COMMUNITY CONSERVED AREAS IN SOUTH ASIA

Nepal

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with comments from Stan Stevens

ABSTRACT

The report captures the evolving learning on CCAs as well as findings of a micro scale studying carried out by the author in Nepal. Although the understanding, discussions, deliberation and debates surrounding CCAs in Nepal - now increasingly under the discourse of Indigenous Peoples and Local Community Conserved Areas (ICCAs) - have significantly progressed, heightened and deepened since the time of the study (2008-09); the report can be considered pioneer work from the lens of CCAs in Nepal.

While Nepal offers vital lessons and experiences of conservation (both old and new), the study pitches the inquiry with the emerging discourse and expanding knowledge of CCAs internationally. The study presents five case studies (hill forests conservation by Chepang indigenous peoples in hill tracts of Chitwan; a sacred wetland and sacred forest the heart of Kathmandu valley; Rupa lake conservation and fisheries management under the local stewardship in the popular Pokhara valley; an exemplary community forests significantly contributing biodiversity on the edge of Kathmandu valley) and their related analyses. The report traces and discusses the diversity and richness of existing and potential CCAs in Nepal.

Rather than a comprehensive study, this work should be treated as a snapshot contributing to the emerging and evolving discussion and knowledge on CCAs in Nepal. Though the study is based on early works of CCAs in Nepal. The report is forward-looking and also seeks to provide future directions towards more comprehensive work on CCAs for both enhanced conservation and people's stewardship in Nepal.

Keywords: Nepal, conservation, forest, wetland, community, indigenous, lake, bird, fish, legislation

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Introduction

The present write up is based on a study on Community Conserved Areas (CCAs) in Nepal that was carried out between mid 2008-2009. The study primarily documents five major CCA sites in detail and identifies several others, including sites that have the potential to be regarded as CCAs given the required support in future. The study reveals prevalence of a wide number of CCAs in Nepal both old and new. It identifies that there are hundreds of customary and de facto CCAs maintained by local communities and indigenous peoples co-existing within and beyond the existing protected areas of Nepal.

Despite the role of CCAs in biodiversity conservation and livelihood security, legislation and policies of the state related to protected areas do not recognise them as a governance types. However, legal analysis depicts that there are spaces in some existing laws that can recognise community management of natural resources and sacred forests. Moreover, there are provisions in forestry related legislation which recognise local people's management of state-owned forests and sustainable use of forest resources. The legal support, however, is still not adequate. Additionally, documentation of CCAs and in-depth analysis of their governance is also scanty.

Given the changing political context and current debates regarding the restructuring of the Nepali state, there are immense opportunities to enhance positive lessons in participatory resource management and conservation; as well as reform in the existing gaps on protected areas and forestry sector. Given the prevalence of CCAs in Nepal, it is imperative to support the goal of nature conservation, as well as secure local livelihoods, sustain cultures significantly contributing conservation in Nepal. Against the backdrop of Nepal's experience in participatory conservation and innovations in community based forest management, the debate about CCAs would add greater value to this end.

[1]For latest publications building upon the learning of this study and further discussions on CCAs in Nepal, refer to Jana and Poudel 2009; Jana and Poudel 2010, Rai 2011.

Methodology

The entire period of the study was 11 months, starting from August 2008 and ending in July 2009. However necessary fieldwork at selected CCAs was completed within the period of the first six months. Constrained by the time factor and resource available for the study, five such case study sites were selected for deeper inquiry that lack adequate documentation. Selection was also based on the nature and special characteristics of the sites and representation of diverse ecosystems. These included wetlands, small forests and larger landscapes. For example, the community forest selected was particularly due to its relevance for bird conservation by local communities and their motivation towards connectivity between several other community forests in the vicinity. During the fieldwork in the selected sites, group interviews, unstructured interviews with members of the community, field observations and transect walks were carried out. Few other cases relevant for the study were also briefly inquired through review of secondary literature as well as interviewing key informants.

Interviews were also conducted with key informants and relevant individuals, representative of the organisations having expertise and interests in the subject of inquiry. These included government officials from Department of National Parks and Wildlife Conservation, Community Forestry Division of Department of Forest, Ministry of Forest and Soil Conservation, legal expert of Federation of Community Forest User Groups, experts from Forest Action Nepal, National Trust for Nature Conservation, representative of Conservation and Sustainable Use of Wetland Project, experts and representative of IUCN Nepal and other individuals.

Information collected and documented was analysed based on key questions explored in the study as per the guidelines developed by Kalpavriksh, the lead organisation executing the project. The report writing, thereby, follows the common format developed by the lead organisation. The report was finalised after a national level workshop as a well as a South Asia regional workshop organised during first week of August, 2009. Community representatives from the case study sites and other relevant CCAs in Nepal also commented on the preliminary findings of the study.

PART 1
Case Descriptions

1. Chepang Indigenous Peoples: Forest Management at a Landscape

Chepangs, one of the highly marginalised indigenous peoples of Nepal have been managing an estimated forest area of 300 hectare(ha). Stretching over six hills (locally called the *Danda*), namely, Gari hill, Sukring hill, Bhote Khoriya hill, Syaulo Chuli hill, Devi hill, Biwa khola hill, Hapani hill and Ruwali hill, these forests are conserved by 103 Chepang households. The landscape is surrounded by two small rivers Asha Khola in the south and Riddi Khola in the north.

Within these forests, there are patches that are considered sacred and others where all use is forbidden. For example, a common belief associated with Syaulochuli hill forest is that the Ban Jhankri (forest shaman) dwells here. The shaman is believed to harm those who access resources from this part. It is

A sacred site within the forest managed by the Chepangs (Courtesy: Sudeep Jana)

A community leader of the Chepangs showing the forest being managed by them (Courtesy: Sudeep Jana).

believed that those who collect firewood, or fell trees in the area have suffered misfortunes. The local people therefore refrain from accessing forest resources from this location. The Hapani hill on the other hand is considered sacred and a small temple is located here. Forest in and around the temple is tall and dense compared to other locations. Local people offer chicken and goats to appease the deity. While the fallen wood is collected from these forests, felling of trees is not allowed.

Local Chepangs, however access various resources such as, grass, fodder, firewood, and wild fruits from the other parts of the conserved forest. *Katus (Castanopsis indica)*, rhododendron, *kurilo (Aspragus racemosus), sinkauli (Cinnamomum tamala) and kafal (Myrica esculanta)* are among the commonly found trees in these forests. The local people harvest Katus seeds for sale. Seasonal harvesting of Katus is free for all members of the local community. The local Chepangs also collect a variety of wild medicinal herbs from the forest such as *Bajuri, Gurko lahara* (wild climber) etc. Wild yam, such *Ban tarul* wild fruits, such as *chutrey* and *kale gedi*, and other edible non timber forest products are also collected. The forests also harbour a diversity of bird species.

The Chepang youth played an important role in initiating conservation efforts after discussions with their elders. They have formed the Akala Devi Community Forest Group for the conservation of their forest. According to the local Chepangs, the forest cover in the past was highly threatened because of traditional slash and burn cultivation; increased hunting from outsiders and a pressure from heavy dependence on forest resources. These threats, along with an increasing need for forest resources,

Box 1: Myths and stories associated with the lake

There are interesting stories associated with the wetland. Once, a window of a school in the vicinity was constructed from the sale of fish catch from the wetland. The window later collapsed. Likewise, an owner of the land adjoining the wetland once dug a water hole to extract water. This apparently brought misfortune to his family, he was jailed while his son lost his life in plane crash. During the recent festival at Chobar, a kilometre away from the area, locals organised boating to attract visitors. But they were shocked to see huge waves and rising water current in the wetland suddenly. Some say that they witnessed some blurred images in the wetland. People got scared and stopped boating immediately. There is also a common belief that the wetland used to offer utensils to the devotees, but once, a Newar - natives of Kathmandu - priest from Patan (place adjoining Kathmandu) left the utensils that contained food unwashed and dirty after using them. That was a disgrace. Since then no more utensils have been offered by the lake. Once, four men had approached the wetland with serious skin problem. After regular bath in the pond their skin problem was healed. Such stories ensure local faith in the sacredness of the lake.

had motivated the Chepang youth to take a proactive role in forest conservation. They are however struggling to get a legal recognition for their site. Their protected forests are yet to be legally handed over to them by the District Forest Office (DFO) under the Forest Act of 1993. The local people had once approached the DFO in the district headquarter in this regard, but lack of technical and financial resources along with lack of knowledge on developing an operational plan the handing over could not be done. However, an informal forest management committee was formed and called the "Ban Samiti" (or the forest committee) consisting mostly of the local youth. The rules for forest conservation and use have been formulated by the community members with advice from the village elders. Grazing in the forest area; harvesting of medicinal herbs and wild fruits; collection of leaves and fallen dried woods is allowed for all members of the community. Felling of trees without prior permission of the committee or mutual understanding of the villagers is prohibited, except when needed for house construction. The slash and burn cultivation practice has also been controlled to maintain the forest cover.

2. A Sacred Wetland: Tau Daha

Tau Daha (lake), a natural sacred lake in the Kathmandu Valley, occupies an area of five ha. It is situated to the south-west of the valley (approximately 6 km away from the capital city-Kathmandu) in the Kirtipur Municipality, Ward Number 5 in Kathmandu district. This is another example of a *de facto* CCA. Although the local community has *de facto* management authority over conservation of the lake, which they exercise through a local institution. Legally it is public land that belongs to the government. The community therefore has little legal control over what actually happens to the lake and in private lands around the lake. A management plan for the lake area has been developed by the Department of Urban Housing Development and Building Construction particularly for the planning of construction in and around the lake.

The lake has a deep cultural significance. According to a popular legend, the holy lake is a habitat of *Karkotak Nagraj* and *Nagrani* (the King and Queen serpents). The holy lake attracts pilgrims who worship snakes during *Nag Panchami* (Festival of Snakes). The wetland is believed to have a connection with nearby historical sites and temples at Chobar. Chobar is a historical site where lord Manjushree made an outlet for a lake covering entire Kathmandu valley, by slicing through a hill with his sword.

Serpents then began to take refuge in the two sacred lakes formed thereafter in the valley, one being Tau Daha and another being Nag Daha in Lalitpur district of the valley. Every Monday a religious ritual (Rudri) is performed adjacent to the wetland.

Existing studies suggest that this wetland ecosystem is home to about 118 species of birds that represent 28 different families including migratory birds from Northern Himalayas. Likewise, the lake harbours 39 species of aquatic plants and rich fish fauna. The lake also contributes towards recharging of the groundwater of Bagmati watershed, the biggest river of Kathmandu valley.

Fishing, boating, hunting, etc. are strictly prohibited in the lake because of the cultural and religious significance of the lake. However the lake sightseeing from the peripheral areas of the lake is open to visitors. Because of its aesthetic beauty it attracts significant number of domestic tourists and bird watchers during winter.

The lake is currently being managed by *Karkotak Nagraj Nagrani Bashsthan Tau Daha Samaj*, a local people's institution. However, the role of Tuda Youth Club had also been crucial in the recent past in conservation initiatives of the lake. Local youth were active till few years ago. The present committee took over the management responsibilities three years ago. A community meeting was called before the formation of local management committee. One person from each hamlet *(tole)* around the wetland attended the meeting.

As per the locals, in the past the water of the lake was used both for drinking and irrigation; washing clothes and utensils was common; hunting of birds and fishing by elites from outside was also common. Uncontrolled waste disposal, garbage dumping and dirt had threatened the lake. Local youth realised the need to conserve the area given these threats and decided to revive the scared site despite the absence

Tau Daha Wetland (Courtesy: Sudeep Jana)

of sufficient local control and authority to regulate the area. They also envisioned possibility of drawing tourists in the area to tap economic opportunities.

Sedimentation of the wetland as well as waste generated by tourists continues to be a threat to the wetland. A small portion of land that hosts few trees within the lake (as shown in the picture below) provides important refuge to the migratory birds. This patch however is also threatened by erosion. In the recent times several NGOs have stepped in to support the wetland conservation and bird protection.[2]

3. Rupa Wetland: Third largest lake in the Pokhara Valley[3]

The wetland has been conserved and managed by Rupa Lake Restoration and Fisheries Cooperative (RLRFC-*Rupa Tal Punar Sthapana Tatha Matchya Palan Sahakari*, a cooperative of local people living around the lake and is legally recognised.) The lake however is state-owned. The lake covers an area of 115 ha. The lake is situated at Rupakot VDC-6, of Kaski district, central Nepal. The lake also touches 1 and 6 number wards of Rupakot VDC; and 11 and 14 number wards of Lekhnath Municipality. The study by Tek Bahadur Gurung, Nepal Agricultural Research Council (2007) however suggests 100 ha as the area of the lake and a catchment area of 30 sq km.

At present there are 700 shareholders (one from each household) in RLRFC. There are 3 female members in its executive body. The share value at the time of study was at 12100 Nepali Rupees.

The cooperative was formed in 2001. Some key objectives behind formation of the cooperative were to prevent human encroachment, enhance financial incentives through fisheries management and

Rupa Lake (Courtesy: Seema Bhatt)

[2] Bird Conservation Nepal (BCN); WWF Nepal; Wildlife Conservation Nepal (WCN), Spiny Babbler, Friends of Bagmati.

[3] Ramji Adhikari, executive committee member was interviewed by Rup Narayan Dhakal, Himalayan Times, Pokhara Bureau.

conservation of the lake. 329 households were initially involved in the cooperative. Executive committee was constituted in 2002. The technical assistance for conservation and restoration of fish species was given by the Fish Research Centre *(Mathsya Anusandhan Kendra)*, Begnash. They provided technical assistance to introduce exotic fish *(Aristichthys nobilis, Hypophthalmichthys molitrix, Ctenopharngodon idella, Cyprinus carpio)* conducive to aquatic habitat and ecology as well as to restore indigenous *(Labeo rohita, Cirrhinus mrigala, Catla catla)* fish species. This combination of introducing exotic fish species while at the same time efforts to restore native fish species does present a challenge. Local Initiative for Biodiversity Research and Development (LI-BIRD), an NGO was also involved especially in biodiversity research, monitoring and documentation. Care Nepal, an international NGO also extended support in community plantations.

The expansion of aquatic weeds *(Jal kumbhi, simal kadha)*, encroachment of wetland by private landowners surrounding the lake and the high rate of sedimentation had reduced the original lake area and threatened the wetland ecosystem. According to the local people earlier the size of the lake was much bigger. As per the elders in the community, the area of the lake was 215 ha in 1964. As the wetland ecosystem was threatened, the presence of migratory birds and the number of aquatic species also went down. This was one of the driving factors for the local people to mobilise themselves into forming a cooperative and take charge of conservation of the wetland. Representatives of the cooperative also believe that the economic incentive attached with wetland conservation is among the important motivating factors. They believe that conservation of wetland ecosystem will attract more tourists, provide a sustained fish catch and also provide an opportunity for fish farming in the wetland. Weed removal[4]; introducing fish fingerlings to control excessive aquatic weeds in the lake; installation of a mesh net of about 530 m long and 7 m wide across the outlet of the lake to control its stocked fish; conservation of catchment areas through community forests have been some of important activities of the cooperative. Subcommittees such as a lake conservation subcommittee and a campaign subcommittee have been constituted under the executive committee of the cooperative. On the southern periphery of the lake beyond the fencing core area of the lake, the grassland and wetland area is considered important bird habitat. Fishing in this area is restricted. During the breeding season of birds, harvesting of grass in the area is also restricted. Local mothers' groups are also engaged in conserving wild paddy. Local people have also carried out plantations on the edges of the lake to control soil erosion. Regmi, et al (2009) also mention active role of womens groups such as Unnatisil Women's Group in conserving biodiversity in the lake, particularly in conserving bird habitat, regulating harvesting of grass, aquatic plants, wetland resources.

The lake is rich in biodiversity and has a deep social, religious and economic value. Studies in the area suggest that the lake is a habitat for several endangered and threatened species such as white lotus, wild rice, *Narkat (Saccharum fuscum)*, Otter and several ducks. The lake harbours 1 endangered mammal, 4 threatened plants, 40 fishes, 33 birds, 4 amphibians. Kafle, et al (2008) mention 36 species of water birds in the lake.

The cooperative was formed with an agreement with the local District Development Committee (local government at the district level) and management of the lake was thus vested upon the cooperative. In the meanwhile the government set up a subcommittee called the *Rupa Lake Conservation Subcommitte*e under the National Lake Conservation Committee that was announced by Nepal Government in 2008. According to Mana Harka Adhikari, management executive of the cooperative, the representatives of

[4] As part of the relevant campaign, the cooperative announced a reward of NRs 75 (nearly $US 1.05) for every kilogram of water hyacinth collected from the lake as an incentive to prevent expansion of weeds.

the cooperative were not engaged in the newly formed Rupa Lake Conservation SubCommittee. The newly formed committee is not functional and RLRFC has continued management and governance control over the conservation and sustainable use of the wetland resources. The lack of legal clarity about the management and control of wetland has been a serious concern for leaders of the cooperative. At present, there is no significant conflict between these two institutions however if such conflicts were to arise these will add to the dissatisfaction of the local people who were skeptical about formation of the cooperative to begin with. At that time local people felt that this initiative will be a futile effort without much benefit to the local people and most of the benefit going to the power sections of the community. Till now this has not been the case but with the formation of the new committee without consulting the local people the old fears have resurfaced among the people.

Those engaged in fishing traditionally were about 20-21 households belonging to various ethnic groups, such as, Nepali, Gurung and Jalari. Some economically weaker sections were also involved in fishing before the formation of the cooperative such as the Podey, Damai, Kami, Sarki and ethnic groups such as Gurung and Magar. These families were incorporated in the cooperative as staff as well as share holders. These groups have been particularly benefiting from the cooperative.

There are 3 community forests in the watershed area of the lake. However, the cooperative is supportive of 17 Community Forest User Groups (CFUGs) surrounding the lake, especially for plantation and sustenance of the forest cover stretched over the watershed area, through minimal funding and local cooperation. The support is being discharged particularly to prevent the soil erosion and sedimentation affecting the wetland. CFUGs in the watershed area have been receiving rupees 4000 since 2006. Schools in the catchment areas are also supported by the cooperative. Schools also receive conservation grants from the cooperative for environmental education. The RLRFC disburse 10 per cent of its earning from fishery to the upstream communities (Regmi et al 2009). The cooperation between the local wetland management institution and CFUGs in the watershed area has prospects for CCA at a landscape level, which combines wetland ecosystem with forest ecosystem, and is among the first few examples within CCAs where the downstream community pays for the ecosystem services being provided by the upstream communities.

As of now this initiative and the ecosystem do not face any significant challenges apart from the occasional instances of illegal fishing and hunting of birds and animals in the area. The soil erosion is also one of the concerns which being handled by working with the upstream communities. Encroachment of land by landowners at the vicinity of the wetland is another challenge the cooperative is currently tackling A representative of the local mothers' group claims that wild paddy is under threat as it is depredated upon by the introduced exotic fish in the lake. There has been no significant support from the government, to tackle these threats so far.

4. A Religious Forest in Kathmandu Valley: Bajra Barahi Religious Forest

Bajra Barahi an ancient religious forest is located 3 km to the east of Chapagoan, a village predominantly inhabited by Newari ethnic group, in Lalitpur district of the Kathmandu Valley.[5] The sacred forest housing a 15th century temple of Bajra Barahi is now a popular site for devotees and picnickers.[6] The temple hosts a popular religious festival and rituals during *Chaitra Purney* (full moon during the month of April) of local Newari ethnic group. The temple also hosts a festival of *Asthami Jatra* (festivity).

[5] About 10 km south of Patan in the Kathmandu Valley.

[6] One of the manifestations of Ajima, or mother goddess, the boar-headed deity is worshipped as a protector of livestock.

We won't even pluck a leaf from this forest. If we do so then it brings misfortune and trouble in the family – is a common perception among locals. While the forest is open to the visitors and picnickers for recreational purpose, collection of timber and non timber products are strictly restricted in the forest.

Bajra Barahi Temple and the religious forest (Courtesy: Sudeep Jana)

An information board put up in the forest suggests that the forest covers an area of 18.29 ha. It constitutes 160 plant and tree species. It is home to 48 bird species, including the Spiny babbler and Sun bird, unique to Nepal suggests the information board. The dominant tree species found here is the Katush tree *(Castanopsis indica)*. The sacred forest falls within the boundary of Jharuwarashi Village Development Committee (population: 9615) and Chapagaon VDC (population: 12448), but the forest is currently being managed by Jyoti Daya Sang (Association), organisation of locals especially belonging to Newari ethnic group from Chapagoan village. The permission for the management of the forest was transmitted from the DFO, Lalitpur as per the existing legislation. The religious forest was handed over by DFO to the local organisation for the purpose of its management and conservation in the year 1996-1997.

Local youth from Bakha Tole-3 (hamlet of Chapagaon) and Bhansar Tole -4 took an initiative to conserve this forest which was till then facing uncontrolled and unregulated resource use. Recreational and religious values of the area were the chief motivations for its conservation. Before the involvement of local youth in forest conservation, public and private vehicles would ply through these forests. Grazing in the area was also uncontrolled. To protect the environment of the forest, local youth initiated a conservation campaign. They carried out construction of pavements inside the forest, organised plantations as well as developed picnic spots to manage the area for visitors. They also initiated fencing of the forest cover and advocated with the forest department that the forest should be handed over to them. Eventually they also managed to stop the movement of vehicles inside the forest.

Local youth formed a Community Based Organisation (CBO) in 1991-92. They also sought the help of IUCN Nepal to prepare an inventory of the forest fauna and flora. The president of the CBO says "This used to be a playground when we were kids. If it stays unregulated then there will be no forest left for our leisure time and future generation". Since there is a brick kilns nearby, the forest also buffers against the smoke from the factory.

However, since the forest is a favorite destination for picnickers, increasing number of visitors and wastes generated during the picnics have posed a challenge. Till the recent past the disprivileged and marginalised caste groups such as Patuwar and Podey from nearby Bulu village, ward number 9, used to cut trees for cremation rituals whenever someone from the village passed away. Local youth controlled the chopping of trees and began a practice of collecting and storing fallen wood and dried log that can be accessed by villagers for the purpose of traditional rituals, particularly cremation. A representative of the youth association claims that the new rules were made in consultation with the concerned traditional communities.

5. Community Forest Users Groups as CCAs: Godavari Kunda Community Forest User Group

Godavari Kunda Community Forest that covers an area of 147 ha is located at Godavari, 10 kilometers, south east of Patan in Kathmandu valley. The community forest user group (CFUG) was formed in 1996-97 under the Forest Act of 1993. There are 540 users from 108 households of Godavari Village

Members of Godavari Kunda CFUG (Courtesy: Seema Bhatt)

Development Committee (VDC) ward number 5, 2 and 3. However, only around 25 households depend and access forest resources for household consumption.

The forest is being conserved by the CFUG dividing the forest area into four blocks. The members of CFUGs are involved in regular cleaning of wastes and removal of weeds and unwanted plant species in the forest cover. Observation during the fieldwork in the community forests also suggests majority of the members being local women engaged in pruning of the forest to control weeds. Two forest guards have been employed by the CFUG to patrol and regularly monitor the forest area. There are picnic spots, resting areas as well as bird conservation areas. The forest area can be visited by visitors after contacting the members of the management committee.

The information board put up for the visitors claims the presence of different species of plants such as chestnut tree, Chilaue *(Schima wallichii), Phalat, Panyu, Okhar, Myrica Nagi, Gurash (Rhododendron), Khasru, and Masuri Katush (Castanopsis tribuloides)*. The community forest has significant biodiversity value also as per the information board. It says that there are 300 species of birds, 512 angiosperms and 259 species of butterfly found in the area. More than 50 species of medicinal herbs have been recorded. "It is also a good habitat for 200 Reddish Deer *(Cervus elaphus)*, 200 Porcupines, 50 Wild Cats, 400 Kalij and few wild boars". The objectives of the CFUGs states that the CFUG aims to conserve the forest area including all the resources in the area; conserve natural biodiversity by conserving flora and fauna in the area; utilise the forest resources as per the forest law of Nepal and promote socio-economic status of the people. It also states developing the area for touristic purpose.

Some areas of concern include the following: a pathway was being constructed across the forest at the time of the study. The exact impact of the road on the forest was not known, local CFUG members, however, were happy with the construction of the road. The community forest also has a large drinking water source. There were conflicts in the past about the sale of water to outsiders by the Village Development Committee (VDC). The conflict mainly related to sharing of benefits accruing from this sale. The proceeds of the sale were received by the VDC, while the conservation was being looked after by the CFUG, who demanded a share of the benefit. The downstream villagers also objected to the sale of drinking water as it affected their water supply. At the time of writing this paper, what resolution was finally arrived at could not be ascertained. Among the pressing concerns is that the local youth who migrate to city areas or engaged in various occupations within and outside the village are not proactive in forest conservation, this raises the question about the second line of leadership and the long term sustainability of the initiative.

Connectivity of CFUGs

The members of the CFUG have been discussing the possibility of connecting and cooperating with 3 others neighbouring CFUGs to ensure that the forest biodiversity can be conserved at a landscape level. Another important aspect is that the idea of connectivity between CFUGs at a landscape arises from the motivation and intention to develop a tourist trail across the CFUGs and draw economic incentives along with forest conservation.

PART 2
Analysis

How extensive is the CCA phenomenon in the country?

Although officially unrecognised the CCAs in Nepal are extensively prevalent. Some of these include the community forests, religious forests and sacred groves. There are traditional and customary practices of resource management existing especially in areas inhabited by indigenous peoples, and are rich in biodiversity. Nationalisation of forest and pasture superimposition of official protected areas (PAs) as well as abolishment of traditional land tenure and pasture management practices such as Kipat (collective land tenure arrangement persistent among indigenous peoples such as Limbu, Rai, Tamang, and Sherpas who also practiced Kipat until it was abolished, although in some cases they continue) have jeopardised and been detrimental to indigenous land management practices in many areas. Despite the state's unfavourable policies, such practices are still prevalent in many other parts of the country particularly in areas where the state authorities do not have easy access.

A very preliminary assessment and secondary literature survey indicates that there exist even today hundreds of sites where local people are governing the landscapes, forest cover, wetlands, sacred sites through traditional norms, informal rules and values. These include the sacred groves; community governed forests; shinggi nawa[7] systems as in the case of Sagarmatha National Park (SNP) (Stevens 1993) (see box 2 for details); rangelands and grazing spaces as commons maintained through customary practices of indigenous peoples and local communities (Stevens 1993,Bauer 2003, Aumeeruddy-Thomas 2004, Uprety 2008); and sacred sites with associated deep cultural and religious values that also play significant role in biodiversity conservation such as 'Beyuls (sacred hidden valleys)' (Sherpa , 2005) in many of the Himalayan regions of Nepal.

There are some other examples of CCAs given below which could not be explored in detail during this study but have been compiled here from secondary literature.

CCAs of Sagarmatha National Park (SNP)

The Sherpa communities in SNP are maintaining several kinds of CCAs such as

1. Community forests in which regulations are enforced by shinggi nawa
2. Community and multi-community land management systems, including rotational zone grazing systems and rotational zone grass cutting systems, which are maintained through village assembly decisions and customary law and are enforced by "nawa";

[7] Villagers chosen to enforce the forest regulations

3. Sacred temple, cave, grove and lama's or religious leader's forests;
4. The Khumbu beyul (where all wildlife is protected through Sherpas' Buddhist values and respect for the sacred valley). The area of Khumbu beyul is larger than the area of SNP, and includes the buffer zone of SNP to the south. SNP and the SNPBZ can thus both be considered to have been established within a pre-existing Sherpa CCA (Stevens 1993, 2009, Stevens 2008).

Box 2: The Shinggi Nawa and Nawa systems of Sagarmatha National Park (SNP) in Nepal

The *shinggi nawa* system is an indigenous people's community forest management system under which Sherpa village assemblies govern village forests through customary law and decisions reached at annual assemblies. The *shinggi nawa* are villagers chosen to enforce village law. They have the authority to give permission to villagers to fell trees for timber inside of the community forests (known as *kyak shing*) and to issue fines or penalties for violations. This was formerly the practice in some but not all villages within SNP. In the other villages *shinggi nawa* were not appointed but instead community forest management was enforced by nawa who also had other duties including enforcing community grazing regulations (see below). In the early 1980s a region-wide *shinggi nawa* system was established at the initiative of SNP wardens Mingma Norbu Sherpa and Lhakpa Norbu Sherpa under which each village choose *shinggi nawa* who were given authority by SNP to enforce SNP forest regulations, including levying fines (Stevens 1993, 1997; Stevens and Sherpa 1993). As a result most villages today have *shinggi nawa*, and in some they enforce village assembly decisions and customary law as well as SNP regulations and decisions of Sherpa SNP Buffer Zone institutions (Stevens 2008).

The *nawa* system is different from the *shinggi nawa* system. The *nawa* are unpaid village officials who enforce Sherpa village customary law and village assembly decisions (Furer-Haimendorf 1964, Stevens 1993). They help oversee the operation of a zonal system in which particular zones are closed and then opened at different times to specific activities associated with farming, grazing, grass cutting (and in some villages also forest use). *Nawa* do not give individuals permission, for example, to graze in an area or to harvest grass – they simply announce on behalf of the village the date that an area is closed and then opened by the village and customary law towards those specific activities. Their permission need not be sought once the zone is opened for an activity. The dates on which zones are closed and opened to activities are not decided by the nawa alone but are are either tied to the Sherpa calendar or determined by the village assembly.

Several Sherpa villages in SNP continue to regulate rotational zone grazing, rotational zone grass cutting, crop harvest, and community forest use through customary law as maintained by village assemblies and enforced through village-chosen nawa. The *nawa* system continues to operate in most of its former range and in two of SNP's three major valleys. Villages in the westernmost valley of SNP, however, abandoned the system after 1979 (Stevens 1993, 1997, 2008).

Source: Stan Stevens, personal communication, 2008

Beyuls: Sacred Valleys in Himalaya

Beyuls or sacred hidden valleys contain many sacred sites, which play an important role in biological diversity conservation. They are found in several parts of Himalaya which are inhabited by people of Buddhist origin who deeply respect nature (Sherpa 2005).

According to Dr. Stan Stevens there are *beyuls* in various parts of the Himalaya and Tibet. The number of such *beyuls* that are prominently cited in Tibetan religious texts is fewer than twenty (although there

are sometimes said to be 108, which is an auspicious number in Tibetan Buddhism). They are found from Arunachal Pradesh (North East India) in the east to areas to the west of Nepal (including Mt. Kailash in Tibet and in Jammu and Kashmir in India). But they are neither everywhere in the Himalaya nor even everywhere where there are Buddhist communities. *Beyuls* are found only in certain areas where they are believed to have been consecrated by Padmasambhava (Guru Rinpoche). For example, Sherpas live in many areas in northern Nepal, but there are only a few *Beyuls* in Sherpa territories, including-Khumbu (within which SNP was established), Khenbalung (within Makalu-Barun National Park), and Rolwaling (within Gaurishankar Conservation Area, which was declared in 2009).

At least three of Himalayan national parks (Makalu Barun, Sagarmatha National Park, and Langtang) have been superimposed on *beyuls*, along with two of the six conservation areas (Manaslu Conservation Area and Gaurishankar Conservation Area). The Department of National Parks and Wildlife Conservation was unaware of the existence of *Beyuls* at the time when earlier national parks and conservation areas were declared in Nepal. (On *beyuls* see Sherpa 2003; Spoon and Sherpa 2008; Aumeeruddy-Thomas et al. 2004; Diemberger 1997; Baker 2004; Stevens 2009 ; Wangmo 2005; Zangbu 2000).

Community Forests (legally established under Forest Act, 1993) and informally working as CCAs

There are community forests managed and conserved by local communities and indigenous peoples organised in the form of forest users groups (FUGs), legally handed over by the DFO. They are one of the most prevalent examples of CCAs in Nepal. Not all CFUGs can qualify to be CCAs, but those that are geared towards biodiversity conservation at different scales while sustainably using the resources therein, qualify as CCAs (for example a case of Choyatar CFUG in Ilam, eastern hills who are involved in conservation of endangered red Panda in Jana and Poudel 2010, and Godavari Kunda CFUG in the previous section). CFUGs are local people's autonomous institutions entrusted with the management and use rights as well as responsibilities of conservation and sustainable use of forest resources. Out of a total of 5.5 million hectares (ha) of forest and shrub land in Nepal (39 per cent of physical area), about 1.22 m ha of forest land (about 20 per cent of the country's forest cover) is managed by CFUGs. As of August, 2007, there were 14,337 registered CFUGs in Nepal. Out of these 11,200 CFUGs are part of a national federation of FUGs called the Federation of Community Forest Users' Group in Nepal (FECOFUN).[8]

There are contesting perspectives and arguments over autonomy of CFUGs which is critical when considering them as CCAs (personal communication with legal expert of FECOFUN, 2009). CFUGs have to be registered with the DFO once local people form a CFUG and prepare its constitution. As a pre-condition, the operational plans prepared by CFUGs have to be approved by the DFO for the legal handover of forest management to the CFUGs to be managed by them as community forest. In some cases there are questions raised about the DFO's undue influence during registration and approval of the operational plans. There also have been incidents of the DFO terminating CFUGs, putting a halt on their bank accounts, and creating hassles in pricing and mobilisation of forest products. Some argue that there is not enough security of tenure for the CFUGs since the legal entitlement of forest land still rests with the state (interview with researchers of Forest Action, 2009). However, others argue

[8] As per the number of CFUGs mentioned in FECOFUN website. The Federation claims that 40 per cent of the total population of Nepal are organised in CFUGs.

that decisionmaking on affairs of management and governance lies with CFUGs once they are legally handed over. At the same time, the Forest Act of 1993 also ensures CFUGs as perpetual, self-governed organisations with the right of succession.

Many community forests especially in the corridors between existing PAs play an important role in providing additional habitat and corridors for wildlife. There is a need to identify such sites and assess their significance for conservation as also recognise and establish them as CCAs. There are now some arguments in the country to connect CFUGs at landscape levels. Such efforts would not only increase the benefit for biodiversity but also provide a stronger voice to the conserving community against any external threats.

In addition to the legally recognised CFUGs, there are numerous community forests that are *de facto* managed by the communities within and outside of PAs, but have not yet been handed over legally to them. These community forests are legally governed under the authority of the Department of Forests as part of the national forest. Such examples are common is areas where the Department of Forests does not have an administrative presence (for example see *Chepang Indigenous Peoples: Forest Management at a Landscape* as mentioned above).

Customary pasture management in Pungmo, Lower Dolpo

Evidence from several studied documents indicates existing customary CCAs in lower Dolpo in the Himalayan region of mid western Nepal. These are the indigenous practices of pasture management and ecological and cultural relation of Pungmo people with the landscape where they practice transhumance. Pungmo is one of the two major settlements within Phoksundo Village Development Committee and is located in upper part of Lower Dolpo. It has 159 inhabitants. Landscapes managed for the purpose of grazing and mobile settlement have been documented as sacred sites, valuable for biodiversity conservation as well as traditional livelihoods. The indigenous Dolpo-pa people of Pugmo have traditionally demarcated territories for resource use and management. The local people have identified various land use units or ecosystems in the form of forest, pasture, rocky mountains and snow mountains, with sub division of these units based on physical nature, cultural values and ecology. Pastures have also been sub divided into various zones and sub units based on the nature of resource use and utilisation such as rotational grazing, pasture harvest (Aumeeruddy-Thomas, et al 2004; Ghimire and Parajuli 2001).

Kanchenjunga Conservation Area (KCA) as a CCA

Kanchenjunga Conservation Area (KCA) was designated as per the Conservation Area Management Regulation, 1996, in 1998. It covers an area of 2035.41 sq km, and hosts the third highest mountain peak and an invaluable wealth of flora and fauna. It is rich in biodiversity and is located in eastern Himalaya of Nepal. After the handing over of KCA to an institution of local communities entrusted with authority of management, use and conservation in 2006, it has emerged as one of the examples of CCAs induced by government and conservation agencies. For the very first time a people's organisation has been entrusted with the responsibility of managing such a large scale PA of importance in Nepal. The chief management body is called the Kanchenjunga Conservation Area Management Council (CAMC) that includes representatives of Conservation Area Users Committee constituted at the level of Village Development Committee (VDC) and user groups and mother groups (from each settlement in the area). It is important that KCA Management Regulation as approved in 2008 established a management committee of indigenous peoples and local communities which does not include the Warden of KCA.

Dr. Ghana Gurung of WWF Nepal in a personal conversation (2008) reports "KCA has synergised customary practices and institutions of indigenous peoples concerning resource use and management, cultural sites and values together with technical or scientific interventions and modern peoples' institutions". According to Mr. Beth Kumar Dhakal, former chief warden of KCA, it is one of the best examples of CCAs in the world. The Department of National Parks and Wildlife Conservation (DNPWC) still plays a role of a technical advisor and WWF Nepal provides technical assistance to the CAMC. Their withdrawal plan in a 3-4 years time period has been worked out. However, management plan of KCA formulated by people's institutions at various levels have to be approved by DNPWC. He further points out that linking conservation and livelihood is still a challenging affair and capacity of local institution is still not fully grown though institutional structures are in place. The location of KCA bordering India and China is one of the pressing threats, as despite local initiatives on wildlife conservation, incidences of poaching still pose a threat.

However, the experience of KCA is a very interesting case of a conservation international NGO planning for the declaration of a large area as a conservation area, the state declaring it to be so, and the management of the large region handed over as a responsibility of a local people's committee. This committee now governs an area inhabited by multiple indigenous peoples and in some places also by more recent migrants. In the 1990s within this area some traditional systems of resource management

A forest customarily managed by villagers in Syanja district, Midwestern Nepal, not yet a community forest (Courtesy: Laxmi Gurung)

were also reported both for forests and pasturelands, the current status of their existence is not known and would be an important area of inquiry in future.[9]

Nar-Phu Valley in Annapurna Conservation Area

The Nar–Phu valley is located in Annapurna Conservation Area in the Manang District of north-central Nepal. Gurung and McVeigh (2002) provides an account of traditional indigenous councils in the Nar and Phu villages in the valley, that play a key role administering and enforcing village rules and regulations about use and management of natural resources. Indigenous peoples therein apply several resource management strategies such as seasonal transhumance, deferred grazing and rotational grazing, to sustain pastoral management. Despite lack of government recognition of these traditional institutions and practices - in fact government and other formal/legal institutions have superseded these-they often operate informally and therefore continue to play vital roles in resource management, (thereby contributing conservation of landscapes) together with other village affairs. However, conservation value and significance of these institutions and practices, their current status, and their relationship with Annapurna Conservation Area Project and Conservation Area Management Committee need further inquiry.

Limi Valley

The Limi Valley, located at a high altitude of Humla district in far western Nepal, is often known as the hidden Himalayan valley. It contains three villages, immensely rich in biodiversity, and steeped in ancient culture.[10] These villages are: Til (population of 250 and 43 houses), Halji (population of 400 and 80 houses) and Jang (population of 300 and 62 houses). The total population is therefore only 950. It is amongst the remotest area in the region. The area can be reached after a six day walk from the Simikot, the main town of the district. Only around 1 per cent of the land is arable.

The area has been identified as one of the significant sites for the purpose of ecotourism and environmental conservation by The Great Himalyan Trail Development Program, an initiative of SNV Netherlands (bilateral aid agency) to promote pro poor sustainable tourism. While it is a matter of further inquiry about conservation practices of inhabitants of Limi Valley, the maintenance of biodiversity in the valley without external interventions suggests that the site is a potential CCA.[11] The area could be an important site for future inquiry of CCAs.

Mai Pokhari (a sacred wetland): A potential CCA

This is a mid-hill wetland of religious significance in eastern Ilam district of Nepal. It is a Ramsar listed wetland of Nepal, and designated as Ramsar site in 2008. It was a first such wetland in Nepal proposed by local communities to be recognised as a Ramsar site.[12] This hints at the local communities' immense stake in conserving this wetland of global significance. The declaration however was initiated by an international NGO, The Mountain Institute (TMI). The site has highly significant religious-cultural value and is a convergence point of Buddhism, Hinduism and Mundhum (animist) traditions represented by the Mai-Religio-Culture. "Mai Pokhrai" in the local language means "mother pond".

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[9] Personal communication with Stan Stevens, 2010

[10] www.communigate.co.uk

[11] Based on a personal conversation with Mr. Surendra Chaudhary, Tourism Value Chain Development Advisor, SNV Nepal, 2008.

[12] Based on an interview with Mr. Top Bahadur Khatri, Conservation and Sustainable Use of Wetlands in Nepal, 2009.

Mai Pokhari, with catchment of 12 hectares, is located 13 kilometers away from the district headquarters and is at 2100 m from the sea level. The area of the wetland is spread across three Village Development Committees (Mai Pokhari, Sulubung and Sumbek). 'Mai Pokhari watershed has been identified as a potential biodiversity corridor for long-term conservation of protected species of Kanchenjunga Transboundary Landscape Complex, a biodiversity hotspot' (Myers, 1988 & 1990 in Karki et al. 2008). It is a major habitat for more than 300 species of birds and also hosts some indigenous species including those of the tree frogs and the Himalayan newt commonly known as 'Thakthake'. Mai Pokhari holds cultural and religious significance both for the Buddhist and the Hindus (WWF Nepal, 2007).

The information sheet (Karki et al. 2008) of the wetland identifies three local management authorities in the area. Mai Pokhari Religious Forest Group established in 2005 is involved in conservation of the wetland and its surrounding area. The Bhedi Chowk Community Forest Users Group and Bhalu Kateri Community Forest Users Group is responsible for managing community forests in the vicinity of the wetland. It also mentions District Forest Office as agency with direct responsibility of managing the wetland. Although there is no single and clear cut management authority vested upon the community institutions, the site has a potential to be governed solely by the institution of the local communities.

Panchasey Hill and forest cover: CCA in making

Panchasey hill and adjoining forest cover an area of 8000 hectares. It is located at a conjunction of three districts (Syanja, Kaski and Parvat) in mid western Nepal. The forest is surrounded by 17 Village Development Committees (VDCs). Around 0.1 million people are estimated to be dependent on the resources of the area. The site has historical, cultural as well as biodiversity significance. It constitutes sacred sites, pilgrimage and old 'gompas' (sacred place for Buddhists). There is also a sacred wetland in the area, associated with which there are numerous supra natural tales and beliefs.

Panchasey hill and adjoining forest area (Courtesy: Sudeep Jana)

The place is known for hosting 107 species of orchids, varieties of Rhododendron, and diverse species of medicinal herbs. The area is also a habitat for hare, porcupine, deer and other wild animals and hundreds of bird species. The landscape is an important watershed as well as source of various rivers that feed famous Phewa Lake in Pokhara. The place has the highest rainfall in Nepal and is popular among tourists because of its panoramic view of several mountains and peaks (Machapuchhre, Annapurna, and Dhaulagiri).

For the past two decades some local people and a local NGO called Machapuchhre Development Organisation (MDO) have been involved in conservation and community development activities. To manage the religious and cultural affairs in the area Nepal Pancha Dham Panchasey Committee has also been set up by the locals. Panchasey Area Development User Committee, a regional level body of local people's institution has been taking charge of management and conservation in the area. This was constituted with the support of District Development Committee, the local NGO – MDO as well as the committee managing religious affairs. A master plan for the area has also been formulated initiated by the local NGO and with the support of various external actors. The president of the regional level committee claims that they have been advocating and engaged in tireless effort to gain legitimacy for the committee, to garner more support and develop the area as community managed conservation area.[13]

What main types of CCAs are found in Nepal? Please describe (ecosystem types, state initiated / community initiated etc.)

CCAs	Ecosystem Type	State / Indigenous Peoples and Local Communities Initiated
Rupa Wetland	Wetland Ecosystem	Local community initiated
Tau Daha	Wetland Ecosystem	Local community initiated
Bajrabarahi Religious Forest	Forest ecosystem	Local community initiated
Chepang managed forest	Forest ecosystem	Indigenous peoples initiated
Kanchenjunga Conservation Area	Mountain ecosystem	State and international conservation NGO initiated. However traditional resource management practices were existent prior to state intervention and informally continue to exist along with the formal PA management.
Community Forests	Forest ecosystem	Local communities and indigenous peoples initiated (old and new) especially after community forest related act formulated by the state
Religious forests	Forest ecosystem	Local communities and indigenous peoples initiated

[13] When the fieldwork was conducted in the site, local leaders were striving towards recognition of the area as community managed conservation area. However, in a personal communication (2010) one of the leaders of the people's committee managing the area mentioned that the government has declared the area as 'Protected Forest' under the Forest Act, 1993 instead. Protected forest is a category (part nationalised forest system) designated for a special purpose (religious, cultural or scientific). Government can designate any forest area as protected forest for its special significance. The local leaders have been resentful of the government's decision since this category is strictive and protectionist as compared to the Conservation Area. The local people see this as a regressive move and against their conservation initiative.

Are there ancient types of CCAs? Are there very new ones? Please describe

CCAs in Nepal range from the oldest forms to newer ones. While there are ancient community managed forest, pasture lands and wetlands, majority of them are new ones that emerged during the drive towards formation of community forest user groups in Nepal. There are community-governed rangelands also, some of which have been managed for many generations. CCAs with sacred values have been in existence from the ancient times including the sacred groves and religious forests. In some areas the conservation practices as faith and informal systems were in existence for long but formal management regimes and institutions under the state's recognition have been recent.

CCAs	Biodiversity Value	Extension	Governance
Rupa Wetland	It harbours 1 endangered mammal, 4 threatened plants, 40 fishes, 33 birds, 4 amphibians.	115 ha	Executive committee of the cooperative
Tau Daha	Habitat for migratory birds, diversity of fish species	5 ha	Management committee
Bajrabarahi Religious Forest	160 plant and tree species. Home to 48 diverse bird species. Spiny babbler and Sun bird unique to Nepal are found	18.29 ha	Management and executive committee of a Community Based Organisation
Chepang managed forest	Forest biodiversity, medicinal herbs, diverse bird species	300 ha	Informal committee of locals
Kanchenjunga Conservation Area	Third highest mountain peak; habitat of snow leopard, Himalayan black beer, Red Panda, Musk Deer and valuable plant species.	2035.41 sq km	Conservation Area Management Council, Conservation Area Users Committee and Users/ Functional Groups
Community Forests	Forest biodiversity, bird conservation, wildlife corridors, extended habitat for wildlife	1.22 million ha (excluding forests beyond the government record)	Executive Committee of Community Forest User Group and General Assembly

The protection efforts and practices of conservation in the 5 case studies documented during this study have been in place from two decades to a few years ago. While in others (some of which are mentioned here) the community governance ranges from being centuries old to currently in the process of being established.

Where and why those CCA types exist? What objectives do they fulfil for the concerned communities?

The review of these small numbers of case studies suggests that cultural or religious significance is one of the most common reasons behind existence of CCAs. Sustenance of livelihood or livelihood security (in terms of contribution for resource needs for daily living) is also an important reason for the communities to conserve. The third most important factor for communities to initiate conservation seems to be the opportunities to advance economic incentives and fourth important factor appears to be the external threats to the CCAs. Therefore biodiversity conservation value,

though embedded in the practice and vision is not necessarily the reason for initiating the conservation effort.

Among the various types, which are the most common?

As explained in the section above

In general, in what status are CCAs found (e.g., barely surviving, under attack, thriving, likely to change but remain sustainable as CCAs in the long run)?

CCAs studied during this study are thriving and sustaining, not facing any major threats to their existence. Some challenges that they do face include sedimentation of the wetlands, mining in community forestry and so on.

The other CCAs however face possible threats such as cultural change (including cultural change related to educational systems); settlement and economic change which can have an impact on the sustainability of the initiative (including emigration, new economic activities such as involvement in tourism). Likewise, lack of legal recognition of customary CCAs or of collective ownership of land; lack of implementation of indigenous rights and human rights in protected areas; displacement or undermining by protected area or NGO-introduced institutions; or "recognition" of CCAs that requires substantial alteration to customary CCAs or converts them into collaborative management arrangements are other significant threats to CCAs in Nepal. Declining role and interest of youth in these communities in conserving nature and their alienation from nature in general is also a significant threat to CCAs.

However, potential CCAs as mentioned in the previous sections and others are in the making, which would thrive given the adequate state and NGO support and attention.

Do they have "allies"? Do they receive some form of support from outside?

In all the five case studies documented in the study some support has been received from allies such as NGOs except in the case of the Chepangs. In some cases such as Kanchenjunga Conservation Area, state (especially department of national parks and wildlife conservation) as well as conservation NGO, WWF Nepal are major allies. Likewise, in a drive towards community forests, state was a key ally and extensive support has been received from I/NGOs. Religious forests do not seem to have consistent allies like Community Forestry User Groups. The same is the case for community-management of rangeland through customary CCAs and for customary CCA in the form of community forest (which are not strongly supported by the community forest law and regulations).

Federation of community forest user groups (FECOFUN), Nepal Federation of Indigenous Nationalities (NEFIN), The Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP); religious leaders and institutions in monasteries or Gompas in various *Beyuls* in Nepal, International Labour Organisation (ILO), WWF Nepal that is executing sacred Himalayan Landscape projects, National Trust for Nature Conservation (NTNC), ICIMOD and IUCN Nepal and other civil society organisations engaged in conservation issues are among the present and potential allies for the CCAs in Nepal. The work of IUCN to raise awareness and understanding about international agreements on ICCAs and governance of PAs has been useful in bringing about some recognition to ICCAs in the country. IUCN-Nepal – together with partners who have included the Ministry of Forests and Soil Conservation, the Department of National Parks

and Wildlife Conservation, WWF-Nepal, and others - have organised several workshops on CCAs and other aspects of inclusive conservation in PAs in Nepal.

Do they have "enemies"? Are they threatened by particular forms of change?

The CCAs documented in the study do not seem to have any major or significant threats. In other sites, however ICCAs face various threats from mining companies, exclusionary government policies, non recognition of customary and local ways of conservation, and economic policies of the country.

In case of community forests, state recognised institutional structures such as CFUGs for governance of forest have sometime replaced traditional forest governance and institutions. In the same manner CCAs existing in the officially declared and imposed protected areas may find their traditional institutions and practices of resource governance threatened or not adequately and sensitively given due attention and recognition.

What role (if any) specifically, do women play in the conservation of CCAs? What benefits or costs they have specifically for women?

Local women were found to play an important role especially in the protection of community forests. However limited role of women in actual decision making processes of many CFUGs have been one of the major concerns related to the governance of community forestry. In the recent years there has been an increasing focus on women's representation in decision making processes. On the other hand there are community forests in the country exclusively managed by local women. In case of KCA, there are women's representatives in the decision making bodies. In addition mothers' groups' (group of women engaged in social cause and community welfare) at local level are recognised as important actors and entity in conservation affairs. Likewise, in cases of wetland CCAs, CCA of Chepang and religious forest documented in the study, there is token representation of women in formal or informal committees.

PART 3
Legal Analysis[14]

I. Does national or sub-national law or policy recognises terrestrial, riparian or marine Community Conserved Areas (CCAs)?

National legislations or polices in Nepal do not recognise Indigenous and Community Conserved Areas (CCAs) as protected areas (PAs) despite existence of CCAs within and beyond PAs in Nepal. The recent handing over of Kanchenjunga Conservation Area located in eastern Himalayan Region to local people's institution by government of Nepal is a significant exemption to this. Despite this there are wide ranges of community forests, religious forests, small wetlands, grasslands or rangelands with customary management practices and sacred natural sites that can be understood as CCAs in Nepal. Some of these have the possibility of legal recognition through other means/legislations/policies despite state's non recognition of these sites as a part of conservation or PA system. "Conservation areas" are a legally recognised and designated PA category by PA legislation in Nepal. These PAs have strong potentials to become CCAs (as in the case of Kanchenjunga Conservation Area) and for local resource management by communities to be legally recognised at village or multi-village scale within the conservation area. However, there are no provisions in the law to recognise, for example, customary grazing management systems or for sacred forests inside national parks and other customary systems of resource management and conservation.

National Park and Wildlife Conservation (NPWC) Act 1973 (2029 B.S)

NPWC Act 1973 is the principal legislation that governs management of PAs in Nepal. The Act has been amended four times since early 70s addressing the changing needs of local communities and wildlife conservation in Nepal, shifting paradigms of PAs. Reflecting the changing needs and situation of the country, subsequently rules and amendments have also been framed for the NPWC Act 1973.

[14] See also Stevens 2008b.

Amendments in NPWC act at a glance

Act	Date	Amendments	Remarks
NPWC Act	2031 BS/ 1974AD	I Amendment	Corrected some technical issues but remained indifferent towards access and control of local people on natural resources.
NPWC Act	2039 BS/ 1982 AD	II Amendment	Attempted to address use of forest products and added a subsection to provide forest products and other services against payment of prescribed fees.
NPWC Act	2046 BS/ 1989 AD	III Amendment	Added a provision that the government may 'entrust the management of any Conservation Area' to any institution established with the purpose of conserving nature and natural resources notified in the Royal Gazette. This is specific to "Conservation Areas" which in Nepal are a specific state established and gazetted form of protected area. It does not apply to other categories of PAs.
"	2049 BS/ 1993 AD	IV Amendment	Addressed participatory conservation and resolution of conflicts between PAs and the local people and added subsections on establishment of buffer zone, provisions of compensation, formation of users committee for management of forest products inside national park or buffer zone area. It also made a provision to plough back 30-50 per cent revenue generated from PAs to local communities for community development.

Strengths:

There is a provision of sustainable use of forest products and natural resources of protected areas and buffer zones through integrated management plans despite a major focus on bio-diversity conservation. The element of wise and sustainable use of resources is thus reflected in the law.

The provision of formation of users' group/committee of local people for management and use of natural resources of PAs and buffer zones. Provision of sharing of 30-50 per cent revenue of PA to local people in the buffer zone.

There are regulations for each PA accorded by the Act. A provision to grant permission to indigenous fishing minorities for fishing was made after 1st amendment of Chitwan National Park Regulation in 1989.[15]

Himalayan National Park Regulation 1979 provides for access to grazing and to establish the byre or shelter for cattle in the fixed areas of PAs declared by Warden of National Parks. This is significant to mobile indigenous herders in the Himalayan region. The regulation also allows local people to collect the basic forest products and timber from PAs with the prior permission of the park Warden and by paying a charge fixed as per the PA regulations. Such progressive provisions are however absent in the case of lowland PAs.

[15] It states "Local Bote, Darai, Kumal and Tharu ethnic groups who have been fishing traditionally for livelihood shall acquire permission of fishing from Warden after paying charge of NRs 50 annually. The annual charge for fishing was changed in 2000 and now the annual charge of fishing is NRs 50 for listed indigenous groups.

Weakness:

- Does not acknowledge and recognise existence of CCAs within and beyond PAs.
- Conservation officials have extreme discretionary authority concerning management of PAs and wise use of biodiversity.
- Does not acknowledge customary practices of resource use and traditional rights over resources that fall within the jurisdiction of PAs. Second amendment to NPWC Act in 1982 made provisions for distribution of forest products to local people from national parks and reserves. The provision is supportive and sensitive to local livelihoods. Forest products and other services can be provided against certain fee determined by conservation authorities. However, the provision of permitting harvesting of livelihood resources such as grass has become a concession granted against certain charges rather than recognition of traditional and customary usufruct rights of poor and indigenous peoples.

Article 16(c) of the NPWC Act authorises the establishment of user committees in national parks, reserves, conservation areas, and buffer zones. "The warden, in co-ordination with local authorities may form a user committee for the management of fallen trees, dry wood, firewood and grass in a National park, Reserve, Conservation Area or Buffer Zone." This article could be used to recognise several types of customary CCAs within national parks, but it has not been implemented. Grazing, felling of trees, rotational or swidden agriculture and the care of sacred natural sites are not mentioned.

Buffer zones[16] in Nepal: CCAs or co-managed / collaborative governance?

Buffer Zone Management Regulation 1996 (2052 BS) and Buffer Zone Guidelines, 1999:
The fourth amendment to NPWC Act, made the important provision of sharing revenues of PAs for conservation and community development of buffer zone (peripheral areas of PAs). This was later articulated in related regulation and guidelines. These made a provision of three tier community based model of managing buffer zones i.e. users group at the hamlet or village level, then users' committee at a village or multi-village level, federated into buffer zone management council at a level of buffer zone for a respective PA.

There have been differing opinions on whether or not the buffer zones can be called CCAs. The issue is whether the entire management authority of the buffer zone is in the hands of people's institutions. The influence or control of the buffer zone management council by the chief conservation officer (warden of the PA) as a member secretary of the council (with authority to dissolve the council) raises the question about the autonomy of the council. In the process of formulating the 'management plan' the buffer zone management council does not have much control or a dominant influence. Hence buffer zone management and governance practices and modalities fall in the category of community based co-management rather than CCAs.

Strength

Provision of local people's institution playing a certain role in the governance/management of buffer zone, user groups/committee; community participation in conservation and development of buffer zones; sharing of 30-50 per cent of revenue of a PA with the local people.

[16] Buffer Zones are legally defined as the areas surrounding the parks and wildlife reserves co-managed by PA authorities and local communities to ensure sustainable flow of biomass to meet local needs and to enhance local livelihoods so as to reduce pressure on the PAs. The Himalayan national park buffer zones include indigenous peoples' villages and herding settlements within the national parks.

Weakness

- The community forests in the buffer zone which are significant to biodiversity and local livelihoods are governed by buffer zone community forest user group as one of the sub-committees of the respective buffer zone user committee. The forest user group in the buffer zone does not enjoy autonomous status compared to community forest user groups outside the protected areas.
- The presence of chief conservation officer of a PA as member secretary in the buffer zone management council with authority to dissolve the council at his/her discretion. This thus challenges the autonomy of the council.
- Buffer zone institutions do not have a say in decisions and plans of management of the core PA.

Conservation Area Management (CAM) Regulation, 1996(2053): Conservation Areas as CCAs

Conservation Areas are one of the prominent examples of community based participatory conservation in Nepal. Conservation Areas are legally designated as one of the categories of PAs in Nepal. This was legitimised through provisions of CAM regulation. The CAM regulation is constituted as per Article 33 of NPWC Act 1973. Article 16(b) of the NPWC Act has a provision that the government can hand over any PA to an agency/Conservation NGO entrusted with rights of managing a PA.

Till 2008 there were three conservation areas and 2009 saw declaration on three more, making a total of six conservation areas. Some of these include, Annapurna Conservation Area (ACA), Manasalu Conservation Area (MCA), Kanchenjunga Conservation Area (KCA), and newly declared ones such as Gaurishankar Conservation Area (GCA), Api-Nampa Conservation Area, and Blackbuck Conservation Area. In Makalu Barun National Park there was a Conservation Area adjacent to the national park, but the government declared this a buffer zone instead (an area of 830 sq km) in February 1999. ACA and MCA, and GCA have collaborative management set up between a national conservation NGO constituted under a special Act of law (National Trust for Nature Conservation) and institution of local people. In case of ACA and MCA, such an agency is National Trust for Nature Conservation governed by National Trust for Nature Conservation Act, 1982 and National Trust for Nature Conservation Regulation, 1985. Hence at a regional level and PA level the CA is governed by a collaborative arrangement between local people's institution or the Conservation Area Management Committee (CMC) and the agency. Governance structure for GCA and Api-Nampa Conservation Area is still unclear.

Strength:

Key authority in planning process of 'Management plan' of Conservation Area is CA management committee at the local level. The committee constituted at VDC level with includes the chairperson of concerned VDC, one member from every ward of the VDC either selected or elected by users and five members nominated by the chief of CA from such VDC. CMCs exist at a VDC level only (except in case of KCA where there is protected area wide management council as well as VDC level institutions. The chief of the conservation area is appointed by the designated NGO,for example, in case of ACA and MCA appointed by NTNC.

Weakness:

Key authority in planning process and writing of comprehensive management plan of the conservation areas is the chief of the conservation area. The Conservation Area Management Committee exists only at the Village level, there is no apex CA-wide representative body or federation and hence community representation at the PA governance level is still missing (except in KCA). Hence whether local people's institutions such as CMCs have a decisive role and authority in the management of the PA is questionable.

Therefore, except KCA which has a single management council for the entire PA with indigenous and local community members as representatives along with other participating agencies, in all others the management plan is formulated by the conservation NGO involved.

Kanchanjunga Conservation Area Management Regulation, 2005:

Until 2005, Kanchenjunga Conservation Area (KCA), located in eastern Himalayan eco-region (Sacred Himalayan Landscape), was regulated and managed under **Conservation Area Government Managed Regulations, 2000**. KCA management regulation is the principle regulation that governs management of KCA. It also legitimises transfer of management and governance responsibilities of KCA to institution of local people.

In an interview with the president of CAMC of Kanchenjunga, he claims that their institution is largely autonomous and many rights have been ensured for their smooth functioning. Legal affairs such as judicial matters pertaining to poaching are dealt by government appointed warden. A large share, i.e. 75 per cent, of the royalties generated from transaction of non timber forest products goes to the respective local user committees in the conservation area. The CAMC is currently claiming a much larger share of revenue generated from tourism in the region. The concern about financial sustainability once WWF Nepal withdraws its project still exists.

Local people's access and control over PA resources (comparison across PAs in Nepal)

Issues	Regulations for lowland PAs[17]	Regulations for Himalayan PAs	Regulation for Khaptad National Park	Regulations for CA
Forest products	Limited access only for thatched grass	Allowed to local people for collection	Allowed to locals as prescribed by warden. Medicinal herb harvesting is restricted.	Allowed to local people for collection
Fishing	Recognises access of indigenous communities traditionally engaged in fishing for livelihood in lowland PAs. But in wildlife reserve regulated fishing is permitted to all against payment of prescribed fees	Equal access to all people. No specific rights on fishing.	Equal access to all but restricted in sacred (religious) zone.	Equal access to all (for natives and non-natives) against payment of fees

[17] This includes both Chitwan and Bardiya National Park Regulation as well as Wildlife Reserve Regulation.

Grazing and cow-sheads	Restricted	Allowed to concerned communities (in stated located and period by warden)	Allowed to concerned communities. 4 months at high plateau grazing ground.	Defined by Mgmt. plan
Timber	Not allowed to collect	Allowed to locals for to construct and renovate houses on a limited basis with the prior permission of the Warden and after paying a fee.	For construction and repair of houses for locals as per the existing rule on sale and trade of forest products. But restricted in sacred zone	Defined by Mgmt. plan

Forest Act 1993 (2050 B.S) and Forest Regulation 1995 (2051 B.S)

These are the principal legislation and rules that make provisions of handing over of management (but not ownership) of national forests to the local communities, organised in the form of CFUGs. Despite recognition and provision of CFUGs by the Acts since early 1990s in Nepal, there continue to be customary practices of governing forest management by indigenous peoples and local communities in different parts of Nepal, which are not necessarily recognised under these Acts.

Strengths

- The management, use rights and authority are entrusted to autonomous local community forest users groups. Sustainable use of natural resources in community forest have also improved local livelihoods and enhanced community development.
- Community forestry today has become a viable strategy for the rehabilitation of abandoned and degraded lands through plantations and by fostering 'the return of diversity of species'. It has contributed to natural regeneration. Improvement in forest cover in mid hills has resulted in an increase in numbers of wild animals, and attacks on domestic animals have been reported in many District Forest Offices (Nepal Biodiversity Strategy).

Weaknesses

- Legal ownership of land lies with the government even in community and religious forests.
- Biodiversity conservation is not the 'mainstream activity' of CFUGs under the Forest Act and Rules. It can be argued, however, that even though biodiversity conservation is not the first priority, CFUGs in many cases contribute to it while pursuing their livelihood and welfare requirements through forest conservation. In fact, conservation may be successful precisely because of this, since people see a greater stake or interest in it. Having this as one of the priorities will also help bring in conservation concern in many other CFUGs which currently may not be focusing much on biodiversity.
- Wildlife conservation is excluded from the scope of community forests at least in the legislation that regulates them. But CFUGs have to abide by the provision of NPWC Act. This may have implications on local control over wildlife conservation and benefits accruing from it. Wildlife within its jurisdiction will generate greater interest in the forest user groups towards wildlife protection.

[18] Community Forestry Operation Guideline 1995 and revised Community Forestry Operational Guideline, 2002.

- Rules and conditions of community forests have sometimes had detrimental impacts on the traditional access to natural resources of indigenous peoples. Community forest has posed challenges to mobility and free access to forest resources of endangered mobile indigenous peoples of Nepal such as the Raute. Research evidence also suggests negative impacts of community forestry on traditional access of mobile herders in the high hills of Nepal.

Religious Forests as CCAs

Religious and sacred forests are one of the oldest forms of forest conservation by indigenous peoples and local communities. They were first legally recognised in the early 1980s by the first amendment of the **Forest Act, 1961 (2018 B.S). However there was no regulation then to implement this. Forest Act, 1993 (Paragraph-7, Article 35-37)** and **Forest Regulation, 1995 (Paragraph- 6, Rule 55-60)** make provision for religious forest. 'Religious forest is a national forest handed over to religious institution/ body, group or communities for development, conservation of forest'. The legislation mandates such institution, group or community to be registered as per the existing law of the country. Like community forests, the DFO is the chief authority that endorses granting of religious forest within the national forest in and around religious sites. The law also states that handing over of such religious forests should be executed without jeopardising traditional use rights. Logs and firewood from the forest can be used only for religious needs of the site.

Religious forests in Protected Areas

Buffer Zone Management Regulation, 2052 (Paragraph-6, Rule-22) has also a provision of buffer zone religious forest - 'development, conservation and use' of religious sites and forest area in and around the site by religious institution, group or communities. Likewise, **Conservation Area Government Management Regulation, 2057, Rule 38-39** has also provision for religious forests in Conservation Areas. Provisions and conditions of handing over of management authority are similar to religious forests as accorded by the Forest Act. There is no provision for this in the national parks or wildlife reserves.

Strength:

There is a provision for granting forest management authority from the state to religious groups or community institutions.

Weaknesses:

There are no recognitions of customary practices and traditional norms of conserving sacred forests by indigenous peoples and local communities. Modern plans and rules for forest conservation and not the customary ones have to be developed and later endorsed by the District Forest Office for legitimate hand over of forest to local groups.

Religious Forests can be recognised as CCAs (although with their own limitations) by Buffer Zone Religious Forests and Conservation Area, and national forest “religious forests”. However there is not enough and authentic data and documentation about the number and area of religious forests that have been recognised in buffer zones, conservation areas, and the national forest. Thereby how many of religious forests are recognised as being under the management authority of indigenous peoples is still unknown and needs further inquiry and studies.

Additionally, there is no provision for recognising community management of sacred forests in national parks or wildlife reserves.

II. Does the country recognise CCAs as a part of the PA network system?

Nepal does not recognise CCAs, with an exception of Kanchanjunga Conservation Area as discussed earlier, as a part of the PA network system.

III. If CCAs are not legally recognised, are there general policies/laws that recognise indigenous/community territories or rights to areas or natural resources, under which such communities can conserve their own sites?

Although CCAs are not legally recognised, there are international conventions and treaties that Nepal has ratified. They are important so far as indigenous peoples or local communities right to natural resources. These include, the **Convention on Biological Diversity (CBD), 1992**.

Nepal Government is one of the parties to CBD. Ministry of Forest and Soil Conservation (MoFSC) is the focal point for CBD. CBD Program of Work on Protected Areas (PoWPA) is thus one of the obligations to the implementation. Like many state parties to CBD, Nepal lacks any progress towards element 2: Governance, Participation, Equity and Benefit Sharing in relation to PAs.

Universal Declaration on Rights of Indigenous Peoples (UNDRIPs); In 2007 Nepal also voted in the UN General Assembly to adopt the UNDRIPs. Article 26: (Right and control over natural resources traditionally owned, use, controlled or occupied otherwise). This article has also not been implemented in the conservation laws and policies yet in the country.

International Labour Organisation (ILO), Convention 169 In 2007 the Government of Nepal ratified ILO Convention No. 169 on Indigenous and Tribal Peoples, becoming the first country in mainland Asia to do so. While Nepal was the first country in mainland Asia to ratify this Convention, there are several contradictions in existing policies and acts concerning natural resources and PAs within Nepal that go against the spirit of this Convention. For example, the current legislations on community forests as well as PAs are not sensitive to rights of indigenous peoples. There are no national laws supporting many of the articles of ILO 169 and that PA regulations and management plans have not yet been revised to comply with ILO 169.

On the other hand there are a number of national laws and policies that give some space for CCAs but in fairly limited manner. For an assessment of their strengths and weaknesses, please see below:

National Wetland Policy, 2003

The National Wetland Policy, which is in the process of revision, is vital as it has a potential that could lead to a formation and recognition of CCAs with wetland ecosystems. The primary goal of the policy is 'to conserve and manage wetlands resources wisely and in a sustainable way with *local people's participation*'. The major objective of the policy is to *involve local people in the management* of Nepal's wetlands and conserve wetlands biodiversity with wise use of wetlands resources.

Strengths

The policy pronounces as its objective to identify local people's knowledge, skill and practice regarding wetlands and promote their innovations and traditional research for the sustainable use of wetlands resources.

Wetlands management policy based on local participation is one of the key components of the policy. It includes participatory management of wetland, involvement of local communities, residents and CBOs, benefit of local communities while maintaining environmental integrity. It also states to ensure local people's participation in preparation of **work plans** for conservation and management of wetlands. Preserving the **experience, practice, skill and knowledge of the wetland dependant ethnic groups**, and promoting wetlands conservation and management on the basis of their experience are another key elements. Representation of local people and organisations in the management committee and aspects of necessary legal and administrative arrangements for the same are other key statements in the policy.

The section on classification of wetlands and management reflects the diversification of models managing wetlands especially those beyond PAs. This ranges from collaborative to community managed wetlands. Management responsibilities of wetlands that fall within the conservation area are entrusted to the concerned body. Several ways of managing wetland sites for effective conservation and management of wetlands are charted out in this include: Community managed wetlands, Private wetlands, Leasehold wetlands, jointly managed wetlands, Religious wetlands, and State-managed wetlands.

The strategy acknowledges local people as the focal point for the management of wetlands resources, while confirming the management practice compatible with rural lifestyle.

Weaknesses:

Despite the emphasis of women's participation in conservation, management and wise use of the wetland as one of the objectives of the policy; women's agenda, concerns, rights and participation is not clarified in the policy statements. The special relation and dependence and knowledge of women is not reflected in the policy. In the name of 'local peoples participation' the specialties and peculiarities of women seem subsumed. Hence, despite being a progressive policy from local people's perspective; gender dimension and perspective of the policy seems weak and an important gap.

There are several examples of wetlands that have immense potential to transform into community management wetlands and thereby CCAs. Yet a shift in governance of such sites from collaborative to community has not taken place yet.

Nepal Conservation Strategy, 1988(2045)

Strengths:

The section on *National Park and Protected Areas* has some of the important statements concerning local communities in the context of protected areas. It acknowledges effects of PAs on local communities' especially personal danger and damage to agricultural crops during protection of wildlife. It also acknowledges conflicts between local villagers and park authorities mainly because of lack of effective dialogue. Importantly, the Strategy advises consultations with the local communities while drafting the management plan of a PA. Likewise, it also stresses that relocation of local communities should be avoided while creating a new PA. It also envisages identification of management zones within PA such as the buffer zones and community facility zones (where the local communities will have access to natural resources).

Weakness:

It still envisages the DNPWC and Department of forest as the major decision makers, without much role of the local communities.

It does not talk about CCAs or legal backing for them.

Except in case of Sagarmatha National Park (SNP) there are no clearly defined community facility zones in PAs of Nepal. SNP Management and Tourism Plan 2207-2012 envisages 'Community Resource Area' as an area designated for controlled harvesting of firewood, timber, grazing, and collection of non-forest products under traditional land use rights of communities living inside the Buffer Zone settlement enclaves. However it is a matter of further inquiry to what extent this has been practised on ground.

Biodiversity Strategy, 2002

Sectoral strategy

An important aspect of this sectoral strategy is that it suggests looking at new models of protection and management of PAs. It recognises new models of PA management such as ACA and KCA where army is not involved in the protection but local communities are.

In case of integrated *management of mountain biodiversity*, it recognises invaluable knowledge of mountain peoples concerning the conservation and sustainable use of biodiversity. Importantly, it draws attention towards promoting the well being of people dependent on mountain resources and to foster and ensure community based strategies for mountain biodiversity conservation, thereby a need to develop legislation to effectively address 'the bio-geographical, economic and cultural 'of mountain domains.

In management of wetlands, the strategy document highlights the need to identify critical wetland habitats and declare them as PAs. It suggests encouragement of participation by user groups and community based organisations in a collaborative management of wetlands.

Cross sectoral strategies

Integrating local participation is an important component of cross sectoral strategies. It states that active involvement of local people will be sought in conservation management systems 'to promote responsiveness and promote ownership of conservation programs by communities. Likewise, it also states that indigenous knowledge and innovations relevant to biodiversity conservation to be acknowledged and used where possible as well as providing optimum (benefits) to local indigenous communities in a sustainable manner.

It mentions one of the priority areas identified by CBD COP, i.e. 'strengthening the involvement of local and indigenous people in the conservation and sustainable use of biodiversity'.

Public participation is one of the mechanisms for actions in the document. It mentions that the government has acknowledged 'peoples right to participation in land use and resource management decisions' by approving the regulations and guidelines on buffer zone.

Weakness:

The Biodiversity Strategy of Nepal is yet to incorporate some of the latest developments in CBD processes especially CBD Program of Work on PAs and revise the strategy as per the contemporary international discourse on participatory conservation.

Another weakness is that the "right to participation in land use and resource management decisions" is not stated for national parks and wildlife reserves.

Environment Protection Act, 1997(2053)

The Environment Protection Act (EPA) can have implications on existing CCAs if it is executed with a blanket approach without local consultation and recognition of existing local practices of conservation. Article 10 of the Act suggests that any area within the country, such as highly significant national heritage or of scenic beauty, rare wildlife, biodiversity, plant species, significant historical or cultural sites from environment point of view, can be maintained as Environment Protection (Conservation) Area, by publishing a notification in Nepal Gazette by the Government of Nepal.[19] Likewise Rule 30 of the Environment Protection Regulation lists out prohibited actions inside environment conservation zones. This includes any harm to natural endowments or scenic beauty; trade or hunting of wildlife, actions having adverse impact on biodiversity; any interventions on plant, harming sites of historical and cultural significance; use of electric current, 'any vegetative or any harmful chemicals in any sources of water or water bodies; transforming genetic make up through domestic animals; mining or extraction of non renewal resources; and operating 'hotels, lodges, public transport, health posts, schools, huts, or similar other services'; entry to the area without approval of authority accorded by the ministry.

Inquiry into Tinjure-Milke-Jaljale (TMJ) : proposed Conservation Area

As per the proposal of then Ministry of Population and Environment, on July 13, 1998, the Council of Ministers declared 9003 ha area as National Rhododendron Conservation Area. But this is yet to be designated as a category of PA in the existing ones in Nepal. The legal basis for this decision however is Environment Protection Act, 1997, Article 10 and Environment Protection Regulation, 1997, Rule 30.

A working group was formed on March 13, 2007 from the state ministerial *(Rajya Mantri)* level directive to conserve biodiversity, cultural diversity and religious sites and create a mechanism of livelihood security of local communities in TMJ area. A report formulated by the working group strongly suggests revoking the earlier decision as environment conservation zone (as it jeopardises rights of local communities under the provisions of the act) and declaring the area as TMJ Rhododendron Conservation Area and to formulate regulations as per NPWC Act. It envisages the CA as managed by local communities, thereby realised a need to formulate necessary institutional framework, local level conservation trust fund, necessary preparations for formulation of management plan of the area, identify suitable PA category.

Actors involved in the working group were Ministry of Forest and Soil Conservation, IUCN Nepal, The Mountain Institute, NTNC, WWF Nepal, National Rhododendron Conservation Management Committee and ICIMOD as well as some of the invited members of Parliament from Terathum and Sankhuwasabha districts.

TMJ area covers 500 sq km and is located between two existing PAs of Nepal (Makalu Barun National Park to the west and Kanchenjunga Conservation Area to the east). The proposed PA tentatively constitutes 23 VDCs with approximate local population of 50,000. The scenic beauty and endemism of diversity of Rhododendron species are special features of the area.

The proposal of TMJ area as a Conservation Area advocates rights and effective participation of local people in governance of the area. Incidences of local tension and resistance especially from the

[19] "1. His Majesty's Government may, by a notification in the Nepal Gazette, maintain any place within the Kingdom of Nepal containing natural heritage or aesthetic, rare wildlife, biological diversity, plant, and places of historical and cultural importance, which are considered extremely important from viewpoint of environment protection, as an Environment Protection Area."

existing community forest users groups, however, raise concerns about the autonomy of community forests within a proposed conservation area. Actors involved (Nepal's leading national conservation NGOs and ministry of forest) in ushering the idea of conservation area in TMJ also acknowledge a lack of meaningful participation of the local people during the initial preparatory work. In the same manner there has been a lack of adequate dialogues with local people, regional ethnic based political groups, civil society groups -- including such as Federation of Community Forest Users Groups (FECOFUN) -- and influential conservation actors and agencies. The processes of working group on TMJ constituted at the ministerial level that consisted government officials as well as representatives of conservation NGOs seem to have left out diverse local and civil society actors. Whether free, informed and prior consent of local people was obtained, including from indigenous peoples such as Limbu, is also unclear.

It is important to consider that the proposed conservation area could be developed as an exemplary case of CCAs in Nepal, given the fact that customary (if existing) CCAs and modern CCAs are well recognised and integrated in the proposed democratic and inclusive community based management institutions. The report of the working group suggests that there could be an analysis of the existing management and governance arrangements of KCA, and then work out the community based people centered structures for this site. The greatest challenge would be to engage in a democratic and fair dialogue with local actors such as ethnic based political groups and existing community forest user groups in the area.

Source: Report of the working group constituted to promote TMJ Conservation Area, March/April 2007.Source: Stan Stevens, personal communication, 2008

PART 4
Evaluation

1. What CCA types seem most effective for the conservation of biodiversity in your country? (Please offer some explanations and examples).

There are several types of CCAs existing in Nepal. The size and connectivity of CCAs seems to be one of the key factor in their effectives. Several examples in Nepal suggest that small scale CCAs are being successfully managed by local communities and indigenous peoples. The examples of recognised and unrecognised community forests and small sacred groves and religious forests are some of the examples. Wetlands appear to be another kind of common CCAs in Nepal.

CCAs that have a strong linkage with local livelihoods or daily subsistence are effective for biodiversity conservation. While the inherent or most prioritised value of such sites may not be directed by conservation imperatives or logic; more often repercussions of managing the site yields direct benefits of various scales from daily subsistence to ecotourism. Access and availability of resources for daily livelihoods seems to be an important incentive for biodiversity conservation for example forest conservation in the vicinity of settlements are directed towards fulfilling livelihood requirement through sustainable use of natural resources rather than driven by a strong conservation logic. The example of CCA of Chepangs is the best example of this along with the forests conserved by a number of CFUGs. At the same time realisation of advancing economic opportunities from conservation initiatives such as CCAs with wetland ecosystems are effective for biodiversity conservation in and around the wetlands (Tau Daha; Rupa Wetland documented in the course of the study).

CCAs that have a cultural and religious significance or values associated with them are the best types for biodiversity conservation. Many of the documented CCAs in the study have strong cultural or religious values embedded into them. Even the CCAs in making or potential CCAs in Nepal such as Panchasey hill and Mai Pokhari wetlands have strong sense of cultural significance of the site per say. Thus religious or cultural values associated with the CCAs are strong factors in biodiversity conservation as well as its sustenance. Likewise, biodiversity richness in areas regarded as *"Beyuls"* in mountain ecosystems of Nepal are also exemplary cases of sacred sites in Nepal.

Large scale CCAs with extensive geographic coverage such as Kanchenjunga Conservation Area is among the most promising new CCA types that have evolved from a long and sustained collaboration between local people; resourceful and influential conservation NGO such as WWF Nepal as well as concerned state authority i.e. national park department.

2. What CCA types seem most effective for the conservation of the cultural values associated with biodiversity? (Please offer some explanations and examples)

Sacred groves/forests, sometimes also popularly known as 'Rani Ban' are common examples of cultural values associated with biodiversity conservation. The sacredness of such sites have been influential to sustain biodiversity. As mentioned earlier; many of the sites documented during the course of the study; have strong connections between religious and cultural values and sustenance of such sites. Thereby sacred sites are the most effective for the conservation of cultural values associated with biodiversity. Sacred groves in patches or in a landscape and sacred wetlands; sacred landscapes are some of the best examples of CCAs to this end. The sacred sites have often conserved the cultural values having complementary consequences for conservation.

3. What CCA types seem most effective for the generation and equitable distribution of socio-economic benefits? (Please offer some explanations and examples).

CCAs with democratic institutional arrangement in place are the most effective for equity in benefit sharing. The most prominent example for this would be CFUGs that constitute executive committee accountable to general assembly (this contains all the members of a CFUG). CFUGs have often been challenged for being captured by local elite and sometimes lack of adequate representation of marginalised social groups in the decision making. However, these aspects including issues of internal good governance are being addressed and occupy central discourse of community forestry movement in Nepal, often considered as second generation issue. The latest Community Forestry Guideline addresses some of these pressing concerns. CFUGs have emerged as modern, democratic and autonomous institutions of local communities for sustainable forest management in the course of community forestry programme in Nepal.

Likewise modern structures of community institutions governing CCA sites are also found in cases documented during the study often regarded as "committee". Facilitation of external agencies are also sometimes crucial in securing equity in benefit sharing such as the case of Rupa wetland, that has attempted to secure representation of women, poor as well as traditional fisher folks in the governing body as well as users as members of the wetland related cooperative. The case of KCA is among the best example of complementarities and blending of modern community structures/institutions with localised traditional/indigenous institutions for example recognition of mothers/women's group; and also traditional institutions of resource management. However it has not been much studied but would be useful to study whether the traditional institutions and practices in some of the externally and legally initiated CCAs such as KCA continue to operate today.

CCAs with indigenous and customary practices are also promoting equity in benefit sharing, since CCAs are perceived as commons. Traditional institutions and localised norms regulating commons such as forest patches not yet under a community forestry legislations; 'shinggi nawa system' traditional forest management practices in Khumbu region and customary resource management practices in Nar Phu Valley of Annapurna Conservation Areas particularly grazing and herding are some of the examples. Likewise informal localised rules developed and exercised by informal community structures developed as per the local needs and consensus are also in practice such as the case of forest management by local Chepangs.

4. To what extent are the CCAs supported by the concerned communities? Are the governance setting broadly considered "legitimate" at the local level? Are those considered legitimate by the government?

Cases documented during the study suggest that governance setting of existing CCAs is more or less accepted by all members of the concerned local communities. There have not been any significant discord or tensions found with regard to governance setting. Many times such governance setting has evolved as a result of democratic processes, community consensus rather than external imposition. Often traditional governance mechanisms and practices have long been established in the concerned communities and have been duly recognised, acknowledged and unanimously adopted as a part of age old tradition and way of life. There are, however, such CCAs where there have been incidents of disagreements and conflicts over the governance structure or benefit sharing arrangements. In some such cases where the conflicts could not be be resolved, the initiatives broke down. For example, in some Sherpa communities in Khumbu, disagreements led to some grazing and forest CCAs being abandoned in the 1960s-1980s.

Even though all types of CCAs are not legitimised by the state and the CCA concept is not recognised in the government laws and policies; committees managing such sites registered under local administration or other concerned state bodies such as the CFUGs have been recognised. CCAs in Nepal are very common and many traditional practices continue to function well even without legal or government recognition particularly in areas where state presence is less.

5. What factors or conditions (e.g., tenure security, infrastructure support, community cohesion, quality of relationship with relevant state agencies) appear important in determining effectiveness and overall success for the CCAs? Can you offer some specific examples?

Community cohesion sustained due to common motivations and interests, is one of the crucial factors that determines effectiveness and success for CCAs. This is a cross cutting factor in all the CCAs documented during this study.

In the same manner, quality of relationship with relevant state authorities or agencies have also proven important factor in some cases. This is evident particularly in case of CFUGs and religious forests; where communities have acquired management and use rights over the resource. The relation of local CFUG or group managing religious forest and the DFO is important. The example of Kanchenjunga Conservation Area also illuminates that the relation between local actors and right holders and several other actors, including a supporting conservation agency as well as the concerned state actors such as Department of National Parks and Wildlife Conservation, can be crucial. In case of Rupa Wetland; a relationship was established between the local farmers as well as Fisheries Research Centre and other supporting NGOs. A good coordination between all these is one of the important factors behind the success of the initiative.

Importantly, infrastructural support from both state and non state actors (especially NGOs) has been another important dimension of success. This is exemplified in cases such as KCA, CFUGs contributing biodiversity conservation, and Rupa lake.

A quick assessment of CCAs in general also indicates that the size of CCAs; favorable state policies; secured tenure security; right support from NGOs; effective collaboration between several actors; the presence of effective leadership, active involvement of all sections of society in particular women and youth are some of the crucial factors behind success and effectiveness of CCAs.

6. What main threats appear to undermine the effectiveness and sustainability of CCAs in the region? Can you offer some specific examples?

Mining appears to be one of the major threats to many CCAs, for example, limestone mining in Dhading district has threatened community forests around the vicinity of Chepang indigenous peoples; at the heart of Kathmandu valley, in Chapagaon in Lalitpur district; there have been conflicts between local CFUGs and a mining company.

Many of the indigenous resource management practices have been jeopardised and eroded as a result of state's policy and legislations such as abolishing the *Kipat* system (an indigenous system of land management and ownership); nationalisation of forests; establishment of official protected areas without giving due recognition and attentions to existing CCAs (including customary CCAs). Pasture Nationalisation Act has also delegitimised customary management of pasturelands at higher altitudes of Nepal. Hence, state's policy and legislations can seriously support or destroy CCAs. There are *de facto* CCAs co-existing within official PAs especially in High Mountain PAs including Conservation Areas. These include sacred groves, customary pasture resource management, traditional forest management practices such as *'shinggi nawa'* etc; their sustainability and effectiveness are highly influenced by the state policies on PAs; respective management plans and regulations. Continued non recognition and absence of adequate support to existing CCAs within state declared PAs is often a major threat.

The contradictions and tension between commercialisation i.e. economic opportunities verses ecological sustainability is one of the pressing threats. In case of Tau Daha and Bajra Barahai, religious forests are grappling with increasing number of domestic visitors to the site; sometimes impacting the local environment. Balancing the conservation goal, ecological integrity and advancing economic opportunities is thus a challenge for many CCAs.

Changing livelihood patterns and commercialisation could sometimes affect customary and cultural practices significant to conservation. The case of Sherpa youth in Khumbu (Stevens 2008) is a case in point.

There are CCAs that are threatened by natural factors such as problems of invasive species and erosion threatening wetland ecosystems. Several CCAs with wetland ecosystem are tackling this threat.

7. Are there specific problems that seem to oppose local communities (sedentary and mobile) and indigenous peoples to other social actors (e.g., governmental agencies at various levels, private businesses) with respect to CCAs?

Legitimacy and state's supportive recognition to the traditional forms of resource governance and management by indigenous peoples and local communities is one of the key issues at the moment. Recognising the status of CCAs coexisting within official PAs and constant support to them is essential for not only local people but also for biodiversity conservation. Lack of this realisation and understanding amongst the policy makers is one of the major hurdles. There are well functioning traditional institutions such as in Nar-Phu Valley; Dolpo and Khumbu region and elsewhere; ensuring rights and local autonomy of such institutions will help support CCAs and conservation in the long run.

Territories or spaces occupied and used by mobile herders as rangelands or grazing lands in mountain areas of Nepal; are governed by localised norms and rules at a moment even though they fall within legally declared PAs. PA law does not allow or recognise these practices and norms. They also lack a security of tenure, this can be extremely detrimental for conservation practices of these communities in the long run.

The ratification of ILO 169 that secures rights of indigenous peoples and local communities over natural resources, as well as ownership of customary territories, lands, and natural resources, self-governance are going to be one of the points of contestation between indigenous people and state actors. Many of the state's sectoral legislations governing natural resources and conservation are contradictory to the spirit of the convention. How the debates related to these issues will find their way in the new federal governance structures and drafting of new constitution will be critical for the rights of the indigenous communities and their conservation efforts.

Declaration of new 'Conservation Areas' by the government in its drive to expand PA coverage or create connectivity between existing protected areas, has often generated local resistance, especially amongst the existing CFUGs. This has triggered tension between existing CFUGs and conservation actors. It is therefore extremely important to appreciate existing new as well as customary CCAs in any area which is being proposed as a PA or a conservation area and ensure that rights are upheld and they become part of the conservation strategy for the area (with the consent of the local people) rather than being alienated from the same.

Likewise, there is no clear policy as of now about the roles and responsibilities for the authority and management of many wetlands across the country. Although many of these wetlands are being de facto controlled by the local people, however since they have no legal authority the sustainability of such initiatives could be impacted in the long run.

What role can and do CCAs play in the country's climate change adaptation/mitigation strategies?

A detailed analysis and study of the relationship between CCAs and climate change could not be undertaken during this documentation. However CCAs are crucial spaces for carbon storage, and they contribute by curbing deforestation and degradation of forests in Nepal. This could have influential impact in adaptation strategies as well.

CCAs located in the mountainous areas are significant for maintaining integrity of mountain eco systems and mitigating vulnerability of mountain communities. Considering the environmental benefits of CCAs they could be one of the important potential strategies and approaches for exploring community based climate change adaptation and mitigation approaches.

What main lessons have been learnt in your country about CCAs?

1. Size of a CCA is important in its effective management. Most CCA types in Nepal are smaller in geographic size with an exception of KCA. However it definitely does not imply that only small scale CCAs can be effectively managed but indicates that small CCAs are manageable for local people. In order to upscale and look at landscape level CCAs a possibility of linking many CCAs being managed by different communities could be considered.
2. Existence of CCAs is more likely to sustain when they have religious and cultural values associated with them. Religious and cultural values can effectively generate local stake for conservation.
3. Livelihood security or benefits especially to local people is one of the integral aspects of CCAs in Nepal. The emergence of many CCAs and their sustenance has been significant for local livelihoods while ensuring biodiversity conservation.
4. CCAs in Nepal offer useful insights on inter-linkages between participatory conservation and livelihood; and culture and conservation especially referring to sacred sites and spaces currently conserved by local people.

5. Supportive recognition of existing CCAs and those which have potential of becoming one can offer immense opportunities to widen the scale and scope of existing protected areas coverage in Nepal. CCAs can also play significant role in providing connectivity between various protected areas. Extension of existing PA boundary may often be faced with constraints and local costs; recognising existing and those potential CCAs could therefore be an effective strategy to widen the scope of area under PA coverage as well as legitimising community control over the areas being conserved.

   However, the experience of Tinjurey Milkey Jaljale (as briefly mentioned in Part 2) as a proposed community managed Conservation Area (the process spearhead by conservation agencies) also reflects that the process of recognition needs to be democratic; with the effective and appropriate engagement of local actors and right holders; amidst atmosphere of mutual trust and healthy dialogue and most importantly continuation and security of rights enjoyed by the local custodians of conservation.

6. Support to CCAs could be an effective strategy to address poverty as well as livelihood necessities while at the same time garner popular support for the cause of conservation.

7. In a hierarchical Nepalese society embedded in unjust social structures; democratic institutional arrangement for governance and management of CCAs that secure representation and justice to marginalised social groups.

8. Tenure security is critical to sustain and support CCAs and advance its potentialities.

On the basis of the above, what appear to be the key country needs for communities to safeguard their existing CCAs, enable and strengthen those currently in jeopardy and establish new ones, as appropriate? Please specify such needs as punctual recommendations (e.g., who should do what in terms of legal and policy change, technical support (e.g., for mapping and inventory making), networking, financial support (for what exactly?), learning and documentation, etc.)

Legal and policy reforms are of utmost necessity as Nepal is undergoing state restructuring and processes of drafting a new Constitution. Some of the policy gaps and weaknesses (illustrated in the section of legal analysis) can be well addressed in the process of policy reform on protected areas, forestry sector, environment and natural resources. The policy changes are also important to meet the obligations of important international conventions such as CBD as well as ILO 169. Changes in the policy and legislations could address the issue of diversifying governance types of various protected area categories in Nepal. More importantly; CCAs (old, new and potential ones in making) can thereby gain legitimate status and due recognition for its contribution in biodiversity conservation. Along with this it is also important for statutory law to recognise and give space to customary law. Despite policy changes in protected areas, policies and legislations concerning community forests, religious forests, communal land ownership, wetlands and just tenure arrangements for customary rangeland or grazing management practices are also equally important.

While the new Constitution will provide a principle basis and broad framework for formulation of new policies and legislations; role of Ministry of Forest and Soil Conservation; Department of National Parks; Conservation I/NGOs; civil society groups; organisations of local communities as well as indigenous peoples; concerned committee of legislatures in the constituent assembly as well as in the Parliament are important in the process of any policy change. However any such changes, including the ones to do with PAs should undergo participatory and democratic processes.

Given the time and resource limitation of the present study, it strongly recommends widening and intensifying mapping and inventory of CCAs in Nepal. This will be to identify prevalence and status

of CCAs, their potentials and generate greater understanding about them. Role of indigenous peoples' organisations and institutions (such as Nepal Federation of Tribal and Indigenous Nationalities as well as Indigenous Nationalities Academy); FECOFUN and other civil society organisations could be equally instrumental in understanding and recognising CCAs. Along with mapping; dialogues at various scales and at various levels; are essential given the limited discourse and understanding about CCAs in Nepal. Widespread public outreach highlighting the importance of CCAs, for their wider social recognition is also important.

The mapping exercise could also include potential CCAs along with the existing ones. There are many such possibilities such as some of the wetlands enlisted as Ramsar sites (Mai Pokhari in the mid hill of eastern Nepal and Ghoda Ghodi wetland in southern Nepal). This can well be addressed by National Wetland Policy that is currently undergoing revision.

Connectivity of community forests: Dispersed forest patches in the form of community forests connected at a landscape wherever possible can have strong conservation imperatives as well as contribution for local livelihoods. While the concept of connectivity among CFUGs is emerging; such inter-connected CFUGs can be CCAs of different sizes but will also be of varying quality, some achieving autonomy, equity and conservation more than the others. The role of the Federation of Community Forest Users Groups in Nepal (FECOFUN) would be crucial to advance this concept. There are CFUGs willing to connect their nearby community forests at a landscape level but are lacking technical assistance such as participatory mapping, collective management plans, exploring prospects of ecotourism etc. to realise the concept.

Community forests in wildlife corridors or PA corridors are extremely important from conservation point of view and are potential CCAs in Nepal. Community forests in Barandhabhar corridor (across Chitwan National Park and Parsa Wildlife Reserve) in south central Nepal is one such example. Conservation significance of such community forests can be enhanced, to seek support from the locals as well as provide required support to the user groups.

Likewise, buffer zone community forests in and around protected areas; that do no not enjoy autonomous status like community forests in general; are also potential CCAs. While forests in the buffer zones are being conserved by local people that provide extended habitat for wildlife in the PAs as well as have important livelihood significance; the autonomy of such groups is limited. The case of Baghmara Community Forest in the buffer zone of Chitwan National Park and many more can be showcased to advance this discourse.

Coexistence of CCAs in existing PAs: There are sacred sites; sacred groves; traditional resource use and management practices that were incorporated into the official protected areas. Zoning of such sites and areas can be done and accorded a status of CCAs. This would further conservation goal of protected areas and generate further local support for conservation.

List of relevant actors, related to CCAs in Nepal

1. Concerned indigenous peoples and local communities
2. Concerned committees of Constituent Assembly
3. Natural Resource and Means Parliamentary Committee
4. Ministry of Forest and Soil Conservation
5. Ministry of Environment

6. Ministry of Law and Justice
7. Department of National Parks and Wildlife Conservation
8. Department of Forest
9. Ministry of Tourism
10. Nepal Tourism Board
11. Federation of Community Forest Users Groups in Nepal (FECOFUN)
12. National Federation of Tribal and Indigenous Nationalities in Nepal (NEFIN)
13. Ratriya Adivasi Janajati Prathisthan (National Foundation for Development of Tribal and Indigenous Nationalities – NFDIN)
14. World Wildlife Fund (WWF), Nepal
15. IUCN - International Union for Conservation of Nature
16. National Trust for Nature Conservation (NTNC)
17. ICIMOD
18. Forest Action, Nepal
19. Other relevant I/NGOs and civil society organisations
20. The national/regional organisations of individual indigenous peoples
21. National human rights organisations
22. ILO office; UN offices (including UNDP)
23. Courts
24. Law firms and lawyers associations

Creating a national platform: The most significant initiative to enhance the discourse of CCAs in Nepal, realise their potential and provide support to them would be a national network of CCAs that would represent cultural, ecological and regional diversity in the country.[20] A step in this direction has already been taken in the form of national *ad hoc* network of CCAs established in 2009 that constitutes local leaders from several CCA across Nepal. The efforts are on to expand this network to represent the cultural, ecological, and regional diversity in Nepal and a national lobbying and advocacy body. Along with this network, a national support group that includes representatives of relevant government bodies, I/NGOs, civil society organisations, political party leaders would also be important to establish a mechanism that provides necessary support to the people's network.

Are there any unique opportunities that should be seized in your country to promote more equitable and effective ways of managing natural resources and protected areas?

Nepal is undergoing a process of state restructuring and societal transformation. As a republican state, Nepal now is heading towards federal governance structure as opposed to the centralised state structure. After the historic Constituent Assembly elections in 2008, a process for drafting a new Constitution of

[20] At the time when this study was conducted such a network/form of CCAs was non-existent in Nepal.

the country with the participation of citizens has begun and is currently underway. A new Constitution will guide and chart out the future course of action for the state machinery; thereby in turn will begin restructuring of state policies and legislations. Hence, policies and legislations governing PAs and the forestry sector of Nepal are more likely to undergo reform and changes as guided by newly drafted Constitution. Hence, Nepal now has a historic and unique opportunity to address community rights (of local communities and indigenous peoples) and their control over natural resources by recognising and appreciating CCAs in Nepal. But it is equally of concern that there will be new 'development' related challenges that CCAs will have to face, given the dominant economic ideology of the new government and a move towards formation of a New Nepal that would prioritise economy over ecological state of the country.

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Annex: Format for the preliminary database of CCA sites in Nepal (Annex 11-5)

Annex 1: Chepang's forest management

Basic data (please provide all)

Site Name (in local language and in English)	Hapani Danda
Country (include State and Province)	Mid Hill, Chitwan, Nepal
Area encompassed by the CCA (specify unit of measurement)	300 ha (estimated)
GIS Coordinates (if available)	
Main ecosystem type	Forest ecosystem
Whether it includes sea areas (Yes or No)	No
Whether it includes freshwater (Yes or No)	No
Marine (Yes or No)	No
Concerned community (name and approx. number of persons)	Chepang (Praja); 550
Is the community considering itself an indigenous people? (Please note Yes or No; if yes note which people)	Yes, Chepang-One of the Highly Marginalised Indigenous Nationalities of Nepal
Is the community considering itself a minority? (Please note Yes or No, if yes on the basis of what, e.g. religion, ethnicity)	Yes; ethnicity
Is the community permanently settled? (Please note Yes or No; if the community is mobile, does it have a customary transhumance territory?)	Yes (historically semi mobile)
Is the community local per capita income inferior, basically the same or superior to national value? (please note how confident you are about the information)	Inferior (one of the poorest groups in the country)
Is the CCA recognised as a PA by governmental agencies? (Yes or no; if yes, how? If no, is it otherwise recognised?) If yes, legal document? Establishment date?	No
Conflicts with land tenure, natural resource use?	Before local people's initiative to conserve; conflict with outsiders to control felling of trees and hunting.
What is the main management objective (e.g. livelihood, cultural, spiritual…)	Livelihood as well as cultural.
By definition, a CCA fulfills a management objective. To which IUCN management category[21] do you consider it would best fit (this does not imply that the management objective is consciously pursued by the concerned community, but that it is actually achieved)	Category 6 (managed resource PA) and Category1b (Strict nature reserve)

[21] Please see http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/pascat/pascatrev_info3.pdf

Additional qualitative information

Description of biodiversity & resources (ecosystems, species, functions) conserved by the CCA	Forest ecosystem; wide varieties of tree species and medicinal herbs; *Katus (Castanopsis indica)* is the most common.
Description of local ethnic groups and languages spoken	Chepang native language and Nepali
Broad historical context of the CCA	Threats due to shifting cultivation; deforestation, uncontrolled access over forest resources, necessity of logs to construct house and forest resources. Also motivated by community. Also motivated by community forest in other parts of Chitwan district.
Governance structure for the CCA (who takes management decisions, how?)	Local youth has constituted an informal committee for forest management. Decisions are taken mostly informally through the committee members in consultation with village elders and community leaders.
Length of time the governance model has been in place	Sacredness has been centuries old but the efforts of the community to assert their rights over conservation is about a decade old.
Land and resource ownership in the CCA	Commons; and private lands; land earlier used for shifting cultivation; human settlements. However, the forest land used as common legally belongs to part of the state forest.
Type of land use in the CCA	Commons; and private lands; land earlier used for shifting cultivation; human settlements
Existence of written or oral management plans and specific rules for the use of natural resources in the CCA	No
Map and zoning of the CCA (please attach if available and relevant,)	Not available
Relevant pictures with captions (please attach if available)	
Major threats to biodiversity and/or the CCA governance system	Not yet. Informal governance; communities are looking for technical support to transform the site as community forest.
Local CCA-relevant features, stories, names, rules and practices	Sacred sites located in the CCA. There are patches considered forbidden and evil and locals restrain from accessing the forest resource. There is a common belief that those chopping trees in the area will invite misfortunes.
Gender aspect of the CCA (elaborate)	Local women access resources of the forest for daily living; however no significant role of women in the informal forest management governing the forest.
Climate change attributes(elaborate)	Significant carbon storage and control of forest degradation.

Contact individuals and organisations:

Sher Bahadur Chepang, local leader, Kauley VDC, Chitwa District. Nepal Chepang Association (NCA), Pulchowk, Lalitpur, GPO Box – 8975.

References: http://www.iucn.org/themes/ceesp/Publications/TILCEPA/guidelinesindigenouspeople.pdf

Annex 2: Tau Daha (Wetland)

Basic data (please provide all)

Site Name (in local language and in English)	Tau Daha
Country (include State and Province)	Kirtipur, Nepal
Area encompassed by the CCA (specify unit of measurement).	5 ha
GIS Coordinates (if available)	
Main ecosystem type	Wetland ecosystem
Whether it includes sea areas (Yes or No)	No
Whether it includes freshwater (Yes or No)	Yes
Marine (Yes or No)	No
Concerned community (name and approx. number of persons)	Local inhabitants of ward number 5, Kirtipur Municipality (number of persons not available)
Is the community considering itself an indigenous people? (Please note Yes or No; if yes note which people)	No
Is the community considering itself a minority? (Please note Yes or No, if yes on the basis of what, e.g. religion, ethnicity)	No
Is the community permanently settled? (Please note Yes or No; if the community is mobile, does it have a customary transhumance territory?)	Yes
Is the community local per capita income inferior, basically the same or superior to national value? (please note how confident you are about the information)	Superior to national value, an urbanising area close to the capital city.
Is the CCA recognised as a protected area by governmental agencies? (Yes or No; if yes, how? If no, is it otherwise recognised?) If yes, legal document? Establishment date?	Not recognised as part of protected area. But the committee managing the wetland is a legal entity recognised by the local administration (District Administration). The management committee is registered as a community based organisation with its constitution in 2005/06
Conflicts with land tenure, natural resource use?	No significant conflict as of now
What is the main management objective (e.g. livelihood, cultural, spiritual…)	Mostly cultural and religious; currently values of eco tourism has been associated hence also livelihood.
By definition, a CCA fulfils a management objective. To which IUCN management category[22] do you consider it would best fit (this does not imply that the management objective is consciously pursued by the concerned community, but that it is actually achieved)	Category 1: Strict Reserve

[22] Please see http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/pascat/pascatrev_info3.pdf

Additional qualitative information

Description of biodiversity & resources (ecosystems, species, functions) conserved by the CCA	118 species of bird representing 28 different families including migratory birds from Northern Himalayas. The lake also harbors 39 species of aquatic plants and rich fish fauna. It also contributes recharging the groundwater of Bagmati watershed, the biggest river of Kathmandu valley.
Description of local ethnic groups and languages spoken	Heterogeneous community; Newars as natives; Nepali is a common language.
Broad historical context of the CCA	Local initiative for wetland conservation was augmented by increased wastes in the lake, encroachment by agricultural land; and threats of aquatic weeds. Locals also realised the value of bird conservation and prospects of eco tourism prospects; conserve the scared place of historical significance. Initially local youth proactively engaged in conservation initiatives.
Governance structure for the CCA (who takes management decisions, how?)	A management committee called "*Karkotak Nagraj Nagrani Bashsthan Tau Daha Samaj*", the 11 member executive committee holds weekly meetings to discuss affairs of wetland
Length of time the governance model has been in place	2005/2006
Land and resource ownership in the CCA	Public land
Type of land use in the CCA	Wetland is strictly preserved while the buffering area contains restaurants; small shops and agricultural land.
Existence of written or oral management plans and specific rules for the use of natural resources in the CCA	Management Plan has been formulated for the wetland.
Map and zoning of the CCA (please attach if available and relevant,)	Unavailable (please refer to the link to the report containing map)
Relevant pictures with captions (please attach if available)	
Major threats to biodiversity and/or the CCA governance system	Increasing number of domestic tourists visiting the area littering the place. Sometimes fish stock is overcrowded in the wetland, particularly fishing is restricted and fish introduction by Buddhist monks and religious leaders.
Local CCA-relevant features, stories, names, rules and practices	The wetland is considered sacred and habitat of king and queen serpent, that took refuge when water of the Kathmandu valley was drained off by cutting one of the surrounding hills. There are incidents and common belief that anyone fishing or harming the lake would face misfortunes.
Gender aspect of the CCA (elaborate)	Though there are women's representation in the management committee, men's role and influence are predominant.
Climate change attributes(elaborate)	Unclear

Contact individuals and organisations:

Kusum Basnet, local entrepreneur. Shiva Ram Karki, Treasurer of the committee, Taudaha, Kirtipur, Kathmandu, Nepal.

References: http://www.iucn.org/themes/ceesp/Publications/TILCEPA/guidelinesindigenouspeople.pdf. Also see: A section on 'Degrading and Disappearing Wetlands: Efforts and Achievements on Conservation of Tau Daha' by Sudeep Devkota (www.ramsar.org/wwd/7/wwd2007_rpts_nepal_workshop.pdf)

Annex 3: Rupa Wetland

Basic data (please provide all)

Site Name (in local language and in English)	Rupa Taal
Country (include State and Province)	Rupakot Village Development Committee-6, Kaski district, central Nepal.
Area encompassed by the CCA (specify unit of measurement).	115 ha
GIS Coordinates (if available)	
Main ecosystem type	Wetland ecosystem
Whether it includes sea areas (Yes or No)	No
Whether it includes freshwater (Yes or No)	Yes
Marine (Yes or No)	No
Concerned community (name and approx. number of persons)	Rupakot VDC-3, 628 households
Is the community considering itself an indigenous people? (Please note Yes or No; if yes note which people)	No
Is the community considering itself a minority? (Please note Yes or No, if yes on the basis of what, e.g. religion, ethnicity)	No
Is the community permanently settled? (Please note Yes or No; if the community is mobile, does it have a customary transhumance territory?)	Yes
Is the community local per capita income inferior, basically the same or superior to national value? (please note how confident you are about the information)	Majority of them have average or superior to national value. Only few households (20), traditionally engaged in fishing belonging to dalit groups and marginalised ethnic groups, are economically weaker class.
Is the CCA recognised as a protected area by governmental agencies? (Yes or No; if yes, how? If no, is it otherwise recognised?) If yes, legal document? Establishment date?	Not as CCA or part of protected area, but the wetland management committee has recognition under the National Wetland Policy. The cooperative is a legal entity, with its constitution. It was established and was established in 2001.
Conflicts with land tenure, natural resource use?	No significant conflict
What is the main management objective (e.g. livelihood, cultural, spiritual…)	Conservation and also livelihood generation.
By definition, a CCA fulfils a management objective. To which IUCN management category[23] do you consider it would best fit (this does not imply that the management objective is consciously pursued by the concerned community, but that it is actually achieved)	Category 6: Managed Resource Protected Area

[23] Please see http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/pascat/pascatrev_info3.pdf

Additional qualitative information

Description of biodiversity & resources (ecosystems, species, functions) conserved by the CCA	Habitat for several endangered and threatened species such as white lotus, wild rice, Narkat (Saccharum fuscum Roxb.), Otter and several water ducks. The lake harbors 1 endangered mammal, 4 threatened plants, 40 fishes, 33 birds, 4 amphibians.
Description of local ethnic groups and languages spoken	Nepali by majority
Broad historical context of the CCA	The area of wetland shrunk from its original area due to various threats such as encroachment from the nearby landowners; unchecked soil erosion, number of migratory birds and aquatic species also went down. This augmented the locals to conserve the wetland. Sustainable fish farm in the wetland was also one of the chief motivations that encouraged the locals for conservation through formation of cooperative.
Governance structure for the CCA (who takes management decisions, how?)	Rupa Lake Restoration and Fisheries Cooperative. It has 11 members executive committee. The executive committee is accountable to general assembly. There are campaign and lake conservation sub-committees under the executive committee.
Length of time the governance model has been in place	Since 2001
Land and resource ownership in the CCA	Wetland is a public land legally owned by the state; peripheral areas of the CCAs also consist of community forests; private agricultural land and settlements.
Type of land use in the CCA	Areas around the wetland include community forests; private agricultural lands and settlements in the vicinity.
Existence of written or oral management plans and specific rules for the use of natural resources in the CCA	Yes written management plans executed by the local cooperative
Map and zoning of the CCA (please attach if available and relevant,)	Not available (please refer to the reference)
Relevant pictures with captions (please attach if available)	
Major threats to biodiversity and/or the CCA governance system	Aquatic weeds; land encroachment by the landowners in the vicinity in the past; sedimentation of soil leading to shrinking of wetland area.
Local CCA-relevant features, stories, names, rules and practices	
Gender aspect of the CCA (elaborate)	3 women representatives in the executive committee of the cooperative managing the wetland.
Climate change attributes(elaborate)	

Contact individuals and organisations:

Mana Harka Adhikari, executive committee member of the cooperative, Rupa Lake Restoration and Fisheries Cooperative, Rupa Tal, Rupakot VDC, Kaski District.

References: http://www.iucn.org/themes/ceesp/Publications/TILCEPA/guidelinesindigenouspeople.pdf

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Annex 4: Bajra Barahi Religious Forest

Basic data (please provide all)

Site Name (in local language and in English)	Bajrabarahi Ban (forest)
Country (include State and Province)	Chapagaon, Lalitpur, Kathmandu Valley
Area encompassed by the CCA (specify unit of measurement).	18.29 ha
GIS Coordinates (if available)	
Main ecosystem type	Forest ecosystem
Whether it includes sea areas (Yes or No)	No
Whether it includes freshwater (Yes or No)	No
Marine (Yes or No)	No
Concerned community (name and approx. number of persons)	Locals of Chapagaon
Is the community considering itself an indigenous people? (Please note Yes or No; if yes note which people)	No
Is the community considering itself a minority? (Please note Yes or No, if yes on the basis of what, e.g. religion, ethnicity)	No
Is the community permanently settled? (Please note Yes or No; if the community is mobile, does it have a customary transhumance territory?)	Yes
Is the community local per capita income inferior, basically the same or superior to national value? (please note how confident you are about the information)	Majority have per capita income better or same as national average.
Is the CCA recognised as a protected area by governmental agencies? (Yes or no; if yes, how? If no, is it otherwise recognised?) If yes, legal document? Establishment date?	No. But religious forests and handing over of management authority to local institutions is recognised by the state as per the Forest Act and Regulation.
Conflicts with land tenure, natural resource use?	No major conflict but when conservation initiative was initiated by local youth, they had to restrict the traditional users form the nearby hamlet who used to access the firewood and logs for cremation.
What is the main management objective (e.g. livelihood, cultural, spiritual…)	Cultural/religious; recreational as well as partially income generation from controlled tourism.
By definition, a CCA fulfils a management objective. To which IUCN management category[24] do you consider it would best fit (this does not imply that the management objective is consciously pursued by the concerned community, but that it is actually achieved)	Category 1: Strict Nature Reserve (but fallen wood is allowed to be collected for religious purpose.

[24] Please see http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/pascat/pascatrev_info3.pdf

Additional qualitative information

Description of biodiversity & resources (ecosystems, species, functions) conserved by the CCA	Constitutes 160 plant and tree species, home to 48 diverse bird species. Spiny babbler and Sun bird unique to Nepal are found. It hosts predominantly a Katush tree (*Castanopsis indica*).
Description of local ethnic groups and languages spoken	Predominant Newari ethnic group and Newari language.
Broad historical context of the CCA	Despite the historical and religious significance of the forest; uncontrolled grazing; trespass by private and public vehicles; wastes generated by picnickers threatened the environment of the forest. Local youth thereby initiated conservation by asserting their rights over these traditionally sacred forests in recent times. Because of the cultural and religious value of the area, the placed had been scared for a long time, but the collective management and conservation has been a recent phenomenon.
Governance structure for the CCA (who takes management decisions, how?)	Local youth organised in local community based organisation called Jyoti Daya Sangth now manage the forest. The executive committee of the organization is the key decision maker.
Length of time the governance model has been in place	1996-1997 is when the new initiative of the local youth started although these forests have been sacred for generations.
Land and resource ownership in the CCA	Land ownership is to the state. However, management right is entrusted to the local community based organisation from forest department.
Type of land use in the CCA	Mostly forest area; however there are pathways and picnic spots for the visitors. There is a historically old temple at the heart of the forest.
Existence of written or oral management plans and specific rules for the use of natural resources in the CCA	There are oral rules traditionally practised, however there are also written rules set up by the local CBO. It need to inquired further to what extent oral rules that were traditionally practiced are reaffirmed strengthened, adapted or ignored by new rules.
Map and zoning of the CCA (please attach if available and relevant,)	Yes mapping and zoning of the forest has been done.
Relevant pictures with captions (please attach if available)	
Major threats to biodiversity and/or the CCA governance system	Currently the only threat is increased number of waste generated by visitors in the forest.
Local CCA-relevant features, stories, names, rules and practices	There is a strong belief that even a leaf of the forest is plucked it brings misfortune to the family. Felling and lopping of trees and collection of forest resources are restricted, accept for religious purpose.
Gender aspect of the CCA (elaborate)	Mostly the male executive committee members are active in decision making.

Climate change attributes(elaborate) It is among the rare dense forests within the urban Kathmandu valley. Hence the forest has environmentally significant in urban and semi urban context.

Contact individuals and organisations: Narayan Deshar, president, Jyoti Daya Sangh, Chapagoan, Lalitpur District, Kathmandu Valley.

References: http://www.iucn.org/themes/ceesp/Publications/TILCEPA/guidelinesindigenouspeople.pdf

Annex 5: Godavari Kunda Community Forest User Group

Basic data (please provide all)

Site Name (in local language and in English)	Godavari Kunda Samudayik Ban (community forest)
Country (include State and Province)	Godavari Village Development Committee, Lalitpur, Kathmandu Valley
Area encompassed by the CCA (specify unit of measurement).	
GIS Coordinates (if available)	
Main ecosystem type	Forest ecosystem
Whether it includes sea areas (Yes or No)	No
Whether it includes freshwater (Yes or No)	No
Marine (Yes or No)	No
Concerned community (name and approx. number of persons)	Locals of ward number 2, 3 and 5 of Godavari Village Development Committee(540)
Is the community considering itself an indigenous people? (Please note Yes or No; if yes note which people)	No
Is the community considering itself a minority? (Please note Yes or No, if yes on the basis of what, e.g. religion, ethnicity)	No
Is the community permanently settled? (Please note Yes or No; if the community is mobile, does it have a customary transhumance territory?)	Yes
Is the community local per capita income inferior, basically the same or superior to national value? (please note how confident you are about the information)	Per capita income is better and same to the national value.
Is the CCA recognised as a protected area by governmental agencies? (Yes or no; if yes, how? If no, is it otherwise recognised?) If yes, legal document? Establishment date?	No. But the community forest user group is legally recognised by the Forest Act and Regulation of Nepal.
Conflicts with land tenure, natural resource use?	No significant conflict.
What is the main management objective (e.g. livelihood, cultural, spiritual…)	Conservation and sustainable use of forest resources
By definition, a CCA fulfils a management objective. To which IUCN management category[25] do you consider it would best fit (this does not imply that the management objective is consciously pursued by the concerned community, but that it is actually achieved)	Category 6: Manage Resource PA

[25] Please see http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/pascat/pascatrev_info3.pdf

Additional qualitative information

Description of biodiversity & resources (ecosystems, species, functions) conserved by the CCA	300 species of colorful birds; 512 Angiosperms; 259 species of butterfly; more than 50 species of medicinal herbs. It is a good habitat for 200 Reddish Deer, 200 Porcupines, 50 Wild Cats, 400 Pheasants and few numbers of wild boars.
Description of local ethnic groups and languages spoken	Mixed community of diverse ethnic groups; Nepali language
Broad historical context of the CCA	
Governance structure for the CCA (who takes management decisions, how?)	Executive committee of the community forest user group
Length of time the governance model has been in place	1996-1997
Land and resource ownership in the CCA	Forest land belongs to the state but legally handed over with management and use rights to forest users group
Type of land use in the CCA	Forest conservation; pavements/trails and picnic spots; medicinal herbs plantation; nursery
Existence of written or oral management plans and specific rules for the use of natural resources in the CCA	Use of natural resources is governed by the constitution and operational plan of the community forest user group.
Map and zoning of the CCA (please attach if available and relevant,)	Clear boundary of the forest exists.
Relevant pictures with captions (please attach if available)	
Major threats to biodiversity and/or the CCA governance system	No significant major threat.
Local CCA-relevant features, stories, names, rules and practices	
Gender aspect of the CCA (elaborate)	Many of the users and custodians of forest conservations are women members. There is a significant representation of women in the executive committee of the forest user group
Climate change attributes(elaborate)	The forest is crucial for carbon storage and local people are conserving the forest thus preventing further degradation.

Contact individuals and organisations:

Ganesh Bahadur Silwal, President, Godavari Kunda Community Forest User Group, Godavari Village Development Committee, Lalitpur.

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