

A Proceeding of:

The Fifth National Gathering of Indigenous Peoples and Community Conserved Areas (ICCAs) in Nepal



Prepared by:

Jailab Rai

With partial supports of
Manila Deshar

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1. Introduction

The Fifth National Gathering of the ICCAs in Nepal, held on 25 and 26 March 2023, is organized in four broader contexts. First, there was a need to continue the gathering of the ICCAs in Nepal, organized in an informal network named as "ICCA Network Nepal", formed after the second national gathering held in 2010. This network had 5 secretariat members and a total of 26 communities, representing different eco-regions of the country, as members. This network became almost silent and inactive after few years of fourth national gathering held in December 2012. The first national gathering was held in 2009 and other three gatherings were held every year in later years.

Second, there was a need to revitalize ICCA Network Nepal so that it can continuously provide common platform for cross-sharing and cross-learning of their knowledge, experiences, issues and concerns. This platform is also as a part of the self-strengthening processes, so that they collectively raise voices for the appropriate recognition and supports to the ICCA-Territories of Life in Nepal.

Third, there was a need to set action plans so that ICCA Network Nepal would become proactive as well as visible in the public policy forums. There are lot of changes in terms of global as well as national policies and priorities on biodiversity conservation and the rights and recognition of the indigenous peoples and local communities during the last ten years. So, it is urgency for the ICCAs in Nepal to recap the changing national and global dynamics and re-set/re-shape their agendas and action plans accordingly.

Forth, it is time to onboard youths in the network in order to address youth issues as well as for pro-active leadership of the network. Though ICCA Network Nepal was silent and inactive during last 8/9 years, some youth activities (supported by Siemenpuu Foundation in Finland and facilitated by Ribdung-Jaleswori Education Foundation-REF, a national NGO based in Kathmandu), through personal efforts, expertise and experiences of some of the leaders of the ICCA Network Nepal and the honorary members of the ICCA consortium, have been initiated during 2020 and 2022. As a result of this initiative, a youth network named "ICCA Youth Network Nepal", as informal network of the youths, was formed through the First Youth National Gathering held in March 2022 (having 12 secretariat members from each participating

districts and a coordinator, with the understanding that all the 24 youths present in that gathering as its members).

So, the fifth ICCA national gathering, in the above contexts, aimed towards addressing three objectives: a) provide common platform to all the ICCAs for cross-sharing the updates from local to national levels; b) develop collective awareness on the urgency and importance of policy lobby and advocacy for the recognition and advancement of ICCAs; and b) discuss and develop a consensus on the future action-plans of the network and ICCAs in Nepal.

“पाँचौं राष्ट्रिय भेला (Fifth National Gathering)”

नेपालमा आदिवासी जनजाति तथा स्थानीय समुदायद्वारा संरक्षित क्षेत्र (आइसिसिए)
(Indigenous Peoples and Community Conserved Areas [ICCA] in Nepal)



२०७९ साल, चैत्र ११-१२ गते
नक्खु, ललितपुर

25-26 March 2023
Nakkhu, Lalitpur

आयोजक (Organizer)
फरेस्टएक्सन नेपाल
(ForestAction Nepal)

सह-आयोजक (Co-organizer)
आइसिसिए नेटवर्क नेपाल
(ICCA Network Nepal)
आइसिसिए युथ नेटवर्क नेपाल
(ICCA Youth Network Nepal)



This gathering was jointly organized by ForestAction Nepal, ICCA Network Nepal and ICCA Youth Network Nepal. The schedule of two days gathering is mentioned below:

Day 1: First day was dedicated for "Setting the Context" with a number of presentations on different issues and themes. The presentations were focused on the concept ICCA, updates of the ICCA Network Nepal, ICCA Youths Network Nepal, conservation policies and legislations for the rights and recognition of ICCAs in Nepal.

Day 2: Second day was dedicated for cross-sharing and cross-learning by participant on local conservation status and efforts, followed by the restructuring of the ICCA

Network Nepal and discussion and decision on the future action plans of the Network.

A total of 57 individuals that include representatives of 24 ICCAs/communities from different eco-regions of the country and participants from some organizations, were present on the first day of this gathering; while a total of 49 individuals were present on the second day of the gathering.

2. First Day of the Fifth National Gathering

Begun with the self-introduction of all the participants, first day of the gathering was dedicated for setting the context and enhancing knowledge on national to international policies related to the rights of indigenous peoples and local communities, with particular focus on the ICCAs in Nepal. In total, four presentations on different issues and themes were made on the first day of the gathering. Details of these presentations are discussed in the following section.

2.1 Presentations

2.1.1 First Presentation: Setting the Context

First presentation, by Mr Jailab Rai (national coordinator and honorary member of ICCA Consortium), was focused on setting the context of the gathering. This presentation covered four different aspects of ICCAs in Nepal. The key highlights of his presentation are summarized below:

- *First aspect (concept of ICCA): The meaning carried out by the term "ICCA" (definition, three characteristic features, three types etc.), in the context of our country is not new; rather its practice exists since long history. There is strong global network, organized in the name of the ICCA Consortium, that has been continuously carrying out international policy advocacy and lobby for the recognition of ICCAs. This network is also supporting for the self-strengthening of the regional, national and local networks of ICCAs. ICCA Network Nepal is also a member of this global network and now it is up to us on whether we strongly advocate for the recognition and advancement of the ICCAs in Nepal or remain silent.*
- *Nepal is rich in ecological diversity, biological diversity, and cultural diversity. This richness clearly shows a great potentiality of the existence of the different forms of*

ICCAs. So, identification, recognition and advancement of these ICCAs are very important for sustaining the conservation initiatives in Nepal. However, state's conservation policies and programs do not adequately recognize and support the diverse forms of ICCAs. Also there are no strong and well organized civic voices that can influence national policy making processes.

- *There are plenty of international polices, decisions and declarations such as CBD and related decisions, UN conventions (namely ILO 169, UNDRIP) including IUCN's decisions that mentions about the rights of Indigenous peoples and local communities. These provisions are fundamental legal foundations for the recognition of the ICCAs. Nepal is party to these all the international policies, decisions and laws. This means the national policies in Nepal should comply with all these international policies and decisions and that provide foundation for the appropriate recognition and supports of the ICCAs in Nepal. This is not only for the international policy and legal compliance, but also important to ensure the sustainability of the conservation through promoting diverse forms of bio-cultural practices existing in diverse forms in different parts of the country.*
- *Different forms of activities namely the preliminary studies and documentation of different forms and types of ICCAs, policy debates and policy advocacy for the appropriate recognition and supports to ICCAs, networking of the ICCAs including organization of the national gatherings, and youth empowerment through self-documentation of the ICCAs and their networking are some of the major efforts made for the self-strengthening and self-recognition of the ICCAs in Nepal. These efforts are not adequate in achieving the expected results for the appropriate recognition and supports to the ICCAs in Nepal. Some major challenges for achieving expected results are: some of the people blame that the concept ICCA is imported from outside, it is a concept that is parallel to the existing practices on community based resources conservation rights, and geographical difficulty of organizing the ICCAs. For these all, strong self-networking for the policy lobby and advocacy for the appropriate recognition of the ICCAs as well as supports to advance the existing diverse forms of ICCAs is need for way forward.*

2.1.2 *Second Presentation: Sharing Youth Initiatives*

Ms Roshani Limbu (Coordinator of ICCA Youth Network Nepal) and Ms Manila Deshar (one of the 11 secretariat members of ICCA Youth Network Nepal) have jointly updated about youth initiatives during 2020 and 2022. Key highlights of their presentation are summarized below.

- *Youth are the future generation who gives continuity to the bio-cultural conservation practices of the respective territories of life. So, it is important to educate and aware youths that helps to foster sense of responsibility towards bio-culture conservation of the respective territory of life. With the realization of this importance, we the youths from different eco-regions of the country have been volunteering some youth related activities.*
- *With the facilitation supports and guidance of the honorary members of the ICCA Consortium and leaders of the ICCA Network Nepal, we have become able to enhance our knowledge and leadership skills through four key major activities (1: community exposure visits; 2: self-documentation of bio-cultural properties; 3: self-planning for the bio-cultural conservation activities; 4: youth awareness activities; and 5: youth networking).*
- *Exposure visits: Some of the youths from different communities have become able to participate in community exposure visits. The communities visited are Bajrabarahi religious forest in Chapagaun in Lalitpur district, Chepang village in Happani of Chitwan district, Bote community in Nawalparasi district, Dura community in Lamjung district, Gurung community in Siklesh village of Kaski district, and Taudaha in Kathmandu district. We also organized exposure visits to some of the conservation organizations namely NTNC, IUCN Nepal, WWF Nepal etc.*
- *Self-documentation of bio-cultural properties: Youths from four communities (Ribdung village in Khotang district, Chepang youths in Chiwan district, Bote youths in Nawalparasi district, and Tumba youths in Gorkha district) have self documented bio-cultural properties of the respective territories. The self-documentation includes enlisting of biological and cultural properties of their community including preparation of short photo-video documentary about their efforts and activities.*

- *Self-Planning: Youths from four communities have also self-discussed and self-prepared future action plan (five years plan) for the conservation of their bio-cultural properties of their territories.*
- *Youth networking: We have organized the first youth gathering in March 2022 and have formed an informal youth network, named as ICCA Youth Network Nepal, through this gathering. This network consists of a total of 11 secretariat members including a coordinator. We, through this network have been doing some activities such as we have organized a tree-plantation program at Shree Chandeshwari secondary School on the occasion of World Environment Day 2022.*
- *Youth activities have been enhancing our knowledge and network on bio-cultural conservation practices and rights of indigenous peoples and local communities. Now, we are exploring possible collaboration and supports interested organizations and communities.*

2.1.3 Third Presentation: Laws and Policies for the Rights of IPs

Mr. Durga Yamphu (an advocate associated with Lawyers Association for Human Rights of Nepalese Indigenous Peoples - LAHURNIP) made third presentation on the rights of IPs. His presentation was focused on the rights of Indigenous Peoples over land and natural resources. The key highlights of his presentation are summarized below:

- *The concept of who are indigenous peoples could be interpreted on the basis of the socio-cultural and historical affiliation of the people with local territories that includes land, water, forest and other natural resources. Most important reference of defining IPs is their historical affiliation and relation with the land. It is because IPs often shares a deep connection with their lands both spiritually and ecologically. Indigenous peoples not only look into their territories as their property and source of income generation but for them their land is where the ancestral resides, their deities resides. Indigenous peoples have right to exercise their culture and utilize their lands as per their customary laws, practices and that has to be provisioned in the laws of the nation such as constitution, land laws, forest laws etc. Some international laws namely ILO 169 also have clearly provisioned legal basis in the favor of indigenous peoples that ensures the rights of indigenous peoples for land and natural resources.*

- *The concept of Free Prior and Informed Consent (FPIC) rights is one of the fundamental issues of IPs. This concept is about rights of self-determination of IPs over their resources and cultures. This concept is very important for the development and other external interventions such as urbanization, industrialization, resources extraction for industrial purposes. At each stage of a project—assessment, planning, implementation, monitoring, evaluation—indigenous peoples' own decision-making processes should be taken into consideration. The concept is that the consent, once granted, can be withdrawn at any time. However, Nepal's legal frameworks do not adequately guarantee the indigenous peoples' full enjoyment of their individual and collective rights as envisioned in the concept of FPIC.*
- *There are plenty of international policies and laws on the rights of IPs and Nepal's constitution also mentions about the special rights of IPs but other sectoral policies and laws are not adequate to comply with international laws and policies. However, if the indigenous peoples are aware about their rights in national and international context their rights can be guaranteed.*

2.1.4 Fourth Presentation: National Conservation Policies

Mr. Dilraj Khanal (legal advisor of the Federation of Community Forestry Users Nepal -, FECOFUN) delivered his presentation on Nepal's conservation policies, laws and possible windows for the recognition, promotion and advancement of ICCAs in Nepal. Key highlights of his presentation are summarized below:

- *The number and size of the global protected areas has dramatically increased and this increase adversely affected the livelihoods and culture of the indigenous peoples. However, recently the rights and rights issues of the IPs has been highly acknowledged by the international conservation policies, decisions, and laws. These have been providing some legal foundation for the identification, promotion and advancement of the concept like ICCAs. Such as introduction and endorsement of the concept like OECM by Global Biodiversity Framework 2020-30 and IUCN's conservation governance modalities have opened up possibilities as well as challenges for the rights of IPs including the concept of ICCAs. For example, the Global Biodiversity Framework (2020-20230), Target 3 expects to have at least 30% of terrestrial, inland water, and of coastal*

and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services to be effectively conserved and managed.

- *Nepal is one of the rich countries in terms of the availability of biological diversity. The target 3 of the global biodiversity framework (2020-2030) is not a problem as 23.39% of Nepal's land is already covered by protected areas; however, livelihoods and land rights as well as customary laws and practices of IPs have often been an issue of debates. In addition, the national policies and laws on protected areas in Nepal are very restrictive and against the rights of the IPs and local communities.*
- *However, there are possibilities of exploring avenues for the recognition and promotion of the rights of IPs and local communities within the existing national and internal conservation policies and laws. For example, existing national laws and policies on PAs, forest, land, environment, and local government acts have some provisions which could be interpreted for the establishment of the rights of IPs and local communities. Similarly, the constitution of Nepal has some provisions on the distribution of the rights of the different tiers of government that also provide constitutional rights for the IPs and local communities. Similarly, many of the international laws and policies as CBD, ILO 169, UNDRIP provide international legal foundation for the rights of IPs and local communities. Some practices and conservation initiatives in Nepal could be understood as part of these processes such as community based forest conservations, concept of Buffer Zone areas, Shyagya conservation areas, concept of community protocol etc. Recently the concept of ICCA could be one of the effective concepts in exploring avenues for the better implementation of the national and international policies on conservation. However, strong networking and collaboration with like minded community organizations and federations is most required to advance policy lobby and advocacy works.*

2.1.5 Sharing: Development and Conservation

Krishna Paudel from ForestAction Nepal shared about perspectives on the interrelation between conservation, development and sustainable agriculture practices in Nepal. His presentation was focused on the importance of sustainable agriculture for biodiversity conservation and human well being. The key points of his sharing are summarized below:

- *Development, understood as positive changes in the human well-being and societal progress, have both positive and negative impacts on the human well-being and the environment. So, any efforts made to change human well being that impacts environment should assessed from positive and negative impacts.*
- *The rural areas of Nepal are in the process of rapid development in terms of physical infrastructure like road expansions that is good as the people can get access to the basic facilities. But the development of physical infrastructures like roads has been triggering side effects on the agriculture and the environment of the rural life.*
- *The indigenous system of agriculture practices that were in existence with local have been slowly declining with the increasing access and use of chemical fertilizers, pesticides, and insecticides. Local people including the consumers are either unaware or less aware about the adverse effects of these chemical fertilizers on the human health as well as health of the soil.*
- *Excessive exposure to the fertilizers can lead to the serious health issues such as respiratory issues, skin irritation and even causes of different diseases like cancers. First victims of these fertilizers are obviously the farmers who first come into contact with these chemicals.*
- *So, it is high time for us to rethink and change our behaviors to keep safe from the negative effects of the chemical implements. We also must be aware about the adverse impact of such chemical implements on the environment and the biodiversity of our territory. Therefore, we, particularly the farming communities, should not come under the influence of development and should continue to practice our indigenous systems of farming and growing crops and vegetables. For this we can use organic manures for the healthy environment, good human health and health of the soil.*

2.2 Closing of the First Day Gathering

First day of the gathering came to an end along with open discussion to reflect usefulness of all the five presentations on different themes and issues. Reflection of the participants was that presentations became useful in terms of understating the concept ICCA-Territory of Life, efforts made to promote ICCAs in Nepal, youth initiatives, international and national policies on the rights of IPs, strengths and weaknesses of conservation policies and laws in Nepal, and

international conservation policies. With these presentations, participants realized the importance of identifying, promoting and advancing ICCAs in Nepal.

2. Second Day of the Gathering

The second day of the gathering started with recap and reflection of day one activities. It was followed by cross-sharing and cross-learning among the participants that include sharing conservation status of respective ICCA sites, discussion about the relevance of ICCAs in Nepal, action plan of ICCA Network Nepal, and reformulation of ICCA Network Nepal. Summary of the second day activities is discussed below.

2.1 Cross-Sharing and Cross-Learning among the Participants

Participants representing different communities and eco-regions shared about the conservation status of respective communities. They shared about conservation initiatives, challenges and opportunities in their respective communities. The summary of their sharing are given below:

1. Bajrabarahi Religious Forest: Mr Badri Deshar, chair of the Jyotidaya Sangh and a secretariat member of ICCA Network Nepal, shared about Bajrabarahi religious forest. A key highlight of his sharing is summarized below:

- *This forest, officially registered first religious forest in Nepal, is located in Chapagaun village of Lalitpur district, which is inside the Kathmandu valley. The forest covers an area of 18.29 hectares. This forest is managed by the local community through a conservation committee named as Jyotidaya Sangh. An ancient goddess temple in the center of the forest is considered as one of the pilgrimage destinations in Kathmandu valley. Therefore, this forest holds religious belief. The residents of the community believe that taking anything of the forest, even leaves or fruits or any parts of tree of the forest will bring them misfortune. Due to this religious belief the forest of this area is being preserved. The forest area, with the supports of local government and other conservation organizations, has been installed with fences all around and featured with picnic spots, parking areas and exercising equipments.*
- *Increasing urbanization around this forest area has become a big treat as it has been gradually increasing the crowd that is leading towards possibility of environmental degradation and pollution as well as possible land encroachments.*

- *However, the conservation practices of the local community leaders, if they could be well transformed to the new generation, will help ensure conservation of this forest area.*

2. Pungmo Community in Dolpa District: Mr Ang Bahadur Lama, chair of the Pungmo Community Development Center (an organization dedicated for the conservation of Pungmo conservation area) and a secretariat member of ICCA Network Nepal, has shared about Pungmo community conserved area in Dolpa district in Karnali province in west Nepal. A key highlight of his sharing is summarized below:

- *We, the indigenous people locally named as Baiji Lamas living in North West of Dolpa district, are Bonpo religious followers. Our village is very remote that takes almost a week from Kathmandu. Our village is mostly covered by the rangelands. We have been conserving and managing these pasturelands through our customary laws, religious principles, and practices. "Yulthim" is our customary practice in our village. "Youl" means "village" and "Thim" means representative" or leaders in the local language. We follow culture of non-violence in our village according to which we do not kill and hunt any of the animals and birds in our territories.*
- *Our village is buffer zone area of She-Phoksundo National Park and interventions of the national park have gradually displacing our customary laws and practices.*
- *Similarly, outmigration of youths is gradually isolating youths from our culture, cultural values and practices.*

3. Shyagya Tradition of Tsumba people in Tsum valley of Gorkha district: Mr Nima Lama, chair of Tsum-Nubri Rural municipality in Gorkha district, an honorary member of ICCA Consortium, and a secretariat member of ICCA Network Nepal, has shared about Shyagya tradition of Tsumba indigenous people in Tsum valley in Gorkha district in Gandaki province in western mountain, Nepal. A key highlight of his sharing is summarized below:

- *We, the indigenous people locally named as Tsumba in Tsum valley in northern corner of Gorkha district bordering with Tibet in China, have been conserving our territory through Shyagya tradition, which means a culture of non-violence. This tradition is rooted from Buddhist philosophy and it is guiding principle that shapes daily lives of Tsumba people in our village.*

- *However, intergenerational transformation of Shyagya tradition including other cultural practices is becoming one of the big challenges for us since most of the youths are migrating to city areas and abroad for different purposes like education, search of job opportunities etc.*

4. Bote communities in Baghkor village in Nawalparasi district: Mr Gyan Bahadur Bote (chair of the Bote Society Nepal) and Mr Indra Prasad Bote (secretariat member of ICCA Youth Network Nepal) have jointly shared about Bote indigenous people in Nawalparasi district in central Terai Nepal. A key highlight of their sharing is summarized below:

- *Bote indigenous people, one of the marginalized communities in Nepal are traditionally relied on ferrying and fishing occupation. Baghkhori village in Kawasoti Municipality ward number 14 in Nawalparasi district in central Terai Nepal is one of their traditional homelands. This village is Buffer Zone area of Nepal's first National Park, Known as Chitwan National Park. This national park is globally known for the conservation and habitat of Rhinoceros and tiger.*
- *One of the big challenges for Bote indigenous people in this village is restrictive policies of national park against their traditional livelihood practice. Similarly, gradual loss of their traditional culture, cultural practices and values is another challenge.*
- *However, this village is growing as one of the tourist destination and Bote community people in this village have possibility of enhancing their living through tourism enterprises.*

5. Chepang Community in Happani Village in Chitwan district: Mr Pancha Bahadur Chepang (elected chair of ward number 2 of Icchakamana Rural Municipality of Chitwan district) and Ram Kumar Chepang from Happani village in Icchakamana Rural Municipality in Chitwan district have jointly shared about bio-culture conservation status in their village. A summary of their sharing is given below:

- *Chepang indigenous peoples, first settlers of Happani village in Icchakamana Rural Municipality in Chitwan district, is one of the socio-economically and politically marginalized communities in Nepal. Living in steep hill terraces, Chepnag people traditionally are shifting cultivators in Nepal and have been gradually converted into*

subsistence farmers. They have been preserving biodiversity of their territory through different cultural values and practices on forest, water and land resources.

- *Due to the rapid expansion of development infrastructure like roads and electrification, outmigration, the loss of their cultural practices, values including languages in new generation has become one of the big treats of the Chepang people in Happani village.*
- *Community awareness, particularly among the youths, is pertinent issues for the sustainability of the culture and cultural practices of Chepang people in Happani village and beyond.*

6. Kanchanjungha Conservation Area in Taplejung district in eastern mountain Nepal: Ms Roshani Limbu (coordinator of ICCA Youth Network Nepal) from Taplejung district shared about bio-cultural status of Kanchanjungha Conservation Area in Taplejung district. A summary of her sharing is given below:

- *Kanchenjunga Conservation Area is located in the eastern Himalayan region of Nepal. It covers an area of 2,035 km². The landscape of this conservation area includes cultivable lands, forests, pastures, rivers, high altitude lakes, glaciers, and two Kanchenjunga peaks including number of beautiful peaks. The ecologically rich and diverse landscape of this area harbors rich biological diversities. This area is rich not only in ecology and biodiversity but also rich in culture and ethnicity. Many of the parts of this conservation area are traditional homelands of the different caste ethnic communities having diverse forms of culture and cultural practices. So, these sites have great potentials of promoting and advancing the concept of ICCAs. Moreover, Kanchanjungha Conservation Area itself is claimed as one of the ICCA sites.*
- *So, recognition, advancement and promotion of the diverse forms of cultural values and practices of the indigenous peoples is need but challenging in the context of existing conservation policies, laws and mindset of the state and conservation officials from non-indigenous communities.*
- *However, there is a great potentiality of showcasing this conservation area including many of the communities outside to this conservation area as ICCA sites.*

7. Badhaeyatal in Bardiya district in western Terai: Mr Mehilal Tharu (Community leader) from Badhaeyatal Rural Municipality, ward number 5 in Bardiya district shared about bio-cultural status of Badhaeyatal. A summary of his sharing is given below:

- *Badhaiyatal is beautiful lake located in ward number 5 of Badhaiyatal Rural Municipality in Bardiya district. This lake covers a total of 109 bigha (73.82 hectares) of land area. This lake has a religious beliefs of Tharu community according to which it is believed as the shelter of village deities. In terms of biodiversity, this lake is shelter of different types of birds (including both local and migratory birds) and fishes including different types of water animals. The lake is major source of irrigation for local peoples especially the Tharu indigenous peoples. The lake at present is under the control of local government.*
- *Land encroachment around this lake is one of the big threats of this lake. Similarly, modern development interventions such as beautification of the lake in the name of tourism development have not been considering the cultural and historical importance of this lake. In addition, loss of cultural values, practices and beliefs related to this lake is one of the big challenges.*
- *Promotion and advancement of historical and cultural beliefs and practices is very important for the sustainability of the conservation of this lake and bio-cultural diversity of this lake.*

8. Barghar system in Bar-Bardiya Rural Municipality in Bardiya district in western Terai: Mr Chunka Tharu and Ramdash Tharu (Community leaders known as Badghar system) from Padnaha village in ward number 4 of Bar-Bardiya Rural Municipality in Bardiya district have shared about Barghar system in their village. A summary of their sharing is given below:

- *Badghar system is the customary practice of Tharu indigenous community through which different issues, disputes and conflicts in the society (personal, family, societal) are collectively resolved through collective discussions. Bar-Bardiya Rural Municipality is the first local government to formulate the local government act to recognize this customary laws and practices in Nepal. Padanaha village in Bar-bardiya rural Municipality in Bardiya district is one among those villages where Badghar system is legally recognized. The Badghar is a community leader nominated by the village*

assembly for one year tenure. The Badghar as village leader is elected in the special village assembly day on first day of the month of Magh every year (it is generally 16th of January).

- *However, resolving all the conflicts and issues is very challenging as some of the resolved cases may go to the legal courts that may create problems. Similarly, Badghar practice was a kind of voluntary customary practices but given the changing political and social contexts basic remuneration to the nominated leaders is most required which may make this system for issue of interest for the political parties and other state mechanism.*
- *However, appropriate recognition and advancement as per the changing socio-political contexts may have possibilities of ensuring justice system locally accessible, easier, and faster.*

9. Kirat Ban (forest) in Hattiban in Lalitpur district in Kathmandu valley: Mr Shiva Kumar Limbu (Former chair and current advisor of Kiran Ban Conservation Committee in Hattiban in Lalitpur district), originally from Pachthar district and currently living in Lalitpur district shared about conservation status of Kirant-Ban located in Hattiban in Lalitpur district. A summary of his sharing is given below:

- *Kirat Ban (forst), located in Hattiban (covering about 34 Ropani land area), Lalitpur district is a religious forested area that hold significant religious and cultural importance for the Kirat indigenous communities. The Kirants that includes Rai, Limbu, Sunuwar, Yakha and many others living in Kathmandu valley worship the temple build in this forest as shelter of their ancestral gods (they call it Manghim). The Kirant community living in Kathmandu valley has formed a conservation management committee named as Sano Hattiban Kirat Manghim Management Committee (registered in year 2056 BS in district forest office) and they have been managing this forest area through this committee.*
- *Fulfilling all the official requirements for the renewal of this forest and other activities inside the forest area is one of the burdens for this committee. Similarly, forest encroachment, as it is surrounded by the recently increasing crowd of human settlements, as well as environmental pollutions are threats for this forest.*

- *However, conserving the beautiful forest patches in the middle parts of the urban area itself is valuable for the city dwellers and people around the area. This is also important for providing shelters to the birds and animals.*

10. Suke Pokhari (pond) in Jubu village in Solukhumbu district in eastern Hill, Nepal: Mr Bal Bahadur Rai (Chair of the Suke Pokhari Management Committee) from Jubu village ward number 6 of Thulung-Dudhkoshi Rural Municipality in Solukhumbu district, shared about conservation status of Suke Pokhari in Jubu village of Thulung-Dudhkoshi Rural Municipality in Solukhumbu district. Summary of his sharing is given below:

- *Suke Pokhari is a small but beautiful pond located in Jubu village, ward number 6 of Thulung Dudhkoshi Rural municipality in Solukhumbu district in eastern Nepal. Located in the top of the village (about 2700m from sea level), this pond has religious and mythical beliefs as local people believe it as one of the five mythical deities (locally called "panch kanya"). So, local people worship this pond as village deity in different special occasion. They believe that worshipping this pond as village deity fulfills any of the wishes of the devotees and also protects the villagers from different misfortunes and enemies.*
- *Land encroachments as this place is being promoted as one of tourist destination in the district, possible environmental pollution after road expansion to this place and increasing crowds around it, and possible loss of its natural looks due to ongoing infrastructure development are some treats to this pond.*
- *However, conservation, promotion and advancement of the historically rooted mythical and cultural beliefs of the pond would lay the strong foundation as one of the ICCA in Nepal.*

11. Gajedital (lake) in Danapur village in ward number 1 of Kanchanpur Rural Municipality in Rupandehi district in western Terai: Mr Prem Bahadur Thapa (Chair of the Samayamai Community Forest User Group) from Danapur village in Rupandehi district shared about conservation status of Gajedital in Danapur village in Kanchanpur Rural Municipality in Rupandehi district. Summary of his sharing is given below:

- *Gajedi Taal located in Danapur village located in ward number 1 of Kanchanpur Rural Municipality in Rupandehi district is a beautiful natural lake. The lake is surrounded by*

forest patches. Boating, fishing, and other recreational activities are provided to the tourist in this lake. The lake covers an area of 19 hectares. This lake falls under the jurisdiction of Samayamai community forest area and so this lake is managed through the users committee of this community forest users group. So, altogether the forest and lakes occupy 92 hectares of land areas. So, both the lake and forest is conserved by Samayamai Community Forest User Committee.

- This lake is developed as one of the tourist destination in this district; however its conservation and management is always challenging due to the voluntary contribution.

12. Gaidatal (lake) in ward number 1 of Gaidahawa Rural Municipality in Rupandehi district in western Terai: Mr Chitra Bahadur Saru Magar (members of the Gaiedatal Management Committee) from Gaidatal in Rupandehi district shared about conservation status of Gaidatal in Gaidahawa Rural Municipality in Rupandehi district. Summary of his sharing is given below:

- Gaidatal is partially natural and partially man-made lake in Gaidahawa Rural Municipality-1 in Rupandehi district. The lake was built to provide irrigation water to the surrounding communities. The Lake has an area of approximately 30 hectares and a maximum depth of approximately 5 meters. It is surrounded by lush vegetation and is home to a diverse range of aquatic life, including fish, turtles, and birds (both local and migratory). Previously the lake was under the conservation of local community but the lake currently is under the local government.
- Conflict between people from lower catchment area and upper catchment area is one of big issue and challenge for the management of this lake. This conflict is furthered by the intervention of local government at present as local government came with its own master plan without resolving the existing conflict and conflict of interest.
- However, better management of this lake will contribute to enhance local livelihoods as well as conservation of the bio-diversity of this lake.

13. Jagadishpur Tal (lake) in ward number 9 of Kapilvastu Municipality in Kapilvastu district in western Terai: Mr Abdul Rasheed Khan (members of the Jagadishpur Tal Management Committee) from Kapilvastu Municipality in Kapilvastu district shared about conservation status of Jagadishpur Tal in Kapilvastu Municipality in Kapilvastu district. Summary of his sharing is given below:

- *Jagdishpur Lake, also referred to as Jagdishpur Reservoir, is situated in ward number 9 of Kapilvastu Municipality in Kapilvastu district. Jagdishpur Reservoir was declared a Ramsar site on 13 August 2003. The lake was built in the early 1970s over natural lake called Jakhira Lake. The source of water to this lake comes from the Banganga River in the catchment area of the Churia Hills. Water of this lake is also main sources of irrigation water for farms in the lower catchment area to this Lake. The total area of the lake is 225 hectares. Water of this lake provides irrigation services to 62 hectares of agricultural land in its periphery. The lake is managed by Jagdishpur Reservoir Management Multi-stakeholders' Forum, established in 2065 BS.*
- *Protection of lake from flowing sands and other materials during summer, ensure sustained water sources during winter, and encroachment of invasive species inside the lake are challenges of this lake.*
- *Promoting this lake by attracting tourists is one of the potentials of this Lake and it needs big investment.*

14. Maipokhari (pond) in Ilam district in eastern hill: Mr Lakpa Sherpa (members of the Management Committee) from Ilam district shared about conservation status of Maipokhari in Ilam district. Summary of his sharing is given below:

- *This is a beautiful pond in Ilam district. It is listed in the Ramsar site. It is surrounded by dense forest. This pond and surrounding forest area is home to an abundance of plant and bird species. This area has also been preserved and managed as a religious site.*
- *Lack of resources is one of the challenges for the conservation of this pond.*
- *However, it is highly potential for promoting tourism.*

15. Malpokhari (pond) in Ilam district in eastern hill: Ms Gopika Gurung (chair of the Malpokhari Management Committee) from Ilam district shared about conservation status of Malpokhari in Ilam district. Summary of her sharing is given below:

- *Malpokhari is a small pond situated in Ilam district. This pond, covering an area of 5-6 Ropani, is conserved and managed by the local peoples. The villagers do not eat the fish or any plants from this pond because for a cultural belief as it is believed that using or eating anything from this pond will bring misfortune.*
- *Managing time as voluntary contribution and intergenerational transformation of the roles and responsibilities are conservation challenges of this pond.*

- *However, this pond has great potential of promoting as one of the tourist destination in future.*

16. Santaneswor Mahadevsthan in Lalitpur district in Kathmanu valley: Mr Bhimsen Khadka (member of the management committee) from Lalitpur district shared about conservation status of Santaneswor Mahadevsthan in Lalitpur district in Kathmandu valley. Summary of his sharing is given below:

- *Santaneshwar Mahadevsthan is one of the religious pilgrimage site in the Lalitpur district. It is small steep hill in the middle part of the flat land in Godawari Municipality in Lalitpur district. This is religious site with an area of 150 Ropani. It is managed and conserved by the local people through a management committee. This site has a mythical story related to the Hindu religion.*

17. Barpipal Coservation in Ribbund-Jaleswori Vilage in Khotang district: Mr Enju Rai (one of the 11 secretariat member of ICCA Youth Network Nepal) from Ribdung-Jaleswori village in Khotang district shared about Bar-Pipal conservation in his village. Summary of his sharing is given below:

- *Ribdung-Jaleswori village located in ward number 4 of Aiselukharka Rural Municipality in Khotag district has mixed caste ethnic communities. There is long history of Bar and Pipal tree plantation in this village. Villagers plant these trees by the sides of village foot-trails generally in the names of the deceased persons of the family. After the plantation, particular family members organize marriage like ceremony by considering Par-tree as bride-groom and Pipal-tree as bride with the beliefs that these trees are form of deceased persons. They build resting places in the planted trees which is generally used by the travelers.*
- *However, since last 2/3 decades there is no any case of this culture which means this culture, at present, is completely disappearing. So, new generation is completely unknown about this culture.*
- *There is possibility of revitalizing this culture through mobilization of youths.*

18. Traditional Newari Culture in Tokha village in Tokha Municipality in Kathmandu district: Ms Sudha Shrestha (one of the 11 secretariat members of ICCA Youth Network Nepal and a member of Tokha Newari Community) from Tokha village of Tokha Municipality of Kathmandu district shared about Tokha village. Summary of her sharing is given below:

- *Tokha village is one of the historical homelands of Newar indigenous people in Nepal. This village is full of Newari arts and architectures, particularly made by woods and stones. Newari people are also rich in culture and tradition.*
- *However, intergeneration transformation of Newari culture, tradition, language is becoming a challenge due to growing urbanization and in-migration of other caste ethnic communities in this village.*

19. Tharu Culture in Kanchanpur village of Saptari district in eastern Terai: Ms Pratima Tharu (one of the 11 secretariat members of ICCA Youth Network Nepal and a member of Tharu community in Kanchanpur village) from Kanchanpur village in Saptari district shared about Tharu culture in her village. Summary of her sharing is given below:

- *Kanchanpur is traditionally a Tharu village in Saptari district in Tarai-Madhesh Province. This is a buffer zone area of Koshi Tappu Wildlife Reserve. Tharu people are rich in culture and cultural practices related to the nature. For example, small forest patches, erecting clay and stone deities, in the village are worshiped as shelter of the village deities.*
- *Tharu people in this village are frequently affected by the wild-buffalos entered from the wildlife reserved areas.*

2.2 Open Discussion: Relevance of ICCA in Nepal

The second half of the day two began with open discussion on the concept of ICCA and its relevance in Nepal. All the participants univocally have expressed their opinion on the importance of the concept ICCA for the appropriate recognition of bio-culture conservation practices at the local levels. This opinions came with examples of how none recognition of their rights are problematic in local life ways when different forms of interventions such as conservation activities through PAs like National Parks. It is commonly agreed that appropriate recognition and support to customary practices of indigenous peoples and local communities is critical for achieving effective and inclusive conservation outcomes as well as respecting indigenous rights, cultural diversity, and local knowledge systems. Some of the important steps/activities for the appropriate recognition of ICCAs, as discussed and agreed by all the participants, are as follow:

- Enhancing leadership capacity of ICCA Network Nepal;

- Scoping and exploring possibly exemplary ICCA sites and then linking with ICCA Network Nepal;
- Enhancing knowledge and leadership capacity of youth from/in ICCA sites;
- Inclusion of ICCAs in formal and informal education curriculums;
- Enhancing knowledge on conservation policies, laws and regulations in relation to the recognition of ICCAs and the rights of IPs;
- Enhancing networking and policy lobby and advocacy for the recognition of ICCAs.

2.3 Restructuring ICCA Network Nepal and its Membership

Most of the participants of the gathering were new about ICCA Network Nepal. So, a brief about the process of the formation of ICCA Network Nepal and existing members were shared among the participants. All the participants were asked to share their opinions about need of the restructuring of ICCA Network Nepal. Finally, the open discussion concluded with following individuals as secretariat committee members:

- 1) ***Coordinator: Mr Nima Lama*** from Mountain region (Chair: Tsum-Nubri Rural Municipality in Gorkha district; Honorary member of ICCA Consortium; one of the 5 secretariat members of ICCA Network Nepal, community leaders of Tsum Valley)
- 2) ***Secretariat member: Mr Ang Bahadur Lama*** from Mountain region (One of the 5 secretariat members of ICCA Network Nepal; community leader of Pungmo ICCA in Dolpa district)
- 3) ***Secretariat member: Mr Badri Deshar*** from Kathmandu valley (One of the 5 secretariat members of ICCA Network Nepal; chair of Bajrabarahi religious forest community)
- 4) ***Secretariat member representing youths: Ms Roshani Limbu*** from Hilly region (Coordinator of ICCA Youth Network Nepal; youth leaders of a Limbu indigenous community in Taplejung district)
- 5) ***Secretariat member representing youths: Mr Indra Prasad Bote*** from Terai region (One of the 11 secretariat members of ICCA Youth Network Nepal; youth leaders of Bote indigenous community in Nawalparasi district)

ForestAction Nepal, as per the practice since the formation of ICCA Network Nepal to now, will be the secretariat office and Mr Jailab Rai, on behalf of the ForestAction Nepal, will volunteer as the Member Secretary of the ICCA Network Nepal. This is also commonly agreed, as per the decisions of previous national gatherings, that all the communities participated in this gathering and previous gatherings are general members of ICCA Network Nepal.

The participants of the gathering also discussed about the possibilities as well as merits and demerits of including other organizations (community, conservation, federations etc.) and individuals into ICCA Network Nepal. Such as:

- Community Based Organization (CBO) and NGOs working or contributing in bio-culture conservation;
- Community Federations such as NEFIN;
- Government agencies and institutions;
- Individuals having expertise on bio-culture, environment and laws related to IPs.

The participants decided to give mandate to the ICCA Network Nepal's secretariat members to prepare draft proposal about the membership and share with the ICCA Network Nepal for further discussions and decisions.

2.4 Action Plans for ICCA Network Nepal

After the reformation of the ICCA Network Nepal's secretariat members, the participants of the gathering discussed about the activities to be carried out by the network within a year were discussed and decided as one year's action plan. The open discussion identified and decided the following activities as one year's action plan for the network and the secretariat members were given the responsibility to carry out these activities:

- 1. Carryout expert-consultation meetings:*** One of the major action plans of the network, as discussed and decided in the gathering, was to carry out consultation meetings and discussions with the experts on relevant issues and themes such as rights of IPs, bio-culture conservation, community federations and formal registration of ICCA Network Nepal.
- 2. Participate in national policy forums:*** The participants were informed about ongoing conservation policy formulation processes, CBD related processes, NBSAP related

processes, and CSO's engagements in these processes. Based on the sharing and discussion on these all, secretariat members are given the responsibility to explore possibility of engagement and communicate the issues and concerns of the ICCAs in all the relevant national forums.

3. ***Explore potential ICCA sites and connect with this network:*** Responsibility of the secretariat members as discussed in the gathering is to facilitating its members and representative to identify the possible ICCA site and get them into the contact of the national network of ICCA.
4. ***Prepare draft of ICCA Network Nepal's governing framework:*** Based on the expert-consultations, secretariat members are given a mandate to prepare draft of the ICCA Network Nepal's governing framework and table in the gathering for discussions and decisions.
5. ***Prepare membership structure of ICCA Network Nepal:*** Another action plan for the network is to define and develop a draft of the membership framework in which possible alliance or membership to the relevant community organizations, government organizations, non-governmental organizations, federations and individual having relevant expertise and knowledge could also be recognized as members of the network.
6. ***Organize sixth National gathering:*** Final annual action plan is to organize sixth national gathering where updates and progress of the network have to be presented for the discussions and endorsement.

Participants also discussed about the need of at least a secretariat office/space, but which is not possible due to the lack of resources, and hence ForestAction Nepal will provide a temporary office space (not as a permanent space but only at the time of need/meeting) as secretariat office until the network has its own office.

2.5 Action Plan for Participants of the Gathering

Participants of the gathering also discussed and decided some action plan for the ICCA Network Nepal's members, as responsibilities of the participants, after back to their /communities/home. They are given below:

- The participants of this gathering will share about the concepts of ICCAs in their respective communities;

- The participants of the gathering will explore/identifying at least 2/2 new communities as potential members of the ICCA Network Nepal and get them connected to the network.
- The participants of this gathering will play effective roles to encourage youth's involvement in all the community activities in their respective communities/sites.

3. Summary and Conclusion

3.1 *Summary of the Gathering*

- This gathering is an important platform to the community leaders and youths to enhance their understanding about the concept "ICCA" and its relevance in Nepal;
- Community leaders and youths representing diverse communities in different eco-regions of the country got opportunities to cross-share and cross-learn diverse forms and types of bio-cultural conservation practices in Nepal;
- The participants became aware about national and internal policy and legal provisions for the appropriate recognition of ICCAs in Nepal;
- Reformation of ICCA Network Nepal moved forward to an important step towards inclusive structure by including two youth representatives as well as a female members among five secretariat members;
- Participants univocally expressed their opinion about the need of formal network or an organization of the ICCAs in Nepal, but they have no clear idea and understanding about its governing structure and membership framework; and
- Discussion about the action plan of the network for a year helped enhance their understanding, opinions and perspectives about the importance of promoting the concept ICCA, advocacy and lobby for its appropriate recognition, and their contribution for the implementation of action plans.

3.2 *Conclusion of the Gathering*

- This gathering has become a platform to recall the previous efforts and achievements aimed towards identification, documentation, networking and policy advocacy for the appropriate recognition and advancement of the ICCAs in Nepal. However a challenge is ensuring the continuity of these participants in contributing to the implementation of

future action plan. One of the main reasons is that there is high possibility of the replacement of many of these participants by others (new members from the particular community) mainly due to the changes/turnover/replacement of the leadership position in their respective communities. In this case, activities related to the self-strengthening processes in the respective communities is most important so that all the community members become aware about the importance of the concept and become ready to be a part of the collective movement.

- In-person meetings, gatherings and participation in relevant national policy and CSO forums is very important for leadership development, self-capacity enhancement, knowledge enhancements, as well as institutionalization of the network. However, it is challenging for the reason that most of the members of the network and nominated secretariat members come from the remote villages in Nepal and voluntary contribution in all these processes is very difficult and challenging. Similarly, implementation of the prepared action plan of the network (as mandate to the secretariat members) also very difficult through voluntary contribution of the members.
- An attempt is made to make the structure of the network more inclusive in terms of age (two youth), gender (one female), and region (2 high mountains, 1 hill, 1 Kathmandu valley and 1 Terai). This has created a possibility of making the network proactive in terms of increasing the visibility of the network, self-strengthening of the network and its members/leaders, effective policy advocacy and lobby, as well as implementation of the said action plan. These all requires dedication and commitments of the working team that primarily depends upon the availability of basic resources.

Annexes

Annex 1: Program schedule

“चौथो राष्ट्रिय भेला (Fifth National Gathering)”

नेपालमा आदिवासी जनजाति तथा स्थानीय समुदायद्वारा संरक्षित क्षेत्र (आइसिसिए)

(Indigenous Peoples and Community Conserved Areas [ICCA] in Nepal)

मिति: २०७९ साल, चैत्र ११-१२ गते (25-26 March 2023)

स्थान: नक्खु, ललितपुर (Nakkhu, Lalitpur) forth fourth

कार्यक्रमको तालिका:

First Day (25 March)			
Time	Activities	Presentation	Facilitation
7:00 to 8:30	Breakfast and registration by participants	All	
8:30 to 8:45	Introduction of the gathering and welcome note	Organizer	
8:45 to 9:30	Self-introduction by all the participants	All	
9:30 to 10:30	Presentation		
10:30 to 11:30	Identification, Recognition and Advancement of ICCAs in Nepal	Jailab Rai	
11:30 to 11:45	Tea-Break		
11:45 to 12:15	Experiences of ICCA Youth Network Nepal	Roshani Limbu and Manila Deshar	
12:15 to 1:15	Land and Resources Rights of IPs: Policies, Legislations and Practices	Durga Yamphu (LAHURNIP)	
1:15 to 2:00	Lunch Break		
2:00 to 3:00	Open Discussion: Q&A		Jailab Rai
3:00 to 4:30	Conservation Policies, Laws and Legislations in Nepal: Opportunities and Constraints for ICCAs	Dir Raj Khanal (FECOFUN)	
4:30 to 5:20	Open discussions: Q&A		Jailab Rai
5:20 to 5:30	Closing of the Day		
Second Day (26 March)			
7:00 to 8:00	Breakfast and Registration	All participants	
8:00 to 8:15	Recap of the previous day	Jailab Rai	
8:15 to 11:00	Cross-Sharing and Cross-Learning: Sharing conservation Status by ICCA members/sites	ICCA participants (one by one)	Jailab Rai
11:00 to 11:15	Tea-Break		
11:15 to 1:00	Cross-Sharing and Cross-Learning: Sharing conservation Status by ICCA members/sites	ICCA participants (one by one)	Jailab Rai
1:00 to 2:00	Lunch Break		
2:00 to 3:00	Group Discussion on the Relevance of ICCA in	Open discussion	Jailab Rai

	Nepal		
3:00 to 3:30	ICCA Network Nepal: Existing Members and Structure	Open discussion	Jailab Rai
3:30 to 5:00	One Year Action Plan of ICCA Network Nepal	Open discussion	Jailab Rai
5:00 to 5:20	Reformation/Nomination of ICCA Network Nepal	Open discussion	Jailab Rai
5:20 to 5:50	Remarks of the National Gathering	Selected ICCA participants	Jailab Rai
5:50 to 6:00	Closing of the National Gathering	Shiba Kumar Limbu (Eldest participants of the gathering)	Jailab Rai

Annex 2: Details of the participants the gathering (Day 1: 25 March)

SN	Name	Community/ICCA	District	Province
1.	Kaman Singh Tharu	Badhaeya Tal	Bardiya	Karnali
2.	Mehilal Tharu	Badhaeya Tal	Bardiya	Karnali
3.	Ram Das Tharu	Badhghar System	Bardiya	Karnali
4.	Chunka Tharu	Badhghar System	Bardiya	Karnali
5.	Hasna Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
6.	Badri Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
7.	Kritika Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
8.	Manila Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
9.	Gyan Bahadur Bote	Bote Community	Nawalparasi	Gandaki
10.	Prakash Bote	Bote Community	Nawalparasi	Gandaki
11.	Chandrakala Bote	Bote Community	Nawalparasi	Gandaki
12.	Indra Prasad Bote	Bote Community	Nawalparasi	Gandaki
13.	Pancha Bahadur Praja	Chepang Community	Chitwan	Bagmati
14.	Ram kumar Chepang	Chepang Community	Chitwan	Bagmati
15.	Akal Bahadur Chepang	Chepang Community	Chitwan	Bagmati
16.	Phupu Tshiring Sherpa	Dyokpa Community	Taplejung	Koshi
17.	Nima Sherpa	Dyokpa Community	Taplejung	Koshi
18.	Pemba Nupu Sherpa	Dyokpa Community	Taplejung	Koshi
19.	Dikee Sherpa	Dyokpa Community	Taplejung	Koshi
20.	Dil Raj Khanal	FECOFUN	Bhaktapur	Gandaki
21.	Jailab Rai	ForestAction	Lalitpur	Gandaki
22.	Krishna P. Poudel	ForestAction	Lalitpur	Gandaki
23.	Janak Adhikari	ForestAction	Lalitpur	Gandaki
24.	Raman Singh Thapa	Gaida Tal	Rupandehi	Lumbini
25.	Chitra Bahadur Saru	Gaida Tal	Rupandehi	Lumbini
26.	Prem Bahadur Thapa	Gajedi Tal	Rupandehi	Lumbini
27.	Gyan Bahadur Thapa	Gajedi Tal	Rupandehi	Lumbini
28.	Abdul Rasheed Khan	Jagadishpur Tal	Kapilvastu	Lumbini
29.	Wasim Khan	Jagadishpur Tal	Kapilvastu	Lumbini
30.	Babulal Sherpa	KCA	Taplujung	Koshi
31.	Pasang Sherpa	KCA	Taplejung	Koshi

32.	Roshani Limbu	KCA	Taplejung	Koshi
33.	Shiva Kumar Limbu	Kirant Ban	Lalitpur	Bagmati
34.	Durga Rai	LAHURNIP	Kathmandu	Bagmati
35.	Jiten Mukhiya	Mai-Pokhari	Illam	Koshi
36.	Lakpa Sherpa	Mai-Pokhari	Illam	Koshi
37.	Gopika Gurung	Mal-Pokhari	Illam	Koshi
38.	Samrita Pradhan	Mal-pokhari	Illam	Koshi
39.	Karma Khando Lama	Mugu	Mugu	Karnali
40.	Safal Mali	Nag Daha	Lalitpur	Bagmati
41.	Roshan Giri	Nag Daha	Lalitpur	Bagmati
42.	Ang Bahadur Lama	Pungmo Community	Dolpa	Karnali
43.	Enju Rai	Ribdung Community	Khotang	Koshi
44.	Harmon Rai	Ribdung Community	Khotang	Koshi
45.	Asun Rai	Ribdung Community	Khotang	Koshi
46.	Bhimsen Khadka	Sataneswor Religious Forest	Lalitpur	Bagmati
47.	Bal Bahadur Rai	Suke Pokhari	Solukhumbu	Koshi
48.	Mahesh Rai	Suke Pokhari	Solukhumbu	Koshi
49.	Ram Acharya	Tau Daha	Kathmandu	Bagmati
50.	Deva Thami	Thami Community	Dolakha	Bagmati
51.	Rana Bahadur Thami	Thami Community	Dolakha	Bagmati
52.	Bikesh Thami	Thami Community	Dolakha	Bagmati
53.	Pratima Chaudhary	Tharu Community	Saptari	Tarai-Madhesh
54.	Helina Rai	Thulung Community	Okhaldhunga	Koshi
55.	Sudha Shrestha	Tokha Newar Community	Kathmandu	Bagmati
56.	Nima Lama	Tsum Valley	Gorkha	Gandaki
57.	Tsering Lama	Tsum Valley	Gorkha	Gandaki

Annex 3: Details of the participants the gathering (Day 1: 26 March)

SN	Name	Community/ICCA	District	Province
1.	Kaman Singh Tharu	Badhaeya Tal	Bardiya	Karnali
2.	Mehilal Tharu	Badhaeya Tal	Bardiya	Karnali
3.	Ram Das Tharu	Badhghar System	Bardiya	Karnali
4.	Chunka Tharu	Badhghar System	Bardiya	Karnali
5.	Hasna Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
6.	Badri Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
7.	Kritika Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
8.	Manila Deshar	Bajrabarahi Religious Forest	Lalitpur	Bagmati
9.	Jenny Kayastha	Bajrabarahi Religious Forest	Lalitpur	Bagmati
10.	Gyan Bahadur Bote	Bote Community	Nawalparasi	Gandaki
11.	Prakash Bote	Bote Community	Nawalparasi	Gandaki
12.	Chandrakala Bote	Bote Community	Nawalparasi	Gandaki
13.	Indra Prasad Bote	Bote Community	Nawalparasi	Gandaki
14.	Pancha Bahadur Praja	Chepang Community	Chitwan	Bagmati

15.	Ram kumar Chepang	Chepang Community	Chitwan	Bagmati
16.	Akal Bahadur Chepang	Chepang Community	Chitwan	Bagmati
17.	Phupu Tshiring Sherpa	Dyokpa Community	Taplejung	Koshi
18.	Nima Sherpa	Dyokpa Community	Taplejung	Koshi
19.	Pemba Nupu Sherpa	Dyokpa Community	Taplejung	Koshi
20.	Jailab Rai	ForestAction	Lalitpur	Gandaki
21.	Janak Adhikari	ForestAction	Lalitpur	Gandaki
22.	Raman Singh Thapa	Gaida Tal	Rupandehi	Lumbini
23.	Chitra Bahadur Saru	Gaida Tal	Rupandehi	Lumbini
24.	Gyan Bahadur Thapa	Gajedi Tal	Rupandehi	Lumbini
25.	Prem Bahadur Thapa	Gajedi Tal	Rupandehi	Lumbini
26.	Abdul Rasheed Khan	Jagadishpur Tal	Kapilvastu	Lumbini
27.	Wasim Khan	Jagadishpur Tal	Kapilvastu	Lumbini
28.	Roshani Limbu	KCA	Taplejung	Koshi
29.	Shiva Kumar Limbu	Kirant Ban	Lalitpur	Bagmati
30.	Jiten Mukhiya	Mai-Pokhari	Illam	Koshi
31.	Lakpa Sherpa	Mai-Pokhari	Illam	Koshi
32.	Gopika Gurung	Mal-Pokhari	Illam	Koshi
33.	Samrita Pradhan	Mal-pokhari	Illam	Koshi
34.	Ang Bahadur Lama	Pungmo Community	Dolpa	Karnali
35.	Enju Rai	Ribdung Community	Khotang	Koshi
36.	Harmon Rai	Ribdung Community	Khotang	Koshi
37.	Asun Rai	Ribdung Community	Khotang	Koshi
38.	Prativa Rai	Ribdung Community	Khotang	Koshi
39.	Bhimsen Khadka	Sataneswor Religious Forest	Lalitpur	Bagmati
40.	Bal Bahadur Rai	Suke Pokhari	Solukhumbu	Koshi
41.	Mahesh Rai	Suke Pokhari	Solukhumbu	Koshi
42.	Deva Thami	Thami Community	Dolakha	Bagmati
43.	Rana Bahadur Thami	Thami Community	Dolakha	Bagmati
44.	Bikesh Thami	Thami Community	Dolakha	Bagmati
45.	Binu Thami	Thami Community	Illam	Koshi
46.	Pratima Chaudhary	Tharu Community	Saptari	Tarai-Madhesh
47.	Sudha Shrestha	Tokha Newar Community	Kathmandu	Bagmati
48.	Nima Lama	Tsum Valley	Gorkha	Gandaki
49.	Tsewang Bhuti	Tsum Valley	Gorkha	Gandaki

Annex 4: Presentation slides (Jailab Rai)

नेपालमा आदिवासी जनजाती तथा स्थानीय समुदायहरूद्वारा संरक्षित क्षेत्रहरूको (आइसिसिए) पहिचान तथा कानूनी मान्यताको सान्दर्भिकता

Jailab Rai
Central Department of Anthropology, TU, Kirtipur

विषयको सन्दर्भ

- १) जैविक विविधता संरक्षणको ऐतिहासिक सन्दर्भ
- २) जैविक विविधता संरक्षणको संरक्षण किन ?

प्रस्तुतिको खाका

- १) आदिवासी जनजाती तथा स्थानीय समुदायहरूद्वारा संरक्षित क्षेत्रहरू (आइसिसिए) भनेको के हो ?
- २) आइसिसिएको दृष्टिकोणबाट नेपालको परिचय
- ३) नेपालमा आइसिसिए किन ?
- ४) नेपालमा आइसिसिए अवधारणाको विकासका लागि गरिएका केही प्रयासहरू

१) आदिवासी जनजाती तथा स्थानीय समुदायहरूद्वारा संरक्षित क्षेत्रहरू (आइसिसिए) भनेको के हो ?

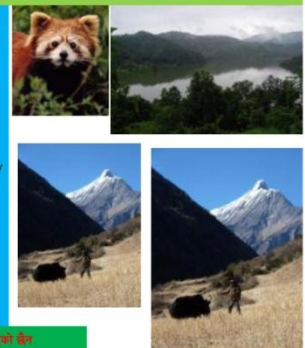
आइसिसिए भनेको के हो ?

कुनै पनि ठाउँमा राकेको भूक्षेत्र जसको शासन (governance), व्यावस्थापन (management), तथा संरक्षण (conservation), त्याहाका आदिवासी जनजाती तथा स्थानीय समुदायहरूले गर्दछन्



आइसिसिए अवधारणाका ३ प्रमुख विशेषताहरू

- १) बलियो तथा गहिरो बन्धन वा सम्बन्ध (स्थानीय समुदाय तथा उक्त भूक्षेत्र बिच)
A deep, **strong bond** between a community and its territory (mountains, forest, freshwater, coastal, grassland, marine...)
- २) स्वनिर्णयको अभ्यास (नियम कानून निर्माण तथा कार्यान्वयन)
The community has a **de facto** capacity to take decisions & enforce rules in that territory
- ३) संरक्षण तथा स्थानीय जिजीको पार्जनमा सकरात्मकता वा स्वयोगदान (निती, कानून तथा अभ्यासहरूको स्वयोगदान)
Decisions & rules are positive for **conserving** nature, as well as for the livelihoods & wellbeing of the community



नेपालमा स्वयं राखेका बसले कानूनी मान्यता पाएका क्षेत्र

आइसिसिएका प्रकारहरू

- पूर्ण परिभाषित आइसिसिए: माथि उल्लेखित ३ प्रकारका विशेषताहरू भएको भूक्षेत्र
 "defined ICCAs": fulfill the three characteristics;
- विनाश वा ध्वंस भएको आइसिसिए: माथि उल्लेखित ३ प्रकारका विशेषताहरू विगतमा भएको तर विभिन्न कारणहरूले हाल विनाश भएको भूक्षेत्र
 "disrupted ICCAs": are known to have fulfilled them in the past but fail to do so today because of disturbances that can still be reversed or counteracted; and
- आकांक्षा वा इच्छा गरिएको आइसिसिए: माथि उल्लेखित ३ प्रकारका विशेषताहरूको विकास वा स्थापना गर्न सकिने र स्थानीय समुदायहरू त्यसका लागि तयार रहेको भूक्षेत्र
 "desired ICCAs": have the potential of developing the three characteristics, and their custodian communities are ready to work for this.



आइसिसिए अवधारणाको अन्तराष्ट्रिय सन्दर्भ

- आइसिसिएको स्थापना (सन् १९४८ वा वि सं २००४)
- जैविक विविधता महासन्धि (सन् १९९२ वा वि सं २०४८): यस महासन्धिसँग जोडिएको संरक्षण विदहरूको मूिमिका
- दिगो संरक्षणका आधारभूत आयातहरूको पहिचान: आदिवासी जनजाती तथा स्थानीय समुदायहरूको परम्परागत ज्ञान तथा अभ्यासहरूको महत्वको महसूस
- नितिगत पैरिचका लागि सामूहिक पहलको आवश्यकताको महसूस:



आइसिसिए अवधारणाको अन्तराष्ट्रिय सन्दर्भ

- सन् २०१० मा विश्वका संरक्षण विदहरूको साभका सन्जाल को गठन: आदिवासि जनजाति तथा स्थानीय समुदायद्वारा संगीकृत क्षेत्रहरूको समूह को गठक अंग्रेजीमा "ICCA Consortium" (www.iccaconsortium.org);
- सदस्यहरूको समूह: स्विस कानून अनुसार
- विश्वमा जैविक विविधताको संरक्षणका लागि आइसिसिएहरूको कानूनी मान्यताको लागि स्वीचक रुपमा निरतिगत पैरिच



- यस समूहको लक्ष: यस्ता भूक्षेत्रहरूको मान्यता तथा वडावा गर्नु
 Mission – promote the appropriate recognition of ICCAs--territories of life, and appropriate support to them
- यस समूहमा आवद्ध सदस्यहरू:
 - संस्था तथा महासंघहरू: हालसम्म ८६ देशहरूका कूल ६४७
 - मानार्थ सदस्यहरू: हालसम्म ८६ देशहरूका कूल ४४७
- Members
 - Organizations & federations of indigenous peoples and local communities and NGOs directly supporting them (about 150 worldwide...)
 - Honorary members – committed and inspiring individuals with relevant capacities & concerns (about 350, in 80 countries...)



आइसिसिए समूहसँग आवद्ध संरक्षण विदहरूको प्राथमिकता

- सम्भावित भूक्षेत्रहरूको दस्तावेजकरण तथा नक्साकण: (documentation and mapping)
- नितिगत तथा कानूनी साहायसबाट सक्तिकरण तथा संरक्षण: (Empowering and defending ICCAs through legal and policy support);
- सर्वािकरण: आवश्यकता अनुसारको पडाहरूमा सहयोग गरिनु (Enriching ICCAs (includes support in ecological restoration, governance and management planning, livelihoods enhancement, self-strengthening processes and reflections, capacity and skill enhancement training programmes, among others)



<https://www.iccaconsortium.org>

२) आइसिसिएको दृष्टीकोणबाट नेपालको परिचय

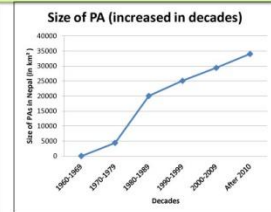
नेपाल जैविक विविधता, पर्यावरणीय विविधता, सांस्कृतिक विविधता यत्न मूलक

- Ecological diversity** (GoN/MoE 2009):
 - Ecoregions: 60 (of the global total of 200)
 - Ecosystems: 118 types
 - Forest types: 35
- Spices diversity** (GoN/MoE 2009):
 - Insects: 5052 species (0.7%);
 - Butterflies: 640 species
 - Moths: 2,253 species (together 2.6%);
 - Fishes: 182 species (1.0%);
 - Amphibians: 77 (1.84%);
 - Reptiles: 118 species (1.87%);
 - Birds: 863 species (9.53%);
 - Mammals: 181 species (4.52%); etc.
- Cultural diversity:**
 - Caste ethnic groups: 126 (Census 2011)
 - Languages: 123 (Census 2011)
 - Indigenous nationalities: 59 officially recognized in 2002; 81 (22 additional groups) recommended by the high commissions



नेपालमा संरक्षित क्षेत्रहरूको संख्या र क्षेत्र तिव्र रुपमा वृद्धि भएको छ

- Number and size of PA-rapidly increased over the years and decades;
- At present 20 PAs covering 23.23 % of total land territory;
 - राष्ट्रिय निकुञ्जहरू: NP (N: 10) (Area: 18853 km²) (31.7%)
 - संरक्षण क्षेत्रहरू: CA (N: 6) (Area: 15426 km²) (45.1%)
 - वन्यजन्तु आरक्ष क्षेत्रहरू: WR (N: 3) (Area: 979 km²) (2.9%)
 - शिकार आरक्ष क्षेत्रहरू: HR (N: 1) (Area: 1325 km²) (3.9%)
 (Of them BZ in 12 PAs (16.4%))
- उत्पन्नित क्षेत्रहरूबाहेकका सबै भूक्षेत्रमा आदिवासी जनजाति तथा स्थानीय समुदायहरूद्वारा संरक्षित गरिएको छन् ।



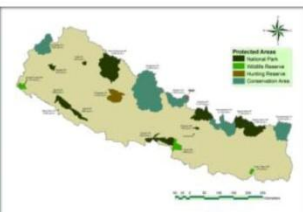
सांघिकारिक रुपमा घोषणा भए बाहेक संरक्षण हुँदै आएका भूक्षेत्रहरू

- Types:**
 - Wetlands (e.g. Tau Daha, Rupa tal, Beeshazari)
 - Community forests and religious forests (e.g. Godavari Kunda, Chepang forests, red panda conservation, Bajrabarahi)
 - Landscape-Connectivity (e.g. Panchashe, Khatu corridor)
 - Ramsar, Simar (e.g. Malpokhari, Bahraju tal)
 - Sacred landscapes/Beyuls (e.g. Khumbu, Dolpa, Tsum valley)
 - Grazing and rangelands etc. (e.g. Dolpa, Khumbu) etc.
 - Buffer Zones (e.g. Bote Territories in Nawalparasi, Namuna CP)
- Locations:**
 - Ecological regions: high mountains, hills, flat lands
 - Within formal PAs and outside formal PAs
- Size:** Larger, medium, small



नितिगत तथा कानूनी प्रावधानहरू: अर्थगत

- नेपालको संविधान २०७२: विभिन्न संरक्षित क्षेत्रका संरक्षण र विधिगत बचावको
 - राष्ट्रिय निकुञ्ज तथा वन्यजन्तु संरक्षण ऐनको २०२९: सीधैका विधिगत बचावको
 - राष्ट्रिय निकुञ्ज तथा वन्यजन्तु संरक्षण ऐन २०२९ को चौथो बसोबास: स्थानीय समुदायका सदस्यताको
 - बन ऐन १९९३: जलसिंचन तथा तथा समुदायिक सभको व्यवस्थापन र सीमाको उल्लंघनको परिणामस्वरूप जल तथा सीमाको कटौति गरेको
 - संरक्षित क्षेत्र व्यवस्थापन नियमावली, १९९६: उपरोक्त सभको व्यवस्थापन गरेको
 - सांघिकीय क्षेत्र व्यवस्थापन नियमावली, १९९६
 - नेपाल जैविक विविधता स्थानीय, २००२: नीतिक तथा परिचरान ज्ञान, सिप तथा अभ्यासको संरक्षण
 - राष्ट्रिय शिकार नीति, २००३: परिचरान ज्ञान, सिप तथा अभ्यासको संरक्षण तथा संरक्षण
 - कञ्चनजंगा संरक्षण क्षेत्र व्यवस्थापन नियमावली, २००३: संरक्षण क्षेत्र व्यवस्थापन नीतिकको मासुवापसलाई स्थानीयलाई संरक्षणको अधिकार
 - बन क्षेत्र स्थितिगत २०१६: दुबिा २०१७: सभुदायका मासुवापस परिचरान ज्ञान, सिप तथा अभ्यासको संरक्षणको कानूनी व्यवस्था लागूको
 - बन ऐन २०७९: सीधैका बान कटौति लागूको
- (आदिवासी जनजाति तथा स्थानीय समुदायहरूको परिचरान ज्ञान, सिप तथा अभ्यासलाई कानूनी मान्यता दिएरिएको)



३) नेपालमा आइसिसिए किन ?

(दुई प्रमुख कारणहरू छन्)

क) संरक्षणका अन्तराष्ट्रिय निति तथा कानूनहरूका पालनाका लागि -पक्ष राष्ट्रका रुपमा

- CBD 1992 article 8j** : application of traditional knowledge of the indigenous peoples and local communities;
 - Fifth World Park Congress (WPC) in Durban, 2003 (every 10 years)**: recognized indigenous peoples and local communities are true custodians of conservation;
 - Seventh CBD COP in Kuala Lumpur in 2004**: Program of Works on PA (POWPA) adopted the further recognition and legitimization of IP and LC conserved areas;
 - Aichi Target 10 (out of 20) of CBD COP in Nagoya Japan in 2010**: By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels. (Target 11: 17 % conservation area through Other Effective area based Conservation Measures);
 - Other Effective Area-based Conservation Measures (OECM)**- endorsed by CBD recently in the post 2020 CBD framework
- IUCN World Conservation Congress, Barcelona, 2008**: Ecoed the importance of IP and LC conserved areas (RES 4.049)
- IUCN classification of protected areas in 2008**: discussion started from 1994 and the four governance categories were endorsed in 2008 (by IUCN WCPA);
- ILO 169**., 1989
 - Rights to Land, territory and natural resources**

IUCN classification of protected areas										
Governance type	A. Government Managed Protected Areas		B. Co-managed Protected Areas (shared governance)	C. Private Protected Areas	D. Indigenous & Community Conserved Areas (ICCAs)					
	Federal or national ministry or agency in charge	Local/municipal ministry or agency in charge	Government-delegated management (e.g. to an NGO)	Trust/boundary management	Collaborative management (e.g. with parliament influence)	Joint management (stakeholder management board)	Decided and run by individual land owner	By non-profit organizations (e.g. NGOs, universities, etc.)	By for-profit (e.g. corporates/land owners)	Decided and run by Indigenous Peoples
I - Strict Nature Reserve/ Wilderness Area										
II - National Park (ecosystem protection; protection of cultural values)										
III - Natural Monument										
IV - Habitat/ Species Management										
V - Protected Landscape/ Seascape										
VI - Managed										

ख) जैविक विविधता संरक्षणको क्रियाकलाप तथा अभ्यासहरूको दिगोपनाको सुनिश्चितताका लागि

- संरक्षणका लागि: परम्परागत ज्ञान, सिप, अनुभव, मूल्य मान्यता
- सम्मान तथा अपनत्वका लागि: संरक्षणका अभ्यास
- सुरक्षाका लागि: वाहिय तथा आन्तरिक जोखिम
- शुद्धिका तथा जिम्मेवारी वृद्धि तथा दिगोपना:



४) नेपालमा आइसिसिए अवधारणाको विकासका लागि गरिएका केही प्रयासहरू

केही प्रारम्भिक प्रयासहरू

- प्रारम्भिक अन्वेषण, पहिचान गर्ने
- दस्तावेजीकरण गर्ने: १९ सम्मदायहरू
- नित्यगत बहस तथा पैरवी
- राष्ट्रिय भेलाको आयोजना: २५ सम्मदायहरू
- नेटवर्कको गठन: २०१० मा
- विश्वका उत्कृष्ट १८ मध्ये एक नेपालबाट छनौट
- सुम उपत्यका छनौट तथा दस्तावेजीकरण
- युवा अभिमूखिकरण: युवा सहभागिता, प्रमण
- युवा सञ्जालको गठन: २०२२

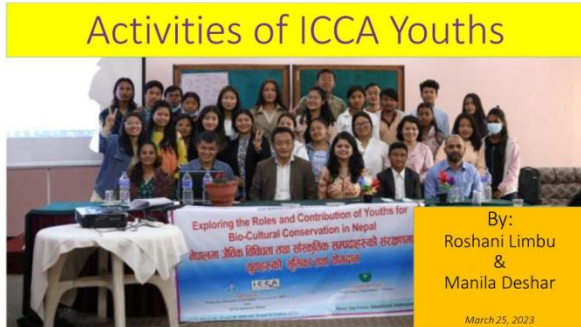


निष्कर्ष

- आइसिसिए अवधारणासाथिको चुनौति
 - आयातित अवधारणा,
 - स्रोतमा आधारित सामुदायिक संगठनहरूको विस्थापन,
 - आइसिसिएको पहिचान,
 - संगठित हुन भौगोलिक कठिनाई
- आगाँमि बाटो:
 - कानूनी मान्यता
 - संगठित रूपमा नितिगत पैरवी



Annex 5: Presentation slides (Roshani Limbu and Manila Deshar)



Annex 6: Presentation slides (Durga Mani Yamphu)

भूमि, भुक्षेत्र तथा प्राकृतिक स्रोतमा आदिवासी
अधिकार

Indigenous Peoples Rights to Lands Territories and Resources (LTR)

अधिवक्ता : दर्गा याम्फू राई

नेपालका आदिवासीहरूको मानव अधिकार सम्बन्धि वकिल
समूह (लाहुरिप)

को हुन त आदिवासी ?

- राज्य र आदिवासी
- भूमि भुक्षेत्र र श्रोत
- भाषा
- व्यवस्थापिका, कार्यपालिका, न्यायपालिका
- परम्परागत कानून, न्याय प्रणाली, सार्वभौमसत्ता
- संधी अधिकार

आदिवासी र भूमी

- माटो हो, ढुंगा हो, जंगल हो, नदी, खोला खोल्सी र डाडा पहाड हो
- सबै जीव जन्तुहरूको आश्रय स्थल र आध्यात्मीक विश्वासको केन्द्र
- भूमि भनेको भुभाग, भु-क्षेत्र, त्यससँग जोडिएको जग्गा, जमिन, खोलानाला, खानी खनिज र जमिन सतहमाथिको क्षेत्र तथा सम्पूर्ण वातावरणसमेत पर्दछ ।
- भूमि भन्नाले भू-सतह, सतहभित्र र सतहमाथिको क्षेत्रलाई जनाउँछ ।

आदिवासी र भूमी

- आदिवासीहरूले भूमीलाई संस्कृति, जीवन, पुख्र्यौली थलो, पुर्खाहरूको आत्मा रहने स्थान, सामाजिक आध्यात्मीक विश्वासको केन्द्र, उनीहरूको पुजा आज गर्ने स्थिर देवताहरू रहेको स्थल, बासस्थान, जीवन निर्वाहको आधार तथा लालन पालन गर्ने आमाकोरुपमा बुझ्दछन् । यसको अर्थ भूमी भनेको भौतिक तथा आध्यात्मीक जीवनको केन्द्र हो
- आदिवासीहरूले भूमीलाई सम्पति, घरबास र कृषी उत्पादन गरिने भूमीकोरुपमा मात्र लिदैनन्

भूमी अवधारणाहरू

- १) भूमि आदिवासीहरूको हो
- २) भूमि राज्यको हो । (Eminent Domain)

- अर्थात राज्याले तोकिए वमोजिम नागरिकले भूमिको उपयोगको अधिकार राख्दछन् ।

भूमि अधिकार

- भूमि अधिकार भनेको भूमी उपभोग, भूमीमा स्वामित्व तथा नियन्त्रण हो
 - व्यक्तिगत भूमी अधिकार
 - सामुहिक भूमी अधिकार
 - आदिवासीले परम्परागत रूपमा प्रयोग या कुनै पनि तरिकाले प्राप्त या उपयोग गरेको भूमि, भुक्षेत्र र स्रोतहरू माथि उनीहरूको स्वामित्व, नियन्त्रण, विकास र व्यवस्थापन गर्ने अधिकार हुन्छ ।
 - स्वायत्तता, स्वशासन, आत्मनिर्णयको अधिकार, पहिचान, सामुहिक जीवन पद्धति, आत्मनिर्णीत विकास
 - परम्परागत संस्था, कानून र न्याय प्रणालीलाई मान्यता
- ILO 169 and UNDRIP

नीति तथा कानूनमा भूमि अधिकार

- भुमी सम्बन्धि ऐन तथा अन्य ऐन कानूनहरु व्यक्तिगत भुमी अधिकारलाई सम्बोधन गर्ने गरि मात्र निर्माण भए..
- सामुहिक भुमी अधिकारलाई स्थापित गर्न टेक्न सकिने केही कानूनी व्यवस्थाहरु देख्न सकिन्छ ।
- **संविधानको धारा २६ (२)** ले धार्मिक स्थल तथा गुठी सन्चालन र संरक्षण गर्ने हक मौलिक हक
- स्वच्छ वातावरणमा बाँच्न पाउने हक
- **संविधानको धारा ३२ (३)** ले भाषा, लिपि, संस्कृति, सांस्कृतिक सभ्यता र सम्पदाको सम्बर्धन र संरक्षण गर्ने मौलिक हकको व्यवस्था गरेको छ । संस्कृति, सांस्कृतिक सभ्यता सम्पदासंग भुमी जोडिएको हुन्छ

संविधानको धारा ५१ धारा ५१ (ब) को (८)

- आदिवासी जनजातिको पहिचान सहित सम्मानपूर्वक बाँच्न पाउने अधिकार
- लाभका लागि विशेष व्यवस्था गर्दै यस समुदायसँग सरोकार राख्ने निर्णयहरूमा सहभागीताको अधिकार
- आदिवासीको पहिचान, परम्परा, संस्कृति, ज्ञान, विज्ञान, जीवन दर्शन भूमिसंग जोडिएको हुन्छ ।
- **धारा ५१ धारा ५१ (६) प्राकृतिक श्रोत र संरक्षण सम्बन्धी नीति**
- **संविधानको धारा ५६ (५)**, स्थानीय सरकार संचालन ऐन २०७४ दफा ९९ र १०० : सामाजिक सांस्कृतिक संरक्षण वा आर्थिक विकासका लागि विशेष, संरक्षित वा स्वायत्त क्षेत्र कायम गर्न सकिने
- स्थानीय सरकार संचालन ऐन : पर्याटन तथा संस्कृतिक संरक्षित क्षेत्र निर्माण गर्न सक्ने
- वराम स्वयत्त क्षेत्र, सर्वोच्च अदालतको आदेश
- पन्ध्रौँ पञ्च वर्षीय योजना, विशेष, संरक्षित र स्वयत्त क्षेत्र, सामुदायिक भूमि नक्सांकन

- स्थानीय सरकार संचालन ऐन २०७४ : वन, वातावरण, जैविक विविधता, सामुदायिक, धार्मिक वन जंगल संरक्षणको लागि, नीति, कानून, योजना कार्यक्रम ल्याउने

- **वन ऐन २०७५ दफा २८** ले कुनै धार्मिक स्थल वा त्यसको वरिपरीको राष्ट्रिय वनको विकास, संरक्षण र उपयोग गर्न चाहने कुनै धार्मिक निकाय, समूह वा समुदायले धार्मिक वनकोरूपमा दर्ता गर्न सकिने व्यवस्था गरेको छ ।
- मुलुकी ऐन देवानी संहिता २०७४ को दफा ३०१ ले कुनै समुदायले आफ्नो प्रयोगको लागि राखेको जग्गा, त्यस्तो जग्गामा बनाएको कुनै संरचना वा समुदायको स्वामित्व रहेको अन्य सम्पत्ति सामुदायिक सम्पत्ति मानिनेछ, भन्ने व्यवस्था गरेको छ
- **स्थानीय सरकार संचालन कार्यविधि ऐन, २०७४** ले सार्वजनिक सम्पत्ति, सामुदायिक सम्पत्ति,को अध्यावधिक अभिलेख राख्ने व्यवस्था गरेको छ ।
- स्थानिय चरन तथा खर्क विकास र व्यवस्थापन गर्ने

राष्ट्रिय वन नीति २०७५

- विभिन्न वन व्यवस्थापन पद्धति अन्तर्गत प्राप्त वन पैदावारमाथिको स्वामित्व सम्बन्धित वन व्यवस्थापक निकाय, समुदाय वा संस्थामा निहित रहने छ ।
- सामुदायिक वन, साभेदारी वन, कबुलियती वन (गरिवमुखी) लगायत समुदायमा आधारित वन व्यवस्थापन पद्धतिहरूको प्रबर्द्धन र विकास गरिने छ
- राष्ट्रिय निकुञ्ज, आरक्ष, संरक्षण क्षेत्र जस्ता अन्तर्राष्ट्रिय पहिचानका संरक्षित क्षेत्र व्यवस्थापन बाहेक कुनै स्थानीय समुदायद्वारा परम्परादेखि संरक्षित हुँदै आएका वन क्षेत्रहरूलाई सामुदायिक संरक्षित क्षेत्र (को रूपमा मान्यता दिइनेछ ।

राष्ट्रिय वन नीति २०७५

- जैविक विविधता र त्यससंग जोडिएका आदिवासी जनजाति तथा स्थानीय समुदायका परम्परागत ज्ञान, सीप, अभ्यास, सामाजिक-सांस्कृतिक पद्धति, कला, बौद्धिक सम्पत्ति आदिको अभिलेखीकरण, पञ्जीकरण र सुरक्षण गर्दै लगिनेछ ।
- वन क्षेत्रमा आयोजनाहरु सञ्चालन गर्दा प्रभावित समुदायको स्वतन्त्र पूर्व सूचित सहमति लिने व्यवस्था गरिनेछ ।

राष्ट्रिय भूमि नीति २०७५

- समुदायले परम्परा देखि सामुहिक रूपमा उपयोग गरि आएको जग्गाको संरक्षण गर्ने (राष्ट्रिय भूमि नीति २०७५)
- परम्परागत रूपमा समुदायले सामुहिक तवरले उपयोग गर्दै आएको भूमिको अभिलेख स्थानीय तहले राख्ने (राष्ट्रिय भूमि नीति २०७५)

Free, Prior and Informed Consent - FPIC

Advocate Durga Yamphu

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

Self-determination

Self-determination : IPs rights to determine their own future in accordance with their own processes but has been **interrupted, limited or denied by colonial or post-colonial States**

Mechanisms to self-determination

- Autonomy
- Self-government .:
- Recognition and **maintenance of traditional political decision-making bodies and legal systems**
- Full and effective participation in public life
- FPIC

Concepts of FPIC

- IPs have customarily practiced FPIC since time immemorial
- They are practicing when deciding on village events and activities concerning the whole community.
- FPIC should be determined by the community itself
- Implement respecting customary laws and traditional modes of decision-making.
- is decision-making process without pressure and intimidation
- Negotiation tools

Elements of FPIC

- **Free**: **No** coercion, intimidation or manipulation; IPs are free to make their decision by our own way
- **Prior**: Should have community permission (Consent) far ahead of beginning any project activities
- **Informed**: **IPs** must be given accurate information in a way that they understand
- **Consent**: **IPs** have rights to say "Yes", "No", "withheld" "Yes with conditions"

Elements of FPIC

- **Consent** should be sought **before** any project, plan or action takes place (prior),
- it should be independently decided upon (**free**)
- based on accurate, timely and sufficient information provided in a culturally appropriate way (**informed**)

Source: FAO Manual

When FPIC?

- FPIC should be sought sufficiently in advance of commencement or authorization of activities, taking into account indigenous peoples' own decision-making processes, in phases of assessment, planning, implementation, monitoring, evaluation and closure of a project.
- **Consent, once given, can also be withdrawn at any stage**

Source: UNPFII at its Fourth Session in 2005

Who?

- **Representative institutions** consent on behalf of the affected peoples or communities.
- Own **freely chosen representatives** and customary or other institutions
- should ensure a **gender balance**, children and youth as relevant

Source: UNPFII at its Fourth Session in 2005

Recognition of FPIC

- FPIC as an **inherent right that is derived from their right to self-determination. ICCPR, IESCR- Art.1**
- **ILO 169 Art 16.** in the context of **forced relocation** from their lands
- **UNDRIP Art 10 :** **No relocation** from their lands and territories without FPIC. After agreement on just and fair compensation and, where possible, with the option of return.

- **UNDRIP Art 11:** Provide redress to the IPs if their **cultural, intellectual, religious and spiritual property taken without FPIC or in violation of their laws, traditions and customs.**
- **UNDRIP Art. 19 :** FPIC should be obtained **before adopting and implementing** legislative or administrative measures that may affect them.
- **UNDRIP Art 28 :** **Right to redress, restitution, fair and equitable compensation for LTR which** traditionally owned or otherwise occupied or used or damaged without FPIC.
- **UNDRIP Art 29:** . No storage or disposal of hazardous materials in the territories of IPs without FPIC
- **UNDRIP Art 32 :** FPIC prior to the **approval of any project** affecting their lands or **territories and other resources**
- **CBD**

Authoritative interpretation of UN of UN system and guideline

- **WCIP 2014 outcome document:** FPIC before **administrative and legislative measures are adopted or implemented.**
- **Committee on ESCR : General comment in 2009 :** States to respect the principles of FPIC **in all matters that affects IPs**
- **CERD: General recommendation in 1997:** **No decisions directly relating to IPs and interest are taken without FPIC.**
- **UNPFII-** FPIC should happen in **phases of assessment, planning, implementation, monitoring, evaluation** and closure of a project, fourth session 2005
- **UN guideline :** The United Nations Development Group's Guidelines on Indigenous Peoples' Issues, 2019 prepared by 31 UN agencies, funds and programs (ILO, FAO, IFAD, UNDP, UNEP, UNESCO, UNICEF, UNIFEM, UN-HABITAT, OHCHR etc.) that adopted the UNPFII interpretation

International Financial Instructions (IFIs)

1. World Bank (WB) ESS7,2016
2. Asian Development Bank (ADB)
3. European Investment Bank (EIB)
4. International Financial Corporation (IFC)

National legislation

- legal frameworks of Nepal does not guarantee the full range and enjoyment by indigenous peoples of their individual and collective rights.
- **Treaty Act . 1990** : If the provisions of national laws are inconsistent with treaties, the treaties shall be enforceable
- **Art 51 j (8) of the constitution**: IPs have the rights to live with identity and dignity and have rights to be **participated in decisions that concern them**.
- Art 51 g (8) Principle of **prior informed consent in terms of** environmental protection adopted

Thank You !

Annex 7: Presentation slides (Dil Raj Khanal)

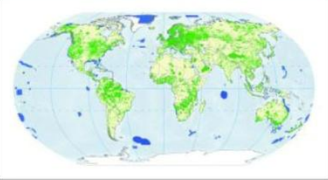
वन तथा संरक्षित क्षेत्रमा आदिवासी जनजाति र स्थानीय समुदायको अधिकारका सवालहरु

विश्वव्यापी परिदृश्यमा संरक्षित क्षेत्रको तथ्यगत अवस्था

16.8%
252,402 Protected Areas संरक्षित क्षेत्र
479 OECMs
Terrestrial protected area & OECM coverage

8.01%
17,969 Protected Areas संरक्षित क्षेत्र
192 OECMs
Marine protected area & OECM coverage

Other Effective area-based Conservation Measures (OECMs)
अन्य प्रभावकारी संरक्षणका उपायहरु



Overview of protected areas as included in the World Database on Protected Areas

Protected areas — fully or partially marine Protected areas — terrestrial

Global Biodiversity Framework (2020-2030): Target 3: Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed.

संरक्षित क्षेत्रको वर्गीकरण र व्यवस्थापन प्रणाली

वर्गीकरण	सुशासन/व्यवस्थापन प्रणाली	समुदायमा आधारित प्रणाली
<ul style="list-style-type: none"> Strict nature reserve Wilderness area National park Natural monument Habitat/species management area Protected landscape Protected areas with sustainable use of natural resources 	<ul style="list-style-type: none"> Governance by government Shared governance Governance by indigenous peoples and local communities Private governance 	<ul style="list-style-type: none"> Territories and areas conserved by indigenous peoples and local communities (ICCAs) (Traditional territories) Other Effective Area-Based Conservation Measures (OECM)

IUCN

नेपालमा संरक्षित क्षेत्रहरु (निकुञ्ज, आरक्ष, मध्यवर्ति क्षेत्र, संरक्षण क्षेत्र, वातावरण संरक्षण क्षेत्र, वन संरक्षण क्षेत्र)



संरक्षित क्षेत्रका प्रकार	कानून	व्यवस्था
राष्ट्रिय निकुञ्ज	राष्ट्रिय निकुञ्ज तथा वन्यजन्तु संरक्षण ऐन २०२९	"राष्ट्रिय निकुञ्ज" भन्नाले प्राकृतिक वातावरणको साँचे वन्यजन्तु, वनस्पति र भू-दृश्यको संरक्षण, व्यवस्थापन र उपयोगको लागि छुट्टयाएको क्षेत्र सम्झनु पर्छ।
आरक्ष	वन्यजन्तु संरक्षण ऐन २०२९	"आरक्ष" भन्नाले सन्तुलित प्राकृतिक आरक्ष, वन्यजन्तु आरक्ष र विहार आरक्षलाई सम्झनु पर्छ।
संरक्षण क्षेत्र	वन्यजन्तु संरक्षण ऐन २०२९	दफा २ : संरक्षण क्षेत्र भन्नाले प्राकृतिक वातावरणको संरक्षण र प्राकृतिक स्रोतको सन्तुलित उपयोगको लागि एकीकृत योजना अनुसार व्यवस्थापन गरिने क्षेत्र सम्झनु पर्छ। ३. नेपाल सरकारले राष्ट्रिय निकुञ्ज, आरक्ष वा संरक्षण क्षेत्र घोषणा गर्न सक्ने: (१) नेपाल सरकारले आवश्यक ठानेमा कुनै क्षेत्रलाई त्यसको चारकिल्ला समेत झोलिएको रूपमा नेपाल राजपत्रमा प्रकाशित गरी राष्ट्रिय निकुञ्ज, आरक्ष वा संरक्षण क्षेत्र घोषणा गर्न सक्नेछ।
मध्यवर्ति क्षेत्र		नेपाल सरकारले नेपाल राजपत्रमा सूचना प्रकाशित गरी राष्ट्रिय निकुञ्ज वा आरक्ष बरिपरीको कुनैपनि क्षेत्रलाई चार किल्ला झोनी मध्यवर्ति क्षेत्र तोक्न सक्नेछ।
वातावरण संरक्षण क्षेत्र	वातावरण संरक्षण ऐन २०७६	दफा ३०. वातावरण संरक्षण क्षेत्र सम्बन्धी विशेष व्यवस्था : (१) नेपाल सरकारले प्रदेश सरकार र सम्बन्धित स्थानीय तहसँग परामर्श गरी वातावरण संरक्षणका दृष्टिले अति महत्वपूर्ण मानिने प्राकृतिक सम्पदा वा सौन्दर्यपरक स्थल वा ऐतिहासिक वा सांस्कृतिक महत्वका स्थललाई नेपाल राजपत्रमा सूचना प्रकाशन गरी वातावरण संरक्षण क्षेत्र कायम गर्न सक्नेछ। (३) उपदफा (१) बमोजिम कायम गरिएको वातावरण संरक्षण क्षेत्रमा तोकिए बमोजिमको कुनै काम गर्न नपाउने गरी रोक लगाउन सकिनेछ।

संरक्षित क्षेत्रका प्रकार	कानून	व्यवस्था
संरक्षित जलाधार क्षेत्र	भू तथा जलाधार संरक्षण ऐन २०२९	३. संरक्षित जलाधार क्षेत्र घोषित गर्न सक्ने : (१) भू तथा जलाधार संरक्षणको लागि आवश्यक देखेमा नेपाल सरकारले नेपाल राजपत्रमा सूचना प्रकाशित गरी नेपालको कुनै क्षेत्रलाई चार किल्ला झुलाई संरक्षित जलाधार क्षेत्र घोषित गर्न सक्नेछ।
वन संरक्षण क्षेत्र	वन ऐन २०७६	१५. वन संरक्षण क्षेत्र: (१) दफा ११ (वन क्षेत्रको रणनीतिक योजना) को अन्तिम्य रही मन्तव्यको प्रदेश मन्त्रालयको परामर्शमा नेपाल राजपत्रमा सूचना प्रकाशन गरी देशको राष्ट्रिय वनको कुनै भाग तथा सम्बन्धित भू-पारिस्थितिक क्षेत्रलाई विभाजन गरी विशेष कार्ययोजना बनाई वन संरक्षण क्षेत्रको रूपमा घोषणा गर्न सक्नेछ- (क) राष्ट्रिय तथा अन्तर्राष्ट्रिय दृष्टिकोणले वातावरणीय, पारिस्थितिकीय, वैज्ञानिक वा सांस्कृतिक महत्वको, (ख) जलाधार संरक्षणको हितमाको संवेदनशील देखिएको, (ग) संरक्षित क्षेत्र बाहिर रहेका वन, वनस्पति तथा वन्यजन्तुको संरक्षण तथा व्यवस्थापन गर्न आवश्यक रहेको, वा (घ) पचासवर्षको विकास गर्न उपयुक्त देखिएको। स्पष्टीकरण: यस दफाको प्रयोजनको लागि "भू-पारिस्थितिक क्षेत्र" भन्नाले वन तथा वनसँग अन्तरसम्बन्धित समुच्च, क्षेत्र तथा प्राकृतिक स्रोत सम्झनु पर्छ। (२) उपदफा (१) बमोजिम सूचित भएको कार्ययोजनाको कार्यान्वयन विभिन्न वन कार्यविनयले गर्नेछ।
स्थानीय संरक्षण क्षेत्र	स्थानीय सरकार सन्मानन ऐन २०७४	दफा ११ : स्थानीय सरकारले स्थानीय स्तरमा संरक्षण क्षेत्रको परिभाषा गरी संरक्षण क्षेत्र निर्धारण र व्यवस्थापन गर्न सक्ने।

राज्यशक्तिको बाँडफाँड (धारा ५७) - वन तथा वातावरण र जैविक विविधता

संघको अधिकार अनुसूची-५	प्रदेशको अधिकार अनुसूची-६	संघ र प्रदेशको साभ्मा अधिकार अनुसूची-७	स्थानीय तहको अधिकार अनुसूची-८	संघ, प्रदेश र स्थानीय तहको साभ्मा अधिकार अनुसूची-९
२७ राष्ट्रिय तथा अन्तर्राष्ट्रिय वातावरण व्यवस्थापन, राष्ट्रिय निकुञ्ज, वन्यजन्तु आरक्ष तथा सिमसार क्षेत्र, राष्ट्रिय वन नीति, कार्बन सेवा	१९ प्रदेशभित्रको राष्ट्रिय वन, जल उपयोग तथा वातावरण व्यवस्थापन	२३. अन्तरप्रदेशिक रूपमा फेसिएको जंगल, हिमाल, वन संरक्षण क्षेत्र जल उपयोग	१०. वातावरण संरक्षण र जैविक विविधता २१. जलाधार र वन्यजन्तु	७. वन, जंगल, वन्यजन्तु, चराचुरूगी, जल उपयोग, वातावरण, पर्यावरण तथा जैविक विविधता

घोषित वन संरक्षण क्षेत्रहरु				प्रस्तावित वन संरक्षण क्षेत्रहरु			
क्र.सं.	संरक्षित वन	जिल्लाहरु	क्षेत्रफल(हे.)	क्र.सं.	संरक्षित क्षेत्र	जिल्लाहरु	क्षेत्रफल(हे.)
१	बरम्बामार	चितवन	१०,४६६	१	सुदूरपश्चिम	डोटी	१,०००
२	पन्चाले	पर्वत, स्यान्जा, कास्की	४,७७५	२	सुदूरपश्चिम	डोटी	१,०००
३	मदाने	गुल्मी	१३,३६१	३	सुदूरपश्चिम	डोटी	१,०००
४	रेसुङ्गा	गुल्मी	१९,२८१.३७	४	सुदूरपश्चिम	डोटी	१,०००
५	धापे सत्यवती सावित्रेदेह	गुल्मी	३७,८४३.०६	५	सुदूरपश्चिम	डोटी	१,०००
६	काकेहारा	सुर्खेत	१६७.१६	६	सुदूरपश्चिम	डोटी	१,०००
७	झाता	बर्दिया	४,७४२	७	सुदूरपश्चिम	डोटी	१,०००
८	बसन्ता	कैलाली	६९,००९	८	सुदूरपश्चिम	डोटी	१,०००
९	लावभन्दाडी-मोहना	कैलाली, कञ्चनपुर	२९,६४२	९	सुदूरपश्चिम	डोटी	१,०००
१०	धनुषाधाम	धनुषा	३४०	१०	सुदूरपश्चिम	डोटी	१,०००
११	गोदावरी-पुल्लोकी	सिन्धुपुर र काभ्रे	२९२८.८८	११	सुदूरपश्चिम	डोटी	१,०००

५४ प्रस्तावित : स्वी व्याती वन संरक्षण क्षेत्र (घाँसे)

संरक्षित क्षेत्र व्यवस्थापक				
संरक्षित क्षेत्रका प्रकारहरु	संख्या	सरकार व्यवस्थित संरक्षित क्षेत्रहरु	सरकारी संस्थाबाट व्यवस्थापन गरिएका संरक्षित क्षेत्रहरु	समुदाय व्यवस्थित संरक्षित क्षेत्रहरु
राष्ट्रिय निकुञ्ज र वसका माध्यमि क्षेत्रहरु	१२	१२	०	०
आरक्ष (वन्यजन्तु र विकाश) र वसका माध्यमि क्षेत्रहरु	२	२	०	०
संरक्षण क्षेत्रहरु	६	२	३	१
रामसार सूचीमा समावेश गरिएका सिमसार क्षेत्रहरु	१०	४	४	०
संरक्षित वनहरु	११	११	०	०
वातावरण संरक्षण क्षेत्र	१	१	०	०
जम्मा	४२	३३	८	१



संरक्षित क्षेत्रमा आदिवासी जनजाति र स्थानीय समुदायको अधिकारका अन्तर्राष्ट्रिय मापदण्ड	
जैविक विविधता महासन्धि १९९२	आदिवासी जनजातिको अधिकार: संयुक्त राष्ट्रसङ्घीय घोषणापत्र
<p>महासन्धिमा उद्देश्यहरु: जैविक विविधताको विरुद्ध संरक्षण, यसका अवयवहरुको विरुद्ध उपयोग र आनुवंशिक बौद्धिक स्रोतको पहुँचबाट घात लामको सम्मानात्मक बाँडफाँड।</p> <p>संरक्षित क्षेत्र: संरक्षणसम्बन्धी निश्चित उद्देश्यहरु हासिल गर्नका लागि नियमन र व्यवस्थापन गर्नेगरी निश्चित भौगोलिक क्षेत्रमा निर्धारण गरिएको क्षेत्र।</p> <p>जैविक विविधतामा आदिवासी जनजातिको अधिकार: राज्यले जैविक विविधतासँग सम्बन्धित आदिवासी जनजाति लगायतका स्थानीय समुदायको प्रभावजनित अभ्यास र परम्परागत सांस्कृतिक अभ्यासको संरक्षण गर्नुपर्ने (धारा १०), आदिवासी र स्थानीय समुदायको जैविक विविधतासँग सम्बन्धित परम्परागत ज्ञान, सिर्जना र अभ्यास एवं जीवन पद्धतीको सम्मान र प्रवर्द्धन गर्नुपर्ने (धारा ८(ब)), र आनुवंशिक स्रोतमा पहुँच प्रदान गर्नु भन्दा पहिला सम्बन्धित आदिवासी जनजाति र स्थानीय समुदायको समेत पूर्वसूचित सहमति लिनुपर्ने (धारा १४)।</p>	<p>नोट: जैविक विविधतासम्बन्धी विवरणव्यापी प्राप (२०२०-२०३०) अनुसार संरक्षित क्षेत्रका सन्दर्भमा सुदूरपश्चिमका प्रायःसबैभन्दा ठुला (खाइ सी र टारगेट ३)।</p> <ul style="list-style-type: none"> सम्बन्धित आदिवासी जनजातिको स्वतन्त्र, पूर्वसूचित सहमति र न्यायिक क्षतिपूर्ति दिने सहमतिविना विस्थापन गराउन नपाइने। प्राकृतिक स्रोतसँगको आध्यात्मिक सम्बन्ध कायम राख्न पाउने अधिकार रहेको। भूमि, क्षेत्र र प्राकृतिक स्रोत साधनमाथिको परम्परागत स्वामित्वको अधिकार रहेको र राज्यले परम्परागत स्वामित्वको अधिकारलाई मान्यता दिनु पर्ने। आफ्नो वातावरणको आफै संरक्षण गर्न अधिकार रहेको। आफ्नो प्राकृतिक स्रोत व्यवस्थापनका लागि आफै प्राथमिकता निर्धारण गर्न पाउने।

संरक्षित क्षेत्र सम्बन्धी अवधारणा	
जैविक विविधतासम्बन्धी विवरणव्यापी प्राप (जीबीएफ, २०२०-२०३०)	सन् २०३० सम्ममा विश्वको कूल भू-भागको ३० प्रतिशत भू-भाग संरक्षित क्षेत्रको रूपमा व्यवस्थापन गर्ने।
दिगो विकास लक्ष्य (२०१५-२०३०)	सन् २०३० सम्ममा सबै पारिस्थितिकीय प्रणालीको संरक्षण गर्ने। (नेपाल सरकारको मार्गचित्र: सन् २०१५-२०३०) सन् २०३० सम्म नेपालमा थप संरक्षित क्षेत्र घोषणा नगरिने र हालको संरक्षित क्षेत्रलाई नै यथावत राखी संरक्षणका कार्यहरु गर्ने।
जैविक विविधता महासन्धीका पक्ष राष्ट्रहरुको सन् २०१८ मा सम्पन्न १४औँ सम्मेलनको निर्णय	संरक्षित क्षेत्र बाहेक अन्य प्रयोजनका लागि आदिवासी जनजाति र स्थानीय समुदायले प्रभावकारी उपाय अवलम्बन गरी संरक्षण गर्दै आएका क्षेत्रहरु (Other Effective Area-based Conservation Measures -OECM) लाई समेत संरक्षित क्षेत्रका रूपमा मान्यता प्रदान गर्ने।

संरक्षित क्षेत्रमा आदिवासी जनजाति र स्थानीय समुदायको अधिकारका बारेमा स्पष्ट हुनका लागि जैविक विविधतासम्बन्धी विवरणव्यापी प्राप (जीबीएफ, २०२०-२०३०) को गहन अध्ययन गरी सोको प्रभावकारी कार्यान्वयनका लागि पहल हुनु पर्ने।

आदिवासी जनजातिको अधिकार प्रवर्द्धनसम्बन्धी नेपालको सबैधानिक नीति र संरक्षित क्षेत्रमा यसको सम्बन्ध
<ul style="list-style-type: none"> विभिन्न वर्ग समुदायका साथै आदिवासी जनजातिको संरक्षण, सशक्तीकरण तथा विकासका लागि कानून बनाई विशेष व्यवस्था गर्न सक्ने सरकारत्मक विभेदको प्रावधान रहेको -धारा १८(३) वातावरणीय न्यायको हक, आवासको हक, खाइ सम्बन्धी हक, कृषि भूमि र वीज बिजनमाथिको अधिकार र संस्कृति संरक्षणको हकको प्रभावकारी कार्यान्वयनका माध्यमबाट पनि आदिवासी जनजाति र स्थानीय समुदायको जैविक विविधता र संरक्षित क्षेत्रमा अधिकार स्थापित गर्न सकिने। राज्यका नीतिहरु <ul style="list-style-type: none"> प्राकृतिक स्रोत व्यवस्थापन गर्दा र सोबाट प्राप्त लाभका बाँडफाँट गर्दा स्थानीय समुदायलाई प्राथमिकता र अपाधिकार प्रदान गर्ने (४१(ख)(१)) कुनैपनि विकासका कार्यहरुमा पूर्वसूचित सहमतिको सिद्धान्त अवलम्बन गर्ने (४१(ख)(८)) आदिवासी जनजातिको पहिचान सहित सम्मानपूर्वक बोल्न पाउने अधिकार सुनिश्चित गर्न अवसर तथा लाभका लागि विशेष व्यवस्था गर्दै यस समुदायसँग सरोकार राख्ने निर्णयहरुमा सहभागी गराउने तथा आदिवासी जनजाति र स्थानीय समुदायको परम्परागत ज्ञान, सीप, संस्कृति, सामाजिक परम्परा र अनुभवलाई संरक्षण र संवर्द्धन गर्ने (४१(ख)(८))।

संरक्षित क्षेत्र व्यवस्थापन सम्बन्धी कानूनी संरचना		
संरक्षित क्षेत्र सम्बन्धी कानूनहरू	लागू हुने क्षेत्र	
राष्ट्रिय निकुञ्ज तथा बन्धनजन्तु संरक्षण ऐन, २०२६	सबै संरक्षित क्षेत्रहरू	
राष्ट्रिय निकुञ्ज तथा बन्धनजन्तु संरक्षण नियमावली, २०३०	सबै संरक्षित क्षेत्रहरू	
बन्धनजन्तु आरक्षण नियमावली २०३४	सबै बन्धनजन्तु आरक्षणहरू	
हिमाली राष्ट्रिय निकुञ्ज नियमावली २०३६	सगरमाथा, लाङटाङ, सेफोस्कुम्बे र रारा राष्ट्रिय निकुञ्ज	
पितृवन, षण्डाङ, बर्दिया, बाँके र शिवपुरी-नागार्जुनका लागि अलग अलग नियमावलीहरू	सम्बन्धित राष्ट्रिय निकुञ्ज	
मध्यवर्ती क्षेत्र व्यवस्थापन नियमावली, २०४२	सबै मध्यवर्ती क्षेत्रहरू	
संरक्षण क्षेत्र व्यवस्थापन नियमावली, २०४३	अन्नपुरी, मनास्लु र गौरिसंकर संरक्षण क्षेत्र	
संरक्षण क्षेत्र सरकारी व्यवस्थापन नियमावली, २०४७	अपीनमा र कुम्भार संरक्षण क्षेत्र	
कम्पन्यजहा संरक्षण क्षेत्र व्यवस्थापन नियमावली २०४४	कम्पन्यजहा संरक्षण क्षेत्र	

संरक्षित क्षेत्र व्यवस्थापन कानूनमा गरिएका केही अधिकारमूखी व्यवस्थाहरू	
ऐन र नियमावलीहरू	अधिकारमूखी व्यवस्थाहरू
राष्ट्रिय निकुञ्ज तथा बन्धनजन्तु संरक्षण ऐन, २०२६	बातावरण, वन वा बन्धनजन्तुलाई प्रतिकूल असर नपर्ने गरी राष्ट्रिय निकुञ्ज वा आरक्षणको प्रकृति अनुसार तोकिए बमोजिमका निकुञ्ज वा आरक्षणमा परम्परागत रूपमा उपयोग गर्दै आएका सुविधा प्राप्त बाटो, रैथाने बरिचलन, बानेशानी, सिँचाई तथा तटबन्धको प्रयोग गर्न, परम्परागत रूपमा सङ्ग्रह गर्दै आएको जङ्गी सागसब्जी तथा कन्दमूल सङ्ग्रहण र माछा मार्नेको लागि स्थानीय जनतालाई तोकिए बमोजिम अनुमति दिइने (वफा ५(२))। कुनै व्यक्ति, मित्रता, उपभोक्ता समिति वा स्थानीय तहले वन तथा बातावरण मन्त्रालयको सहमति विना राष्ट्रिय निकुञ्ज, आरक्षण, संरक्षण क्षेत्र वा मध्यवर्ती क्षेत्रभित्र रहेका धार्मिक, ऐतिहासिक, सांस्कृतिक वा पुरातात्विक स्थलहरूको आधारभूत संरचनामा परिवर्तन गराउने गरी भर्नात सम्भारको कार्य गर्न सक्ने (वफा ६क)।
राष्ट्रिय निकुञ्ज तथा बन्धनजन्तु संरक्षण नियमावली, २०३०	यस नियमावलीमा संरक्षित क्षेत्रमा आदिवासी जनजाति र स्थानीय समुदायको अधिकारका बारेमा कुनै व्यवस्था नगरिएको।
पितृवन राष्ट्रिय निकुञ्ज नियमावली, २०३० र बन्धनजन्तु आरक्षण नियमावली, २०३४	परम्परागत रूपमा माछा मारी जीविका चलाउने स्थानीय बोटे, वराई, कुमान र धारु जातिका मानिसहरूले वार्षिक मुल्क बुझाई माछा मार्न पाउने (नियम १० र अनुसूची १)

संरक्षित क्षेत्र व्यवस्थापन कानूनमा गरिएका केही अधिकारमूखी व्यवस्थाहरू	
ऐन र नियमावलीहरू	अधिकारमूखी व्यवस्थाहरू
हिमाली राष्ट्रिय निकुञ्ज नियमावली, २०३६	निकुञ्जभित्र अनुमतिपत्र विना माछा मार्न पाइने, मानिस र घरपालुवा जीवजन्तु हिँड्ने परम्परागत बाटोको प्रयोग गर्न पाउने, वन पैदावारको उपयोग पाउने, जडिबुटी संकलन गर्न पाउने र घरपालुवा जीवजन्तु चरीचराउ गर्न र मोठ राख्न पाउने (नियम १८, २४, २४क, २५)।
षण्डाङ राष्ट्रिय निकुञ्ज नियमावली २०४४	हिमाली राष्ट्रिय निकुञ्ज नियमावली, २०३६ मा प्रदान गरिएका अधिकारका अतिरिक्त घर बनाउनु, घर भर्नात गर्न वा कुट्टि उद्योगको लागि निकुञ्जबाट घर, बाँस, सिंगानो वा सोस्ता लिन चाहने स्थानीय व्यक्तिले दस्तुर तिरी लिन पाउने (नियम २८)।
मध्यवर्ती क्षेत्र व्यवस्थापन नियमावली, २०४२	धार्मिक वनको संरक्षण गर्न बाहेक मध्यवर्ती क्षेत्रमा आदिवासी जनजातिको अधिकारका विषयमा कुनै पनि व्यवस्था नगरिएको।
संरक्षण क्षेत्र सरकारी व्यवस्थापन नियमावली, २०४७ र कम्पन्यजहा संरक्षण क्षेत्र व्यवस्थापन नियमावली, २०४४	संरक्षण क्षेत्रको व्यवस्थापन योजनामा संरक्षण क्षेत्रमा सामुदायिक र धार्मिक वन बनाउने पाउने, आदिवासी जनजाति र स्थानीय जनताको मौखिक र परम्परागत ज्ञान तथा सीपको संरक्षण गर्ने, स्थानीय उपभोक्तालाई आवश्यक पर्ने वन पैदावार सङ्ग्रहण र उपयोग गर्न पाउने, मठमन्दिर र गुम्बा लगायतको विवरण राखी मान्यता प्रदान गर्ने कुराहरू उल्लेख गर्नु पर्ने व्यवस्था गरिएको।
संरक्षण क्षेत्र व्यवस्थापन नियमावली, २०४३	संरक्षण क्षेत्रको व्यवस्थापन कार्ययोजनामा प्राकृतिक स्रोतसम्बन्धी सांस्कृतिक सम्पदा संरक्षण गर्ने व्यवस्था समावेश गर्नुपर्ने कुरा उल्लेख गरिएको।

संरक्षित क्षेत्रहरूको व्यवस्थापन योजना

- सबै प्रकारका संरक्षित क्षेत्रहरूको लागि अलग अलग व्यवस्थापन योजना तर्जुमा भई विभाग मार्फत मन्त्रालयबाट स्वीकृत हुने।
- व्यवस्थापन योजनामा आदिवासी जनजाति र स्थानीय समुदायको भूमिकाको बारेमा लेखिए पनि अधिकारमूखी अवधारणाका आधारमा कुनै पनि व्यवस्था राख्ने नगरिएको।

आगामी विकल्पहरू

- नेपालले अन्तर्राष्ट्रिय तहमा गरेको प्रतिबद्धता र सहमति अनुसार नेपालमा कुनै पनि नाम गरेका केन्द्रकृत संरक्षित क्षेत्र घोषणा तथा विस्तार नगर्ने कुरामा सहमतिको वातावरण बनाउने।
- जैविक विविधतासम्बन्धी विश्वव्यापी प्रारूप (२०२०-२०३०) को प्रभावकारी रूपमा कार्यान्वयन गर्ने गरी नेपालमा नयाँ जैविक विविधता रणनीति र कार्ययोजना (एनबीसाप) तर्जुमा गर्ने।
- जैविक विविधता महासन्धीका पक्ष राष्ट्रहरूको सन् २०१८ मा सम्पन्न १४औँ सम्मेलनको निर्णय बमोजिम संरक्षित क्षेत्र बाहेकका आदिवासी जनजाति र स्थानीय समुदाय व्यवस्थित संरक्षित क्षेत्र (ICCAs) र अन्य प्रभावकारी संरक्षणका उपाय (Other Effective Area-based Conservation Measures – OECM) को रूपमा स्थानीय समुदायका माध्यमबाट नै जैविक विविधताको संरक्षण र दिगो उपयोग गर्ने।
- केन्द्रकृत संरक्षित क्षेत्र घोषणा र विस्तारका विरुद्ध स्थानीय, राष्ट्रिय र अन्तर्राष्ट्रिय स्तरमा सशक्त अभियान सञ्चालन गर्ने।

Community Conservation Areas (सामुदायिक वन संरक्षण क्षेत्र)

स्थानीय सरकार र सामुदायिक वनको सहयोगमा भएका प्रयासहरू

- इलाममा रेडपाण्डा संरक्षणका लागि सामुदायिक संरक्षण क्षेत्र
- गोरखामा श्याङ्गा परम्परा संरक्षण क्षेत्र
- नवलपरासीमा घोरल संरक्षणका लागि सामुदायिक संरक्षणको प्रयास

Community protocols (सामुदायिक आलेख)

संयुक्त राष्ट्रसंघीय जैविक विविधता महासन्धि १९९२

- **जैविक विविधताको स्व-स्थानीय संरक्षण (धारा ८) :** राष्ट्रिय कानूनको अधिनमा रही;
- जैविक विविधताको संरक्षण र दिगो उपयोगसँग प्रासङ्गिक रहेको आदिवासी जनजाति र स्थानीय समुदायको परम्परागत जीवन पद्धति र परम्परागत ज्ञान, नवीन खोज र अभ्यासहरूको सम्मान, प्रवर्द्धन र कायम गर्ने ।
- परम्परागत ज्ञान, नवीन खोज र अभ्यासका धनीहरूको स्वीकृती र संलग्नतालाई व्यापक बनाउने कुरालाई प्रवर्द्धन गर्ने ।
- परम्परागत ज्ञान, नवीन खोज र अभ्यासको सदुपयोगबाट प्राप्त लाभको समन्यायिक बाँडफाँडका लागि उत्प्रेरित गर्ने ।

संयुक्त राष्ट्रसंघीय जैविक विविधता महासन्धि १९९२

- **जैविक विविधताको दिगो उपयोग (धारा १०) :** जैविक विविधताको संरक्षण र दिगो उपयोगसँग तालमेल हुनेगरी परम्परागत सांस्कृतिक अभ्यास अनुसार जैविक स्रोतहरूको प्रथाजनित उपयोगलाई संरक्षण र उत्प्रेरित गर्ने ।
- **आनुवंशिक स्रोतमा पहुँच (धारा १५) :** आनुवंशिक स्रोतमा पहुँच प्रदान गर्नु भन्दा पहिला त्यस्तो स्रोत प्रदान गर्नेको पूर्वसूचित् सहमति लिनुपर्ने ।

आनुवंशिक स्रोतमा पहुँच र उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सम्बन्धी अभिसन्धि २०१०

- **आनुवंशिक स्रोतमा पहुँच (धारा ६) :**
 - आनुवंशिक स्रोतमा पहुँच प्रदान गर्दा आदिवासी जनजाति र स्थानीय समुदायको सहभागिता सहित पूर्वसूचित् सहमति वा अनुमोदन प्राप्त गरिएको कुरा सुनिश्चित गर्ने उद्देश्यले उपयुक्त उपायहरू अवलम्बन गर्नुपर्ने । (६.२)
 - आनुवंशिक स्रोतमा पहुँचका लागि आदिवासी जनजाति र स्थानीय समुदायसँग पूर्वसूचित् सहमति वा अनुमोदन प्राप्त गर्न र सहभागी गराउनका लागि उपयुक्त आधार र प्रक्रियाहरूको निर्धारण गर्ने । (६.३)
- **आनुवंशिक स्रोतसम्बन्धी परम्परागत ज्ञानमा पहुँच (धारा ७) :**
 - आदिवासी जनजाति र स्थानीय समुदायको स्वाभिव्यता रहेको आनुवंशिक स्रोतसम्बन्धी परम्परागत ज्ञानमा पहुँच प्राप्त गर्दा आदिवासी जनजाति र स्थानीय समुदायको सहभागितामा पूर्वसूचित् सहमति (PIC) वा स्वीकृति लिइएको छ र आपसमा मन्त्र गरिएका शर्तहरू स्थापित भएको छ भन्ने कुराको सुनिश्चित गर्ने उद्देश्यले उपयुक्त उपायहरू अवलम्बन गर्ने ।

आनुवंशिक स्रोतमा पहुँच र उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सम्बन्धी अभिसन्धि २०१०

- **आनुवंशिक स्रोतसँग सम्बन्धित परम्परागत ज्ञान (धारा १२) :**
 - राज्यले आफ्ना दायित्वहरू कार्यान्वयनका क्रममा आदिवासी जनजाति र स्थानीय समुदायका आनुवंशिक स्रोतमा आधारित परम्परागत ज्ञानसम्बन्धी प्रथाजनित कानून र सामुदायिक आलेख एवं प्रक्रियाहरू ध्यान दिनुपर्ने । (१२.१)
 - आनुवंशिक स्रोतसँग सम्बन्धित परम्परागत ज्ञानको सम्भावित उपभोक्ताहरू र उनीहरूको बाबित्व तथा पहुँचका उपायहरू बारेमा जानकारी दिन र परम्परागत ज्ञानको उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सम्बन्धी सूचना प्रवाह गर्नका लागि राज्यले सम्बन्धित आदिवासी जनजाति र स्थानीय समुदायहरूको प्रभावकारी सहभागितामा संयन्त्रको स्थापना गर्नुपर्ने ।
 - जैविक विविधता महासन्धिको उद्देश्य अनुरूप हुनेगरी आदिवासी जनजाति र स्थानीय समुदायभित्र र एक आपसमा आनुवंशिक स्रोत र यसमा आधारित परम्परागत ज्ञानको उपयोग र आदान प्रदान गर्ने कार्यमा सम्भव भएसम्म कुनै पनि रोक नलगाउने । (१२.४)

आनुवंशिक स्रोतमा पहुँच र उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सम्बन्धी अभिसन्धि २०१०

- **आदिवासी जनजाति र स्थानीय समुदाय एवं यी समुदायमा रहेका महिला समेतले विकास गर्ने निम्न दस्तावेजहरू तर्जुमाका लागि राज्यले सहयोग गर्न प्रयास गर्नुपर्ने (१२.३) :**
 - आनुवंशिक स्रोतसँग सम्बन्धित परम्परागत ज्ञानमा पहुँच प्रदान गर्ने र यस्तो परम्परागत ज्ञानको उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सम्बन्धी सामुदायिक आलेख (Community Protocols)।
 - आनुवंशिक स्रोतसँग सम्बन्धित परम्परागत ज्ञानको उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सुनिश्चितताका लागि आपसी सहमतिको शर्तहरू (Mutually Agreed Terms - MAT) सम्बन्धी न्यूनतम मापदण्ड ।
 - आनुवंशिक स्रोतसँग सम्बन्धित परम्परागत ज्ञानको उपयोगबाट प्राप्त लाभको निष्पक्ष र समन्यायिक बाँडफाँड सुनिश्चितताका लागि सम्मोताका बृद्धिसम्बन्धी ढोपा (Model contractual clauses)।

वन तथा संरक्षित क्षेत्रमा सामुदायिक अधिकारका लागि कृयाशिल संघ संगठन र सञ्जालहरु एवं यिनको भूमिका

- नेपाल आदिवासी जनजाति महासंघ
- सामुदायिक वन उपभोक्ता महासंघ, नेपाल
- साफेदारी वन उपभोक्ता महासंघ, नेपाल
- गरिवमुखी कञ्चुलियती वन महासंघ
- **संरक्षित क्षेत्र जनअधिकार मञ्च**
- मध्यवर्ति क्षेत्र नेटवर्क
- पारिवारिक निजी वन संघ
- हिमाली श्राम्बी एसोसिएशन
- कृषक समूह महासंघ नेपाल

Thank You !

Annex 8: Selected photos of the fifth national gathering



