


Coercion of indigenous peoples in Sindhuli District, Nepal

 Khimti-Dhalkebar Transmission Line

 Nepal

 Energy infrastructure

 WB

On April 17, 2016, Shakti Sahanubhuti¹ and fellow community members in Sindhuli District, Nepal, held a peaceful protest against the planned construction of the 220kV Khimti-Dhalkebar Transmission Line (KDTL) through their lands. The Nepali police violently dispersed the protesters, dragging and beating them with bamboo sticks. Several community members, including elders and women, were injured.² Later that day, six community leaders, including Sahanubhuti, were arrested as they left a meeting with local authorities. While detained, they were threatened with criminal charges if they refused to sign a document pledging to not obstruct the project's construction.³

On July 2, 2016, Sahanubhuti was again arrested with other community members in a peaceful protest and detained overnight. Similar to the April 2016 incident, local authorities threatened community members with criminal charges and released them only after they signed agreements committing not to obstruct the project.⁴

The KDTL transmission line is part of the Nepal Power Development Project financed by the World Bank in 2003 for the amount of US\$75 million.⁵ After several delays, construction of the project began in 2008, and in 2009 communities along the project route began seeking information. The families in Sindhuli District, many of whom are indigenous peoples, Dalits, women and other marginalized groups – are concerned about the health, safety, and economic impacts the transmission line would bring.⁶ Project implementers have failed to provide communities with necessary information on the project and carried out the environmental and social assessments without their participation, in contravention of Nepali law as well as international conventions on the rights of indigenous peoples.⁷

In 2010, several communities formed a “Struggle Committee” and have been protesting the project ever since, demanding that the transmission line be realigned along an alternative route.

On March 31, 2011, the police detained the founding member of the Committee for several hours for leading a protest. Ten days later, another protester was detained for two days. He reportedly sustained severe injuries while in custody.⁸ In November 2012, the police attacked more protesters and severely injured ten women, including Sahanubhuti.⁹

In July 2013, 103 families in Sindhuli filed a complaint with the World Bank Inspection Panel demanding the right to access information on the project and to be properly consulted, and citing violent treatment at the hands of the police.¹⁰



A villager wounded by police April 2016.

Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)



Indigenous women protesting the transmission line.



Police use force against villagers, April 2016.

The Inspection Panel's investigation found several violations of Bank policies, including the requirement to ensure meaningful consultation with local communities.¹¹ The Panel also found that "misinformation by project implementers and poor planning had led to misunderstanding and violence on the ground." As for the violent incidents and acts of repression, Bank management "emphasize[d] that the Bank, within the boundaries of its mandate, is constrained as regards the actions that it can take on being alerted of human rights violations of the nature alleged by the Requesters."¹²

Bank management developed an Action Plan to address the issues identified in the Panel's Investigation Report, including measures to strengthen consultation with the communities.¹³ However, before the communities were provided information about the project's impacts, construction was resumed in April 2016.

Although Bank management was informed of the incidents of April and July 2016, its first progress report on the Action Plan appeared to use the agreements

villagers were coerced into signing while in detention as an indication of the communities' consent to the project.¹⁴

After much advocacy, including letters to the Bank's president, board, and management, as well as to the government of Nepal¹⁵, the second report on the Action Plan issued in August 2017 conceded that "a local 'Struggle Committee', had informed the Bank that 'in its view' the community had not agreed with the continuation of construction."¹⁶ Still, the Bank refused to acknowledge that the referenced community agreement was obtained through intimidation and coercion. It also failed to mention the repeated use of violence and intimidation by authorities in the project area.

Construction of the transmission line was completed in January 2017. The communities continue to fight for compensation and remedy for the harms they have suffered.¹⁷

In December 2018, two key community activists who had false criminal cases filed against them finally had their cases dismissed by a Nepali court after over two years of legal proceedings.¹⁸

Endnotes

- 1 Name changed due to security concerns.
- 2 Komala Ramachandra, “4.27.16 update on Sindhuli MA,” Accountability Counsel, April 27, 2016 [Press Release], <https://www.accountabilitycounsel.org/wp-content/uploads/2017/10/4.27.16-Update-on-Sindhuli.pdf>.
- 3 “To Be an ‘Honest Broker’ in Nepal, the World Bank Must Be Fully Honest,” Accountability Counsel, July 11, 2017, <https://www.accountabilitycounsel.org/2017/07/to-be-an-honest-broker-in-nepal-the-world-bank-must-be-fully-honest-2/>.
- 4 Ibid.
- 5 Power Development Project, P043311, The World Bank, Approved: May 22, 2003, <http://projects.worldbank.org/P043311/nepal-power-development-project?lang=en>.
- 6 Investigation Report, NEPAL: Power Development Project (P043311), The World Bank Inspection Panel (2015), <https://www.accountabilitycounsel.org/wp-content/uploads/2017/10/87-Investigation-Report-Nepal-Power-Development-Project1.pdf>.
- 7 Ibid.
- 8 Request for Inspection submitted by Surrenfraswar Moktan, Shankar Limbu & Komala Ramachandra to World Bank Inspection Panel, p. 9, July 10, 2013, [http://ewebapps.worldbank.org/apps/ip/PanelCases/87-Request%20for%20Inspection%20\(English\).pdf](http://ewebapps.worldbank.org/apps/ip/PanelCases/87-Request%20for%20Inspection%20(English).pdf).
- 9 Ibid., p. 11; “To Be an ‘Honest Broker’ in Nepal, the World Bank Must Be Fully Honest,” Accountability Counsel, July 11, 2017, <https://www.accountabilitycounsel.org/2017/07/to-be-an-honest-broker-in-nepal-the-world-bank-must-be-fully-honest-2/>; “Nepal: Early warning regarding possibility of violence at construction site of Khimti-Dhalkebar 220 KV Transmission Lines under the World Bank funded Nepal Power Development Project,” Asia Indigenous Peoples Pact, April 4, 2013, <https://aippnet.org/nepal-early-warning-regarding-possibility-of-violence-at-construction-site-of-khimti-dhalkebar-220-kv-transmission-lines-under-the-world-bank-funded-nepal-power-development-project/>.
- 10 “Nepal: Power Development Project,” The World Bank Inspection Panel, <http://ewebapps.worldbank.org/apps/ip/Pages/ViewCase.aspx?CaselD=91>.
- 11 Investigation Report, NEPAL: Power Development Project (P043311), The World Bank Inspection Panel (2015), <https://www.accountabilitycounsel.org/wp-content/uploads/2017/10/87-Investigation-Report-Nepal-Power-Development-Project1.pdf>.
- 12 “Management Response to Request for Inspection Panel Review of the Nepal: Power Development Project (P043311),” p. vi, The World Bank Inspection Panel, September 11, 2013, [http://ewebapps.worldbank.org/apps/ip/PanelCases/87-Management%20Response%20\(English\).pdf](http://ewebapps.worldbank.org/apps/ip/PanelCases/87-Management%20Response%20(English).pdf).
- 13 “Management Report and Recommendation in Response to the Inspection Panel Investigation Report – Nepal: Power Development Project (Loan No. P043311),” The World Bank Inspection Panel, March 30, 2015, <http://ewebapps.worldbank.org/apps/ip/PanelCases/87-Management%20Report%20and%20Recommendation%20-%20Nepal%20Power%20Development%20Project.pdf>.
- 14 Accountability Counsel & Lawyers’ Association for Human Rights of Nepalese Indigenous Peoples, “World Bank Covers Up Human Rights Abuses in Nepal: Silencing Community Voices,” Medium, August 19, 2016, <https://medium.com/@AccountCounsel/world-bank-covers-up-human-rights-abuses-in-nepal-silencing-community-voices-ae1c71c52848>; “To Be an ‘Honest Broker’ in Nepal, the World Bank Must Be Fully Honest,” Accountability Counsel, July 11, 2017, <https://www.accountabilitycounsel.org/2017/07/to-be-an-honest-broker-in-nepal-the-world-bank-must-be-fully-honest-2/>; Progress Report, First Progress Report on the Implementation of Management’s Action Plan in Response to the Inspection Panel Investigation Report (INSP/93722-NP) on the Nepal Power Development Project P043311, para. v, The World Bank Inspection Panel (2015), <http://documents.worldbank.org/curated/en/501291470764609305/pdf/NP-PDP-Progress-Report-No-1-for-Board-submission-August-5-2016-08052016.pdf>.
- 15 Letter from Chris Grove on behalf of ESCR-Net to Mr. Pushpa Kamal Dahal, “Human Rights Violations in Connection with World-Bank Funded Electricity Infrastructure Project,” August 10, 2016, <https://www.escr-net.org/news/2016/nepal-respect-rights-communities-affected-world-bank-project>; Letter from Shankar Limbu & Komala Ramachandra to Dr. Jim Yong Kim, “Re: Intimidation and Militarization in the World Bank Funded Khimti-Dhalkebar Transmission Line Project in Sindhuli, Nepal,” July 7, 2016, <https://www.accountabilitycounsel.org/2016/07/open-letter-to-world-bank-president-kim-development-at-gunpoint/>; Letter from the Struggle Committee of Sindhuli High Tension Affected People to International Bank for Reconstruction and Development & International Development Association, “Re: First Progress Report on the Implementation of the Management Action Plan in Response to the Inspection Panel Investigation Report on the Nepal Power Development Project,” August 10, 2016, <https://www.accountabilitycounsel.org/wp-content/uploads/2017/07/Annex-1.pdf>; Letter from the Struggle Committee of Sindhuli High Tension Affected People to World Bank Board of Directors, “Re: Misrepresentations in World Bank Management’s First Progress Report on the Implementation of the Nepal Power Development Project Management Action Plan,” August 21, 2016, <https://www.accountabilitycounsel.org/wp-content/uploads/2017/07/8.21.2016-LT-to-WB-Board-from-Sindhuli-Nepal.pdf>.

16 Progress Report, Second Progress Report on the Implementation of Management's Action Plan in Response to the Inspection Panel Investigation Report (INSP/93722-NP) on the Nepal Power Development Project P043311, p. 1 para. 2, The World Bank Inspection Panel (2017), <http://documents.worldbank.org/curated/en/772721504644269014/pdf/NEPAL-PDP-Second-MAP-Progress-Report-August-29-FOR-BOARD-08302017.pdf>.

17 Shankar Limbu & Siddharth Akali, "Disappointing dialogue in Sindhuli provides lessons for community participation in Nepal's development," The Record Nepal, January 21, 2018, <https://www.recordnepal.com/category-explainers/disappointing-dialogue-in-sindhuli-provides-lessons-for-community-participation-in-nepals-development/?platform=hootsuite>.

18 Communications from LAHURNIP to authors, February 2019.