

Policy in High Places

Environment and Development in the Himalayan Region

Piers M. Blaikie
Syed Zahir Sadeque



International Centre for Integrated
Mountain Development
Kathmandu, Nepal

Policy in High Places

Environment and Development in the Himalayan Region

Piers M. Blaikie
Syed Zahir Sadeque

The views and interpretations in this paper are those of the author(s). They are not attributable to the International Centre for Integrated Mountain Development (ICIMOD) and do not imply the expression of any opinion concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.

Copyright © 2000

International Centre for Integrated Mountain Development
All rights reserved

ISBN 92 9115 233 1

Published by

International Centre for Integrated Mountain Development
G.P.O. Box 3226,
Kathmandu, Nepal

Editorial Team

Greta Mary Rana (Senior Editor)
Jenny Riley (Consultant Editor)
Sushil Man Joshi (Technical Support and Layout)

Cover and Background of Separators

Northern Areas, Pakistan
Vaqur Zakaria

Foreword

For over 2,500 kilometres, the Hindu Kush-Himalayan range dominates the landscape of Asia. The world's highest mountains cradle thousands of glaciers that collect winter snow and feed the mighty rivers of the region throughout the dry season. On its slopes and in its valleys, rangelands, forests and agricultural lands nurture some of the world's most valuable biological diversity. These lands also provide subsistence for over 140 million people with rich and diverse cultural traditions. These mountain resources are in turn changed and sustained by these hardy, yet poor, mountain people. Environment and economy are intertwined in the livelihoods of the Hindu Kush-Himalayas in complex ways that are still only partially understood.

This diverse set of unique mountain habitats spans eight countries from Myanmar to Afghanistan. How this land is being used, and the effects of this use on both the local inhabitants and the one billion people living downstream, is shaped by a myriad of factors: physical, economic, and political. The political, or policy elements, of this dynamic story are in many ways the most intriguing, and the most important for agendas that seek to help mountain people improve their lives and environment. Understanding policies that influence land-use behaviour in this context is critical to moving an agenda forward to find satisfactory upstream solutions for mountain policy-makers.

ICIMOD is committed to helping mountain people – both policy-makers and farm/herder households – find and adapt policies and practices that facilitate better economic and ecological futures for them. In 1998, with support from the Global Mountain Initiative, the Centre undertook a series of country studies to explore land policy, land management, and land degradation issues in the Region. The study was entitled 'Land Policies, Land Management and Land Degradation in the Hindu Kush-Himalayas'. Professor Piers Blaikie, a noted expert on land and environmental issues in the region, acted as the Chief Academic Advisor for this undertaking. ICIMOD

Social Scientist, Dr. Syed Zahir Sadeque, served as the Project Coordinator. Seven studies were carried out in six ICIMOD member countries: Bangladesh, Bhutan, China, India, Nepal, and Pakistan. Eminent researchers on land issues were contracted as Team Leaders and, in turn, they organised research teams to cover both biophysical and socioeconomic dimensions of land use. This current volume was written by Professor Blaikie and Dr. Sadeque based on these earlier country case studies.

This publication, then, directly addresses the issues of policy-making with regard to land resources in the Hindu Kush-Himalayas, including policies for forestry, agriculture, biodiversity, land tenure, and the role of the State. Given the variety of conditions and histories of the region, as documented in the case studies, its scope is ambitious. Given also traditional rational policy approaches, its analysis is also provocative. On both fronts, the authors take on issues over which there is still considerable debate. They ground their findings in an approach that recognises the multi-stakeholder, political process involved in policy-making and challenge some older paradigms. In fact, we hope that it is this willingness to tackle the most critical issues surrounding the Himalayan land use policy debate with a different perspective that will be part of the value of this publication to the region.

This study should serve to sharpen and focus the debate on land resource policies and, hopefully, serve as a basis for more realistic and locally beneficial policy-making. Many of the conclusions are directly relevant to current efforts to identify institutional and technical solutions that are locally driven, but nationally and internationally informed. As States within the region redefine their roles and look for the right balance in a more decentralised and globalised world, they need to be directly mindful of the impact of their decisions on the productivity and sustainability of the dynamic mountain environments in which they live.

J. Gabriel Campbell
Director General
ICIMOD

Executive Summary

A broad interpretation of land policy could include any policy taken by the state or other institution that affects the use and management of land, directly or indirectly. The potential range of choice includes policies restricting land use (e.g., prohibition of shifting cultivation or urban land-use planning), land taxation (rates, revenue classes), mortgaging, tenure, ownership, titling and cadastral surveys, policies on share-cropping and renting land, forest policy (including social and community forestry), national parks, urban zoning, trekking and tourist regulations, national environmental policy (e.g., national environmental strategies), industrial policy, energy policy, hydro-electric schemes, settlement and resettlement policy, road construction and hydro-electric projects, and policies that include foreign designed and financed Integrated Rural Development Projects and other decentralised, formal policy-making and implementing institutions which, through their project activities and local policies, affect land use and management. This is a formidable range of policy areas. In addition, there are six nation states and at least twenty sub-national administrations (e.g., States, Provinces, Autonomous Regions) and also projects and programmes that also might be said to make land policy and have implementing powers in the HKH region. Clearly, choice had to be exercised. The following policy areas are studied: forest policy; national parks and wildlife; agriculture; property, tenure, titling; and national environmental policy.

The criteria used within the five areas are comparability of themes and issues between different countries; major policy controversy and debate; and support from good secondary data, academic studies, project evaluations, and other sources.

The current document is an overview of findings from Bangladesh (Chittagong Hill Tracts), Bhutan, China (Yunnan Province), India (two studies, one in the North-east and one in the North-west), Nepal, and

Pakistan (North West Frontier Province and Northern Areas). Its approach is formed around three related ideas. The first is policy as process, which examines how policy is made and takes the view that the rational policy model of policy making is inappropriate and simply does not explain how policy is, or should, be made. Instead, it is a more political process shaped by bureaucratic and administrative regimes (often colonial in origin), by powerful environmental narratives (or sets of assumptions shared amongst networks of professional people in the region), and other political, commercial and business interests. Policy is often messy and diffuse, and outcomes often unintended. Secondly, the idea of stakeholders in environmental policy was introduced to identify the unequal distribution of political power of stakeholders, and to draw attention to those who, while in a large majority, had little say in policy, and sometimes became victims of it, rather than beneficiaries. This is not to say that the majority of farmers and pastoralists in the regions have a monopoly of virtue, merely that their interests and knowledge are seldom represented in policy. Thirdly, the idea of access to resources and sustainable livelihoods treated as a material necessity and right were used to draw attention to them in the inevitable conflicts that will arise in adjudicating between conservation agendas, the 140 million resource users, and other interests.

International and national environmental policies, including land policy, are seen here as a negotiation between international agendas promoted by a variety of players (multilateral and bilateral donors, big international NGOs (BINGOs), on the one hand, and national political and bureaucratic interests and professional styles, on the other. Ecological modernisation is the term used to imply a number of salient policy reforms. These include the economic appraisal and valuation of resources as the major criterion for policy; accountable, transparent institutions; full and informed citizen participation; and the installation of the precautionary principle in decision-making in the face of scientific uncertainty. All these points pose serious challenges to any society, but especially in the HKH region. These agendas have been incorporated into national environmental plans and strategies as part of the first moves towards the goals of ecological modernisation). Yet they have met with only partial acceptance (primarily from new policy communities), more often professional opposition, putting 'old wine in new bottles', and foot dragging. New initiatives have been taken too, but their cumulative impact, both environmental and social, is still quite small. Different countries have responded differently, the more powerful able to resist international pressures, although in India internal pressures through the free press from intellectuals, social movements, and even political parties have also been effective in pushing certain environmental agendas. In China, too, the impacts of land degrading and polluting policies also have generated

internal pressure for reform. It cannot be expected that a study based on evidence of the impact of international and national environmental policies will produce much in the way of discernible impact on the ground. It is a slow process and presents some severe challenges to administrative and decision-making practices and to the institutional means for resisting unwarranted claims by the state or other powerful interests.

Forest policy in all countries except China is dominated by Indian forestry policy, along with some of its colonial origins. It remains the best organised and substantial policy-making institution in the region, and its environmental legacy of 100 years' management of forests is clear. Yet it is becoming increasingly difficult to sustain the overseeing of forest working plans and to police them. Entrusting more of the management of forests to local people has become more necessary for this reason, though social forestry in India is limited to certain types of forest only and has moved very slowly in terms of total area. Nepal's Community Programme, likewise, has been heralded a success from an environmental and (to a lesser degree) a social point of view, but the actual area (and therefore environmental impact) remains small. Even in the case of participatory programmes such as these there have been winners and losers with regard to livelihoods as a direct result of policy. In the case of the Chittagong Hill Tracts, Bangladesh, forest policy, along with other environmental policies, contributed to what is widely recognised as a large-scale abrogation of local peoples' rights to a living. The peace accord, following 20 years of resultant hostilities, has promised rectification of the results of this policy (gazetting tribal forest land, flooding their best paddy land, outlawing shifting cultivation, being the only alternative to livelihoods from the land) and failing to find land to support the livelihoods of c. 130,000 displaced persons. Logging bans have been in operation in all countries except one. They are at the same time an admission of failure of current management practices, an effective stop-gap measure, easy to implement, somewhat leaky (but much less so than previous measures to restrict cutting), and politically fragile. In China, there is an enormous amount of legislation about forest use from at least three different levels of authority, but it is seldom, if ever, enforced. There have been cycles of reckless clear felling, followed by assiduous replanting - to be followed again by felling. Here, to suggest policy reform is locking the door after the horse has bolted, since there is a more fundamental issue of a series of radical policy shifts that can either produce extreme land degradation or effective re-forestation, and environmental policy in the conventional sense has had little impact at any time.

Agricultural policy in all countries has not been able to incorporate environmental concerns, but has been much more concerned with issues of

food security and especially the introduction of improved or high-yielding varieties. Hill particularities (niche, fragility, diversity, and remoteness) have not been sufficiently recognised by national agricultural research agendas and extension policy. While local environmental knowledge has been recognised in academia, it has not been thought through and implemented in most countries, although there are small, usually foreign-financed projects attempting to bring farmers' and research station knowledge together. Imported conservation packages (e.g. SALT) have seldom been widely adopted. In summary, there has been little in the way of widely implemented agricultural policy in the region, and therefore little environmental impact. By far, it is the indigenous technologies of terrace design, cropping practice, composting and water management that have been more or less left unaffected by agricultural policy but which have driven the direction and pace of environmental change on agricultural lands

National Parks, biodiversity, and wildlife projects and policies perhaps express more completely than any other the international agendas of such institutions as WWF, IUCN, environmental charities, and interest groups in the West. Many, with some honourable exceptions, have unfortunately adopted a neo-colonial style of exclusion and 'fortress conservation'. Many parks in the region have also adopted the practices of the forestry services in the same country. This is made more likely since the value placed on endangered species or habitats is different from those of the range of people living in, and earning a living from, the local area. Where the principles of negotiation, compromise, and the open recognition of tangible benefits from the park have not been adopted, the projects are almost always an ignominious failure (at least one example appears in the study). Where they have been adopted (and it takes exceptional professional skills and charismatic leadership from project staff and amongst the local people), it sometimes works well from both a social and environmental point of view. The most recent methodological innovation as part of ecological modernisation is the economic valuation of biodiversity. While intellectually attractive, it usually depends upon the assumption of enough tourists willing to pay for the conservation of biodiversity (and thereby generate revenue for local people who would be then persuaded to conserve the resource). Many such sites in the region simply do not have the ability to attract tourists and eco-tourists in sufficient numbers to make local conservation economically worthwhile. When there are enough tourists, as in the Annapurna Conservation Area Project, the economic valuation of nature is a viable instrument for implementing policy. The environmental impacts of the various categories of parks and protected areas in the region have been mixed - sometimes exclusion without benefits has induced local people to poach and destroy the resource, and in others success (and the flow of visitors) has brought its own problems.

The issues of land tenure and titling are central to the three policy areas above. The history of land tenure and reform is varied in the region, though in many there has been a slow move from a variety of customary tenures to either de jure or de facto privatisation, or to state control. The latter in many countries has required extensive policing and has engendered resistance over many years. Where policing was not effective, forests disappeared fast (e.g., after the nationalisation of Nepalese forests). Where the social capital underpinning mutual trust to use resources sustainably disappeared (e.g., in contemporary Yunnan after the breakdown of the commune and collective responsibility), the resource disappeared likewise. A gap constantly opens up between local institutions and the state in the rights and obligations involved in land tenure. In some areas institutions to manage common property resources still exist and have survived the encroachments of the market and the state, while in others they have not. While private tenure has been promoted by powerful international institutions, it is not clear empirically whether they have performed better environmentally than CPRs. There is some economic theory that says so, and examples of changes from open access to private property with concomitant improvements in environmental management can be found, but the environmental impact of private land titling remains ambiguous.

The study ends with a number of specific and strategic conclusions. Both avoid calls for better implementation, more policing, and less corruption. While all of these are desirable, a call for them, in many ways, is a symptom of systemic failures and prompts more fundamental questions about how policy is made. Strategic conclusions are that the state, in almost all the countries studied, is facing, increasing pressures in policing coercive and exclusionary land policies, or in maintaining anything more than a token presence in other sectors such as agricultural extension. Decentralisation, participatory and locally developed management systems, and the development of locally appropriate 'hybrid' knowledge (the negotiation and adaptation of outside and local knowledge) will have to be brought into the mainstream, and it is better that this inevitable direction is assisted and channelled by state institutions, NGOs, and other local organisations, rather than it becoming an environmental and possibly social disaster. The state must still have important and strategic roles to play in such policy areas as land tenure and reform, the provision of infrastructure, agricultural research, pricing policy, and national environmental plans and the coordinating roles which these imply. With regard to the process of developing a more accountable and locally appropriate style of environmental policy, there are both huge challenges and dangers. The challenges are to shift the syllabi, training, job descriptions, career structure, and ultimately, behaviour of many professionals at all levels – from the most senior civil servant to the forest or park ranger. Also, the training of

local people, political entrepreneurs, and village-level officials is equally important. Local language manuals (sometimes written with rather than for local people), networking, and local conferences and workshops will all play their part. Issues of land degradation and sustainable production will sometimes play a leading part, but in different ways within specific social contexts. The study does not assume that more local management will not be without dangers, and there are key decisions, discretion over which must be carefully weighed (e.g., whether logging bans, either regional or local stay in force). There are cases, too such as in some of the north-eastern Indian states, in which state involvement in land policy has been historically slight, but current local institutions and customary tenure have lost the respect and the social capital on which they depended. The study also makes a number of specific sectoral recommendations, many of which focus on accountability to stakeholders, and independent and, where possible, monitoring and evaluation undertaken independently and with client participation.

Acknowledgements

The authors wish to thank the donors of the Global Mountain Initiative programme for providing the financial support for this regional study. We would also like to thank Mr. Egbert Pelinck and Dr. Mahesh Banskota, immediate past Director General and Deputy Director General of ICIMOD, for their encouragement and critical intellectual support in completing this complex task. Their understanding and appreciation of the complexities involved in undertaking this massive task in six different countries and seven different regions within a tight time-frame and budget are gratefully acknowledged.

Our greatest debt is to the country teams for their untiring efforts in collecting data and information that were often lost in the maze of dysfunctional bureaucracy and inadequate cataloguing and reference sources. Despite all the odds, it is because of their collected materials and support to us in probing further that the present study has become what it is. We would like to thank Dr. Ahmed Kamal and his Bangladesh Team, Dr. Pema Gyamtso and his Bhutan Team, Dr. Cai Yunlong and his Chinese Team, Mr. T.N. Dhar and his North West Indian Team, Dr. B.P. Maithani and his North East Indian Team, Dr Kailash Pyakarul and his Nepal Team, and Mr. Vaqar Zakaria and his Pakistan Team for finalising the regional study.

Dr. Tej Partap, Head, Mountain Farming Systems, the overall Coordinator of GMI in ICIMOD deserves our heartfelt thanks for his excellent support and his managerial acumen that saved us many worries and intellectually unproductive tasks. His indulgence and total confidence provided us with the leeway that was needed to complete the task.

Dr. T.S. Papola, Head, Mountain Enterprise and Infrastructure, where the second author is a staff member, was kind enough to let the second author concentrate on the task in hand, often freeing him from other divisional responsibilities. This kind gesture made our task far more manageable.

JT/JTA	Junior Technician/Junior Technical Assistant
MFAI	Ministry of Food, Agriculture and Irrigation (Nepal in the 1970s)
MOA	Ministry of Agriculture
MOF	Ministry of Finance
MoLand	Ministry of Land
MPFS	Master Plan for the Forestry Sector (Nepal)
NARC	National Agricultural Research Centre
NEMAP	National Environmental Management Action Plan (Bangladesh)
NGO	Non-governmental Organisation
NPC	National Planning Commission
PCJSS	Parbatty Chattagram Jana Sanghati Sangstha, Organization of Chittagong Hill Tracts' people
SACC	Socialist Agriculture Cooperative Committee (China)
SALT	Sloping Agricultural Land Technology
SMS	Subject Matter Specialist
SPARRSO	Space Research and Remote Sensing Organisation (Bangladesh)
SPCS	Sarhad Provincial Conservation Strategy (NW Pakistan)
SRDI	Soil Resources' Development Institute (Bangladesh)
T&V	Training and Visit
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFPA	United Nations Fund for Population Activities
USAID	United States Agency for International Development
VTE	Village and Township Enterprise
WW2	World War II
WWF	World Wildlife Fund

Glossary

Ban Jach	forest administrative service of Nepal in the early twentieth century
Birta	a land grant made by the state to individuals
Bun	local name in Meghalaya of bunds separating plots on slopes where cut biomass is heaped for burning as part of slash and burn cultivation
Chhuzhing	irrigated paddy land
Dzongkhag	district
GAREMA	a local CBO
Garos	an ethnic group in Meghalaya
Guzara	Traditional privately-owned forest in Northern and North West Pakistan
Jagir	Land grant from the state for military or civil service in lieu of salary
Jarul	A hardwood tree of <i>Albizia</i> spp. for making rollers for boats
Jhum	Shifting cultivation by slash and burn method
Jhumia	Indigenous people practising Jhum cultivation
Kanal	Local measure for a land unit (0.02 ha)
Karbari	Tribal leader of the smallest unit under a Headman
Khas	State property
Khasi	Ethnic group in Meghalaya
Khedda	Wild elephant trapping system
Kipat	Communal land system, rights granted by kings in recognition of existing communal tenure

Mir	Traditional hereditary ruler in the Northern Areas of Pakistan
Mulki Ain	Nepalese law, literally meaning 'law of the land'
Panchayat	Lowest local government unit
Shariah Law	Islamic law
Talukdari	A land revenue collecting functionary (usually hereditary)
Taungya	Traditional agro-forestry method of cultivation within a forest
Terai	Foothills and plains in Nepal and northern India
Tseri	Slash and burn cultivation
Tuki	Literally a kerosene lamp, symbolically carrying the light forward
Union Parishad	Union Council (renamed in Bengali)

Table of Contents

Foreword	
Executive Summary	
Acknowledgements	
Acronyms	
Glossaries	
Chapter One: Scope and Focus	1
Land Policy	3
Participating Countries	6
Programme of Work	6
Levels and Scale	6
Chapter Two: Approach	9
Approaches to Evaluating Land Policy	11
Proving the Policy Effect on the Environment	12
Competing Criteria for Evaluation of Environmental Change	16
Rational Model of Policy-making	18
Analytical Concepts	19
Policy as process	19
Stakeholders	22
Access to land-based resources	23
Environmental Changes as Policy Impact	25
How to Use This Study	25
Summary Argument of the Study	26

Chapter Three: Overview of International and National Frameworks for Land Policy **31**

Introduction	33
Bangladesh	34
Bhutan	37
China	42
India	47
Agriculture	47
Forestry	48
National parks and wildlife	48
Nepal	49
Pakistan	50
Environmental Impacts of National Environmental Strategies	52
Foreign Aid, Land Policy and Sustainability	55
Bureaucratic Styles and Cultures	56

Chapter Four: Forestry **61**

Introduction	63
Bangladesh	66
Bhutan	69
China	73
India	75
Nepal	78
Pakistan	82
Commonalties and Differences in Forest Policies	84
Role of Forests in Soil and Water Conservation	87
The Story of Felling	89
Participatory Forestry: Fashion or Necessity?	91
A Cautionary Case Study: The Impact of Forestry Policy and Practice in the Northern Areas, Pakistan	93
Conclusions	97

Chapter Five: Agriculture **99**

Agricultural Policy–Environmental Links	101
National Agricultural Policies	102
Bhutan	102
China	106
Nepal	108

Declining crop yields	120
Increasing food insecurity	120
Gaps in the demand and supply of biomass	120
Soil acidification	121
Siltation	121
Flooding	121
Land affected by erosion, landslides and floods	121
Pakistan	124
 The Case of Shifting Cultivation	 125
Chittagong Hill Tracts, Bangladesh	126
Northeast India	128
 Environmental Impact of a Potato-growing Project in Pakistan	 131
Study of Horticulture in Northwest India	135
Case Study of a Favoured Location for a Donor-funded Agricultural Project	136
Conclusion	138

Chapter Six: National Parks, Biodiversity and Wildlife **139**

Landscape, Biodiversity and Wildlife in the Hindu Kush-Himalayan Region	141
Biodiversity of Nature	142
Management of Parks and Reserves	144
Trends in Biodiversity and in Landscape Amenity of the Hindu Kush-Himalayan Region	145
Arunachal Pradesh, India	146
Chittagong Hill Tracts, Bangladesh	146
Yunnan, China	147
Northwest India	147
Bhutan	148
 Policy Instruments Laws, Rules and Conventions	 149
Bhutan	149
India	154
Nepal	155
 The Northern Areas and North West Frontier Province, Pakistan	 158
Case study of Khunjerab National Park, Pakistan	159

Case Study of the Annapurna Conservation Area Project (ACAP), Nepal	160
Costs and Benefits: National Parks, Wildlife and Biodiversity Projects	162
Chapter Seven: Land Tenure, Titling, and Property Rights	165
Introduction	167
Changing Context of Tenure Regimes and Policies	168
Landownership and Reform Measures	170
Common-property and Open-access Land Resources	173
Titling and Surveys	177
From Land Tenure to Resource Tenure	180
Tenure and Gender	181
Conclusion	183
Chapter Eight: Strategic Conclusions	189
Sources of Social and Environmental Change	191
The Theory of Himalayan Environmental Crisis	194
Impact of Land Policy and Land Degradation	195
New Directions, Old Problems	198
Specific Policy Recommendations	200
New Strategic Inputs	202
Bibliography	205