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## **Protected areas and rights movements: The inadequacies of Nepal's participatory conservation**

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# Protected areas and rights movements: The inadequacies of Nepal's participatory conservation

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## **Abstract**

Over the past few decades, “participatory conservation” has been the hallmark of conservation initiatives in Nepal and worldwide. This paper highlights the limitations of participatory conservation in light of the resistance movements around protected areas management in Nepal. This paper draws from diverse cases and experiences of local resistance; grassroots social movements and civic actions and demonstrates the inadequacies of participatory interventions in addressing many legitimate concerns of indigenous peoples and local communities. The current legal and institutional spaces within the participatory modalities—despite their several promises—are too limited to enable local people to organise, consolidate and express their views, and thereby constrain their ability to influence the plans and programmes. Consequently, the local and indigenous people organise themselves outside the official spaces and frequently question the very essence of participatory policies. The paper then draws implications for protected area policies, legal reform as well as their democratic governance.

## **1. Introduction: Protected Areas and participatory approaches**

After the major political change with the end of Maoist insurgency in 2006, Nepal is undergoing a state restructuring. The governance of natural resources – land, forest and water – was one the key contentious issues highlighted during the Maoist rebellion, the people’s movement in 2006 and numerous ethnic and regional movements that followed. Due to the heavy reliance of rural people for their livelihoods on natural resources and the intimate cultural link of local populace with the natural environment, access to and control over these resources is of vital importance. Nepal’s ‘ Protected Areas ’ (PAs) occupy over a quarter of county’s land mass that includes productive land, rich forests, biodiversity, wildlife and sources of water. Consequently, the governance of PAs is one of the important political agendas. Moreover, considering that PAs have historically been plagued by intense conflicts between state agencies and the most marginalised sections of citizenry, the governance of PAs comprises a hot topic under the discourse of state restructuring.

Debate around PA governance is increasingly gaining attention in the contemporary international conservation discourse (Dudely 2008). Governance has been recognized as a key factor in the analysis of PA management effectiveness (Leverington et al. 2010), and an important aspect of this governance comprises the sharing of power. Governance entails questions about who decides, and who has the authority, responsibility and accountability for the PA at stake (Borrini-Feyerabend et al. 2006). The governance of PAs, therefore, refers to the ‘ the authority ’ to establish, designate and adopt specific management approaches. It also refers to allocating roles and responsibilities of various stakeholders with regard to different management affairs including zoning, financing, revenue generation, and sharing of the costs and benefits (IUCN/CEESP 2008). More recently in Nepal, the rights movement is transcending the conventional demand for rights to participation or rights to development. Discourses of state restructuring, particularly, the election of the constitutional assembly have ushered the idea of ‘ reframing governance ’ (Ojha 2006). Instead of asking rights under the existing legal framework, political demand is being articulated in terms of reconfiguring the existing power relation between actors.

There has been a sharp increase in awareness of political and civic rights among the local people due to the post-1990 liberal political regime, decade-long Maoist movement and ‘ development ’ interventions in Nepal. People have begun to question the legitimacy, demand accountability and claim their stake in many existing institutions and their actions. Conservation institutions and interventions such as PAs

are also under close scrutiny. Beyond this, indigenous people's movement around ILO 169 and UNDRIP1 has become a key political agenda.

Similarly, regional movements by the lowland Madheshis, Tharu and Limbu

Many traditional pastures and religious forests are under PA. We are not allowed to follow our traditional management practices that are good in protecting nature. Consequently, poaching is on the rise as we are not authorized to act upon it. PA authority also issue permit for logging even those traditionally protected forests.

Tenzing Tashi of Khumbu, in Sagarmatha National Park

indigenous peoples have added another dimension to the struggle for rights and territorial claims. The UN Special Rapporteur's 2009 country report on Nepal notes specific charges by indigenous peoples of rights violations in and around National Parks due to the policies and practices of the Department of National Parks and Wildlife Conservation (Anaya 2009 in Stevens 2010). All these movements have implications to protected area governance in the future.

In this emerging political context and changing global discourse and paradigms of PA management, this paper examines the PA policies, institutions and practices against the popular demands and macro-level political discourses. We review the social movements around PAs and extract some of the key messages of these movements. We then move to the government responses primarily through participatory approaches and see the disjuncture between the two. We then identify some pattern in current participatory approaches that undermine the citizenry rights and take an instrumental approach.

## **2. Civic movements and responses around PAs**

Various scholars have surveyed diverse types of civic movements and the corresponding responses made by the governments that range from overt hostility, confrontation and mass protest to relatively covert, quiet resistance (Paudel 2005, Jana 2007a; Stevens 1997, Campbell 2005a). These movements and responses are based around varieties of governance and management issues including changing relationships of communities with their natural environment, customary resource use, access to resources, human-wildlife conflicts, developmental ones and broader issues of autonomy and territorial rights. In this paper we have grouped these movements into two broad categories: i) movements around conventional issues of access to resources; ii) new types of movements questioning the very existence of state controlled PAs and/or PAs in their current form.

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<sup>1</sup> Nepal was the first countries to ratify ILO 169 (International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples) in Asia. Nepal has also ratified United Nations Declaration on the Rights of Indigenous Peoples (UNDRIPs), in 2007.

## **2.1 The conventional resistance**

Park–people conflicts have become commonplace since PA were initially established during early 1970s (Stevens 1997; Adhikari and Ghimire 2003). These conflicts have been particularly intense in the lowland Terai (Conway and Shrestha 1996); a region which offers several prominent stories regarding park–people conflicts. Movements by the Majhi, Bote and Musahar fishing communities around Chitwan National Park along the bank of Narayani river is one of the well documented cases (Paudel 2005; Jana 2007a). Similarly, indigenous fishing minorities such as the Mallaha of Koshi Toppu Wildlife Reserve and the Sonaha of Bardia National Park, as well as indigenous peoples such as the Khumbu Sherpa of Sagarmatha National Park and the Tamangs of Langtang National Park have been expressing their concerns for decades (Stevens 2009; Jana 2008; Campbell 2005). The movement in defence of customary practice has received adequate media attention; even at the international level.

A major part of the resistance against PA management is related to human–wildlife conflict (Heinen 1993, Sharma 1990). In fact, reducing human–wildlife conflict and compensating for wildlife related damages are key rationales for the implementation of many of the Integrated Conservation and Development Programs, including the buffer zone programme (Budhathoki 2004). In recent years, the movement has focused around acquiring reasonable compensation against wildlife depredation, yet the ongoing struggle for compensation against crop raids, loss of livestock and/or human casualties continues. The government has responded by issuing a policy for compensation (Jana 2008), yet the compensation claims are so large that the money available under the buffer zone programme alone is insufficient.

Behaviour of the Nepal Army, particularly the human rights abuse by the security personnel in and around PAs, is another source of conflict (Jana 2007b; Adhikari and Ghimire 2003). Apart from their normal protection roles, the army personnel have been alleged in several incidents to have intimidated the locals and involved in sexual harassment and killings. Recently, a series of protests were organised against the alleged killing of three women in Bardia National Park (TKP March 16, 2010).

## **2.2 Organized movement of PA affected communities**

In addition to the everyday resistance by the local people, there have been sporadic grassroots movements against PA regimes in Nepal; especially in the Terai (see Table 1). However, persistent campaigns and collective social actions at the national level became more evident and vibrant between 2006 and 2008. Until now, the movement has been spearheaded by the Protected Areas People’s Rights Federation (PARF), an alliance of park affected communities (Jana 2008; Paudel 2008).

Table 1 Rights movements of indigenous people and local communities around PAs

Rights claim	Rights negotiated from people's movement and campaigns
<p>Access to livelihood resources of PA</p>	<ol style="list-style-type: none"> <li>1. Indigenous fisher folks living on the banks of Narayani river in Nawalparasi and Chitwan gained fishing rights in the year 1999, after years of local struggle against Chitwan National Park authorities.</li> <li>2. Indigenous fishing minorities from buffer zone of BNP called 'Sonaha' gained access to fishing rights after years of unorganized and organized struggle. Fishing is allowed for eight months in a year against the possession of permit.</li> <li>3. Indigenous fisher folks in KTWLR such as Malaha (Gondi), Majhi and disadvantaged caste groups such as Mukhiya, Sardar, Sada and Mushar also gained fishing concessions.</li> <li>4. Women from socially and economically marginalized caste groups such as Mukhiya from villages of Saptari district gained access to collection of <i>Niuro</i> –a wild vegetable – from KTWLR</li> <li>5. Poor local women from Sardar community traditional engaged in harvesting of <i>Pater</i> – a thick grass used to produce handmade mattress, also gained access to it from the KTWR on a seasonal basis.</li> <li>6. Community forest in the buffer zone of KTWR, Sunsari, expanded control over resources of the reserve. The community forest now authorizes collection of <i>Katha</i> – a special type of thick grass—harvesting of wild vegetables, <i>Pater</i>, grass, dead wood from the reserve in a sustainable manner.</li> </ol>
<p>Access to compensation for wildlife victim</p>	<p>There have been several cases in CNP, KTWLR and BNP where victims of wildlife became successful to negotiate and acquire compensation in cash and kind from the park administration after persistence collective pressure and local non-violent actions. The campaign was also influential to prompt the PA authorities to come up with a directive on compensating victims of wildlife attacks. In buffer zone villages of CNP, the BZ User Committees have also begun to allocate funds for such compensation.</p>

Source: Adopted from Jana (2008).

### 2.3 Newer social movements

In addition to the collective assertions for livelihood resources from the PAs, local and indigenous people are increasingly involved in new forms and strategies of organizing and articulating the voices. New issues have emerged and the local communities have adopted new strategies to consolidate and express their concerns. As the discourses

on PA management is changing and the paradigm of PA management is shifting globally, new governance issues have become more prominent. These new issues do not necessarily replace the conventional issues; instead, the latter build on the former and move beyond. We identify three major categories of social movements:

1. Movements that altogether reject the necessity of PAs,
2. Movements that propose alternative ways of PA governance; and
3. Movements that demand greater devolution within the existing PA system.

The Federation of Community Forest Users Nepal (FECOFUN) resisted and launched a series of protests to oppose the declaration of three new PAs through the high-publicity cabinet meeting held at Kalapatthar in the Everest Base Camp on 4th December 2009. FECOUFN condemned the declaration for its alleged violation of local communities' rights over natural resources (Nov 2009, FECOFUN Press release). They rejected the declaration of new PAs on three key aspects. First, there are already dozens of community forests in the areas and these CFs are successfully operating and contributing to multiple objectives; including biodiversity conservation. Second, declaration of PAs would simply undermine the existing status and current rights of community forest user groups. Apart from a legal and moral ground, this declaration was also rejected as it alienates local communities from their traditional resources and thereby, may undermine conservation goals.

Apart from the above substantive issues, FECOFUN has complaints on the process as well. During an interactive program organized by FECOFUN on 5<sup>th</sup> February 2010, community leaders from the Gaurikshankar region strongly contested the legitimacy and adequacy of the consultation process during a scoping study. FECOFUN raised the issues of Free, Prior and Informed Consent (FPIC) of local communities during the declaration. The declaration of new PAs became one of the key issues during the "Forest Caravan," a national campaign led by FEOCFUN in defence of forest rights.

On May 25, 2008 the Khumbu Sherpa leaders from the three buffer zone villages within Sagarmatha National Park (SNP) issued a written statement, with which they collectively pledged to conserve Khumbu 'beyul' (sacred hidden valley) and maintain their conservation practices, institutions and values. This was the outcome of decades of their frustration and discontent with SNP management. The Sherpas want recognition of many of their traditional practices and customary rights in their traditional territories within the SNP. However, the PA authorities misinterpreted their collective pledge and message, as according to Sherpa leaders they are not against biodiversity conservation per se, but want recognition of their own traditional system of protection and cultural values. They argue that the traditional system protects both nature and culture which the modern PA does not. They found that the concept of Indigenous and Community Conserved Areas (ICCAs) which is now included in the

broader governance type of PAs recognises their stewardship and respects their cultural relations to the landscape (Stevens 2009; Stevens 2010). They lobbied to the higher political authority but failed to secure support on their cause. The park authority overacted to the declaration and threatened to take action against the Sherpa leaders. The park management took it as a serious threat to their authority and therefore, attempted to maintain their ultimate authority over the PAs.

Community leaders and representatives involved in biodiversity conservation through diverse local initiatives in different parts of Nepal have begun networking among similar groups across the country. The networking of such groups under the collective banner of ICCA Network Nepal continues irrespective of the government's non-cooperation. The diverse initiatives include: communities managing large landscapes such as Panchase (Western Dev Region), the village of Sikles within the Annapurna Conservation Area, customary management of rangelands and sacred sites in Dolpo, community forests focused on wildlife conservation and ecotourism in Ilam, forest stewardship in Jalthal (Jhapa), wetlands conserved by locals in areas such as Rupa Lake, and Badhaiya lake in Bardia; forest hills managed by Chepangs, and collective resource management and sacred linkage of the Khumbu Sherpas with the natural environment.

### **3. Government responses through participatory approaches**

The introduction of participatory approaches to PA management has opened up spaces for collaboration and contestation between government agencies and local institutions. Diverse types of local institutions have been formed and nurtured and are assigned with specific roles and responsibilities<sup>2</sup>. These institutions are part and parcel of the decentralisation process, and are playing an important role in advancing further devolution. They are demanding additional roles and greater autonomy in decision making, planning, programme implementation and funds allocation. In several cases, they challenge the authority of the park warden and make bold decisions in favour of their constituencies. In recent years they have also been networking among similar organisations in several parks.

The government has attempted to normalise the local resistance and conflicts through various means that include strategic, military, economic and educational approaches to policy and institutions. In response to strong demand for access to thatch grass, park

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<sup>2</sup> Under buffer zone programme there are user groups, user committees and management committee (also known as buffer zone council). Within the conservation areas there are Conservation Area Management Committees and ward level committees. In Kanchenjunga there is Kanchenjunga Conservation Area Council and its subsidiary bodies. In addition, there are community forests in buffer zones.

authorities have opened up the parks since 1976 for few weeks each year to allow thatch grass collection. In some cases park authorities organised periodic interaction with *Pradhan Panchas* (chief of local political/administrative unit during *Panchayat* rule, 1961–1990). Later, the government with support from international agencies, implemented integrated conservation and development programs (ICDPs)<sup>3</sup>. The government amended the PA act allowing partial access to resources particularly in the Himalayan parks and also introduced ‘Conservation Areas’ as a new PA category in late 1970s. Moreover, through special legislation, the National Trust for Nature Conservation (NTNC) was established as a national semi-governmental conservation agency and was assigned to manage two conservation areas – Annapurna and Manaslu. Since the mid 1990s, the government introduced the buffer zone management programme under which PA revenue would be shared with the local communities. Government also handed over the management of Kanchenjunga conservation area to the local people’s council. Table 2 gives a summary of the participatory policy interventions in PA management.

**Table 2 Key milestones towards democratising PAs in Nepal**

Date	Policy decision	Description
1979	Himalayan National Park Regulation	Concessions of access to log and firewood for locals to construct and renovate houses as prescribed by warden; grazing and construction of stables at a location accorded by the warden; existence of human settlements in areas surrounded by the park but not declared as park.
1989	Introduced Conservation Areas	Involved local communities in conservation and development activities, provided authority to a non-governmental entity (NTNC) for the management of CAs,
1994	Introduce buffer zone	Provided 50% of PA revenue, formed a range of BZ institutions to manage local affairs including community forest and development activities Involved NGOs as services providers
1996	Partial rights in accessing basic livelihoods	Local communities allowed to adopt traditional livelihoods and have access to key livelihoods resources
2006	Handed over management of Kanchenjunga CA	Management of Kanchenjunga CA was handed over to the local community through a locally constituted Council. This provides the Council a relatively more authority to manage the PA with minimum oversight from the DNPWC

<sup>3</sup> Several international agencies including UNDP, WWF, CARE, TMI, etc supported these ICDPs

A question of critical importance is how do we rate the government responses into PA governance? In this paper we propose two principles to make our case: i) principles of democratic decentralisation as they are accepted in the changing international conservation discourse; and ii) expectations and broad mandate of political change as conveyed by the discourse of state restructuring a ‘Lokatantrik Naya Nepal’ (Democratic New Nepal).

With the new discourse of a shifting paradigm in protected area management (Philips 2003; Borrini Feyrabend 2004; McNeely 2008; Bajracharya and Dahal 2007) the governance issue has gradually dominated the current debate. These shifts in policies and practices of conservation in recent times have paid increased attention to the rights and roles of indigenous peoples and local communities in the context of PAs (Kothari *et al.* 2008). Scholars have also highlighted the need to address issues of social justice, equity and human rights (Breeching *et al.* 2003; Bernini Feyrabend *et al.* 2004; Campesse *et al.* 2007), especially given the evidence of the social impact of protected areas upon local populaces (West *et al.* 2006).

The establishment, expansion and governance of PAs must be examined in the context of extreme poverty, agrarian economy and high dependency on natural resources in Nepal. This is particularly so where the fertile lands, in some occasions productive water bodies, with rich natural resources are grouped under the PA system. There are questions whether Nepal, one of the poorest countries in the world, can afford the luxury of retaining over a quarter of its landmass for the sake of biodiversity conservation under governmental control. This also gives rise to serious contradictions between conservation imperatives and priorities of local people in Nepal. It is within this context that the growth of PAs in Nepal cannot be fully understood without looking in greater detail at the political ecology of environmental governance and conservation.

#### **4. Critiques of the current approaches**

The close examination of the history of PA policy and practice indicates a huge change in management approach, institutional arrangement, and park–people relations. The original management approach that focused on protecting mega fauna has gradually expanded to conservation of ecosystem and landscapes (Heinen and Yonzon 1994). Similarly, by amending the PA act, the government invited the NTNC to manage conservation areas. Local people are involved in various resource conservation and development activities, and provisions for benefit sharing have been institutionalised particularly in conservation areas and in buffer zones. Professionals and researchers have appreciated these initiatives as exemplary in introducing participatory conservation approaches (Sharma 1991; Budhathoki 2004).

However, when we scrutinise the ‘participatory approaches’ against the two major criteria stated above, we are confronted with a different picture. There are gaps in rhetoric and reality, procedure and in substance of participatory approach putting into practice. Below we discuss some of the critiques and gaps in seemingly participatory approaches. We have identified some common patterns across the participatory intervention though they are more relevant in some cases than others. We focus the analysis on four key parameters; i) setting of agenda; ii) participation as a mean or an end; iii) livelihoods benefits vs. management autonomy; and iv) equitable distribution of benefits.

#### **4.1 Centrally decided agenda**

The continued and widespread contestation around PAs indicates that participation is sought largely at the level of implementation and that the management agenda and policy framework are often shaped by government and international agencies.

Collaboration began in the early 1960s when formal conservation agendas were first introduced in the country and which continues today<sup>4</sup>. This is true with all the major policy documents that are shaping Nepal’s conservation policy<sup>5</sup> and practice. This may have appeared relatively natural during the 1960 and 70s when other actors were somewhat less organised and had little capacity to contribute to the process. But now, after decades of democratic practice and expanded democratic space, there are vibrant civic and professional institutions, well organised people’s organisations and the private sector. However the policy space is still monopolised by the state agencies, donors and big conservation organisations. These powerful actors are not only shaping the policies but also the practice and ‘discourse’ of conservation. Reviewing the Nepalese government’s conservation policies, *Agrawal and Ostrom (2001:502)* rightly observe that;

*“The politics and procedures that have produced these changes have primarily been born within the offices of the Nepali government, and foreign aid agency programs, rather than being prompted by local demands.”*

The recent declaration of the new PAs, the expansion of existing PAs and the widespread resistance by the local forest management groups further reinforce this observation.

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<sup>4</sup> UNDP/FAO funded the development of National Park and Wildlife Conservation Act 1973 and now WWF is funding the Forest Sector Strategy 2010. All the major policy documents were supported by one or another aid agency and it is hard to identify any policy document prepared by the government independent of the donor money.

<sup>5</sup> Nepal Biodiversity Strategy, 2002 was funded by GEF and UNDP.

## 4.2 Instrumental participation

The participatory conservation is marred by cautiously planned, calculative and instrumental moves aimed at achieving conservation objectives. The local people and their organisations are given little autonomy in shaping the resource management practice and instead, are asked to participate in narrow frameworks prepared from above. The broad framework of participation is often dictated by the regulations, guidelines and written and verbal instructions. It seems that participatory interventions have rarely acknowledged people's way of interacting with their environment. As noted by Ben Campbell (2005a), while the relationship that people have with their environment is transformed, the current participatory approaches tend to be silent about the key issue of resource governance. It is also important to note how sometimes participatory approaches can become simply a new language of patron-client networks around development interventions (Malla 2001; Campbell 2005b).

The buffer zone (BZ) management programme is regarded as a milestone for co-management of PAs in Nepal. The BZ management allows sharing of up to 50% of PA income with the local communities and in turn expects local communities to observe conservation and sustainable resource management that reduces pressure on PAs and provide extended habitat for wildlife. However, the boundaries are set centrally by the PA authority, institutional arrangement are set in the rule, and the PA warden is given sole authority to disburse the funds, monitor the progress and approve the costs. Moreover, the PA warden can even dismiss the user committees on the grounds of not properly following the operational plans. The PA warden becomes the ex-officio member secretary, who actually controls the finance, yet the elected BZ leaders are supposed to participate within these given spaces.

**The instrumental participation is best exemplified by identifying the key issues in BZMP.**

- BZ Management Plans are prepared by the PA warden not by local communities
- PA Warden has right to dissolve BZ institutions
- PA Warden acts as member-secretary of the BZMC –can influence the decisions
- Concerns of marginalised groups are not adequately addressed
- Increased conservation results in high wildlife depredation/human causality

Source: Adopted from Bhatta and Karki (2008)

There are equally compelling issues around Conservation Areas. In such cases, the access to resources is relatively open and local institutions are involved in planning and implementing conservation and development activities. However, the NTNC, an implementing agency, controls the programme framework and the finance. The conservation area management committees (CAMCs), the key local institutions are too dependent on the NTNC in

The key management decisions are taken elsewhere. We do not have authority to take action against poaching. Planning also has become a ritual; we quietly agree on what authorities propose. The project employees mostly coming from Kathmandu lead the process.

- Man Bd. Gurung, chair Conservation Area Management Committee, Annapurna Conservation Area

programme planning and especially in financing. The NTNC collects the revenue from tourists and disburses the funds as per programme developed with their support. However, the revenue generated from tourism and other sources is not transparent to the local communities. An undercurrent tension exists between these local institutions and the NTNC. In response, the CAMCs want to involve networking among themselves and developing an umbrella organisation representing all local institutions so that they could assume a greater role in management (personal communication with CAMC president, 2010). However, there is a strong sense that the NTNC is not enthusiastic in this direction.

Likewise, in Kanchenjunga, the local council has not been able to fully exercise its autonomy as the government's conservation officer provides a framework of planning and implementation of conservation activities.

The Council has no legal authority to take action against poaching. We have to rely on government officer to deal with the issue. There is no scheme to compensate people for wildlife related losses. Similarly, people have huge expectations that the park revenue may help their development aspirations. Unfortunately, the Council does not have the needed resources to address many local demands.

- Khagendra Limbu, Chair – Kanchenjunga CA

Also, due to the lack of fiscal decentralisation, the council cannot collect revenue from various activities such as mountaineering.

#### **4.3 Livelihoods benefits but no management autonomy**

There is little disagreement that BZ programmes and other participatory interventions have generated diverse livelihood benefits to local peoples. Saving/credit schemes, technical capacity building, social awareness, development of small enterprises and

cooperatives, community infrastructure and resource management are a major part of such programmes. There have been reports of socio-economic benefits at the local level including increased benefits through better management of resources that supported animal husbandry, agriculture and household energy along with improvement of forest ecosystems (New ERA 2004).

However, the economic rationale alone has not been able to capture the confidence of local people on the conservation programme. For example, despite injecting millions of dollars in donor aid towards buffer zones, it did not result in significant decreases in rhino poaching and in fact, poaching is actually on the rise. In response, the government has increased the number of security personnel (even in the buffer zone) during recent years. It indicates that the government is still resorting to the armed force in conservation rather than assuming the confidence in the local population. Among policymakers, there is a strong feeling that the Nepal Army is the key to the sustainability of PAs and that conservation is impossible without the support of the army<sup>6</sup>.

Unless the local people are able to realize the opportunity to exercise their full autonomy in deciding local affairs, participation is not complete. Current participatory approaches appear to involve local people more as recipients of concessions and development assistance than as part of protected area governance. As suggested by Lele et al (2010) one of the biggest constraints faced by buffer zones is the 'tenuous and incomplete nature of rights and operational space that are granted to participating communities by the state'.

#### **4.4 Inequity in development benefit**

Another major source of park-people conflict is the inequity in benefit sharing. Most of the ICDPs and buffer zone programmes have been criticised for their inability to address the concerns of the poor and disadvantaged social groups (New ERA 2004). Agrawal and Gupta (2005) found that richer and upper caste households have a higher probability of benefiting from the conservation programme. In many PAs, indigenous people, ethnic minorities, women, Dalits and landless people have been further marginalised (Paudel, 2006). The buffer zone programme and other ICDPs have produced a trade off for ordinary citizens in that the accesses to natural resources are

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<sup>6</sup> In one meeting the government officials clearly spelt that many of Nepal's PA would not exist without active support of armed force. It was argued that the government would have paid the army irrespective of their station in the protected areas and therefore, calculation of high cost of conservation is misleading.

constrained and in return they are offered development benefits. However, the development benefits are mostly absorbed by the small number of farmers and individuals that are better off than most. The inequity has accumulated resistance against the conservation programme. For example, the Bote, Majhi and Musahar around Chitwan National Park have complained against the buffer zone programme that ultimately produces opposition to CNP.

## **5. Reframing the PA governance beyond participation**

It appears that participatory approaches to PA management have not adequately embraced the political essence of reframing PA governance. The ongoing resistance, dissatisfaction, discontent and conflicts demand a fundamental transformation of the existing power relations, roles and responsibilities of actors in conservation. In addition, they also demand rethinking of some of the developmentalist assumptions, techno-bureaucratic solutions, worldviews, as well as ideological and epistemological underpinnings that frame and construct participatory conservation in the context of protected areas.

Despite almost two decades of participatory approaches in PA management, the roles and responsibilities of stakeholders are heavily contested. Notwithstanding the diverse types of participatory approaches and myriads of integrated conservation and development activities, the underlying concerns that forest dwellers are voicing remain fundamentally the same. It is evident that the cautiously planned, calculative and instrumental involvement of local communities in development activities has not addressed the core issues of governance. Local communities' major role in deciding on the management priority, crafting suitable institutional arrangement and sharing the local resource management and development affairs have not been recognised under the current participatory management. The principles of free, prior and informed consent to activities that may affect indigenous lives and livelihoods have not been guaranteed.

Participation is often defended as a radical approach that allows local people the opportunity to express 'agency' through which people exercise their political citizenship in shaping the decisions that affect them (Gaventa 1999). However, as this study shows, participation is limited to instrumental often used to buy in loyalty towards PA management or simply to reduce management costs. In fact, participation in its most promising form is interpreted as the foundation of democratic decentralisation that allows citizens to govern public resources at different levels of

governance (Hickey and Mohan 2004). Unfortunately, the use of the participatory approach within PAs is largely limited to very grassroots levels, the user group level often implicitly discouraging them to consolidate their voices at higher levels of governance.

The state-led participatory model, as we have seen above, has severe limitations. The current participatory approaches though have temporarily buffered the park-people conflicts by buying the loyalties of local elites, sometimes in fact co-opting some of the critical local leaderships and voices. But the conflicts may gradually erupt as the early enthusiasm fades away. The apparently reduced intensity and frequency of conflicts may not sustain for a long period of time for two reasons: i) the normalisation of local resistance through development incentives may no longer sustain with the increased expectation and needs; ii) relatively quiet resistance has been the weapon of the weak (Paudel 2005; also see Scott 1985 for theoretical explanation) that is changing fast in the new context. Likewise, a standardized and blanket approach that disregards the heterogeneity in social composition of ‘community’ and embedded complexities is also problematic. Also, we are still waiting for good news from the constitution assembly that may turn around PAs demanding their citizenry rights.

The challenges within participatory approaches are however not beyond correction. It is not that the whole approach is useless. It is to be noted that further devolution and decentralisation, not the centralisation provides viable solution to the challenge that are being observed within the participatory regime of resource or environmental conservation. At the same time, the rights movements in and around conservation policies and practices are also not aimed at dismantling the ongoing initiatives. Instead they are aimed at expanding the spaces for participation, influencing the agenda and processes. One must agree that transforming park-people relation involves democratising buffer zone institutions and their governance. Therefore, conservation policies and practices can be improved by recognising the grassroots rights movement, addressing the legitimate demands expressed by such movements and expressing solidarity with them for the cause of human-natural harmony.

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