

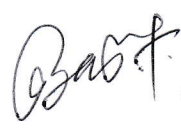

Response of the Government of Nepal
on
Internal displacement in the context of the slow-onset adverse effects of climate change

1. Example of national and/or regional laws and policies relevant to internal displacement in the context of disasters and climate change:

Following policies and laws are directly or indirectly relevant to internal displacement in the context of disasters and climate change in Nepal.

- (a) National Climate Change Policy, 2019
 - (b) National Environment Policy, 2019
 - (c) National Forest Policy, 2019
 - (d) National Policy on Disaster Risk Reduction, 2018
 - (e) Disaster Risk Reduction National Strategic Plan of Action, (2018-2030)
 - (f) Disaster Risk Reduction and Management Act, 2017
 - (g) Disaster Risk Reduction and Management Regulation, 2018
 - (h) Environment Protection Act, 2019
 - (i) Forest Act, 2019
 - (j) Environment Protection Regulation, 2020
 - (k) Forest Regulation, 1995
 - (l) Act Relating to Reconstruction of the Earthquake Affected Structures, 2015
 - (m) Regulation relating to Earthquake Affected Structures Reconstruction Regulation, 2015
 - (n) National Adaptation Program of Action (NAPA) to Climate Change, 2010
 - (o) Nationally Determined Contribution (NDC), 2016
 - (p) 15th National Plan, (2019/20-2024/25)
2. Available data and evidence on internal displacement linked to slow onset natural hazards in the context of the adverse effect of climate change (globally or in specific region or country)

In Nepal, there is lack of comprehensive and systematic data and evidence on internal displacement linked to slow-onset natural hazards in the context of adverse effect of climate change. However, a study conducted by National Planning Commission in June 2013 in five districts (Panchthar, Kavre, Gulmi, Udayapur and Mahottari districts) vulnerable to floods, drought or landslides to collect firsthand information about specific environmental stresses and their impact on the displacement of local people. The findings



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reveal that environmental stresses often displaces people who depended on ecosystem services for their livelihoods. Some of the key findings of the study are as follows:¹

- (a) Over the last 10 years, water sources in Panchthar and Kavre have gradually dried up, over the last ten years and springs in Gulmi have been drying up rapidly in the same period. The government has declared eleven villages in Kavre drought-affected.
- (b) Water markets have flourished in areas where local water sources have become dry. In Yashok, Panchthar, for example, people pay NPR 1.5 per litre for water tractors bring from far away sources.
- (c) In Mahottarai, because of the declining groundwater table, there is less water in wells and people, mostly women, have to wait in queues to collect water.
- (d) Farmers reported sharp declines in the production of rice, maize, millet, wheat, mustard, peanuts, buckwheat, broom grass, ginger, lemons, and oranges. People in Yashok, Panchthar District, and Dauwa, Gulmi District, have stopped planting rice because conditions are too dry.
- (e) Practicing animal husbandry has become difficult, and the production of milk and meat has declined in drought-hit areas.
- (f) People from Panchthar and Gulmi have coped with water shortages by moving to Terai districts. In Kavre, people with homes in the highlands have moved to lower elevations where more water is available. Those from Panchthar do not expect to return; they often find opportunities to work on a contract basis in the paddy fields of Jhapa and Morang and are content to remain. In fact, some migrant families from Yashok have certificates enabling them to live permanently in Jhapa and Morang. Migrants from Gulmi and Kavre, in contrast, hope to return once the water situation improves. Displaced families from Kavre do not have migration certificates because their migration (to lower-lying land in the same VDC) is largely temporary in nature.
- (g) Displacement due to the floods and landslides in Mahottarai and Udaypur districts is permanent because the land where migrants once lived has generally turned into wasteland.
- (h) More Chhetri and Brahman families migrate than Adivasi (indigenous) and Janjati (ethnic group) families.
- (i) Historically, people from Panchthar, and Gulmi migrated to the Terai in search for better opportunities. But this trend seems to be changing. In the 1990s, it was the armed conflict that drove people to move and now it is drought. The historical trend of migration among the people of Kavre is within the district, from high to lowland.
- (j) Though Udayapur and Mohattari once attracted migrants from the hilly areas today they themselves are growing increasingly vulnerable due to landslides and floods respectively.

¹ Available at www.npc.gov.np/images/category/displacementreport.pdf. Environmental Causes of Displacement, Published by Government of Nepal (2013), National Planning Commission with support from UNDP/UNEP in Kathmandu, Nepal, p.1.

Similarly, a study was conducted by the Ministry of Science, Technology and Environment of the Government of Nepal in cooperation with IDS Nepal in 2014 on economic impact assessment of climate change in key sectors (agriculture, hydroelectric and water-induced disasters) in Nepal. The economy of Nepal and the livelihoods of its people are very dependent on the climate; and a large proportion of the country's Gross Domestic Product (GDP) is associated with climate-sensitive activities. Current climate variability and extreme events lead to major impacts and economic costs in Nepal. These are dominantly by floods, but also include rainfall variability on agriculture (rain-fed agriculture, soil erosion, droughts) and low season river flows reducing hydroelectricity generation. The estimated direct cost of current climate variability and extreme events equivalent to 1.5% to 2 %of current GDP/year (approximately USD 270-360 million/year in 2013 prices) and could be much higher in extreme years, rising to 5% or more. These studies found that the recent changes in the climate are already leading to impacts on local communities. These are magnifying existing inequalities among groups in society with distributional differences by area and by gender.²

Furthermore, a study on Nepal Floods Post Flood Recovery Needs Assessment carried out by National Planning Commission in 2017 reveals that Nepal experienced incessant rainfall from August 11 to 14, 2017, resulting in widespread floods across 35 of the country's 77 districts. Several districts experienced the heaviest rainfall in over 60 years. This lead to the inundation of about 80% of the low in substantial part of Terai region. 190,000 houses were destroyed or partially damaged and tens of thousands of people were displaced by the flood.³

- (a) Tornado having Strong wind and hailstorms that hit Bara and Parsa districts on 31 March 2019 killed 30 people, injured more than 1150 people and made more than 2890 families homeless. Many schools, industries, agricultural, lands, businesses mosque were damaged along with utility, services including water supply and electricity.
- (b) The blizzard occurred due to influence of Hudhud Cyclone in the Annapurna Himalayan region in the central part of Nepal in 2014 caused the death of 43 people including foreign tourists. Floods, landslides, drought incidents are more pronounced lately. The year 2016 witnessed extreme drought conditions resulting in the worst forest fires incidents.

² Available at www.idsnepal.org/wp-content/uploads/2019/07/EIA_summary_sharing_final-low-resolution.pdf. IDS-Nepal, PAC and GCAP. Economic Impact Assessment of Climate Change in Key Sectors in Nepal (2014). p.1

³ www.npc.gov.np/images/category/PFRNA_Report_Final.pdf. Nepal Flood 2017, Post Flood Recovery Needs Assessment (2017) National Planning Commission, Government of Nepal, Kathmandu, p.2-3



- (c) The Dig Tsho flood in the Khumbu Himal of Nepal in 1985 damaged a hydropower plant and other properties, with estimated economic losses of USD 500 million. A project to dig a channel in Tsho Rolpa glacier in Nepal that lowered a glacial lake cost USD 3 million in 2000 and similar measures have been taken at Imja Tsho Lake in Nepal in 2016.
3. Impact of climate change-related displacement on the enjoyment of human rights by the specific groups, such as indigenous peoples, minorities, children, older persons and persons with disabilities.

Poor and highly marginalized Adivasi, Janajatis, Dalits, indigenous women, single women and poor women living near and along the river banks, remote areas and disaster prone areas, seemed to be disproportionately affected by the climate change.

However, a comprehensive study on impact of climate change related displacement and the enjoyment of human rights by the specific group is yet to conduct.

4. Analysis of the response of state and international community to:
- (a) Prevent the conditions that might lead to displacement and prepare for internal displacement in climate change contexts including early warning, climate change mitigation and adaptation and disaster risk reduction.

Please see the response of Question 4(c).

- (b) Protect and assist those internally displaced in such disaster situations.

The observed climatic trends highlight that Nepal is facing more extreme events in last decades and it being landlocked and mountainous, with diverse physiographical characteristics and rugged terrain is sensitive to the climate change posing huge risks to the country. The temperature and precipitation trends from 1971-2014 show that the maximum temperatures is increasing annually at a rate of 0.056°C/year with the rate higher in the High Himalayas (0.086°C/year) and precipitation is decreasing at a rate of 1.3mm/year with rate higher in the High Himalayan (3.17mm/year).

The Government of Nepal has been implementing National Adaptation Program of Action (NAPA) to address the immediate and urgent impact of climate change. To implement the NAPA, national framework for Local Adaptation Plan of Action (LAPA) was formulated and implementing in the local communities through different projects by different sectors. Currently there are more than 5 adaptation projects in implementation. For example, Nepal Climate Change Support Program (NCCSP) had implemented 100 LAPA with 2303 adaptation actions and benefiting 600,000 climate vulnerable people during 2013-2017, which focused six thematic areas: Agriculture, Livestock and Food Security; Forest Management and Biodiversity; Alternative Energy; Climate Induced Hazards and Physical Infrastructure; Human Resources, Capacity Building and Livelihood, and

Human Health. Similarly, the Community Flood and Glacier Lake Outburst Flood Project (CFGORRP) has reduced the water level of Imja Glacier Lake by 3.4m and thus reduced the potential GLOF risk from lake. Also the automatic early warning system was established at the periphery of lake along with the six downstream vulnerable sites of Imja Lake.

The Government of Nepal is operating climate change budget code in national budget system in order to systematize the climate finance in Nepal for the efficient implementation. It also helps to harmonize the international support to sustain financial assistance needed in long-term. It is also helping to support for assurance of climate fund for the communities and grass root level. Recently in 2017, the Government of Nepal has launched the Climate Change Financial Framework (CCFF) shows strong commitment to plan and manage climate finance (access to finance from domestic and external sources is based on predictability of climate to achieve national target and track the expenditure).

- (c) Provide effective remedies to overcome protracted displacement and support durable solution for them.

Nepal has established early warning system in major river basins specially focusing to provide prior information for the flooding condition in the downstream through mass mobile message mechanism and giving alert by ringing danger bells at the river water level station of the river. This early warning system is being popular among the vulnerable country since a decade. Similarly, Agro-meteorological information system has been operating as model in 25 districts since last four years and government has planned to deploy for each district to reduce climate change impacts by providing timely weather information. Lightning monitoring stations have been established and started to monitor the lightning conditions by the Department of Hydrology and Meteorology (DHM), Nepal. At the same time DHM is providing daily public weather forecast and casual weather warning to save property and lives due to the weather disasters.

Nepal has developed Local Adaptation Plan of Action (LAPA) Framework and adopting since 2011 (Now revised) to guide all the 753 Local Levels to set plans and implement the adaptation and mitigation activities with respect to the changing behaviour of climate in spatial and temporal scales.

Similarly renewable energy are promoting and developing through the Alternative Energy Promotion Centre. Clean Development mechanism related projects like Biogas Support Programs, Water/Wind Mills, and Solar/Wind Power generation activities are promoting along with the intensification of hydroelectricity development.

After earthquake of 2015, a huge number of complaints were registered in National Reconstruction Authority (NRA) for hearing. The NRA resolves all 634973 complaints.

5. Responsibility of the business sector in the prevention, response and provision of remedy to climate change related displacement, for example by including considerations relating to climate change and displacement in human right due diligence processes, in line with the UN Guiding Principles on Business and Human Right.

Article 30 of the Constitution of Nepal has ensured the right to live in a clean and healthy environment. The Constitution further ensures the victim's right to obtain compensation in accordance with law, for any injury caused from environmental pollution or degradation. The Environment Protection Act, 2019 has incorporated a separate chapter relating to climate change. The Act provides that in order to protect from adverse effect of climate change, National, Provincial and Local Level shall have to adopt their adoption plans and implement them.

The Act further provides that while adopting such plans vulnerable groups such as women, disabled persons, children, senior citizens, economically backward community and the residence of the people who are in geographically risky areas must be given priority. The Act further provides that before commencement of any development project, the project proponent must carry out Summary Environmental Assessment, or Initial Environmental Assessment or Environment Impact Assessment as the case may be, whether private or public sector. These assessment include human rights related issues such as displacement, law acquisition, resettlement or compensation, etc. The Act also provides for the penalty and compensation for the breach of such provisions of the Act. This provision applies equals to both, public and private sector.

6. The role of National Human Right Institutions in monitoring, reporting and promoting accountability for climate change related internal displacement, handling complaints and gathering disaggregated data, supporting states in preventing the conditions that might lead to displacement and responding to displacement in line with their human rights obligations and promoting sustainable development, in accordance with the Paris Agreement.

The National Human Rights Commission, an independent and autonomous constitutional body, has been monitoring the issues of the right to clean environment at national level. At the same time it recommends to the Government to take measures to ensure the enjoyment of such rights.

7. Examples of mechanisms used to hold states, companies or other actors accountable for climate change related displacement and to provide effective remedy to those affected.

Local Level Governments are responsible for the management of displaced persons within their jurisdictions. The Local Level may coordinate with non-governmental organizations and may ask support from provincial and federal government entities to solve the problem. There is a committee under the concerned Municipal Office to manage the problems that

arises due to disasters. At the same time there is another committee lead by Chief District Officer including several government and non-governmental organization responsible for the overall disaster managements and its consequents problems like displacement and settlement. District Emergency Operation Center is in place to handle and coordinate every disaster related actions with proper coordination among Nepal Police, Armed Police Force, Nepal and Nepal Army as per the necessity. There are community level disaster management committees for the overall coordination of disasters including climate change. The National Climate Change Policy, 2019 has provision for the establishment of a platform of youth volunteer group for the management of climate induced disasters. The National Disaster Risk Reduction Management Authority (NDRRMA) has been established under the Ministry of Home Affairs at the federal level for the necessary action and coordination among stakeholders.

NRA has approved 43 Integrated Settlement Plan initially. Out of them, 22 were on construction. Various schemes have been prepared to create employment opportunities in such settlements. A strategy has been adopted to mobilize the private sector and government institutions.

Inter-ministerial Coordination Committee on Climate Change (IMCCCC) lead by Secretary of Ministry of Forests and Environment and Joint Secretary from each line ministries as member is in place to guide the activities related to climate change. The Provincial Climate Change Coordination Committee coordinates, cooperate and support to implement the climate plans to reduce climatic vulnerability. Environment Protection and Climate Change Management Council chaired by Right Honorable Prime Minister consisting the Chief Ministers of all Province and Experts provide overall guidance on the issues of environment and climate change.

As the right to live in clean environment is a fundamental right, the Constitution ensures prompt remedy through writ petition. Moreover, the Environment Protection Act, 2019 also provides for the remedy to the victims.

8. The impact of health crisis such as current one related to COVID-19 and of the measures taken to respond to them, on climate change related internal displacement, including their impact on: a) displacement patterns, b) climate change mitigation and adaptation strategies, c) preparedness and disaster risk reduction and d) humanitarian assistance and protection to internally displaced persons.

Mainly, National Climate Change Policy, 2019 guides the mitigation and adaptation strategy, which provides for the establishment of a mechanisms for the pandemic forecast and mitigation. Currently, Health Emergency Center is in place to coordinate and cooperate about the health concern, immediately. Green recovery package will guide the mitigation and adaptation strategy of Nepal after COVID-19 is being formulated.

9. Any other information stakeholders wish to share regarding internal displacement in the context of the adverse effect of climate change.

Nothing More to add.

10. Information on how slow onset effects of climate change are inter-related with conflict i.e. how climate change and conflict combine to act as drivers and causes of internal displacement and what specific combined effects they have on internally displaced persons.

Exceeding the threshold level of degradation of natural resources (land, water and forest) due to increasing impact of climate change will have extra pressure on population. These challenges brought the problems to fulfill the daily needs or there may be competition to access the natural resources in order to live as usual. Obviously scarcity creates disorder and breeds the conflict. In other words, if people do not have option to fulfill the needs, they choose to migrate in new place. The migration itself creates difficulty to exist in a new society due to cultural and societal adjustment problems.

Weather-related disasters have increased the number of displacements globally. Droughts, changing rainfall patterns and rising temperatures, combined with rapid population growth, suggest that more and more people are likely to be affected as time passes.

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