



## **Sectoral Integration of Biodiversity in Nepal**

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## 1. Introduction

Nepal reported<sup>1</sup> that the NBS reconfirms government's commitment to the protection and management of biological diversity in accordance with the CBD. It aims at integrating conservation of biological diversity and sustainable use of its components into sectoral and cross-sectoral plans and policies. It provides an operational planning strategy for the conservation of biological diversity, maintenance of ecological processes and systems, and ensures equitable sharing of benefits. The objectives aim at integrating the conservation and sustainable use of various components of biodiversity as part of development by: (i) analysing the current state of knowledge about biodiversity, thorough review of biodiversity related documents, strategies, development plans, programmes, institutional arrangements, and policies, including those mentioned in the Master Plan for the Forestry Sector, NEPAP I and II, NBS; (ii) identifying important gaps of policies and plans, constraints, and current practices of conservation, and assessing further needs; (iii) identifying current pressures and threats to biodiversity and future trends; (iv) assessing the present and future value of biodiversity to humanity; (v) identifying conservation priorities and time frame for research, management and investments; (vi) assessing the cost scale of conserving biodiversity; and (vii) developing long-term strategies, implementation methods, monitoring and evaluation system for biodiversity conservation.

Efforts have been made to mainstream biodiversity conservation into sectoral and cross-sectoral plans and programmes in the country. This is being integrated by:

- signing international agreements;
- developing new national strategies for biodiversity use and conservation for poverty reduction as a means of livelihoods and sustainable development;
- incorporating biodiversity and environmental issues into thematic and cross-cutting areas;
- implementing and monitoring the NBS and NBSIP through National Biodiversity Coordination Committee (NBCC); and
- developing plans for financial resources, monitoring and setting goals, targets and indicators.

Biodiversity management is guided by sectoral and cross-sectoral plans, programmes and strategies (CBD 2008). This note is organised into four sections.

- Section 3.1 deals with the issues of mainstreaming biodiversity conservation at systemic level.
- Section 3.2 deals with a brief account of implementation arrangements into sectoral and cross-sectoral policies and plans.

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<sup>1</sup> Nepal (2009). Nepal Fourth National Report to the Convention on Biological Diversity, Ministry of Forests and Soil Conservation, Singha Durbar, Kathmandu, March 2009, 88 pp.

- Section 3.3 briefly highlights organisational structure of the implementation plan, including the role of peoples' participation and financial resources.
- Section 3.4 deals with obstacles and challenges in implementation, including way forward.

## **2. Mainstreaming biodiversity considerations**

### **Systemic level**

Efforts and progress have been made to incorporate biodiversity considerations into policy, planning, and strategy long before the development of NBS in 2002.

These include Nepal's commitment to biodiversity conservation by signing the international agreements and obligations, and translating them into national policies and acts.

### **International agreements and obligations**

Nepal, as a party to international treaties, carries obligations to the protection of biodiversity, national heritage and its environment. Nepal has signed more than 20 international agreements related to biodiversity and environment conservation and has ratified many of them. The relevant biodiversity related treaties for Nepal include (i) 1971 Convention on Wetlands of International Importance, Especially as Waterfowl Habitat; (ii) 1972 Convention on the Protection of World Cultural and Natural Heritage; (iii) 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); (iv) 1992 Framework Convention on Climate Change and (v) 1992 Convention on Biological Diversity. The treaties certainly have exerted some influence in the policy of Nepal. However, implementation of these treaties at national level is weak, and a strong national commitment and complementary legislation are needed to make such international instruments truly effective (Belbase 1997, 1999).

A brief account of some of the national strategies newly formulated mainly after 2002 has been presented to highlight the commitment made by Nepal in conserving biodiversity. For details of other strategies, see Nepal Biodiversity Strategy (HMG/N/MFSC 2002), Nepal Biodiversity Strategy Implementation Plan (GoN/MFSC 2006), and Country Report on the State of Nepal's Plant Genetic Resources for Food and Agriculture (NARC/ MoAC 2008, Draft).

### **National strategies**

The Interim Constitution of Nepal (2007) incorporates the issues of environment and biodiversity. All citizens shall have the right to live in a clean and healthy environment as Fundamental Rights (Article 16). It further states under the Directive Principles (Article 35) that: (i) the State, while mobilising the country's natural resources and heritage for the interest, utilisation and benefit of the nation, shall pursue a policy of giving priority to local people; (ii) the State shall make necessary provisions to keep the natural environment clean, prioritise special arrangements for the protection of environment and endangered wildlife species by not allowing physical development activities to exert negative impact on environment, and generating awareness on environmental cleanliness; (iii) the State shall make

provisions for equitable distribution of benefits from the conservation and sustainable use of forests, plants and biodiversity; and (iv) the State shall pursue the policy of identifying traditional knowledge, skills and practices existing in the country. These provisions in the Interim Constitution of Nepal pay due respect to the conservation of biodiversity and environment.

The Three Year Interim Plan (2007/08—2009/10) has adopted conservation, promotion and sustainable use of biodiversity and related traditional knowledge through research, development and institutional arrangement.

Community and public ownership on biological resources has been considered a key principle to meet the genuine aspiration of the Nepali people. It includes registration and documentation of the resources, regulatory mechanisms for resource conservation, promotion and utilisation, farmers and state ownership on such resources and access to the benefits from the resources. Various sectoral and cross-sectoral issues favouring biodiversity conservation in different ecosystems have been emphasised in the Plan.

The Tenth Plan (2002—2007) and PRSP contained goals and targets related to environment and biodiversity conservation by providing opportunity to formulate programmes on maintaining habitats, reducing population decline of important species and favouring conservation programmes with community participation.

The National Agrobiodiversity Policy (2007) addresses conservation, promotion and utilisation of agro-genetic resources and rights of the community and state rights on them. The priority programmes identified by the policy include scientific studies, research and extension, biodiversity registration and documentation. The policy also includes a working policy on in-situ conservation, ex-situ conservation, agrobiodiversity utilisation, benefit sharing and biosafety.

The National Biosafety Policy (2007) has been framed with the objectives of protecting biodiversity, human health and the environment from adverse effects of research and development activities of modern biotechnology.

This is an outcome of the government's realisation of the significance of biosafety in the conservation of biological diversity and safeguarding human health.

Having already signed the Cartagena Protocol, now the Government of Nepal has already given the approval to MFSC to proceed in the Constituent Assembly for the ratification process so that Nepal would become the member of the Cartagena Protocol.

A National Clean Development Mechanism of the Kyoto Protocol (2007) has been developed adopting the United Nations Framework Convention on Climate Change (UNFCCC) to which Nepal is a party (signed on 12 June 1992; ratified in 1994; and entered into force on 31 July 1994). Under the Protocol, the Government of Nepal has developed a number of criteria and indicators for environmental protection and sustainable development. Some of the indicators directly related to biodiversity are:

(i) maintaining sustainability of local ecological functions; and (ii) maintaining genetic, species, and ecosystem diversity and not permitting any genetic erosion. Nepal has also started the process of developing the National Adaptation Plan of Action (NAPA).

The Biosafety Guidelines (2005), framed by the Ministry of Forests and Soil Conservation, aim at balancing biodiversity conservation and public health-related concerns with the development of biotechnology in the country. Specific attention has been given to the release of Genetically Modified Organisms (GMOs) only after assessing the potential adverse effects it causes, and making sure that it will not have adverse effects on human health and environment.

The government has endorsed the Sustainable Development Agenda for Nepal in 2003 which values the conservation of biodiversity in different ecosystems.

The major policy thrust on biodiversity includes (i) management of natural forests and protected areas; (ii) conservation of ecosystems and genetic resources; (iii) conservation of biodiversity at landscape level; (iv) protection of land against degradation; (v) promotion of sustainable harvest and management of NTFPs; (vi) agricultural biodiversity for marginalised mountain communities; (vii) conservation of rangelands; and (viii) research and development in medical application and income.

### **Complementarities and gaps in legislations**

- The Forest Act (1993), Local Self Governance Act (1999) and some other Acts overlap with various complementary provisions, contradictions and gaps with respect to the management, utilisation and ownership of natural resources, particularly forest resources and the scope of UGs and NGOs (Belbase and Regmi 2002) (Table 1 & 2).
- The Local Self-Governance Act (1999) provides no legal measures for involving UGs in the identification, supervision and evaluation of development plans. The Act, however, stipulates that the implementation of village level projects must be done through User Committees (UCs). The involvement of UCs in the planning process will certainly strengthen project implementation and maintenance. The Forest Act (1993) and Forest Regulations (1995) clearly stipulate that the users themselves develop and implement the work plan whereas LSGA overlooks this aspect. Therefore, a clear line must be drawn between different pieces of legislation, and gaps and contradictions need to be corrected (Belbase and Regmi, 2002). Integration and harmonisation of environmental laws have been essential to overcome inconsistencies and overlap for addressing crosscutting issues related to biodiversity (GoN and UNDP 2008).

Table 1: Overlapping rights regarding forest products

Forest Products Forest Act (1993)	Local Self-Governance Act (1999)	
Fuelwood, dried timber, twigs, branches, bushes	User Group	VDC
Herbs	User Group	DDC
Prohibited herbs	Government	-
Resin	Government and User Groups	DDC
Driftwood	User Group	DDC

Reeds, grass	User Group	VDC
Water resources	User Group	VDC/DDC
Natural heritage	User Group	VDC

Source: Belbase and Regmi, 2002

Table 2: Contradictions between Forest Act (1993) and LSGA (1999)

Forest Act (1993)	Local Self-Governance Act (1999)
...nobody shall be entitled to any right or facility of any type in national forests (section 17).	...forests granted by the prevailing laws and HMG are the property of the VDC (section 68 (1)(c)).
Depending on the category of forest, for example, for community forests, the forest (not land) becomes the property of the CFUG provided it is managed according to the approved operational plan.	...natural heritage, which includes forests, lakes, ponds and rivers is the property of the VDC.
CFUGs are empowered to sell, distribute and use such forest products ...(section 25[1]).	...proceeds from the sale of river sand, stone, wildlife derivatives (horn, feathers), etc. go to the DDC fund (section 215 and 218).
CFUGs can punish anyone found guilty of violating rules made by CFUGs on forest and forest products (Forest Rules 1995).	...VDCs are empowered to hear complaints relating to grassland, pasture and fuelwood (section 33[1]).
Recognises CFUGs as the responsible institution for the management of community forests (with no role for VDCs and DDCs).	Emphasises the role of the DDC and VDC in natural resource management with no reference to CFUGs.

Source: Belbase and Regmi (2002)

### 3. Implementation arrangements: Sectoral and cross-sectoral

#### Sectoral

The NBS (2002) and NBSIP (2006-2010) are important strategies in implementing the CBD. The NBS serves as an overall framework for the conservation and sustainable use of biodiversity and biological resources. The strategy takes into account implementation of biodiversity considerations through cross-sectoral as well as sectoral approaches. The NBSIP provides a framework to materialize the vision of the NBS into practical actions through priority projects.

Sectoral responsibility for the conservation, management and sustainable use as specified in NBS and NBSIP has been duly adopted by the relevant institutions and stakeholders. The overall responsibility for implementing NBSIP rests with the Ministry of Forests and Soil Conservation (MFSC) in its role as the national focal point for CBD. The MFSC, with its five departments (Forest, National Parks and Wildlife Conservation, Plant Resources, Forest Research and Survey, Soil Conservation and Watershed Management) and two divisions (Environment, and Monitoring and Evaluation), are primarily responsible for project implementation, monitoring and evaluation.

The other relevant ministries and line agencies that lie outside the mandate of MFSC implement biodiversity conservation programmes. These include:

- The Ministry of Agriculture and Cooperatives (MoAC) implements projects related to agrobiodiversity.
- The Ministry of Environment, Science and Technology (MoEST) contributes to implement environment related projects, including Environment Impact Assessment (EIA) for eliminating and

mitigating potential threats to biodiversity arising from development projects and other physical infrastructure development.

- The Ministry of Local Development (MLD), through its district and local level networks, has key role to contribute to biodiversity conservation, district level coordination and documentation of biological resources and associated traditional knowledge.
- The Ministry of Water Resources (MoWR) has the responsibility to implement projects related to wetlands (that lie outside forest and protected areas).
- The National Planning Commission (NPC) formulates policy to guide the legal, institutional and operational development for biodiversity and its related areas, and periodically review government policies on biodiversity, environment and others.

### **Cross-sectoral**

Biodiversity and environment conservation have been integrated into cross-sectoral plans of the government such as the Millennium Development Goals (NPC 2005), and Poverty Alleviation Fund. Biodiversity conservation programmes are also covered by media and communication sector.

(i) Millennium Development Goals (MDGs). The MDGs are benchmarks of development progress and outline major development priorities to be achieved by 2015. Nepal has incorporated the MDGs to its strategic framework in the Poverty Reduction Strategy Paper (PRSP) in order to meet the goals of poverty reduction and sustainable development (NPC 2005). The government has well developed several goals and targets for Nepal to meet the MDGs. However, goal and targets related to environment have been inadequately addressed. There has been no consideration to incorporate Biodiversity 2010 Targets in the MDGs. Relevant MDGs related to biodiversity and environment have been discussed by Chaudhary (2006), a summary of which is presented.

- MDGs call to eradicate extreme poverty and hunger (Goal 1) by halving the proportion of people whose income is less than one dollar a day; and the proportion of people who suffer from hunger. The percentage of population in Nepal below poverty line in 1996 was 42% (CBS 1996), and the target to reduce poverty is by 21% in 2015. The poverty goal of the MDGs addresses the issues of extreme poverty, hunger, malnutrition and dietary energy consumption, which are closely related to livelihoods and food security. For the most part, poverty in Nepal continues to be a rural phenomenon (35% in rural areas compared to 10% in urban areas), and with variables related with ecological zones (mountains, hills and Tarai), and caste and ethnicity (Janjatis and Dalits). In Nepal, Janjatis and Dalits have higher incidence of poverty than the national average (NPC 2005). The availability and sustainability of biological resources, including Non-Timber Forest Products (NTFPs), resource management through community forestry and agrobiodiversity are of direct relevance to address goal on poverty, hunger and food security for rural households who derive a large proportion of their food and income from biological resources. Agriculture sector contributes to 39.2% of GDP, with high under-employment rate and low productivity, mainly based on major crops that require adequate agricultural input (irrigation,

fertilizer and pesticides). Crop species such as millets and buckwheat grains offer exceptional nutritional value, but are neglected crops. These crops are well adapted to marginal agricultural conditions and are grown in high altitudes ranging from the Tarai to subalpine zones in Nepal. The crops provide important food and nutritional security for people in remote areas.

- Dietary diversity is very valuable because it directly addresses Goal 4 'Reduce child mortality', and Goal 5 'Improve maternal health'. A general conception is that access to more food to each person would serve MDGs for hunger and poverty (Goal 1). However, this alone will not be enough. People need diversity of food, and dietary diversity can satisfy hidden hunger at the same time as meeting so many other human and environmental needs (IPGRI 2005). Diversity of food and dietary diversity can only be ensured by rich biological diversity in both the short and long terms.

- Biodiversity coupled with education and awareness plays a key role in achieving goals on health and education for all in Nepal. Biological resources supply food, fulfil dietary requirements, supply and purify water, and combat diseases (use of rich diversity of medicinal plants and cultural knowledge).

Biodiversity conservation diversifies rural income and reduces burden of women and children for access to water, enabling the children and women to reduce their collection time for education. • In 2001, women constituted 43% of labour force– 73% in agriculture and 27% in non-agricultural sector in Nepal (CBS 2001). Women who are educated are better able to seek health care for themselves, their families and neighbourhood (Goal 2), thereby reducing child mortality (Goal 4), improve maternal health (Goal 5), and preventing spread of HIV/AIDS and other diseases (Goal 6).

Reproductive health and education are thus crucial not only to poverty reduction but also to sustainable human development.

- The environmental problems of Nepal have a direct relation with basic needs. Poverty, population pressure, lack of food, lack of alternative energy source for rural areas, education, good sanitation, and good governance are issues of serious concern and threat to the protection of environment and biodiversity. Biodiversity conservation and sustainable use play a key role to meet Goal 7 'Ensure Environmental Sustainability' in Nepal. Biodiversity provides essential materials linked to the livelihoods of people and their economic development, agricultural productivity, human health and nutrition, indigenous knowledge, gender equality, building materials, and provides ecosystem services by maintaining climate change, managing water resources for aesthetic and cultural wellbeing of society.

(ii) Poverty Alleviation Fund (PAF). The PAF was established in 2004 to bring marginalised communities into mainstream development by placing poor and disadvantaged groups in the driving seat. The PAF is working to reduce poverty to 10% by 2020 in pursuant to the long-term goals of the Government of Nepal, and to reduce poverty by half (21%) by 2015, as per the MDGs. its four major programme components are: (i) social mobilisation; (ii) income generation; (iii) small community infrastructure development; and (iv) capacity building. PAF implements its programmes in 25 out of 75 districts of Nepal. It has helped to organise communities to implement 6,000 community projects for income generation and infrastructure that include biodiversity conservation directly or indirectly, such as

natural resource management, afforestation, education and awareness about environment. A cross-sectoral integration is essential to implement NBS. It is suggested that biodiversity conservation and environmental management be an integral part of the projects funded by PAF. It is also suggested that the National Planning Commission would take the responsibility to integrate the relevant ministries and stakeholders working in biodiversity conservation and with the programmes of PAF.

(iii) Media and communication. Audio and visual programmes are also broadcast covering the issues related to biodiversity conservation and livelihoods through print and electronic media. Popular environment related articles also get featured regularly in mainstream national newspapers. The Department of Postal Services has been publishing mailing stamps related to flora and fauna to raise awareness among the people as well as to communicate to the global communities about biodiversity conservation.

### **Climate change**

The current knowledge for the prediction of climate change impacts on biodiversity, including species of narrow range in Nepal Himalaya, is inadequate.

It is suggested to establish long-term monitoring mechanism through systematic research on species richness representing different ecoregions in the HKH at altitudinal gradients and on both north (wetter) and south (drier) aspects. An ecosystem management approach is emerging between Bhutan, India and Nepal in Kanchenjunga landscape (Chettri et al. 2008).

Changes in species richness along altitudinal transects in general is valuable in the study of global climatic change (Korner 2007), and in Nepal (Chaudhary 2008). Monitoring changes in species diversity by considering indicators that represent species richness at three different spatial scales, such as local, landscape and macro-scale, have been essential and discussed by Whittaker et al. (2001). Weber et al. (2004) simplifies and uses the term local biodiversity for the biodiversity within one habitat type; landscape diversity for biodiversity in a given area with different habitat types (habitat mosaics); and macro-scale diversity for the regional biodiversity, i.e. biogeographic regions or countries.

The MoEST has initiated to develop climate change policy for Nepal. The policy is aimed at covering the issues of climate change and its impact on livelihoods, biodiversity, glacier retreat, carbon trade and others. It is hoped that the policy would be finalised, endorsed and implemented soon in Nepal.

## **4. Organisational structure of the Implementation Plan**

The organisational structure of the implementation of biodiversity has been described in NBS and NBSIP.

- Following the NBS, a 13-member National Biodiversity Coordination Committee (NBCC) has been formed under the chair of Hon'ble Minister for Forests and Soil Conservation with representatives from key government ministries, private sector, user groups, civil society, academic institutions and major donors. Five thematic sub-committees have been formed to adequately address the issues of different themes related to biodiversity. These are (i) forest; (ii) agriculture; (iii) sustainable use; (iv) genetic resources; and (v) biosecurity. The coordinators of each of these thematic sub-committees represent as

members of the NBCC. Serious attempts need to be undertaken to actively involve NBCC, and the thematic sub-committees meeting the goals of the Convention as well as aspirations of the people of Nepal. The MFSC serves as the secretariat for the implementation of the directives and policies made by the NBCC. The Environment Division of MFSC serves as the technical wing of the ministry for the implementation of NBSIP.

- Each thematic sub-committee is mandated to implement the projects and report to the NBCC. However, achievements made by the thematic sub-committees have been unsatisfactory. During insurgency period, the sub-committee 'Sustainable Use of Biological Resources' organised a one day seminar in Kathmandu on June 29, 2005, to discuss the issues related to conservation and sustainable use of biological resources. The seminar was attended by international speakers and national experts from government, academia and NGOs.
- At the district level, District Biodiversity Coordination Committee (DBCC) has been formed (so far in 10 out of 75 districts only) under the chairpersonship of the Chair of the District Development Committee (DDC) with appropriate representation from district level stakeholder organisations, including forest, agriculture, Ayurveda, municipality, Village Development Committee, NGOs, etc. The District Forest Office serves as the secretariat of the DBCC, and District Forest Officer as its Member Secretary. The process of formulation of DBCC has to be immediately and actively extended in all the districts of Nepal if objectives of the NBSIP are to be realised by 2010.

### **People's participation**

Peoples' participation and dialogue with them is important for successful implementation of biodiversity implementation plans. The NBS has stated a strong commitment to promote local governance and involve people's participation at early stage of planning as well as implementation stage of resource use and conservation. The roles and responsibilities of the community-based organisations such as user groups of forests, water, soil, buffer zones and religious bodies are legally defined in the respective Acts and Regulations.

There is a need to define the roles of women groups, and indigenous communities more precisely, as the groups play a vital role on biodiversity conservation and sustainable use.

### **Financial resources**

Adequate financial resources are required to successfully implement biodiversity conservation projects in Nepal (GoN/MFSC 2006). In Nepal, the following resources are being used for biodiversity conservation:

- National treasury is one of the major sources of funding for the projects identified under NBSIP. The projects are included in the national development plan as well as annual plan of the sectoral ministries.
- Government revenues generated from tourist entry fee visiting protected areas have been recycled for conservation and development activities in the buffer zone programme of several PAs. All

of the PAs have ploughed back upto 50% of the park revenue whereas the provision is to share revenues from 30-50%. Between 30-50% of park revenues under the buffer zone programme have been invested in 11 protected areas. In addition, revenues obtained from the collection permit and sale of biological resources contribute to the conservation of biodiversity.

- Contribution by heritage conservation organisations is also a potential financial source for the conservation of biological and cultural heritage; viz. funds generated by Lumbini, Pashupatinath, Swoyambhunath, Sagarmatha, etc.

- Private sectors are being encouraged to invest in the promotion of tourism and biodiversity conservation (viz. Upper Mustang and Dolpo).

- Grants and soft loans from the bilateral/multilateral donor agencies have been utilised at various levels in the country. These include landscape biodiversity conservation, genetic diversity conservation, community and leasehold forestry projects.

## **5. Obstacles and challenges in the implementation**

- Resource availability: The challenges in the implementation of the strategy under NBS and projects under NBSIP are also lack of financial resources. When NBSIP was developed, an estimated amount of US \$ 86.07 million was proposed to be invested for accomplishing the objectives of the priority projects in the implementation phase during 2006-2010. The government, donors and private sectors were major stakeholders proposed for financial and other resources for these projects.

- Nepal Trust Fund for Biodiversity (NTFB) has been proposed by NBS in 2002 as an autonomous legal body, independent and separate tax-free, from the government, and fully empowered to manage the capital and investment income. There has been no progress in this regard. To date, many activities for the implementation of the NBSIP are done through projects financed by the government, GEF and other funding through NGOs. However, resources are still inadequate to effectively implement the NBSIP, and for coordination and monitoring activities. Similar conclusion was also made by the National Capacity Self-Assessment Report and Action Plan (GoN and UNDP 2008).

- Coordination and monitoring: There is a lack of coordination of the activities in the field of biodiversity. The MFSC is the focal point for CBD and its coordination role is crucial. The departments and the divisions under MFSC should strengthen coordination and take full responsibility for project implementation, monitoring and evaluation within the ministry. Other relevant ministries and line agencies will implement biodiversity action programmes that lie outside the mandate of MFSC, such as MoAC for agriculture related biodiversity programmes, MoWR for programmes related to wetlands, and MoEST for programmes related to environment. In addition, international and national NGOs undertake biodiversity conservation programmes also. There has been lack of adequate coordination and accountability among the stakeholders, whereas monitoring has been relatively poor.

- Conflict: Nepal faced over a decade-long armed conflict. Law enforcement and monitoring during the conflict period was either very poor or nonexistent.

## **6. Way forward**

- In order to effectively integrate and mainstream environmental management into sectoral and cross-sectoral plans, it is important to reinforce the linkages between strong environmental management performance and growth, sustainable livelihoods and poverty reduction (World Bank 2008).
- In Nepal, there is a plan to review the implementation of the NBSIP for 2011-2015. The Government of Nepal plans to update the NBSIP, and reorganise the committees. The updates will be done by taking into account the need to synergize biodiversity issues with other conventions, as well as by addressing in the areas of livelihoods, sustainable development, poverty reduction, climate change, biosafety protocol, etc.