



संयुक्त राष्ट्र संघका लागि नेपालको स्थायी नियोग
PERMANENT MISSION OF NEPAL
TO THE UNITED NATIONS
GENEVA

No. G/IP/69

The Permanent Mission of Nepal to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, Special Procedures Branch, and with reference to the joint communication AL NPL 1/2014 dated 20 June 2014 sent by the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on extrajudicial, summary or arbitrary executions, has the honour to transmit herewith the response received from the concerned authorities of the Government of Nepal in this respect.

The Permanent Mission of Nepal to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, Special Procedures Branch, the assurances of its highest consideration.

Geneva, 02 September 2014



**Office of the United Nations High Commissioner for Human Rights
Special Procedures Branch
Palais des Nations
CH-1211 Geneva 10.**

Response of the Government of Nepal to the Joint Communication dated 20 June 2014 by the Special Rapporteur on the Rights of Indigenous Peoples and Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions about the Incident Related to the Harvesting of *Yarsagumba* (Caterpillar Fungus) in Dolpa, Nepal

1. Dolpa district is known for a valuable herb called *yarsagumba* (caterpillar fungus). People from both Dolpa and outside Dolpa are found to be harvesting *yarsagumba* in the northern Himalayan part of the district. The June 3 incident of Dho Village also seems to have been related to *yarsagumba* harvesting.
2. A meeting of representatives from government agencies, local political parties, concerned Local Users Committee and civil society was organized on 28 April 2014 by the Shey-Phoksundo National Park Office, Suligadha, Dolpa. The meeting had agreed that the Buffer Zone Management Committee (BZMC) of the Shey-Phoksundo National Park and Local Users Committee would oversee the management of *yarsagumba* harvesting and collect royalties and local fees from the harvesters.
3. It was also agreed in the meeting that 10% of the total amount collected would be deposited to the District Development Committee's Fund and the remaining amount would be used as per the plan developed together by the concerned Village Development Committee, Local Users Committee and BZMC of the Shey-Phoksundo National Park that includes representatives from the Local Users Committee as well. The meeting had set rules and regulations on harvesting the herb and collection of royalties and had agreed that no other groups or clubs except BZMC of the Shey-Phoksundo National Park and Local Users Committee would collect royalties.
4. Having been informed of the arbitrary collection of royalties by a local club named Dho Tarap Samaj Sewa, the BZMC of the Shey-Phoksundo National Park formed a monitoring committee consisting of the representatives of BMZC, local journalists and security personnel to monitor and help implement the decision of the April 28 meeting. The monitoring committee sent a team to Shishoul of Dho village on 2 June 2014 to investigate and report on the incident.
5. On 2 June 2014 itself, the monitoring committee found some persons of the Dho Tarap Samaj Sewa collecting entrance fees from *yarsagumba* harvesters in the area. The monitoring committee members, with the help of security personnel, seized a sum of Nepalese Rs. 756,000, receipt book and three knives from them.
6. In the following morning, a meeting of the monitoring committee of BZMC, members of the Dho Tarap Samaj Sewa and some local people was held to discuss the issue of returning the money, receipt book and knives. However, it ended inconclusively.

7. Later on the same day (i.e. 3 June 2014), a group of Dho Tarap Samaj Sewa members and some locals pelted stones at security personnel and members of the monitoring committee of the BZMC. The security personnel baton charged to disperse the crowd. As this did not work, personnel from Nepal Police and Armed Police Force had to fire in the air to take the situation under control. Had the security personnel not taken this measure, the situation would have been further aggravated. During the police action, seven Nepal Police personnel, four Armed Police Force personnel and some locals were injured. The injured received treatment at the local Health Post. Mr. Tsering Phurba Gurung, a resident of ward no. 4, Dho village, was found in injured condition on 4 June 2014 and died on the same day while undergoing treatment at the Health Post. Similarly, Mr. Thundup Lama, supposedly injured in the incident was taken to the capital and died at Om Hospital, Chabahil, Kathmandu on 9 June while undergoing treatment.
8. The Government of Nepal (GoN) has taken following actions with regard to the incident:

The Ministry of Home Affairs (MoHA) of the GoN had been receiving timely information about the incident from District Administration Office, District Police Office and Armed Police Barrack of Dolpa district. After availing detailed information about the incident, the GoN formed an Investigation Committee to carry out investigation on the incident and submit a report. The committee was as follows:

1. Coordinator- Mr. Raj Kumar Shrestha, Deputy Regional Administrator, Mid- Western Region
2. Member- Mr. Madhu Prasad Pudhasaini, Senior Superintendent of Police,
3. Member- Mr. Yadav Regmi, Deputy Investigation Officer

The Committee visited the concerned places and took stock of actual facts of the incident. It also held interactions and discussions with government agencies, political representatives, parliamentarians, victims, journalists and members of the civil society. The Committee submitted a report to MoHA on 2 August 2014 which includes, among other, the measures required to prevent such incidents from recurring in the future and to protect and promote the interests of local communities.

9. The GoN shall implement, as far as practicable, the recommendations of the Investigation Committee's report. The victims will be provided with compensation as per the Citizens Relief, Compensation and Economic Assistance Procedure 2011 and norms and standards approved by the GoN in this regard. If an official's or any other person's deliberate plan (or sheer negligence) is found to have caused the incident, such official/person will be punished as per the prevailing laws of the country.