice. Nor were the affected Indigenous Newa communities meaningfully consulted before the republication of the notice or afforded the opportunity to participate in decision leading to the notice. We maintain that this is outright violation of our right to FPIC in the context of the Expressway.

9. We further assert that the republication of the land acquisition notice or revival of the first alignment of the Expressway is unlawful, unconstitutional and inconsistent with national laws - not only with international human rights standards, including on the rights of Indigenous Peoples. That is because our writ petition against the Expressway and other projects planned or proposed in Khokana and Bungamati at Nepal's Supreme Court is still under consideration although the hearings on the petition have been repeatedly postponed or delayed. Thus, we affirm that the republication of the notice while the case is sub-judice in the Supreme Court is tantamount to undermining the authority of the Supreme Court itself.

10. The publication of the land acquisition notice has caused profound concern among the Indigenous Newa communities of Khokana and Bungamati. Many families fear the loss of ancestral agricultural lands that have sustained their livelihoods for generations. Community members fear that the destruction or fragmentation of these interconnected cultural spaces would have irreversible consequences for their collective identity, customary institutions, and ability to transmit their cultural heritage to future generations. Thus, we, the Janasarakar Samiti of Khokana and Bungamati, have submitted a letter to the District Administration Office of Lalitpur on 25 June 2026 calling for the notice published in the national newspaper to be withdrawn. We reiterated our opposition to the proposed alignment and the starting point of the Expressway while urging the authorities to ensure that any further actions are carried out in accordance with Nepal's obligations under international human rights law and with the FPIC of the affected Indigenous Newa communities. Most recently, landowners and representatives of Guthi lands affected by the Expressway also challenged the republication of the land acquisition of notice at the Supreme Court through a writ petition on 14 August 2026.

11. Besides our advocacy for our rights with the authorities, at the court and with the UN mechanisms, we have continued to peacefully advocate for the protection of our rights. As in previous years, we have organized a peaceful demonstration on 29 June 2026 to mark National Paddy Day. During the national annual rice-planting day, affected communities members carried placards in the paddy fields to protest the proposed

<https://epaper.gorkhapatraonline.com/pdf?file=/uploads/file/2026/6/gorkhapatra/2026-06-17-11-52-32-2083-03-04.pdf> (in Nepali)

¹⁹ <https://english.ratopati.com/story/50723/moving-the-starting-point-of-the-fast-track-to-farsidol-will-increase-both-cost-and-time>

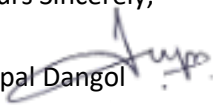
alignment and zero point of the Expressway, while calling on the Government to relocate the project's starting point and adopt an alternative alignment that would protect agricultural land, sacred sites, traditional irrigation systems, Guthi land, historic settlements, and the cultural heritage and livelihoods of the affected Indigenous Newa community.²⁰

In above context, while the continued engagement of the UN Special Procedures, through its communications, with the Government of Nepal and other entities involved has resulted in some positive developments, the most recent government action to republish the land acquisition notice demonstrates that the underlying grievances of the affected communities and our human rights concerns remain unresolved. Thus, we urge you to continue your consideration on our issues under your mandates and to follow up on your earlier communication to with the Government of Nepal and the businesses involved and their home States as well as the ADB in order to seek additional information on the recent developments in relation to addressing the violations of our rights. Further, if possible, we again invite you for a visit to our lands under question and our wider communities in order to better inform you on the situation of violations of our rights.

Like in the past, we are submitting this information jointly to the UN Special Rapporteurs on on the rights of Indigenous Peoples, in the field of cultural rights, and on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination, as well as the Working Group on the issue of human rights and transnational corporations and other business enterprises for consideration under their mandates. So, we urge that you jointly examine this letter with other offices and correspond with the Government of Nepal and others involved, as noted above, about the need to take immediate action to defend, protect and promote our rights as indigenous communities to our lands, resources, sacred places and culture.

We remain at your disposal if you need further information and look forward to your reply.

Yours Sincerely,



Nepal Dangol
Chairperson
Janasarokar Samiti, Khokana



Asta Bahadur Maharjan
Chairperson
Janasarokar Samiti, Bungamati

²⁰ <https://www.reutersconnect.com/item/farmers-protest-against-fast-track-alignment-during-national-paddy-day-in-khokana-nepal/dGFnOnJldXRlcnMuY29tLDlwMjY6bmV3c21sX01UMU5VUIBITzAwMENJMKZUSg>