

Media Roundtable Discussion
on
**Policies and Practices of Biodiversity
Conservation in Nepal: The Role of
Indigenous and Community Conserved
Areas (ICCAs)**

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ORGANIZED BY:



&

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SUPPORTED BY:



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INTRODUCTION:

Recognition and support to Indigenous and Community Conserved Areas (ICCAs) is increasingly gaining space in the policy debates in Nepal. The attention of media is most crucial in bringing the issues and concerns of ICCAs in the public debate. With this realization, a half day interaction entitled ***“Policies and Practices of Biodiversity Conservation in Nepal: The Role of ICCAs”***, exclusively with the media people, was organized on 4th December 2012, in Kathmandu.

The program was jointly organized by ForestAction Nepal and Community Development Organization (CDO). Dr. Naya Sharma Paudel and Mr Jailab Rai from ForestAction Nepal presented a paper on how the concept of ICCAs originated in debates around Protected Areas (PAs) over the years. Mr Somat Ghimire (from CDO) briefly shared about the history of PAs in Nepal and its implications on the livelihoods and rights of the indigenous people and local communities residing within and around the PAs.

Individuals representing different Media including news paper columnists, political analysts, ForestAction Nepal and CDO were present during the program. The summary of the presentations and responses of the participants are discussed below.

SUMMARY OF THE PRESENTATIONS:

Mr Somat Ghimire from CDO briefly shared about the history of PAs in Nepal and its implications on the livelihoods of local communities, particularly the indigenous communities residing in and around areas. Some of the highlights of his sharing are:

- The introduction of PAs in Nepal, principally and practically, was an attempt to isolate the indigenous people and local communities from their roles and contribution in biodiversity conservation;
- Now, it is time to contribute towards democratizing the existing natural resources including those of PAs;
- The democratization of the PAs in Nepal means different to indigenous peoples when compared to the non-indigenous people because the establishment of PAs do not have similar impacts;

- It is apparent that the management and governance of modern PAs are questionable in terms of whether the current practices are appropriate in terms of biodiversity conservation and local livelihoods;
- The concerns and issues in and around the PAs in Nepal have not been adequately discussed in the Media.

Subsequently, Dr. Naya Sharma Paudel and Jailab Rai from ForestAction Nepal presented a paper entitled “Policies and Practices of Biodiversity Conservation in Nepal: The Role ICCAs”. The presentation highlighted PAs and growing debates on the relevance of ICCAs both at global and national level. Some of the highlights of the presentation are:

- Increasing environmental degradation and adventurous interest of some rulers promoted the establishment of formal PAs in the world, however eventually conflict between the communities and PA authorities increased explicitly;
- However, international agenda on PAs slowly shifted from the notion of wilderness to development and towards cultural recognitions for biodiversity conservation;
- Various international laws and policies have been formulated that support s rights and participation of local and indigenous people;
- There is also conflict and debates between development practices and biodiversity conservation. Also the sharing of benefits out of the PAs has also become an issue of public debate;
- The movements and struggle by the local communities for their rights on resources, like Chipko movement in India, indicate that development and the environmental conservation in most cases have become negative and exclusionary for poor and indigenous peoples;
- In most of the cases the environmental policies, laws and practices, the poor and local communities have been made injustice;
- Promoting local commons can help better management and conservation of natural resources (argued by Ostrom can be discussed in biodiversity conservation);
- In Nepal, the size and the number of PAs have increased rapidly since 1970s, but they have at the same time introduced problems for local and indigenous peoples in and around these PAs;
- The policies and laws on PAs in Nepal seem progressive over the years and decades however, the management of these PAs still operate through a centralized governance system in practice;

- Looking at the practice of biodiversity conservation in Nepal, many indigenous and local communities in different places of the country have been conserving sites rich in biodiversity through their customary laws and practices. Such as Sherpa in Khumbu area, Bompoo religious people in Pungmo Dolpa, and many others.
- There are lots of international laws, decisions and declarations that recognize customary laws and practices of local communities and indigenous people in biodiversity conservation;
- Despite number of policies and laws on PAs in Nepal, it is now time to discuss among all stakeholders on how PAs in Nepal can be democratized in the days to come.

Following the presentation, the open discussion was conducted which was framed on three pertinent questions/issues as follows.:

- Alternative to PA or democratization of PA?
- What are the governance reform agenda?
- Are ICCAs relevant in Nepal? Will they complement existing PAs in conserving nature?

SUMMARY OF THE RESPONSES AND OPINIONS OF PARTICIPANTS:

The participants shared their personal responses and opinions on the presentations and their argument based on the questions. Summary of the arguments, responses and opinions of the participants have been categorized in two groups: opinions in the favor of the relevance of ICCAs and arguments against or questioning upon its relevance:

The arguments against relevance of ICCAs:

- The interest of engaging in the ICCAs issue is not the same for different institutions and individuals because such new ideas are often guided by other agencies with different interests;
- Community rights and participation of local communities are practically becoming a network and platform for local elites. So, there is a risk of emergence of new local elites in the name of ICCAs;
- In most of the experiences in Nepal, community groups and networks did not become means to capacitate and benefit local communities and indigenous people, rather these became a better platform for the local elites and other interest groups;

- The state's roles and initiatives in biodiversity conservation are not completely wrong. For example, Chitwan National Park area is an exemplary and has been conserved until now because of the states' control and role in conserving this area;
- We have now questions for the relevance of increasing the size and number of PAs in Nepal but at the same time the role model of better managing biodiversity must be showed so that new policies can be logically initiated;
- Most of the initiatives and issues we raise time and again are most often raised or introduced by outsiders rather than ourselves which should have been based on grounded reality;
- Issues and concerns of the local and indigenous people are often raised but the benefits later become just in the hands of limited people or local elites or outsiders;
- Advocacy for local and indigenous people's rights perhaps influenced by international laws like ILO 169, UNDRIP has created problems rather than bringing solutions;
- Not only PA laws and policies, but conflicts and contradiction are created by the struggle for civilization and urbanization;
- The issues raised in this discussions are always right but transforming them into practice is lacking;
- Mostly, the institutions and organizations developed over the years in Nepal's history shows that they are institutionalized for movements rather than for sake of income generation activities or improving the livelihoods of the local poor and marginalized communities;
- The concept of community based conservation (like Annapurna Conservation Area) have not benefited the poor, rather they have benefitted limited number of people, communities and local elites;
- To discuss the importance of the concept like ICCAs, we should compare the rights of indigenous people before and after the establishment of PAs so that further policies can be initiated;
- There is always a central question on how can ICCAs benefit the marginalized indigenous people?;
- There will be no guarantee of long lastingness or sustainability of the concept and practice of ICCAs although it is recognized in the national laws and policies;

Arguments in the favor of the relevance of ICCAs in Nepal:

- The perspectives of PAs and existing policies and laws are not appropriate from the eyes of the livelihood and cultural rights of the indigenous people because they have never been developed on the basis of local context;
- Perspectives and understanding of cultural richness of indigenous people are always neglected and hence they are blamed as the exploiters of biodiversity in the modern PA systems;
- The concerns and issues of indigenous people in Nepal have been interpreted diversely (by rights holders, stakeholders and others) and because of that, the rights of indigenous people have become a debated issue ;
- The documentation of diverse conservation practices and existing knowledge at local levels is a must for further policy and legal initiatives;
- It is time to rethink whether to conserve human beings or nature or both can go together;
- The birth of local elites is not a problem, however problem is with the inability to manage these elites properly;
- PAs in Nepal have become the property of government employees and to some extent of the local elites rather than marginalized indigenous people and local poor who are totally resource dependent. So, PAs have adversely affected the indigenous people;
- PAs has also created other social problems like human rights abuses and cases of women giving birth to children whose father are unknown. So, the question remains on why PAs and for whom the PAs are?;
- The PAs have become political and economic space for government employees and capitalists, for example a warden and other government officials say that “we live in the forest but rule throughout the district” and many of the capitalist earned a lot by running hotels in the national parks;
- The establishment of PAs could not create an environment to develop local entrepreneurship to the local and marginalized people because local people and indigenous people could not open any of the hotels in the national park areas. So, it is time to discuss on how PAs can really benefit the local people;
- It is time to initiate separate laws and policies for recognizing local practices that contribute biodiversity conservation but many of such practices have disappeared;

- Local social institutions and government initiated institutions are not compatible to each other in terms of benefit distribution, income generation and biodiversity conservation;
- Presence of local elites is not an issue because they can be managed easily;
- Local people have the knowledge on resource and biodiversity conservation (e.g. Kabela river in between Taplejung and Panchthar of east Nepal, where local people have knowledge of what to produce and what not);
- Local awareness regarding their rights and readiness for the management of their rights to access and control over resources is gradually developing;
- It is time to rethink about not only the international corridor for biodiversity conservation but also in the national level possible corridors that promote local democracy and local participation;
- The problem of local elites can be managed very easily by provisioning the rights and obligation of local people together and decentralizing power to make local people responsible in the conservation;
- Democracy can sustain when rights are devolved and are prioritized from local through higher institutions but it is unfortunate that powers are centralized in Nepal. So, best idea is to institutionalize local knowledge and experiences.

SUMMARY AND CONCLUSION

Birth of local elites and their control in the local socio-political spheres in the name of different community initiatives (including community forestry) has become one of the most questioned issues by the media people. Similarly, the international support received in different forms has also become another issue of concern raised by the Media. Moreover, the general understanding about what ICCAs are and how it has been practiced is misunderstood or misinterpreted by many Media people. Many of the participants perceived ICCAs as the concept and idea introduced from the outsiders.

Whereas, some of the media people have questioned on how the establishment of PAs in Nepal undermined and neglected the traditional livelihood rights of indigenous people and resources dependent local communities. Similarly, some of the participants questioned upon the philosophical underpinning of the modern PA management systems and its negative impacts. By questioning upon the inadequacy of the provisions in the existing laws and policies, they also argued about the needs to rethink new policies and laws that address the rights of indigenous people and local communities.

However, the concept ICCAs was new for almost all participants present during the program. This shows that there is a need for further debate and discussion around the issue to have a better sense of ground realities existing in the form of customary laws and practices. From the opinions of put forth by the participants, ICCAs is perceived as establishing new forms of biodiversity conservation models rather than recognizing and supporting the existing practices and knowledge. Similarly, they also questioned on how the concept ICCAs can ensure that the benefits will go to the marginalized and excluded people including indigenous people. So, the skepticism among the participants indicates that further interaction with media people is a must to push the issue of ICCAs in Nepal.

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ANNEXES

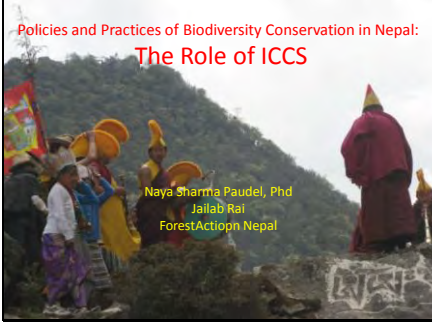
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ANNEX 2: PRESENTATION SLIDES

Slide 1


**Policies and Practices of Biodiversity Conservation in Nepal:
The Role of ICCS**



Naya Sharma Paudel, Phd
Jallab Rai
ForestAction Nepal

Slide 2


Environmental devastation
In the US North-West



Idea and practice of National Parks

King George's hunting camp in Chitwan Dec, 1911 (39 tigers, 18 rhinos and 4 bears)


Adventure in African Parks



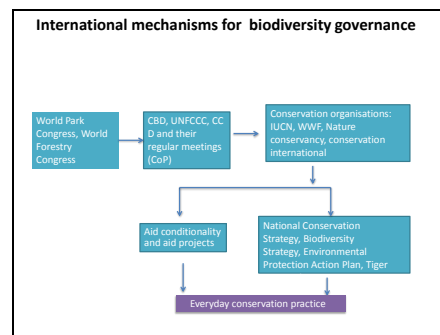
Slide 3

Changing international agenda

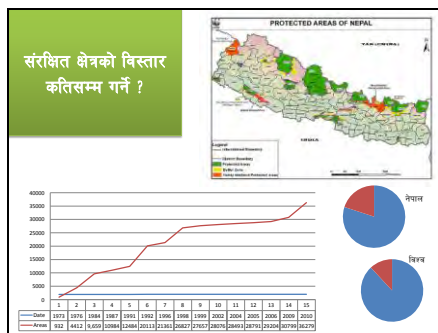
Sustainable development, decentralisation, participation (1980s) → Millennium Development goals (MDGs) (2000) → Security strategic/military environmental - climate change (2006)



Slide 4



Slide 5



Slide 6

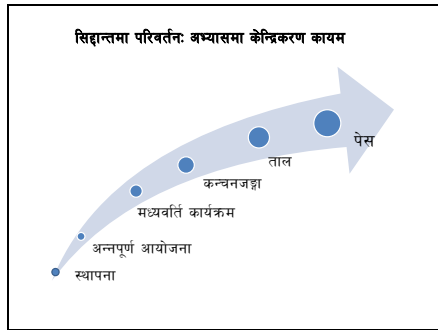
संरक्षणका नकारात्मक असरहरू

आफ्नै श्रोतमाथि प्रतिबन्ध: पूरै जीवन नैरकनुनी, दश हजार आसपास सेना, शिखराम चौधरी: वन्दीमाथी अतिचार, १२ वर्षकी बालिका सहित रमहीलाको हत्या, गत वर्ष मात्र १७ जनको मृत्यु, सयौं आमाहरू बाबुको परिचय विनाका बच्चा सहित अस्पताल

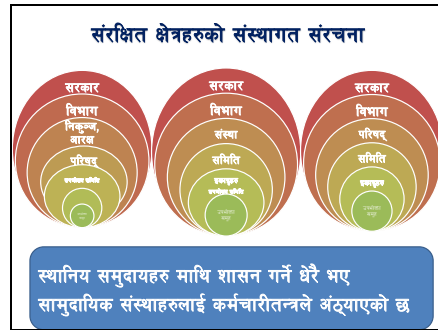




Slide 7



Slide 8



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संरक्षित क्षेत्रको पक्ष, विपक्षमा तर्क

संरक्षित क्षेत्रको पक्षमा

- अन्तर्राष्ट्रिय बाथिल
- सहभागी विकास सत्र
- प्रजाति प्रेम, बैधिक मार्ग
- पर्यटन-पर्यटन, होटल व्यवसाय

संरक्षित क्षेत्रको विपक्षमा

- विस्थापन,
- परम्परागत ब्यवसायहरूको नकार
- बाथिकोपार्जनमा बाधा
- बन्सकान्तु - बासी, पशुपत्तु, बागिस
- शैतिक, कर्मचारीको डुराचार

Slide 11

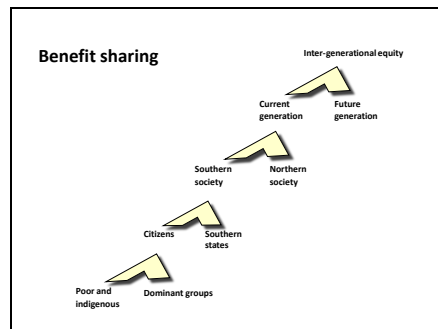
Nature – culture relation in Nepalese society

Many religion/culture worship nature – Animal, river, tree, mountain, sky, air, fire

Slide 10

Which interaction with nature is sustainable?

Slide 12



Slide 13

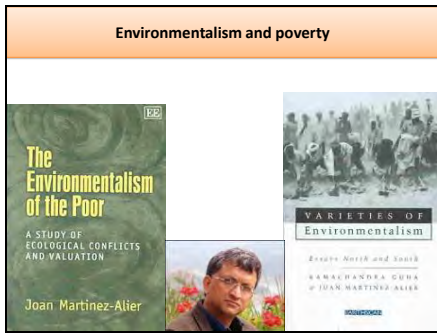


Slide 14

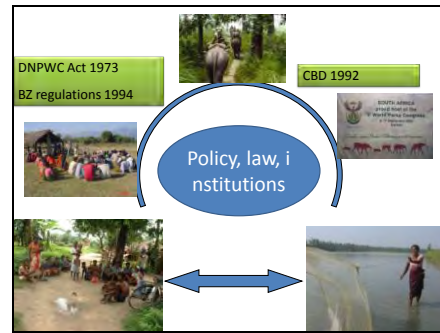
Movement against PA management has not drawn much attention

- Powerful conservation appeal
- International liability, aid
- Growing middle class preference
- Politically weak constituency
- Misleading development promises
- Advantage of internal inequality

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Theories of collective action in the commons

Design principles

- Common understanding of the crisis
- Clearly defined boundaries
- Rules are well matched to local conditions
- Most affected ones participate in modifying the rules
- A system for self-monitoring exists
- A graduated system of sanctions is used
- Exclusion rights are legitimate
- Existence of conflict resolution mechanisms

GOVERNING the COMMONS

ELINOR OSTROM

The Evolution of Institutions for Collective Action

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Slide 19



Slide 20



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International policy discourses

- **World Park Congress, 2003:** Durban Action Plan [10 outcomes and 14 targets]
- **CBD COP 7 (Program of Works on Protected Areas-PoWPA) 2004:** 16 goals, divided across 4 programme elements
- **IUCN Protected Area Categories and Governance Matrix 2008:** after 5 years long global studies identified four types of governance categories-
- **CBD COP 10 in Nagoya, Japan in 2010:** 5 strategic goals and 20 targets
- **CBD COP 11 in India 2012:** Recognized the relevance of promoting ICCAs to meet Aichi Targets and ICCA related programs and priorities have been re-emphasized.
- **The Convention on Indigenous and Tribal Peoples, 1989 (known as ILO 169) and United Nations Declaration of Indigenous Peoples (UNDRIP):** : consists of total 44 articles-Recognized the rights of IPs on traditional land, territory and natural resources (Nepal has ratified it on 2007)

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What are ICCAs?

- **What is ICCA:**
 - According to IUCN “*ICCA is a natural and/or modified ecosystems, containing significant biodiversity values, ecological benefits and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means*”.
- **Essential features of ICCA:**
 - **Predominant role** of community in decision-making;
 - **Well established and Functioning institutional mechanism** for conservation and management (customary/statutory, traditional/new)
 - Achieving or having potential to **achieve conservation** of biodiversity (protection and/or sustainable use)

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Governance Category	IUCN PA Governance Categories			
	A. Government Managed Protected Areas	B. Community Protected Areas (shared governance)	C. Private Protected Areas	D. Indigenous & Community Conserved Areas (ICCA)
Wildlife (Wildlife Conservation)				
1. Strict Nature Reserve (Intended for scientific research)				
2. National Park (Intended for protection of natural heritage)				
3. Natural Monument				
4. Biosphere Reserve				
5. Protected Landscape/Seascape				
6. Managed Resource				

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Policy avenues for ICCAs in Nepal

- **Policies:**
 - National Wetland Policy, 2003
 - Nepal Conservation Strategy, 1988(2045)
 - Biodiversity Strategy, 2002
 - Others.....
- **Acts:**
 - National Park and Wildlife Conservation (NPWC) Act 1973 (2029 B.S)
 - Forest Act 1993 (2050 B.S) and Forest Regulation 1995 (2051 B.S)
 - Environment Protection Act, 1997(2053)
 - Others.....
- **Regulations and Guidelines:**
 - Himalayan National Park Regulation 1979
 - Buffer Zone management Regulation 1996 (2052 BS) and Buffer Zone Guidelines, 1999:
 - Conservation Area Management (CAM) Regulation, 1996(2053):
 - Kanchenjunga Conservation Area Management Regulation, 2005
 - Others.....

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Issues for discussion

- Alternative to PA or democratization of PA?
- What are the governance reform agenda?
- Are ICCAs relevant in Nepal? Will they complement existing PAs in conserving nature?

ANNEX 3: SOME PHOTOS OF THE INTERACTION PROGRAM



Participants discussing about the issue



Participants discussing about the issue



Dr. Naya Sharma Paudel presenting



Dr. Naya Sharma Paudel presenting



Participants listening presentation



Participants discussing about the issue



Participants sharing their opinions



Participants sharing their opinions



Participants sharing their opinions