

A COMMUNITY GUIDE TO DEMAND INDIGENOUS PEOPLES RIGHTS IN HYDROPOWER PROJECTS IN NEPAL



WHAT IS THE ISSUE ?

Hydropower projects in Nepal are approved and developed without obtaining FPIC from affected Indigenous Peoples.

WHAT IS FPIC?

FPIC means that Indigenous Peoples have the right to decide whether a project affecting their lands and resources can begin, or continue, or cancel.

- ◆ **Free :** No pressure, threat, or manipulation.
- ◆ **Prior :** Consent must be taken before project approval and construction begins.
- ◆ **Informed :** Communities must receive full, clear, and accessible information.
- ◆ **Consent :** Communities have the right to Say No, or withdraw their permission, negotiate or set conditions.



WHERE CAN YOU FIND THIS RIGHT TO FPIC?

FPIC is an important right for Indigenous Peoples under both, international law and development banks policies. The principles of FPIC are recognized in the Constitution of Nepal and other policies.

WHO IS RESPONSIBLE TO RESPECT AND FULLFILL THIS RIGHT TO FPIC?

The national and local government, development banks, and private companies.



WHAT IS GOING WRONG?

- ◆ **No proper FPIC :** FPIC process is reduced to only information hearings and consultation meetings, or FPIC process is conducted after projects have already started.
- ◆ **Consent \neq Compensation and Benefits :** Project developers and development banks think that giving compensation and benefits is enough to replace consent.
- ◆ **Land grabs :** Land is re-categorized as "government land", to avoid Indigenous Peoples' rights protections.
- ◆ **Indigenous communities left out :** Indigenous governance bodies are bypassed, and only local government bodies or selected individuals are consulted.
- ◆ **Forced displacement :** Communities are pushed out of their lands without fair negotiation, including for compensation and benefits.
- ◆ **Broken promises :** Developers promise compensation or community benefits, but don't deliver.
- ◆ **Ignored by development banks :** Development banks approve projects even when laws and their own environmental and social policies aren't followed, based only on the developers' documents.

WHAT NEEDS TO CHANGE?

For Governments & Project Developers :

- ◆ **Respect Indigenous Peoples rights :** FPIC means indigenous peoples have the rights to make a collective decision about the project.
- ◆ **Recognize land rights :** Stop reclassifying Indigenous lands as government property, without consent.
- ◆ **Provide complete information :** Affected communities should get full, clear, and timely information in their own languages, without having to ask for it.
- ◆ **No construction before consent :** No project work should start before proper consent is given.
- ◆ **Fair compensation :** Ensure that compensation is fair and negotiated with communities, not decided for them.
- ◆ **Engage in genuine dialogues :** Do not ignore or sideline community concerns. Respond to issues that come up during consultation meetings.



For Development Banks :

- ◆ **Follow your own Safeguards :** Ensure FPIC before funding projects, not after.
- ◆ **No funding for repeat offenders :** Stop financing developers that keep violating Indigenous rights.
- ◆ **Monitor projects properly :** Site visits & independent reviews should be regular, transparent, and listen to affected communities.
- ◆ **Ensure benefits reach communities directly :** Compensation and benefits should go to affected communities, not just through government programs.
- ◆ **Conduct cultural and social rights assessments :** Ensure not just physical, but also cultural and social impacts from projects are documented and prevented.
- ◆ **Hold developers accountable :** If companies or the government fail to meet FPIC requirements, do not approve projects, or withdraw support.