

The Chief,

Date: 2077/10 (Jan/Feb 2021)

Tanahu Hydropower Limited,

Damauli, Tanahu

Subject: Regarding information

Regarding the above-mentioned subject, the hydropower project under construction in Tanahu District by Tanahu Hydropower Limited has joint investments from the Asian Development Bank (ADB), Japan International Cooperation Agency (JICA) and the European Investment Bank (EIB). You are aware that many people are going to be directly and indirectly benefitted as well as displaced due to the Tanahu Hydropower Project, of out which we are also affected directly and indirectly. We, the applicants, are the indigenous Magars who have been inhabiting this region since the ancient times and we have been using our sacred space including local water resources, land and forest in our ancestral land since ancient times. Ethnicity-wise, the largest number of Magars, i.e. 28%, live in Tanahu District. We have our own language, religion, culture, lifestyle and social traditions, which we have been practicing in this ancestral land. Since the pasture lands are being used/occupied/enjoyed by the indigenous ethnic Magars since historical times, Tanahu Hydropower Project needs to take permission from the indigenous peoples as well. During the study and public hearing related to the Environment Impact Assessment (EIA) conducted by Tanahu Hydropower Limited, no prior information was provided to us nor our consent sought, and hence we express disapproval of that EIA report. We would also like to inform that our participation was not sought during the planning of updated resettlement and indigenous peoples' plan, and while forming the Local Consultation Forum. Our habitation area has been marked as at risk from Tanahu Hydropower Project, but no studies have been conducted nor any information provided to us about the economic, social, cultural, mental impacts this might have on us. Therefore, we demand the following as well as a study on damage that will be caused to us.

Our demands:

- 1) We demand that the fundamental rights guaranteed by the Constitution of Nepal 2015, including the right to dignified life, right to property, right to religious freedom, right to information, right to clean environment, right to language and culture, right to employment, right to food, right to housing, right to social justice, and right to social security be ensured, which are going to be hampered after we will be affected by displacement from our house, land and farmlands that we, the reservoir region victim indigenous peoples, have been inhabiting since ancestral times.
- 2) The updated resettlement and indigenous peoples related plan of 2018 prepared by the Project states that 74% of the victims of Tanahu Hydropower Project are indigenous ethnic populations and there is no impact on their traditional, ancestral lands. It has been mentioned that the water resources, land and forests that we have been using since ancestral times including our cultural heritage, temples, religious and sacred places are not affected. We express our disapproval of the same and demand it to be corrected.
- 3) Rather than preparing that EIA report in a casual way, in order to include the issues of our Magar indigenous peoples, the researcher should learn the local Magar language and the report should be prepared using the ethnographic and indigenous methods.
- 4) If the environment of the indigenous ethnicities is not studied in that report along with the positive and negative impacts on us, and if the Project does not have or implements programmes

to mitigate the negative impacts after evaluating the negative impacts, then a case might be filed at the international court. Hence, our concerns should be heard and understood, and our meaningful participation should be enabled by bringing in the budget required for minimizing the negative impacts.

- 5) We demand that any information or publication published by Tanahu Hydropower Project and the investors of that Project be published in our Magar language as well, enabling our understanding, obtaining our consent and enabling our participation in decision making process.
- 6) Since many centuries, we, the indigenous peoples, have been using the water, land and forest among other things available in this ancestral land. We demand that studies be conducted on effects that will be caused on our future use of these resources, by involving sociologists, humanistic scientists, linguists and historians and the damage be considered and calculated, and provisions be made for compensating for those damages.
- 7) We demand that our social and cultural rights be ensured by making arrangements for compensations after conducting studies and consultations/considerations on the impacts caused by Tanahu Hydropower Project on our tangible and intangible properties in this Tanahu District.
- 8) We demand that provisions be made for participation, consultations and representation of indigenous ethnic organizations representing indigenous peoples, including Bheja, Mothers' Group, Magar Association, Magar Women's Association of Tanahu, Nepal Federation of Indigenous Nationalities Tanahu.
- 9) According to the ILO Convention No. 169 ratified by our country in 2007 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007, the pre-informed free consent is the right of indigenous peoples. But since no consultations were carried out nor were any information provided about the Project to us, who are the direct victims of inundations, we demand that a pre-informed free consent mechanism be created including our representation.
- 10) We demand that Tanahu Hydropower Project should distribute free electricity to the victim families and along with the distribution of Nepal Electrical Authority (NEA) shares, it should make provisions for 1 employment per household with priority to the local victim families.
- 11) Since 74% of the victims are indigenous peoples inhabiting the area since their ancestral times, we demand that 50% of the total royalty to be received by Tanahu Hydropower Project be allocated for economic, social, cultural, linguistic and indigenous knowledge and skills protection and promotion as well as for social welfare activities for the Magars.
- 12) Tanahu Hydropower Project should provide diploma level training for at least 100 individuals belonging to the victim households, in the areas of engineering (civil, mechanical, electric, automobile, etc.), medical (health assistant, staff nurse, pharmacy, lab technician, radiography, etc.), agriculture, livestock rearing, fisheries, food technology, hotel management, etc.
- 13) Tanahu Hydropower Project should support us in proper arrangements after conducting research and study on negative impacts on us, in accordance to the Protection Policy of the ADB.
- 14) Appropriate compensation should be provided for climate change caused by Tanahu Hydropower Project.

Applicants:

- | | |
|------------------------------------|--------|
| 1. Bishnu Bahadur Thapa and family | signed |
| 2. Dhan Bahadur Thapa and family | signed |
| 3. Jivan Thapa and family | signed |
| 4. Sher Bahadur Thapa and family | signed |
| 5. Bishwas Thapa and family | signed |

Magar Community (Jalbire)

Bhimad Municipality-5

Otangi Tar and Jalbire Khet

CC:

- Rt. Honourable Prime Minister, Office of the Prime Minister and Council of Ministers, Singadarbar
- Honourable Minister of Energy, Ministry of Energy, Singadarbar
- The Executive Director, Nepal Electricity Authority, Kathmandu
- The Chief District Officer, District Administration Office, Tanahu
- Asian Development Bank (ADB) and Complaint Mechanism
- European Investment Bank (EIB) and Complaint Mechanism
- Japan International Cooperation Agency (JICA) and Complaint Mechanism

The Chief,

Date: 2077/09 (Dec/Jan 2021)

Tanahu Hydropower Limited,

Damauli, Tanahu

Subject: Regarding information

Regarding the above-mentioned subject, the hydropower project under construction in Tanahu District by Tanahu Hydropower Limited has joint investments from the Asian Development Bank (ADB), Japan International Cooperation Agency (JICA) and the European Investment Bank (EIB). You are aware that many people are going to be directly and indirectly benefitted as well as displaced due to the Tanahu Hydropower Project, of out which we are also affected directly and indirectly. We, the applicants, are the inhabitants of this region, who belong to the group which has been discriminated, deprived from access to public facilities, financially very poor and neglected by the society in Nepal. We are victims already and now we are doubly victimized by Tanahu Hydropower Project. During the study and public hearing related to the Environment Impact Assessment (EIA) conducted by Tanahu Hydropower Limited, no prior information was provided to us nor our participation sought, and hence we express our disapproval of that EIA report conducted unilaterally. We would also like to inform that our participation was not sought during the formation of the Local Consultation Forum. Our habitation area has been marked as at risk from Tahanu Hydropower Project, but no studies have been conducted nor any information provided to us about the economic, social, cultural, mental impacts this might have on us. Therefore, we demand the following as well as a study on damage that will be caused to us.

Our demands:

- 1) We demand that the fundamental rights guaranteed by the Constitution of Nepal 2015, including the right to dignified life, right to equality, right against untouchability and discrimination, right to property, right to religious freedom, right to information, right to clean environment, right to language and culture, right to employment, right to food, right to housing, rights of Dalits, right to social justice, and right to social security be ensured, which are going to be hampered.
- 2) While preparing the EIA report, if the Project does not have or implements programmes to mitigate the negative impacts after evaluating the positive and negative impacts on us, then a case might be filed at the international court. Hence, our concerns should be heard and understood, and our meaningful participation should be enabled by bringing in the budget required for minimizing the negative impacts.
- 3) Since we are not literate, we demand that any information or publication published by Tanahu Hydropower Project and the investors of that Project should be provided to us ensuring that we are able to understand the information contained in them, obtaining our consent and enabling our participation in decision making process.
- 4) We demand that studies be conducted on effects that will be caused on our income and main sources of our livelihood, including our housing and agriculture by involving sociologists, humanistic scientists, our Dalit experts to consider and calculate the damages and provisions be made for compensating for those damages.
- 5) We demand that our social and cultural rights be ensured by making arrangements for compensations after conducting studies and consultations/considerations on the impacts caused by Tanahu Hydropower Project on our tangible and intangible properties in this Tanahu District.

- 6) We demand that provisions be made for participation, consultations and representation of Dalit representative organizations such as, Nepal National Dalit Social Welfare Organization (NNDSWO), Dalit Women's Centre Nepal, Dalit Alliance for Natural Resources.
- 7) We demand that Tanahu Hydropower Project should distribute free electricity to the victim families and along with the distribution of Nepal Electrical Authority (NEA) shares, it should make provisions for 1 employment per household with priority to the local victim families.
- 8) We demand that 10% of the total royalty to be received by Tanahu Hydropower Project should be allocated for protection and promotion of our economic, social, cultural, arts, knowledge and skills as well as for social welfare activities for the Dalits.
- 9) Tanahu Hydropower Project should provide diploma level training for at least 100 individuals belonging to the victim households, in the areas of engineering (civil, mechanical, electric, automobile, etc.), medical (health assistant, staff nurse, pharmacy, lab technician, radiography, etc.), agriculture, livestock rearing, fisheries, food technology, hotel management, etc.
- 10) Tanahu Hydropower Project should support us in proper arrangements after conducting research and study on negative impacts on us, in accordance to the Protection Policy of the ADB.
- 11) Appropriate compensation should be provided for climate change caused by Tanahu Hydropower Project.

Applicants:

- | | |
|---------------------------------|--------|
| 1. Santaman Kami and family | signed |
| 2. Jhul Bahadur Kami and family | signed |
| 3. Som bahadur Kami and family | signed |
| 4. Ramji BK and family | signed |
| 5. Samser Kami and family | signed |
| 6. Dan Bahadur BK and family | signed |
| 7. Sumitra Sunar and family | signed |
| 8. Sriram BK and family | signed |

Dalit Community (Otangi Tar/Ontyag Tar)

Bhimad Municipality-5

Otangi Tar and Jalbire Khet

CC:

- Rt. Honourable Prime Minister, Office of the Prime Minister and Council of Ministers, Singadarbar
- Honourable Minister of Energy, Ministry of Energy, Singadarbar
- The Executive Director, Nepal Electricity Authority, Kathmandu
- The Chief District Officer, District Administration Office, Tanahu
- Asian Development Bank (ADB) and Complaint Mechanism
- European Investment Bank (EIB) and Complaint Mechanism

- Japan International Cooperation Agency (JICA) and Complaint Mechanism