

*A Synthesis report
On*

***Ban Chautari: The Role of Indigenous and Community
conserved Areas (ICCAs) in Biodiversity Conservation in Nepal***

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Prepared By

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1. INTRODUCTION AND OBJECTIVES OF THE PROGRAM:

Biodiversity conservation is one of the major policy issue and agenda of the governmental and non-governmental organizations in Nepal. There is a constant debate on who have conserved and who will better conserve biodiversity. The government of Nepal has formulated and implemented a number of policies, laws and legislations with the aim to better conserve existing biodiversity. However, there are constant critiques about the inadequacies in laws, policies and legislations. The critiques range from the exclusion of indigenous people and local communities to the lack of recognition of the contribution of these communities in biodiversity conservation. As a result, the state has revised and formulated its policies and laws time and again to address these critiques.

The debates and discussions on biodiversity conservation issue that took place in the international community also remained important in terms of influencing change in Nepal's policy priorities. Most importantly, the Convention on Biological Diversity (CBD) 1992, different decisions and programs endorsed by the Conference of the Parties (COP) to the CBD, decisions and programs endorsed by the World Park Congress (WPC) and World Conservation Congress (WCC), and protected area governance matrix of International Union for Conservation of Nature (IUCN) have become important international events and decisions for shifting biodiversity conservation policy priorities. Particularly, these events have introduced the concept of the importance of cultural diversity and acknowledged the roles of indigenous people and local communities in biodiversity conservation.

Hence, recognition of the customary laws and practices of indigenous people and local communities have become priorities of almost all of the international events and decisions. The global society of conservationists then agreed that indigenous people and local communities are the true custodians of biodiversity conservation. It is believed and agreed that they conserve and manage biodiversity through their customary laws and practices.

In this international and national background context, it is thought that the intensive discussion about how indigenous people and local communities are contributing in the biodiversity conservation may be one of the important issues to be discussed among the stakeholders. Similarly, the preliminary studies also showed that hundreds of communities in different eco-regions of the country have been conserving and managing biological diversities through their customary laws and practices. However, their contribution to biodiversity conservation has neither been identified nor has been legally recognized.

Hence, with an aim to bring forth these issues BAN CHAUTARI was organized on 18th December 2012 at Sap Falcha, Kathmandu. The program was organized by the Ban Chautari Consortium.

The overall objective of the program was to introduce the concept on “ICCA” among the stakeholders and know their responses and opinions for and against the relevance of promoting and advancing ICCAs in Nepal. The specific objectives of the program were:

- To generate a common platform of dialogue between ICCA representatives, civil society organizations, government officials, political analysts, media people and conservation experts;
- To exchange local knowledge and experiences on biodiversity conservation, its potentials and constraints;
- To understand the responses and opinions of diverse stakeholders against the relevance of ICCAs in biodiversity conservation in Nepal;
- To explore future directions for the promotion and enhancement of ICCAs in Nepal.

2. SUMMARY OF THE PRESENTATION:

This interaction program was facilitated by Dr. Naya Sharma Paudel of ForestAction Nepal. It was divided into four phases: presentation; responses and opinions of panel speakers; plenary session; and final remarks and responses by panel speakers (see annex 1 for program schedule). A total of 70 individuals were present in this interaction (see annex 2 for list of participants).

After the welcome speech and introduction of the program by Dr. Naya Sharma Paudel, Mr Jailab Rai from ForestAction Nepal presented a paper highlighting about who ICCAs are and how they are conserving biodiversity in their places (see annex 3 for presentation slides). Some of the highlights of the presentations are discussed below:

- If we look at the practices of how biological diversity have been conserved in different parts and regions of the country, we can see many indigenous and local communities have been conserving biological diversity in their areas and territories;

- They are conserving and managing biological diversities through their customary laws and practices, such as Sherpa in Khumbu area, Bompoo religious people in Pungmo Dolpa, Chepangs in mid hills of the country, Gurungs in western hills, Sherpas in Tsum valley in Gorkha, many religious forests in Lalitpur, and different ponds and lakes in different parts of the country;
- Based on the observations, studies, and documentations of some ICCA cases, all of these sites have some similar characteristics, such as people of these places conserve and manage biological diversities through their customary laws and practices, and traditional norms and values; the culture and cultural beliefs of the people in different places are different however, their cultures are related one way or the other with available biological diversities; and culture of the people of these places do not have necessarily the conservation of biological diversity as their manifested goals. However, their practices and beliefs directly and indirectly are contributing to the conservation of available biological diversities;
- There are lots of international laws, decisions and declarations that recognize customary laws and practices of local communities and indigenous people that are related with the conservation of biological diversity: such as 5th World Park Congress (WPC) held in 2003 that resulted into the development of Durban Action Plan; Convention on Biological Diversity (CBD) and its Conference of Parties (COP) known as CBD COP-namely CBD COP 7 and its Program of Work on Protected Areas (PoWPA in 2004) and Aichi Target of CBD COP 10; World Conservation Congress (WCC); and PA governance categories of International Union for Conservation of Nature (IUCN);
- Similarly, the United Nations convention on the rights of indigenous and tribal peoples, known as ILO 169 declared in 1989 and United Nations Declaration on the rights of indigenous and tribal peoples known as UNDRIP in 2007 also recognized the cultural rights and associations of indigenous and tribal peoples on natural resources and their traditional territories;
- ICCAs are simply territories or the areas conserved, managed and utilized by the indigenous people and local communities;
- The concept on “ICCAs” originated as a result of paradigm shift in understanding of how and who the real custodians of biological diversity are which shows that the notion has been supported by the global society of conservationists as well.;
- The recognition of ICCAs in Nepal is relevant for some reasons: legalization of existing conservation practices; for identity of the people; respect and reward local initiatives and stewardships; promote community stewardships; sustainable biodiversity conservation; respect international laws and treaties;

- If ICCAs are recognized and promoted in Nepal, it will have multiple impacts to the society: it makes local people responsible; reduces state's burden; increases the size of protected areas; promotes local democracy; promotes culture of respecting diversity; helps in making policies and practice go together;
- In Nepal, ICCAs may exist both inside and outside the formal PAs and existing policies and laws are not adequate to recognize ICCAs and their contribution in the conservation of biological diversity;
- Finally, three issues/questions were put forth to make discussion more productive:
 - How relevant is to promote ICCAs in Nepal?
 - Do ICCAs contribute in the conservation of biological diversity?
 - If yes, what might be the way forward for ICCAs?

3. RESPONSES AND OPINIONS OF PANEL SPEAKERS:

Following the presentation, five panel speakers presented their views based on the questions put forth during the program. Summary of the arguments, responses, and opinions are:

3.1 DR. RAM PRASAD CHAUDHARI:

Dr. Chaudhary, professor at Tribhuvan University (TU). He teaches at the central department of Botany of TU in Kirtipur Kathmandu. He is working in this issue (conservation) and contributed in the national policy making processes for a long time. The summary of his responses and opinions are highlighted below:

“There is no doubt that indigenous people and local communities are contributing in the conservation and management of biological diversity. There is a long history of their contribution. The cultural diversity is most important in biological diversity because diverse culture of the people understands and defines and value biological diversity differently. Talking about the legal status and recognition of these practices, we can see many examples in different countries of the world that they have separate laws and policies that respect the customary laws. So, in Nepal state can provision such separate laws that respect and recognize these practices. But as safe landing, the use of existing laws and policies in biodiversity conservation and natural resources is a must so that it may not contradict existing states laws and legislations.”

Recently, the conservation of biological biodiversity has been interlinked with the local traditional livelihoods. Although there are lots of international laws and policies on biological diversity, we must define the term ICCAs in our own context or something relevant to Nepal, so that its international definitions does not contradict with other laws and practices. While we should consider state's existing laws, legislations and practices as well. This means, making the state or government an important part of this issue and agenda is a must.

Similarly, the documentation of existing diverse forms and patterns (including myths and mythical stories of the people related with biological diversity) of such customary practices is very important and necessary so that such practices may come into the visible documentations and policy discussions. The government also can make documentation and study of ICCAs as one of the issues while ongoing process of preparing and formulating national biodiversity strategy (NBS).

The customary institutions is one of the another important part of the indigenous people and local communities. The several studies concluded that local institutions are more democratic than the state's institutions. But for this, comparing the local customary institutions and other legal and states institutions is very wise so that contradicting points and provisions can be clearly identified and solved them wisely. But at the same time, political commitment is another important part of the way forward because politics is ultimately an institution that endorse new system and institutions."

3.2 MAN BAHADUR GURUNG:

Mr. Man Bahadur Gurung is Chair of ICCA in Sikles Kaski and Secretary of ICCA Network Nepal. He is also a local leader, locally called "CHIWA" - a village head in the Gurung indigenous community - in his village called Sikles in Kaski, of west Nepal. The summary of his opinions are highlighted below:

"I have spent almost 26 years in Annapurna Conservation Area (ACA) Management. However, when I started listening and talking about ICCAs then I felt that what we have been doing in our area has not been recognized by the state and states institutions. The biodiversity conservation including forest is not introduced by the ACA but we have our own system of management and conservation since our cultural history.

Despite many international laws and policies, the conservation laws and legislations in Nepal have displaced and discouraged our customary practices and beliefs. Indigenous people and local

communities have been conserving biodiversity since time immemorial. For example, people in Sikkim in Kaski conserved and managed biodiversity before the ACA establishment and then the state started working in this area. So, it is my request to the state and all stakeholders to respect and support our movement so that all Indigenous and local communities can get legal recognition of their customary practices of biodiversity conservation.”

3.3 APSARA CHAPAGAIN:

Ms. Apsara Chapagain, chairperson of the Federation of Community Forest Users Nepal (FECOFUN), has more than two decades long experiences in working and advocating for community rights over natural resources in Nepal. She was invited to the program as a representative of community rights activism, particularly the community rights over forest resources. The summary of her opinions/arguments are highlighted below:

“There is no question of whether local communities and indigenous people have been conserving or not. But talking about the indigenous people, there may be questions of who is talking and advocating in support of those people and why he or she is talking about it. Similarly, who is indigenous and who is not may be another question. However, real people who are living near forest and natural resources need be identified. At the same time, we also see that many of the people and leaders are creating conflicts and pushing people into the confrontation by politicizing the issues of the rights of indigenous people.

The indigenous people and local communities have close relation with resources through their traditional and customary laws, beliefs, values and practices. But there are many policies, laws and legislations that have already recognize such practices. Therefore we should question ourselves that how many policies and laws so far we have on hand have been well implemented and how many of them are not adequate or not appropriate to respect and recognize such customary practices. But I see that there are lots of policy and legal spaces that recognize ICCAs like practices throughout the country, for example 17,808 community forests have already been recognized by the government and many of the other community forests are in the process of getting recognition. Out of these community forests, some have been managed in the form of ICCAs. These ICCAs have well recognitions both in the policies/laws and practices as well.

There might formulation of policies and laws, but I am skeptic about their proper implementations. However, talking about PAs, in most cases local communities and indigenous

people have been excluded from the participation in the management of resources in and around them. But I am not confident that customary knowledge and practices alone can manage resources but I think when community is made powerful and sovereign then the resources can be well managed and conserved. Similarly, many of the traditional and customary practices we are talking about have not been transformed to new generations and many of them are still questionable from the community rights perspective. For example, biological diversity conserved in the name of religion need to be reconsidered and revised such that it also provide benefits to the local people. Therefore, formulating new policies and regulations to address this issue will be more problematic rather than developing possible avenues in the existing laws like Forest Act which has provisioned community forests as autonomous institution.

However, many of the policies like national biodiversity strategy, forest strategy, low carbon strategy, conservation area management strategy etc, are in the process of formulation in the government. So, if we want to bring these issues to the forefront, the stakeholders can influence in this process however, the trend has been such that the right holders are never informed about it. Moreover, they do not take opportunities to contribute in such processes rather do what they think is right, eventually creating problem either in the proper implementation or address the real need of the real beneficiaries.”

3.4 BISHWONATH OLI:

Mr. Bishwonath Oli, is head of the Forest and Environment department at the Department of Forest (DoF) under Ministry of Forest and Soil Conservation (MoFSC) in Nepal and is the CBD focal person in Nepal. He has been invited to the program as a government representative. The summary of his opinions are highlighted below:

“I think biodiversity conservation practices by the indigenous people and local communities in Nepal should be analyzed or viewed from two lenses. One is from the formal structure and institutions of biodiversity conservation in Nepal like PAs and second is legal status of how or to what extent the indigenous people and local community’s customary practices of biodiversity conservation have been recognized. I think the existing laws and policies on biodiversity conservation is not an obstacle to promote and recognize such practices in Nepal. For example, the Forest Act 2049 (1992) has provisioned the promotion of the practices of religious forest. Similarly, the government has now been promoting the concept of Protected Forest in Nepal and

until now 7 protected forests (including Panchase forest in west Nepal) have already been declared and is in the process of institutionalizing them. The state is trying to promote practices like ICCAs in these areas. Similarly, there are more than 17000 community forests in Nepal and the existing Forest laws do not obstruct promotion and practicing ICCAs in these areas.

Talking about the PAs outside the formal protection system, I think we should first discuss and develop our consensus about how much percent of the national territory need to be declared as PAs. While talking about the expansion of PAs, the development and livelihood of the local people need to be considered. Otherwise it will be a burden to the community and the state as well. However, the mid hills of Nepal have less PAs and ICCAs may be one of possible way to increase it.

The role and contribution of the indigenous people and local communities in biodiversity conservation is not a question for us and existing laws and policies are not the obstacles. Next thing is that the Biodiversity Conservation Strategy 2002 has already recognized the roles, contribution and participation of indigenous people and local communities. Similarly, the related stakeholders and rights holders are always welcome in contribution to the ongoing policy and strategy making processes.

Looking beyond the international experiences and advocacies, I knew that promoting ICCAs is a demand of the indigenous and local communities, particularly in the Latin America. However, they have not been yet been able to get legal recognition from the states. So, this concept may be an important issue of discussion in the future and Nepal government, particularly our department, is always ready to collaborate and cooperate in this regards.”

3.5 HARI ROKA:

Mr. Hari Roka is a political analyst in Nepal. He is also a constituent assembly (CA) member and he served as a member in a CA thematic committee-the committee of Natural resources and economic rights. The summary of his opinions are highlighted below:

“I think everything in the country is directly linked/associated with the national politics. The historical studies of how forest and resources have been destroyed showed that state or the government is the main actor responsible for the destruction of forest in Nepal. The destruction was done for their different political and economic motives.

Talking about who conserve and destroy the biodiversity, we can see that outsiders are always the destroyers of the biological diversity in most of the places of the country, such as in Khumbu area of Solukhumbu district. So, no one can conserve biodiversity better than the local and indigenous people of the area. Similarly, biodiversity is conserved not only in the formal PAs but we find many cases where indigenous people and local communities are conserving biological diversities outside the formal PAs. Therefore, talking about better and successful biodiversity conservation, we need to rethink upon what we have done and how we have done until now.

Now the changing political and social context of the country demands that development and change including the biodiversity conservation in Nepal is possible if local communities are organized and powerful in doing themselves. Because, without making local people feel the ownership upon their resources, it will be impossible to make conservation effective. Similarly, local people have their own system of how to manage, how to conserve, how to adapt and many other forms of knowledge. But the existing laws and policies in Nepal do not have this principle.

Talking about decentralization of powers, it has become a much debated issue in Nepal. However, without understanding the social, political and cultural dynamics at the local level, decisions made at the central level will not work well. And that is the reason why existing laws in the country do not treat human beings as living beings.

It is interesting that the issues, demands and concerns in the villages are now becoming the issue of discussion even at the center of the politics and political processes. Therefore it is time to understand that the state will not function until the power and rights are decentralized to the local level. If the state becomes conservative then local people also become conservative. Decentralization will make a society well functioning and smooth.

Similarly, it is also time to rethink about the community managed forestry practices in Nepal. Because in many cases, the concept and practices of community forest have marginalized and excluded many indigenous practices and local livelihoods, such as sheep herders in the Himalayan ranges of far west Nepal have been negatively affected because of the community forestry concept and practices. It is found that the sheep herders have been prohibited from their traditional grazing areas due to the conversion of their grazing areas into the community forests. So, existing policies, laws and practices need to be reconsidered from the perspective and rights of marginalized and resources dependent communities.

Similarly, it will be impossible to create a harmonious society without decentralizing powers and authority to the local communities.

If we talk about pasture land management, local people or those who are using these lands hold detail knowledge of how to use, when to use, when not to use and other forms of knowledge and experiences. Therefore, talking about biodiversity conservation in Nepal, we should consider some of the issues: first linking potential of the existing biodiversity and socio-cultural transformations happening in the country; secondly these issues should be addressed not in the laws but in the states' constitution; it is no time to increase other PAs but develop system that help improve management systems and make local people more powerful and responsible; and should have close and interactive coordination between different communities as like concept of corridor for better and success of biodiversity conservation through community themselves."

4. RESPONSE AND OPINIONS OF THE PARTICIPANTS:

The participants of the program shared their responses and opinions upon the presentation, relevance of ICCAs and also upon the opinions of the panel speakers. The summary of the plenary session is divided into two separate groups: against the relevance of ICCAs and other is in the favor of ICCAs:

Opinions against the relevance of ICCAs:

- It will be more wise to strengthen the existing conservation and management systems rather than introducing new forms including formulation of new laws and policies;
- The term and concept on ICCAs is itself vague and it needs to be defined and explained in the Nepal's conservation practices and socio-cultural context;
- Actually, the things in the upper level are fine and easy to manage but the problem is always there at the local level. So promoting ICCAs will face lots of problems and conflicts;
- How ICCAs can recognize and address the contribution and practices of community forest in Nepal and its successes in the forest conservation is still confusing for its members and leaders;
- By legal provisions, practices and concepts, the community forests in Nepal are autonomous in itself. Although ICCAs seem like movement which demands an autonomous rights of the communities, it creates confusion about the space and contribution of community forest;
- The laws and practices of CFs in Nepal have already recognized the diverse forms of practices of forest management, like religious forest, forest conserved and managed by indigenous peoples, in all eco-regions of the country. So, there is a question on why ICCAs need different legal status and recognitions;

- It appears that ICCAs is a cross cutting issue. However the concept seems contradictory with community forests in Nepal. So, close and intensive dialogues and discussion between these two concept is a must;
- The term and concept of ICCAs seems very confusing for community rights activists and community leaders. The confusion is also about whether it is about PAs or Forest or anything else;

Opinions in the favor of the relevance of ICCAs:

- The culture and cultural diversity of the people have close relation with the existing or available biodiversity and it may be one of the means to improve governance and increasing size of PAs in Nepal;
- There are lots of indigenous practices of resource management which can be addressed by “ICCAs”;
- ICCAs is not merely an institution to conserve biodiversity but is also a form and means to institutionalize local democracy;
- The knowledge and experiences of ICCAs is not only a traditional and customary practices but it is also a scientific one;
- Projects and programs for biodiversity conservation and environmental conservation are always against the poor and marginalized. So, ICCAs will be a better system to institutionalize justice with ensuring biodiversity conservation;
- The biodiversity conservation can be made successful when cultural diversity is recognized and respected. So, the concept and practices of ICCAs is one of the best ways to respect cultural diversity;
- Many of the land use problems we are facing in the country can also be solved if the ICCAs is accepted and promoted;
- Almost all of the PAs in Nepal do not give decision making powers and rights to the local people so the concept will help to fulfill this gap;
- The government officials do not agree that existing laws and policies on biodiversity conservation are sufficient but in practice they are very problematic. It means most of the legal provisions are centralized and it creates problems in delivering services and generating benefits to the local people.

Neutral opinions on ICCAs:

- PAs and protected forests are two different part of biodiversity conservation and the concept protected forest have recognized the concept like ICCAs;
- Promoting ICCAs is relevant but its contextual definition is a must;
- Protected forest is a concept that accommodate all forms of forest management systems including religious, CF and others like ICCAs;
- Modernization and conservation are contradicting to each others. So, modernization is effecting negatively to the indigenous people and local communities rather than by the states laws and policies;
- ICCAs should also be interlinked with newly emerging issues like Reducing Emission from Deforestation and Forest Degradation (REDD), Payment for Ecosystem Services (PES);
- The government officials are more positive in the public forums but in practice they are more reluctant to accept people's rights;
- Biodiversity conservation is possible when local communities are more responsible and powerful;
- Indigenous people and local communities are looking for the solution on how their stake and contribution in biodiversity conservation could be acknowledged;
- The legal provisions and practices on conservation in different places under different forms like PAs, Protected Forest and Conservation areas, have created different forms and level of injustice to the people;
- While talking about the biodiversity conservation, the issues of the women rights should not be overlooked;
- The conservation practices of diverse communities in different places need to be interlinked;
- Cultural diversities associated with diverse cultural groups need to be transformed to the other generations;
- The states policies and project in the name of Protected Forest can be questioned in terms of community rights because the forest areas that have been declared as protected forest have been conserved, managed and utilized by the local communities for a long time and now community people are too much afraid of what will happen the rights and access of local people upon the resources under this forest management regime;

- The declaration of protected forest did not go through the intensive community discussions. The communities are deliberately neglected in the process of declaration of protected forest and also the way it will be managed and conserved, have not been discussed openly with the local communities. Now, local communities are in dilemma on what will happen and whether the protected forest will be similar to PAs or different;
- Although the laws on community forests seems like autonomous but in practice existing forest law is not sufficient to provide autonomy to the local communities. So, joint struggle and movement is a must to secure the rights of indigenous people and local communities;

5. RESPONSES OF PANEL SPEAKERS:

The panel speakers finally gave their final remarks including their responses to the speakers of the plenary session. The major points of their remarks are highlighted below:

- Many of the practices and knowledge existing at the local level have not yet been institutionalized, but they are in the process through national political debates;
- The discussion about ICCAs is not only the issue of indigenous people but it is about the management and conservation of overall natural resources and institutionalization of social and cultural changes in Nepal;
- There are debates and tussle in the national politics on whether the power should be given to the local communities or should it be centralized. So, debates about relevance of ICCAs is a part of ongoing national debates;
- In terms of the rights of local communities, the word "indigenous" is rejected or skeptical for the non-indigenous people but it is not a problems if we recognize the needs of decentralizing rights of the local communities and hence it is time for strengthening local communities;
- The successful conservation of PAs in Nepal is due to the participation and contribution of local communities but not because of the government and other organizations. However, complete success is not achieved because the local communities have not been given the autonomous rights in managing, conserving and utilizing the resources. For example, the leader elected from the people has no authority to take decisions (like recruiting employee, resources use) rather the power is given to the government employee;
- Understanding community forests and ICCAs are completely two different forms of management systems because in the case of ICCAs, the conservation, management and

utilizations are often based on the local culture and tradition rather than the institutions and systems developed by the outsiders;

- Almost all of the local and customary practices of conservation and management of the indigenous people is environment friendly, for example "indigenous people worship forest gods before hunting any wild animal, and they also worship river, forest or any resources before use them".

6. DISCUSSION AND CONCLUSION:

In general, ICCAs was appreciated by all participants of the program. It was also agreed that indigenous people and local communities are contributing invaluable to the conservation of biological diversity in Nepal. However, lots of questions and issues relevance to ICCAs in Nepal were posed. Firstly, the legal recognition of the ICCAs has remained one of the most debated issues among the participants. Many of the participants (namely the government officials) argued that existing laws are sufficient to give legal space and recognition to the practices like ICCAs. Similarly, the leaders and representatives of community forests and FECOFUN also argued that the existing forest laws and community forest have ICCAs in practice. Whereas other participants, namely community rights activists and members of the ICCAs argued that the existing laws and policies on biodiversity conservation is not adequate to recognize and promote ICCAs in Nepal. So, they argued that either the revision of the existing laws and policies or the formulation of new laws is a must.

The strong arguments against the need on the formulation of new laws were put forth. These opinion makers said that simply formulation of laws is not sufficient but their implementation important because many of the laws and policies which are sufficient in terms of people's rights have not been properly implemented in Nepal. In the same way, it is also argued that formulating new and immediate laws is not wise and appropriate. Rather, it is wise to better use the existing legal provisions and then orient policy makers towards the formulation or revision of existing laws gradually so that existing laws and community customary practices do not contradict each other.

The second issue mostly discussed by the participants was on the definition and meaning of ICCAs. The confusion on what ICCAs are, which areas may be included as ICCAs, and which may not be included in the ICCAs persists. The existing community forest practices and some religious forests in Nepal were taken as examples. The question was raised on how ICCAs and its network are different from community

forests and FECOFUN. So, it was suggested that the development of widely accepted and appropriate definition of ICCA is a must in Nepal's context.

Regarding the ways forward for the promotion and advancement of ICCAs in Nepal, diverse opinions and arguments were put forth in the interaction. The arguments and suggestions of the participants are summarized in the following points:

- Proper documentation and in-depth analysis of ICCAs and relate them with other issues like agro forestry, REDD, PES etc;
- Engage and contribute in the ongoing national policy making processes in Nepal that are relevant with this issue;
- Prioritize to introduce this issue as constitutional provision in the new constitution;
- Prioritize formulation of new laws and legislations on ICCAs;
- Better use and implement existing laws and legislations;

In conclusion, it can be said that the concept on ICCAs is appreciated and accepted, however there are contradictions about its relevance and the way forward. This contradiction is created by the debates over some issues, like criteria of ICCAs, laws and legislation for the recognition of ICCAs, and different between ICCA and CFs.

Based on these contradictions, it can be further concluded that ICCAs is still not conceptualized properly among the stakeholders. In most cases, the stakeholders understand that ICCAs is new form of biodiversity conservation model rather than recognizing and supporting the existing practices and knowledge. However, it is gaining attention among all its stakeholders and its constant interactions and discussions will help to reach at the point of safe landing. It means that constant interaction, debates and discussions with all stakeholders is a must for pushing issue in Nepal. Similarly, continued support and backstopping to the ICCA members and strengthening of the growing network are important asset in furthering ICCA policy advocacy and lobby process.

ACKNOWLEDGEMENT

We are grateful towards GEF/SGP/UNDP for providing financial support to organize the program. We acknowledge all the delegate speakers for their time and candid opinion on the issue. We would like to thank all participants for their active engagement in the program. We would also like to express our gratitude to the members of Ban Chautari Consortium for their support. Last but not least, thanks go to Rahul Karki for editing the report and Amrit Adhikari, Lalit Thapa, Anju Khand, Arjun Gyawali, and Sanjeeb Bir Bajracharya for the logistic supports.

ANNEXES

ANNEX 1: PROGRAM SCHEDULE

| Time | Details/Activity | Facilitator |
|-------------|---|---|
| 8:00-9:00 | Tea + Registration | all |
| 9:00-9:15 | Welcome and Program Introduction | Dr. Naya Sharma Paudel (ForestAction Nepal) |
| 9:15-9:45 | Role of ICCAs in Biodiversity Conservation in Nepal | Jailab Rai |
| 9:45-11:05 | Panelists | Dr. Ram Prasad Chaudhary (Professor, TU) |
| | | Man Bdr Gurung (ICCA Network Nepal) |
| | | BishwoNath Oli (FoF) |
| | | Apsara Chapagain (FECOFUN) |
| 11:05-11:30 | Tea Break | |
| 11:30-12:55 | Open Discussion | All participants |
| 12:55-1:10 | Response by panel speakers | Panel Speakers |
| 1:10-1:15 | Summarizing the interaction and closing | Dr. Naya Sharma Paudel (ForestAction Nepal) |
| 1:15-2:15 | Lunch | |

ANNEX 2: PARTICIPANTS OF THE PROGRAM

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ANNEX 3: PRESENTATION SLIDES

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जैविक विविधता संरक्षणका साभ्ना विशेषताहरु

- परम्परागत मुल्य, मान्यता तथा अभ्यासहरुका आधारमा संरक्षण गरिदै आएको,
- साँस्कृतिक विविधता र जैविक विविधताहरु एक आपसमा अन्तर सम्बन्धित रहेको,
- जैविक विविधताको संरक्षण नै गर्ने उद्देश्य नभए पनि ती अभ्यासहरुले केही न केही रूपमा जैविक विविधताको संरक्षणमा योगदान पुऱ्याइ रहेको,

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संरक्षणका स्थानीय अभ्यासहरुलाई मान्यता दिने अन्तराष्ट्रिय सन्दर्भहरु

- **वल्ड पार्क कंग्रेस (प्रत्येक १० वर्षमा):**
 - 5th world Park Congress in 2003: Durban Action Plan that contains 10 Outcomes and 14 Targets. Of them Outcomes number 5 and 8 are most important.
- **जैविक विविधता महासन्धी पक्ष राष्ट्रको सम्मेलन:**
 - **CBD COP 7 in 2004:** in Durban Africa declared "Program of Works on Protected Areas (PoWPA)" and the Program Element 2 is important that is about "Governance, Participation, Equity and Benefit Sharing of CBD"
 - **CBD COP 10 in 2010:** in Nagoya, Japan in 2010 declared Aichi Targets that contains 5 strategic goals and 20 targets.
 - **CBD COP 11 in 2012:** in Hyderabad India, the essence of Aichi Targets have been reemphasized.
- **वल्ड कन्जरभेसन कंग्रेस:**
 - **World Conservation Congress by IUCN in every 4 years:** Protected Area Categories and Governance Matrix in 2008 is most important
- **संयुक्त राष्ट्रसंघको अन्तराष्ट्रिय श्रम संगठनसम्बन्धी महासन्धी (आई एल ओ १९९) :**
 - **44 Articles:** Provisioned to respect and recognize indigenous people's culture related with natural resources and biodiversity, self-determination.
- **संयुक्त राष्ट्रसंघको बादिवासी जनजातिहरुको अधिकारसम्बन्धी घोषणापत्र (UNDRIP):**
 - **46 articles:** Provisioned to respect rights of indigeneous people over their traditionally owned land, territories and resources, self-determination, free and informed consent rights.

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संरक्षित क्षेत्रसम्बन्धि IUCN ले अद्यन गरी पत्ता लगाएको शासकीय तहहरू

| Category (management objective) | Governance type | | | |
|---|---------------------------------------|---|----------------------------|---|
| | A. Government Managed Protected Areas | B. Co-managed Protected Areas (shared governance) | C. Private Protected Areas | D. Indigenous & Community Conserved Areas (ICCAs) |
| I - Strict Nature Reserve/ Wilderness Area | | | | |
| II - National Park (biological protection of cultural values) | | | | |
| III - Natural Monument | | | | |
| IV - Habitat/ Species Management | | | | |
| V - Protected Landscape/ Seascape | | | | |
| VI - Managed Resource | | | | |

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के हो आइसिएए भनेको?

- आदिवासी जनजाति तथा स्थानीय समुदायहरूले संरक्षण, व्यवस्थापन तथा उपभोग गर्दै आएका ठाउँ वा क्षेत्रहरू (जस्तै, वन जंगल, धार्मिक स्थल, चरण क्षेत्रहरू, ताल, पोखरी आदि) हुन् (आइसिएए २००८) ।
- जहाँ संरक्षण तथा व्यवस्थापनको तरिका चाँहि परम्परागत ज्ञान, सिप, मूल्य, मान्यता, तथा अभ्यासहरूका आधारमा हुन्छ (आइसिएए २००८) ।
- आइसिएएका तीन वटा आधारभूत विशेषताहरू हुन्छन् :
 - निर्णय प्रक्रियामा समुदायको प्राथमिक एवं प्रमुख भूमिका रहने,
 - जैविक विविधता संरक्षणका लागि स्थापित भैसकेको र क्रियाशिल परम्परागत संस्थागत संरचनाहरूको अस्तित्व भएको,
 - ती क्रियाकलापहरूले जैविक विविधता संरक्षणमा प्रत्यक्ष तथा अप्रत्यक्ष योगदान पुऱ्याउने ।



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जैविक विविधता संरक्षणमा आएका नयाँ सोचहरू

- जैविक विविधता संरक्षणमा आदिवासी जनजाति तथा स्थानीय समुदायहरूको परम्परागत ज्ञान, सिप, मूल्य, मान्यता तथा अभ्यासहरूको महत्व भएको कुरा स्विकार गरिएको,
- जैविक विविधताको संरक्षण र साँस्कृतिक विविधता विच अन्वोन्यासित सम्बन्ध भएको कुरा स्विकार गरिएको,
- सुशासन (जस्तै समानुपातिक लाभको वितरण, पूर्ण सहभागिता, पूर्व तथा पुर्ण सुशुचित अधिकार) र जैविक विविधताको संरक्षणको सफलताका विच निकट सम्बन्ध भएको कुरा विस्तारै स्विकार गर्न थालिएको,
- आइसिएएलाई कानुनी मान्यता दिदा जैविक विविधता संरक्षणका उद्देश्यहरू हाँसिल गर्न सकिने कुरा स्विकार गरिएको ।



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नेपालमा आइसिएएको सान्दर्भिकता

- वैधानिकताका लागि:** विभिन्न स्वरूप र आकारहरूमा विभिन्न ठाउँहरूमा सयौंको संख्यामा रहेको
- सुरक्षा तथा पहिचानका लागि:** आन्तरिक तथा वाहिरिय जोखिम, धार्मिक, सामाजिक, तथा साँस्कृतिक पहिचान
- स्थानीय पहल तथा योगदानहरूको सम्मान गर्नका लागि:** पुगै देखिको अभ्यास तथा योगदान
- संरक्षणमा सामुदायिक भावना तथा अभ्यासलाई बफ बलियो बनाउनका लागि:** सामुहिक अभ्यास, मूल्य, मान्यता तथा भावनाको विकास
- जैविक विविधता संरक्षणको दिर्घायुका लागि:** संस्कृत र जैविक विविधता विचको सम्बन्ध
- अन्तराष्टिय कानूनको पालना गर्नका लागि :** नैतिक तथा व्यवहारिक

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नेपालमा आइसिएएको पहिचानले ल्याउने गुणात्मक परिणामहरू

- संरक्षणको काममा स्थानीयक तहमा जोस, जाँगर तथा उत्तरदायीपना पढाउछ:** उत्तरदायी, गौरवान्वित, अपनत्व
- राज्यलाई भएको संरक्षणको बोझ र खर्च कम गर्छ:** राज्यले जानेर वा अन्जानमा लिनु परेको संरक्षणको कामको बोझ
- संरक्षित क्षेत्रहरूको वैधानिक आकार वा क्षेत्रफल वढाउछ :** घोषण गरिएका संरक्षित क्षेत्र भन्दा बाहिर रहेका संरक्षित क्षेत्रहरूले
- देशमा स्थानीय लोकतन्त्र तथा न्यायपूर्ण समाजको निर्माणमा मद्दत पुऱ्याउछ :** सहभागिता तथा उत्तरदायित्व
- सामाजिक तथा साँस्कृतिक पहिचानको सम्मान गर्ने पद्धतिको निर्माणमा सहयोग पुऱ्याउछ :** संस्कृति र प्रकृति
- कानून र अभ्यासका विच तालमेल ल्याउछ:** धेरै ठाउँहरूमा कि त कानून अनुरूप भएका छैनन् कि भइरहे अनुसार कानून छैन ।

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| विद्यमान निती तथा कानुनी व्यवस्था: आईसिसिएको पहिचान तिर उन्मुख | |
|---|--|
| सवल पक्षहरू: <ul style="list-style-type: none">• नियन्त्रित लाभ: स्रोत तथा लाभको विवरणमा व्यवस्थापन योजनाहरू अनुसार)• स्थानीय सहभागिताको आवश्यकता महसुस : (उपभोक्ता समिति, समूह गठन)• क्षतीपूर्ती: (दिइनुपर्ने कुराको महसुस, निर्देशिका बन्नु)• सुधारोन्मुख नितीहरू: (परम्परागत ज्ञान, सिप, अभ्यासहरूका सवालमा) | कम्जोर पक्षहरू: <ul style="list-style-type: none">• स्पष्ट कानुनी मान्यता पाउन नसकेको: परम्परागत ज्ञान, सिप, मुल्य मान्यता, अभ्यासहरूले• पहिचान तथा कदर नभएको: युगौं देखि संरक्षणमा गरेका योगदानको• राष्ट्रिय तथा अन्तराष्ट्रिय स्तरमा भएका राम्रा र उत्तम कानुनी तथा व्यवहारिक वा अभ्यासहरूलाई मान्यता र प्रोत्साहन नभएको• ऐन कानूनहरू समयसापेक्ष परिमार्जन नभएको । |

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| नेपालमा जैविक विविधता संरक्षणको सवालमा उठेका प्रश्नहरू |
|---|
| <ul style="list-style-type: none">• नेपालमा आईसिसिएहरूको सान्दर्भिकता कति छ?• आईसिसिएहरू नेपालको जैविक विविधताको संरक्षणमा योगदान पुऱ्याउन सक्छन्?• यदि हो भने यसका लागि आगामी बाटो के हुन सक्छ ? |

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ANNEX 4: SOME PHOTOS OF THE INTERACTION PROGRAM



Participants in the opening session of Ban Chautari interaction



Dr. Naya Sharma Paudel (left corner) welcoming to the Participants



Jailab Rai (in right corner) presenting his paper



Panel Speakers of the program



Participants listening to the panel speakers



A participants taking photo of the panel speakers and other participants



Participant from Department of Forest (Yam Bahadur in middle) sharing his views



Participants from NTNC in middle (member Secretary-Juddha Gurung) sharing his opinions



Participants in the plenary session



Participant from Department of Forest (Pasupati Koirala in left) sharing his views



Participant from Tsum Valley (in middle- Neema Lama) sharing his opinions



Participant from ICIMOD (Bandana Shakya in middle) sharing her view



Participant from OFSUN (Chair-Bhola Khatiwada in middle) sharing his views



Dr. Naya Sharma Paudel (right corner) facilitating plenary session



Dr. Naya Sharma Paudel facilitating plenary session



Panel speakers sharing their final remarks

वन चौतारी कार्यक्रम

नेपालको जैविक विविधता संरक्षणमा आदिवासी जनजाति तथा स्थानीय समुदायहरूद्वारा संरक्षित क्षेत्रहरू (ICCA)को भूमिका
(Role of ICCAs in Biodiversity Conservation in Nepal)

२०६५ साल पौष ३ गते (December 18, 2012)
Kathmandu

आयोजक (Organized by)
वन चौतारी कन्सोर्टियम
(Ban Chautari Consortium)