

# Banko Janakari

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## **Enhancing the Effectiveness of Nepal's Participation in Multilateral Environmental Agreements**

The rapid pace of global development, characterized by population growth, resource consumption, and technological advances, has led to significant environmental threats. These issues are not confined to individual nations; their regional and global impacts have become increasingly evident over the past several decades, as seen in biodiversity loss, environmental pollution, global warming and ozone depletion, which undermine the regenerative capacity of ecosystems and threaten environmental quality.

Over the past fifty years, Nepal has signed more than 20 Multilateral Environment Agreements (MEAs). The country first ratified the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water in 1964, becoming a party to it. Since then, Nepal has continued to sign, ratify, or accede to various international environmental agreements, including: (i) Plant Protection Agreement for the South East Asia and Pacific Region (1956), (ii) Statute of the International Atomic Energy Agency (1957), (iii) Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar) (1971), (iv) Convention for the Protection of the World's Cultural and Natural Heritage (1972), (v) Convention on the World Meteorological Organization (1973), (vi) Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973), (vii) International Tropical Timber Agreement (1983), (viii) Vienna Convention for the Protection of the Ozone Layer (1985), (ix) Montreal Protocol on Substances that Deplete the Ozone Layer (1987) and its subsequent amendments, (x) Agreement on the Network of Aquaculture Centers in Asia and the Pacific (1988), (xi) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989), (xii) United Nations Framework Convention on Climate Change (1992), (xiii) Convention on Biological Diversity (1992), (xiv) United Nations Convention to Combat Desertification (1994), (xv) Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997), (xvi) Rotterdam Convention (1998), (xvii) Cartagena Protocol on Biosafety to the CBD (2000), (xviii) Stockholm Convention on Persistent Organic Pollutants (2001), (xix) Nagoya Protocol (2010), (xx) Minamata Convention on Mercury (2013); and (xxi) Paris Agreement (2015) etc.

These commitments reflect Nepal's dedication to environmental protection and sustainable development. Aligning with these MEAs, Nepal has been a member state of the International Union for Conservation of Nature (IUCN), the International Bamboo and Rattan Organization (INBAR), the Global Green Growth Institute (GGGI), and the South Asia Wildlife Enforcement Network (SAWEN), playing a vital role in advancing the goals of each of these organizations. All these agreements and membership to esteemed organizations offer Nepal significant opportunities to collaborate with the global community.

The connection between environmental protection and economic development was first recognized in the 1972 Stockholm Declaration. It is widely accepted that economic development must incorporate socially acceptable and environmentally sustainable practices. The World Conservation Strategy (1980) further defined key objectives, including the maintenance of ecological processes, preservation of genetic diversity, and sustainable use of ecosystems.

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The United Nations Conference on the Environment (UNCED) in Rio de Janeiro, Brazil, in 1992 resulted in significant policy outcomes that shaped sustainable global environmental development. The key achievement was both binding agreements (such as treaties and conventions) and non-binding "soft law" documents that provide guidance without the strict legal obligations. Nature Key's non-binding instruments, including the Earth Charter, Agenda 21, a comprehensive action plan that provides a framework for sustainable development on social, economic and environmental issues. The summit also produced the Rio Declaration, which set out principles to guide countries towards sustainable practices and established a roadmap for balancing economic growth and environmental protection. Furthermore, UNCED called both the Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD). Key agreements were signed that laid the foundation for international climate action and biodiversity conservation. Together, these effects established a new integrated approach emphasizing ways to address environmental challenges, and marked a major shift in international environmental policy.

Treaties are central to international binding environmental law, establishing agreements between states or organizations on various environmental issues. They generally require ratification and implementation by national governments. Nepal has already ratified the agreements mentioned above and is in the process of ratifying several Multilateral Environmental Agreements (MEAs), including the Kigali Amendment to the Montreal Protocol. The country has also made efforts to develop domestic laws and regulations to implement these international agreements. However, there are still many instances where a consistent approach to integrating international treaties into domestic law is lacking. For example, critics often point to the failure to endorse the Access to Benefit Sharing Bill, which was drafted long ago.

Nepal has played a significant role in drafting various international agreements and related instruments. Currently, it is involved in drafting and negotiating the legally binding Global Treaty on Plastic Pollution, which is anticipated to be established soon. Nepal has also actively participated in multiple Conferences of Parties (CoP) and their scientific bodies. The CoP serves as the highest authority for making key decisions, negotiating new measures, and reviewing the progress of the Parties, typically convening every 1 to 3 years. The active participation of Nepalese delegates, led by the Head of State or Head of Government at UNFCCC-CoP, exemplifies the country's strong political commitment to addressing the climate crisis. Additionally, Nepal's participation in the CoPs of the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) highlights its dedication to biodiversity conservation.

Nepal's participation in CoP meetings has significant implications, both in terms of opportunities to advocate for its national interests and the mobilization of climate finance, conservation funding and technology transfer. Despite its limited resources, the nation's participation in CoPs and other meetings is considered valuable for understanding the global context. However, its effectiveness in addressing various global issues has been questioned. This may be attributed to factors such as insufficient preparation, frequent changes in personnel, a lack of expertise and negotiation skills, a limited number of participants, and constraints in financial resources and networks.

The country, located in the Himalayas, is highly vulnerable to the effects of climate change despite contributing only a small amount to global greenhouse gas emissions. The country faces various climate-related challenges, including melting glaciers, unpredictable weather patterns, and a rising incidence of natural disasters such as floods and landslides, as well as habitat loss. As a result, Nepal's participation and preparations for the UNFCCC-CoP tend to be more organized compared to its involvement in other CoPs. It embodies an approach that involves the entire society and all levels of government in preparing delegates for the CoPs.

As a country dependent on agriculture and eco-tourism, climate change presents existential risks to its economy and the well-being of its population. The country has made commitments to increase its

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forest to the 45% of its land cover, and achieve net-zero carbon emissions by 2045. The nation has been already successful to increase its forest cover to the 46.08% of its land. However, the external support for technology transfer and financial assistance is essential for successful implementation of achieving net zero target.

Nepal's biodiversity is also impacted by climate change. It houses diverse ecosystems, and decisions made at CBD-CoPs guide its conservation policies. Nepal emphasizes community-based conservation, highlighted by its successful Community Forestry Program, which manages nearly 40% of its forests and aligns with the Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing. Nepal's participation in ongoing United Nation's Biodiversity Conference (CoP-16) has aimed to share its conservation success and secure international support, particularly in the context of the new global biodiversity framework and the UN Decade on Ecosystem Restoration.

Nepal is a member of CITES, which regulates the trade of wildlife and plants to ensure their survival in the wild. Established in 1975, CITES employs a system of permits and licenses to control the import, export, and re-export of endangered species, which are categorized into three Appendices based on their conservation status. Nepal's participation in several CITES-CoPs has successfully fostered networks and advanced the nation's interests in promoting legal, transparent, and traceable trade while combating illegal international trade of CITES-listed species. It is regularly submitting the annual reports to the CITES secretariat related to the international trade from Nepal.

Additionally, Nepal is a signatory to the Ramsar Convention on Wetlands, which aims to conserve and sustainably use wetlands worldwide, recognizing their essential role in biodiversity, climate regulation, and water purification. The country is also working hard to implement the provisions of other MEAs in Nepal.

To strengthen its role in international environmental treaties, Nepal should establish a permanent negotiation team, simplify access to climate and conservation financing, advocate for the unique needs of mountain ecosystems, and build domestic capacity. Additionally, Nepal must work diligently to implement its commitments from COPs and other international forums. Despite the challenges, Nepal should ensure the timely submission of required reports with robust scientific evidence. Doing so will enhance Nepal's visibility, reliability, and credibility, boosting its influence in international forums and supporting its climate and biodiversity conservation goals. Nepal's resilience to climate change and biodiversity loss greatly relies on global cooperation, international support, and the effective execution of these agreements.

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