

13 July 2006

Honourable Mr. Laxman Prasad Aryal  
Chief  
Interim Constitution Drafting Committee  
Singha Durbar  
Kathmandu, Nepal

Subject: **Suggestions given to the Interim Constitution Drafting Committee by INGOs working in environment and biodiversity conservation, and sustainable development**

Honourable Mr. Aryal,

As you are leading the drafting of an Interim Constitution for Nepal, and as solicited by your Committee, we the undersigned organizations working in Nepal for the last several decades in conserving the rich biodiversity and promoting sustainable development for Nepal, would like to submit our recommendations to be incorporated in the forthcoming Constitution of Nepal.

Nepal's unique environment and biodiversity not only underpins livelihoods of majority of its citizens but also forms an integral part of its social and cultural heritage and gives Nepal and Nepalis their identity in the global stage as well.

We commend the wisdom of Nepali citizens for their tenet of *people and nature coexisting harmoniously to each others' benefit* and invite current generation of Nepal's citizens and leaders to follow their teachings.

We do understand that while development is important for Nepal, it is of equal importance to save a vibrant, diverse, and rich natural environment for this and future generations.

We recognize and respect the rights and aspirations of Nepali citizens to live in, and to enjoy, the diversity of Nepal's rich natural heritage and a healthy environment.

Therefore,

- In recognition of all Nepali citizen's aspirations,
- Recalling Nepal's leading role as innovator in biodiversity conservation such as community based nature conservation, community forestry, rural

- energy development, revenue sharing in protected areas and buffer zone management, and
- In line with Nepal's recognized strong international commitments to the environment and biodiversity conservation,

We urge the Interim Constitution Drafting Committee and all concerned parties and stakeholders to enshrine the following provisions in the interim and new constitution of Nepal:

1. *Every citizen of Nepal is the steward of the nation's natural resources and should act responsibly towards the protection and improvement of the environment and natural resources: land, water, air, forest, and wildlife. It shall be the fundamental duty of every person to prevent ecological and environmental degradation through adoption of environment friendly measures and practices.*
2. *Everyone has the right to:*
  - *an environment that is not harmful to their health or well-being*
  - *cultural and environmental self-determination*
  - *have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that ensure conservation of the land, water, forest, wildlife, and areas meriting protection, sustainable use of natural resources and prevention of pollution and ecological degradation*
  - *information, full compensation and redress against environmental violators*
  - *participate as equal partners at every level of environmental decision-making, including needs assessment, planning, implementation, and evaluation*
  - *conservation of natural resources and biological diversity;*
  - *traditional knowledge, and fair and equitable sharing of benefits from conservation and sustainable use of biological diversity and traditional knowledge; and*
  - *secure ecologically sustainable development and use of natural resources while promoting just economic and social development.*
3. *The state shall:*
  - a) *ensure the people's right to live in and enjoy a healthy environment of quality*
  - b) *protect, conserve, and improve the natural environment and safeguard the biological wealth of the country*
  - c) *secure ecologically sustainable and equitable, social and economic development patterns*

- d) *prevent ecological degradation, over exploitation of resources, unsustainable consumption, impacts from badly planned development and pollution*
- e) *prevent the use of protected areas and World Heritage Sites for large- and medium-scale development projects and recognize them as zones of peace*

4. *The state shall endeavor to ensure that:*

- *upto forty percent of Nepal's total land shall be maintained under forest cover for all time*
- *upto twenty percent of Nepal's total land shall be maintained under a protected areas system*
- *international commitments to environment and biodiversity conservation are met*
- *adequate investments are made for conservation and sustainable use of nationally and globally important areas of biodiversity so that ecologically, demographically and genetically viable populations of endemic, national and global species of significance are maintained*
- *resources are made available for the development and promotion of environmentally friendly technologies and livelihoods*

The people of Nepal have worked hard and sacrificed much to see the benefits of good governance. We have seen how working together can yield unimaginable results and in this spirit of unity we need to work jointly to ensure the safety of this great nation's natural wealth.

We hope you and your team will consider these suggestions seriously and will make it a priority in the interim constitution.

Sincerely Yours,

