

**The Development Fund Norway (DF Norway)
And
Environment Movement in the South (EMiS)**

**COUNTRY ASSESSMENTS
OF
THE STATE OF ENVIRONMENTAL MOVEMENT IN NEPAL**

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By
Organisation Development Centre (ODC)
Developing Healthy Organisations through People



TABLE OF ABBREVIATIONS

AAPA	Aquatic Animals Protection Act, 1961
AEPC	Alternative Energy Promotion Centre
AIN	Association of International NGOs
APMN	Asia Pacific Mountain Network
AQM	Air Quality Management
BC	British Council
BSP	Biogas Support Program
CA	Country Assessment
CAMR	Conservation Area Management Regulation
CAN	Clean Air Network
CANN	Clean Air Network Nepal
CBEC	Centre for Biodiversity and Environment Conservation
CBOs	community-based organizations
CCN	Climate Change Network
CCN - MoEST	Climate Change Network - Hosted Ministry of Environment Science and Technology
CCNN	Climate Change Network Nepal
CDM	Clean Development Mechanism
CECI	Centre for International Studies and Cooperation
CEDB	Clean Energy Development Bank
CEN	Clean Energy Nepal
CEN	Clean Energy Network
CSOs	Civil Society Organisations
DANIDA	Danish International Development Agency
DF Norway	Development Fund Norway
DFO	District Forest Officer
DGIS	Directorate General for International Cooperation
DNA	Designated National Authority
ECCA	Environment Camps for Conservation Awareness
ECO-Centre	Ecological Service Centre
EMS	Environment Movement in the South
ENPHO	Environment and Public Health Organization
EPA	Environment Protection Act, 1996
EPC	Environmental Protection Council
EPR	Environment Protection Regulations, 1997
ESAP	Energy Sector Assistance Programme
FA	The Forest Act, 1993
FECOFUG	Federation of Community Forest User Groups
FINIDA	Finish International Development Agency
FORWARD	Forum for Rural Welfare and Agriculture Reform for Development
FPAN	Family Planning Association of Nepal
GEF	Global Environment Facility
GMCAR	Government Management of Conservation Area Regulations, 2000
GoN	Government of Nepal
ICIMOD	International Centre for Integrated Mountain Development
ICN	Interim Constitution of Nepal 2007
IDRC	International Development Research Centre

INGO	International Non Government Organisation
ISET	Institute of Social and Environmental Transition
IUCN	The World Conservation Union
LI-BIRD	Local Initiatives for Biodiversity, Research and Development
LSGA	The Local Self Governance Act
MADE	Multidimensional Agriculture for Development
MDGs	Millennium Development Goals
MEAs	Multilateral environmental agreements
MF	Mountain Forum
MoEST	Ministry of Environment, Science and Technology
MoF	Ministry of Finance
NARC	Nepal Agriculture Research Centre
NCS	National Conservation Strategy, 1988
NEFEJ	Nepal Forum of Environmental Journalist
NEPAP	Nepal Environment Policy and Action Plan, 1993
NGDOs	Non-Government Development Organisations
NGO	Non Government Organisation
NGOGCC	NGO Group in Climate Change – Nepal
NPC	National Planning Commission
NPWCA	National Parks and Wildlife Conservation Act, 1973
NRCS	Nepal Red Cross Society
NTNC	National Trust for Nature Conservation
NWCF	Nepal Water Conservation Foundation
PA	Practical Action Nepal
PIN	Project Idea Note
SANDEE	South Asian Network for Development and Environmental Economics
SDC	Swiss Development Corporation
SNV	Netherlands Development Organisation
SSNCC	Social Services National Coordination Council
TNW	Team for Nature and Wildlife
TU	Tribhuvan University
UNDP	United Nation Development Programme
UNEP	United Nation Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
USAID	United States Agency for International Development
WB	World Bank
WIST	Women in science and Technology
WRA	Water Resources Act, 1992
WVI	World Vision International
WWF	World Wildlife Fund

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1. BACKGROUND

More than 2000 years ago, in what is today Nepal, King Mandev gave the local people living in and around Changu Narayan forest the responsibility of managing the forest, in exchange for which they would enjoy the right to harvest timber once a year.¹ Further, over centuries local hill farmers in Nepal have established their own systems for managing local forests,² which involved locally accepted rules, through which a clearly fixed group of beneficiaries regularized forest use and excluded outsiders.³ For example, these communities often kept a patch of forest as '*rani ban*' (queen's forest), the use of which was permitted only for a few months each year, and the rest of the time it was left undisturbed to regenerate. While analyzing the forest cases, Chapagain *et al.* argue that local forest management systems operate on land that may technically be the property of the government but in effect, is treated as communal property. Use rights to such forests rest with the community.⁴ Indigenous forest management is based on user groups, defined as groups of people with mutually acknowledged rights of use and access⁵ Indigenous use-rights exist outside the legal system.⁶ This is the origin and evolution of natural resources management in Nepal. Many of these practices are reflected in Nepal's current community forestry system⁷ and of late similar community management system has been promoted in management of conservation areas, buffer zones and water resources (Narayan Belbase IUCN). The quote above shows clearly how rulers and the ruled were concerned for the environment and the how to protect it even 2000 years ago in what is today's Nepal.

2. NEPAL'S ENVIRONMENTAL CHALLENGES

The environment plays a crucial role in enabling and sustaining poverty reduction and improving livelihood in general. Nepal faces myriads of environmental challenges as the country steadily industrialized and urbanized these challenges continue to grow both in size and complexity day. Degradation of forest, loss of biodiversity including cultural biodiversity, soil erosion, water pollution, solid waste mismanagement, air pollution, groundwater depletion. The rapid urbanization seen recently has put a severe strain on essential services such as the solid waste management, water system; effluent from industries. Kathmandu rivers suffer the effects of poorly treated sewage and industrial discharges. As a result Kathmandu is gradually appearing in the list of the most polluted cities in the world. These environmental challenges if not dealt with timely and appropriately is likely to threaten the livelihood of a vast majority of people both in rural and urban areas. The environmental challenges in today's Nepal need to be dealt with not in isolation but as part of improving people livelihood. The government and people of Nepal are taking measure to improve their environment and to conserve it. Several local legislations have been enacted to improve the environment.

*Paper presented at a training program on "Strengthening Environmental Law Capacity in the SAARC Region" organised by NALSAR University of Law, Hyderabad, India in Kathmandu from 19-21 April, 2008.

¹ P. Moore (2007), "Environmental Justice and Rural Communities: An Overview," in P. Moore and F. Pastakia (eds) *Environmental Justice and Rural Communities: Studies from India and Nepal*, IUCN, Bangkok, Thailand and Gland, xiii.

² N. Belbase and D.C. Regmi (2002), *Potential for Conflict, Community Forestry and Decentralization Legislation in Nepal*, Talking Points, International Center for Integrated Mountain Development (ICIMOD), Kathmandu, 1.

³ K. B. Shrestha (1996), *Community Forestry in Nepal: An Overview of Conflicts*, MNR Series No. 96/2 ICIMOD, Kathmandu, 2.

⁴ D. Chapagain, P. Kandel and D.C. Regmi (1999), "Current Policy and Legal Context of the Forestry Sector with Reference to the Community Forestry Programme in Nepal", in *A Working Overview Nepal UK Community Forestry Project*...

⁵ D. Chapagain, P. Kandel and D.C. Regmi (1999), above, note 4, 37

⁶ B. R. Upreti (2002), "Management of Social and Natural Resource Conflict in Nepal: Realities and Alternatives." Adroit Publishers, HbK, New Delhi, India, 371.

⁷ N. Belbase and D.C. Regmi, above, note, 2.

2.1 MAIN ENVIRONMENTAL PROBLEMS

The strains on the environment in Nepal are increasing constantly. Biofuels (harvested timber, dung, etc.) account for 87% of the energy consumed. Deforestation to provide wood for cooking stoves and warmth is perhaps the biggest problem facing Nepal's ecology today. Pollution from these biofuels, both indoor and outdoor, is also significant. In urban areas, imported fossil fuels account for 90% of the energy used. In some areas, kerosene and other cleaner fuels are being used as energy sources, but they are still expensive for most Nepali people. Alternative forms of energy are being explored, primarily hydropower, to ease the burden on the land. It is estimated that only 1% of the economically accessible hydropower is tapped. Increasing this can be tremendously beneficial for both local use and export to places like Northern India, but can also be environmentally damaging if not done properly. See Table 1 for the summary of the Environmental Problems.

Table 1: Summary of Environmental Problems

S.NO	Issue	Problems
1.	Land Resources Soil fertility management	Soil fertility is declining because of improper plant nutrient management and expansion of cultivation on fragile lands
2.	Forest and rangelands	Forests constitute 37 percent of the total land area; rangelands, 12 percent. They are badly degraded. Forests are important as providers of fuel wood, fodder, timber and non-timber forest products
3.	Watershed protection	Nepal's watersheds are not being properly managed for their sustained use
4.	Hydroelectric power development	Nepal boasts of possessing the second largest hydroelectric potential in the world. Large hydro projects are associated with several environmental risks, including geological stability, alteration in the ecosystem due to inundation of land by reservoirs, effect on aquatic life, and relocation of human settlements
5.	Population, Health and Poverty	Population growth at 2.1/2.5% is considered high. This rate of growth puts heavy pressure on the available resources, leading to their further degradation
6.	Drinking water	About 75 percent of the urban population and 35 percent of the rural population has access to drinking water supplies.
7.	Sanitation:	There lacks proper sewerage system outside the Kathmandu Valley
8.	Solid waste management	Grossly inadequate in all major cities in Nepal.
9.	Poverty Alleviation	Poverty is both a cause and a consequence of environmental degradation. Cases of degraded forests, declining soil fertility, poor quality of life have been documented throughout the country
10.	Biodiversity	National parks and protected areas make up 14% of the land area
11.	Management issues	Park-people conflict. Inadequate representation of all the ecological regions of the country.
12.	Cultural heritage	Mostly decaying and degrading; improper policy and poor management are the culprits.
13.	Tourism:	About 400,000 tourists visit Nepal every year. They are concentrated in certain areas and seasons, and contribute to several environmental problems.
14.	Urbanization	The urban population is about 10 percent and is increasing rapidly. The total absence of effective urban planning means that old and newly emerging urban centres are severely stretched in basic amenities and services. The Kathmandu Valley is a case in point. Solid waste management, sewerage, storm drainage, and air pollution due to vehicular traffic and industrialization are increasingly becoming serious problems.

2.2 DEALING WITH NEPAL'S ENVIRONMENTAL PROBLEMS

The government's efforts at dealing with environmental problems in Nepal have been partly stated below. These include passing legislation, ratifying international conventions and enforcing these Act, conventions and treaties. The government is also encouraging NGOs and local communities to work in environmental protection and conservation. Some of the effort is stated clearly in the government's Tenth Development Plan (The Tenth Plan) and the Three Year Interim Plan. In the Tenth Plan the government sets out several environmental goals, including:

- Managing efficiently sustainable natural and physical resources
- Balancing development efforts and environmental conservation for sustainable fulfilment of the basic needs of the people
- Safeguarding national heritage
- Mitigating the adverse environmental impacts of development projects
- Integrating environment and development through appropriate institutions, adequate legislation and economic incentives, and sufficient public resources

Also in the Tenth Plan the government emphasised education as critical to the long-term preservation of Nepal's environment. Currently, environmental education is integrated into social sciences and health and population studies at various levels in the school system. Environmental education represents 14% of the curriculum for older children and close to 7% at the younger levels. The main university in Kathmandu, Tribhuvan University (TU), recently started a Master's program in rural development with a strong focus on sustainability. The government also expressed willingness to hand over resources management in the environmental sector to civil society. Rather than take over many of the resource management processes, the government has turned them over to local groups and community-based organizations (CBOs). Increasingly, local communities are becoming responsible for the investment, installation and maintenance of their own water and micro-hydropower energy production. The Government's role has become more supportive, giving technological assistance, providing information and giving occasional financial assistance. The Local Self Governance Act (LSGA), adopted in 1999, provides for the local management of resources while enabling the communities to consider forest, soil and biodiversity conservation, along with land use and environmental planning as key components of development.

2.3 ABOUT THIS STUDY

Major part of this report covers the role of NGOs, CBOs and Civil Society Organisations in addressing environmental concerns in Nepal. NGOs and other civil society organisations have made significant contributions towards improving the environment. Our definition of CSO is any non-government, non-profit organisations which is in existence or have been organised for the purpose of education, awareness creation, advocacy and in all other ways helping to improve the livelihood of people. In this case NGOs (local, national and international), CBOs, User Groups, and other organisations which fit this definition.

The primary sources of information for the CA has been desk research; literature review and data collected during formal interviews and informal discussions with relevant resource persons from the government, multilateral and bilateral organisations, INGOs, NGOs and other civil society organisations. The report has been written broadly on the basis of qualitative data collected during the initial stage of the study. The writer's own experiences in the field of development also contributed to the process. The write up is based on the CA guideline provided by DF. There are however some modification in terms of sequencing the write-up to reflect key issue of emergence of the Environmental Movements in Nepal.

3. NATIONAL LEGAL PROVISIONS GOVERNING ENVIRONMENT ISSUES

Although the main focus of this study is the role NGOs in driving environmental movements in the South, it is important for the reader to understand the legal and legislative framework within which the environmental movements operate. The first civil code in Nepal was adopted in 1854 and covered matters related to natural resources. Modern codification started in 1955. Since then the Government of Nepal (GoN) has enacted various laws to protect the environment, conserve forest and wildlife and ensure clean environment. See Table 2 for the list of Major Environment Laws in Nepal. The National Conservation Strategy (NCS) of 1988 signified the first serious attempt to formulate a national environmental policy framework for the country. This document was instrumental in paving the way for a series of policy pronouncements and programme interventions that followed. Protection of the country's environment is enshrined in Nepal's constitution (1990) under the guiding principles and policies of the state. The Nepal Environment Policy and Action Plan (NEPAP) were formulated in 1993 as a further refinement of the National Conservation Strategy. NEPAP covered the major sector areas such as natural resources (land, forest and rangeland, water), health, education, natural and cultural heritage, urban and industrial development, and the cross-cutting issues of population, poverty, legislation, institutions and public resource management.

A summary of some of the major legislature enacted in Nepal are presented below.

3.1 ENVIRONMENT PROTECTION ACT

The scope of the Environment Protection Act, 1996 (EPA) defines environment, which includes all natural, cultural and social systems, economic and human activities and their constituent parts and the interaction and inter-relationship among the constituent parts. This is one of the most progressive definitions of the term "environment" as it includes economic, human and social dimensions.⁸ Similarly, "conservation" includes the protection, maintenance, preservation and enhancement, management and wise use of the environment.⁹ Degradation of the environment or the direct or indirect alteration of the environment to its detriment or to the detriment of any beneficial utilization of the environment by any activity is defined as pollution.

The EPA authorises to GoN to delineate as an environment conservation area, any area which contains biological diversity, rare wildlife or plants, and places of cultural and historical significance which are considered extremely important from the point of view of environment protection.¹⁰ The State is also empowered to prohibit any kind of activity in such conservation areas by publishing a notification in the Nepal Gazette. The Environment Protection Regulations, 1997 (EPR) prohibits, among others, the following activities inside any environment conservation area:¹¹

⁸ Narayan Belbase, (1998). The Environment Protection Act 1997 of Nepal: Notes and Commentaries, ASIA PACIFIC JOURNAL OF ENVIRONMENTAL LAW, 65-77.

⁹ Environmental Protection Act, 1996, Section .2 (c).

¹⁰ Environment Protection Act, 1996, Section . 10.

¹¹ Environment Protection Regulations, 1997, Rule 30.

3.2 FOREST ACT

The Forest Act, 1993 (FA) is probably the only piece of legislation, which has recognized the indigenous practices of local people and their rights to forest resources. Encouragingly, the FA recognizes the benefits of these practices, and provides the legal measures for handing over of community forest to local people for management Users' group may make timely amendment according to need in the operational plan relating to the management of community forests prior approval of District Forest Officer (DFO) is needed and while giving approval DFO considers likely to adversely affect the environment in a significant manner, the DFO may direct the users' group not to implement the concerned amendment within 30 days from the date receiving such information (Section 26).

Community forests are also managed according to a work plan, in this case prepared by the users groups to which the forest has been handed over, and assisted by the DFO (Rule 28). The DFO is authorised to alter, "with the consent" of the users group, and approve the work plan (Rule 29(2)). Users groups are permitted to collect and sell only those forest products specified in the work plan (Rule 32(1)), and must rehabilitate the area after timber and other forest products have been taken (Rule 32(2)). Industries based on forest products may be set up outside the area of the community forest, on the recommendation of the DFO (Rule 32(4)).

3.3 WATER RESOURCES ACT

Section 3 of the Water Resources Act, 1992 (WRA) vests the ownership of the water resources available throughout the country over the State. The WRA vests ownership of all types of water, above or below the ground, on private or public land, such as rivers, lakes, springs or wells, in the state. As the 'owner' of all water, the state has the right to regulate who may and may not use water resources, how, where and in which order of priority. It can also expropriate water resources used by the public without paying compensation.¹²

3.4 AQUATIC ANIMALS PROTECTION ACT

The Aquatic Animals Protection Act, 1961 (AAPA) is one of Nepal's oldest pieces of legislation, indicating the early recognition of wetlands and aquatic life values. Section 2 (a) of AAPA as lake, ditch, temporary stream, river water course, pond, canal, channel, pool, reservoir, and fountain source. Section 2 does not specify that the water be natural or artificial, static or flowing, but the definition includes lakes, ponds, temporary streams, water courses and entire river systems. Its primary deficiency is the omission of any explicit reference to wetlands. Section 2 (1) of the Act defines "private water" as a lake, pond, ditch, pool, or reservoir which is on land utilised by a person, who has been paying land tax to the government. Hence, the Act provides for privately-owned wetlands as well, but is silent about the wise use and management of such privately-owned wetlands. The Act's glaring lacuna is that no agency is specified to either administer or enforce it.

¹² R. Pradhan (2000), "Land and Water Rights in Nepal (1854-1992)" in R. Pradhan, F.V. Benda-Beckmann and K.V. Benda-Beckmann (eds) *Water, Land and Law: Changing Rights to Land and Water in Nepal*, FREEDEAL/WAU/EUR, Wageningen, Kathmandu, 60-61

3.5 NATIONAL PARKS AND WILDLIFE CONSERVATION ACT

The conservation of ecologically valuable areas and wildlife is provided for by the National Parks and Wildlife Conservation Act, 1973 (NPWCA), which has been amended four times since being passed. NPWCA defines wildlife as any wild animals including birds, fish and reptiles. In Section 10, protection is accorded to twenty-six species of mammals, nine species of birds and three species of reptiles by including them on the protected wildlife list. Schedule 1 of the NPWCA provides a list of protected wild animals. Assamese red monkey, red panda, rhinoceros, tiger, wild elephant, snow leopard, musk deer, Tibetan antelope and water buffalo are some of the wildlife species included on the protected wildlife list. Some waterfowl, such as sarus crane, black stork, and white stork are also included in the list. Ironically, such protection does not extend to any species of flora. Section 3 of the NPWCA prohibits the following activities in national parks and reserves:

- *the hunting of any animals or birds;*
- *the building of any house, hut or other structure;*
- *the clearing or cultivating any part of the land, or the harvesting of any crops;*
- *pasturing or watering any domesticated animals or birds;*
- *cutting, burning or damaging any tree, bush or other forest product;*
- *damaging forest product or forest land or harming wildlife or bird; and Mining.*

3.6 GOVERNMENT MANAGEMENT OF CONSERVATION AREA REGULATIONS¹³

Government Management of Conservation Area Regulations, 2000 (GMCAR) is framed under the authority of NPWCA. This is comparable to the CAMR in many respects. The GMCAR has basically been occupied with the concept of collaborative management by government in partnership with local people, whereas the CAMR is concerned with the concept of management by Organization i.e. non-governmental organization authorized by government. Some of the comparable features are briefly outlined below.

3.7 DEVELOPMENT PLANNING AND GOVERNANCE

Development planning in Nepal is under the responsibility of the National Planning Commission (NPC). The NPC releases annual plans and assesses resource needs, in addition to formulating five-year plans for the country's general development. Several other agencies are also involved with development including the Ministry of Finance (MoF), which is responsible for mobilizing and coordinating foreign aid.

Nepal's planned development began with the First Five Year Plan in 1956, which emphasized building the country's transport, communication and infrastructure. This trend continued until the Fifth Five Year Plan (1975 – 1980), when a variety of issues were addressed, including the energy sector. With more than 80 percent of the population depended on agriculture, which experienced a fall in productivity with increase of idle labour, planners were pushing to develop industries, services and other sectors. After the completion of the Tenth Five Year Plan (2002 – 2007) the government of Nepal decided to formulate a Three Year Interim Plan (2007/8 – 2009/10) since the country was going through a major shift in political, socio-economic and economic transition. It is likely that with the significant political changes in Nepal in recent times a new interim plan may be formulated or the current one will be modified to reflect current and future needs of the people.

¹³ This part has been taken from Surendra Bhandari (2002), above, note, 48, 206-208.

Although the focus of the government has been in providing the basic needs to the people, since the formulation of the Eight Plan (1992 – 1997) the government has put on significant effort to encourage improvement of the environment by organisations in the various sectors i.e. energy, agriculture, industries, tourism and environment management. This is clearly reflected in action that was put on Enactment of the Environment Protection Act (1996) and promulgation of Environment and Protection Regulation (1997). The present Three Year Interim Plan also have various strategies and activities spelled out relating to Environment, which include:

3.8 OBLIGATIONS OF THE STATE

Nepal's commitment to environmental conservation, equitable development and the protection of humans is enshrined in the Interim Constitution of Nepal 2007. The country's international obligations under various multilateral environmental agreements (MEAs) are given legal cover by the Nepal Treaties Act 1990, which explicitly provides for the primacy of international treaties over national law and requires implementing legislation to be framed at the national level.

3.8.1 Interim Constitution of Nepal

The Interim Constitution of Nepal 2007 (ICN) guarantees equal rights to all citizens (Article 13(1)). It also declares the right of every person to live in a clean environment to be a fundamental right (Article 16(1)).¹⁴ This provision has potential for far-reaching effects in addressing the disproportionate distribution of environmental hazards in urban areas with respect to marginalised groups and poor communities. It is, however, less likely to ensure environmental justice to similarly disadvantaged groups residing in the country's rural areas, whose livelihoods in most cases depend on natural resources.¹⁵

The state is required to make the necessary arrangements to “maintain” a clean environment, to “give priority” to environmental protection and to the prevention of further damage, and to increase public awareness about “environmental cleanliness” (Article 35(5)). In addition to these general provisions, the state must make arrangements for the “special protection” of the environment and of “rare” wildlife (Article 35(5)).

The Interim Constitution also requires the state to provide for the protection of “forest, vegetation and biodiversity, its sustainable use and for equitable distribution of the benefit derived from it” (Article 35(5)). Belbase and Thapa maintain that:

This clause has special significance for the conservation of biological resources and for issues concerning access and benefit-sharing. Had this provision appeared in Part 3 of the Interim Constitution, which outlines fundamental rights, rather than in Part 4 dealing with the “responsibilities, directive principles and policies of the state”, access to resources and to the benefits arising out of resource use would have been a fundamental constitutional right. The Interim Constitution, therefore, provides that equitable distribution of benefits from the use of natural resources is a responsibility of the State, rather than a fundamental right of all citizens. If the state fails to fulfil these responsibilities, the matter cannot be taken to court by private citizens.¹⁶

¹⁴ Prior to the promulgation of the Interim Constitution of Nepal 2007, people enjoyed right to clean and healthy environment as per the judgment of the Supreme Court (Leaders v. Godawari (2052) 4 SCB 1).

¹⁵ N. Belbase and L. B. Thapa (2007), "Environmental Justice and Rural Communities: Nepal," in P. Moore and F. Pastakia (eds) *Environmental Justice and Rural Communities: Studies from India and Nepal*, IUCN, Bangkok, Thailand and Gland, 74.

¹⁶ N. Belbase and L. B. Thapa (2007), above, note, 9.

3.8.2 Nepal's Three Year Interim Plan (2007/08 – 2009/10)

At policy level the Ministry of Environment, Science and Technology is responsible for formulating policies on environmental issues. Policy-related issues on environmental protection in Nepal have been carried out since the Sixth Plan. Nepal has also ratified various international treaties and conventions on environment. According the Three-Year Interim Plan of the Government of Nepal (GON) (2007/08 – 2009/10) several different development projects have been formulated and launched. This is said to be part of the implementation of the concept of sustainable development in the context of Nepal. On the issue of linking development with the protection of the environment, the Environment Protection Act, 1997 and Regulation, 1997 were enacted. It is essential to pass the concept of environmental management in development programmes at all levels, from central to local level, through decentralized programmes. High emphasis has been given to the environmental aspect in the Millennium Development Goals (MDGs) and Sustainable Development Agenda for Nepal.

Table 2: List of Major Environmental Laws in Nepal

S. No	Content	Date
1.	Ancient Monuments Protection Act	1956
2.	Aquatic Animals Protection Act	1961
3.	Buffer Zone Management Guidelines	1999
4.	Buffer Zone Management Regulations	1996
5.	Civil Code of Nepal	1963
6.	Conservation Area Management Regulations	1996
7.	Drinking Water Regulations	1999
8.	Electricity Act	1992
9.	Environment Protection Act	1996
10.	Environment Protection Regulations	1997
11.	Forest Act 1992 and Forest Regulations	1995
12.	Government Management of Conservation Area Regulations	2000
13.	Interim Constitution of Nepal	2007
14.	Irrigation Regulation	2000
15.	Land (Survey Measurement) Act	1963
16.	Land Acquisition Act	1977
17.	Land Act	1964
18.	Local Self-Governance Act	1999
19.	Mines and Minerals Act	1986
20.	National Parks and Wildlife Conservation Act	1973
21.	Public Roads Act	1974
22.	Tenancy Rights Security Act	1951
23.	Village Development Committee Act	1992
24.	Water Resources Act	1992

4. NEPAL AND INTERNATIONAL ENVIRONMENTAL TREATIES

Internationally, Nepal has ratified or recognized 16 environment-related treaties, agreements or conventions. Some of the major treaties/conventions include Vienna Convention for the protection of the Ozone Layer Convention on Biological Diversity United Nations Framework Convention on Climate Change (UNFCCC). Refer to Table.3 for the list of International Environmental Treaties Ratified by Nepal.

4.1 National Initiatives on Climate Change and Kyoto Protocol

One of the key treaties is United Nations Framework Convention on Climate Change (UNFCCC) which was ratified in May 1994 with subsequent enforcement in July 1994. Also as part of enforcing the UNFCCC the Environmental Protection Council (EPC) was established with the objective of integrating environmental concerns into the development process, the government also endorsed the NEPAP and established the Alternative Energy Promotion Centre (AEPCC). In a further prove of Nepal's commitment to the UNFCCC, the 10th plan also emphasized the following:

- a. Carbon trade for resource management and for poverty reduction,
- b. Promotion of the use of environment-friendly technologies, cleaner production, energy efficiency, clean energy, and alternative energy, and
- c. Implementation of multilateral environmental agreements (MEAs)

Following enforcement of the Kyoto protocol in Nepal in December 2005 AD, the government has recently taken some important steps towards benefiting from the provisions of international carbon trade and the Clean Development Mechanism (CDM) made in the Protocol. These steps include designation of the Ministry of Environment, Science and Technology (MoEST) as Designated National Authority (DNA) and formation of a 11 member steering committee and a 6 member technical advisory committee under the DNA for ensuring inter-sectoral coordination and providing guidance on CDM activities. The main functions of the DNA are:

- i) developing and implementing strategies and guidelines on CDM,
- ii) launch CDM promotional activities,
- iii) provide CDM information to interested project developers, investors, related organizations, consultants and the public,
- iv) receive, assess and ensure technical review of CDM projects,
- v) make CDM projects public and conduct consultations,
- vi) issue letter of no objection or endorsement of Project Idea Note (PIN) of the CDM projects,
- vii) approve the Project Design Document (PDD), and
- viii) manage and coordinate CDM activities.

Table 3: International Environmental Treaties Ratified By Nepal

S. No	Name of Treaty	City	Year of Ratification
1	Cartagena Protocol on Biosafety	Cartagena	2001
2	Framework Convention on Climate Change		1994
3	Kyoto Protocol to the Framework Convention on Climate Change	Kyoto - Japan	2005
4	Convention on Biological Diversity	Rio - Brazil	1993
5	Vienna Convention for the protection of the Ozone Layer (1988)	Vienna - Austria	1994
6	Montreal Protocol on Substances that deplete the Ozone Layer	Montreal - Canada	1994
7	Stockholm Convention on Persistent Organic Pollutants (2001)	Stockholm - Sweden	2007
8	UN Law of the Sea		1998
9	UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa		

5. NEPAL'S ENVIRONMENTAL MOVEMENTS AND DEVELOPMENT: CIVIL SOCIETY ORGANISATIONS (CSOs)

As stated earlier in this report Nepal's environmental movements started within traditional societies over decades ago. The stories of how communities organise to protect their habitats from intruders and also to ensure effective management of the natural resources including the forest, rivers and wild animals indicate clearly how serious traditional societies valued their environment. Nepalese have a tradition of organising and working voluntarily for their communities. Even well before civil society became a modern movement for development and political change, communities were organising people to pursue various good causes.¹⁷ Mr. Timilsna and Dr. Nepali cite Guthis, Bhajan groups and cultural groups as examples of civil society organisations, which dates back to pre-written history. They also referred to the Kamadhenu Charkha Pracharak Guthi (the spinning wheel propagating trust in 1926) of community organisation for social economic and political purposes. In terms of movement for political change civil society played an important role in the overthrow of the Rana regime and raising the people's awareness in favour of democracy.

5.1 CIVIL SOCIETY (NGOs) AS A MOVEMENT IN POST WORLD WAR

The growth of civil society in Nepal coincides with the emergence of increase freedoms and democracy movements all over the world after World War II. After World War II, the Government of Nepal began proactively promoting civil society organisation to be involved in community development. In early 1950s, the government encouraged civil societies to launch community development movements with the assistance of United States of America and India. The Tribhuvan Gram Vikash Movement was initiated by the government to improve the conditions of the people in rural areas. These efforts of the government led to the formation of some of the people based organisations that advocate for political change and freedom. CSOs such as the Family Planning Association of Nepal (FPAN), Nepal Red Cross Society (NRCS), Paropakar Sanstha were established with the active support of the government of the day and with the objectives of helping to meet the health and development needs of people.

The Strength of Nepal's Non-Governmental Organisations (NGOs) And Increasing Freedom to Operate

In formulating Nepal's 6th National Development Plan (1980-85) a policy on non-governmental organisations was included for the first time. This policy was however seen by critics as government attempt to control the activities of the NGOs so as not to act against government on social, political and economic issues.

¹⁷ (P.P. Timilsina, "Civil Society Organisations: Their Dilemmas and Perspectives," in Social Development and INGOs Activities in Nepal, p. 21.)

Freedom of Association

The real freedom of association however came following the restoration of multi-party democracy in 1990. Major reforms were initiated to ensure that CSOs have the freedom to operate. As a result there was a proliferation of NGOs. The regulations governing societies (NGOs) have allowed for exponential growth in this sector. The proliferation of NGOs which began in the 1990s continues even until today.

Exponential Growth of NGOs

There have been different estimates of how many different NGOs there are in the development sector. For example, there are said to be roughly 6,000 co-operatives in Nepal, an estimated 12,000 unregistered savings and credit organisations (CECI, 1996), 30,000 registered societies (30,000 registered with the CDO; 6-8,000 development NGOs), and nearly 9,000 forest user groups. Taking these four types of CSOs alone, there are an estimated 57,000 CSOs in the country, of which about 10-15% are NGDOs (non-government development organisations). Between 1992 and 1997, it was estimated that the number of (registered) societies had almost doubled from 15,000 to 30,000 (The figure includes an estimated 6,000-8,000 development NGOs - NGDOs).

Streamlining Registration Processes

However, there is considerable on-going debate about the registration process and other aspects of the legal environment allowing NGOs to register and operate freely without monitoring their activities. The Societies Act has undergone significant modifications and improvements and there is hope that the growth of NGOs in development will be well managed.

The Changing Roles of Nepal's Civil Society: Scope for Advocacy

Although, civil society has a long history in Nepal, its activities and influences keep changing. In recent times this sector has undergone massive changes and growth as seen in the numbers above. In particular, with the restoration of democracy, civil society has emerged as a leading sector of actors in development activities. This change reflects the strengthening of democracy and the widespread recognition of the comparative advantage of many organisations in this sector to work effectively at the grassroots level and in the promotion of the needs of voiceless and disadvantaged groups. The current political environment has created a conducive environment for Civil Society Organisations to operate freely within the legal and legislative framework of the government. Civil society organisations have been successful in advocating for the ratification of international treaties in the past. Civil society also continues to lobby government to stop or suspend projects that are likely to harm the environment (See Box below).

Civil Society and The Arun II Hydro-Power Project

A major victory scored by Nepal's civil society on environmental issue was the pressure by Arun Concerned Group/Alliance For Energy, a coalition of Nepali NGOs to scrap the World Bank, ADB and other international financial institutions financed Multi - Million (estimated cost 1.08 billion US dollars) US dollar Arun III Hydro Power Project in 1995.

Continuous Review of Rules and Regulations to Reflect Current and Future Needs

Yet, as the movement grows, there is a need to continuously review the rules and regulations to suit the needs of this sector. This review should, of course, incorporate the views and participation of NGOs. The Co-operative Act 1992 which accords greater autonomy for co-operative societies to organise according to international co-operative principles is also undergoing further amendments. The Forestry Act, including the provision for the formation of forest user groups to manage the community forest, is another example of such reforms. Thousands of other CSOs have also emerged and have been registered under various acts.

5.2 CIVIL SOCIETY IN ENVIRONMENT MOVEMENTS IN NEPAL

In recent times most of development and donor organisations working in Nepal (INGOs/ NGOs/ CBOs) have made an effort to link their development strategies, plans and activities to the improvement of the environment. Nepal has therefore seen a significant growth in the number of NGOs working in the field of environment. Most meso-level NGOs were originally established to operate in different field and only added environment to their portfolios often as a result of demand for NGO to work in the environment sector. Others were established to respond to demand of services in the environmental sector. At micro level local NGOs/CBOs are often encouraged by Meso level NGOs to work in the areas because of demand that the meso level cannot fulfil.

Civil Society and the Government: Real Drivers of Change

There are significant numbers of non-governmental organisations (NGOs) actively involved in supporting the government in formulating and implementing policies and programme on improving the environment. Because of their important roles in dealing with environmental issues, donor organisations and international development agencies have continued to increase support for NGOs activities on the environment. These NGOs are found to be effective in enhancing awareness among local communities on environmental concerns. They are increasing their work of mobilizing local people to address local environmental concerns including river pollution, deforestation, dwindling agricultural land and environmental pollution.

Through the efforts of the government, development sector organisations and NGOs are raising awareness about the environment; people are becoming aware of the consequences of polluting their environment. Influenced by NGOs, communities are organising to initiate development activities that will improve their livelihood without destroying their environment.

5.3 CHALLENGES OF NGOs IN THE ENVIRONMENTAL SECTOR

Even with the effort being made to protect the environment at national and local levels, there are still much to be done. Several studies which have been carried out in recent times to assess the impact of NGOs activities in the environmental sector indicate that there are problems with implementation. Most NGOs and CBOs which constitute the core of the development sector service delivery organisations at local level have little technical capacity to deal with environmental issues. Some also lack the capacity to mobilise and to carry out environmental advocacy. Since they lack the capacity to put pressure on the government to implement policies that have been formulated the pressure often are done by international donors and development agencies. Most people covered during the study strongly felt that the main problem with the new types of NGOs (recently formed some formed by ex-staff

members of INGO/donor project which closed) is that they have the enthusiasm and some are commitment but lack the institutions to formulate and implement programmes on environmental issues that they have not been able to grasp. It has also been suggested that the lack of adequate funding has prevented NGOs from working effectively in the sector.

5.4 THE DIFFERENT ORGANISATIONS WORKING IN THE FIELD OF ENVIRONMENT IN NEPAL

There is a mixture of organisations working in the environmental sector. These organisations include the intermediaries (meso) that provide support to micro-level organisations (CBOs) and communities to implement development programmes with emphasis on sustaining the environment while improving livelihood. Refer to Table 4 for the list of organisations working in the environment sector and Annex II for the organisations brief profile.

Table 4: Environmental Organisations

S. No	Names of Some The Leading Environmental Organisations
1.	Alternative Energy Promotion Centre (AEPC)
2.	Asia Pacific Mountain Network (APMN)
3.	Clean Energy Development Bank (CEDB)
4.	Clean Energy Nepal (CEN)
5.	Energy Sector Assistance Programme (ESAP)
6.	Environment and Public Health Organization (ENPHO)
7.	Environment Camps for Conservation Awareness (ECCA)
8.	Institute of Social and Environmental Transition (ISET)
9.	International Centre for Integrated Mountain Development (ICIMOD)
10.	International Development Research Centre (IDRC)
11.	Local Initiatives for Biodiversity, Research and Development (LI-BIRD)
12.	Ministry of Environment, Science and Technology (MoEST)
13.	Mountain Forum (MF)
14.	Nepal Agriculture Research Centre (NARC)
15.	Nepal Forum of Environmental Journalist (NEFEJ)
16.	Practical Action Nepal (PA)
17.	SDC's Vertical Shaft Brick Kiln (VSBK)
18.	Team for Nature and Wildlife (TNW)
19.	The World Conservation Union (IUCN)
20.	Winrock International Nepal
21.	Women in science and Technology (WIST)
22.	World Bank (WB)
23.	World Wildlife Fund (WWF)

5.5 ORGANISATIONS WORKING IN CLIMATE CHANGE AND CLEAN ENERGY

There are several intermediary organisations (Mostly International NGOs) including Practical Action, WWF, IUCN, ICIMOD, Vertical Shaft (SDC) and others which are supporting local NGOs and CBOs to develop capacity in order to deal with Climate Change and clean energy Issues. The Dutch Government through SNV has continued to support the Biogas support Project in Nepal. Members of the Clean Air Network Nepal (CANN) are also part of the Clean Energy/climate change fraternity. Refer to Table 5 for the list of organisations working in Climate Change and Clean Energy in Nepal.

Table 5: Organisations Working In Climate Change and Clean Energy

S.NO	Name of Organisation
1.	Biogas Support Program (BSP)
2.	Clean Energy Nepal (CEN)
3.	Climate Change Network (CCN)
4.	Climate Change Network Nepal (CCNN)
5.	Local Initiatives for Biodiversity, Research and Development (LI-BIRD)
6.	National Trust For Nature Conservation (NTNC)
7.	Nepal Water Conservation Foundation (NWCFF)
8.	NGO Groups on Climate Change
9.	Practical Action (PA)
10.	PREGA Project
11.	South Asian Network for Development and Environmental Economics (SANDEE)
12.	The World Conservation Union (IUCN)
13.	Vertical Shaft
14.	Winrock International
15.	WWF Nepal

5.6 ENVIRONMENT RELATED MOVEMENTS

In the past few years civil society organizations, political parties and individuals in Nepal have come together to form movements to protect the environment, the livelihood of the poor, and their ways of life. These environmental movements have emerged in the past to respond to either government or private sector initiated projects that threaten their livelihood and that affect their basic human rights to land, water, and ecological stability (example are protesting the Godavari marble quarry, the Arun III projects, protecting the forest and the cleaning Bagmati river). Even with limited resources the environmental movements continue to work to safeguard the interests of the poor and the marginalized.

The Unique Characteristics of Environmental Movements

Environmental movements in Nepal like most developing countries are a recent phenomenon. Although there have been spontaneous movements of people fighting for a cause (political, social or environmental) these movements fades away as soon as their initial goals have been achieved. The Arun Concerned Group/Alliance For Energy (mentioned above) which lobbied against the proposed building the Arun III Hydro-Power projects is one of the well organised, high profiled environmental movement in the 1990s. Other movements (political) have come

up at times of political uncertainty to force changes in governments. Jana Andolan I and II where street movements caused the downfall of royal backed governments in 1990 and 2006. Environmental movements in Nepal consist of a loose coming together of environmental organisations, networks and individuals to advocate on environmental issues. Although like the networks they are a loose group coming together for a single cause, unlike the Networks however, they tend to fade away when those particular objectives are achieved. The networks are smaller groupings of likeminded environmental organisations which function as a loose federation of organisations seeking to work towards a defined goal. The long term nature of these goals and the fact that most of the networks perform multi-task activities; helping members where needed gives them longer lives than the movements.

Support to Environmental Movements

There are some organisations which have been active in advocating for clean environment in Nepal. Although most of these organisations are supported by donor agencies and development organisations, they are also supported by the government. The cleaning up of the Bagmati river (The Holy River of the Hindus) has been the work of individuals who have managed to get a movement together to work towards the cleaning of the river. The work being done by the Bagmati watershed is for example in collaboration with National Trust for Nature Conservation (NTNC). The community forest movement is led by Federation of Community Forest User Groups (FECOFUG). These groups are powerful advocacy groups which ensure the conservation of the forest through its members. Because of its power its activities have sometimes tended to be politicised with various partisan groups taken political stands which may or may not be related to environmental or forestry issues.

A list of environmental movements for clean environment is presented below.

1. Bagmati Watershed in collaboration with Nature Trust Conservation Nepal (NTCN)
2. Making a river park along the Bagmati river in Kathmandu
3. Community Forest movement by Federation of Community Forest User Group (FECOFUG)
4. Buffer Zone Movement - (against poaching activities unless all protected areas are handed over to local people)

5.7 THE CLIMATE CHANGE NETWORKS IN NEPAL (CCNS-N)

The latest additions to environmental movements are those organisations that have come together voluntarily to form Networks in order to enhance their capacity to deal with the difficult environmental issues especially that of Climate Change. Although climate change has been on the agenda of the Government since Kyoto (or even before) it is now that NGOs are embracing the concept and attempting to get practically involved. Although international donor agencies and development sector organisations are willing to support organisations dealing in climate change, to most of them it is not their priority. This appears to be changing as some bilateral institutions increase support for climate change efforts. Early this year the Norwegian Prime Minister on a visit to Nepal promised assistance to Nepal work on Climate change. ICIMOD is a major beneficiary of Norway's assistance on Climate changes.

The Climate change networks in Nepal are relatively young compared to those in other environmental sectors. A baseline report on climate change in Nepal sponsored by LI-BIRD suggests that "Civil society movement in Nepal is in premature stage, with very few initiatives and activities dealing with climate change issues" (2008). It is estimated that

NGOs which have taken Climate Change as their core tasks are probably lacking capacity to deal with climate change issues. This is because the issue received worldwide publicity only a few years ago and there have not been a clearly defined guideline, approaches and tools for dealing with the issue at National Level.

The Climate Change Network Nepal (CCNN)

This study discovered about six National Level Networks advocating climate change issues (see Table 6). The most well known of the networks is the Climate Change Network Nepal (CCNN) which was initiated by WWF and Winrock International-Nepal as an advocacy network. The network lobby's the government to enforce legislation on climate change. CCNN was first initiated to lobby the government to ratify the KYOTO and COPE protocols. The KYOTO protocol has been ratified and the objective achieved. It also provides capacity development support to local NGOs to implement projects that will enhance their capacity to participate in the activities of the network. The secretariat is based at WWF Office in Kathmandu.

Operational Mechanism

The CCNN started with 7 members initially, it has now 10 members. Operational mechanism: Members take turn to chair the network. Ex. Secretary is the leading person who coordinates all activities of the Network. Now the network is more issue based; the group identify issues through email interaction and advocates for it. It decides what issues to take to the COPE and also decide what further action to take. The Network also works to tackle the negative effect of climate change and the impact on livelihood through implementation of conservation related projects. Other advocacy movements are the Clean Air Network led by the Nepal Chapter of the Global Clean Air Network and Clean Energy Network which is involved in research based education and advocacy campaign to promote sustainable energy use and environmental conservation.

The Climate Change Network (CCN-MoEST)

The Climate Change Network (CCN-MoEST) led by the Ministry of Environment and Science and Technology is Government Body made up of 20+ members from Government Ministries and NGOs. This is loose network but with proper chairperson and a structure. The government's climate change network was initiated after the CCNN, realizing the importance of a common platform for larger sharing and ministry level coordination sought support from the civil society organisations including WWF to deal with some of the environmental issues. WWF is presently supporting the ministry to prepare the Climate Change policy. Even after establishment of government network, CCNN continued with the realization that a separate group is essential to continue to pressure government and advocate for continued improvement of environmental issues. So CCNN is basically a pressure group representing the civil society, an informal group, with no institutional set up. There is also a loose network of donor/Bi-lateral and multilateral – lead by World Bank (WB).

Clean Air Network Nepal (CANN)

Clean Air Network Nepal (CANN), a network of organizations and professionals involved in air quality management in Nepal, was formed in 2004. The goal of CANN is to increase the ability of professionals and other interested stakeholders to effectively address the problems of air pollution in Nepal by:

- Sharing knowledge and experiences on air quality management (AQM) on a regular basis
- Providing inputs to improve policies, plans and programmes for AQM in Nepal
- Organizing activities to raise awareness on air quality related issues
- Building local capacity on AQM
- Promoting integrated air quality management

Since its establishment, CANN has setup a secretariat at Clean Energy Nepal (CEN), a non-government organization actively involved in air quality management and also formed a core group. As of 2005, CANN had over 90 members including 35 organizational members and a fairly active discussion group on list serves. (*Culled from CANN Website*)

Table 6: Climate Change Networks in Nepal (CCNs-N)

S. No	Name of Organisation
1.	Climate Change Network Nepal (CCNN) initiated by World Wildlife Fund (WWF)
2.	Clean Air Network (CAN) initiated by the Nepal Chapter of the Clean Air Network (Global)
3.	Clean Energy Network (CEN)
4.	NGO Group in Climate Change – Nepal (NGOGCC) working in and around Pokhara of Kaski district initiated by Local Initiative for Biodiversity, Research and Development (LI-BIRD)
5.	Climate Change Task Force - Under Association of International NGOs (AIN)
6.	Climate Change Network (CCN - MoEST) – Hosted Ministry of Environment Science and Technology (MoEST)
7.	Clean Air Network Nepal (CANN)
8.	A loose Network of Bilateral and Multilateral organisations led by The World Bank

5.7.1 NGO Group in Climate Change- Nepal (NGOGCC)

Local intermediary organisations which have also embraced the issue of climate change include LI-BIRD, ECCA, CEN. A short profile of LI-BIRD Led NGO Group in Climate Change is summarised below. The NGO group in Climate Change is an informal network led by LI-BIRD and consisting of 14 research and development based NGOs national and regional NGOs. ECCA, ENPHO, CEN, Red Cross Kaski and World Vision Nepal (Pokhara Based) are some of the members (See Table 7 for the list of NGO Groups working in Climate Change). This informal group has been formed with the purpose of raising awareness amongst key development NGOs in (country) on climate change and development issues and to start collaborative work to address climate change issues. In addition to raising awareness the group will also exchange information and knowledge and carry out advocacy, provide capacity development support and initiate pilot projects on climate change. It will also help the government to meet with international obligation and commitments on climate change. The group intends to focus on working also with vulnerable groups (poor and marginalized communities) living in fragile environment (see Annex ii for a full profile of the group).

Table 7: NGO Groups In Climate Change - Nepal (NGOGCC)

S. No	Names of Organisations
1	Local Initiatives for Biodiversity, Research and Development (LI-BIRD)
2	World Vision International (WVI), Nepal: Pokhara
3	Environment and Public Health Organization (ENPHO)
4	Clean Energy Nepal (CEN)
5	ECCA; Environment Study Group
6	Machapuchhre Development Organization (MDO)
7	Forum for Rural Welfare and Agriculture Reform for Development (FORWARD)
8	Ecological Service Centre (ECO-Centre)
9	Nepal Red Cross Society, District Chapter Kaski
10	Multidimensional Agriculture for Development (MADE) Nepal
11	SAHAMATI Nawalparasi
12	RIMS, Dhading
13	Nepal Water Conservation Foundation, Kathmandu
14	Centre for Biodiversity and Environment Conservation (CBEC)

5.8 MAJOR FUNDING PARTNERS INVOLVED IN ENVIRONMENTAL SECTOR

Most of the funding provided to NGOs and CBO working on in the environment sector are provided by a number of bilateral and multilateral organisations. Among them are the GEF, WWF, DANIDA, FINIDA DF Norway and others. Australia Aid (Aus Aid) in 2006 provided \$2.95 million to an NGO for Mid and Far West Water Supply and Environmental Sanitation Program – II. UN Organisations such as UNDP, UNEP also provide funding for work in the environmental sector. See Table 8 below for the major funding partners in the environmental sector..

Table 8: Major Funding Partners in the Environmental Sector

S. No	Name of Organisation
1.	Global Environment Facility (GEF)
2.	World Wildlife Fund (WWF)
3.	British Council (BC)
4.	Danida
5.	Finida
6.	UNDP (Mainly in Energy and Biodiversity sector, which are coordinated by government & also in Policy Support), UNEP
7.	Development Fund Norway (DF Norway)
8.	The World Conservation Union (IUCN)
9.	USAID/Nepal
10.	Ox fam
11.	Directorate General for International Cooperation (DGIS), The Netherlands.
12.	Australia Aid

6. ANALYSIS

The consultants observation from the survey which was carried out over the last two months have revealed several positive indicators; the willingness of government to allow civil society to work freely on environmental issues. There has, however been a mixed bag of success and failures of the past activities of Nepal's civil society on environmental issues. Civil society has come a long way since the 1980 when the country was run by the Royal Regime in the form of the One-Party Rastriya Panchayat. During the Panchayat rule activities of civil society was drastically curtailed and there was a very strict criteria for registering NGOs. Most civil society public activities were either sponsored by the government run apex body for NGOs Social Services National Coordination Council (SSNCC) or sanctioned by the council. The 1990s movement contributed to the change of government and resulting in the emergence of civil society as we know today.

The Emergence of Independent Civil Society Organisations (CSO)

The return to multi-party democracy in 1990 led to the formation of a democratic government. The emerging civil society today owes its existing to the pioneers of civil society whose long campaign for the re-establishment of democratic government in Nepal was heeded. As stated earlier the rise in civil society organisation (NGOs, INGOs, CBOs, User Groups, and Associations etc.) was the result of Nepal's emergence as an open democratic society.

Civil Society and the Environmental Movement

It is also important to reiterate definition of civil society as this is a loose term to cover non-governmental organisations working for a social, political, economics, environmental and other causes. Although the consultants, have defined broadly Civil Society Organisations (CSOs) earlier in this report, for the purpose of this study. I wish to elaborate on the definition by categorising SCOs and to inform the readers which of these categories of SCOs the consultants focussed on during the studies.

The consultants have suggested four categories of civil society organisations:

1. International NGOs,
2. National NGOs,
3. Local Community organisations (including User Groups, CBOs and other community organisations) and
4. Civil society made-up of right activists, environmental activists, politicians, intellectuals, and others who often come together to lobby on issue base concerns

As seen by the categories above, NGOs in the first three categories are those that we focused study on. The international NGOs (C1) are those who provide the funding support to the Intermediary NGOs (C2) who in turn provide capacity and other support to local NGOs/CBOs etc (C3) to enhance their capacity to deliver at local level. The Category 1 and 2 NGOs also play important role in policy advocacy and providing capacity development support to

Note: Political parties have not been included here as part of civil society

The consultants focussed largely on the first three categories, although some individuals activists may also be members of a network or one of the category mentioned above.

7. SUMMARY OF KEY ISSUES IDENTIFIED

The summary below partly answers the questions raised in the ToR for the Country Assessment. Although most of the questions have been answered in the main report a summary will provide a quick reference to the reader.

Freedom of Association: Freedom of association is guaranteed in the constitution of 1990. Major reforms were initiated after the restoration of democracy in 1990. This allowed CSOs to exercise their fundamental rights to protect the environment and to lobby the government to fulfil its obligation to improve environmental conservation, equitable development and the protection of human habitat. The regulations governing societies (NGOs) have given CSO freedom for advocacy and this most NGO have taking up in dealing with environmental Issues.

The Drivers of Change in Environmental Issues: Although the government is the ultimate decider of how a Nepal's environment should be protected and preserved, other players have significant influence on government's decisions. International donors, INGOs, the corporate sector, NGOs and political parties have played and continue to play significant roles in influencing change in environmental issues. International donors and development agencies have influenced changes in environmental issues because of their significant financial clout. Through advocacy and lobbying NGO/CSOs have and continue to influence government decisions on the environment. The main drivers of change in the environmental issues are the donor agencies, INGOs and NGOs whose pressure on the government compels the government to enact legislations and formulate policies as well as coordinate efforts at implementing projects and programme to address environmental concerns. The government however makes the ultimate decisions on the environment.

Influencing Policies: There is no doubt at all that policies on environmental issues have been influenced by donors and international development agencies. NGOs/CSOs also in collaboration with international donors lobby the government to formulate policies they assume will help improve the environment. Some corporate sector organisations also because of their financial strength may influence the formulation of policies that may help industries but not necessarily environmental friendly. Political parties also are able to influence policies especially in areas where their constituencies are strong. Policies on forest, land reforms, are areas where political parties may influence policies.

The Attitude of Policymakers/Legislators towards the Environmental Movements: The Arun III issue mentioned above soured relationship between the government and the environmental movements. There are issues that the government often do not see eye to eye with civil society. Civil society has lobbied to control pollution in Kathmandu and other cities in Nepal. For example the government's efforts have however been less effective as some of the action will affect transport and other entrepreneurs. As such policy makers may sometimes be frustrated by the strong advocacy/activism of environmental movements, they recognise that they need these movements if the government is to seen by its own communities and the international community as a credible player in dealing effectively with environmental issues.

Environmental Movements Influencing Public Opinion: To the majority of the population who understands the need to protect the environment and improve livelihoods the movements continue to be the catalysts of positive environmental change. These movements have significantly influenced public opinion on environmental issues; environmental pollution, impact of climate change on agriculture production and Health, conservation of biodiversity. The movements carry out awareness programmes at school and colleges and work with local development NGOs about improving their local environments. The media is also used extensively to educate the public on environmental issues.

Collaboration between Relevant Academics and Civil Society: CSOs in Nepal have a significant numbers of academics as members. Some are on the board others act as advisors and other play various roles in different CSOs. Academicians have also played key roles in environmental movements. As such more than collaboration with civil society, they are active part of the society.

Summary of other Key Issues

Presented below is a summary of the roles civil society has played in bringing positive change on environmental issues in Nepal.

1. Civil Society has been successful in helping to bring political changes in Nepal through sheer force of human numbers.
2. Civil society organisations have significantly influenced the government decision to enact environmental legislations and to ratify international treaties.
3. Government legislations have made it easier for civil society organisations to carry out its operations. The result is that civil society has become a force for positive change on political and environmental issues.
4. Civil society's advocacy and awareness campaign has created awareness about the environment among communities in rural and urban areas.
5. The campaign to link improvement in environment to sustainable development and poverty alleviation is also getting through to government agencies, some corporate sector organisations and the rural population.
6. Civil society organisations continue to support the government in term of strengthening government environmental institutions to ensure that they are able to fulfil their roles in improving the environment.

Success Stories and Donor Support

The successes stories can be attributed to NGOs/CSOs own determination to make a difference in the country. Their efforts will not have been successful without the support of donor agencies and INGOs. The latter have provided financial and other support for the enhancement of the capacity of civil society organisations to effectively deliver on improving the environment. Organisations such as the WWF, IUCN, UNDP and others continue to support the government while at the same time supported the strengthening of National and Local NGOs to tackle various environmental issues.

Some Critical Issues

Despite growing influence of the Civil Society in Nepal and the support given by both the government and the international donors there are problems which need to be dealt with before the Civil Society can enhance it capacity and performance to become a full force for positive change.

8. CONCLUSIONS

The study clearly indicate that the Government of Nepal is aware of the environmental problems affecting Nepal and the formidable challenges it faces to deal with these problems. The government has enacted various legislations to tackle environmental problems. Whether it is dealing with conservation, water resources, environmental pollution, climate change or urban pollution, the government has the legal framework in place to deal with them.

Challenges Facing GoN

The challenges the government face is the fact that enforcement of these legislations is constrained by formidable barriers. Appropriate mechanisms have not been put in place to address the emerging environmental problems such as in setting and enforcing pollution standards, and penalizing the violators. In other cases, there are conflicts and contradictions; industries that pollute the environment but also are sources of income for the government have the power to avoid penalties. The misconception that conservation and development cannot go together, resulting in distrust between government agencies, the private sector and the conservation community is an ongoing challenge that has to be dealt with.

Limited Resources Available To the GoN

Although the government appears to be committed to address environmental issues, it lacks the resources and the capacity to tackle these issues effectively. The role therefore of the non-governmental organisations (NGOs) supporting the government to deal with environmental issues is crucial. The need to strengthen local NGOs; supporting the development of the capacity to advocate and also act as pressure groups on the environment are vital. Weaknesses of advocacy groups outside the government, and powerlessness of institutions which have been charged with enforcing the laws have contributed to the lack of enforcement. The NGO sector as stated above continues to work in the environmental sector to improve the environment. Most are advocacy and awareness creation often putting pressure on government to fulfil international and national obligations. Most NGOs also lack the capacity to provide effective support to organisations and communities in fighting environmental degradation.

Potential Weaknesses of Nepal's Environmental Movements

There have been environmental movements in Nepal which dates back perhaps to the Arun III years (1995) or even before. The present environmental movement is however relatively weak and lack the momentum to be a formidable force for change. The environmental movements comprises of loose networks of NGOs in development and some environmental organisations that hardly work together or coordinate programmes together. These networks are often led by INGOs or national Intermediary NGOs. Most of these networks have no long term strategies and plans. Some meet once a month to discuss current environmental issues. The leading organisations in the network often finance the activities of the network which include training, seminars and meetings. These networks have been formed in response to external demands either by the government, bilateral organisation or an INGO.

Anticipated Positive Changes

A possible change to the movements maybe on the horizon as a taskforce has been formed by the Association of International NGOs in Nepal (an association of over 30 INGO) to look at environmental issues and how these issues can be approached collectively. This entity can with its strength and influence boost the environmental movement in Nepal.

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Annexes

ANNEX 1: ENVIRONMENTAL ORGANISATIONS

S.N	Name and Short Profile of Environmental Organisations
1.	<p>Nepal Forum of Environmental Journalist (NEFEJ): NEFEJ is one of the most active environmental NGOs of Nepal, established in 1986 with the objective of raising public awareness in the spheres of environmental protection and sustainable development. Since its establishment, it has been creating environmental and sustainable development awareness among journalists, policy and decision makers, politicians and general public through multi-media approaches.</p>
2.	<p>World Wildlife Fund (WWF): Nepal has been a pivotal country for WWF ever since the organization first provided support to conserve the Greater one-homed rhinoceros (<i>Rhinoceros unicornis</i>) and the Bengal tiger (<i>Panthera tigris tigris</i>) in the late 1960s. Over the years, support has been centered on integrating conservation and community development with an attempt to address the issue of livelihoods of local people living near protected areas. The aim is to win the support and stewardship of locals living in the fringe areas in wildlife conservation.</p>
3.	<p>Environment and Public Health Organization (ENPHO): ENPHO is an autonomous, non-profit making research based service-oriented scientific non-governmental organization established in 1990. ENPHO envisages contributing in sustainable community development by combining research and action through the integrated programmes in the environment and public health areas. ENPHO is one of the first NGOs in Nepal with the facility of well-equipped laboratory for environmental monitoring and analysis. The vision of ENPHO is Development and Promotion of appropriate technologies and practices for creating Eco-societies.</p>
4.	<p>Team for Nature and Wildlife (TNW): After the 23rd September 2006 tragic incident which caused huge loss in Nepali conservation arena due to death of prominent conservationists, a team of youths having expertise on different subjects made a commitment to contribute on environment conservation with sheer dedication for sustainable development of the motherland, Nepal by formally registering “Team for Nature and Wildlife (TNW) Nepal” in the Chief District Office and affiliating with the Social Welfare Council. TNW will dedicate to try to minimize any forms of casualties and further deterioration on the part of nature to maintain the secure existence of human beings, animals, plants and entire biosphere.</p>
5.	<p>International Centre for Integrated Mountain Development (ICIMOD): Founded in 1983, ICIMOD is based in Kathmandu, Nepal, and brings together a partnership of regional member countries, partner institutions, and donors with a commitment for development action to secure a better future for the people and environment of the Hindu Kush-Himalayas. ICIMOD believes in a future where the region’s mountain people can experience enhanced livelihoods and increased social and environmental security; where they can adapt to environmental and climate change; and where future generations can enjoy the benefits and opportunities afforded the region by nature; to enable and facilitate the equitable and sustainable well-being of the people of the Hindu Kush-Himalayas by supporting sustainable mountain development through active regional cooperation.</p>
6.	<p>World Bank (WB): The World Bank is one of the world’s largest sources of funding and knowledge to support governments of member countries in their efforts to invest in schools and health centers, provide water and electricity, fight disease and protect the environment. Since it was set up in 1944 as the International Bank for Reconstruction and Development, the number of member countries increased sharply in the 1950s and 1960s, when many countries became independent nations. As membership grew and their needs changed, the World Bank expanded and is currently made up of five different agencies.</p>

S.N	Name and Short Profile of Environmental Organisations
7.	<p>Mountain Forum: Mountain Forum originated from events following the 1992 Earth Summit in Rio, in September 1995. 27 representatives of NGOs, interagency groups, government organisations, and other resource persons gathered from five continents for the purpose to further elaborate the objectives and initial activities of the organisation that from then on would be known as Mountain Forum. Mountain Forum seeks to bring lessons and experiences of mountain people into policy discussions at national and international levels with the aim to improve their livelihood and promote the conservation of mountain environments and cultures.</p>
8.	<p>Asia Pacific Mountain Network (APMN): The APMN is an informal forum for the exchange of information and sharing of knowledge affecting sustainable mountain development in the Asia/Pacific region, amongst agencies and personnel concerned or associated with such mountain areas. The network is coordinated by ICIMOD through a special grant from the Swiss Agency for Development and Cooperation (SDC). The network's main objective is to facilitate information exchange about mountain development issues among professional, development workers, and policy-makers in Asian countries.</p>
9.	<p>Practical Action Nepal (PA): Founded in 1966 as the Intermediate Technology Development Group (ITDG), PA Nepal started working in Nepal in 1979. After the establishment of the Country Office in 1998, Practical Action Nepal diversified its activities in the energy programme from micro-hydro to other forms of renewable energy and expanded into the new technology areas of agro-processing, rural transport and disaster management. Since 2003, it has been working in the areas of food security, climate change, disaster management, markets and livelihoods, renewable energy, complementary means of transport, urban environment and indoor smoke reduction with the objective of poverty reduction undertaking the people centred approach - building technical skills, undertaking research works, application & dissemination of appropriate technologies, emphasising on sustainability, basic human rights and the creation of strategic partnership.</p>
10.	<p>The World Conservation Union (IUCN): IUCN has been assisting conservation efforts in Nepal since late 1960s. With strong support from civil society, government and donors, IUCN has been able to contribute greatly in linking conservation with better livelihoods, mobilising local communities and generating tangible results to promote biodiversity conservation, environmental justice and sustainable livelihoods in Nepal.</p>
11.	<p>International Development Research Centre (IDRC): The IDRC is a Crown corporation created by the Parliament of Canada in 1970 to help developing countries use science and technology to find practical, long-term solutions to the social, economic, and environmental problems they face. IDRC's support is directed toward creating a local research community whose work will build healthier, more equitable, and more prosperous societies.</p>
12.	<p>ISET: ISET-Nepal was created in 2000 as a sister organisation to ISET to create a Nepal and South Asia base for ISET's activities. ISET-Nepal is legally its own NGO in Nepal; however, the two organisations collaborate closely on the development of joint programs and strategies for regional and global activities. By linking the two organisations, they bring together synergies that exist between resources and capabilities available to both, and the interests of leading individuals within each of them. Many core people within ISET-Nepal are also core people in Nepal Water Conservation Foundation (NWCF).</p>

S.N	Name and Short Profile of Environmental Organisations
13.	<p>Alternative Energy Promotion Centre (AEPC): AEPC is an organization devoted to the development and promotion of renewable and alternative energy technologies in Nepal. The AEPC was established according to a Cabinet Order, Alternative Energy Promotion Development Board Formation Order and under the Development Board Act. It institution has an autonomous status under the purview of Ministry of Environment Science and Technology (MoEST). The Overall objective of AEPC is to popularize and promote the use of renewable energy technology to raise living standards of the rural people, to protect the environment and to develop commercially viable alternative energy industries in the country.</p>
14.	<p>Nepal Agriculture Research Centre (NARC): NARC, which came into being in 1991, was set up with the goal of promoting research work in the field of agriculture by providing an efficient, effective and dynamic agriculture research system in the kingdom of Nepal to give a boost to the economic level of the people involved in agriculture. The new organisation was started with the institutional facilities of the then National Agricultural Research and Services Centre (NARSC) which had been serving in Nepal as a prime agricultural research organization in Nepal since 1985. The organisation functioned under the Department of Agriculture, Ministry of Agriculture.</p>
15.	<p>Ministry of Environment, Science and Technology (MoEST): The National Science and Technology Council and the Royal Nepal Academy of Science and Technology (RoNAST) were founded in 1976 and 1982 A.D., respectively, and the Ministry of Science and Technology was instituted on 2053/02/02 B.S. (15 April, 1996 A.D.) to make coordination amongst all the bodies to perform the functions relating to science and technology in the process of national development and to effectively accelerate the activities relating thereto by creating a conducive environment for the proper development of science and technology. This Ministry has, after the dissolution of the Ministry of Population and Environment on 2061/12/18 B.S. (31 March, 2005 A.D.) and the merge of the Environment Division of the said Ministry in this Ministry, been named as "Ministry of Environment, Science and Technology (MoEST)".</p>
16.	<p>ESAP: On the 26th of March 1999, an agreement on an Energy Sector Assistance Programme (ESAP) was signed between HMG/N and GKD with a total budget of 154 million DKK to improve the living conditions of the rural population by enhancing their access and affordability to rural energy solutions that are environment-friendly and that address social justice. The immediate objective is to see that Regulatory and institutional arrangements are in place, technological solutions are available with quality assurance according to income strata, and credit facilities are available to promote investments.</p>
17.	<p>Winrock International Nepal: Winrock International has a 3 decade long history of contributing to Nepal's development and, through its predecessors (Agricultural Development Council, Winrock International Livestock Research and Training Centre and International Agricultural Development Services) with its global mission: <i>To work with people to build a better world by increasing agricultural productivity and rural development while protecting the environment</i>!. It has been working to increase economic opportunity and sustain resources while protecting the environment of Nepal by conducting activities under 5 multidimensional programs: Agriculture; Clean Energy; Farmer to Farmer; Forestry & Natural Resource Management and Leadership Development.</p>

S.N	Name and Short Profile of Environmental Organisations
18	Environmental Camps for Conservation Awareness (ECCA): ECCA was established in 1987 as a non profit, non political, non government organization. It is registered with CDO office, Kathmandu and affiliated with Social Welfare Council. ECCA has been a leading organization in the sector of social mobilization and community development. It implements various programs so as to raise the quality of life through wise-use of available local resources and application of alternate and renewable technologies.
19	SDC's Vertical Shaft Brick Kilm (VSBK): Skat together with Development Alternatives has introduced the VSBK in Nepal. VSBK technology is used to produce high qualitative bricks in a more efficient and environmental-friendly manner. The project aims at reducing stack emissions, enhancing energy efficiency and achieving change in the living and working conditions of the kiln workers. Two pilot kilns are already accomplished, in particular through the active initiative of private entrepreneurs.
20	Clean Energy Development Bank Limited (CEDBL): CEDBL is a national level development bank established under Bank and Financial Institution Act, 2063. CEDBL is in commercial operation since September 2006. In technical collaboration with "Winrock International" and support by USAID, CEDBL has been promoted as an only specialized bank with a primary focus in the development of clean energy and hydropower sector in Nepal.
21	Women in science and Technology (WIST): The aim of the WIST Program is to broaden the range of career options for all women, by providing an alternative entry path to higher education especially in the Government priority areas of Science, Engineering and Technology.
22	Clean Energy Nepal (CEN) is a non-profit group conducting research based public education and advocacy campaigns to promote sustainable energy use and environmental conservation, particularly in the Kathmandu Valley. CEN is committed to reverse this trend by launching campaigns designed to change opinions and behaviour, and induce government and citizens to act in favour of clean energy and environment. In order to achieve this goal, CEN is involved in Investigating issues relevant to energy and environment, particularly in Kathmandu, Facilitating discussions among key stakeholders, Educating the public on the importance of these issues and what they can do about it, Advocating for change and Assisting in the process of change

ANNEX 2: NGO GROUP IN CLIMATE CHANGE- NEPAL (NGOGCC)

Climate change and their impacts in least developed countries will become inevitable in the coming years. Many of the most vulnerable groups and communities will be the poorest and most marginalized. The research and development Non-Government organization working in Nepal have realized the importance of collaboration and networking and jointly formed a NGO group in Nepal with the purpose to raise awareness amongst key development NGOs in (country) on climate change and development issues and start collaborative work to address climate change issues. The member of NGO group includes: Local Initiatives for Biodiversity, Research and Development (LI-BIRD), World Vision, Nepal: Pokhara; Environment and Public Health Organization (ENPHO); Clean Energy Nepal (CEN); ECCA; Environment Study Group; Machapuchhre Development Organization (MDO); Forum for Rural Welfare and Agriculture Reform for Development (FORWARD); Ecological Service Centre (eco-centre); Red Cross Kaski, Multidimensional Agriculture for Development (MADE) Nepal, SAHAMATI Nawalparasi and RIMS, Dhading. This group will carry out awareness raising activities and exchange information and knowledge on climate change. It will also help government to meet with international obligation and commitments.

Type and Status: It was agreed that this group will only comprise of non-government organization working in research and development sector in Nepal with good reputation in the society. This group will be informal and NGO's who wish to join the group should have good image in the working areas. This group will however have smaller regional groups and a national apex body will be formed latter. It will establish linkages and coordination with national and international organization both including public and private sectors.

Sectors and target communities

This NGO group will work in every discipline with focus on research, development and advocacy activities. The focus will be Organization working in research and development. The target groups are vulnerable groups (poor and marginalized communities) living in fragile environment.

Working Areas

- Information sharing and database knowledge management
- Communication
- Capacity building
- Awareness raising and mass mobilization
- Pilot project at community level
- Policy advocacy

Goal and objectives

Goal: Strengthening the capacity and network of NGOs of Nepal in adaptation to climate change

Objectives

- To raise awareness amongst key development NGOs in (country) on climate change and development issues
- To establish a forum or group of such NGOs who meet regularly and carry out joint activities
- To assist the NGO Forum/group in its activities

Guiding Principles

- Participation, Networking and collaboration
- Empowerment and capacity building
- Information and knowledge sharing
- Collective adaptation actions

Actions

- Awareness raising (climate change, need for networking and collaboration) target group; NGO, farmers, Government authorities, Policy makers, Students, academicians; motivation
- Publications: Awareness raising materials (in Nepali), continue newsletter, prepare fact sheet of climate change scenario and issues
- Information sharing (establish database or information centre within organization, share information and material with each other)
- Environment education (school, university, local authorities)
- Capacity building (organize training for researchers and professionals)
- Action research (collaborative action research and understanding impact of climate change in other sectors)
- Piloting community based adaptation actions
- Focus on mass communication (issue based articles in FM, Newspaper, Radio, Television)

Members: It was agreed that the group will now consist of 14 NGOs working in various parts of Nepal. Interested NGOs will be encouraged to join but the structure will be agreed in coming meetings.

Member Organization

1. Local Initiatives for Biodiversity, Research and Development (LI-BIRD)
2. World Vision, Nepal: Pokhara office
3. Environment and Public Health Organization (ENPHO)
4. Clean Energy Nepal (CEN)
5. ECCA
6. Machapuchhre Development Organization (MDO)
7. FORWARD
8. Eco-Centre
9. Nepal Red Cross Society, District Chapter Kaski
10. MADE Nepal
11. Sahamati, Nawalparasi
12. RIMS, Dhading
13. Nepal Water Conservation Foundation, Kathmandu
14. Centre for Biodiversity and Environment Conservation (CBEC)

Advisory group

- Practical Action, Nepal
- IUCN, Nepal
- Action Aid Nepal (AAN)
- IIED, CLACC, RING
- CAN South Asia

Secretariat: It was also agreed that LI-BIRD will be the secretariat of this NGO group and coordinate the activities. And this responsibility will be moving to NGO partners in coming years based on the group consensus.