Protected Area Management and the Livelihoods of Indigenous People in Nepal: Harmonizing Policies and Practices

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## Protected Areas in Nepal

<table>
<thead>
<tr>
<th>Protected Areas</th>
<th>No.</th>
<th>Area (km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) National Parks</td>
<td>10</td>
<td>10,853</td>
</tr>
<tr>
<td>2) Wildlife Reserves</td>
<td>3</td>
<td>979</td>
</tr>
<tr>
<td>3) Hunting Reserves</td>
<td>1</td>
<td>1,325</td>
</tr>
<tr>
<td>4) Conservation Areas</td>
<td>6</td>
<td>15,426</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
<td><strong>28,584</strong></td>
</tr>
<tr>
<td><strong>PA with Buffer Zones</strong></td>
<td><strong>12</strong></td>
<td><strong>5,603</strong></td>
</tr>
</tbody>
</table>

- Total of 20 protected areas (PAs)
- Cover 23.23% of country’s territory
- 4 types of management systems
- Buffer Zones in 12 PAs
Major PA Policies and Laws

• Policies:
  – National Wetland Policy, 2003
  – Biodiversity Strategy, 2002
  – Nepal Conservation Strategy, 1988

• Acts:
  – National Park and Wildlife Conservation (NPWC) Act 1973

• Regulations and Guidelines:
  – Kanchenjunga Conservation Area Management Regulation, 2005
  – Conservation Area Management (CAM) Regulation, 1996
  – Buffer Zone management Regulation 1996
  – Buffer Zone Guidelines 1999:
  – Himalayan National Park Regulation 1979
Brief of PAs in Nepal

• Declaration of PAs:
  – According to the legal provision on “National Park and Wildlife Conservation Act 1973”
  – The Act states that “His Majesty’s Government may, if it deems necessary, declare an area as a national park or reserve or conservation area....” (Article 3[1])

• Established Management practices:
  – Buffer Zone Committee (in 9 National Parks; 3 Wildlife Reserves)
  – Conservation Area Management Committees (CAMC) in 6 conservation areas

• Trajectories of the Conservation practices:
  – First: Establishing and expanding administrative units and officials
  – Second: Deploying security force and personnel
  – Third: Park-people conflict increased
  – Fourth: realization of the importance of people’s participation (BZCF/council; CAMCs) and initiatives
PA Management and Local Livelihoods in Nepal

- Diverse PA management and production of inequality:
  - Unequal treatment: by diverse PA management systems
    - NP more restrictive in compare to CA
  - BZ management and production of social inequality

- Effects of restrictive PA policies:
  - Traditional livelihood rights – curtailed
  - Victims of – physical and psychological assaults
  - Livelihood assets – become poorer (human, natural, financial, physical, social)
Observation from three Cases

Protected Areas of Nepal

“Sonaha” Indigenous People

“Bote and Majhi” Indigenous People

“Mallaha” Indigenous People
Case 1: Bote and Majhi in Chitwan National Park

- Settlement: bank of the river “Narayani and its tributaries”
  - total 34 VDCs and 2 Municipalities are bordering (13 VDCs + 2 Municipality in Chitwan 21 VDCs in Nawalparasi District)
  - They are settled in more then 26 VDCs
• Traditional occupation:
  – Fishing, ferrying and wild fruits and vegetable collection (gold panning was also practiced by Bote)

• Impact of PA:
  – Restriction in their traditional occupation
  – Physical assaults and psychological harassment
  – Control and surveillance by BZCF institutions

• Livelihood strategies:
  – Illegal fishing
  – Organized campaigns and movements for rights 
    (a case: 11 September 2011, a Bote aged 47 was caught and fined NRs 500 for catching a fish; on the next day more than 100 local Bote and Majhi people gathered against it)
  – Diversifying occupation (agriculture, hotels, labor)
Case 2: Sonaha in Bardiya National Park (1972)

- Settlement: bank of the river “Karnali”
  - “River bank” as their traditional homeland
  - Settled in about 6 VDCs of this river bank
  - 13 hamlets/villages
Livelihoods of Sonaha

• Traditional Livelihoods:
  – Fishing and gold panning

• Problem increased by PA:
  – Restriction in fishing and gold panning
  – Physical assaults and psychological harassment
  – Control and surveillance by BZCF institution

• Livelihood strategies:
  – Illegal fishing and gold panning
  – Organized campaigns and movements for rights (temporary fishing license and agreements with BZCF for gold panning)
  – Diversifying occupation (labor in local market)
Case 3: “Mallaha” in Koshi Tappu Wildlife Reserve (1976)

- Settlement of Mallaha: bank of the river “Koshi”
  - In about 6 VDCs adjoining to this river and PA
- Traditional occupation: Fishing
- Landless - completely dependent on income from the fishing in the river
Livelihood Rights of “Mallaha” after the establishment of PA

• After PA declaration (1976):
  – Restriction on open fishing in PA boundary (By establishment of PA institution and Deploying military)
  – Physical assaults and psychological harassment
  – Regulation and surveillance by BZCF

• Livelihood strategy
  – Illegally fishing (legally allowed for 9 months and 7:00 am-5:00pm)
  – Organized campaigns and movements for their rights
Conclusion

• After establishment of PAs, negative impacts upon the traditional livelihoods of resources dependent indigenous people have gradually increased;
• Traditional livelihood practices have become subject to vanish;
• As a response, organized campaign and movements were carried out for restoration of livelihood rights;
• Gained some limited rights to access resources (fishing license, agreement for gold panning) but based on the influence or pressure;
• Legal provisions and local practices of access to the resources for livelihoods contradict (e.g. illegal extraction of resources)

Lessons

• PA laws could not become effective and effectively implemented unless local practices are recognized;
• Local people challenge the legal provisions by adopting local strategies if laws are not compatible with the existing practices;
• Unclear laws and legal provisions makes government authority powerful and decisive (in many cases demands of local people depends upon the nature and personal relation with officer or authority);
• Control, domination and influence of natural science (including PA authority)
• Restrictive PA policies and programs are making IPs dependent;
• Negative impacts of PAs creates negative feeling (no ownership) and behavior (enmity relation) towards PAs
What Should be Done?

- Proper implementation of progressive policies:
  - For participation,
  - For benefit sharing,
  - For recognition and support to the local practices and knowledge

- Initiatives for policy revision:
  - Comply with international legal standards
  - Harmonizing legal provisions and practices on the ground

- Develop alternative thinking and approaches of policy making processes:
  - Changing mind-sets of bureaucrats and policy makers (perspective to see and understand indigenous people)
  - Institutionalizing participatory policy making process by replacing top-down

- Enhance Public policy debates:
  - Generate critical knowledge and evidences
  - Constant policy debates and dialogues

- Capacity development of right holders
  - Support to be organized (in terms of knowledge and networks)
  - Develop capacity and skills for negotiations and rights advocacy, campaigns and lobby
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