

## CSO CASE STUDY 5

**Title:** Grassroots Organization Engaging Conservation Agency in Nepal: A case of indigenous fishing communities' struggle for right to fishing in South-Central Nepal

**Country:** Nepal

**Author:** Anil Bhattarai and Sudeep Jana

### Introduction to the case

The case examines the struggle of the Bote, Majhi and Musahar communities for their right to fish in a river and have access to local forest resources in South-Central Nepal. The Bote, Majhi and Musahar, are indigenous and landless fishing communities of Nepal that reside on the banks of the Narayani River -part of which lies within the jurisdiction of Royal Chitwan National Park (RCNP). Their traditional means of livelihood had always been fishing in the Narayani River, the collection of non-timber forest products (fruits, medicinal herbs, vegetables, firewood, fiber, and roofing materials), and the fees (both in cash and kind) generated from ferrying people and merchandise across the river.

However, from the later part of the 1960s, the Nepali government, with assistance from international agencies (such as the United Nations) began to implement conservation policies. RCNP was set up particularly for the protection of one-horned rhinos whose population had significantly declined. These policies were based on the assumptions that people were the main culprits in the destruction of wildlife and, therefore, they needed to be excluded from the conservation areas. After the introduction of these policies, their entry to the forest was severely restricted and fishing in the river made illegal. By mid-1980s, ferrying was banned across the river.

By the late eighties, however, conservation agencies were becoming aware of conflicts between local fishing communities and the RCNP. Slowly, they began to implement the concept of partnership between conservation agencies and local people through some developmental programs. But exclusionary practices continued.

In fact, in December 1992, armed guards of the RCNP raided several villages lying along the river and seized all the boats, nets and most of other fishing utensils from all the houses in the villages. This led to an unprecedented livelihood crisis in the fishing communities. Incidents of human rights violations by park authorities and security personnel became common. It was in response to this crisis that a local people's organization named Majhi, Mushahar, Bote Kalyan Sewa Samiti (MMBKSS) was set up in 1993 by the fishing communities.

MMBKSS, with some support from Community Development Organization (CDO), an NGO working on rights-based approach to development, begun a struggle against anti-poor conservation policies and the exploitation of the fishing communities by the national park authorities.

### The type and extent of policy change

As a result of a decade long struggle led by MMBKSS with support from CDO, national park authorities were forced to bring about changes in local policies and practices. For instance, they made provisions to issue six-month fishing licenses to the members of

fishing communities in 1994. However, the policy stipulated that the licenses were to be issued only to the adult fishing members and no new license would be issued thereafter. This created a problem for younger member as they would not be entitled to fishing license after they become 18 years old. This was again changed to incorporate provisions so that any member of fishing community would get license as soon as they reach 18 years.

The Incidences of harassment and human rights violations also declined as the relation between park authorities and local communities improved. Fishing communities now have access to Buffer Zone Management Council as a Buffer Zone User's Committee member. This committee control two major source of resources: the community forest lying within the buffer zone and a share of the revenue generated from the RCNP for the purpose of local community development activities. As their organization became stronger, their presence in the decision making process both in the management of community forests and the development fund, also significantly increased.

## **Some thoughts on the explanation of the policy change**

### **a) The political context**

The formation of people's organization and their struggles became possible because of a more open political context following the restoration of democratic rights in 1990. Before, the autocratic rulers did not allow the formation of any political organization. The new constitution of 1990 in Nepal ensured citizen's fundamental rights such as freedom of expression, right to information, freedom of assembly, among others.

### **b) International factors**

International conservation agencies were also beginning to realize that exclusionary policies have led to conflicts with local communities and failures in achieving conservation objectives. A new emphasis was beginning to be put on participation of local communities in conservation activities.

### **c) The nature of research-based evidence and mechanisms used to get the evidence into the policy process**

CDO conducted a study on conservation policies and practices of conservation institutions. The study particularly focused on how local communities were dependent on local resources, and their daily interactions with the staff of RCNP. It also carried out an analysis of the impact of conservation policies and practices on the livelihoods of the fishing communities. CDO also carried out a short study on damage done by wild animals. This evidence enhanced subsequent efforts of people centered advocacy. These findings were used to highlight the fact that local communities were bearing the burden of conservation and therefore were entitled to the revenue generated by the RCNP.

### **d) The ways CSOs tried to affect policy change**

Following the raid in their villages by armed guards of RCNP and the subsequent crisis of their livelihoods, village leaders, who were to form MMBKSS, began to organize themselves and discuss their rights and claims over natural resources in different villages. They also began lobbying with local political leaders for change. They led a delegation to

the capital city, Kathmandu and submitted their demands to the then council of ministers. Dialogue with various stakeholders including political parties, local government representatives, journalists, member of parliaments and other local level institutions helped to increase public awareness on the issue.

In addition to generating knowledge, CDO also trained members of MMBKSS in techniques of non-violent action. It also sponsored study-visits to other places where people had carried out local struggles and made some significant changes in their access to local resources. They also carried out public education interventions about community members' rights under the existing policies, the resources available in local institutions and the provisions for community forestry. CDO also took some journalists on study tour in the villages so that they could write about the livelihood crisis of the fishing communities. This generated publicity about their plight.

In the mean time, MMBKSS carried out different non violent activities to put pressure on the RCNP. In 1997, around 600 people including women, children and the elderly carried out rallies, indulged into sloganeering and sit-ins at the head office of RCNP at Kasara. A public hearing was also organized in Kathmandu, the capital city of Nepal, in 2000. Over twenty members of parliament attended and listened to the testimonials of local fishing people. It generated national level debates. Issues were also raised in the parliament. The case of fishing people was also discussed in the parliament subsequent to this public hearing. In 2002, in response to resumption of restrictions on fishing and harassment by national park authorities, MMBKSS resumed their extended campaign organizing mass rallies to the district headquarter and surrounded (Gherao) the office. They staged a dharna (sit-in) and undertook hours of strike.

### **Lessons learned**

This case study shows that the generation of local knowledge is an essential component of local struggles for access to livelihood resources. While the struggle of MMBKSS was aimed initially at dealing with access to fishing, in the later period, it has been able to deliberate on access of local communities to other public resources. Non violent strategies and pressure tactics coupled with popular support can challenge the unjust structures and practices.

These strategies would not have been possible without conscious involvement of CDO in training of local activists within the MMBKSS.

Since policies are also made at national level, it is also necessary to campaign beyond the local. In this case, national level policies did not change, but because of campaigns at both national and local level, the local conservation practices of other agencies changed.

The case also tells about how analysis of policies and practices combined with the empowerment of people at the grassroots can achieve significant changes at public institutions. This can be achieved through continuous dialogues with stakeholders including policy-making agencies are essential part of involving local communities in making decisions that affect their livelihoods; as well as the production of relevant and useful knowledge.

## **Sources of documentation to support the case**

Some unpublished reports from CDO are publicly available. A few media reports and feature articles will be reviewed. These materials are publicly available.

## **Basic information on the authors**

Anil Bhattarai is director of Nepal South Asia Centre (NESAC), a public policy research institute based in Kathmandu. His writings focus on democratization of society, social movements, construction of knowledge for public action, and political economy of health. He worked as research and documentation officer with CDO for 1 year.

Sudeep Jana is a post graduate in Social Work and working as a research and documentation officer in CDO. He has recently finished preliminary mapping of works on rights to sustainable livelihood at NESAC.