

JOINT COMMUNICATION TO UN SPECIAL PROCEDURES

Date: 19 July 2026,

To the UN Special Procedures Mandate Holders

- Special Rapporteur on the Rights of Indigenous Peoples
- Special Rapporteur on the right to development
- Special Rapporteur on the situation of human rights defenders
- Chair-Rapporteur, Working Group on Business and Human Rights

Submitted by:

- Lawyers' Association for Human Rights of Nepalese Indigenous Peoples ([LAHURNIP](#)), authorized representative of the affected Communities.
- Indigenous Peoples Rights International ([IPRI](#))

1. ABOUT COMMUNICATION

- This communication concerns two separate hydropower projects in Taplejung District, Koshi Province, Nepal, a part of the ancestral territories of Yakthung (Limbu) Indigenous Peoples.
 1. The first is the [Upper Tamor Hydropower Project](#) (285 MW) developed by [Tamor Energy Pvt. Ltd.](#), located in [Phaktanglung Rural Municipality](#) covering Wards 3, 5, 8, and 10 and [Phungling Municipality](#) Ward 10. The project has reached advanced implementation stages.
 2. The second is the Tamor Khola 5 Hydropower Project (46.9 MW) developed by [Riverside Energy Pvt. Ltd.](#), located in Phaktanglung Rural Municipality covering Wards 5 and 6, affecting the villages (Lelep, Lepchung, Fembu, Madibung, Hellok, Lapsetar, Margem, Tapmangwa), and surrounding settlements. Both projects are partly located within and adjacent to the [Kanchenjunga Conservation Area](#).
- The projects failed to obtain the FPIC of affected Indigenous Peoples and the resulting violations of their rights to self-determination, lands, territories, and resources. They further include the destruction of sacred Indigenous sites and cultural heritage, significant environmental harm, adverse impacts on livelihoods and ecosystems, and the intimidation, harassment, and criminalization of Indigenous human rights defenders, including the militarization of Indigenous territories in connection with project activities. Collectively, these allegations indicate violations of Nepal's constitutional guarantees and international human rights obligations, as well as a failure by corporate actors to exercise human rights due diligence in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs).

2. APPLICABLE NATIONAL AND INTERNATIONAL LEGAL FRAMEWORK

The projects violate Nepal's constitutional and legal framework¹, which guarantees Indigenous Peoples' participation in decision-making, protects against unlawful land acquisition and displacement, safeguards cultural and religious heritage, and requires meaningful public participation in environmental approvals.

- These violations are particularly serious in light of the Supreme Court of Nepal's landmark 2024 and 2025 [decisions](#), which directed to integrate the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention No. 169, the UN Guiding Principles on Business and Human Rights (UNGPs), and the UN Declaration on the Right to Development and the United Nations Declaration on the Right to Development in the context of development projects.
- The projects breach Nepal's international human rights obligations. By proceeding without the FPIC of the Yakthung (Limbu) Peoples, the State and project developers violate UNDRIP (Articles 18, 19, and 32(2)) and ILO Convention No. 169 (Articles 6 and 15). The resulting cultural and ecological harm is also inconsistent with the responsibilities of States and businesses under the UN Guiding Principles on Business and Human Rights, as well as Nepal's obligations under the Convention on Biological Diversity, CITES, the UNFCCC, and the Paris Agreement.

3. INDIGENOUS PEOPLES AND SPIRITUALITY

- Approximately 95 percent of the population affected by the projects belongs to Indigenous Peoples communities, primarily the Yakthung (Limbu), together with Rai, Gurung, Sunuwar, Newar, and Khawas communities residing in Phaktanglung Rural Municipality and Phungling Municipality.²
- The Yakthung (Limbu) are recognized as Indigenous Peoples under the laws of Nepal. Their identity, customary governance, and relationship with their ancestral territory are rooted in [the Mundhum](#)—an Indigenous knowledge system encompassing oral tradition, spiritual philosophy, and customary law. Under the Mundhum worldview, the Tamor River (Imbiri Yangthangma), along with surrounding forests, mountains, and sacred sites, forms a living spiritual and cultural landscape central to Yakthung identity and continuity.
- This relationship is maintained through Mundhum ceremonies led by Fedangma, Yeba, Yema, and Samba, who uphold Indigenous spiritual traditions and customary practices. Harm to the Tamor River or its surrounding sacred landscapes therefore causes not only environmental damage but also spiritual and cultural harm, disrupting Indigenous cultural continuity, customary governance, and the intergenerational transmission of Mundhum knowledge.

4. PROJECT CONTEXT

¹ Including, *inter alia*, the Constitution of Nepal (2015, Article 51, 42); the Environment Protection Act, 2019; the Environment Protection Regulations, 2020; the Kanchenjunga Conservation Area Management Regulations, 2007; the National Parks and Wildlife Conservation Act, 1973; the Ancient Monument Preservation Act, 1956; and the Land Acquisition Act, 1977.

² Writ Petition, 2026

Upper Tamor Hydropower Project (285 MW)

- The Upper Tamor Hydropower Project is a large-scale infrastructure project implemented by Tamor Energy Pvt. Ltd. The project is in implementation following environmental approval and commencement of preparatory and construction-related works in recent years. It includes an 8.7-kilometre headrace tunnel, dam construction, reservoir development, blasting operations, and associated infrastructure across Phaktanglung Rural Municipality Wards 3, 5, 8, and 10 and Phungling Municipality Ward 10. Approximately 720 households are affected across villages including Weitanggu, Enwa, Chhiruwa, Thikwa, Tawa, Lingkhim, Khebeng, Lelep, Tapethok, Sawaden, Ikhabu, and Khejenim, where Indigenous families depend on agriculture, livestock, and cardamom-based farming systems.³
- The Upper Tamor Hydropower Project is a large-scale infrastructure project implemented by Tamor Energy Pvt. Ltd. in Phaktanglung Rural Municipality (Wards 3, 5, 8, and 10) and Phungling Municipality (Ward 10). Now at an advanced stage of implementation, the project includes a dam, reservoir, an 8.7-km headrace tunnel, blasting operations, and related infrastructure. Construction is underway following environmental approval and financial closure supported by a consortium of Nepali banks led by [Everest Bank Limited](#), with tunnel excavation contracted to China Railway No. 2 [Engineering Group Co. Ltd.](#) Approximately 720 households across villages including Weitanggu, Enwa, Chhiruwa, Thikwa, Tawa, Lingkhim, Khebeng, Lelep, Tapethok, Sawaden, Ikhabu, and Khejenim are affected, many of whom are Indigenous Yakthung (Limbu) families who depend on agriculture, livestock, and cardamom farming for their livelihoods.
- Ongoing tunneling, blasting, and heavy construction activities have caused widespread geological instability, including landslides, slope failures, and ground cracking in communities such as Sawaden, Lingkhim, and Tapethok. More than 100 drinking water and irrigation sources have reportedly dried up or significantly diminished, affecting household water security, agriculture, and livelihoods. Vibrations and ground movement have also damaged homes and agricultural terraces. Within the Kanchenjunga Conservation Area, project activities have resulted in deforestation, including the reported felling of over 1,000 trees, and habitat disturbance affecting endangered species such as the red panda, musk deer, Himalayan black bear, pangolin, and ghoral, raising serious concerns regarding biodiversity conservation.⁴

Tamor Khola 5 Hydropower Project (46.9 MW)

- The Tamor Khola 5 Hydropower Project is implemented by Riverside Energy Pvt. Ltd. in Phaktanglung Rural Municipality (Wards 5 and 6). Following environmental approval, the project is in an active construction phase involving dam works, tunnel excavation, road development, and continuous blasting in and around Lelep and surrounding settlements. Approximately 315 households in Lelep, Lepchung, Fembu, Madibung, Hellok, Lapsetar, Margem, and Tapmangwa are directly affected, the majority of whom are Indigenous Yakthung (Limbu) families dependent on subsistence agriculture and cardamom farming.⁵

³ Ibid

⁴ Ibid

⁵ Ibid

- Ongoing blasting and excavation have triggered landslides in Lelep and Fembu, with some extending to within approximately 20 metres of residential houses, creating an immediate risk of displacement. Drinking water springs in Lepchung and nearby settlements have reportedly dried up or significantly diminished, while agricultural land, including cardamom plantations and terraced farms, has been damaged. Repeated blasting has caused cracks in footpaths, irrigation canals, and cultivable land, and dust pollution has affected livestock and crop productivity, resulting in ongoing environmental degradation and increasing risks to livelihoods and ecosystems.⁶

5. LACK OF FREE, PRIOR AND INFORMED CONSENT AND CONSULTATION FAILURES

- Both hydropower projects were approved and implemented without the FPIC of the affected Indigenous Yakthung (Limbu) communities, contrary to Article 32(2) of UNDRIP and ILO Convention No. 169.
- Consultations were conducted through administrative processes rather than Yakthung customary institutions, excluding Indigenous governance systems and denying meaningful participation in decision-making.
- Environmental Impact Assessments failed to adequately assess Indigenous cultural, spiritual, and customary land governance values, including Mundhum sacred landscapes and burial sites.

6. IMPACTS ON ENVIRONMENT, LIVELIHOODS, AND SACRED ECOLOGY

- Under the Upper Tamor Hydropower Project, large-scale tunneling, blasting, and heavy construction activities have destabilized fragile mountain geology, resulting in landslides, slope failures, and ground cracking across multiple wards. More than 100 drinking water and irrigation sources have dried or significantly reduced, severely affecting household water security and agricultural production. Crop productivity, particularly cardamom farming—a key livelihood base—has declined, while deforestation and habitat fragmentation within the Kanchenjunga Conservation Area have intensified biodiversity loss.
- Under the Tamor Khola 5 Hydropower Project, construction activities have triggered severe localized landslides in Lelep and Fembu, placing residential settlements within approximately twenty meters of active hazard zones and creating an imminent risk of displacement. Drinking water springs have dried or diminished, causing acute water scarcity. Agricultural land, including cardamom plantations, has been destroyed or destabilized, while repeated blasting vibrations have damaged homes, irrigation systems, and footpaths. Dust pollution has also adversely affected livestock health and agricultural productivity.

7. DESTRUCTION OF SACRED SITES AND CULTURAL DISRUPTION

- Both projects have caused damage to Indigenous sacred sites, burial grounds, and ritual landscapes protected under Nepal's constitutional guarantees of cultural and religious rights under Articles 26 and 32 and under international Indigenous rights standards.
- Affected sites include Phembu cemetery, Lelep Gumba, Seklon Bung, Manghim sites, Lekwahang Takmaden, Pupurang Tagasen Mangena Yak, Tangelung, and other ancestral sacred locations.

⁶ Ibid

- Blasting, tunneling, and infrastructure development have caused vibration impacts, restricted access to sacred sites, and disrupted ritual practices, undermining Mundhum-based cultural continuity and intergenerational knowledge transmission.

8. MILITARIZATION, INTIMIDATION, AND CRIMINALIZATION

- Nepal Army and Armed Police Force personnel have been deployed around both project sites, creating a militarized environment within Indigenous territories and restricting civic space.
- Indigenous community members opposing the projects have reportedly faced surveillance, intimidation, harassment, and stigmatization as "anti-development," undermining their rights to freedom of expression, peaceful assembly, and participation.
- 10 Indigenous human rights defenders are facing criminal complaints or retaliatory legal proceedings for peacefully exercising their rights, creating a chilling effect on community participation, environmental monitoring, and the defense of Indigenous rights.

9. ACTIONS TAKEN BY COMMUNITIES

- Affected Indigenous communities, with the support of LAHURNIP, have filed litigation before the Supreme Court of Nepal seeking suspension of both hydropower projects and enforcement of constitutional, environmental, and Indigenous Peoples' rights.
- Communities continue to document project impacts—including landslides, depletion of water sources, destruction of agricultural land, biodiversity loss, and damage to sacred sites—through field monitoring, testimonies, and photographic evidence.
- They have also submitted complaints and requests for intervention to local, provincial, and federal authorities; however, no effective remedy has been provided.

10. REQUESTED ACTIONS

A. Government of Nepal

- Immediately suspend the Upper Tamor and Tamor Khola 5 Hydropower Projects until FPIC of the affected Indigenous Yakthung (Limbu) communities has been obtained.
- End the militarization of project areas, protect Indigenous human rights defenders, and discontinue intimidation and retaliatory legal proceedings.
- Ensure effective remedies, including restoration of damaged water sources, agricultural land, sacred sites, and adequate compensation for affected communities.
- Implement the Supreme Court's 2024–2025 directives and ensure compliance with UNDRIP, ILO Convention No. 169, and the UN Guiding Principles on Business and Human Rights.
- Publicly disclose all project-related documents, including EIAs, approvals, concession agreements, and monitoring reports, in accessible and culturally appropriate formats.
- Enact mandatory human rights due diligence legislation to ensure corporate accountability for human rights violations

B. Project Developers (Tamor Energy Pvt. Ltd. and Riverside Energy Pvt. Ltd.)

- Immediately suspend construction and all harmful project activities until FPIC is obtained through Yakthung (Limbu) customary institutions and community-determined mechanisms.
- Conduct independent, participatory human rights, environmental, cultural, and cumulative impact assessments, with a specific focus on Indigenous Peoples.
- Prevent further damage to sacred sites and the environment, restore affected areas, and establish an effective, culturally appropriate grievance and remedy mechanism.
- Conduct enhanced human rights and environmental due diligence in line with the UN Guiding Principles on Business and Human Rights.

C. Financiers (Led by Everest Bank Limited and the Lending Consortium)

- Suspend financing until compliance with FPIC and international human rights standards has been independently verified.
- Require corrective measures, publicly disclose environmental and human rights due diligence, and withdraw financing if serious human rights violations continue.

D. Cross-Cutting Measures

- Respect the Yakthung (Limbu) people's rights to self-determination and to their lands, territories, and resources.
- Prevent further environmental, cultural, and spiritual harm and ensure effective reparations and guarantees of non-repetition.
- Ensure that future decisions affecting Indigenous Peoples are undertaken through FPIC and culturally appropriate decision-making processes.

E. CONTACT INFORMATION FOR DESIGNATED FOCAL POINTS

Please direct all correspondence, acknowledgements of receipt, and any follow-up concerning this communication to the designated focal points below.

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