



'Protecting People in Protected Areas'



Sudeep Jana

‘Protecting People in Protected Areas’

Recapitulating Rights Campaign in Lowland Protected Areas of Nepal

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**Community Development Organization (CDO) in collaboration with
Koshi Victim Society (KVS)**

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Preface

Nature conservation to protect valuable flora, fauna and critical ecosystems has been *raison d'être* behind establishment and expansion of Protected Areas (PAs) in Nepal. While the worldwide coverage of terrestrial PAs comes to 12%, Nepal has devoted almost 20% its territory as PAs. Our country offers one of the prominent examples and knowledge of participatory biodiversity conservation for the world. Since late 1980s, there have been significant shifts and advancements in paradigm of protected areas (PAs) from conventional, bio-centric and exclusionary ones to more participatory ones. Practices of managing areas adjoining core PAs through local people's institutions and provision of sharing 30 to 50 percent of PA revenue to the local people are some of the important innovations. Experience of co managed Annapurna Conservation Area and the recent handing over of Kanchanjunga Conservation Area to local community institutions are the most notable ones.

However, in the face of these facets of PAs, ironically, there are serious contradictions and gaps in existing legislations and on ground practices. Local communities and indigenous peoples still significantly depend on natural resources of PAs for social, cultural and economic reasons. Perceptions and realities of PAs for those facing onslaught of 'biodiversity conservation' are contesting. These often do not find adequate space in mainstream conservation discourse. This book attempts to demystify discourse and politics of conservation. It unveils local predicaments, costs and conflicts arising from current policies and practices of PAs. It mainly captures genealogy and evolution of local people's resistance and emerging rights campaign backed by civil society organizations, for a just conservation. It arrests experiences of people's campaign in adjoining villages of Koshi Tappu Wildlife Reserve, Chitwan National Park and Bardia National Park. The campaign however intensified and expanded to challenge undemocratic PA policies and nationally advocate democratization of PA governance. Campaign experiences are often overlooked and least documented. It enriches our understanding to address current contradictions and future challenges.

The book is divided into four major chapters. Chapter one introduces and describes context of the campaign. It portrays dominant philosophies on biodiversity conservation that engender contradictions and costs particularly in the form of crisis of traditional livelihoods, increased human-wildlife conflict, human rights atrocities perpetrated by PA authorities including Army. Against this backdrop the second chapter traces origin and trajectory of people's campaign. It depicts important actions in the course of the campaign to unravel people's agenda, pressurize PA authorities and lobby locally and nationally. The following chapter then pulls out significant achievements the campaign at the grassroots. It discusses improved access of locals over natural resources in PAs, reduced incidences of human rights violations; practices of compensating wildlife victims as well as more importantly emergence of rights based people's organizations. The final chapter critically analyzes the campaign and locates the entire experience in contemporary discourse of protected areas.

Community Development Organization (CDO)

Acknowledgement

The present book is an outcome of more than two years of research, proactive engagement in rights campaign and advocacy. The book captures costs and predicaments due to ill thought-out conservation policies, practices and doctrines; history and trajectory of local struggles; outcomes of rights campaign mainly in two lowland protected areas and its overall self critique. Local communities and indigenous people residing in adjoining villages of Koshi Toppu Wildlife Reserve and Bardiya National Park deserve special credit to this initiative. The present work is dedicated to indigenous fisher folks – Sonahas, Malahas and Majhi, Tharu indigenous people, Madhesi dalits, small peasants, as well as victims of wildlife in and around the two protected areas. The book is an attempt to recapitulate their woes and experiences of people's campaign based on their knowledge, sufferings, struggles as well as reflective experiences of activists engaged in the campaign.

Activists and leaders of Protected Area People's Rights Federation that emerged in the course of the campaign and later led the campaign are key contributors to this work. Activists of three NGOs who learned, discharged dedicated and supportive role in the campaign are also crucial to bring out this work in this form. We acknowledge contributions of Gopi Yadav, Mamata Yadav, Shushila Yadav, Bhisma Adhikari, Rabin Ghimire, Suk Dev Chaudhari, Santosh Goit, Indira Yadav, Kalpana Chaudhari, Nutan Chaudhari, Deependra Budha, Hari Kala Dhakal, Manju Gyawali, Sunita Khadka and late Kritika Lamsal.

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Sudeep Jana

On behalf of Community Development Organization (CDO)

Acronyms

BNP	Baridya National Park
BZC	buffer zone council
BZCF	buffer zone community forest
BZUC	buffer zone user committee
CBD	Convention on Biological Diversity
CDO	Community Development Organisation
CNP	Chitwan National Park
CPN	Communist Party of Nepal
CPN-UML	Communist Party of Nepal–United Marxist and Leninist
CSO	Civil Society Organization
DDC	district development committee
DNPWC	Department of National Parks and Wildlife Conservation
FECOFUN	Federation of Community Forest Users Groups in Nepal
ILO	International Labor Organization
KCG	Koshi Concerned Group
KTWLR	Koshi Toppu Wildlife Reserve
KVS	Koshi Victim Society
LCs & IPs	Local communities and Indigenous Peoples
MoFSC	Ministry of Forest and Soil Conservation
NC	Nepali Congress
NEFIN	Nepal Federation of Indigenous Nationalities
NGO	Non-governmental organization
NPVSC	National Park Victim Struggle Committee
NRMPC	Natural Resource and Means Parliamentary Committee
PARF	Protected Area People's Rights Federation
PA	Protected Areas
PCDF	People Centred Development Forum
PoWPA	Program of Work on Protected Areas
PWLR	Parsa Wildlife Reserve
SNP	Shivapuri National Park
UCHEP	Union for Culture, Human and Environment Protection
VDC	village development committee

Chapter One

Context of the Campaign

1. Dissecting Doctrines of Biodiversity Conservation

The politics of nature conservation in Nepal can be unraveled by critically dissecting and debating on its underlying interests, beliefs and ideological underpinnings. The establishment of national parks and wildlife reserve in Nepal was traditionally oriented towards narrow focus on protection of flora and fauna. During seventies, drive towards protected areas (PAs) was a global phenomenon. However, the interests shown by the then royal family and the late King Mahendra in protecting game species for hunting, the 'theory of Himalayan environmental degradation' that sent a wake up call for curbing environmental degradation, and the agenda of 'world power to engage in politically less sensitive environmental aid' during cold war were major factors that triggered the state sponsored and centrally managed PAs in Nepal.

A healthy debate on the perspectives and perceptions on local communities and indigenous peoples (LCs & IPs) residing in the vicinity of areas rich in biodiversity and queries regarding their role in protection or destruction of biodiversity are equally essential. A dominant belief involving conservation has always portrayed communities in and around the PAs as destructive forces since its inception. There are ample evidences to contest this belief. In fact, LCs' and IPs' lives, livelihoods and cultures are intertwined with nature. They suffer the most if nature is destroyed. This fact has largely been ignored.

The poor and marginalized groups are often held responsible for destruction of nature. But those pointing finger at these groups tend to forget that they have a strong socio-economic and cultural affinity with the resources of nature. In addition, they do not have access to modern technologies.

Popular perceptions on indigenous people, in particular, are also extremely prejudiced. The mainstream understanding seems to address 'tribal' and indigenous nationalities and forest separately. Rather than appreciating indigenous people as an integral part of nature, their dependence on nature has been comprehended as a threat to nature conservation. Their resource uses, systems, governance, management practices, ecological knowledge that could play complementary roles toward preserving biodiversity are never seriously investigated. They have either been least understood or rarely recognized. Rather the detractors challenge the above mentioned arguments from the vantage point of preconceived bias.

Moreover, it is imperative that the conservation of biodiversity be understood in the light of dependence and exploitation between human beings and nature. It has been misinterpreted in our context. People holding such biased perceptions usually write off the role of LCs and IPs in protecting biodiversity forwarding the logic of the latter's dependence on natural resources. Instead, they put their trust on ruling class, state authorities, technocrats, bureaucrats and the

army as the custodians of nature and biodiversity. This, however, is an erratic worldview. In fact, a conventional role played by so-called experts has also reinforced these prejudiced ideologies. Stereotypical views contingent upon LCs and IPs as anti-conservation forces are offshoots of managerial and technocratic thinking that considers experts and their scientific knowledge to be correct. Furthermore, this act paves grounds for the exclusion of LCs and IPs with regard to their involvement in biodiversity protection campaign. It causes a very unfortunate situation bringing about frustration in these stakeholders.

It is evident that the conventional bio-centric experts have underrated the sociocultural dimensions and interrelationships of biodiversity. Consequently, the traditional and indigenous knowledge are doomed to be marginalized. On one hand, this has also led to the erosion in unique knowledge and customary practices in terms of resource management. On the other hand, LCs and IPs are construed as problems rather than partners or stakeholders in conservation as a result of flawed and biased notions against them. Even the mainstream media has also reinforced such stereotypes.

LCs' and IPs' practices such as collection of firewood, edible forest products, medicinal herbs and other livelihood resources are depicted as environmentally unfriendly. In actuality, the sources of problems are located elsewhere. The factors of environmental degradation often emerge from the polluting practices and exorbitant resource pressure from opulent class attuned in consumerist and industrial cultures. But, ironically, the harmless practices of the poor and indigenous people are held responsible for ecological crisis.

A burning example in this respect is the decline in the number of aquatic species in the Narayani River, which flows south from central Nepal. It is due to larger ecological crisis of the river basin stimulated by pollutants and effluents generated from nearby industries and the city populace along with the ecologically destructive practices of fishing etc. But indigenous fisher folks who had been fishing traditionally in a sustainable way for survival are apparently blamed for this.

There are some positive changes at the front of such discriminatory and prejudiced thinking. But that is less than satisfactory. Theoretically, we get to see some signs of improvements. But not much difference has been felt in practice.

Political parties cannot be overlooked in the discourse of biodiversity. If documents and practices of political parties in Nepal are critically reviewed, there are no fundamental differences on the issue of interrelationships between the people and the natural resource. It is a strange coincidence that despite ideological and political differences, all the parties share similar perspectives and strategies on biodiversity.

It is not difficult to get to the rationales behind this uniformity in principles. The political parties are often influenced by dominant perspectives generated by formal education, media, researches, studies and writings. Since they do not have any proper mechanisms and platforms to discuss researches and studies, they depend on the readymade knowledge available in different forms and the discourse put forward by certain experts affiliated to this sector while shaping their collective perspectives and visions. The media also plays a vital role in helping them shape their stance on this issue.

In Nepal, the rationales behind the biodiversity conservation are still not deliberated and

debated extensively. Public discourse on alternatives to mainstream practice and governance of conservation is inadequate. It is worth discussing diverse perspectives in conservation in the society. Conventional conservation thinking maintains that the nature continues to exist the way it is; untouched, pristine and inhibited to be conserved for future generation. This happens at the cost of maintaining the existing lifestyles of people at the upper strata of any society. This does not take into account the reality of the poor ones. The dominant scientific thinking, on the other hand, alerts us about the decrease of oxygen in the globe, depletion of ozone layer and threats of climate change. Thus, it testifies to the urgency of conservation initiatives that, in turn, implies an increased burden on the poor and indigenous people.

There is yet another thought that emphasizes state's maximum control on utilization of nature. It views nature as a source of wealth, engine for income generation and, ultimately, an apparatus for development. It values nature as an opportunity for business and encourages privatization and exploitation.

An evident example is the promotion of Chitwan National Park (CNP) as a popular tourist destination in the name of ecotourism. There are altogether 10 hotels inside the park. But the socioeconomic and environmental impacts brought about by an increasing number of tourists are never assessed. Effects of wastes generated by the hotels, persistent movement and the presence of a huge number of tourists inside the park are often overlooked as the hotels attract foreign tourists to add to the handsome revenue to the park management committee.

There are some moot questions which remain unanswered or partly answered. Who is benefiting from such earnings? What is the share of the local communities? Who bears the cost of conservation? How are the poor and indigenous people gaining from this? All these questions raise another big question as to whether the park has been established for the conservation of biodiversity or for income generation.

The point here is definitely not about questioning and preventing tourism activities, but it is mandatory for the park authority and the government to address its faulty management and unregulated practices. When it is conducive for tourists' entry, what should the appropriate number be, how tourism contributes in alleviating the underprivileged and indigenous peoples' poverty, whether the hotels inside the park are required or not are some of the crucial concerns. It is definitely problematic to promote tourism overlooking these worries.

In reality, a subaltern and an alternative thinking to biodiversity conservation, is to integrate human beings and the nature, appreciate people's leadership in conservation, management and use of nature as stakeholders, secure their socio-economic and cultural rights in the pursuit of conserving flora and fauna. External knowledge, skill and interventions are significant but they remain constructive and meaningful only if they are well tuned with local knowledge and practices. Harmony between LCs & IPs and conservation authorities would be futile and the conservation crises would aggravate without intensive and expanded debates on these differing beliefs and perspectives on the nature conservation.

Table 1: Chronology Significant to Understanding History of Protected Areas in Nepal

Periods	Key contexts
1846-1950	Under the Rana regime, dense forest cover was a hunting ground for privileged classes. Declaration of one-horned rhinoceros as a Royal game and establishment of stringent punishments for poachers by the then Prime Minister Junga Bahadur Rana.
1956 - 1961	The importance of conserving flora and fauna was recognized by government of Nepal for the first time in the first Five Year Development Plan
1957	Establishment of rhino sanctuary in the Chitwan valley followed by mobilization of a 'rhino patrol' to protect endangered Asiatic one-horned rhinos.
1957	Wild Life Protection Act 1957 (2015 BS) provided legal basis for protection of wildlife.
1970s	Growing international concern on environmental degradation in Nepal. Expansion of PAs a global phenomenon.
1973	National Parks and Wildlife Conservation (NPWC) Act 1973 (2029 BS) enacted and Chitwan National Park (CNP) established as the first national park in Nepal.
1975	The then Royal Nepal Army joined the CNP with sole responsibility of law enforcement. The 'Rhino Patrol' became responsible for the protection of rhinos outside the park.
1976	Establishment of Koshi Toppu Wildlife Reserve to protect wild water buffaloes (<i>Bubalus bubalis</i>). Sukla Fanta Wildlife Reserve gazetted.
1977	Wildlife Reserve Regulation
1979	Himalayan national park regulation
Mid 1980s	Annapurna Conservation Area, beginning of participatory conservation in Nepal
1984	Parsa Wildlife Reserve gazetted, earlier a vacation site for Rana rulers
1988	Declaration of Bardiya National Park, earlier (1982) known as Bardiya Wildlife Reserve. In 1968, it served as Royal Hunting Protected Forest.
1993	Emergence of Buffer Zone Policy under the 4th amendment to the NPWC act, 1973.
Late 1994	Parks and People Program started by Department of National Parks and Wildlife Conservation assisted by UNDP.
1996	Buffer Zone Management Regulation passed. It stipulated that 30-50 percent of the income of PA is to be invested on community development of buffer zone area.
1997	Declaration of buffer zone around Bardiya National Park
1999	Buffer Zone Guideline
2004	Areas around Koshi Toppu Wildlife Reserve declared as buffer zone

2. Cost and Contradictions of Biodiversity Conservation

Contradictions emerging from current beliefs, perspective and strategies of conservation have fuelled the conflicts among the PAs set aside for biodiversity conservation and LCs & IPs. These conflicts are common and mundane as participation of local communities was ignored when the PAs were established and extended in Nepal. Local necessities and voices were never reflected in the policy. The conflicts emerging from the indifference to the local predicaments and the pressing concerns of the peoples' everyday lives should not be viewed as hurdles to the conservation efforts.

The indigenous people who are dependent on nature for livelihood have largely been affected by conservation policies and the ways the PAs are governed and managed. Such policies are often envisioned at international level. They are conceptualized wrongly because they prefer to implement the plans without participation of the locally marginalized groups. These hapless groups are rendered victims of these ill-conceived conservation policies.

Such policies do not give adequate priority to their concerns. A rightful representation and participation of indigenous people in spaces where policies are conceived and implemented implicating them are often dismal. This marks a continued exclusionary process of the state and the donors' intervention in local communities and nature they are part of.

"Our forefathers have settled here for more than hundred years now. We fish and collect forest products from the reserve area. We used to spend whole nights on the banks of the Koshi River in temporary huts. Sometimes we stay longer than a day. In the past, forest was dense and number of wild animals was plenty. Arna (wild water buffalo), Nilgai - a large, long-legged antelope (*Boselaphus tragocamelus*), wild elephant, deer, tiger, boar, leopard, bear and large numbers of birds were found. But, now, they are rare and some have even disappeared."

"Forest cover is also declining. The main problem is posed by settlers from the hills and plains settling in the area. The reserve officials never paid heed to our traditional systems, values and practices. They see us as an enemy of the forest and wildlife. But the truth is otherwise. We are the real conservationists. We rarely hunt the wild animals. We just collect timber, firewood, wild vegetables, and medicinal herbs from the forest as per our need. The wild vegetables and the herbs are inexhaustible as they come up in the due course of natural cycle. The reserve staff and the army have persistently been punishing us every time we enter the forest for our living"

– Local Urawa indigenous people from Sunsari, Koshi Toppu Wildlife Reserve

2.1 Erosion in Traditional Means of Livelihoods

State sponsored establishment of Koshi Toppu Wildlife Reserve (KTWLR) and Bardiya National Park (BNP), restrictive policies and exclusion of the indigenous people and poor communities who depend on and relate to the resources of nature have serious implications on their traditional livelihoods and exacerbated the incidences of poverty. Further discussions in this section depict their living conditions at present and their past predicaments.

Sonahas, one of the highly marginalized indigenous fishing minorities in Nepal, reside in four villages¹ adjoining the BNP in the mid-western plains. Landless Sonahas were traditionally engaged in fishing, ferrying and gold panning (mainly women) freely in rivers as the sources of

livelihood. They led a semi nomadic life as they used to construct and reside in temporary shelters while fishing at night. Elderly Sonahas claim that they also lost lands they had occupied to the local landlords as they were used to moving from one place to another. Traditionally, they accessed diverse forest resources such as grass to make sweepers, 'Sal' leaves to make 'taparis' (leaf plates), firewood, medicinal herbs, wild vegetables, fruits and various roofing materials.

"We were happy and satisfied with our traditional life style. We did not acquire lands for farming as fish catch was plentiful. We used to offer Chaudharis (one of the tribes of indigenous peoples) our partial fish catch and in exchange acquired food items that would suffice for a month" - Kallu Sonaha, Manau, BNP.

Restrictive policies pursued by the establishment of the BNP in the early 1980s restrained Sonahas' free mobility and jeopardized their relations with the natural world around them. Fishing and gold panning in the Karnali River were restricted that brought serious livelihood crisis and threatened their existence. While many of them continued traditional occupation coping with the crisis and threats from park authorities, others were forced to shift to daily wage labor for survival. A trend of out-migration also intensified in/from the community.

In villages adjoining the KTWLR, eastern plains, native fisher folks called Malahas have similar sagas and predicaments to share after the establishment of the PA. Locally also known as 'Gondi' and 'Mukhiyas', they are economically marginalized, landless and river-dependent communities. They are traditionally engrossed in fishing for survival in the Triyuga and the Koshi Rivers and the wetlands in and around the reserve. Indigenous fisher folks such as Majhi, who originated from the mid-hills and later settled in and around the Koshi River much before the formation of Koshi barrage and the reserve, were also dependent on fishing and ferrying as means of their survival.

Fishing was also important means of livelihood to economically and socially marginalized Madhesi dalits such as Sada, Musahar and Sardar. The population of the indigenous fishing communities around the reserve is estimated to be around two thousand.

The KTWLR was established in 1976 to protect the endangered wild water buffaloes (*bubalus bubalis*), valuable ecosystem of wetlands and river basin that maintain critical habitat for diverse aquatic species and wide varieties of migratory birds. Restrictions imposed on fishing inside the area under the jurisdiction of the reserve directly affected traditional livelihoods of the fisher folks around the reserve. Compelled by necessities of livelihood security, the fisher folks continued fishing despite risks of severe fines and punishment from authorities concerned.

Some began to fish in wetlands, ponds, swamps, crop fields outside the reserve area paying certain charge or fish catch to the landlords. "Earlier we used to fish in the river as and when required. But, now, since the fish in the river are declining, and there are restrictions imposed by the reserve, there are hardly any spaces for fishing. So, we fish for a couple of months only. We are engaged in manual labor for the rest of the year"- an indigenous fisher folk from Madhuwan, now a rickshaw puller, expresses. Restrictive policies of the protected areas have, thus, eroded traditional livelihoods of the river-dependent poor and the indigenous fisher folks. This has been aggravated by a larger ecological crisis in the river basin which includes decline in diverse aquatic species as a result of unsustainable practices of fishing beyond subsistence by non-indigenous fisher folks and the increasing pollution of the rivers as well as the construction of dams and barrages. Their livelihoods were also hit hard by contractors ferrying and fishing under the aegis of the state.

Table: A Glimpse of Indigenous Fisher Folks		
Indigenous fisher folks	Bardiya National Park	Koshi Toppu Wildlife Reserve
Caste/ethnicity	Mainly Sonahas minorities, but Tharu dominant ethnic groups are also engaged in fishing.	Mainly Malaha (Gondi) and Majhi. Madhesi dalits such as Mukhiya, Sardar, Sada, Musahar and Muslim minority groups are also engaged in fishing.
Population	Around 650 in four village development committees(VDCs)	Around 2000 in number in buffer zone in Saptari and Sunsari districts
Land holding	Majority of them are landless	Majority of them are landless
Means of traditional livelihoods	Fishing in river; ferrying, gold panning, collection of forest products.	Fishing in river, ferrying, collection of livelihood resources from KTWLR, subsistence agriculture.
Source of fishing	Karnali river and nearby wetlands	River Koshi and Triyuga, wetlands, ponds, swamps
Erosion in traditional means of livelihoods	Restrictive policies of BNP, contract ferrying, fish species under decline, commercial fishing.	Restrictive policies of KTWLR, declining fish species, commercial fishing.
Fishing permit	No fishing permit prior to the local campaign	No fishing permits prior to the organized local campaign.



Sonaha (indigenous fisher folks around Baridya National Park) departing for fishing in River Karnali (Courtesy: Saumitra Neupane)



Malahas fishing in River Triyuga across Koshi Toppu Wildlife Reserve (Courtesy : KVS)

Livelihood Dependent on Wild Vegetables and Fish

In a forest stretch of the KTWLR, two kilometers west of the Koshi River, Niuro - wild vegetable- is found in abundance. Collection of Niuro is significant to the livelihood of poor communities adjacent to the reserve. An individual can earn around rupees 100 to 150 a day by selling Niuro in the local market for three months a year. The poor families in Purwa Piprapur, a buffer zone village, earn around nine to twelve thousand rupees annually.

Remni Devi Mukhiya, an indigenous woman sustains her seven members' landless family from the collection of Niuro and fishing. Remni and her husband were once physically harassed by the army men and fined twice for collecting wild vegetables from the reserve. She recounts the days when she had to choose between starvation and risk of army punishment.

There were moments in the past when her family had spent days without adequate food. Reserve authorities imposed restrictions on fishing and collecting wild vegetables after establishment of Koshi Toppu Wildlife Reserve. Nonetheless, she continued to risk her life for survival. "Our hardships intensified after formation of reserve area and restrictions by mirga kunja(deer sanctuary)of the reserve-" she avers.



Remi Mukhiya selling fish in the village



Local woman and a girl preparing to sell 'niuro' (wild vegetable) collected from the reserve.

Crisis of Livelihood without Easy Access to "Pater"

'Pater' – a thick thatch like grass- traditionally used to make handmade mattresses, is one of the important livelihood resources especially for poor households in villages around the KTWLR. Traditionally, they had free access to 'pater' which is found in abundance on the river banks and wetlands. Formation of the reserve also curtailed their free access and directly affected 'pater' -dependent livelihoods. Now, they are destined to collect it from the buffer zone area only upon the payment of additional charge to the local users' committee.

A net profit obtained from each mattresses sold locally is just 40 rupees. Around 150 poor and landless households, mainly Sardar and Musahar (Madheshi dalits), in villages such as Purwa Kusaha and Madhuban in Sunsari still sustain their living significantly from 'pater'. The families were earlier displaced when the reserve was established in 1976. The livelihood of poor Sardar communities is also dependent on it in the villages adjoining the KTWLR in Saptari2.

"It is painful to see 'pater' getting dried and wasted inside the reserve in our vicinity. But we cannot cut it. Instead, we are paying extra charges when we go and collect from far off places. Provided we are allowed to have an access to 'pater' in our vicinity, we would be able to cut 4 bunches of it everyday. We could make 16 mattresses" –says a Sardar woman from Madhuwan.



Local women from Sardar caste group displays handmade mattress made out of 'pater'

Local Women Depend on Reserve Resources for Livelihood

Around three to four hundred local women from Haripur ward number 1, 2, 3 and 5, buffer zone of the KTWLR, Sunsari have a practice of collecting "khath" from the reserve. 'Khath' is a local name for raw material used by a paper factory. Local women belong to various marginalized caste groups such as Mukhiya, Sardar, Kumal, Sada and Mandal. Local collection of 'khath' from the reserve area was restricted after the establishment of protected area. They have conditional access, i.e. only seven days a year. They are charged ten rupees for the permit.

However, in the buffer zone, women collect 'khath' three months a year (Poush, Magh and Falgun). Buffer zone users' committee taxes 250 rupees (1.9 rupees for every kilo gram). The collection is, then, sold to contractors who, then, supply to paper mills. According to Parwati Devi Mukhiya, for one vehicle full with sacks of 'khath', they can earn around 7,000 rupees. Hence, it contributes significantly to make a living for poor communities around the reserve. There have been incidences in the past when women were harassed by the game scouts and the army in the reserve. Some of them have been fined upto 500 rupees while accessing the 'khath'.

Livelihood of Kumal Indigenous Peoples at stake

Thirty native Kumals, indigenous minority families, have been residing in Rampur in Piprapurwa village of Saptari for many generations. Pottery is their traditional means of earning livelihood although some are also engaged in subsistence agriculture and wage labor. They are skilled in creating varieties of clay items such as Ghaila (traditional water pot); Chiraka (oil lamp); Khanti (bowl like utensil); Dhungi/Dabani (traditional water jar); Kathputali (puppet); Jato (traditional toy) and Chapai (traditional jar for milk). When the army camp in Pathari post was established followed by the extension of the KTWLR boundary in 1979, restriction imposed on harvesting of clay from the reserve also threatened their traditional occupation and identity. Many of them were forced to migrate and adopt other livelihood options. Others, in spite of relentless risk of punishment, continued to pursue their traditional occupation, escaping the watchful eyes of the armed guards from the reserve. Kumal households from Prakashpur, Sunsari, have also similar tales to share.

"We cannot fish in Karnali which flows at our arms length. We cannot collect the logs swept by it. We cannot have any access to the resources of nature- the firewood, fodder and wild vegetables. Although there are forests in our vicinity, we are just the silent spectators "- A local from buffer zone, BNP.

'The right to collect firewood and graze animals was denied in the PAs in the Terai. While in for the collection of thatch-grass, access was restricted by limiting the collection period to two-three weeks a year during the dry season' – an excerpt from 'National Biodiversity Strategy of Nepal' acknowledges the denial of access to natural resources inside lowland PAs. Restrictions over local control and access of livelihood resources of the PAs have eroded traditional livelihoods of natural resource dependant poor and minority groups around the PAs. They have made an unprecedented impact upon food security of poor communities. It has altered relation and dependence over resources of nature with market based consumer products. It has reinforced a new trend of migration, especially among youths and male members of the family.

To cope with struggles for survival, the local communities around the PAs have been forced to take up culturally disapproved occupations such as daily wage labor, agricultural labor and so on. Those who continue to pursue the traditional means of livelihoods do so amidst mounting risks and vulnerability. Interestingly, customary practices of resource use by natural resource dependent communities have transformed into illegal actions if not theft in the eyes of the PA authorities. These have had serious human rights repercussions.

3. Nuisance Unleashed on the Part of Wildlife

After formation of protected area and conservation of wildlife, frequency of wildlife attacks, frequency and magnitude of crop raid and depredation by wild species have heightened. In the buffer zone that comprises villages around the KTWLR and the BNP, local predicaments from wildlife ranges from crop raid, depredation, loss of livestock and property damage to fatal human injuries from wildlife. Exclusion of local communities from state sponsored conservation programs; a continued exposure to threats from wildlife and no clear cut provision for compensation for victims of wildlife have engendered local animosity against wildlife in the buffer zone areas. Locals have been facing troubles especially from wild elephants, arna (wild water buffaloes), wild boar and rhinoceros.

Agonizing Demise of Pregnant Women and Fetus

In January, 2001, Champa Devi Khong, an 8-month pregnant woman from Saptari, was on her way back from maternal home. A wild buffalo from the KTWLR attacked her all of a sudden. In the encounter, the buffalo wounded her stomach with its dreadful horns. It tore her belly apart. The fetus popped out of the womb and met with an inevitable death. The incident stunned the entire village. It was even more agonizing to her family. Family, already in distress, was inquired by the army from the reserve. They forced Champa's father to pay money for the postmortem expenses. To add salt to injury, he was further compelled to pay 3000 rupees to the reserve authorities as part of compensation.

Every year one case of loss of life from animal attack gets registered in the BNP. During September and October 2006, 4 children were attacked and killed by a man-eating tiger from the BNP. 8 people have lost their lives from attacks of wild animals (6 from elephant, 1 from rhino and 1 from leopard) in the year 2005/06. In the KTWLR, in 1996, Kageshwar Mukhiya from Saptari lost his life when an 'arna' attacked and injured his chest and head. Narayan Sardar, from Saptari also died immediately from the attack of a wild elephant in 1999.

There are other grim stories in the villages in Sunsari as well. Hasta Bahadur Karki (Prakashpur VDC, ward number 7) was seriously injured by 'arna' attack. He died while undergoing treatment at the local hospital. Akalu Kabirat from the same village was also killed by an 'arna'. Likewise, Dhan Bahadur Thapa from ward number 9 was attacked by wild elephants while he was sleeping in his house. He was left seriously injured with his house damaged beyond repair. Now, he is living a physically challenged life.



Physically challenged in buffer zone village of Bardiya National Park from wild elephant attack (*Courtesy: Pradyumna Bhattarai*)

Arna Attack Leads to Destitution of Poor Women

Wildlife attack perpetuates further destitution of poor families including single women in particular. In Kartik, 2064, an 'arna' from the Koshi Toppu Wildlife Reserve attacked Jayadul Khatun, a villager from ward number 4, Kusaha. She was in a forest for collection of grass when the 'arna' took her by surprise. It cost her one hundred thousand rupees to treat the fatal injury. She has not fully recovered so far. Still, Khatun, a single woman (widow) took the responsibility of her entire family of two kids and mother-in-law. She used to own only 5 kattha land that she had to handover to the bank as collateral against loan. As loan was spent over the treatment she was left with no choice than to be landless. She was asked to desert the house by her mother-in-law. Now she is leading a physically challenged life in her parental home cursing her own fate.

Terror of Wild Elephants

Ram Prasad Mahato, a resident of Saptari, Kamalpur ward number 5, was attacked by three wild elephants on May 19, 2006 amidst the darkness early morning at 2 a.m. while he was sleeping in his house. The elephants came from west of his house and destroyed the roof of his house. He suddenly woke up engulfed in fear when he felt an elephant tusk. He could

escape luckily. Then he made noise and drew attention of the nearby villagers. Then, they lit the fire and, finally, chased the elephants away. The elephants were strolling in the vicinity for almost an hour that day. During the incident the elephants destroyed two quintals of rice and took away three quintals of rice. They ate 20 kg of flour and 20 kg of beaten rice.

Hadis Miya from ward number 6, Goghanpur VDC, Saptari, encountered with wild elephants on June 8, 2006. Elephants from the reserve entered his neighborhood at midnight. The elephants gobbled 15 pineapple growing in his garden and even destroyed Tati of his house. His entire house was almost destroyed. He chased away the elephant by making noise. The elephant also sucked in 20 kg of beaten rice. It also destroyed the Kothi and gobbled all the food grains stored therein. At the same time, the elephant destroyed Andul Raj jak's house nearby. While the whole vicinity was terrorized, Andul could escape with his three kids wrapped in a blanket. The elephants tore clothes and other blankets. Nails stuck in the cemented pillar of his house injured the elephants. As a result of the injury, the elephants went back to the forest.

Irony of Wildlife Conservation

Local farmers from Pashupatinagar village in the buffer zone of the BNP perceive wildlife conservation as a source of misery. Locals are troubled by wildlife from the national park that destroys seeds sown in the fields as well as crops. "Wild animals eat up all the seeds in a matter of a day" remarks a local farmer. The threat posed by the wild elephants is so intense that it ranges from human injuries and casualties to property loss. Locals complain that the national park values wildlife more than local people.

In 2003, at midnight, wild elephants came to the village. Two elderly couples, who were sleeping outside the house, suddenly encountered elephants. Both of them lost consciousness as the elephants dragged them on. Eventually they had their ribs broken. Villagers approached the park authorities for compensation after the incident. They were shattered when they were provided with a meager amount of four thousand rupees, and they were told that there was no provision of compensation beyond the given amount.

The couples underwent medical treatment on their own. It cost them nearly 1, 00,000 rupees each. Uday Bahadur Shahi, another victim of the very fate, is in distress who is still struggling with chest pain. "The worth of human injury is only a couple of thousand rupees. But we are imprisoned by the national park for our entire life if we retaliate and kill the animal for self defense. How just is this?" Shahi resents.

The hard labor of the local peasants goes in vain when wild animals raid their crop at the time of harvest. The peasants of buffer zone area in Saptari district claim that they cannot even harvest 50 per cent of the total yield from their field. When herds of the wild buffaloes come out of the reserve area, they begin to worry thinking of potential crop raid. As the wild buffaloes come in a huge number, their entire crops get raided. They mostly damage rice and wheat cultivation. Farmers growing sugarcane and wheat in Sunsari worry at the loss incurred from wildlife such as 'arna' and they fear for being in arrears.

Fish farmers in Sunsari have been facing troubles in their fish farms from wild species such as crocodiles, wild cats, foxes, pythons, snakes, lizards and wolves as well as fish eating birds.

The frequent instances of crop raids by wild species conserved in the protected areas have changed the cropping pattern of local farmers. Ebrahan Mansuri, a local peasant expressed his dilemma - "wild buffaloes damage our crops, but we cannot do anything, we stay and watch them. If we try to chase them away with empty hands, buffaloes may harm us. If we chase them with stick or injure them protecting our crops, then army will punish us the following day."

4. Violation of Civil Liberties

The deployment of the army in the protected areas and the conflicting relations of local people with the authorities /officials of the PAs have serious impacts on civil liberties. Local people in the BNP and the KTWLR have diverse experiences of harassment and atrocities to narrate. Often the poor and natural resource dependent communities are vulnerable to punishments and inhuman treatment in the hands of the PA authorities.

Atrocities Against Indigenous Fisher Folks

In 1985, twelve Sonahas, from Saijana, Manau village acquired a temporary contract to fish in the Karnali River from an official of Elephant Breeding Centre of the BNP. The Sonahas were expected to handover half of the fish catch to the officials. On the very first day, they caught 2 quintals of fish. The official, instead, accused them of stealing fish from the national park. They were detained in the range post. Despite detention, the army personnel deployed in the park confiscated their boats, fishing nets and all their fish catch. Sonahas were physically battered. Among them, a severely injured, 45 years old, Laxman Sonaha, was detained in Rajyapur range post for about 8 days. He was released from the detention only after paying a fine of 1600 rupees. He had to part with an additional amount of 2500 rupees for his medical treatment. However, he did not get his boat and fishing net back confiscated earlier.

On one of the occasions, three Mallahas from Purwa Pipra village were fishing in the Koshi River. All of a sudden, some army personnel from the Pathari post of the KTWLR saw three of them. "We could not run away. They caught us on the spot. They beat us with gun, sticks and their boots." In the meantime, they saw other two Mallahas fishing on the other side of the river. "Then they took away our clothes and tied us with the clothes. They covered our head with the clothes and tied with the shoelaces. They also forced clothes into our mouth. Then they threw us in the river and went to catch the other two. We were blindfolded and suffocating" –recalled one of the Mallahas who underwent the unforgettable experience that day.

Fortunately, after struggling against the waves of the river, they managed to untie themselves. Then they came out of the river and escaped. But armies confiscated their boats and fishing nets. Recalling the horrific incident, Baidhyanath Mukhiya, one of the victims, says "What human rights are you speaking about? Out here, the army personnel have laws in their mouth. They do whatever they want. It is impossible to describe (note down) all the torture that we have received from the armies. Those are countless". Not a single family in Pipra Purwa village, ward number 8 and 9, has been spared from the army torture. In Saptari alone, 9 people have lost their lives in a period of one decade.

Satya Narayan, an indigenous fisher folk from Saptari, still recalls the harassment meted out to him by the reserve authorities and army personnel. He used to give a big fish to the army

and reserve staffs while fishing in the reserve. "They would snatch our fishing net and destroy our boat if we did not satisfy them. We are bound to do that. Otherwise, how can we poor people feed our children? Everything is so expensive?"

Eighty Buffaloes Massacred in a Single Day!

It was a time when a state of emergency was imposed to combat the Maoist rebels by the government of Nepal. The army men from the Pathari post of the KTWLR intensified the atrocities against villagers. They shot dead 80 domestic buffaloes from Purwa Pipra and Jagatpur villages while they were grazing on the river bank. The media was informed that the buffaloes were killed as they had entered the restricted area of the reserve. But locals claim that it was a deliberate action taken by the army men who had certain misgivings about the villagers. They held the villagers to be Maoist sympathizers.

"On other side of the reserve, on the same day, domestic animals had entered the reserve area. But those were spared. It was a revenge taken by the army ", says Idrish Mansuri, a local villager. The killing of the domestic buffaloes was a huge loss to the villagers. About 50 households were affected by that incident. Some of them are still depressed when they recollect the horrific incident. Later, the Maoist rebels, in turn, torched the Pathari army post. Villagers question with dismay- "Will the truth behind this incident be ever revealed? Will we ever get any compensation for the loss incurred following our buffaloes' merciless killing? "

Physical Torture Leads to Mental Disability

In 1981, Ramji Mandal, a Madheshi dalit resident of ward number 6, Madhuwan, Sunsari, encountered the army personnel from the KTWLR while he was grazing his landlord's domestic cattle inside the reserve. The army men patrolling the area beat him with boots and hands. He was rescued later by his neighbors in an unconscious state. He could not work for a couple of years. Even though he has now recovered physically, he is still mentally disturbed by the brutal beating. He admits that he still panics remembering the incident and suffers a nervous breakdown at frequent intervals.

4.1 Violence against Local Women

Past experiences suggest that local women from the indigenous communities entering the reserve and national park areas for collection of wild vegetables, timber, grass and other resources were often vulnerable to harassments from the army and the PA authorities.

In 2055 B.S, month of Baisakh, Buchi, 32, a local woman from Babiya village, during her visit to Purwa Pipra, entered the KTWLR along with ten other village women. At about 7 a.m. in the morning, an army patrol arrested all the women and took them to Bhagalpur army post in Udayapur. As Buchi was hiding in the bushes she was not arrested. But, later, another group of the army men that came at 3 p.m. caught her from her hideout. She was gang raped by them and released later. Her whereabouts is still unknown.

Apathy towards Women's Identity

In 2060 BS, a local woman, from Rajipur village, Gola VDC, got married with a young army man who was then deployed in the BNP. He never returned back to the village once he was transferred to a different location. Since then the woman has been spending a difficult life along with her two kids at her maternal home in the village. In Nepali society, a woman deserted by her husband faces a challenging life amidst social criticisms. Villagers with such cases are common in localities which have army posts in the vicinity.

The locals in the BNP and the KTWLR have had the experience of twenty-nine types of barbaric tortures and harassments in the recent past. They can recount each of them. They, very bitterly, express that they were dunked in to the water, battered with raw stick, tied with body upside down, forced to lie on mud and get exposed to blazing sun kicked by boots and held inside the custody, find unreasonable amount, made to stand up and down catching ears continuously and inside water, forced to run inside water, forced to run in awkward positions and being physically assaulted, made to run with elbows on the ground, embarrassed to make contacts with sex organs of each other and punished in case of denial.

Apart from these, all the women were forced to undress themselves and dance. Men were made to undress themselves in front of the women and they were sent home in the same condition. Their stomachs were pulled up and beaten. Similarly, they touched and pointed at the sensitive organs of women and harassed them forcing them to lap their own spit. Similarly, they made them sing and dance snatching their fish catch and breaking their boats. They whimsically pushed them into the river at times. The villagers could not protest for fear of being killed by the ruthless army personnel.

The locals were made to put sugar on the body and lie on the ground under the scorching sun after their axes and sickles were seized. Furthermore, they were chased with elephants, their hands were tied with shoe laces and, they were thrown into the river. They were dunked in cold water for hours, made to sleep on the dirty ground and sent home without allowing a wash. Spilling of hot water on their body was another malpractice devised by the army the poor villagers had to bear with clenched teeth. Besides the immediate impacts, these tortures have far-reaching effects on the mental as well as physical health of the victims.

Chapter Two

Trajectory of the Campaign

The campaign in the buffer zone areas of the Bardiya National Park —(BNP) and the Koshi Toppu Wildlife Reserve (KTWLR) has to be located and understood against the backdrop of local experiences and struggles in buffer zone areas of the Chitwan National Park (CNP). Community Development Organization¹ was a pioneer civil society organization facilitating rights campaign and grassroots advocacy with local communities & indigenous peoples (LCs & IPs) from the CNP buffer zone. Bote-Majhis and Musahars, indigenous fisher folks residing in Nawalparasi, a district from southern belt of central Nepal, reclaimed fishing right in the Narayani River and fought back human rights atrocities upon them in 1999 after nearly a decade-long struggle against the park authorities. The Kumals, indigenous people from Meghauli, Chitwan, who had been displaced due to flood related problems, also gained cash compensations from the park authorities for loss of houses and lands after a persistent four year campaign that ended in 2005. During these times, CDO was also building an alliance with activists advocating the rights of protected area victims in the KTWLR and the BNP.

Local resistance and dissent against the protected area authorities in KTWLR were latent for many years. But later, the uprising began to surface when farmers from Kusaha and Madhuwan villages in Sunsari began open protests organizing parallel events during bird festivals in the KTWLR. They termed it 'counter guleti festival', in which they would distribute guleti (a traditional device made out of rubber and wood or a pellet-bow used for hunting birds). This was to articulate their dissent against the absence of provisions of compensation for crops and fish destroyed by growing numbers of birds in the reserve. The active farmers were arrested and punished by the army personnel in the reserve during the protest. Local Muslim farmers were also resisting locally as 'arna' and wild elephants raided and damaged their fields. They also filed a case in the Supreme Court demanding compensation.

In Saptari, activists organized under the banner of 'Koshi Concerned Group'(KCG) were mobilizing locals against the atrocities of the army and conservation officials in the reserve. On December 10, 2000, around 2500 local women from the buffer zone village of Saptari organized a protest rally and demonstrated demanding protection of their human rights. Later the KCG was dissolved when its leader joined CPN (Maoist) and the activists faced immense threats from the army during the state of emergency clamped in the country. At the same time, the locals from the buffer zone villages of the BNP were demanding maintenance of traditional irrigation canals inside the park. The locals claimed that they were intimidated by the army and park authorities, members of Buffer Zone Council (BZC) used to convey their concerns to the park authorities. There was once a tension regarding fees collected from occasional harvests of 'khar khadai' (thatch-grass) in the park that used to be deposited in King Mahendra Trust for Nature Conservation, a giant conservation NGO controlled by the then

¹ A pioneer civil society organization that advocates the rights of local communities and indigenous people, and democratization of the protected area governance in Nepal.

King and the prince. Later BZC negotiated to keep such earnings from the collected fees in its own local fund. A local NGO named 'Ecos' had initiated discussions on fishing right of Sonahas, but the issue fizzled out later during the state of emergency in the country that led to curtailment of fundamental freedoms.

1. Organized Campaign Commences

On May 13, 2006, in the aftermath of people's uprising in April in Nepal, an impressive gathering took place that consisted of members from civil society organizations (CSOs), activists, community leaders and representatives from villages around the KTWLR, BNP and CNP. The venue was Thimura in Chitwan. The gathering proved to be a milestone towards orienting local NGOs, activists and leaders working on rights and advocacy issues, strategies of collective action and exchange of local agenda and struggles. It was a strategic idea to organize the gathering in Chitwan so as to expose the activists to experiences and learning of local movement in the CNP. The meeting finalized strategies aimed at reaching out to the people at the grassroots level by listening to their predicaments and agenda. It stressed the need of mobilization of local organizations in this regard. The gathering then followed a public hearing program at the heart of Narayanghat city, close to the district headquarter, Bharatpur. The representatives of indigenous people and local communities from the CNP, BNP, KTWLR and Parsa Wildlife Reserve revealed stories of predicaments resulting from protected areas before members of the Interim Legislature Parliament, local administration and the media. The event was unplanned though.



Thimura, a meeting space and a hub of planning and strategizing campaign in Chitwan, south central Nepal.

The activists then began to concentrate their efforts at village level discussions and meetings with victims and local leaders of the community. This was a period of learning, listening and being linked with the affected communities. This led to the beginning of locals organizing discussions on local agendas and need to launch a campaign. Various groups of the affected and agitating communities began to come to the fore. While this process was ongoing, three district level peoples' organizations² evolved manned with representatives of village level groups/peoples' committees. These were named as "Nikunja / Arakshya Pidit Sangarsha Samiti" (National Park/Reserve Victim Struggle Committee). These three peoples' organizations have been the pillars of the local campaign.

The initial stages of organizing of the campaign did not go unchallenged and unopposed, especially to the local activists. Members of the Buffer Zone Council perceived mobilization of local people as a creation of parallel organization and counter productive as the existing local institutions were not able to address the woes of the victims. In Sunsari activists were sometimes perceived as Maoist cadres. Villagers were suspicious and reluctant to take part in discussions in their localities. Activists often faced an outburst of frustrations of the buffer zone populace resulting from conventional developmental interventions that did not address their rights issues. "You always come to the village and make reports. We never get anything. You receive salary from the organization minting dollars. That's why you are here" was one of such reactions from the villagers.

A customary culture of making false promises of distribution of allowances to lure the local people to attend meetings and workshops developed by earlier projects in the buffer zones also sowed the seeds of dissension. In addition; they never cared for addressing the local expectations that was one of the clearly stated objectives of the campaign. This situation began to change slowly when agendas and motives of the campaign that had closer links with their livelihood and life were discussed locally. The protected area officials also perceived the campaign as hostile to ethos of conservation and were reluctant to participate in local events.

² Reserve Victim Struggle Committee, Saptari and Sunsari in KTWLR; and National Park Victim Struggle Committee, Bardiya in BNP.

Annex: Time/Dateline of Significant Events

<i>Date</i>	<i>Major events of campaign</i>
May 18, 2006	Gathering at Thimura and public hearing in Chitwan
October 3-4 , 2006	First national conference of Sonaha indigenous communities
December 23, 2006	Saptari-Sunsari mass meeting
January 1, 2007	First national dialogue on restructuring of PAs in Nepal
January 12, 2007.	Mass rally and meeting in BNP
March 29-30, 2007	First national conference of protected area affected communities and formation of Protected Area People's Right Federation (PARF)
June 11, 2007	First meeting of PARF, declared launching of collective action
June 27, 2007	Paddy seedling sowing inside PAs
September 20, 2007	Mass meeting organized by Baridya BZC at Bhurigaon, Bardiya
September 30, 2007	Torching of the National Park & Wildlife Conservation Act, 1973
November 3-4, 2007	Collective dialogue of Buffer Zone Councils & PARF
November 6, 2007	Delegation of Bardiya BZC to DNPWC and MoFSC
December 6, 2007	Multi-stakeholders' policy dialogue in Thakurdwara, BNP
January 3-4, 2008	Mission of Natural Resource and Means Parliamentary Committee to lowland PAs
January 17, 2008	Highway blockade in Sunsari
March – May, 2008	Local policy dialogues at Langtang National Park, Chitwan National Park and Koshi Toppu Wildlife Reserve
June 9, 2008	National dialogue on PA governance and management with constituent assembly members

1.1 Mass Meet of Sonahas: A Call for Unity

Sonaha leaders and activists were initiating discussions on their agendas at the grassroots level and organizing members of their community. Village level struggle committees were being formed. An idea of forming an umbrella organization including the representatives of Sonahas from VDC level struggle committees so as to demonstrate organizational strength in the campaign struck their mind. A mass gathering of Sonahas from all the VDCs around the national park was considered an effective strategy to mobilize Sonahas who were hitherto unorganized. On 3-4 October, 2006, Sonaha activists and PCDF organized the first ever national conference of Sonahas at Rajipur, Pathavar villages by the BNP. Hundreds of Sonahas from diverse age groups assembled. Sonahas from beyond the buffer zone of the BNP from Kailali and Kanchanpur districts were also invited. In the momentous conference they deliberated on challenges of traditional livelihoods, erosion of their cultural identity and mounting instances of human rights violations perpetrated under many pretexts. A cultural program organized on the very occasion entertained all of the participating Sonahas and boosted a sense of unity among them.

Nepal Sonaha Adhikar Sangh (Nepal Sonaha Rights Association), a national association of Sonahas was founded following the two day gathering. The association declared a nonviolent protest against atrocities meted out to them by the army and conservation officials. They launched a struggle to reclaim their rights over traditional livelihood (fishing and gold panning

on riverbanks). They also underscored the need to promote their endangered cultural identity. Representatives of various political parties, civil society organizations and journalists also extended solidarity to the stated cause.

Following demands were put forth at the end of the conference:

1. Guarantee an unhindered access to river within and beside the national parks going by the long tradition.
2. Ensure traditional rights of Sonahas over forest and river.
3. Put an immediate end to imposition of fishing tax on Sonahas.
4. Ensure unrestricted access to fallen firewood, wild vegetables, grass and other non timber forest products.
5. Provide land deeds to the Sonahas on the basis of land cultivated by them to date.
6. Distribute citizenship certificates on the basis of existing state procedures.
7. Identify Sonahas as indigenous peoples and take necessary steps to protect their language and culture.
8. Provide compensation to them for the loss caused by wild animals of the national park.
9. Ensure representation of Sonahas in state machinery, parliament and other public institutions.
10. Work towards making Nepal a Democratic Republic.
11. Scrap rules and practices of private contracts over rivers and restore rights and control of traditional fishing communities dependent on it for survival
12. Restructure management of the PAs in Nepal.

(Excerpts from 'Rajipur, Bardiya Declaration 2006, made public at the end of first national conference of Sonahas)

1.2 'Kusahas' Mass Meeting: 'Our Natural Resources! Our Rights!'

At a time when local organizing was stepped up seeking supports of the reserve victims in the buffer zone of KTWLR, activists and leaders of Koshi Toppu Victim Struggle Committee decided to organize a mass event to pressurize reserve authorities and mobilize buffer zone populace for the campaign. Local activists both in Saptari and Sunsari intensified village level meetings, distributed pamphlets and made informative announcements traveling in rickshaws and bicycles to the affected villages. Activists claim that their efforts were also challenged by deliberate rumors spread by certain quarters. They opined the event contradicted the ethos of conservation and blamed it to be a pro-Maoist campaign. However, after comprehensive preparations, they organized a mass meeting on December 23, 2006. Nahar Chowk in western Kusaha was slated to host the public gathering since it was the entrance of reserve headquarter. It was a fairly strategic move on the part of the organizers. Around 3000 people from several buffer zone villages of the KTWLR, affected by the reserve, gathered for the day. "Hamro Prakritik Srot Hamro Adhikar" (Our natural resources! Our rights!) was the slogan for the day.

This was the first ever gathering of the reserve victims of that scale. Representatives of local communities and indigenous people (LCs & IPs) strongly raised their concerns regarding existing policies and practices of the reserve. Victims of wildlife attack as well as those undergoing harassment from the armed guards of the reserve also shared their stories in front

of the mass. Representatives of political parties from the region, buffer zone council, civil society leaders and activists extended their solidarities for the cause of reserve victims. Prominent public commentator, writer and civil society leader Khagendra Sangraula, and the then president of Natural Resource and Means Parliamentary Committee (NRMPC) of the interim legislature parliament representing the government, Prakash Jwala, were the key personalities who backed the local agenda. The news of the mass meeting received a wide coverage in the local print media. The event was crucial to generate a sense of purpose/ fraternity for collective campaigns in/among the reserve victims.

1.3 A National Dialogue: Asserting Local Voices and Concerns

Debates were abuzz on state and societal restructuring of Nepal in a changed political context. It was reflected in the contemporary political discourse. Popular agendas about the protected areas were still far from being heard in the national debate. A group of civil society organizations³ (CSOs) collectively organized a 'National Interaction Programme on Restructuring of PAs in Nepal' on January 1, 2007 at Staff College, Lalitpur, and Kathmandu Valley. Members of LCs & IPs paying the price for being stuck up in /around the PAs in lowland Nepal gathered to raise and publicize their concerns. Members of the interim legislature parliament, representatives of forest ministry (MoFSC), Department of National Parks and Wildlife Conservation (DNPWC), Buffer Zone Council (BZCs), I/NGOs, civil society organizations, experts, forest professionals and media personnel took part in the one day dialogue.

"We have become the prisoners of a natural prison" - Naradmani Poudel, a local from Madi, Chitwan

Concerns on conservation of endangered wildlife species, urgency of action towards protection of endangered Asiatic one-horned rhinoceros and ways on curbing the rampant poaching of wildlife were raised during the dialogue. Significance of the PAs for biodiversity conservation, possibilities of conservation in the absence of the army, emphasis on more roles and responsibilities to local people and autonomy to buffer zone management councils were other common understandings reached at the gathering. There was also a common consensus pertaining to democratization of policies and governance of the PAs. The meet downplayed the unilateral role of the state in managing the PAs as inadequate in the changed context. However, the participants stressed the need of further dialogues to these ends.

"If a new constitution can be drafted, so can acts and regulations concerning the protected areas be made dynamic that encompass and are subject to timely changes" - Dr. Uday Raj Sharma, the then Acting Secretary, MoFSC

Likewise, critical debates on a number of issues were also raised in the dialogue. Local people's sovereignty and leadership in PA governance, deployment of army in PAs, military solution to tackle poaching and impunity, maintenance of rule of law in PAs, livelihood crisis of poor and indigenous people in /around the PAs, success of buffer zone management and development initiatives, equitable sharing of costs and benefits of conservation, coexistence of wildlife and human beings as well as conservation and livelihood of local communities were

³ Nepal Forest Professionals Association (NFA), Federation of Community Forest Users Group in Nepal (FECOFUN), Himawanti, Community Forest Support Network, Majhi-Musahar- Bote Kalyan Sewa Samiti (MMBKSS), Forest Action(FA) and CDO.

discussed therein. The impact of protected areas on LCs & IPs in Terai, democratization of governance and management of the PAs in line with the goals of biodiversity conservation, establishment of rights of natural resource- dependent people were high on the agenda.

1.4 Thakurdwara Mass Meet: 'Let's Ensure Our Rights!'

Immediately after the conclusion of national dialogue on 'National Interaction Programme on Restructuring of PAs in Nepal' on January 1, 2007, a delegation of the representatives from 'Nikunja Pidit Sangharsha Samiti' (National Park Victim Struggle Committee – NPVSC), Bardiya approached the BNP authorities as a follow up on the ultimatum they had served a month back. Leaders of NPSC felt there were no progress on the part of the park authorities on their appeals and decided to go for an extended movement. Activists began to publicize local demands and sloganeered through pamphlets and wall paintings in public places, temples, roads and localities.

'Our natural resources! Our rights!' Compensate us based on the magnitude of our loss, we are not liable to buy the development activities that are detrimental to our local livelihoods; you can't kill traditional occupation of Sonahas; wildlife population is swelling but indigenous population is shrinking"were some of the major slogans making rounds across the villages.

Interestingly, there were groups that liked to see the agitation sabotaged. Some pamphlets were distributed prior to the planned mass meeting and the rally with an intention to derail those programs on purpose. They were distributed by some anonymous groups and they contained information regarding the speakers who were allegedly dollar thirsty and that the program did not have anything to do with the real park victims. They claimed that the organizers were not aware of the benefits they had reaped from the national park. Activists also came to know of the secretive plans of the saboteurs who were hiring people to infiltrate the rally and pelt stones at the army deployed at the entrance of the park headquarter so as to enrage them and induce them to open fire at the protesters. PCDF confirmed that the emerging campaign was gaining a widespread support. However, the park administration officials were the architect of this drama .It was revealed when the local administration inquired about the function of the NGO.

On January 12, 2007 NPVSC, Bardiya, organized a mass rally and demonstrated at Thakurdwara, bordering the BNP headquarter. The action was a part of mass mobilization of locals to launch a campaign. More than five thousand locals from the buffer zone villages of the BNP took part in the rally despite bandhs (strikes) in the region. Sonaha and Tharu indigenous peoples, small farmers, victims of wildlife demonstrated shouting slogans at the height of their voices, brandishing banners and placards to articulate their discontentment. This was the first time such a mass gathering of communities affected by the national park in Bardiya had ever occurred. Beside local leaders and activists, the then chairperson of NRMPC) and president of Federation of Community Forest Users Groups in Nepal (FECOFUN) also addressed the gathering and expressed their solidarity to the agenda of local people. District level leaders of Nepal Congress (NC) and NC (Democratic) also supported the cause of the people. This mass gathering played an instrumental role in conveying a message to the national park authorities that people were organizing themselves to claim their rights over the natural resources of the national park. The event also exercised a strong pressure upon the BNP authorities to heed to the demands of the local people.

Lifting of the restrictions imposed on the traditional rights of LCs and IPs over natural resources of the park, raging disputes on the military control of the park and compensation for the damage and loss caused by the wildlife were some of the pressing issues raised by the locals. To settle matters at the earliest NPSC declared a prolonged agitation against the national park authorities.



Local women take part in mass rally in Baridya National Park (Courtesy: PCDF)

1.5 Birth of a National Coalition of PA Victims

Despite these contexts of specific challenges and dynamics of the campaign, the overarching problem had been the issue of democratization of the protected areas' governance and management, thereby introducing democratic polices to that effect. A need to bring synergy and uniformity among the existing local struggles to combat for a common agenda nationally was being felt strongly. CDO initiated a national people's conference under the banner - 'Democratization of PAs, Livelihood and Human Rights of Local Communities in Nepal' on March 29-30, 2007, in Kathmandu. This was a first ever national conference of LCs & IPs struggling against the PA authorities in Nepal. Representatives from five lowland PAs⁴ and one mid-hill Shivapuri National Park (SNP) participated in the people's conference. A total of 120 participants including indigenous people and members of minority groups from 9 districts were present on the occasion. Representatives from a dozen CSOs and groups, indigenous peoples' organizations, forest professionals, experts, members representing buffer zone councils and social activists also participated in the conference. The conference availed them of a common platform to exchange the issues of local people from the fringes of the PAs, to share stories of local struggles and take initiatives towards solving their problems, and to collectively deliberate upon charting strategies for future actions. However, LCs and IPs from the remaining highland and mountainous protected areas were underrepresented in the conference.

⁴ KTWLR, PWLR, CNP, BNP and Sukla Fanta Wildlife Reserve.

Open discussions to tease out cross-cutting issues of buffer zone people generated following common understandings and demands at the end of the gathering:

1. Acts and regulations: Dissolve current National Park and Wild Life Conservation Act, 1973, and other regulations under the act and form new ones with active/direct participation of local communities and other stakeholders.
2. Boundary declaration of PAs: Revise boundaries of the PAs with consensus and participation of local communities.
3. Livelihood resources: Tribal, indigenous nationalities and marginalized social groups who have been earning livelihood from traditional access and use shall continue to access natural resources of the PAs - based on their relation and inter-dependence - without any restraints.
4. Compensation: Loss or damage of domestic animals around PAs by wild species of the PAs shall be compensated. The amount of compensation shall be evaluated based on prevalent local rates. In case of human deaths from wild species of the PAs, the family of deceased shall be compensated with 1 million rupees, 0.3 million in case of human injury. The conservation authority shall issue the compensation within 30 days of incident. The compensation is also applicable for the victims entering the PAs with prior permit. In case of crop depredation and damage of local farmers by wild species of the PAs, conservation authority shall issue compensation as per the prevalent rate of the production. Families displaced during establishment, boundary expansion of the PAs or natural disaster shall be compensated for the loss of land and houses based on prevalent rates. In case of lack of legal entitlements to land or housing, compensation shall be issued based on its use in practice. The same provision of compensation shall apply in case of river cutting.
5. Human Rights: Human rights of local communities in/ around the PAs shall be protected. Victims shall have an easy access to justice. The military presence in the PAs should be replaced by conservation cadres from the local communities.
6. Buffer Zone Council: The buffer zone management council should be democratized further, and be established as autonomous people's institution invested with power and responsibility of PA management.

In order to realize their pressing demands as well as to initiate collective campaign in the future and advocate for rights nationally, people deliberated on the idea of unified national organization. A national coalition of communities affected by the PAs evolved at the end of the conference. It was titled "Samrakshitt Chhetra Janaadhikar Mahasangh" (Protected Area People's Rights Federation - PARF). They constituted a national ad hoc executive committee consisting of 11 members from nine districts⁵ representing six PAs. The BZC members from PWLR also highlighted the need of a federation of buffer zone councils so as to ensure autonomy of people in buffer zone management.

2. Actions That Propelled the Campaign

Some of the actions discussed in this section were important initiatives to intensify and expand the campaign locally. These events were not only crucial to pressurize protected area authorities on local demands but were also necessary to convey agenda of the campaign and mobilize local people. These actions also reflect strength and influence of the campaign.

⁵ Sunsari, Saptari, Makwanpur, Parsa, Chitwan, Nawalparasi, Bardiya, Kanchanpur and Kathmandu

2.1 Maiden moves to save wild water buffaloes: First Delegation

Between the months of May and August, 2007, villagers and activists from the buffer zone area of KTWLR protested against the reserve authorities and their passive role in wildlife conservation symbolically. Locals were concerned about decreasing number of wild water buffaloes locally called 'arna'. Regional Koshi Toppu Struggle Committee (Saptari, Sunsari and Udaypur) organized peaceful demonstrations that later culminated in 'kond sabha' (corner meeting) inside the reserve headquarter.

Hundreds of local people including women, children and the elderly took part in the rally that headed to the reserve headquarter. Locals mourned and observed a moment of silence for declining 'arna' in the reserve. Activists claimed the authorities could not protect the endangered wild species if they continued excluding the local communities in the buffer zone in matters pertaining to wildlife conservation. They averred that if the agenda of people in the buffer zone and their proactive roles and responsibilities in conservation were overlooked, it could be counterproductive to achieving the goal of wildlife conservation.

At the end of the public meeting, the activists handed over 12 point demands on behalf of communities facing onslaught of conservation to the officials of the KTWLR. They then got engaged in a dialogue with the chief conservation officer on local concerns. As a result of public pressure, they acquired assurance from the warden for access over 'pater' - thick wild grass and drifting logs, along with fishing licenses for indigenous fisher folks including access to cremation sites and grave yards that fall within the jurisdiction of the reserve. Unfortunately, as a result of a long existing antagonism between the local activists and the members of Buffer Zone Council the latter turned a blind eye to the informal agreement reached between the locals and the conservation officials.

2.2 'Chakka Jam' (halt in vehicular movement) along Mahendra Highway

On April 11, 2007 at Bagnaha -8, Bardiya, Uday Bahadur Sawat lost his life from the attack of a wild elephant near Sainwar security post of the BNP. The next day, hundreds of local residents and activists of NPVSC, Bardiya, obstructed vehicular movement along the Mahendra Highway from early morning. They took to the street demanding a just compensation to the family of the deceased. The agitating locals defied existing provision of compensating rupees 25000 only in case of human death from any wildlife. Leaders of NPVSC pressurized and strongly negotiated with the park authorities. The situation came back to normalcy when the national park authorities agreed to provide a compensation of one hundred thousand rupees as well as job for the wife of the deceased. The role of NPVSC to advocate for this case was crucial so as to stand as a credible and trustworthy organization to the buffer zone populace. Many locals were drawn in the campaign led by NPVSC after this initial victorious campaign. Regardless of presence of local NGO working with NPVSC, it was a spontaneous action from local activists and people's organization.

2.3.1 Vocabulary of Protest: Creative Actions

During a second meeting of PARF at Thimura, local activists and representatives of LCs & IPs from lowland buffer zones and supporting CSOs critically reflected upon their campaign experiences and strategies. Then there was a deliberation on non-confrontational and non-

violent creative actions. The logic behind it was that these actions would be more influential and tolerable to the establishment. Moreover, that would, draw the attention of the stakeholders who were not directly involved in the campaign. Furthermore, it would guarantee a positive publicity. They applied such strategies drawing from the experiences of Indian social movements, movement of Chepang indigenous people in central hills and the freed bonded laborers from the mid-western region in Nepal.

2.3.2‘Dhaan Ropai’ - Sowing Paddy Seedlings at the Heart of Protected Areas

It was Wednesday, June 27, 2007. Thousands of LCs & IPs, minority groups facing the onslaught of biodiversity conservation and PA policies protested symbolically in the southern lowland PAs. As the time for monsoon cultivation was approaching, local people from the buffer zone demonstrated by sowing paddy seedlings and planting sugarcane seeds inside the premise of the PAs headquarters. This collective monsoon cultivation at the heart of the PAs was a satire to state apathy towards their local misery concerning crop depredation, nuisance of wildlife; landlessness due to natural disaster and crisis of traditional livelihoods. PARF had coordinated the protest program activating its district level organizations in collaboration with half a dozen of civil society organizations working on rights issue in the PAs. The demonstrating locals handed over a document of 9-point appeal to the national park and wildlife reserve authorities. They also warned of an intensified movement ahead if their demands continued to be overlooked.

Contents of the document

1. Set up an all-party high level commission for democratization of protected area governance.
2. Put an end to existing NPWC Act, 1973, and introduce a pro- people act that ensures conservation, management and use of PAs from institutions elected by local people and withdrawal of Nepal Army from PAs.
3. Guarantee fishing right to communities such as Bote, Majhi, Musahar, Malaha, Gudi, Sonaha, Sardar, Darai, Chepang, Kumal, Jhangad traditionally engaged in fishing for livelihood and ensure local peoples' rights upon animal-grazing, sources of water, thatch- grass, and drifting logs and other livelihood resources.
4. Ensure unrestrained access to traditional cremation cites, graveyards, religious and sacred places inside PAs.
5. Guarantee one million rupees' cash compensation in case of loss of life, free treatment in case of injury, alternative livelihood in case of disability, just compensation for crop damage by wildlife from PAs.
6. Create appropriate mechanisms ensuring local people's participation to control poaching.
7. Prevent poisoning of rivers and wetlands, disposal of effluents from the industries in rivers and operation of hotels that have negative impact on biodiversity.
8. Introduce appropriate rehabilitation programs to communities displaced by PAs.
9. Recognize local peoples' role in decision making during boundary expansion or establishment of new PAs.

In the BNP, CNP and KTWLR, security forces deployed in the PAs obstructed protesters from entering the PA headquarters and conduct the program peacefully. There were minor cases scuffles, quarrel and manhandling between the protesting public and the security forces guarding the area.

In the KTWLR, Nepal Police Force was also mobilized in addition to the army personnel to prevent the mass from entering the reserve headquarter. Later, after having an amicable consultations with the reserve authorities, locals planted paddy seedlings and sugarcane seeds inside the reserve headquarter and organized a mass meeting. The presence of Prakash Jwala, the then member of Interim Legislature Parliament and NRMPC, who addressed the mass later, was successful in mediating between the authorities and agitating locals. Professional organizations such as Federation of Nepali Journalists, Nepal Bar Association, human rights and civil society organizations expressed their solidarity to the campaign. Local people from 17 buffer zone VDCs from three districts (Saptari, Sunsari and Udayapur) had also gathered during the protest despite a strike that was in effect in the region.

In CNP more than two thousand villagers from 13 VDCs took out a mass rally with a slogan – "Hamro Nikunja Hamro Adhikar" (Our national park! our right!). They assembled and performed monsoon cultivation at the entrance of the park headquarter. Presence of the then members of Interim Legislature Parliament from major political parties⁶ during the day added moral boost to the agitating locals. In Bardiya National Park, LCs & IP protested at the entrance of the park headquarter also. They also sowed paddy seedlings just outside the entrance when Nepal Army stopped the peaceful mass heading towards the gate of the park headquarter. In the same day, local communities from 4 VDCs including Sonaha indigenous fishing communities across the Karnali River padlocked the office of Banjariya Range Post and cultivated crops as a symbolic protest. One of their key demands was to speed up the process of issuing fishing permit to Sonahas.

In Sukla Fanta Wildlife Reserve, located in the far-western region of Nepal, landless communities displaced by the reserve continued their road blockade for the second consecutive day and cultivated on the Bani road stretch of the East-West highway. They protested with black-clothed armbands and similar bandannas. They also demanded an instant response from the concerned authorities towards the plight of the displaced people to secure their rehabilitation as soon as possible.

In Parsa Wildlife Reserve, south central Nepal, Flood Victim Coordination Committee, Resettlement Struggle Committee and Nepal Chepang Association organized the protest that took place in an amicable atmosphere. The conservation authorities engaged in a dialogue, cooperated with the protesters. Harish, a young local leader says that reserve authorities gave the demonstrators drinking water as well as snacks. Ananda Pokharel, then member of the Interim Legislature Parliament of CPN (UML) and a member of NRMPC took part and supported the people's agenda. Villagers from 10 VDCs had gathered that day.

⁶ Chandra Bahadur Shahi, CPN-UML; Sabitri Bogati, NC; Chandri Mani Kharal, CPN-UML; Bir Bahadur Lama, CPN-UML; Narayan Prasad Dahal, CPN (Maoist); Krishna Kumari Shrestha, NC.

2.3.3 Public dissent: Torching a gloomy Act

As the grassroots campaign was gaining momentum, public dissent was also picking up as the PA authorities were still hesitating to take concrete actions on the ground to address people's demands. PARF called for an urgent action again. Thousands of IPs and LCs in the lowland PAs again demonstrated symbolically against the 'outdated' 'National Park and Wildlife Conservation Act, 1973' on September 30, 2007. They torched copies of the act and demanded new pro-people legislation. This event heightened the agenda of people's campaign to challenge policy gaps in existing legislation. The torching of the act articulated the public ire against the legislative flaws in the PAs of Nepal.

This time also it took the scale of collective action as the protest was organized simultaneously in all the five lowland PAs on the same day. 'We support the idea of conservation. But the present act is unjust and against the interests of the local people. We demanding the government bring forth a new local people-friendly act' averred Gopi Yadav, president of PARF. Families displaced by Sukla Fanta Wildlife Reserve also set the act in fire on a highway beside their temporary camps. In Bardiya, a local organization of affected communities and BZC collectively organized a protest program at Neulapur VDC and torched the act.



Local women sowing paddy seedlings to mark a satirical protest inside Parsa Wildlife Reserve.



Local women torching National Park and Wildlife Conservation Act in CNP.

2.4 Systematic marginalization of Malahas

Thirty-two Malahas (locally known as 'gondi') households were excluded in the survey conducted by the KTLWR. The 32 Malaha families reside at Badgama village in Saptari district. They have been struggling to secure their fishing right. "This is a politics of incorrect statistics. It could lead to further impoverishment and marginalization of Malahas" - Mahanti Mukhiya, Saptari. When the matter was brushed aside by the buffer zone council, agitated Malahas then protested their exclusion and attempt to flout their identity by organizing a 'silent rally' on September 3, 2007. The slogan was "Correct the flawed statistics of Malahas published by reserve authorities! Conservation authority has no right to violate our rights and ethnic identity! The rally beginning from their settlements culminated in a corner meeting at Kanchanpur. With collective pressure of local Malahas, Saptari chapter of PARF and local CSOs, the chief conservation officer admitted the flaw and assured them that he would take initiatives for revising the data. The local campaign for identification of Malaha was critical to grassroots mobilization of Malahas for the cause of fishing right.

2.5 Highway Blockade in Koshi Toppu

On January 17, 2008, the victims of wild elephants from the KTWLR blocked Mahendra Highway at Jamuwa Nahar Chowk in western Kusaha not so far from the vicinity of reserve headquarter. The agitators obstructed the highway by placing huge logs on the road and demonstrated by reclining on the road from 10 a.m. in the morning till 4 p.m. in the evening.

That brought vehicular movement to a halt. Hundreds of passengers were stranded. The spontaneous action by the locals was prompted by the recent incident then in which wild elephants from the reserve had ravaged six huts and crops worth a million rupees at Shreepur buffer zone village. The victims were mainly poor Madheshi dalits and Muslim farmers.

A five-point agreement was reached between the local administration and the agitating locals amidst the presence of representatives from various political parties and the chief district officer(CDO). Several decisions were taken with respect to sufferings faced by local communities from wildlife (elephant, wild water buffaloes, wild boar etc) that come out of the reserve area that included requesting the reserve authority to provide immediate relief as per the provision of natural disaster; collect the details of the damage done and request concerned ministry and department to determine appropriate policy for the same, make necessary arrangements for fencing to control the wildlife encroachment, take necessary action against officials deployed to conserve the wildlife if they fail to perform their duty and request towards formulation of required policies to prevent the wild animals from breaking away from the reserve area.

3. Alliance with Bardiya Buffer Zone Council

The relationship between PARF and Buffer Zone Council⁷ (BZC) in Bardiya has always been marked by mistrust. It was not different during the initial phase of the campaign. A leader of PARF Bardiya says that the council used to perceive and spread the propaganda that their organization was anti-conservation. Despite reactive comments and grievances, healthy and mature dialogues between the two groups were lacking. There was once a tension when Songra Tharu from a buffer zone village was killed by wild elephant when he went inside the park to collect leafy vegetables. While the activists complained that council members were not sensitive to the demands of compensation for wildlife victims, council members, on the other hand, expressed their helplessness by bemoaning fact that the activists were invariably blaming them. They averred that there was no provision in the law and they did not have necessary resource and authority to do so.

During a meeting with park victims at Shivapur village, the activists invited the council president, Dip Lal Kandel. Local activists were still skeptical about him but he showed up for the meeting. In the meeting he committed to root for the cause of compensation- "I am ready to do anything possible and go anywhere for this cause. If I do not walk hand in hand with the people from now onwards, then you can question me" was his remark. Then council members were also invited in a public hearing organized at Thakurdwara, later. Cooperation with council members in the campaign began to foster slowly.

On August 21, 2007, a joint meeting between PARF, Bardiya and the council at Bhurigaon, Neulapur, decided to campaign collectively for the cause of buffer zone people since there were/are commonalities in their agenda on rights of park victims. A collective working committee constituting five members from PARF and five from the council was also formed. This was followed by series of meetings to work out plans for future campaign. But during a meeting between the council and political parties on September 9, at Bhurigaon, PARF felt that their demands were not incorporated. Local activists padlocked three offices of buffer zone users committee at Shivapur, Neulapur and Bagnaha as a mark of protest. They also claimed that the council members were

⁷ Hereafter, council in the rest of the chapter.

not taking any initiatives on the issue of compensation for wildlife victims. The offices were unlocked when the council agreed and decided to incorporate demands earlier left out.

The promising cooperation between PARF which was gaining the support of the affected communities and Baridya BZC, which had legitimacy and an influential legal status to strengthen and widen the scope of local campaign was showing some healthy signs. At the same time, Community Development Organization (CDO), which was backing the local campaign in Bardiya and working closely with PARF, began to encourage plans and ideas of the council to engage in policy advocacy. Alliance with the council was strategic. Activists of PARF were somewhat skeptical about this strategy. There was a perceptual difference between CDO and local activists on growing alliance with the council in the campaign. This was resolved later as campaign progressed further.

The experience with Buffer zone council in Koshi Toppu was radically different. The skepticism and differences between local activists and council members was evident right from the beginning of the campaign. The relation was contentious. As PARF began to organize and mobilize reserve victims on rights issues proactively, popularity of BZC was declining. The popular perception regarding the council was of an organization loyal to the reserve authority and apathetic to problems of reserve victims. Where as the council perceived PARF as a competing parallel organization in the buffer zone. Local activists said the 'Council president accuses us of destroying the reserve. Forget about supporting our campaign, they would make every effort to disrupt it. They walk out of our sight when we encounter them. She (council president) is in hand-in-gloves with the officials of Koshi Toppu'. The perception of the council president on the campaign was so biased that it would go against the ethos of conservation. "Will you be responsible if your campaign leads to a wide deforestation drive in the reserve?" She used to question. She was hesitant to participate in any programs organized by PARF, Saptari. A harmonious dialogue with activists of KVS and PARF, Saptari, was non-existent. The perception began to change a bit later when the activists sat with her to iron out the differences with her and conveyed a message that they were also struggling for just conservation and autonomy of BZCs.

Bardiya BZC on the Lead

"We have been facing many constraints due to the present act. We cannot function at the dictates of national park authorities. We are people's representatives and accountable to people. We will continue to pressurize the government till the policy goes in the favor of the local public. We are also convincing other buffer zone councils to challenge the status quo and become an ally of our campaign"- President, Bardiya BZC.

On September 20, 2007, Baridya BZC organized a mass protest demanding for a pro-people PA legislation in Nepal, and the day is known as the day of 'Bhurigaon mass gathering'. Tens of thousands of local communities and users' groups from 15 buffer zone VDCs took out rallies from their villages and assembled for a mass meet at the heart of Bhurigaon. "Abolish current NPWC act, make provisions for compensation and challenge the army's presence in the park" were the key slogans of the day. Leaders of various political parties from the district also expressed solidarity to the cause of buffer zone populace. During the mass gathering organizers collected twenty thousand signatures demanding a favorable change in policy. CDO, Bardiya BZC and PARF initiated a dialogue between them and BZC members in Chitwan on November 3-4, 2007. The prime motive of this dialogue was to explore a broader

alliance with councils for democratization of protected area governance and propel the policy advocacy. The idea of an alliance among councils was also raised and proposed at the time of formation of PARF. This time it was discussed intensively with council members of the CNP, PWLR, KTWLR, Langtang National Park and Makalu Barun National Park. Challenges and constraints councils are facing under the present policy environment were discussed. Representatives of users' groups, LC and IPs, activists from Chitwan, Saptari, Sunsari and Bardiya, civil society organizations also took part during the two days' dialogue.

This was the first ever critical dialogue of this scale between buffer zone councils and agitating civil society groups engaged in the campaign. Several consensus resulted from the dialogue. Numerous gaps in the existing policy and thereby an urgent need for policy changes to address multiple constraints BZC are facing at present were felt. An idea of collective forum of BZMCs to advocate autonomy and authority of the council over the protected area management was strongly raised. A national dialogue with wider representation of buffer zone councils was also planned during the meeting. Chitwan was to host the program.

Delegation Arrives in the Capital City

On Nov 6, 2007, a delegation of representatives of Bardiya BZMC arrived in the capital city. They handed over their appeals and collected signatures to the secretary of MoFSC. They also made their demands public by organizing a press conference at the premises of DNPWC. The next day in response to mounting public pressure, the MoFSC called for a dialogue with representatives of Bardiya BZMC and NPVSC. Representatives of the forest bureaucracy including the director general of DNPWC responded to the demands of the buffer zone council.

While there were several contesting demands, officials of the ministry acknowledged that there were demands that could be fulfilled at the level of Management Plan and some of them could be addressed only after the change in act. Members of the Interim Legislature Parliament from CPN-UML, CPN (Maoist) and Nepali Congress, who were present during the dialogue, also supported the cause of buffer zone populace. One of the key consensus was to organize a dialogue at the BNP in the presence of locals, civil society, park authorities and officials from the ministry.

4. Heading for Political Advocacy

The people's uprising of April, 2006, ushered in a novel era on the possibility of establishment of a constituent assembly (CA) in Nepali polity. But the debates on CA were limited within the domain of Kathmandu –centric, privileged and so -called intellectual groups. But there were some organizations that were doing their part in educating the marginalized people and communities. CDO was one of them. It was working to uplift highly marginalized groups such as Chepang, Bote, Majhi, Tharu, Darai, Kumal, Sonaha and Malaha for quite some time. Their livelihood concerns were distancing them from the mainstream debates on CA. CDO initiated a campaign on concerns and participation of highly marginalized groups in CA In collaboration with international and national civil society organizations,.. Some central members of three major political parties of Nepal - Nepali Congress, CPN (Maoist) and CPN (UML), youth political leaders and civil society leaders were also actively engaged in the campaign.

The protected area affected communities had been voicing their concerns in dialogues organized in various regions of the country as part of the campaign. The issue of national parks and wildlife reserve victims found space among political parties and civil society leaders.

Political parties and civil society uninformed about their agenda were also exposed to their pressing issues. The agenda later entered the preference list of Natural Resource and Means Parliamentary Committee (NRMPC) of the interim government of Nepal when a leader of CPN (UML) involved in the campaign became the coordinator of the committee.

The NRMPC began to get involved in the local campaigns of PARF. While the PARF was leading the campaign nationally as well as locally, it was then organizing and mobilizing locals for the movement. It was during the intensification of the campaign PARF was engaged in creative and symbolic mass actions as discussed earlier in the section. The coordinator and another member of NRMPC were involved in actions in the Koshi Toppu and Parsa Wildlife Reserve respectively. Nine members from Interim Legislature Parliament from different political parties participated in the mass action organized at the Chitwan National Park. The agenda made headway among the political parties further and drew an unprecedented official attention.

As engagement with the parliamentary committee on natural resources was fostering, liaison of the campaign with the Department of National Parks and Wildlife Conservation (DNPWC) and forest bureaucracy was scared. DNPWC was preparing for a reform in the existing National Park and Wildlife Conservation (NPWC) Acts to address constraints of conservation officials in the protected area management. The growing pressure and expanding local campaign in buffer zone of lowland protected areas could also be influential to push DNPWC to this end.

DNPWC invited the representatives of CDO for the first time in a consultative workshop among forest bureaucrats, experts, professionals and representatives of civil society organizations on areas of reform in NPWC act held in the capital city. Since the ongoing campaign had its roots in local campaign in Chitwan National Park, Shiva Raj Bhatta, who had also served as warden in the park, was well-acquainted with CDO's engagements in the rights campaign in the protected areas. His role was crucial to increase the access of CDO in the department at a time when a majority of protected areas officials used to perceive the rights campaign against the ethos of conservation overlooking the aspects of social and environmental justice. After the workshop the issue of cooperation between facilitators of the campaign and the department began to evolve through a series of formal and informal meetings and interactions between CDO and officials of DNPWC in Kathmandu.

4.1 Policy Change Discourse Reaches the People

Bardiya BZC and CDO initiated a multi-stakeholders' policy dialogue at Thukurdwara, BNP, on December 6, 2007. The dialogue was one of the the first initiatives taken beyond the ambit of Kathmandu where members of IP/LCs at the grassroots could participate in a space on par with high level officials of forest bureaucracy and political party leaders. Members of PARF, FECOFUN, NGOs, Nepal Army and media also took part in the discussion that stressed changes in the existing act. The dialogue resulted in a written commitment from the diverse participants admitting that the existing act was outdated and there was an immediacy of enacting new one with people's participation.

In the meantime a consensus about the relevance of national and local dialogues amongst multiple stakeholders on envisioning the new act was cultivated between CDO, DNPWC and WWF Nepal. The idea was to hold policy related discussions at the grassroots. There was a mutual agreement on a common concept to assemble differing opinions and perspectives articulated in a common forum. This understanding led to organizing of such dialogues in the Langtang National Park, Chitwan National Park and Koshi Toppu Wildlife Reserve between

March-May, 2008. The dialogues became collective spaces for struggling local communities and indigenous peoples, rights-based civil society organizations, activists and leaders of people's organizations, members of buffer zone councils and protected areas officials to engage in meaningful discussions on policy related issues.

4.2 Members of Interim Legislature Parliament Reach Out to the Grassroots

Just prior to these local dialogues in cooperation with DNPWC, Natural Resource and Means Parliamentary Committee initiated a mission to assess situation of natural resources (dams, forest encroachments, and protected areas) in southern plains. During their mission, a team consisting of members of the Interim legislature Parliament⁸ met and listened to predicaments of the affected and struggling communities in the buffer zone of Koshi Toppu Wildlife Reserve and Chitwan National Park, on January 3 and 4, 2008 respectively. Victims of wildlife conflict, natural resource -dependent poor and indigenous people, activists engaged on rights issues put forth their concerns to be addressed by national policies and programs of the protected areas. The team of the Interim Legislature Parliament members⁹ assured the public that they would address their concerns during their reporting and give special directives to the government. On June 9, 2008 CDO and PARF organized a national dialogue on 'PA Governance and Management in a Changed Political Context of Nepal' in Kathmandu. Some participants were newly elected members of the Constituent Assembly among others. Amidst the presence of



National park victims expressing their woes during a mission of then NRMPC in Chitwan National Park.

⁸ Interim Legislature Parliament members Ram Kumar Chaudhari, Prakash Jwala, Asarfi Sada, Devi Khadka, Puran Bhakta Shrestha, Uma B.K, Bir Bahadur Lama and Hari Roka were in the mission.

19 members of constituent assembly representing major political parties of Nepal and the Minister of Forest and Soil Conservation, representatives of local communities and indigenous people shared their concerns and predicaments with respect to existing practices and policies in the protected areas. This was a unique opportunity to inform and seek commitments from members of constituent assembly to incorporate concerns of the protected areas' affected communities in the process of drafting of a new constitution of Nepal. Representatives of conservation agencies, DNPWC, civil society organizations, forest professionals and experts also shared their opinions and insights.

Chapter Three

Upshots of the Campaign

1. Access to Livelihood Resources

Right to traditional livelihoods was one of the major agendas of the campaign. Access to resources of the reserve was especially significant to the livelihoods of indigenous peoples and poor communities in the buffer zone villages. There was an underlying guiding perspective of the campaign that local people's access over livelihood resources that they had been enjoying traditionally would significantly contribute to reducing the incidences of poverty and address the conflicts with protected areas authorities. Mounting organized campaign pressurized conservation officials in the Koshi Toppu Wildlife Reserve and Bardiya National Park to allow local people to have access to resources ranging from fishing right to indigenous fisher folks, collection of fallen and dead wood, fallen trees, wild vegetables, grass etc in practice.

1.1 Fishing Right to Sonahas After Years of Struggle

Sonahas¹⁰ have also won concessions over fishing right after years of organized and unorganized local struggles. Hundred and four Sonaha households from Rajipur and Pathavar, and forty one Sonahas from Manau buffer zone villages of the Bardiya National Park have acquired fishing permits from the national park administration. Sonahas had initiated series of nonviolent social actions such as peaceful protests, mass demonstrations, padlocking, sit-ins, and delegations to hand over appeals, and dialogues with the national park authorities. PCDF, a local NGO working on rights sector, was backed by civil society organizations. This has set a precedent for other struggling Sonahas in the buffer zone who are now in the process of acquiring such fishing permits.

The fishing permits now allow members of Sonaha indigenous people to fish in the river in and around the national park. While many of them rejoice over the fishing permit as a victory of their struggle, some Sonaha activists express further concerns as the current fishing permit still bars them from fishing at night. They have been fishing customarily especially at night. The permit states following conditions for fishing: Fishing inside the national park is permitted between sunrise and sunset. They have to essentially carry the permits while fishing and make available during inspections. The permits are valid only for the person bearing one's name in them. Fishing equipments other than 1 wooden boat, 1 traditional fishing net, two small sized 'Chiundhi' (improved fishing net made from plastic) and four fishing hooks are not allowed. Fishing is allowed eight months in a year excluding four fish-spawning months. Fishing is prohibited in the habitats of dolphins, gharial crocodiles and rhinoceros. Spending nights, making fire, selling fish catch inside the national park are also prohibited, and tourists engaged in rafting or fishing are not obstructed.

¹⁰ Sonahas are natives residing at the periphery of Bardiya National Park, and they are traditionally engaged in fishing and gold-panning for living.



Sonahas display fishing permits at Pathavar Buffer Zone Users Committee office. (Courtesy: PCDF)

"We have been fighting for fishing right since 2055 B.S. This year (2008) we finally got the license. This license permits us for day time fishing. But we cannot catch fish in day time. We have an age-old practice of fishing at night" - Bhagiram Sonaha

During the times of state of emergency, there was no democratic space and the nation was engulfed in a sense of terror. Sonahas also feared to approach the national park authorities then. But when the state of emergency was lifted later (and especially after reinstatement of democracy) they intensified their organized campaigns with the help of civil society organizations. There was a moment of mistrust with activists of PCDF who were supporting their local campaign. Sonahas had a feeling that NGO activists were not supporting their cause adequately. The leaders of Sonahas also perceived that the agendas that were raised by PARF Bardiya gave little emphasis on their fishing right. But "these days PARF and PCDF both are positive for us and ultimately we managed to get license from our collective effort".

On February 15, 2007, in response to the appeal of Sonahas, a dialogue occurred among Sonahas, Struggle Committee, national park administration and BZC president. In the presence of fifty members of Sonaha community, a decision on fishing permit went in favor of them. Though there was a written agreement for issuing the fishing license, the national park authorities created range of bureaucratic hassles such as a condition of preparing exact socioeconomic survey of their population. The decision on fishing permit, however, created dissension between Sonahas residing in the buffer zone close to the national park and Sonahas currently residing away from the 'buffer zone' but who still fished in the Karnali and other rivers. Activists were faced with a dilemma i.e. whether to acquire fishing permits for those eligible as per the national park or reject their eligibility criteria and struggle further for fishing right to all members of their community. Later in a dialogue between the BNP authorities, BZUC and the representatives of Sonahas, the chief warden pointed out that those beyond the buffer zone were not eligible for the permit as per the existing law and regulation. However, he assured that the concerns of Sonahas from Daulatpur could be addressed when there was a reform in the policy.

But Sonaha leaders and activists continued exerting pressures upon the national park authorities for speedy implementation of decision on fishing permits. Once the warden was quoted as saying that they (related authorities) had already given words to give fishing permits. But he was apparently irked at the pressures tactics applied by the locals. 'Why do you create hassles by bringing NGO people?' Bhagiram Sonaha recalled the reaction of the agitated warden when they approached him accompanied with representatives of NGOs.

CPN- Maoist cadres' drive towards formation of Sonaha Mukti Morcha (Sonaha Liberation Front) to organize and mobilize hitherto marginalized and socially oppressed indigenous nationalities also created some challenges during the campaign for fishing right in Bardiya. "You do not have to go to the national park headquarter. This is your traditional rights for livelihood. You do not need fishing permit and so you are not obliged to pay any tax to the government." Krishna Sonaha, leader of Sonaha, recalled the Maoist cadres' judgment. This confused the Sonahas a little. Then the activists and leaders conversed with the president of Sonaha Liberation Front at Manau. There was a discussion on pros and cons of acquiring fishing permit. One of the issues of contention was that the permit had conditions that actually limited fishing in the river. They reached a consensus that destructive practices of fishing by non-Sonaha communities were threatening the fish stock. The acquisition of permit would secure the right to fish and the annual tax was fifty rupees that was nominal. There was an understanding about acquiring the permit immediately but fighting for tax exemption at the time of renewal of the permit.

1.2 Fishing Concessions for Indigenous Fisher Folks in KTWLR

"The 'mriga kunja' (the reserve) does not allow us to fish in the Koshi River. When they catch us fishing they beat us and sometimes make us stand on head with our feet upwards. They did not give us license to fish. We went to Kusaha remove the weeds paddy and torch the national park. Nothing happened so far for poor Malahas"- frustration of a local Malaha during the campaign.

Fishing right of indigenous fisher folks who have been fishing traditionally was one of the key agendas of the campaign. Growing local and civil society pressure expedited the process of issuing of permits. During initial year of the campaign 25 such permits were issued to Malaha indigenous fisher folks around KTWLR in Hariपुर and 21 permits were issued to Malahas living in Pipra Purwa. The number of fishing permits to the indigenous fisher folks rose with the intensification of the campaign. In other villages of Sunsari, Malaha fisher folks (15 from Madhuwan and 25 from western Kusaha) have acquired such permits. Likewise in Kamalpur village in Saptari, 25 Malahas have acquired the fishing permit. Initiatives to acquire fishing permits¹¹ further are underway.

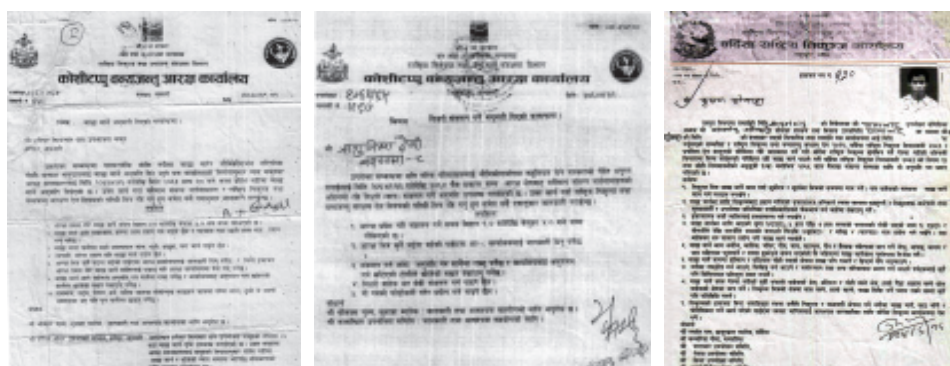
"We used to fish earlier also. But in the past we risked fines and punishment. We were scared of seizure of fish catches by the authorities. Now we are relieved and fish freely" - Godi (Indigenous fisher folk) from Madhuwan, KTWLR.

'We were not allowed to fish in the Koshi River. 'Mriga kunja' used to treat us like prisoners. We faced different types of harassments from the army and administration. But we have been active in the campaign for two years now. The activists of NGOs also supported us to organize and fight for our rights. There were discussions in the village with the activists on fishing right. The president of users committee from our VDC (buffer zone) was cynical initially when we began discussing fishing issues and presence of NGO activists in our village. He had good relation with

¹¹ 15 in Pipra Purwa, 26 in Badgama, 40 in Jagatpur and 11 in Bairwa VDC

the army and the administrative staffs of the reserve. He had rather encouraged the army and the Koshi Toppu Wildlife Reserve staff to punish those entering the reserve for fishing and cow-dung collection in the past. Then we had a series of meetings and dialogues with members of BZC and warden of the reserve' - Parwati Mukhiya, local women leader and activist, Haripur, KTWLR. *"There is a concern for declining fish stock. Issuing of fishing license should be regulated. We are issuing permits phase wise, at least two members in a household"* – Warden, KTWLR

"We love nature. Our forefathers thus chose the places where there were rivers and forests. Villagers used to cross the rivers in our boats. We used to receive food items from them. When Koshi Barrage was built in the Koshi River, we could not continue ferrying the villagers and relied heavily on fishing. Yet life was easy then. But life became miserable later on. Koshi is our life, our source of living. After formation of mriga kunja (local term for KTWLR) we lost our traditional occupation again. We faced punishments from the army and the administration. They used to take away big fish and even beat us. We continued fishing despite all these threats. It is better to tolerate punishments to sustain our life from fishing rather than starve to death. Things are changing in the recent times. Though there are still a lot of problems we are facing, things have begun to change for better compared to our life situations in the past. There are activists approaching us to discuss our rights over fishing, ways of dealing with the staff of Koshi Toppu and urgency of participations in the campaigns. We have taken part in demonstrations and mass meetings. These days our community can acquire fishing permits" –Mahadev Mukhiya, a member of Gondi (fisher folk) community from Badgama – 8, Saptari.



Fishing permit of Sonaha and Malaha, Permit collection of 'Niuro'

1.3 Improved Access to Pater

Poor local women of Sardar community from buffer zone villages at the KTWLR who are seasonally dependant on harvesting of pater were locally organized during the campaign. Sardar women in Saptari had been discussing their access to pater during their village meetings and then to their respective buffer zone community forest user group. Seven such women from Madhuwan - 9 and nine Sardar women from Western Kusaha - 4 and other 8 acquired the permit to collect pater from the reserve. The KTWLR officials issued the permit free of cost for a week as per the recommendation of respective buffer zone community forest user group. Villagers from three buffer zone villages (Ghoganpur, Pipra Purwa and Padeymara) of the KTWLR in Saptari have submitted



Local women weaving handmade mattresses made out of pater

326 applications to the reserve authority to access pater from the reserve. 50 such applications are underway in Jagatpur. In Jagatpur, Sardar Tole- 6, 30 permits were issued to local Sardar caste groups (Batar women) from the reserve authority and distributed by Buffer Zone Management Council after persistent pressure from the local activists and representatives of the community.

1.4 Access to Wild Vegetables

On March 15, 2008 KTWLR officials issued thirty 35 permits for collection of 'niuro' (wild vegetable) to economically marginalized communities of Badgama VDC-8. Permits were issued to local women from Mukhiya caste group, other Madhesi dalit households. Local women had been demanding unrestrained access to niuro from the reserve area that significantly contributes to their livelihood. The permit states following conditions: entry between 9:00 am to 4:00pm; inform reserve authorities in case of occurrence of any incidences in the reserve; carry the permit while collecting niuro and liable to present before the inspecting officials of the reserve instantly; collection of resources other than niuro is prohibited and no photocopies of the permit are entertained.

Bulanti Devi Mukhiya, a local woman while acquiring the permit from the activists of PARF remarked *"Now there is no danger. We are overjoyed"*. The permit for collection of *niuro* is the first of its kind in brought to practice of the protected area authorities. *"This is the first time in Nepal. Credit goes to the struggle of local people. Now we should be more responsible while entering the reserve area"* expressed one of the leaders of PARF. Harassment of poor local women by the reserve authorities including the armed guards while collecting niuro inside the reserve area was common in the past. Local women from Badgama now have been relieved after acquiring the permit. In Badgama 3 permits for collection of Jhauwa (grass for traditional sweeping tool) are underway. In other villages of Saptari such as Piprapur, Ghoganpur and Kamalpur 226 permits for *niuro* collection were issued recently.



Local women at Badgama receiving 'Niuro' collection permit from a local leader of Malaha; copy of niuro permit

1.5 Expanded Control over Resources of Reserve

On March 14, 2008 Jana Jagaran Buffer Zone Community Forest (BZCF), one of the 17 community forests in the buffer zone of KTWLR in Sunsari district, acquired permit for collection of '*Kathha*' (supplied as a raw material for paper production). The reserve authorities issued the permit for four days. The community forest now issues such permits to respective members of the forest users' group. "Since users of BZCF have necessity of *kathha*, a permit for entry to the reserve for collection of *kathha* is issued exclusively for the members of users group" states the permit. Despite this, the community forest users' group has also gained access to the drifting logs inside the reserve that the locals had been demanding for long. The forest users' group takes charge of collecting, managing and distributing drifting woods to its members. Poor households such as members of Sardar community who had been accessing *pater* in and around the reserve area now collect it free of cost through the permission of forest user group. Collection of wild vegetables, *makoniya lahara* (used for cattle and goats) is also free of cost to its members. Locals now have access to grass, dry wood, wild vegetables, *pater* and clay from the reserve area authorized by the BZCF. The BZCF members regulate and monitor the collection of resources from the reserve as well as from the community forest. The decision of the reserve authorities to give authority to the community forest users' groups over the harvesting of natural resources within specific locations of the reserve adjoining the community forest did not come all of a sudden. The BZCF and local activists of PARF had been engaged in persistent negotiation and dialogue with rangers, warden and the army of the reserve. In the past, locals did not have direct control over resources of the community forest. They had to rely on the discretion of the chief warden of the reserve to seek permission for collection of grass and fallen wood. Many of them had been detained and punished while collecting grass and firewood at the vicinity of the reserve.

There had been times of tussle between members of forest user group and the warden on affairs such as who should be issuing permits to locals for accessing resources of the forest. The leaders of the community forest had conveyed reserve authorities about their proactive role in conserving the forest and demands concerning authority over sustainable use of the forest resources. On July 19, 2007, the leaders of Jana Jagaran community forest invited representatives of other community forests in the buffer zone to discuss their concerns and issues of rights of community forest user groups in the buffer zone. The chief warden, army officials from the reserve and representatives of civil society organizations also took part in the dialogue. The meeting was crucial to influence the reserve authorities on concessions for the community forest.

“This is a small victory but an important one. This was possible because of our ongoing mass campaign for rights to the buffer zone populace. We have been conserving the forest. There are wild animals and birds in our forest. The forest has become dense as compared to other community forests in the buffer zone”, said Devi Chaulagain, president of the BZCF and leader of PARF.

2. Changing Scenario in Human Rights Situation

“The army used to treat us like animals. They were indiscriminate to female and pregnant women as well. We were forced to spend hours after hours in kanji house meant for the stray cattle in the reserve. But these days their behavior is more different than it was before. We feel some sense of relief now” – residents of buffer zone village, Saptari.

Poor communities in the buffer zone villages of Saptari still recall horrific and terrorizing incidences of the past perpetrated by the army and reserve guards. In the past when the locals used enter the reserve area to graze and collect wild vegetables, thatch grass, *pater*, *jhauwa*, *guintha*, fallen woods and fish they had to undergo harassment, torture and fines and other forms of punishments from the armed guards and reserve authorities. Even the women were not spared. Now such incidences have gone down to a great extent. The guards sometimes ignore the presence of villagers when they are collecting livelihood resources.

Forty seven years old Fulo Devi (name withheld on request) from Saptari recalls an incident in the past- “On a certain day some 6-7 years back, we had gone to the reserve to collect leafy vegetables and *jhauwa* (used to make traditional sweepers). We saw that 10 army personnel were approaching us. We were scared. We held each others’ hands in nervousness. Most of the women were young and they fell back upon me. When the army men came closer to us then they asked us to sing and dance for them. We refused to do so as we were feeling very embarrassed. They said we had no point in feeling ashamed of them as they were not our husbands. They threw all our belongings and destroyed and threw away the collected wild vegetables. They forced us to go with them in different barracks separately. We could only request and plead in helplessness. Sometimes they even detained women and men together in one place, women and their in-laws in one place. This is really an offensive act against our culture. We went to the reserve headquarter, the office of the warden, took part in rallies and demonstration. These days we do not face harassments as in the past. When we encounter the army in the forest, they do not act whimsically. They are more liberal than in the past. They just inquire if we have acquired permits or not. This is a huge relief for us. We are not scared now when we go to reserve and meet the army men.

“Our Malaha caste group feels some relief for fishing. Now we don’t have to give big fish to the army and reserve staffs”- local Malaha leader, Badgama

Likewise in villages of Sunsari surrounding the other part of the reserve, villagers felt that before the initiation of people’s campaign incidences of torture and harassment to villagers entering the reserve were frequent. At present such incidences have declined. No cases of sexual harassment of local women by the reserve guards have been reported at present. The army patrol frequency in the villages of the buffer zone has also been cut down. *“The army does not punish these days. There is a very little threat from them”*—quips a farmer and activist from Kusaha.

‘Army personnel Are Not As Cruel As They Used To Be’

In BNP, activists engaged in the campaign also feel that the practice of collecting fines at one’s own discretion by the national park authorities have stopped. Rather for the first time in buffer zone, locals have managed to claim and receive two hundred thousand rupees as compensation for the loss of life from wildlife attack. Cases of sexual harassment against local women in the forest from armed guards have declined. *“Earlier national park authorities used to torture the locals but at present they just inquire them when found inside the national park. The park authorities rarely detain, torture or fine locals based on suspicion. Because people are organized and they now raise their voice against any kind of injustice”* says the leader of PARF Bardiya.

Sonaha fisher folks who were often harassed by the national park authorities have now begun to feel relieved in the absence of the past atrocities. They are the ones who encountered the army most due to their semi-nomadic life patterns. *“May be the army and the administration know about our fishing spots and our dependency on it. If they want they can easily come to find us at night and catch us when they rest at midnight across the river. But they do not come to trouble us. This is because of our *abhiyan* (campaign). *Mahasangh* (PARF) and other *sansthas* (CSOs) also provided us courage to fight for our rights”*— Sonaha activist.

In the course of the campaign, incidences of atrocities and violence perpetrated against locals in the KTWLR and BNP have gradually reduced. Besides the growing number of organization of locals for rights and civil society pressure on human rights violations, the changing political context in the country has also had an important bearing upon the improving human rights situation in these villages. Expanded democratic spaces in the recent times and vibrant discourse of human rights raging across the nation have also cautioned the army and conservation officials in the protected areas. Withdrawal of range posts or security posts that stationed significant number of the army men in different parts of protected areas, during the conflict period in Nepal is much debated from the point of view of fragile security arrangements encouraging poachers and timber wood smugglers in the buffer zone. But victims in the buffer zone perceive this move as a relief from the army encounter so far as their experiences of past atrocities are concerned.

3. Local Peoples’ Organization

In the course of campaign, three major district level peoples’ organizations in Saptari, Sunsari and Bardiya have evolved as pillars and catalysts of local campaign and advocacy. These organizations represent activists, leaders, local communities and indigenous people mobilized and organized in VDCs and village level groups. Known as Victim Struggle Committees during initial stages of the campaign, they are now functioning as district *mahasangh*

(federation) under PARF. They are affiliated to PARF, a national coalition of communities affected by the protected areas. In case of the KTWLR, a regional organization of representatives from the villages of Udaypur Sunsari and Saptari districts has been set up.

In Saptari, local communities and indigenous people are organized in the form of localized groups based on necessities of traditional livelihood such as groups of Malahas, *pater* group, *guintha* (cow dung) group, *niuro* group, *kucho-jhauwa* group, *mato* (clay) group, peasants' groups (tilling of land, grazing, accessing water sources) as well as mixed groups with diverse livelihood necessities. Sixty-three such localized groups exist at present. In the buffer zone of Sunsari, there are forty-three such village level groups. The groups are based on ethnicity as well as livelihood necessity such as Jhangad group, Malaha group, Pater group, Paswan group, Sada group and Majhi group. Village levels groups are also in existence in the buffer zone of the BNP.

Formation of village and district level organizations in the course of campaign has generated more local activists and community leaders who take the charge of the protests and lead the masses to negotiate with the protected area authorities. These activists are very popular in the villages. "Whenever there are problems caused by wildlife, villagers approach us" - Devi Chaulagain, PARF president, Saptari, said. "Previously people were always scared with the warden but these days they are able to talk with them and convey their concern". Affected villagers now also approach the Buffer Zone Council members as well as the protected area authorities to apprise them of their concerns.

4. Wildlife Victim Compensation

A just compensation for the victims of wildlife was another crucial agenda of the campaign. This was one of the key factors that drove many wildlife affected victims in the campaign. The campaign has heightened the debate of compensation as one of the costs of conservation. After persistent actions by PARF Bardiya, there was a landmark decision by Bardiya Buffer Zone Council to compensate up to two hundred million rupees for the family of the person killed by wildlife. In the course of local campaign, victims of wildlife have managed to receive incentives and cash compensations from the national park authority in Bardiya despite a lack of clear cut provision in the existing laws. On March 24, 2007, Parwati Thapa, 30, from Pathavar- 6, was killed by a wild elephant while she was sleeping inside her hut. Her six - month old infant was also seriously injured. The family of the victim managed to receive one hundred thousand rupees compensation for the treatment of the infant. Likewise, in another incident of two deaths from wild elephant attack in Pathavar and Gola villages on November 8-9, 2007 village organizations of PARF campaigned and lobbied for the decision of one hundred thousand rupees as compensation to the family of the deceased.

'Wild elephant killed our brother Raju Sawat. We did not know that we could claim for compensation. Later the activists of PARF came and discussed with us the ways to claim it. Then we also joined the campaign. We had demanded 1 million rupees but we received only one hundred thousand rupees. We used that money to perform the rituals to help the soul of the deceased rest in peace and clear our debt. National park has also given a job to his wife as a game scout. She earns 4600 rupees a month. Though it cannot compensate for the loss of our Raju, but it was a relief for a moment. At least we got some compensation as we fought for it. We would not have received that amount had the villagers not supported us and had we not taken to the street' – Madhavi Achhame and Laxmi Bhandari, Sainawar, Neulapur VDC, BNP.

In the buffer zone of the KTWLR, the locals have begun to demand immediate interventions from the conservation officials. For example in the year 2007, Sitadevi Mandal from Madhuban-9 sustained a fatal injury when a wild elephant attacked her while she was collecting *saccharum* in the forest. The locals sought the assistance of the warden to rush her to the hospital. The conservation officials collected the bill of medical expense and issued twenty five hundred rupees for treatment. Likewise, victims of wild elephant in Shreepur village after highway blockade (illustrated in previous chapter) later received one thousand rupees each from the reserve officials. They also received rice as a relief during their crisis. "These days if villagers inform about the wildlife attack and crop raid, the army come to the village. Even the warden and rangers are sensitive and come to record the damage from the wildlife" remarks an activist from Sunsari. Likewise, a *arna* victim from Bairwa, a buffer zone village in Saptari, recently received twenty five hundred rupees as compensation from the KTWLR. Activists who lobbied for the case with the warden claimed that though the amount was nominal, it was the first time in the case of Saptari that a victim of the wildlife had ever got any compensation. There had always been a hostile relation between the warden and local activists on the issue of compensation.

The Department of National Parks and Wildlife Conservation (DNPWC) has initiated the process of consultation with protected area officials to prepare a 'Manual on Wildlife induced Damage/Loss, 2064B.S'. One of the prime objectives of this initiative is to address the conflict between local people and protected areas resulting from human and other forms of loss induced by wildlife coming out of the protected areas. In this process, the KTWLR also sought inputs and suggestions from local NGOs supporting campaign in Saptari and Sunsari. The office of the KTLWR also sought the assistance and suggestions from PARF on this matter.

Chapter Four

Future Directions and Debates

A thorough study of the experiences and trajectory of people's campaign in the two protected areas - Koshi Toppu Wildlife Reserve (KTWLR) and Bardiya National Park (BNP) - leaves us with some illuminating facets of the issues we are faced at present. They carry with them twin messages of self-critiques and shed light on some important lessons we have had so far. It is worthwhile to ponder upon these not only to rethink on the future course of the campaign but also to unravel discourses on rights of local people vis-à-vis biodiversity conservation and governance of the protected areas. It is more so especially in a changed political context of Nepal.

An unfolding scenario of groundbreaking political storms and an upsurge in democratic spaces has important bearing upon social campaign, grassroots activism and rights based advocacy. The experiences suggest that it is always conducive and convenient to raise the rights issues of marginalized groups and challenge the dominant state machinery against the backdrop of expanding democratic spaces. The campaign could intensify and advance in improving human rights situation and expanding democratic space in the country. It has amplified avenues for civil society organizations to engage vibrantly for the rights of communities affected by the protected areas as well as creating opportunities for hitherto marginalized groups to voice out their dissents and agendas in an organized manner.

Moving beyond the conventional strategies and approaches of social campaign, the campaign integrated creative and symbolic mass actions. They proved to be influential strategies to draw attentions of the media and, more importantly, rendered the opposing power elites and structures more receptive toward them. Innovative forms of actions in the campaign have thus proved effective.

Local women also proved to be one of the significant and effective actors in local campaign. Their involvement and contribution in campaign and grassroots people's institution has been extremely desirable and crucial. Natural resource-dependent poor and indigenous women from the villages of the KTWLR demonstrated proactive role during the campaign. All the victims of atrocities perpetrated by the armed guards and the wildlife of the reserve were engaged in the campaign with equal enthusiasm and dedication for a better future. The *pater* and *niuro*-dependent women from Sardar and Mukhiya (indigenous fisher folks) caste groups were also found to be actively engaged in the campaign in any capacity they could. The local activists also found it easy to engage the local women in the campaign as an effective strategy. One of the important factors that attracted women to participate in the campaign was also their vulnerability to harassments from the armed guards and, more importantly, their livelihood necessities closely linked with resources of the reserve. They were agitated with the army and the reserve administration. Moreover, the presence of the local women activists played an affirmative role in mobilizing the rest of village women.

The campaign was a collective effort of multiple non-governmental organizations (NGOs) and people's organizations. Multiple partnerships with local NGOs are both effective as well as fruitful strategy. Any campaign consumes relatively more time and energy of local NGOs gets compromised to understand and learn the issue *per se*, dynamics and politics embedded with the issues if intervened in a newer issue and area. The two local NGOs in the buffer zone of KTWLR and BNP had a prior experience of working with buffer zone populace. This has had a significant impact on the pace of the campaign. Likewise, another strategy was to engage paid activists who represent right holders' community representing the constituency of campaign. It added strength and value to the credibility and legitimacy of the campaign especially at the grassroots level. It helped expand the space of public engagement beyond the boundaries of project thereby proving an instant strength to the campaign.

A collective effort of organizing people and forging of an alliance of diverse civil society groups is always an effective strategy, especially to bring together diverse and contesting groups and institutions for a common cause. Popular dialogues are one of the means of exercising democratic spaces by citizens. National multi-stakeholders' dialogues in the course of campaign reflected this strategy. Newer constructive spaces for rights- based civil society organization to critically engage with diverse actors at multiple levels were outcomes to this end. Needless to say, it is challenging to engage with forest bureaucracy amongst several stakeholders such as political parties, members of parliament, civil society groups and the media.

It is equally demanding for a civil society engaged in rights issues to constructively influence and transform stereotypical perceptions and ideological biases of forest bureaucracy. Challenging dominant paradigm, ideologies and status quo in bureaucracy is taxing. Besides confrontational strategies and pressure tactics, critical dialogues and engagement with state actors including bureaucracy is quintessential in the process of campaign. Power structures in the state are better sensitized and influenced if the people deprived of their rights raise their voices and concerns themselves. Despite active engagement of NGOs, participation of media, political parties and member of parliaments would be more effective to gain solidarities for the cause of campaign, expand the debate and influence policy discourse.

Interface and linkage between grass roots activism, lobby and campaign with national level policy debates and advocacy are effective as well as result-oriented. However, there has to be a firm mass base for the campaign at the grass roots. The fusion and interface of campaign and advocacy at local, district/regional and national level is vital to the sustenance and effectiveness of the mass campaign.

1. Juxtaposing a Critique

To some extent, Community Development Organization (CDO) was well known for its work with local people especially indigenous people in the buffer zone villages of Chitwan National Park. The campaign then also addressed problems and costs resulting from conservation. Its newer strategy to initiate campaign along with three local NGOs in Saptari, Sunsari and Baridya districts yielded some noteworthy achievements within a short span of time. CDO's stress on a proactive campaign could be attributed to this.

But there were not adequate discussions on local issues at the grassroots during the initial stage of the campaign. It took off without sufficient attention on strong foundation of local

people's organizations. Though there was a need to augment localized micro level issues vibrantly, yet it was a lack of clarity about the modalities to be adopted.

Hence, mass events and actions were launched. This posed a serious question on the empowerment and leadership of local organizations. Occasional reflective meetings in campaign, however, made a conscious strategy to create a synergy between initiatives at local, district and national level. Though this strategy was slowly being adopted in the days ahead, but every person and organization involved in it was highlighting the importance of larger events and actions. CDO had an unforeseen and dominant influence upon the strategy and planning of the campaign being one of the leaders of facilitating organization of the campaign even though it was always done collectively with leaders and activists of PARF. To consciously avoided dominance of CDO on affairs. It consciously prioritized the need to generate plans and strategies of the campaign locally. Because of inconsistencies in activists coordinating the campaign, CDO was more responsible to this end. During the two-year period, three different coordinators were engaged in the campaign.

When we talk about forests, it is the national parks and wildlife reserves that constitute significant portion of forests in our context. Such protected areas predominantly controlled by forest bureaucracy and military accords negligible space for roles, rights and voices of local people. One of the underlying aims of the campaign, therefore, was to advocate and expand local people's sovereignty in affairs of the protected areas. But in the process of the campaign, issues specific to class, gender, community and region evolved. This was not unusual. Indigenous fisher folks' concern for fishing right, inhibitions of local women's while accessing wild vegetables and fear of sexual harassments from armed guards, farmers' demand for compensation against crop damage and the victims of wildlife whether its human causalities or destruction of homes were pressing local issues.

The central focus of the campaign was democratization of protected area governance and management by addressing the local issues. But agendas specific to region and locality came up from the local people. An intervention on democratization by weaving local agendas was the core issue of the campaign. This could not be done effectively.

Neither the local people nor the local NGOs are to be questioned from this. CDO as a leading facilitating organization should acknowledge its weakness on this matter. Without augmenting issues specific to locality and regions, grassroots campaign cannot be intensified. But we have been faced with questions as to whether the intervention generated some concessions on accessing natural resources, token compensations for wildlife victim while the administration and decision-making spaces continue to be under the domain of the protected areas' officials.

Some of the major issues crystallized during the campaign are directly intertwined with natural resource-dependent indigenous peoples in the protected areas. It contests the policies and practices of the state that has either jeopardized or threatened their traditional livelihoods. A national organization of indigenous peoples that advocates rights and interests of Nepal such as Nepal Federation of Indigenous Nationalities (NEFIN) should have a direct stake on these issues. But neither NEFIN was drawn to these agendas nor could the civil society organizations engaged on the campaign mainstream the agenda in the national struggle and movement of indigenous nationalities in Nepal. Though CDO maintained a fair amount of relationship with national leaders of NEFIN and encouraged them to take part in city-centric

national dialogues and discussions, it could not convey the meaning and significance of the campaign to them. The campaign could not establish a meaningful relation or alliance with district chapters of NEFIN. Issues pertaining to indigenous people vis-à-vis could not enter mainstream debate and politics of *Janajati* (indigenous nationalities) movement in Nepal at a time when agenda of culture, identity, linguistic and political representation were predominant.

Interestingly, the participation of local women from the buffer zone, especially indigenous, poor and Madheshi dalit women were both encouraging and extensive in the campaign. During rallies, demonstrations, delegations and sit-ins, huge number of local women took part actively. But It is mere tokenism when it comes to representation in key decision making positions of people organizations at the driving seat of the campaign. In case of people's organization, representation of women gradually declines and diminishes when it gradually evolves from village level organizations to national people's organization. It was not just the reflection of unjust and hierarchical structures and power relations in the society but it was a serious flaw of the campaign right from the very start. Though there were a number of paid women activists, the coordinators of supporting civil society organizations in the campaign were also predominantly male.

2. Future Debates

The experience of people's campaign in the two protected areas discussed here is a snapshot of years of unorganized struggles, public dissents, resistance and agitations at the grassroots. Similar campaign and grassroots movements in other protected areas are also indications of contradictions and repercussions emanating from existing policies and paradigm of the PAs in Nepal. National Park and Wildlife Conservation Act 1973, the chief legislation on the PAs is almost obsolete in the present context. While civil society organizations and activists have widely contested gaps in the act and have been asserting formation of new progressive act, there has been growing realizations in the forest bureaucracy towards reforms in the act. However, concrete steps to this end are still elusive as Nepal is led by an interim government. We can expect things to settle for the better once the period of political transition is over.

Besides growing pressure and claims of local people, dire need of changes in the existing law and policy is also compelled by latest political changes in Nepal. Nepal is now a federal democratic republican country. Debates on appropriate models of federalism and governance structure are still far from being clear. Governance, sharing of power and authority between potential federal states, centre and states in relation to the protected areas that currently constitute almost twenty percent of country's territory spread over different ecological regions are going to be critical and debatable.

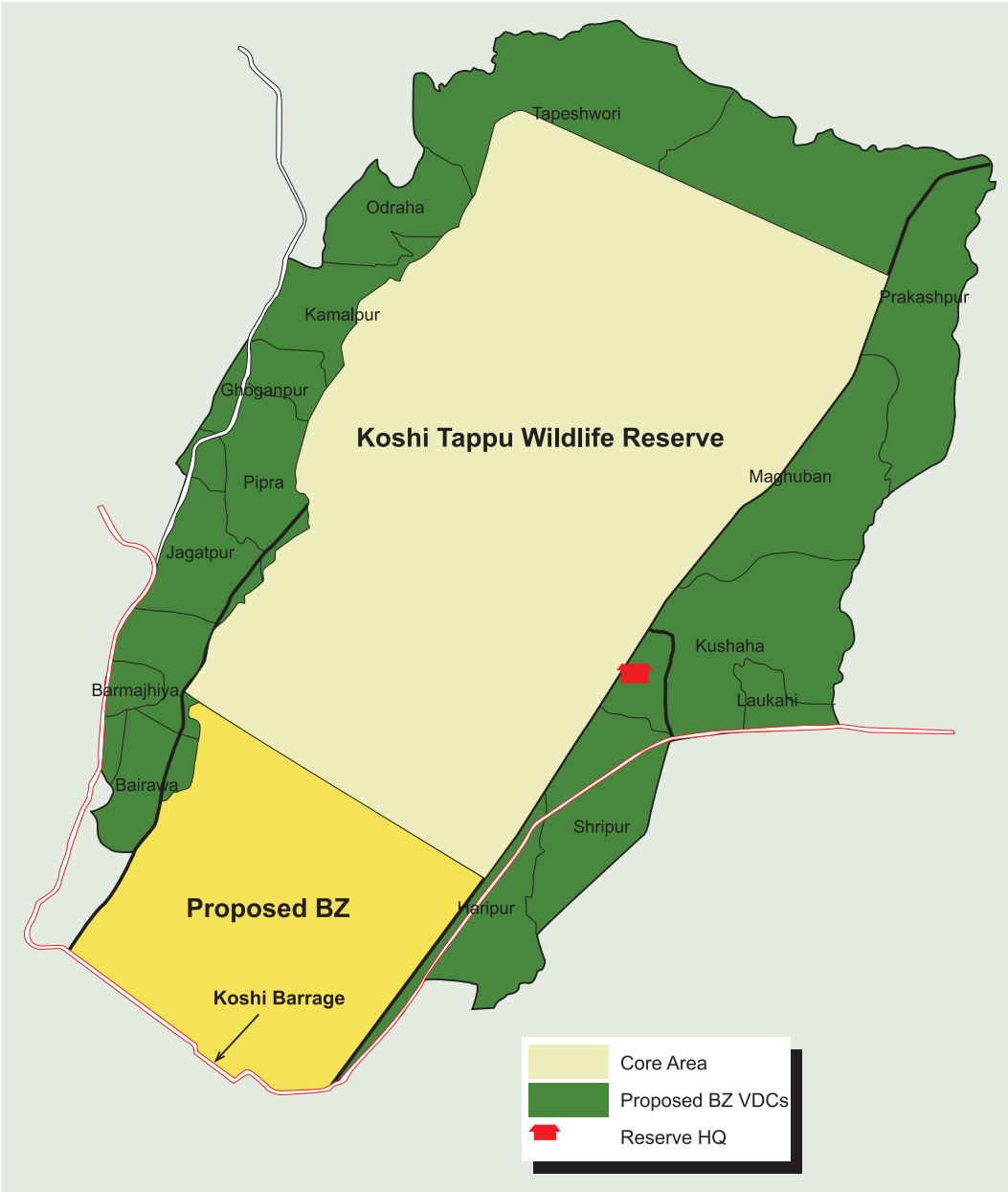
The moot question is whether governance modalities of the PAs are going to be diversified, democratized and decentralized in federal governance structure of Nepal or it continues to be centrally controlled and managed? How are 'community rights' established and ensured? Grassroots people's movements, campaign, civil society organizations are demanding and advocating restructuring of protected areas that would mean democratic governance; expanded local people's access and control on governance and management of PAs. This is going to be a challenging and contesting affair as the manifestoes of major political parties representing in the Constituent Assembly also hints at the central control over natural resources of national importance. Forest bureaucracy, on the other hand, is also not in a mood to let their immense authority to slip off their hands.

The current policies also stand against the ethos and obligations of international agreements and convention. The most prominent one is the convention on biological biodiversity (CBD) that Nepal is also party to. It aims at 'conservation of biodiversity, access to and benefit sharing of biological resources and sustainable use'. CBD Program of Works on Protected Areas (PoWPA) that was adopted by 7th conference of parties to CBD is an ambitious yet progressive international document in PAs that is significant to national policies and programs on conservation. The foundation of PoWPA was fifth World Parks Congress, 2003, world's biggest gathering of conservation professionals and practitioners, that marked important paradigm shifts in conservation¹². Element 2 of PoWPA on 'Governance, Equity, Participation and Benefit Sharing' is the most significant provision that recognizes rights of indigenous peoples and local communities in relation to the PAs. Fair assessment of this in Nepal would bring several contradictions in our existing policies and practices. Likewise Nepal recently ratified ILO convention on Tribal and Indigenous People, item number 169, in 2007. This also secures rights of indigenous people on natural resources, which contradicts existing sectoral laws and policies. It is equally pressing to maintain consistency with this while envisaging new PA laws in Nepal.

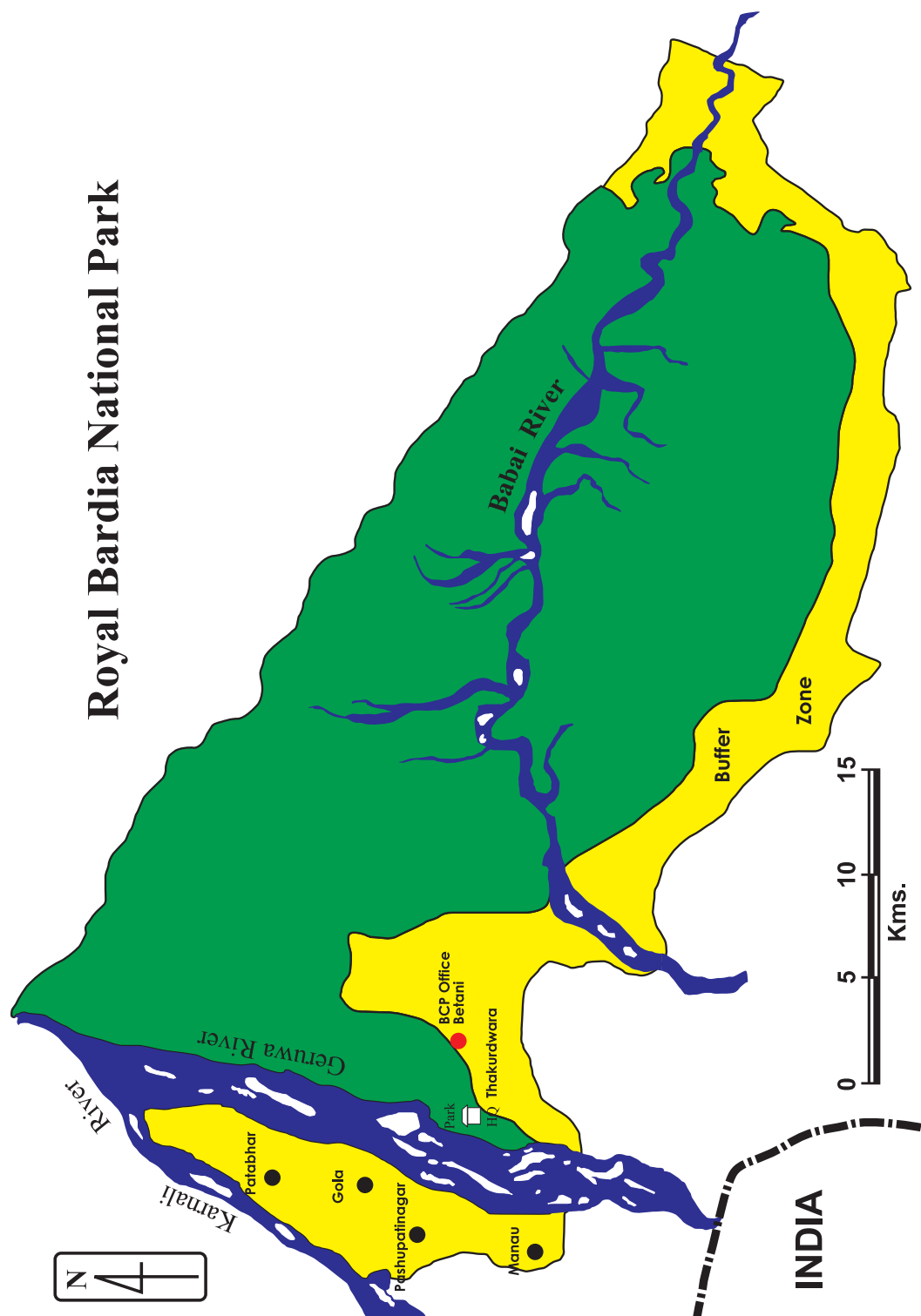
¹² Firstly 'locating protected areas in the context of larger landscape and seascape rather than isolated entities' and secondly, 'moving towards much more participatory, inclusive model of protected areas....recognition of conservation initiative of indigenous and local communities, and diversity governance types of PAs' (Balasrinorwala, T et. al. 2004)

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