

COMMUNICATION TO THE UNITED NATIONS SPECIAL PROCEDURES

Nepal: Indigenous Peoples' Rights, Conservation, Ancestral Lands and Territories,
Displacement and Human–Wildlife Conflict around Banke National Park

State concerned: Nepal

Province: Lumbini Province

District: Dang

Local Government: Babai Rural Municipality

Particular focus: Wards Nos. 1 and 7

Protected area: Banke National Park and its surrounding/buffer-zone landscape

Submitted to:

1. Special Rapporteur on the Rights of Indigenous Peoples;
2. Special Rapporteur on the Human Rights of Internally Displaced Persons;
3. Special Rapporteur on Human Rights and the Environment

I. PURPOSE AND SUMMARY OF THE COMMUNICATION

1. We respectfully submit this communication concerning the reported human-rights situation of Indigenous Peoples living in and around Banke National Park, with particular attention to communities of Indigenous in Babai Rural Municipality, Dang District, especially Wards Nos. 1 and 7. The concerns relate to ancestral and customary lands and territories, access to, and customary use of forests and natural resources, traditional livelihoods and food security and sovereignty, culture and traditional knowledge, meaningful and direct participation in conservation governance, escalating human–wildlife conflict, conservation enforcement, and reported involuntary displacement and relocation.
2. The communities do not oppose biodiversity conservation. Rather, they seek a rights-based and participatory approach to conservation that recognizes Indigenous Peoples as rights-holders, custodians and knowledge holders. Their concerns include recognition of collective territorial relationships, protection of customary sustainable use, and meaningful participation in decisions affecting their territories and collective way of life, effective responses to human–wildlife conflict, protection against coercive displacement, and rights-based arrangements where communities themselves determine that relocation is a last resort.
3. The communication is based on community information and the 2026 fact-finding mission of the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), and is considered in light of Nepal's obligations under ILO Convention No. 169, UNDRIP, the Constitution of Nepal, CEDAW and its General Recommendation No. 39, and the Kunming–Montreal Global Biodiversity Framework (KMGBF). Nepal ratified ILO Convention No. 169 in 2007. Also, it is based on the

directive orders of The Supreme Court of Nepal for meaningful implementation of the UNDRIP, ILO Convention No. 169 and UNGPs.¹

II. BANKE NATIONAL PARK AND THE INDIGENOUS LANDSCAPE

4. Banke National Park was established on 12 July 2010 as Nepal's tenth national park. It covers approximately 550 km², with a 343 km² buffer zone, extending across parts of Banke, Dang and Salyan districts. Government conservation documents identify tiger habitat, biodiversity and ecological connectivity as central objectives of the park.²
5. For Indigenous communities living in and around the park, however, the landscape is also an ancestral and lived territory. Land, forests and natural resources are connected to agriculture, livestock, food security, customary practices, cultural identity and traditional knowledge. The existence of a protected-area regime therefore intersects directly with Indigenous Peoples' existing relationships with land and natural resources.
6. The LAHURNIP fact-finding mission examines the effects of conservation measures on Indigenous Peoples in and around Banke National Park, including impacts on ancestral lands and territories, customary resource use, livelihoods, participation in conservation governance, human–wildlife conflict, enforcement, and displacement and relocation. In Babai Rural Municipality Wards Nos. 1 and 7, the mission reports that more than 80 per cent of the affected population is Magar Indigenous Peoples.³
7. The central issue is therefore not whether conservation or biodiversity protection is necessary, but whether conservation can be pursued through approaches that disregard Indigenous Peoples' ancestral territorial rights, customary governance and relationship with nature. The Government must move beyond exclusionary and coercive conservation models and ensure a rights-based, participatory and Indigenous-led approach to conservation, recognizing Indigenous Peoples as rights-holders, custodians and knowledge holders, with meaningful decision-making power over conservation in their territories. Given ratification of ILO Convention No. 169 and adoption of the UNDRIP and other international laws, the government has obligation for its meaningful implementation.

III. REPORTED HUMAN-RIGHTS IMPACTS

8. Communities report restrictions on access to forests and natural resources that affect agriculture, livestock, traditional food security and sovereignty, livelihoods, and cultural practices. They seek recognition of customary sustainable use and Indigenous knowledge, meaningful participation in decisions, obtaining FPIC from them, affecting their communities, and protection against forced displacement, eviction, or relocation.
9. Human–wildlife conflict causes crop destruction, livestock losses, and other livelihood impacts, injury and human deaths. Communities call for effective

¹ https://www.ilo.org/resource/news/nepal-ratifies-ilo-convention-indigenous-and-tribal-peoples-rights?utm_source=chatgpt.com

² https://www.dnpwc.gov.np/content/40/banke-national-park/?utm_source=chatgpt.com

³ Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), *Fact-Finding Mission Report, 2026: On the Situation of Indigenous Peoples Affected by Banke National Park*, p. 16.

prevention, rapid response, and accessible and timely compensation from the duty bearers. In accordance with the KMGBF, they seek measures that reduce human–wildlife conflict and promote coexistence.

10. Communities also report concerns about conservation enforcement, including arrests, fines, prosecutions, alleged encroachment cases, and restrictions on customary livelihood practices. They request clarification on these measures and whether customary practices have been disproportionately targeted. They call for enforcement that is lawful, proportionate, transparent, and respectful of community rights.
11. Communities call for clarity and transparency on the legal basis and circumstances for mobilizing the Nepal Army and other security institutions in conservation activities. Any such mobilization must respect Indigenous Peoples' rights, including FPIC and self-determination. Communities also call for recognition of customary lands and territories, meaningful participation in conservation decisions, effective safeguards and oversight, accessible grievance mechanisms, and accountability.

IV. DISPLACEMENT, RELOCATION AND COMMUNITY DEMANDS

12. The fact-finding mission reports that 312 households have moved elsewhere and 10 settlements have been abandoned, reportedly due in part to repeated crop destruction, human–wildlife conflict and related livelihood insecurity. This has affected livelihoods, traditional food security, housing, customary resource access and use, community networks, cultural continuity and relationships with ancestral lands and territories.
13. This movement should not be treated as ordinary or voluntary migration. Where conservation restrictions, loss of resource access, human–wildlife conflict and livelihood insecurity make continued residence increasingly difficult, relocation may occur under constrained circumstances as a last resort, until a favorable environment is created for their return. The circumstances leading to displacement, as well as the conditions experienced after relocation, therefore require serious examination.
14. In particular, it is important to establish whether affected households received alternative land, secure tenure, adequate housing, livelihood opportunities, basic services and compensation, and whether relocation resulted in further unbearable economic, social or cultural hardship.
15. In Babai Rural Municipality Wards Nos. 1 and 7, where more than 80 per cent of the affected population are reportedly Magar Indigenous Peoples, communities have expressed a desire to relocate. This aspiration should be understood in the context of the conditions they face and should not be interpreted as abandonment of their Indigenous identity, ancestral territorial rights or customary rights.
16. Where communities seek relocation, the process must be voluntary, community-led and based on FPIC, following full and accessible information about alternative land, tenure, housing, livelihoods, services, compensation and cultural continuity. Relocation must not be imposed through coercion, intimidation or conditions that leave communities with no meaningful choice.
17. Any relocation should protect collective identity, community cohesion, livelihoods, cultural continuity and continuing relationships with ancestral territories, and should not extinguish Indigenous Peoples' customary or territorial rights.

18. The impacts on Indigenous women and girls also require specific attention. Loss of access to forests, agricultural land and natural resources may increase unpaid care responsibilities, undermine food security and livelihoods, and affect access to customary knowledge and community support. Women should therefore be ensured full and effective participation in decisions on land, relocation, compensation and livelihood restoration, consistent with CEDAW General Recommendation No. 39.

V. LEGAL AND POLICY FRAMEWORK

19. Nepal ratified ILO Convention No. 169 in 2007. Articles 13–16 are particularly relevant because they address Indigenous Peoples’ relationship with lands and territories, rights over traditionally occupied lands, natural resources, participation in resource management and safeguards against removal and relocation.
20. UNDRIP recognizes, among others, the rights to self-determination (Article 3), participation (Article 18), consultation and FPIC (Article 19), relationships with lands and resources (Article 25), lands, territories and resources (Article 26), redress (Article 28), and participation in determining priorities concerning development and use of Indigenous territories and resources (Article 32).
21. Constitution of Nepal: Article 51(j) (8): Making special arrangements to ensure the rights of Adivasi Janajatis (Indigenous ethnic groups) to lead a dignified life with their respective identities, and making them participate in decision making processes that concern them, and preserving and maintaining the traditional knowledge, skill, experience, culture and social practices of Adivasi Janajatis and local communities.
22. The Kunming–Montreal Global Biodiversity Framework (KMGBF), particularly Targets 3 and 22, promotes rights-based conservation through recognition of Indigenous territories, meaningful participation, equitable governance, and respect for Indigenous rights, cultures, resources and traditional knowledge, recognizing Indigenous Peoples as rights-holders, custodians and partners in conservation.
23. CEDAW General Recommendation No. 39: Paragraphs 20, 21, 22 and 23 emphasize Indigenous women and girls’ rights to lands, territories and resources, participation in decision-making, protection of traditional knowledge and culture, and protection from discrimination and rights violations.
24. The Supreme court of Nepal, in writ LAHURNIP vs. Prime Minister and Office of the Council of Ministers (074-WO-0053), has issued a directive order for meaningful implementation of the UNDRIP and ILO Convention No. 169 by making laws.⁴

VI. QUESTIONS TO THE GOVERNMENT OF NEPAL

25. What measures will the Government take to formally recognize and protect Indigenous Peoples’ collective rights to their ancestral lands, territories, forests and natural resources, including within and around protected areas?
26. How will the Government ensure that conservation policies, protected-area management and other measures affecting Indigenous lands, territories, resources or livelihoods are undertaken only with their Free, Prior and Informed Consent (FPIC), through their own representative institutions?

⁴ <https://lahurnip.org/uploads/project/file/main-submission-joint-upr-submission-human-rights-situation-of-indigenous-peoples-in-nepal-july-2025.pdf>

27. What safeguards will the Government establish to prevent forced eviction, displacement and relocation in the name of conservation, and to ensure effective restitution, compensation, rehabilitation and other remedies for communities already affected?
28. Where relocation is proposed or undertaken, how will the Government ensure that it is genuinely voluntary, community-led and based on FPIC, while safeguarding Indigenous Peoples' territorial rights, livelihoods, cultural identity, community cohesion and continuing relationship with their ancestral territories?
29. How will the Government move towards rights-based and Indigenous-led conservation by ensuring Indigenous Peoples' meaningful participation and decision-making, and recognizing their customary governance, sustainable resource use, traditional knowledge and role as custodians of biodiversity?
30. What measures will the Government take to address human–wildlife conflict and conservation-related livelihood losses, including timely and adequate compensation, while protecting customary livelihoods and resource use from arbitrary restriction or criminalization?
31. How will the Government ensure that conservation, displacement and relocation measures protect the rights of Indigenous women and girls, consistent with the UNDRIP, ILO Convention No. 169 and CEDAW General Recommendation No. 39, including their rights to lands, territories and resources, meaningful participation and FPIC, and equal access to compensation, livelihood restoration, traditional knowledge and cultural practices?

VII. REQUESTED ACTION

In light of the above, we respectfully request the Special Procedures to consider raising this matter with the Government of Nepal and, as appropriate, to:

32. Urge the Government to recognize, protect and secure Indigenous Peoples' collective rights to their ancestral lands, territories and natural resources, including within and around protected areas, in accordance with ILO Convention No. 169, UNDRIP, CEDAW G. R. No. 39, directive order of the Supreme Court of Nepal, and Nepal's constitutional commitments.
33. Urge the Government to ensure that no conservation measure, protected-area decision, restriction on resource use, eviction, displacement or relocation affecting Indigenous Peoples is undertaken without their Free, Prior and Informed Consent, obtained through their own representative institutions and based on adequate, accessible information and meaningful alternatives.
34. Call on the Government to prevent forced eviction and conservation-related displacement and to provide effective restitution, compensation, rehabilitation, secure land and tenure, and other appropriate remedies to Indigenous Peoples already affected by conservation measures or loss of access to their territories and resources.
35. Where communities themselves seek relocation, urge the Government to ensure that it is voluntary, community-led and based on FPIC, with adequate alternative land, secure tenure, housing, services, compensation, livelihood restoration and protection of cultural identity, community cohesion and continuing relationships with ancestral territories, and return when it becomes possible to do so.

36. Urge the Government to establish and strengthen Indigenous Peoples' direct participation and decision-making in conservation governance, including recognition of customary governance systems, customary sustainable use, traditional knowledge and Indigenous-led conservation, and equitable sharing of conservation benefits.
37. Urge the Government to address human–wildlife conflict and conservation-related livelihood impacts through effective prevention, coexistence measures and timely and adequate compensation, while ensuring that customary livelihoods and resource use are not arbitrarily criminalized or restricted.
38. Call on the Government to ensure effective accountability and remedy for conservation-related rights violations, including transparent oversight of conservation enforcement and security operations and accessible grievance mechanisms. The Government should also adopt gender-responsive conservation, displacement and relocation measures that ensure Indigenous women and girls' full and effective participation, equal access to land, tenure, compensation and livelihood restoration, consistent with CEDAW General Recommendation No. 39.

VIII. INFORMATION ABOUT THE SUBMITTER

Submitting organizations, on behalf of affected communities:

1. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)
2. [Asia Indigenous Peoples Pact \(AIPP\)](#), Chiang Mai, Thailand

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Date of submission: 28 August 2026