

# Recognizing and Supporting Indigenous Community Conserved Areas (ICCA) in Nepal

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## A Synthesis Report Of

An interactive workshop carried out under the project entitled

“Promoting and Advancing Indigenous and Community Conserved Areas (ICCAs) in Nepal”

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**Organized by:**



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## 1. Introduction

Community and indigenous stewardship in conserving biodiversity and ecosystems is increasingly gaining attention in the contemporary conservation discourse in the recent decades. The concept “Indigenous Community Conserved Areas (ICCA)” has been introduced and widely used to refer community and indigenous stewardship in conservation of biodiversity and ecosystem quite recently. The multiple benefits such as livelihood security, cultural preservation, ecosystem services etc, offered by ICCAs have also been widely acknowledged today. There are a number of international legal instruments that have clearly recognized the customary conservation practices of indigenous peoples and local communities. For example, the Conference of Parties (COP) to the Convention on Biological Diversity (CBD) has endorsed the concept of “ICCAs” since 2004. Similarly, the CBD Program of Work on Protected Areas (PoWPA) and COP 10 of CBD in Nagoya, Japan in October 2010 have emphasized and recognized the significance of areas conserved by the local communities and indigenous peoples. Most recently, the fourteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA/ CBD) in Kenya, on May 2010 has also asserted the need to recognize and support the ICCAs. Similarly, the International Union for Conservation of Nature (IUCN) has also recognized ICCAs as one of the four governing categories of protected areas.

ICCA encompasses the initiatives and governance by indigenous peoples and local communities in conserving biodiversity and local ecosystems. Three key features of the ICCAs have been identified: community have a relationship or concern for ecosystem or species; regarding the biodiversity and ecosystems, ICCAs play major roles in decision making; and have their own institutional mechanisms for conservation and management of biodiversity and ecosystems.

Although, Nepal has a significant area under conservation (almost 23.23% of the country's area as protected area) and well developed policy and institutions for participatory conservation, many of the valuable ecosystems are outside the regime of formal government protected areas. Most of them may be existing in the form of ICCAs in different forms and natures, like old and new, large and small, worse and better etc, that conserves critical ecosystems ranging from wetland and forest rangelands. In several cases, indigenous institutions are still functioning and are contributing to both conservation and livelihoods. Despite lack of recognition and support, ICCAs have been critical and complementary to conserving biodiversity both within and outside the existing protected areas. But their contributions are often ignored and undervalued. While many indigenous practices/institutions are eroding and many local institutions and initiatives lack adequate supports, they are suffering from several internal and external threats. Therefore, urgent attention and conducive policy environment are imperative to respect, nurture and support the ICCAs in Nepal.

ForestAction Nepal and ICCA Network Nepal collectively organized a national interaction to discuss about the ICCA issues in Nepal. The overall objective of the interaction was to enrich national conservation policy debates for future needs of ICCAs in the country. Conservation experts/leaders, civil society groups, community activists, ICCAs Network Nepal members, and journalists were invited to take part in the interaction. The specific objectives of the interaction were:

- To generate a common platform of dialogue between government authorities; conservation experts/leaders, civil society groups, indigenous peoples and local communities engaged in biodiversity conservation; and
- To explore future conservation policy directions for the recognition and support of ICCAs in Nepal.

The interaction was an extended form of the Inception Workshop of the ongoing project entitled “Promoting and Advancing Indigenous Community Conserved Areas in Nepal” supported by Global Environment Facility/Small Grant Program (GEF/SGP) implemented by United Nations Development

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A total of thirty participants participated in this interaction program (see Annex 1 for the list and contact address of participants). The program was divided in three sessions (see Annex 2 for details of program schedule): presentations by conservation experts and practitioners; remarks and opinion by experts upon the ICCA; and the plenary discussion.

## **2. Presentation Session**

After the background introduction of the program and welcome speech, three presentations on different dimensions of ICCAs were made. The brief descriptions of the presentation are below:

### ***2.1 Presentation by Dr. Uday Raj Sharma (Conservation Expert)***

Dr. Sharma is a conservation expert, former secretary at the Ministry of Forest and Soil Conservation (MoFSC) and a former director general at the Department of National Parks and Wildlife Conservation (DNPWC) in Nepal. He delivered a presentation on “ICCA: A new PA Governance system”. His presentation commenced by introducing the concept on ‘governance’ and ‘management’ and further stressed on ICCA as one of the promising alternatives as well complementary to PA governance system. The brief of his presentation is summarized below:

*Management is often related with the question of what to be done, whereas the governance is about who makes those decisions. Moreover, governance is about power relationship, responsibility and accountability. Talking about PA governance in Nepal, we may identify four types of PA governance system: i) Governance by government, such as National Parks, Wildlife reserves etc.; ii) Shared governance, such as conservation areas, Buffer zones etc.; iii) Private governance-which are few in number; and iv) Governance by indigenous and local communities- which is not yet identified by the government, however we already have many such type of governance system in different parts of Nepal and are often governed by customary laws and traditions.*

*In Nepal, many of the sacred forests, forests around the religious places like temples and monasteries, sacred peaks and watersheds, river banks, confluences, ponds, and highland pastures have been conserved and managed by indigenous peoples and local communities. Such types of conservation areas may be known as governance by indigenous and local communities.*

*The question may arise about the criteria of ICCA. But it is not difficult to identify and distinguish ICCA from others, because to be considered as an ICCA, one should fulfill five criteria: i) Communities should be the major player in the conservation work; ii) they should have enhancement/maintenance of natural or modified ecosystem; iii) they should have identified boundary, iv) they should have customary laws or any other effective means of conservation tactics; and v) their practices should promote their cultural, religious and livelihood or any other values.*

*ICCA is a governance system which is also recognized and accepted by the international communities. It is accepted as a fourth category of PA governance system by IUCN. This concept is also reflected in the World Park Congress (WPC) 2003, World Conservation Congress (WCC) 2004, CBD COP 7 in 2007, and WCC 2008 and also written in program element 2 of CBD PoWPA on protected areas. It is type of multi governance system within the protected area. Hence, the networks like ICCA Nepal should put pressure on the government for the legal recognition and to include such type of conservation governance system in the conservation acts and policies.*

*To be clear about the boundary of ICCA, the whole Everest Conservation Area may not be completely an ICCA, but the small areas that are conserved by communities through their customary laws falls under ICCA.*

*As a way forward for ICCAs in Nepal, the ICCA provisions must be incorporated in the different policies like Forestry Sector Master Plan 1988 (FSMP), Nepal Biodiversity Strategy 2002, Forest Act 1993, National Park and Wildlife Conservation Act 1973 and other related regulations. Besides, it is right time to create pressure to the government of Nepal, since it is currently in the process of amending number of national policies and acts including the forestry related laws. After the legalization of ICCAs in the governance system, the government should form an apex body for facilitating the process of ICCA.*

*The apex body (in the form of multi-stakeholder committee) should make a nationwide inventory of existing ICCAs along with the assessment of their status. Moreover, there is lack of knowledge about ICCAs not only among the general public but also amid resource managers and decision makers. This apex body then should make them aware on ICCAs. The bodies and the network should also work in different issues like efforts to incorporate the ICCAs in the present PA management plans, District Forest Management plans including efforts to ensure their required governance autonomy. Such Acts and Regulations should also specifically identify the appropriate agency(ies) of the government who should facilitate the works of the ICCA, so that there should not be any confusion of duties. The network should also engage in the participatory planning and governance based on the vision of POW on protected areas. Furthermore, the network should be inclusive and supportive to each other for the success of their governance.*

## **2.2 Presentation by Mr. Tenzing Tashi Sherpa (Chair-ICCA Network Nepal)**

The second presentation was delivered by the chair of ICCA-network Nepal Mr. Tenzing Sherpa on “Sherpa ICCA in Khumbu and ICCA network Nepal”. His presentation highlighted various forms of conservation practices (customary as well as modern) in the Khumbu region and Sagarmatha National Park and informed about the activities of ICCA Network Nepal. The brief of his presentation is below:

*Khumbu region is one of many Sharwa (Sherpa) yul or territories protected by the guardian god-Khumbu Yol Lha. Sharwa have lived here for more than 500 years and this region was recognized by Nepali rulers as a Sharwa territory (kipat) in the early 1800s. It is considered as a sacred hidden valley and Buddhist sanctuary.*

*It is believed that Khumbu is a BEYUL-meaning a created hidden valley and Buddhist Sanctuary of refugees. It was created by Guru Rinpoche more than 1,200 years ago when he visited Khumbu and stayed in the A-kaar Dupkhang, a sacred cave above Khumjung village.*

*In the Khumbu beyul (area), Sherpa people do not kill any form of life because of their traditional beliefs. With this belief, this region is a Sherpa wildlife sanctuary for centuries, i.e. before the declaration of national park. We can find number of wild animals and species living in this region.*

*Inside Khumbu yul and Khumbu beyul, there are many kinds of ICCAs, like sacred lakes, mountains, forests and so on. They have many local names, such as lami nati, gompi nati, kyak shing, yul thim/nawa/dee system, tsho, lumu chua, lhaptsa nati, etc. Mr. Sherpa further stated that "we have many forms and types of ICCAs, such as small, big, old and new as well. We have also made some new rules in old ICCAs and also old rules in new*

ones. Different ICCAs have been managed for different purposes, such as some are more focused on livelihood, while some are focused for religious and cultural purposes. These types of rich culture, belief and practices have been making this region a special place for all.

There are many such ICCAs across the country. With this assumption, the informal discussions with national and international conservation experts and researchers were started in 2007/08. The first ICCA National Gathering was held in 2009 in Kathmandu. In this gathering, "ICCA Ad Hoc Committee" was formed. This committee then gradually increased the national level dialogues and discussions with multiple actors. This network then started to expand its networking. Subsequently, the second ICCA National Gathering was held in 2010 in Kathmandu, in which ICCA Ad Hoc Committee was transformed into ICCA Network Nepal. It was after that the ICCA Network Nepal became an ICCA Consortium member and decided to register and gain legal recognition in the form of National ICCA Federation. However, the process halted due to various legal and financial problems. In December, 2011, the third ICCA National Gathering was held in Kathmandu. This gathering decided to transform this Network into a National ICCA Federation.

### **2.3 Presentation by Mr. Sudeep Jana (PhD candidate, Curtin University, Perth)**

Mr. Jana is an honorary member of ICCA Consortium and was actively involved in studies and dialogues concerning ICCAs in Nepal. He is a PhD scholar at Curtin University, Perth, Australia. He delivered a presentation on "Recognizing and supporting ICCAs in Nepal". His presentation focused on the international scenario and the relevance of ICCAs in Nepal. The brief of his presentation is as below:

*ICCA has become a global conservation movement. Early works on ICCAs was founded at the Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (TILCEPA) a joint strategic direction of the Commission on Environmental, Economic and Social Policy (CEESP) and World Commission on Protected Areas (WCPA) of IUCN that is central to the works on protected area governance, social justice, rights and equity. This emerging movement has now been institutionalized in the form of ICCA Consortium, which is supporting, lobbying and advocating for ICCAs in the international forums (website: [www.iccaconsortium.org](http://www.iccaconsortium.org)).*

*It is agreed that although ICCA is an oldest form of conservation practiced by the Indigenous Peoples (IPs) and Local Communities (LCs), it has emerged as a new paradigm of thinking and innovation for conservation in the global scenario. The work towards this direction in Nepal started from around 2007/08.*

*Talking about international policy processes, the ICCAs have been recognized in major CBD COP decisions. Further, it is also clearly reflected in PoWPA (element 2) which states that "Improve, diversify, and strengthen governance types such as co-managed and recognition of role of indigenous and local community conserved areas in conservation". It is also incorporated in the latest IUCN resolutions.*

*In the latest CBD/COP 10 in 2010, CBD new strategic plans for 2010-2020 and Aichi Targets has accorded important landmarks for ICCAs. The Target 11 and 18 are the most important ones for ICCAs. The target 11 states that "Target 11: By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well*

*connected systems of PAs and other effective area-based conservation measures, and integrated into the wider landscape and seascapes”.*

*Similarly, Target 18 states that “By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels”. Essence and significance of ICCAs are implicit in these targets.*

*In the context of Nepal, ICCA is one of the promising alternatives as well as complementary governance type to enhance the effectiveness and scale of protected area system. Some of the relevance of ICCAs in Nepal are: i) it conserves significant biodiversity in forests, wetlands, landscapes, wildlife corridors and protected areas; ii) it is an effective way for securing livelihood practices of the communities; iii) it is enhancing and forging community stewardship, empowerment, collective action and institutions; iv) it sustains and revitalizes the cultural relation and values in relation to the natural environment; v) it is a vibrant community institution to deal with external threats; and vi) the international obligation to give recognition to ICCA.*

*Recognizing ICCAs in Nepal is important for various reasons, such as: a) it gives legitimacy to the existing conservation practices; b) provides security against the external and internal threats; c) recognition to the identity (Pahichan) of the community; d) promotion of local stewardship, with pride (Gaurab), concern (Chaso), a sense of responsibility (Jimmeywari) and ownership (Afnopan) of the IPs and LC; e) security from internal and external threats; and f) also for the just appreciation of their conservation works.*

*As a way forward, the important thing is of course the enabling and supportive policy and legislative environment. Such policies should identify and recognize the ICCA as one of the protected area governance types within and outside the formal protected area system in Nepal.*

### **3. Remarks and Opinion by Experts**

After the presentations, some key individuals (conservation experts, representatives of the organization related with conservations, government delegates) were invited to share their personal and institutional opinions and response upon the ICCA in general and with respect to the presentations delivered. The brief of their opinions and remarks are as below:

#### **3.1 Dr. Maheshwor Dhakal (Under Secretary-DNPWC)**

Dr. Dhakal is an under-secretary and senior ecologist at the DNPWC. Some key highlights of his opinions and remarks on ICCA in Nepal were as follow:

*Some of the big countries like Brazil have larger conservation areas, conserved by the communities. However, in small countries like Nepal, there are small areas which hold great importance, as there are innumerable ICCAs. Moreover, it also should be understood that there can be several ICCAs outside protected areas in which religious forests are the important ones. Regarding the incorporation of ICCA concept in the existing forestry and conservation policies and laws, policy studies and recommendations produced by the research organizations like ForestAction could play vital role.*

*In the present scenario, the Acts and policies related to conservation are in the process of amendment; hence it is an appropriate time to address the concerns and issues. I agree*

*that the earlier conservation governance and system were too centralized, however, now the scenario is gradually changing and the government is only playing the role of facilitation and coordination (referee), which is more like the overlooker of the system. This means the conservation area governance is moving towards decentralization, and the state has been prioritizing the basic needs of the people. However, we should rethink that whether promoting only the traditional practices and customary laws would always keep marginalized and indigenous peoples intact with only of their old systems. This means we also should think about moving them towards the modern technology and development practices.*

### **3.2 Dr. Yam Malla (IUCN)**

Dr. Malla is the country director for IUCN Nepal. He was invited as a delegate representative of this organization. Some of the key highlights of his opinions and remarks are as follows:

*The concept of ICCA is the subject of interest of IUCN since a long time. IUCN has already started to prepare the guidelines of ICCA but it is yet to be complete. It has a challenge to accommodate and incorporate diverse as well as changing context and contents of all stakeholders.*

*We must agree that there are misunderstandings and misinterpretations about the understanding of local communities on conservation areas. Because most of the government officials and the development projects and leaders forget that the villagers are making their livelihood from the resources around them since time immemorial. Moreover, they mostly think that the village people have no knowledge or less knowledge and the knowledge acquired from the universities or outside the villages are rights and best to address the village problems. Hence, these misunderstandings and gaps must be corrected first because local knowledge and their experiences on conservation have been challenging to this gaps.*

*There is one dominant idea that believes that policies are less important but the important thing is to work in the village and for the villagers. But the current context has been demanding for the revisioning of existing policies through which needs and demands of time, place and context are addressed. So, there is a feeling of threat that the government might capture community conserved areas by making some laws against the pre-existing customary laws of the people. Hence, legal foundation of conservation including about the ICCA is vital.*

*Livelihood rights and needs of the local communities have been becoming frequent issues of debate when talking about conservation. There are many cases that show the cultural aspect of the environment is sidelined by the state. Recently, the concept of integrating conservation and development has been emerging all over the world. So, conservation has been understood from social, cultural, political and ecological aspects.*

*However, at present both the cultural and development approaches are changing. They cannot meet their objectives if they work in isolation, hence both are equally important. At this moment, the process of constitution making is ongoing in Nepal, which is a rare opportunity for all of us. Different issues like indigenous people's issues have been emerging and debated. Hence, we need to utilize this opportunity to integrate our demands for the right of the community in the main laws of the country's constitution.*

*Presently, the state recognizes only two kinds of property rights: state property and private property. Now, we need to ensure third kind of property rights - community rights - in the constitution. This is most important in the context and situation of Nepal for various reasons. One of the important reasons is that it can ensure the rights of people over resources. Earlier, we used to orient the villagers, now it's time to give orientation to the constitution makers, development planners, policy makers, leaders to make them aware about the community rights and its importance.*

*The concept ICCA is subject of interest for IUCN, hence we are ready to support the work of ICCA Network's activities and would like to encourage such kinds of dialogue and discussions ahead".*

### **3.3 Dr. Krishna Prasad Oli (ICIMOD)**

Dr. Oli is a conservation expert at ICIMOD. Some of the highlights of his opinions and remarks about ICCAs were as follows:

*I am often critical about the concept of ICCA, because it is not known by most of the people who live in the village. It is just imposed to the people. Therefore, first we need to stop culture of transferring our concepts to the locals and villagers from top. Rather, we need to initially give reasons for what will or will not happen by the formation and recognition of the ICCAs, if we feel it is really essential. The UNESCO studies have showed that customary laws will be wiped out after 2020s from across the world.*

*In Nagaland, land is managed by community (tribe) but there aren't any tribal people these days. This shows that the concept ICCA is on the verge of failure. The concept of ICCA is just a manipulation rather than benefit to the local people. Without the promotion of enterprises, the importance and meaning of either community conservation or ICCA is meaningless.*

*The customary law should be incorporated involved in the law only when it is successful in doing conservation. India and China are the example of such process. The ideas is coming in front that indigenous peoples are custodians of conservation but it is impossible and impractical in Nepal, rather there should be participation of all communities. In conservation, another important point is legal implementation, their surveillance, and monitoring. Moreover, we should think that ICCA is a real need of Nepal or imposed by outsiders. Similarly, we must first think that whether it is necessary and fruitful to incorporate all international laws and policies in Nepal or not.*

*It should be made clear that whether the community forestry is different from the ICCA or not. Here it is interesting to discuss about the concept of equity. I think it is just a myth, and in most of the so called community management system, also may be the ICCAs, local elites dominate the process and real community people are always excluded.*

*ICIMOD is documenting the dynamics systems in West-Nepal, China and Uttarakhand of India. The preliminary results show that sacredness and customary laws of the IP/LC is demolishing due to various reasons like education etc. So, we should begin studying the issues from the village and grassroots level and should understand the significance of ICCAs rather than formulating policies.*

### **3.4 Mr. Himlal Aryal (DoF)**

Mr. Aryal is an under-secretary at the Department of Forest. Some of the major point and issues highlighted by Mr. Aryal is as follow:

*Our main motto is to conserve the forest and environment. I have sensed that ICCAs are national property, which is sufficiently helping in conservation. Earlier, the concept on community forestry was introduced as recognition to local people's contribution in conservation and ineffectiveness of the state in conserving all forest areas across the world. It also agreed many areas in remote places are still out of support of the state.*

*While talking about ICCAs, there are many things to be considered. Such as while talking about customary laws and rights development of entrepreneurships, equitable benefit sharing, possibility of eco-tourism, etc should be considered. At the moment, there is a lack of good institution for sustaining conservation practices in which, ICCAs to play a significant role.*

### **3.5 Mr. Gyan Bahadur Bote (NEFIN)**

Mr. Bote is Vice Chair of Nepal Federation of Indigenous Nationalities (NEFIN). Some of the key highlights of his opinions and remarks are as follows:

*This program and the concept of ICCA itself is a subject of interest for NEFIN and all indigenous people in Nepal. I found the concept challenging for all to bring into policies. I think this program and issues can be effective if it is sensitized and discussed through NEFIN's federated institutions at district and local levels.*

*There is misunderstanding among the government officials about IPs. They argue that the IPs is the destroyers of environment. However, the truth is that they are the true conservationists, who use their indigenous knowledge for the protection of environment through which they sustain their livelihood. Most of the customary practices, knowledge and values of IPs is most relevant in terms of conservation and livelihood contribution. The government of Nepal has not identified and recognized most of such practices.*

*There are also some arguments against the ICCA and customary practices. They argue that ICCAs and such practices will obstruct the development and progress of indigenous peoples. But I do not agree with these arguments. Rather, it is fact and proved that the traditional and customary practices of indigenous people have been supporting their livelihood and the conservation as well. So, if the state recognizes and promotes such practices, it will obviously help improve the national revenue.*

### **3.6 Dr. Tirtha Bahadur Shrestha**

Dr. Shrestha is a conservation expert in Nepal. Some of the key highlights of his opinions and remarks are as follows:

*The issues of community conserved areas, and indigenous people's knowledge were discussed long time back, such as during the Master Plan for Forestry Sector in the late 1980s. There are many legal and legislative provisions about the indigenous knowledge and practices even in the existing conservation areas related policies and laws. But the major problem is their proper implementations. So, there is a serious need of understanding on what causes the failures of implementations.*

*My observation until now is that we have lack of in-depth study about the implementations, strengths, and limitations of policies and laws. The new initiatives either on conservation or the environments could not build upon the study and their learning in Nepal.*

*Obviously there is a serious threat of extinction of indigenous knowledge and practices in different parts of the country. Recently the loss of indigenous knowledge is a more serious problem than the loss of biodiversity in Nepal. Efforts were put to register the indigenous knowledge systems and practices few years back but it could not be carried out successfully. Now, the immediate need for promotion of the ICCAs in Nepal is the documentation of indigenous systems and practices across the country, based on which we can advocate, lobby and conduct dialogues for policies and laws. The constitution drafting process in the country is equally important for ICCAs. We can also focus these issues in constitution building process as well.*

### **3.7 Mr. Bihari Krishan Shrestha (local governance expert)**

Mr. Shrestha is ex-government official and an expert on local government. Some of the key highlights of his opinions and remarks about ICCAs are as follows:

*At present, the formal documentation and recording of the indigenous system is imperative, in which research organizations like ForestAction may be able to play a vital*

*role. To do so, international donors or the government should mobilize their fund for the process, since the documentation is an important process for the future references. He opined that for a systematic analysis of traditional system, local/indigenous knowledge is key for sustainable development. Hence, proper identification of such knowledge is necessary. Besides, an empowered community is also key for the development and success of the country.*

## **4. Open Discussion Session**

In the open discussion session, the participants were asked to share their individual opinions about the ICCAs and their personal remarks/responses on the presentations. Some of the key highlights of the opinions and responses by the participants are as below:

### **Positive remarks about ICCAs:**

- Until now, the local communities in reality do not have rights and recognition of their conservation works and contributions.
- Many of the traditional conservation areas, like ICCA, have not been under the control of local communities because of the existing protected area governance systems, for example even Kanchanjunga Conservation Area is also not a fully community conserved area.
- Many of the recommendations about community based conservation submitted to the government by different stakeholders have not been considered yet.
- Community rights like ICCAs must be strengthened to end the existing feudal social systems.
- Making community rights strong is the best way of development including better protected area governance that is through the recognitions of ICCA practices.
- The concept of ICCA is one of the best and appropriate way of demanding and achieving the rights of excluded and marginalized communities.
- The existing policies and laws on conservation area management are not appropriate for the community rights, because state prohibit local communities from traditional use rights.

### **Pressing questions about ICCA:**

- In the present scenario, everything is working through top-down process. In such context, where does the local aspiration meet with the process? Should be understood.
- Is the existing system really affecting community rights? Do the recent policies need to be further amended or are the existing ones necessary for ICCA?
- How much power and rights should be given to the community? Are we confident that giving rights to the community will necessarily be fair?
- Are we aware of whether the traditional systems may be hindering the development process?
- Are we aware that whether there are other options for livelihood of local communities instead of giving rights to practice traditional system of conservation?

### **Suggestions for community rights and ICCA:**

- The concept of Indigenous People and Community for ICCA is contradictory because there are differences as well as contradictions between the concept of indigenous and community rights. It should be conceptually differentiated or resolved first.
- While talking about community rights like ICCAs, we have to be clear that community represents a whole set of people's wishes, not the wishes of limited people like few elites of the community.
- It is essential to work together with all stakeholders for empowering and legalization of communities for their rights.

## 5. Response from the Presenters and Final Remarks

### Dr. Uday Raj Sharma:

*“Awareness about the community rights, like ICCA, is necessary not only for the people but also for the government officials and other civil society organizations and people, since they are still not clear about the concept.*

*Inside the national parks, there are people/communities who are conserving the forests before the formation of the NPs. Hence, people are demanding for the recognition of such practices for their livelihoods. Such recognition would further enhance the process for the success of conservation.*

*The acts and policies should be complimentary to the existing conservation process and practices. If we incorporate indigenous peoples and local community rights, it obviously will be ensured.*

*Most of the ICCAs that we are talking about are not new, but the problem is that they have not been recognized as a part of conservation. Now, we can find that there are lot of international policies and legal instruments for their recognitions and Nepal government is also a party to it. Hence, Nepal government must formulate policies and laws that comply with these international legal instruments.*

*All community forestry may not necessarily fall under the ICCA category and some are considered as one. We all therefore need to be clear about it. Until now, ICCAs and their territorial boundaries have not been specified and thus such area can be captured by the state anytime if it wishes to. Hence, legal recognition of ICCAs is vital.”*

### Mr. Tezing Tashi Sherpa

*“It is our experience that the government always imposes unnecessary control mechanisms. They neither consider the real needs and demands of the local communities nor know about the local reality and context. Hence, we strongly demand for recognition on the status of our customary systems. At the same time, there is also a problem among many of the other stakeholders that they do not clearly understand the concept of ICCA and hence they have their reservations. We need regular and constant dialogues and discussion with them.”*

### Dr. Naya Sharma Paudel:

At the end, Dr Sharma concluded the discussion program. He made following remarks upon the presentations, opinion and response of key representative delegates, and other participants:

*“We have understood that ICCA is about giving rights to Indigenous peoples and local communities. However, it should be made inclusive to avoid the uprising and possible conflicts. Also, clear identification and participation of such communities is necessary for the better and successful governance of PAs.*

*State should clearly identify areas which may be ICCAs. The ICCAs are important not only for their livelihood rights but also to respect their emotional attachment with the areas. ICCAs conserve their area and do not let the external forces (for example a mining company from India) to enter and destroy their areas which also help in conservation practices.*

*Besides, the states do not know the real context and needs of the village people, hence regular and constant debates and dialogues are required. For example, the Panchase area of Kaski is not considered as community conserved areas and hence state has declared it as protected forest by undermining and neglecting the rights, demands, needs and the real aspirations of local communities. This shows the negligence of government, who without the concerns and consent of the community (who managed the area, without the help of government) solely decided to take away the community rights from these areas. This example shows how important is the legalization of ICCAs.”*

## 6. Discussions

This interaction has raised three pertinent questions about the ICCAs in Nepal: a) Is ICCA a real need of the people and the management of protected areas in Nepal?; b) Do the existing protected area related policies and laws are necessary to revise/amend for ICCAs?; and c) What may be the way forward for the ICCAs in Nepal?

Regarding the first question, it is observed that most of the participants appreciated the concept, significance and importance of ICCAs for PA management in Nepal. These arguments were linked with the needs and significance of community rights for conservation management and utilization of resources through traditional knowledge, practices, and customary rights of indigenous peoples and local communities. But in contrast, some participants raised the question of whether the concept of ICCA is lined with the needs of local communities and indigenous peoples or are simply issues for some leaders and elites. Some of the participants who questioned upon the needs and significance of ICCAs in Nepal argued that people in the villages need economic progress rather than the ICCA like practices.

Talking about the second question, most of the participants agreed that the existing conservation laws, acts and policies are not appropriate for the recognition of community rights including ICCAs in Nepal. They argued for the immediate needs of incorporating community rights including ICCAs in the state's policies, laws and legislations so that ICCA like communities can have legalized status of their own. This argument is supported with the international legal instruments on ICCAs. In contrast to it, some of the participants remarked that existing protected area policies and laws are positive to address the community rights. They also argued that rather the problem is in the proper implementation of formulated policies and laws. Moreover, few voices were sensed as completely against the needs of community rights based conservation policies rather the arguments seemed to focus on providing these communities with alternative income sources/opportunities.

Regarding the third question, the opinions were diverse in forms and types. The majority of participants those who argued for the needs and significance of ICCA argued the needs of clear national policies and laws for ICCAs. Some arguments were focused on the pressures from pressure groups to the state for this. Voices were also equally raised about the needs on advocacy and lobby in the constitution building processes in Nepal as it is a rare opportunity and high possibilities of addressing ICCA in the main law of the state. Some argued that the efforts for the implementation of existing policies and laws will be better way to solve the ICCA issues in Nepal. The most important arguments of the conservation experts were focused on two methods. One is regular and constant dialogues and discussions with government for the rights of ICCA and another is to carryout study and documentation of ICCAs including indigenous knowledge systems across the country.

## 7. Conclusion

Although the concept of ICCA is well recognized and defined in many of the international legal instruments and also in some of the national policies and laws (mostly indirectly), it can be concluded that it is still difficult and challenging task to advocate for the recognition of ICCAs in Nepal. Not only with the people at the grassroots level but it is also necessary to discuss with the policy makers, conservation experts, civil society groups, journalists, political leaders so that there is further clarification about what ICCA is and why it is significant for the PA governance in Nepal. The question of what is ICCA and why its recognition in conservation policies and laws is still questionable, which also needs further constant dialogues and discussions. At the same time appropriate study and documentation of ICCA practices is a must, which would help to strengthen ICCA policy advocacy and lobby for campaigners and advocates.

## **Acknowledgement**

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## Annex

### Annex 1: Program Schedule

Time	Details/Activity	Facilitator
8:00-9:00	Tea + Registration	
9:00-9:15	Welcome and Introduction (program and participants)	FA and All
9:15-9:30	ICCA: A New PA Government System	Dr. Uday Raj Sharma (Conservation Expert)
9:30-9:45	Sherpa ICCAs in Khumbu and ICCA Network Nepal	TenzingTashi Sherpa (Chair-ICCA Network Nepal)
9:45-10:00	Recognizing and supporting ICCAs in Nepal	Sudeep Jana (PhD Candidate, Curtin University, Perth, and honorary member-ICCA consortium)
10:00-10:50	Remarks and Opinions	Dr. Maheshor Dhakal (DNPWC)
		Dr. Yam Malla (IUCN Nepal)
		Dr. Krishna P. Oli (ICIMOD)
		Hemlal Aryal (DoF)
		Gyan Bahadur Bote (Vice Chair-NEFIN)
		Dr. Tirtha Bahadur Shrestha (Conservation Expert)
	Bihari Krishna Shrestha (Local Government Expert)	
10:50-11:00	Potential initiatives of ICCA Network Nepal in 2012	ICCA network Nepal secretariat
11:00-11:50	Open Discussion	All participants
11:50-12:00	Summarizing the interaction and closing	Dr. Naya Sharma Paudel (Executive Coordinator of ForestAction Nepal)
12:00.....	Lunch	

## Annex 2: List of Participants

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**Annex 3: Some Selected Photos of the Program**



**Interaction Participants**



**Dr. Udayraj Sharma (front in photo), presenting his paper**



**Tenzing Tashi Sherpa (front in photo), presenting his paper**



**Sudeep Jana, presenting his paper**



**Dr. Maheshowr Dhakal (DNPWC), presenting his paper (third from right)**



**Dr. Yam Malla (IUCN), sharing his opinion and response (third from right)**



**Dr. Tirtha Bahadur Shrestha (second from right), sharing his opinions and response**



**Himlal Aryal (DoF), sharing his opinions and response**



**Bihari Krishna Shrestha (front in photo), sharing his opinion and response**

**Annex 4: Presentation Slides of Dr. Udaya Raj Sharma (See another attachment)**

**Annex 5: Presentation Slides of Mr. Tenzing Tashi Sherpa (See another attachment)**

**Annex 6: Presentation Slides of Mr. Sudeep Jana (See another attachment)**