

Working Towards Environmental Justice

An Indigenous Fishing Minority's Movement
in Chitwan National Park, Nepal



Sudeep Jana
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Chitwan National Park, Nepal**

Sudeep Jana

International Centre for Integrated Mountain Development (ICIMOD)

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Contents

Preface
Acknowledgements
Summary
Acronyms and Abbreviations
Glossary

1. Introduction	1
2. History of Chitwan National Park	3
3. Indigenous Fishing Communities in the Chitwan Area	7
4. Militarisation of Chitwan National Park Leads to Human Rights Violations	19
5. From Local Resistance to a Movement	23
6. Political Impact of the Movement	35
7. Politics of Development — Partners and Assistance	41
8. The Tide Ebbs	45
9. Recent Conflict with Conservation Authorities	49
10. Future Agenda	51
References	53

Preface

For many indigenous peoples in the Himalayan region, access to natural resources is an integral component of daily existence. At the same time, nature conservation policies being implemented over the last decades have created conflicts of interest between the preservation of biodiversity and local people's aspirations to secure their livelihoods. Retaining access to environmental resources, and obtaining environmental justice where there are conflicting interests, is a crucial feature of people's existence throughout the region.

ICIMOD recognises inclusive and participatory management of common property resources as a precondition for sustainable development. Especially for indigenous and marginalised people in rural areas who depend on the natural resources to secure their livelihoods, loss of access to resources can have dire consequences for economic and social security. In this context, ICIMOD, supported by the Ford Foundation, implemented a project on 'Advancing Minority Rights to Environmental Justice in the Hindu-Kush Himalayas'. The present publication summarises the findings of one of the case studies prepared under the project, and provides an example of a people's movement helping to secure a measure of environmental justice. It looks at the problems faced by fishing communities living in and around Chitwan National Park in the Terai region of Nepal from a social activist's perspective.

Chitwan National Park was established in 1973 after having been a popular hunting ground among Nepal's royalty and British colonialists for over a century. Since then, it has become a prominent example of successful biodiversity protection and tourism development, renowned for its rare animal species such as the tiger and the one-horned rhino. But this picture has another side, that of the indigenous people who historically have used the forest and river resources to supply their daily needs. Indigenous fishing communities known as Botes, Majhis, and Musahars, marginalised groups in Nepal, live along the rivers in and close to the Park. Many are landless and their livelihoods have traditionally depended on fishing and ferrying on the river. In response to measures taken by the park management and to increasing marginalisation, these indigenous groups formed a grassroots movement to claim their rights for more democratic procedures in local decision-making. This publication describes the struggles of the Majhi Musahar Bote Kalyan Sewa Samiti (MMBKSS) and analyses the organisation's successes and failures.

We hope that this book will help to further understanding of the livelihood problems faced by indigenous groups and the difficulties they face in obtaining environmental justice. It will be of interest to all those concerned with integrating the concerns of local people in conservation approaches, as well as the overall situation of indigenous peoples.

Michael Kollmair
Programme Manager, CEGG

Acknowledgements

This study captures the history and trajectory of a local struggle by indigenous fishing communities residing on the fringes of Chitwan National Park facing the impact of protected areas policies in Nepal. It is their predicament, suffering, resistance, and resilience that triggered and sustained their movement. The study is dedicated to activists and leaders of Majhi Musahar and Bote Kalyan Sewa Samiti (MMBKSS) – the organisation of indigenous fishing communities that led the movement. Amar Bahadur Majhi, a bold and committed leader, deserves special gratitude. I am thankful to Hom Bahadur Musahar, Sukmaya, and Madhumaya Bote, Khor Bahadur Majhi, and the fishing communities in general from Piprahar, Shergunj, and Laugain villages.

I am grateful to the Culture, Equity, Gender and Governance Programme of ICIMOD, especially Michael Kollmair and Radhika Gupta for their support for carrying out this study and meaningful feedback; to Eva Gerharz of ICIMOD for coordinating the completion of tasks for publishing; and to the ICIMOD Publications Unit, especially A. Beatrice Murray and Dharma R. Maharjan for preparation of the print version.

There was no comprehensive documentation of the movement prior to this initiative. Somat Ghimire, coordinator of Community Development Organization (CDO) – one of the chief allies during the movement – supported the study with valuable information, reflections, and insights. I thank him for his advisory role throughout. Krishna Giri, Chitwan-based journalist contributed during the primary information collection. Most importantly I extend my gratitude to Bela Malik who edited the first draft report, probably her last work before falling into a coma.

Sudeep Jana

Summary

The book is an outcome of a case study that inquires into and traces the history and trajectory of the struggles of the Bote-Majhi-Musahars – marginalised indigenous fishing communities residing along the periphery of Chitwan National Park in south-central Nepal. These communities depend on natural resources for their livelihoods, and have been facing serious restrictions for more than four decades as a result of biodiversity conservation measures introduced in the name of protected area management. Their concerns have never been seriously considered in the development of plans for conservation management nor has their struggle for environmental justice been the focus of research. This initiative is an attempt to present the predicaments, aspirations, and knowledge of these marginalised indigenous peoples and traces the origins of the success of their struggles, as well as the problems faced in sustaining the movement.

The book begins with a brief history of Chitwan National Park (CNP), the first protected area in Nepal, followed by a section that demystifies the ecological crisis and challenges popular stereotypes and myths constructed around the fishing communities. It locates the local ecology, traditional knowledge, and traditional livelihoods of the Bote-Majhi-Musahars as indigenous ethnicities. Against this backdrop, a section puts into context the erosion of the traditional livelihoods and rights of these communities, and portrays the costs and vulnerabilities in the light of conservation policies and the militarisation of CNP.

The main sections of the book sketch out the struggles, sufferings, resistance, and triggering incidents that gave birth to the Majhi Musahar Bote Kalyan Sewa Samiti (MMBKSS), the organisation established by the fishing communities. The next sections trace the entire experience in which local resistance is transformed into a movement. It discusses the achievements and political impacts of the movement as translated into their daily lives. A section critically inquires into the implications of foreign funding to the community in general, and their organisation in particular. This is followed by impressions on how the spontaneous vibrant movement staggers and withers. Finally, the book explores contemporary conflicts with the conservation authorities, synthesises the experiences of the local movement, and discusses issues related to the democratisation of protected area management and governance in Nepal.

Acronyms and Abbreviations

BZUC	buffer zone user committee
BZUCFUG	buffer zone user committee forest user group
CDO	Community Development Organization (NGO)
CFUG	community forest user group
CNP	Chitwan National Park
DDC	district development committee
DNPWC	Department of National Parks and Wildlife Conservation
FUG	forest user group
IUCN	The World Conservation Union
MMBKSS	Majhi Musahar Bote Kalyan Sewa Samiti (Majhi Musahar Bote Welfare and Service Committee)
MP	member of parliament
NGO	non-government organisation
NPWC	National Parks and Wildlife Conservation
NTFP	non-timber forest product
PPP	Parks and People Programme
RCNP	Royal Chitwan National Park
RNA	Royal Nepal Army
SWC	Social Welfare Council
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VDC	village development committee

Note:

1 acre = 4,068 sq.m

In 2006, NRs 73 = US\$ 1 approx.

Glossary

adar	the practice of grazing cattle inside the forest
Bagheysari	tiger god
banihari	the practice by landlords of engaging agricultural labourers for snacks instead of a fair wage (also called bhagad)
Barna Garney	locally observed day on which the natural world is given rest
bhagad	the practice by landlords of engaging agricultural labourers for snacks instead of a fair wage (also called banihari)
Bhairu	forest god
bida	knife handle
bigha	a measure of land equal to five-eighths of an acre
chapadi	a small hut located next to the river
chauhadi darkhasta	application
chautariya	local leaders of indigenous fishing communities (also called mukhiya)
chital	deer
dhadiya	traditional hand made basket used to collect the fish catch
doko	traditional hand made basket for carrying loads
Gainda Kunja	rhino sanctuary
gaur	a large species of ox
ghat	ferry point
ghatwarey	ferryman
gherao	a siege or strategy of collective action
gyapan patra	an appeal
Jal Devi	water goddess
jal kapur	a local variety of fish
Janajati	indigenous people in Nepal
jharang dhan	a bunch of black paddy
kattha	1/20 of a bigha of land
khadai	a variety of thatch grass
khar	a variety of thatch grass
khurpa	a carving knife
kraits	a species of snake
malik	local landlord or land-holding elite
mriga kunja	deer sanctuary
mukhiya	local leaders of indigenous fishing communities (also called chautariya)
namlo	traditional rope used to carry a doko
pathi uthauney	the traditional practice of ferrymen collecting food from villagers
prashasan	administration, national park officials
sahar	a local variety of fish
sal	tree species <i>Shorea robusta</i>
than	sacred spaces in the forest
thulo jaal	a large net with a small weave

Chapter One

Introduction

Indigenous people are often dependent on natural resources for their livelihood. In many parts of the world, their lives have been affected by wildlife preservation (conservation) policies and, more recently, by the fashionable concept of biodiversity conservation. New policies are predominantly generated at the global level and then transformed into national policy. The concerns of indigenous people are not given priority, and indigenous people are not adequately represented in the policy making and implementation processes that affect their daily lives. Instead they tend to be the 'subject' of interventions made by the state and foreign funding agencies.

New policies are quite often the outcome of discourses that attract public attention. One of the discourses that is of much concern in South Asia is poaching of the Asiatic one-horned rhinoceros. The alarming decline in the number of one-horned rhinos has been well covered by mainstream media, creating a sense of urgency about the prevention of poaching. But amidst the concern for rare wildlife species, the miseries and struggles of indigenous communities living in the same areas have been overlooked. In comparison to the prominence of national-level struggles (such as the Maoist movement and the 19-day people's uprising for democracy in April 2006) in the national and international media, the everyday struggles and historic movements of local people have been neglected. In a similar vein, mainstream research tends to under-represent the agency of marginalised and historically oppressed communities.

Chitwan National Park (CNP) in southern Nepal illustrates the divergence between conservation policy and the needs of indigenous people. Ill-conceived policy prescriptions emanating from internationally dominant discourses have neither helped to preserve wildlife and biodiversity in CNP, nor to secure the democratic participation of the people most dependent on park resources in the decisions that shape their lives. This study seeks to investigate the relationship between biodiversity conservation policy formulation and the livelihoods of the indigenous people who are affected by such policies. The study finds that concepts such as wildlife conservation and biodiversity preservation are of marginal importance to the indigenous populations that depend upon national park resources. As CNP remains under the control of the forest bureaucracy, the Palace, and the Nepal Army, local people are not sufficiently engaged in guarding the biodiversity of the resources that they depend upon. Protected area management has not been democratised, despite generous foreign aid towards this end.

Located within this broader framework, the study focuses on the history and trajectory of the local movements of three indigenous fishing communities dependent on the riverine tracts: the Bote, the Majhi and the Musahar. Both inhabit the CNP buffer zone, Nawalparasi district in south central Nepal (Figure 1). After giving an overview of the

basic problems that these indigenous people face due to conservation policies, the study describes the emergence of a grassroots movement.

The findings of this study are predominantly based on oral information and the analysis of documents and reports. Research methods include participant observation, interviews with key informants, formal and informal interactions, and community dialogue. After a short overview, the study looks at the development of an organisation (MMBKSS) out of this movement and describes the activities, strategies, and achievements of the organisation, as well as its difficulties, conflicts, and interactions with other actors. In this way the study aims to contribute to the analysis of the livelihood struggles of marginalised groups around protected areas in Nepal and generate insights in relation to the democratisation of protected area management. It was action by the indigenous people studied that resulted in an enlargement of the political and social space for them to secure their rights and which gave them the confidence to claim the rights that already existed.

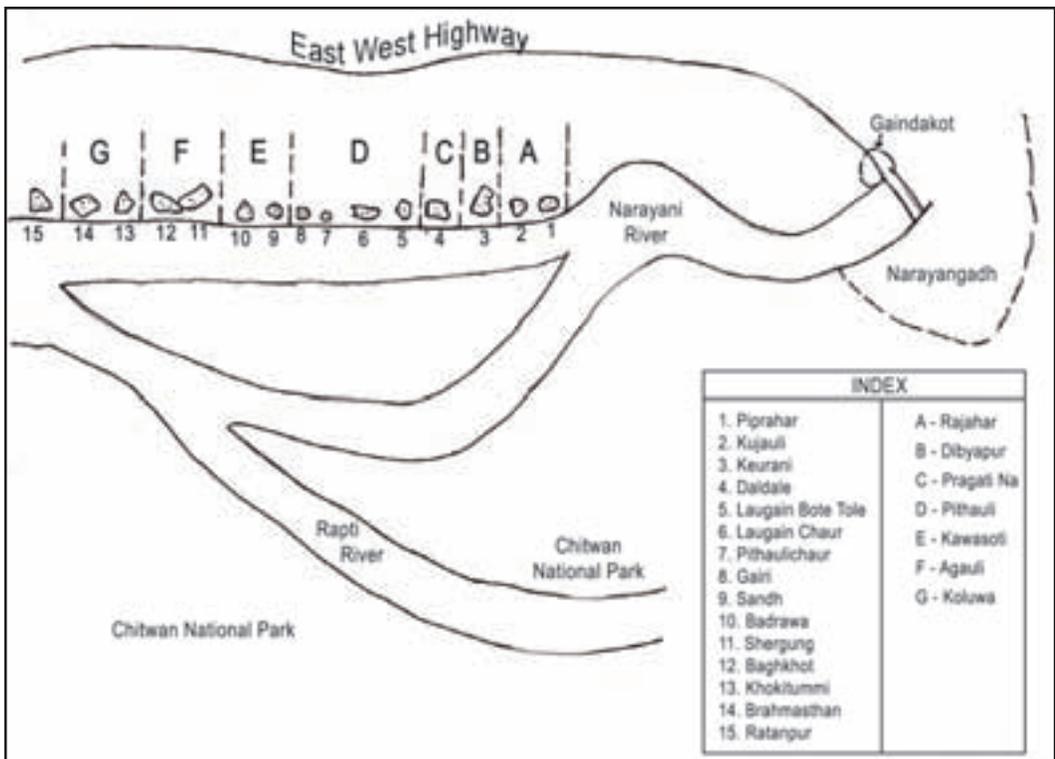


Figure 1: Social map showing the location of settlements of indigenous fishing communities, the River Narayani, and Chitwan National Park

Source: Created by Bote-Majhi and Musahars of Nawalparasi district

Chapter Two

History of Chitwan National Park

Chitwan National Park (CNP) was the first national park in Nepal. It is located in the Terai, the southern plains bordering India. During the 19th Century, its natural, dense forests were already protected from some human intervention. The centralised Nepali State restricted cultivation in areas of dense forest cover, which also served as natural border protection. The purpose of this restriction was to preserve wildlife for the hunting parties of the rulers of Nepal. The feudal Rana prime ministers of Nepal used the area as a personal hunting reserve from 1846 to 1940. During the Rana regime, the Chitwan valley was a privileged hunting ground. The hunted species included tiger, rhinoceros, leopards, and other mega-fauna.¹

After the Rana autocracy ended in the 1950s, wildlife conservation became an issue of concern as massive deforestation and settlement followed malaria eradication in the Terai. The most well-known endangered species was the Asiatic one-horned rhinoceros. From 1957 onwards, the one-horned rhino and its habitat became a symbol for wildlife conservation in southern Nepal. The Wild Life Protection Act 1957 (2015 BS) provided a legal basis for the protection of wildlife. In 1959, a 175 sq. km area of Tikauli forest was declared a mriga kunj (deer sanctuary). In 1963, the area south of the Rapti River was established as a Gairwa Kunja (rhino sanctuary), which is now located on the edge of CNP.

As the pressure for wildlife conservation began to build, the then ruler, King Mahendra, gave sanction to the creation of the Royal Chitwan National Park (RCNP). The RCNP was created in 1973 and was the first such delineated area for wildlife preservation in Nepal. It was made possible by the enactment of the National Parks and Wildlife Conservation (NPWC) Act, 1973 (2029 BS). The Regulations to the Act were formulated in the following year. The Royal Nepal Army (now the Nepal Army) established a barracks within the Park and was given sole responsibility for law enforcement from 1975 onwards. A 'rhino patrol' became responsible for the protection of rhinos outside the park.

CNP was declared a World Heritage Site in 1984. The Department of National Parks and Wildlife Conservation (DNPWC) received assistance from UNDP to start the Parks and People Programme (PPP) in 1995. A Buffer Zone² Management Regulation was implemented in 1996. The CNP buffer zone covers an area of 932 sq.km and extends to the Rivers Hata and Dharanga in the east, the River Narayani in the west, the Rapti

¹ In 1938/39, it is reported that Victor Hope, Lord Linlithgow, then Viceroy of British India, killed 120 tigers, 28 rhinos, 27 leopards, and 15 bears in a single hunting campaign.

² The buffer zone is an area peripheral to the park and is also regarded as a zone of impact. The fourth amendment to the NPWC Act 1973 defines a buffer zone as an area surrounding a park or a reserve encompassing forests, agricultural lands, settlements, village open spaces, and many other forms of land use.

River in the north, and the Riu River in the south. The buffer zone covers 19 village development committees (VDCs) in the Chitwan district, 15 VDCs in Nawalparasi district, two VDCs in Parsa district, and one VDC in Makwanpur district. The estimated population of the buffer zone is 223, 260 (UNESCO & IUCN 2003).

Gradually, as Nepal opened up to international tourists, CNP was added to the itinerary of wildlife tourists. Tourist brochures advertise CNP as lying in the sub-tropical lowlands and consisting of sal (*Shorea robusta*) forests, tall grasslands, hills, ox-bow lakes, and flood plains. Visitors are attracted by the opportunity to see over 50 species of mammals, 55 species of amphibians and reptiles, and 525 species of birds. Documentaries show local animals including the one-horned rhino, Bengal tiger, gaur, wild elephant, antelope, striped hyena pangolin, gharial crocodile, and the Gangetic dolphin. Reptiles such as cobras, kraits and pythons are also found in the National Park. It is significant that the existence of indigenous people is rarely mentioned in these accounts, nor are their images shown. When they are mentioned, they are more commonly depicted as poachers and smugglers of forest products.

Historically, the policy of the Nepali Government, with assistance from international agencies such as the United Nations, was initially dominated by biocentric scientific conservation. Government policies and legislation (including the NPWC Act 1973) were based on the assumption that people were responsible for the destruction of wildlife and, therefore, needed to be excluded from conservation areas. These policies severely restricted indigenous people's entry to the forest and made fishing in rivers illegal. By the mid-1980s, ferrying across the river was also banned.

By the late eighties, conservation policies in Nepal started to change. Concerned agencies became aware of conflicts between local fishing communities and the CNP. Slowly, these agencies began to approach conservation as a partnership between conservation agencies and local people. Nevertheless, exclusionary practices continued. The concept of the buffer zone only evolved after nearly two decades of state-dominated exclusionary protected area management. The Buffer Zone Management Regulation of 1996 stipulated that 30–50 per cent of the income from any conservation area must be spent at the local level through the Buffer Zone Management Council. Despite this advance, development initiatives were unable to reach the most marginalised communities. Several studies have shown that the poorest of the poor communities, which have no legal entitlement to resources, are often excluded from the benefits of buffer zone development programmes.

The 2000 Amendment to the CNP Regulation 1974 provided for permission to be granted for the collection of forest products or other services for the payment of a fee (Section 16a). This meant that traditional fishing communities could now apply for 'permission' to fish. This provision was made 26 years after the Regulation was initially promulgated. A notice issued by Royal Gazette dated 22 May, 2000 stated that:

"Local Bote, Darai, Kumal and Tharu ethnic groups who have been fishing traditionally for their livelihood shall acquire permission for fishing after paying a fee of rupees fifty in Nepali currency annually."

The notice does not include the traditional fishing communities of the Majhi and Musahar. To date, this provision has not been implemented in CNP or other protected areas in the Terai.³

Table 1: Chronology of events affecting Chitwan National Park

Period	Conservation Context
1846-1950	Under the Rana regime, Chitwan valley was a hunting ground for privileged classes. Declaration of one-horned rhinoceros as royal game and establishment of stringent punishments for poachers by then Prime Minister Jung Bahadur Rana
until 1950	Dense forest cover in Chitwan valley
after 1950	Malaria eradication; influx of hill migrants and deforestation
1957	Establishment of rhino sanctuary followed by mobilisation of a 'rhino patrol' to protect endangered Asiatic one-horned rhinos
1957	Wild Life Protection Act 1957 (2015 BS) provided legal basis for protection of wildlife
1959	Declaration of Mahendra Mriga Kunja (Deer Park) by King Mahendra
by 1960	Population of Asiatic one-horned rhinoceros declined from 800 in 1950 to 200
1963	Area south of Rapti River declared a rhino sanctuary
1966	Rhino population declines to 100
1973	National Parks and Wildlife Conservation (NPWC) Act 1973 (2029 BS) enacted and Chitwan National Park (CNP) established as the first national park in Nepal
1974	Formulation of CNP Regulation 1974
1977	Extension of Park boundary
1975	The then Royal Nepal Army joined the Park with sole responsibility for law enforcement. The rhino patrol became responsible for the protection of rhinos outside the park
1984	CNP Declared a World Heritage Site by UNESCO
1993	Emergence of Buffer Zone Policy under the 4th Amendment to the NPWC Act 1973
Late 1994	Parks and People Programme started by Department of National Parks and Wildlife Conservation assisted by UNDP
1996	Buffer Zone Management Regulation passed and buffer zone declared around CNP
2000	Amendment to CNP Regulation of 1974 to provide for the inclusion of concessions for traditional fishing communities for a fee

³ Due to pressure from civil society and mounting people pressure, a few fishing communities from the buffer zone of the Koshi Tappu Wildlife Reserve acquired fishing permits in 2006. Fishing licences have not been issued in other protected areas in the Terai.

Chapter Three

Indigenous Fishing Communities in the Chitwan Area

Reflections of Bote, Majhi and Musahar

An idyllic past

Bote and Majhi are indigenous fishing communities, which are historically and culturally dependent on forest and river resources. They are highly marginalised Janajatis (indigenous groups) of Nepal. Musahars, defined as untouchable in the Hindu caste hierarchy, are also fishing communities. Bote-Majhi and Musahar are landless communities and are socially, economically, culturally, and politically marginalised.

The elders of the Bote-Majhi and Musahar communities describe their past as free and uninhibited by state-imposed restrictions on movement and life. One Majhi interviewed recalled:

“It was like a heaven. We used to be free. We could hunt, make boats, and fish freely.”

Others described being able to fish and wander around without fear in the thick forests, and to ferry across the rivers. Collecting forest products, fishing, and ferrying was the core of their livelihood strategy. Both groups lived in and around the forest. They grazed cattle inside the forest (a practice called adar) and collected logs swept down by the



Sudeep Jana, CDO

Bote Majhi youth fishing in the Narayani River, Chitwan; in the background, a buffer zone community forest

river. The elder interviewees insisted that their forest use was sustainable. Their needs were limited and firewood and timber were used exclusively for their own consumption.

People used to spend the eight dry months in and around the forest, which provided a secure habitat. When the monsoon set in, they shifted to a clearing close to the river. When the rains receded, they would return to the ghat (ferrying point) and the adjoining forest.

However, the past was not entirely idyllic. The fishing communities were dominated by the landed elite, the maliks. These feared landlords claimed their rights over temporarily vacated lands.⁴ Janaki Majhi, who now resides on the riverbank, recalls that her immediate family occupied 3.125 acres of land in the past. They gradually lost all of their land to the maliks.

Elderly Bote-Majhi recall a historic 'Danda Meeting' prior to the establishment of CNP. In Danda, a place still existing in Nawalparasi district, traditional fishing and non-fishing communities negotiated the distribution of resources. Some claimed fishing rights and rights over ferry points. Others staked a claim over the use of certain lands. The concept of individual ownership did not exist at that time. However, this very fluid system of rights over different habitats in the vicinity made the communities vulnerable. As one landless fisherman stated:

"We are neither in the forest nor in the village".

Significance of ferrying points

Indigenous fishing communities⁵ used to fish and ferry freely between the wide stretches of river from Deughat⁶ in the north, to the dam near Tribeni-Bhainsalotan along the south-western boundary of CNP adjacent to the Indian border. Bhausar Ghat and Leda Ghat (which now fall under the jurisdiction of the CNP) and Sigraulti Ghat and Madwya Ghat (now called Narayanghat) were important ferry points in the past. The mukhiya or chautariya (local leaders of traditional fishing communities) decided on the use and management of such ferry points. These ghats or ferry points were never treated as private property. They were common property and could be used by everyone. There used to be one chautariya for every two or three villages. The chautariya was given authority papers over the ghats. These documents are still with the community.

Ferryman (or ghatwarey) would ferry non-fishing villagers in exchange for essential daily food. During festivals, ghatwarey used to collect rice, bread, alcohol, meat, salt, and oil from the local people; a practice called pathi uthauney. They could even pluck jharang dhan (bunches of black paddy). Similarly, chautariya would ensure the collection and distribution of food items.

The occupations of fishing and ferrying ensured the subsistence of the Bote-Majhi. However, with the forces of modernisation and increasing state control over natural resources, fishing communities were gradually displaced from their traditional

⁴ Landlords, known as maliks, would exploit agricultural labourers by feeding them snacks instead of paying them a fair wage. This form of labour was called bhagad or banihari.

⁵ This section is based on conversations with Amar Bahadur Majhi, leader of the fishing community in Nawalparasi, and elderly members of fishing communities in Piprahar and Shergunj.

⁶ The convergence between the Kali Gandaki and Trisuli Rivers and the beginning of the Narayani River.



Sudeep Jana, CDO

Majhi fishing in the Narayani River



CDO

Fish catch

occupations. District development committees (DDCs) started to contract ghats to private contractors with whom the Bote-Majhi could not compete.

Apart from being edged out, the State's drive towards 'development' in terms of modernisation led to the construction of bridges and roads and a drift towards surface transport, all at the cost of the ferrying business. For example, ferries used to be the only means of crossing the Narayani, but the bridge connecting Gaindakot (Nawalparasi) with Narayanghat (Chitwan) has replaced them.

Rhino patrol: the olive green gainda gasti

When the State began protecting the forest cover for the conservation of endangered rhinos, the 'Gainda Gasti' (Rhino Patrol) was created. An older Bote-Majhi interviewed recalled the officials as wearing *"olive green uniforms, well camouflaged in the forest"*.

Initially, there was eager exchange between the villagers and the Rhino Patrol staff. The officials of the Rhino Patrol were not familiar with the topography of the forest. Bote-Majhi people accompanied the officials on patrol duty. The Rhino Patrol staff also relied upon the ferrying services provided by Bote-Majhi. In return, the Bote-Majhi were given unimpeded access to the rivers for fishing. Members of the fishing communities, in particular, insisted that during the early days the relations with the officers were smooth:

"We used to ferry them across the river and offer them fish, and they allowed us to fish".



Chitwan National Park Administration

Rhino Patrol

Female Bote-Majhi, however, have a different narrative. They reported harassment by the Gainda Gasti at times, especially when they went into the forest to collect firewood, fodder, thatch grass, and wild vegetables. The officials confiscated the women's axes, khurpa (carving knife), namlo (traditional basket), and accused them of *"destroying the forest"*.

This intrusion and harrying, however, pales into insignificance compared to their experiences with the armed security forces that were mobilised later. The national park authorities were described by local people as tyrannical. In comparison to these experiences, the Rhino Patrol seemed harmless, which explains why the elder Bote-Majhi men stressed the cordiality of relations.

The Bote-Majhi also began to encounter the rulers of Nepal. The Royal couple, Rana nobles, and aristocrats paid frequent visits to the national park for recreation. They used to observe the wild animals and, reports state, engage in some hunting. Bote-Majhi people had to provide ferry services for these privileged people, especially where the river was too deep to be crossed on elephant-back. Relationships also included the exchange of knowledge about fish species. Janaki Majhi recounts that one of the Queen's favourite fish was Jal Kapur, which she describes as a *"beautiful creature with red jaws, colourful lips, pretty eyes, and exquisite stature"*. The King preferred another variety called Sahar. Elders in the community remember the Royal couple flinging silver coins from the top of their elephant to the poor people below.

Sacred spaces of nature

The Bote-Majhi delineate spaces within the forest as sacred. These are called 'than' and are guarded by the forest god Bhairu. The water goddess, Jal Devi, is also worshiped. The women of the community say that they offer pigeons, cocks, and goats to the River Narayani. The river is respected for giving life, because it provides water for drinking, washing, and bathing. It supplies fish, fuelwood, and even gold to the lucky ones. Given the high value allocated to natural spaces, there are also local preservation practices. One of these is the observation of Barna Garney, a day when the natural world is given rest. On this day, Bote-Majhi do not fish, ferry, enter the forest, or work in the fields. This takes place every year in March/April (Nepali months of Chaitra/Baisakh).

Gaidu, the god of the rhinoceros, is also worshipped. In the months of June-July (Ashad), the tiger is worshiped as Bagheysari. The deer (chital) and wild boar are also adulated. Killing dolphins is a sin and great care is taken to ensure that this does not happen. According to a senior fisherman the belief is that if a dolphin is killed, there will be misfortune in the community. The same fisherman reports that *"once a dolphin was killed by accident and immediately thereafter a child died"*.

The fishing communities in Nawalparasi believe that each type of fauna has its own 'capital' or favourite location. The Chitwan area is the capital of rhinos. Inside the forest, now the National Park, there is a rock called Dhok, which is regarded as the home of the god of rhinos. Rhinos from afar congregate around the rock. Likewise, the capital of crocodiles is Budhikandar, located at the Bhim Dam. The capital of tigers is located in Kanhakhola, Bhainsalotan, south of the Narayani River.

The Ecological Crisis: Challenging Stereotypes

"Narayani ko kakh ma hurkeko ham" (we are brought up in the lap of River Narayani) is the sentiment of the fishing communities residing on the banks of the river. They have a close bond with, and veneration for, the 'river of life'. Kaka, an elderly traditional healer from Musahar tole, Shergunj, remembers the abundance of fish in the River Narayani. He reported that a single trip yielded a boatful of fish, *"Ek dunga bhari machha hunthyo"*. Fishing at night was common, as this was the best time to fish. Now fishing at night is prohibited and elderly fishermen like Kaka can only think fondly of days gone by.

Local fishermen contest the myth that fishing in the river affects the food chain and deprives crocodiles of food. Many local people became agitated when this issue was discussed and colourful language was used to castigate the ill-informed 'white-skinned experts'. These wildlife conservation measures saw fish as nutrition for the crocodile, ignoring its importance as a basic food for the fishing communities. Today, fishing is prohibited in areas where crocodiles are concentrated.

The Bote-Majhi and Musahar are concerned about the decline of fish in the rivers. Folklore and folk songs are rich with references to a past that is fondly remembered. It remains to be explained how a fisher-folk using hand-knitted fishing nets or bows and arrows could cause the depletion of fish in the river. However, local Bote-Majhi and Musahar claim that their practices do not harm aquatic fauna, because their methods spare young fish and during spawning, fishing is curtailed.

Obviously we need to look beyond local fishing practices for the causes of the ecological crisis in the Narayani River Basin. In 1984, the Bhrikuti Paper Mill was established with Chinese assistance as a public venture on the banks of the River Narayani. Environmentalists have raised concerns over the flow of toxic effluent into the river and Chitwan National Park. In 2000, two young local lawyers from the environmental action group Pro-Public filed a petition in the Supreme Court. Its verdict urged the Government to prohibit the pollution of water and restrict the plant to certain thresholds (Kshetri 2004).

The ecological crisis does not stem from the impact of the paper mills alone. There has been natural population growth in Chitwan. Distilleries, breweries, and other factories also threaten the quality of water. Agro-chemicals such as fertilisers and pesticides introduced during the Green Revolution are washed into the ground water and rivers. Against such toxicity, wildlife has little chance (Dhital and Jha 2002).

The decline of fish resources also affects other fauna and bird life. The number of dolphins and other aquatic species are also dwindling because of the Gandak Barrage, located near the southern western boundary of CNP adjacent to the Indian border. Until 1996, 18-20 freshwater Gangetic dolphins were seen per year, but in 2002 there were only three. The population of Brahminy ducks has declined as well. In a news report it was stated that no systematic census has been done on the estimated 400 gharials released into the Narayani River from the Kasara breeding farm since 1978 (Thapa 2003). An IUCN study shows that in 1992 only seven per cent of the released gharials survived. The effect of pollution on the gharials is cumulative (Thapa 2003). Air pollution is also likely to affect the flight of migratory birds.

There are many accounts of wild animals found dead on the riverbanks. It is believed that these animals died from consuming the poisonous waters of the river. Amar Bahadur Majhi, leader of the fishing community in Nawalparasi, encountered a dead deer. He saw no sign of physical injury, but the abdomen of the deer was green and swollen. Likewise, indigenous fishing communities have seen fish die from unnatural causes. According to them, the fish becomes pale and its skin discolors.

Apart from water pollution, other interventions have disrupted the natural riverine regime of the wetlands. The Triveni Dam was constructed at the southern end of Nawalparasi, on the Indian side of the border, near the south-western border of CNP. Fish and other aquatic species move upstream and downstream according to the seasons. The sluice gates of the dam, however, do not respect the natural movement of aquatic life. River species travel downstream towards the Indian side to escape the cold. During the months of July, August, and September (Nepali months of Shrawan, Bhadra, and Asoj) the fish travel downstream. At that time the sluice gates are open. But when the fish return in April and May, the gates are closed. This also affects the free movement of crocodiles and Gangetic dolphins.

Moreover, with rapid commercialisation, unsustainable fishing practices have sprouted. Bote-Majhi and Musahar people commented on the growing practice of fishing with 'thulo jaal' (larger nets with smaller weaves), especially near Triveni Dam. These nets cause over-fishing both in quantity and quality, because young fish, which cannot be sold, are also caught. The poisoning of fish for commercial gain and recreation has also been reported. In addition, fishing during the spawning season is not uncommon.

Precious horn: Majhi's loyalty

Three years ago, Khor Bahadur Majhi of Shergunaj found a rhino horn and other remnants of a rhino inside the national park area. It was during one of the annual openings of the park for the collection of thatch grass by local communities in the buffer zone. Khor Bahadur brought the rhino to the attention of CNP authorities. He buried the horn near a bush and later informed the authorities. There is provision for a reward of NRs 50,000 in such cases, but he was offered only NRs 20,000. Claiming even the NRs 20,000 was difficult and took several submissions to the Buffer Zone User Committee.

The ecological balance of the river has also been affected by deforestation. Sediment from sand and rock mining is washed into the river, raising the level of riverbeds and causing the silting of feeder streams. With the river literally choking, fish and other species no longer have a habitat conducive to survival.

It is easy to place the blame for this complex mix of factors on the marginalised and poor fishing community, instead of looking for the real causes.

"The Authorities of Chitwan National Park accuse us of poisoning the river. Fishing is our traditional occupation; we earn our living from fishing. The river is just like our harvest. Does anyone burn down their own harvest?" Amar Bahadur Majhi

On the contrary, the members of the fishing community have reportedly chased away and threatened those who poison fish. In a similar vein, the indigenous inhabitants of the area are blamed for the decline in the populations of one-horned rhinos and tigers. The accusations range from ferrying poachers across the river to engaging in illegal logging.

The members of the Bote-Majhi and Musahar communities counter such false accusations with irrefutable logic:

“If we were involved in poaching or smuggling rhino horns, we would certainly set up tall buildings in Narayanghat and live a prosperous life. Why are we still languishing on river banks and struggling for our livelihood?”

Some of them say that they have witnessed poachers arriving in jeeps, crossing the river in highly sophisticated boats, and entering the national park forest. The fisher people are quick to alert the park authorities when they encounter such incidents, or when they chance upon animals killed and abandoned in the forest or by the river.

Local Ecology, Indigenous Wisdom and Livelihoods

The actual wealth of the forest is known only to the indigenous people. The forest yields food, shelter, and medicine (Table 2). There are abundant varieties of vegetables, fruit, and medicinal herbs. Over 40 species of potent medicinal herbs can be found in the forest. There is also a high diversity of fish in the River Narayani. Some fish species have already died out, others are in serious decline. Professional scientists are

Table 2: Local resources for livelihoods

Livelihood Resource	Local Names
Wild vegetables	Niuro (Mid Feb–Mid June); sisno (nettle); sinrukha; kowa; jaluka; nandi bhauji; chethari bhogthi; pakhar ko saag; badher; marawa; narkat; koche ko saag; simli dhan; bihidi; ban pedhalu; agai; jibri ko saag; goda ko saag; gurmi; chathai; titmi; ban karela; theka ko saag; lode ko saag
Fruits	Forest pedhalu; gittha; bhyakur; tarul; hardi aruwa; gauwa; kaukath; anthera; kusum; chana dummar; rukh geda; panchaura; khajuri; amala; amauro; bel; aarp (mango); khaniya; kachur
Raw materials	Khar; khamba; danda; ballo; bhata; khadai; baruwa; babiyo; bodar; fafi; mohalani; bhokata; charcharey; panalati
Fish species	Gonch (<i>Bagarius bagarius</i>); sahar (<i>Tor putitora</i>); ratar; paat; rohu; naini; bhagan; bainkha; nemana; jal Kapoor (<i>Clupisoma garua</i>); gardi; thed; tengar; barali; saura; raja bam; katla (<i>Neolissocheilus</i>); asala (snow trout); gadhan; dahara; patashah; nonari; ghondura; khursa; chalhi; chipuwa; chiksahiya; lamko tilwa; taruni tilwa; jharkat; bam; malghah; gainchi; ketahi; mumura; bagha gohira; thada mudiya gohira; nakta gohira; chipley gohira; lachwa gohira; dhonga; girkit macha; datkeri; kanti; sidraha; bhadchi; paidan; dhalai; guruna; lahare; pahadey gohira; dedhuli; khekawa; kotari; jhinga; goga; kathu bhedari; bhana sehari
Aquatic species on verge of extinction	Sahar; katile; asala; gonch; baikha; bhagan; tengri; jal Kapoor; bam; Gangetic dolphin



Surdeep Jana, CDO

Local women in a traditional fishing community making bunches of niuro (wild vegetable) collected from CNP



CDO

Indigenous fishermen and women returning with firewood; in the background, the Narayani river and CNP buffer zone community forest

still trying to classify the populations of the river. One study found 69 species of fish belonging to 9 orders and 19 families in the Narayani River system. Of these, 13 species were identified and classified as cold water fish (Dhital and Jha 2002).

Erosion of Rights and Local Livelihoods

The state-imposed exclusionary conservation policies and practices disregard the dependence of indigenous communities on, and their relationship with, livelihood resources in the forests and rivers. These policies and practices jeopardize the deep socio-eco-cultural relationship of the people with other components of the ecosystem. The alienation of local communities from their customary practices of resource usage and management and the denial of their usufruct rights has resulted in a serious livelihood crisis. The interventions have far-reaching implications for both the social ecology and livelihood strategies of indigenous people living in the buffer zone area of Chitwan National Park and they seriously limit the autonomy and freedom of the Bote-Majhi and Musahar communities. The ways in which the rights of the Bote-Majhi and Musahar communities have been eroded are discussed below:

Fishing and ferrying

The traditional livelihood practices of the Bote-Majhi and Musahar have been restricted since the establishment of Chitwan National Park. The issuing of contracts for ferrying has displaced indigenous communities.

Timber and non-timber forest products (NTFPs)

The vegetables growing wild in the forest have been a rich source of nutrition for indigenous communities, who depend on them for food for at least three months a year (Table 3). In the past, these vegetables were also collected and sold in the nearby market, providing cash to purchase other subsistence-related commodities. The access to this source of food and livelihood has been curtailed since the formation of Chitwan National Park. A wide variety of wild fruits are also found in the forest (Table 3). These fruits are an important source of nutrients.

Table 3: Wild Fuit and vegetables in the forest and their collection season

Vegetable	Collection Season	Fruit	Collection Season
Mushroom	May–July	Farsa	March–May
Bamboo shoot	June–September	Khanayo	Unknown
Titami	July–September	Kusum	July–September
Parwar ko saag	March–May	Aanp (wild mango)	June–August
Jibret saag	Perennial	Jamun	May–June
Narkat ko saag	March–May	Kyamuno	May–July
Pidhalu (large potato)	December–February	Khajuri	March–May
Bihidi	June–September	Kera (wild banana)	May–July
Niuro	February–July	Baheri	January–April
Kurilo	October–July	Yamar	January–April
Chandil	July–September	Dama	January–April
Dai	July–September	Amala	July–September
Sipligan	March–May	Dimi	May–June
		Bayar	Mid November–February

Members of the indigenous communities living within the buffer zone of Chitwan National Park claim that more than 49 varieties of medicinal herbs are found in the forest (Table 4). These medicinal herbs meant that indigenous communities were not dependent on commercial pharmaceuticals in the past.

Finally, indigenous fishing communities use timber to construct boats, buildings, and other products. The forest also provided fuelwood and grass for fodder for stall-feeding, building construction, and other uses. The collection and gathering of forest products has been restricted since the delineation of the Park. The creation of the Park initially displaced the indigenous people who lived there. Later, Park authorities 'permitted' the very same people from the buffer zone to collect *khar khadai* (thatch grass) once a year for a fee (Table 5). The state first takes away a right, and then, selectively, gives part of it back for a fee as a 'concession'.

Table 4: Medicinal herbs in the forest and their uses

Medicinal Herb	Use
Dudhelo	Consumed by women after giving birth to help with breastfeeding
Ku ku kadai	Body cleansing
Lalwanti	Juice cools the body
Amali	A broad spectrum medicine for good health
Lagi goda	To heal a wound
Bhan bhaniya	Protection from allergy
Chuha (asura)	A leaf cooked and consumed to cure fever
Dharma ruwa	Consumed to bring down fever when hallucinating
Lali guji	Unknown
Simthi root	Consumed to bring down fever
Patiya bush	Digestive aid
Paudaha climbers	Consumed to bring down fever

Grazing practices

Cattle provide milk, meat, biomass, and fertiliser. Milk and other products are an important resource in the market place and augment livelihood. However, the practice of grazing cattle in the forest was stopped after the creation of the National Park. This narrowed the grazing space notably, making maintenance of livestock very difficult for cattle-raisers who mostly belong to the poorest strata.

Threat of wild animals

National Parks are notorious for accentuating and aggravating the animal-human conflict. There have been numerous reports of threats posed by animals to people living in the buffer zone. The loss of human life, injury, and the loss of domestic animals are regularly documented. Crops that lie in the way of animal herds are crushed and ruined.

Table 5: Other forest products, their collection season and uses

Raw Material	Collection Season	Use	Benefit
Firewood	All year except during monsoon	Cooking	No need to buy fuel
Grass	All year	Feeding domestic cattle	Generates milk, organic fertiliser, meat, ghee
Bhorla ko pat (leaf)	April–May	Used to cover the roof of a cowshed (chatri chauney); used as an umbrella; protects domestic cattle from excessive heat	
Babiyo	August–October	String, bandhan, namlo	To secure material/goods for transporting
Khar (thatch grass)	October–February	Roofing	No dependence on market for building materials
Khadaï	February–March	Fencing and weaving bhakari (traditional basket to store grains and seeds). Also used as raw material to construct huts.	Reduces dependency on the market
Timber	October–March	Construction of huts and boats; housing material; used to make homemade furniture	No need to buy housing materials and furniture from the market
Paat	January–March	To make handmade fans, carpet, bida (knife handle), damlo and namlo (rope for carrying things), and musical string instruments.	Reduces dependency on the market
Bamboo	January–March	To make chatri, doko (traditional baskets), and namlo; used for housing material	Reduces dependency on market products
Yakada	January–February	To make dhadiya (traditional basket used for fishing)	Reduces dependency on market products
Kansh	January–February	To make deli (fish basket)	Reduces dependency on market products
Beth	October–February	To make machiya (handmade stool)	Reduces dependency on market products
Patuwa	October–February	String; used to weave beds	Reduces dependency on market products
Kucho	September–November	To make brooms	Reduces dependency on market products

Chapter Four

Militarisation of Chitwan National Park Leads to Human Rights Violations

*“Armies are similar to the villains shown in the movies.”
Khor Bahadur Majhi, Shergunj*

Mobilisation of Army in Chitwan National Park

The rationale for the mobilisation of the Royal Nepal Army, RNA, (now the Nepal Army) in protected areas such as Chitwan National Park (CNP), is to provide security to the park authorities (PA) and to curb poaching of valuable wildlife species and illegal logging by forest mafia. Indeed, some commentators have credited the RNA with achieving some of these stated aims (Dixit 2003).

However, the presence of the Nepal Army in the CNP is questioned by the local people and criticised on many grounds. The first issue that local people complain about is the human rights violations perpetrated by the Army on civilians. These violations lead to conflict between the Army and civilians and to alienation. The reduction of Army personnel due to their deployment in the counter-insurgency from 2001 is provided as a feeble rebuttal to more serious complaints. The costs of policing are not commensurate with even the narrowly stated aims of conserving endangered wildlife.



Chitwan National Park Administration

Army Patrol in CNP

The creation of National Parks in the old sense reflects a conservationist ideology that places animals before people, and sees the two as necessarily conflicting. As a result, the link between human beings and nature is severed. Believers in such drastic practices will also applaud the deployment of armed forces inside parks. The perpetrators, after all, are the indigenous communities that depend on the natural resources and are quite often among the poorest members of society.

In Nepal's case, the deployment of armed forces is problematic in different ways. The Army has had close links with the Palace and, in the past, played a role in suppressing the people and ensuring the continuation of the royal hegemony over the state. There are matrimonial and other links between the upper echelons of the Army and the Palace, with the top personnel generally belonging to one of four families/lineages (Rana, Thapa, Shah and Basnet) (Bhatt 2006). The National Park was free to be used by the Palace and privileged class for recreational trips, including hunting trips, but it was not available to local people to eke out a subsistence living from gathering small portions of its bounty.

The first Army post was set up in 1975 and since then the deployment of personnel has only increased. One entire battalion of the RNA has been mobilised for the Chitwan National Park, with an estimated 800 armed troops in four sections, Sauraha, Kasara, Bagai, and Amaltandi, which are then divided into 37 Army posts.⁷ The Army has been mobilised at the main entry points to Chitwan National Park (Figure 2 and Table 6).

Table 6: Army mobilisation points		
Eastern Point	Mid-Point	Western Point
Khagendra Malli (next to Bhandara)	Kasara (next to Jagatpur)	Piprahar (next to Gajapur)
Sunachuri (next to Lothar)	Ghatgai (next to Patihani)	Laukhani (next to Sishwar)
	Sauraha (next to Tandi)	Amaltandi (next to Kawasoti)
		Bhimley (next to Meghauri)

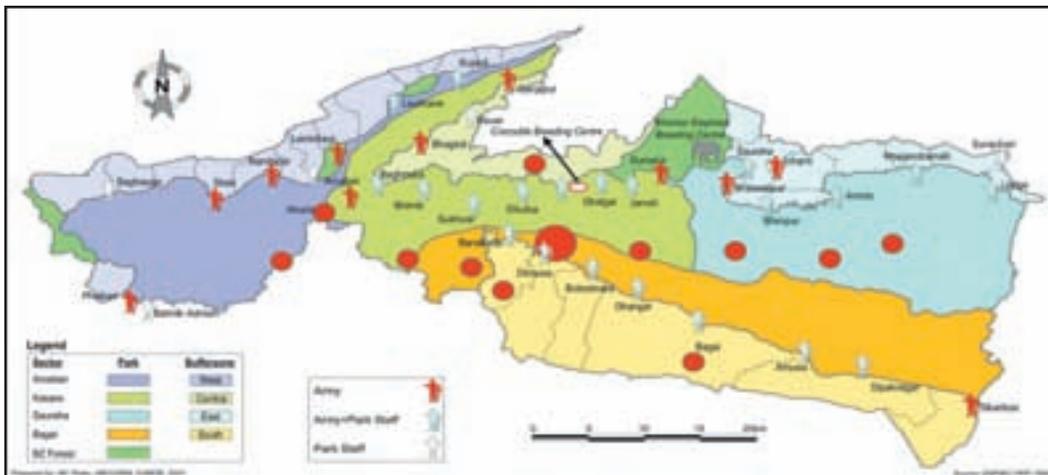


Figure 2: Army and range posts in CNP

⁷ Army posts include Valmiki Ashram (Fullbari); Sikarbas; Khoriamohan; Sheri; Nandapur; Amaltandi; Lamichaur; Bhagedi; Gajapur; Dumriya; Bhawanipur; and Icharni. Joint posts of Army and national park administration are Ghatgain; Janaili; Dhruba; Sukhibhar; Bhimley; Bagmara; Badhawa; Laukhani; Kujauli; Bhawanipur; Bhimpur; Amritey; Khagendra Malli; Ligligey; Deepknagar; Amuwa; Bagai; Ghangar; Bote Simara; Dhowa; and Bankatta.

Harassment of Local People

The indigenous communities living within the buffer zone in Chitwan and Nawalparasi identified various forms of harassment and human rights violations perpetrated by the Army, as described below.

Seizure of goods

Army personnel harass local communities by confiscating items such as sickles, axes, fishing nets, dhadiya (baskets), oars, and sometimes even boats. Receipts are not given, nor are charges laid.

Seizure of food

Army personnel are notorious for seizing food items (including meat, fish, vegetables, and fruit) reportedly as punishment for minor infringements of Park laws.

Involuntary work

Members of marginalised communities report being exploited by the Army as unpaid labour. They are forced to do work such as cleaning Army camps, clearing paths, cutting logs, collecting vegetables, and fishing for the Army. Bote-Majhi people are asked to collect and supply firewood. In the recent past, Bote-Majhi from Dibyapuri village supplied one tractor load of firewood to the Army post nearby. If they resist demands for labour or supplies, they are verbally abused, threatened, and even beaten by Army personnel, who also generally belong to more privileged castes/social groups.

Verbal abuse

In the early years of RNA deployment in the CNP, the local people did not fear them. Their main conflict was with the Park authorities, according to local interviewees. This initial perception quickly changed when cases of harassment and abuse became more frequent. The abuse has increased since the fisher communities organised resistance.

Physical abuse and torture

If suspected of violating a Park law (i.e., fishing or collecting), the Army authorities do not allow explanations. Instant judgment and sentencing is commonplace and routine. Torture and physical harassment are the most preferred methods of subduing local people. Beatings with sticks are common. People report being forced to lie on the grass covered in sugar to invite ant bites. In the summer, they are forced to lie on their bare back on a hot rock and beaten under the hot sun. In the winter, they are forcibly submerged in ponds. Interviewees reported that local people have been forced to return from the Park to their villages naked.

Sexual harassment

Many women activists and fisher-folk reported incidences of sexual harassment and rape. One incident that attracted some public attention took place in Daldaley where Army personnel harassed fishing women. Another recent case concerned a group of Kumal women who were harassed by the Army in Meghauri VDC, Chitwan. In 7 buffer zone VDCs in Chitwan, more than 30 women claim that their children have been born of rape. These children face difficulties in acquiring citizenship as the right to citizenship is based on the father's name.

Chapter Five

From Local Resistance to a Movement

The restrictions imposed by the Park on daily life have produced immense hardship for the indigenous communities that live in Chitwan. Their livelihoods have been seriously affected, especially those of the landless Bote-Majhi and Musahar. Fishing and harvesting of forest products is no longer possible. The nutritional standards of the communities have fallen noticeably. The struggle launched by the people, to which this study now turns its attention, has to be understood as a struggle for life. Gradually, a mass movement has evolved, but it has very much remained a grassroots movement.

Emergence of MMBKSS

The resistance movement of the indigenous people started in 1983/84 (2040 BS) 'before democracy'. Ten active individuals from different villages organised informal meetings to discuss their problems. Their efforts did not go unchallenged, particularly by local elites (e.g., landlords). Bote-Majhi leaders were persuaded to renounce their attempt to register a formal organisation. In response to complaints filed by local elites, police took action. By 1986 (2042 BS) arrest warrants had been issued for the leaders of the movement. Once, while mobilising the people, the leaders were forced to take refuge in the forest and went underground for months. They hid in the forests of Gajapur across from Sighrauli. Amar Bahadur Majhi, Jit Bahadur Majhi and his wife, Buli Ram Majhi, Tej Bahadur Bote, Hari Bahadur Musahar, Kaliya Musahar, and others had to desert their villages. Interestingly, they report that Army personnel were fairly cooperative while they hid inside the National Park and relied on the products of the forest. Finally, and with the support of the Chief District Officer, they were able to return to their villages after declaring that they had given up the idea of registering an organisation.

Secret meetings were organised after the return of the leaders. Women activists were involved too, despite resistance. At first, community members and family members, including husbands, were reluctant to value their commitment. Taking part in activism required the women to be away from home for long hours, sometimes overnight. People gossiped about them and spread rumours that the women activists would desert their families to elope with other men. In the early days, women activists were subject to domestic violence at home and public ridicule outside.

Sukmaya narrates how when she returned home from the village meetings late in the evening hungry and tired, her father-in-law humiliated her and other family members challenged her progressive behaviour. However, these initial experiences ceased when the movement grew. The local community increasingly recognised the movement and acknowledged the need for an organisation to represent the movement.

On 17 Magh 2049 (February 1993), national park authorities simultaneously confiscated boats and fishing nets in various villages including Sandh, Badruwa, Laugain, Piprahar (see Figure 1: Social map). They torched all fishing nets and dhadiya (handmade baskets), destroyed many boats, and assaulted villagers. This was a dark day in the life of the fishing communities. Tej Bahadur Majhi from Laugain recalls:

“The incident shook our inner self. There was a gentle vibration in our ears. Why are you silent? If your forefathers have grown up playing with this land, river, and forest, why can’t you exercise your rights in this soil, river, and forest?”

Just after these atrocities, in 1992 (2049 BS) activists and leaders from Pirahar to Banghor held a convention at Laugain, Pithauli. This was the first ever convention of indigenous fishing communities and led to the formation of an informal body of Bote-Majhi and Musahar representatives. The agenda of the meeting was to address incidences of violence and harassment by national park authorities and to discuss traditional fishing rights. Before 1990 and the restoration of multi-party democracy, formal registration of such a collective advocating the rights of marginalised people was not possible. Even after the declaration of democracy, the social context in which indigenous fishing communities were oppressed by local power elites restrained them from gaining legal status. As they were not acquainted with formal state procedures, they had limited access to the political arena.

The organisation then pressured local politicians to address their concerns and support them to become registered. In 1993 (2050 BS) Bharna Nath Pajiyar of the District Development Committee (DDC) and Netra Lal Paudel, a former VDC chairperson, supported the fishing community to become legally registered at the district administration office. In 1994 (2051 BS), they finally registered their organisation, the Majhi Musahar Bote Kalyan Sewa Samiti⁸ (MMBKSS). The next step was to get the organisation registered with the Social Welfare Council (SWC) in Kathmandu. The trip to Kathmandu posed serious financial constraints, which were finally covered by donations collected from each household.

Earlier efforts to be registered with the SWC had failed. The backing of the local VDC chairperson and a local member of parliament, Majhi Lal Tharu Thanet, finally helped them to register MMBKSS. Three representatives also addressed the royal palace with an appeal (gyapan patra) for fishing rights in the Narayani River and with complaints about harassment by the Army and Park authorities. Leaders said in the interviews that the secretary of the Royal Palace was cooperative and advised them to approach the Prime Minister, Girija Prasad Koirala, who again established relationships with the district authorities. The leaders returned with the necessary authorisation from Kathmandu and were given a six month licence to fish. The process demonstrates the centralisation of bureaucratic control in Kathmandu.

Expansion of MMBKSS

Before 1994, the MMBKSS was active in a few villages in three VDCs. By 1994, the MMBKSS had formed village-level committees in Rajahar, Pithauli, and Kawasoti VDCs. In the next year, village-level groups were formed in Dibyapuri, Pragatinagar,

⁸ Majhi Musahar Bote Welfare and Service Committee

and Aghauli VDCs. The organisation expanded its network in Koluwa and Narayani VDCs in 1997 and reached the fishing communities at Mukundapur, Parsauni, and Naya Belhani VDCs. By 1997, MMBKSS had expanded its network among the Bote-Majhi and Musahar communities in 16 villages of Nawalparasi, with 360 households, of which 229 were Bote households and 141 were Majhi and Musahar households.

Local Conflict with Army and Conservation Authorities

The following paragraphs describe incidents of conflict with the community, with youths, and with women that have fuelled the local movement of indigenous fishing communities.

The Aghauli incident

There was a time when officials from the range posts used to fish with Bote-Majhi and Musahar. *"We used to fish without any fear. But one day at around 7am, about 18 of us carrying two to three kilograms of fish each were preparing to go back to our settlements. Prashasan (national park officials) intervened and caught us. They punished us hard by battering us and making us lie down on the top of a rock. They also burnt our fishing net and smashed our boats. We were forced to leave silently."*

The Parsauni incident

The night before the incident, ten leaders of the Bote-Majhi and Musahar had organised a meeting at Parsauni. The next morning, 15-20 Army personnel terrorised the entire village. They began to harass the women. They accused the fishing community members of being thieves and began to thrash them without discrimination. *"Some of us could not tolerate this and demanded, 'Who is a thief? Show us and we will punish the person.' Army personnel slapped some of us. They smashed our boats and set our fishing nets on fire. They also threatened that if we fish in the Narayani River again, they would shoot us dead."*

Bagman chowki gherao

A local fisherman from Parsauni was beaten up by prashasan while he was fishing in the River Narayani. He was picked up by the authorities and disappeared. The locals, including non-fishing communities such as Tharu (indigenous community), Magar, Bahun, and Chhetri, in fact almost the entire village, became agitated.

A huge mass of villagers surrounded Bagman Chowki demanding to know the well-being of the disappeared fisherman. Agitators entered the office and were horrified to see splashes of blood in the room. The angry villagers beat the officials. They also smashed furniture and telephone sets and set the range post on fire. They chased away employees of the range post. It was later discovered that the fisherman thought to have disappeared had fled to Triveni in the southern part of the district.

The second Aghauli incident: Shergunj, Aghauli VDC

In 1992, local Bote-Majhi and Musahar women had a conflict with the ranger. The ranger was supposedly a harsh person. A group of local women beat the ranger to retaliate against harassment. The National Park Administration issued a notice to

arrest those responsible for the incident. Four Majhi people were arrested and taken to Kasara, the National Park head office. *"Their hands were tied and they were dragged by the authorities,"* said Khor Bahadur Majhi who witnessed the arrest. The prashasan at Kasara subjected them to severe torture. The fishermen were made to coat their body with sugar and lie on the ground, which was full of red ants.

Local fishing communities became furious after hearing of this. They approached the local political party leaders and appealed for the immediate release of those detained and tortured. After 17-18 days of continuous torture, the Park authorities finally released the detainees after charging them a fine of NRs 1,500. This incident took the militancy of the movement to a higher level.

Army raid at Shergunj

Another raid by the Army at Shergunj is still a fresh and painful memory for the villagers. The local fishing communities used to construct a small hut like structure called a chapadi on the banks of the River Narayani. The hut served both as shelter and as a place to dry fish.

Once, a group of Army came to the village. They threatened the locals and told them to evacuate their huts and abandon the venue. They said that head officials of the Army were visiting the area. They torched the huts and terrorised the entire settlement. *"We were panting. We ran here and there. We saw signs of a big storm. Had we retaliated they would have beaten us to death,"* Kaka recalled. After demolishing the huts the Army personnel then took away the fish that were drying on top of the huts.

Conflict between youth and army

In the early 2000s, six Bote-Majhi youth including two females were fishing in the River Narayani across from Piprahar village using a handmade net. *"We saw three soldiers approaching us. They were patrolling the national park with big knives and guns,"* reported Raju Majhi. Amar Bahadur's son claims that the soldiers were also hunting birds. The soldiers belonged to Gajipur barrack. *"Without even inquiring, they abused us verbally. They beat three of us for almost an hour turn by turn with a stick. Once they were exhausted, they forced us to hit each other. They said, 'You have come to hunt deer. The population of deer is rare today because of you people.' After harassing us they went ahead with their patrol."*

It was reported that the same troop beat up a group of Tharu youth in another village a week after this incident. In response to dissent and torture a group of local youths decided to collectively retaliate against the Army.

Conflict with local women

Women have also reported being sexually harassed by the Army in the past. A group of women described an incident that happened while they were fishing from the river bank at Dibyapuri VDC. They said that Army personnel harassed them by taunting: *"Even I possess fish! Would you like to fish?"* (Ma sanga pani cha bhoti! Marchash?) When the women became angry, the Army personnel snatched their baskets, threw them in the river, and chased the women away.

Women also reported being harassed by the prasashan, especially while they were bathing or fishing in the river. They said, *“if you are feeling cold, come to us, we will warm you,”* reports Sukmaya Majhi.

As a result of such harassment, women are afraid to follow their livelihood practices, which affects their entire family's food security. Women activists reported that they were attracted to participate in the struggle because of their own personal experiences.

An Organised Campaign: ‘Begin from a Small Step, a Small Issue’

In the mid-1990s, MMBKSS began to work closely with a rights based campaign organisation called Community Development Organization (CDO). Although CDO eventually became an important ally of MMBKSS, villagers were initially sceptical.

The main challenge taken on by CDO was to support the people's movement to acquire the status of an organisation. It was hoped that this would improve their access to social and natural resources.

During one of the regional committee meetings of MMBKSS, influential Bote-Majhi activist, Jit Bahadur Majhi proposed: *“Let's organise a gherao in Laukhaney range post”*. The post was a nuisance to the local fishing community. There had been incidents when they were forced to abandon their boats and fishing nets in the range post. They were also forced to provide involuntary labour including fishing, preparing dried fish, cutting logs, cleaning, and other chores for the range post officials and armed guards. These tasks were proving onerous. MMBKSS formed a commission to initiate village level dialogues within the communities and to seek the support of political party leaders. However, during the course of this campaign a rumour started and people panicked. They thought that, now, at least they were allowed to fish, but if they protested and pressured the National Park authorities, even that existing right could be lost. This created a division in the community between those who supported the campaign, and those who were worried about its consequences.

Local leaders of the indigenous fishing communities took the lead in allaying fears and decided to go ahead with the gherao of the range post. Activists had invited various stakeholders but only the VDC chairperson from Pithauli, Loknath Kafley, turned up. Around 200 protestors assembled.

The in-charge of the range post became a little nervous witnessing the crowd, especially since the VDC chairperson supported the agitators. The ranger acknowledged, *“I am sympathetic to the plight of fishing communities. The fishing licence should be issued. But I do not have the authority to do so as per the rules of the National Park.”* He said that the authority to issue licences was vested with the Warden and the Chief Conservation Officer and directed the protestors to Kasara, the office of the Chitwan National Park, headed by the Chief Warden. He assured the protestors that he would instruct his junior officials not to restrict the fishing communities. The meek and cooperative response by someone in a position of authority was a turning point. Collective action showed the limitations of the authorities' power. The activists

of MMBKSS and CDO regard this as their first breakthrough and the beginnings of the organised campaign of 1997.

“Yo ranger le balla hamro power dekhyo” (Now only, this ranger realised our power) Jit Bahadur Majhi

When the activists from MMBKSS and CDO reflected upon the day's experience, some of the women activists were a little dissatisfied. They were disappointed by the fact that they had expended so much energy demonstrating in front of an office with little power. But some of the other activists convinced them that it was necessary to build up the movement step-by-step. In the same meeting it was decided to visit Kasara. Senior activists from CDO recount receiving frequent phone calls from local activists about the Karasi programme, demonstrating their enthusiasm to continue the movement. CDO later facilitated MMBKSS to organise gherao programmes at other range posts. These activities sustained the spirit of the organisation.

Kasara Andolan: Clamour for Fishing Licences

The Laukhani Range Post gherao took the MMBKSS towards a sustained campaign. Indigenous fishing communities residing in the buffer zone were in a state of crisis. Fishing restrictions had resumed. The National Park authorities had stopped issuing fishing licences. The Chief Warden had also returned to his office. MMBKSS and CDO prepared a careful strategy for the Kasara campaign. They divided the task of approaching and seeking support from key stakeholders such as political party leaders, and representatives from the district development committee, local government, and the media. They decided to approach these stakeholders in groups.

The campaign received significant support from political party leaders⁹ who came to extend solidarity to the campaign on the day of action, 20 August 1999. On this day, around 900 people, the majority of them from indigenous fishing communities within the buffer zone of Nawalparasi district, assembled and headed towards Kasara. They chanted slogans:

“Macha marney licence paunu parcha! Saag sabji, niuro launa dinu parcha! Sahi sainik ko atanka banda gara!” (We should be given fishing licences! We should be allowed to gather wild vegetables! Stop army violence!)

The Kasara head office is located across the Rapti River. The only way to reach the office is to cross the river on boats. Those participants who managed to cross the river, despite resistance from the Army, were initially not allowed to enter the office because of a meeting between the conservation authorities and the Buffer Zone Management Council. The public pressure forced park officials to postpone the meeting. Officials then crossed the river to where the agitating Bote-Majhi were chanting slogans. During the mass meeting, the local MP, an activist from CDO, VDC chairpersons, the President of the Buffer Zone Management Council, community leaders, and the Chief Warden delivered speeches addressing the concerns of Bote-Majhi and Musahar. The Warden announced:

⁹ Then member of parliament, Majhila Tharu Thanet, Communist Party of Nepal (Unified Marxist Leninist) (CPN-UML) leader, Chandra Mani Kharel (ex-chairman, Buffer Zone User Committee of Pithauli VDC), three representatives from the DDC, one a friend of Jit Bahadur, and almost all VDC chairpersons (from eight different buffer zone VDCs)

“We can only issue fishing licences for periods of six months. From tomorrow onwards you can all come to the Kasara office to acquire fishing licences. Even women can acquire licences.”

After the Kasara mass gathering and dialogue with National Park authorities, the process of issuing licences began smoothly. Activists claim that this had a positive impact on the attitude of the Park authorities towards the indigenous fishing communities. Incidents of harassment became infrequent.

Chitwan National Park authorities decided to issue fishing licences for NRs 50 for six-months, on the following conditions:

1. Only handmade fishing nets are allowed.
2. Fishing and taking shelter inside the national park at night is prohibited.
3. In case of the river Riu, fishing is only allowed from Bankatta Ghat to Bagai.
4. Fishing is allowed only within the boundary of the River Narayani, fishing in the wetlands is restricted.
5. Fishing is restricted during the breeding period from Baisakh to Bhadra (April to August).
6. The instructions of the National Park officials should be adhered to and everyone in the jurisdiction is to extend help when required.

However rights had to be secured, as illustrated by the following case.

The constant battle for rights

A year after the Kasara campaign, Army personnel physically attacked seven or eight Bote-Majhi from Shergunj village, Aghauli VDC. In protest, and to start a dialogue with the Army, MMBKSS gathered representatives from the VDC, an MP, media personnel, and members of the public. But the local leader from Shergunj was reluctant to approach the Army authorities. This created a split among the activists. Local leader Hari Bahadur Majhi refused to join the protest. But the rest of the community agreed to raise their voice against the incident.

The support of the MP and VDC representative during discussions with the Army authorities gave strength to the cause. The Army barrack in-charge responded



Picture 9: Copy of fishing licence¹⁰

¹⁰ The document in the photographs is the fishing licence of Buli Ram Majhi from Pithauli VDC, Nawalparasi.



Gathering of fishing communities during the Kasara gherao

positively. He acknowledged the incident and agreed to take stern action against those Army personnel found guilty. The issue was covered by Kantipur newspaper, a leading national daily. After this, some Bote-Majhi and Musahar would carry a cutting of this newspaper article with them when they went fishing as security against harassment from Park and Army authorities.

However, bureaucratic hassles while acquiring fishing licences still continued. Concerned officials were unavailable when required. Transport to, and accommodation at, Kasara, the head office of the National Park, posed some difficulties especially for those living far away. Eventually, a dialogue with the Buffer Zone User Committee resulted in the provision of licences locally. The User Committee was authorised to process applications, after which the signature of the Chief Warden would be affixed.

The Politics of Survival: Diversifying Activism

Discussions with fishing community members revealed the following priorities: fishing rights, access to citizenship, formal education for children, and land rights.

- MMBKSS began to put the issue of land rights on the agenda and suggested that they cooperate with other landless communities including Dalits and Tharu indigenous communities, and with other civil society organisations. Some political leaders and civil society organisations organised a rally in Kawasoti that drew massive participation from several local landless people. Their demands were:
 - Resettle Bote-Majhi flood victims
 - Provide land certificates to those residing in unregistered land
 - Provide land to squatters

An appeal was submitted to the district administration office. This was the first rally organised in alliance with other marginalised groups.



MMBKSS

Flood victims from Parasi. Banner reads: "Provide land to flood victims!"

Post-Kasara: the plight of flood victims

During the monsoon, marginalised communities residing on the river banks are vulnerable to floods. Flood-affected households have to take shelter elsewhere. In 1999, the flood of the Rivers Narayani and Lokaha swept away settlements at Rajahar, Laugain, Nandapur, and Ratanpur. Communities from Ratanpur and Nandapur took refuge in the house of the VDC Chairman at Koluwa VDC, while communities from Rajahar took shelter in the public school. Communities from Laugain stayed in temporary camps on government land. Later, people from Rajahar went back to their original settlement and eventually settled on public land. In Laugain, with the consent of the VDC, flood victims were settled on forest land.

Parasi Andolan, 2002

The Parasi campaign for flood-affected fishing communities was launched against this backdrop. Government officials at the district headquarters were given a demand for secure housing. MMBKSS organised a large demonstration followed by a two-hour sit-in programme. Their slogan was:

"Badhi pidit lai jagga de" (provide land to flood victims.)

Three to four hundred people including journalists, political party leaders, and the VDC chairperson surrounded the office of the district administration. The Chief District Officer, Army personnel, and police officials were also present during the demonstration.

Laukhani land occupation

MMBKSS proposed to occupy public land because the state had not awarded them adequate land. A big open field was identified in Pithauli where flood-affected fishing communities¹¹ could potentially settle down. The date for occupying the land was

¹¹ From Ratanpur, Nandapur, Piprahar, and Laugain villages.

fixed by consensus with local political party leaders, MPs, and representatives of the DDC. District level Communist Party of Nepal–United Marxist and Leninist (CPN-UML) leaders supported plan. The Buffer Zone User Committee was also in agreement.

On the day of the land occupation, local host villagers, who perceived the land occupation as encroachment, showed fierce resistance. Local goons were mobilised by the village community. The argument stressed by the villagers was that the public land is a playground and, therefore, Bote-Majhi should be prevented from encroaching on it.

One journalist was beaten up by villagers and they threatened CDO activists and forced them to leave, accusing CDO of inciting Bote-Majhi to encroach on public land. This temporary retreat was given wide coverage by the media.

The DDC took the incident seriously and organised a meeting of the various stakeholders. After the meeting, two villages (Ratanpur and Nandapur) resettled in Koluwa on legally purchased land. Why the other two villages were left out could not be clarified. However, activists from MMBKSS suspect that the other two villages were left out because they did not fall within the constituency of the MP involved in the resettlement programme. The landless fishing communities of Rajahar and Laugain are still exposed to floods during the monsoon.

Amaltari land occupation

Under the leadership of Hom Bahadur Musahar, a dynamic MMBKSS activist, landless fishing communities attempted to occupy land and establish a settlement at Dhakaha near the Amaltari Post of CNP. In 2000/01, National Park authorities arrested and temporarily held members from 40 households from different villages¹² who had occupied land. During the two-month period of occupation, park authorities made several attempts to expel the occupying communities. Authorities used elephants and fire to destroy their huts. The resisting groups negotiated with representatives from the VDC, the Buffer Zone User Committee, as well as authorities from the Amaltari Post. In response to their collective resistance, protests, and continuous dialogue, authorities from Kasara assured the agitating households that they would receive support to construct community ponds if they returned to their original settlements. The different struggles for land, however, created controversy and dissent among the leaders of the movement.

Campaign for secure housing in 2006

Although assurances were given by the State after earlier campaigns, these promises did not materialise. Every year when the monsoon sets in, the struggle for land is revitalised. On 13 June 2006, the eve of the monsoon, thousands of landless communities from Nawalparasi assembled at Parasi District Headquarters demanding land rights. This assembly later turned into a mass rally. MMBKSS activists also joined the demonstration and took the mass event as an opportunity to lobby their own issues. They also submitted their demand for the relocation of households from flood-prone Piprahar and Laugain villages to the local administration. Responding to their demands, the Chief District Officer asked them to find unoccupied land that could be used for their resettlement.

¹² From Belhani, Koluwa, Barmathan, Shergunj, Sandh, Gairi, Laugain, and Sajapur villages.

On 2 July 2006, there was a meeting to address the issues of flood victims. Participants included MMBKSS, NGOs, the District Forest Officer (DFO), Chief District Officer, and political party leaders, including members of the Communist Party of Nepal (Maoist). A committee was formed, led by the DFO and the Chief District Officer. The DFO took over the task of finding an appropriate settlement site in Piprahar and Laugain.

In Shiva Mandir VDC near Kawasoti, the aspirations of landless communities to find land met with resistance from local villagers who use vacant area as grass lands. Due to resistance from the community forest lobby, the process of finding a suitable location for resettlement was delayed.

The flood victims, led by MMBKSS, called a strike against the State authorities demanding the speedy execution of commitments made by the State. MMBKSS activists and flood victims obstructed the highway at Kawasoti for two hours on 12 July 2006 and for four hours on 13 July 2006. Women, children, and elderly people demonstrated with fishing nets and baskets. The Deputy Chief District Officer and forest officials requested the agitating crowd to withdraw and assured them that speedy action would be taken to address their demand. After a few days of waiting, the authorities had taken no concrete action. A review meeting was held and a five-day ultimatum was issued to the local authorities at Parasi, after which a series of mass actions would start.



CDO

Amar Bahadur Majhi in a temporary camp on forest land

Chapter Six

Political Impact of the Movement

The organised struggles of the Bote-Majhi and Musahar have generally been successful in expanding their socio-political space and have enhanced their access to public institutions to bargain for their share of resources. Moreover, activists have generally acquired a better status within their own communities.

Access to Local Political Parties

The Bote-Majhis were able to use the local elections in 1996/97 (2053 BS). In Pithauli VDC, Jit Bahadur Majhi was elected as a Ward Chairperson. Eleven people from indigenous fishing communities were also elected as Ward members, including two women. This development emerged out of the demand for representation of backward and marginalised groups in political parties.

Access to Buffer Zone User Committees

The buffer zone user committees (BZUCs) and management councils were formed in the mid-1990s (2053 BS). The process itself was not very transparent. Local communities in the buffer zone, especially marginalised and backward or poor communities, were left out and initially did not show interest in participating. However, later, members of the Bote-Majhi and Musahar started to develop an interest in participating in these committees.¹³ A total of eleven members of indigenous fishing communities, including two women, became representatives on the various buffer zone user committees. Bet Bahadur Bote was elected as the treasurer of the BZUC in Pragatinagar. Bote-Majhi and Musahar reported that despite their presence, they felt marginalised in the decision-making process because the buffer zone user committees are still dominated by local elites with a higher caste or class status. One notable issue that brought about a change in the role played by the Bote-Majhi and Musahar representatives was a claim for budgetary allocations for their communities. Bet Bahadur Bote, while he was a treasurer of the BZUC, proposed a plan for the construction of an embankment in his community. The plan was passed, but resisted by local elites. Later, the intervention of the BZUC helped to resolve the case.

Bargaining for Resources for Community Ponds

In 1999, Hom Bahadur Musahar, on behalf of his community, submitted a proposal to Lamichaur BZUC for the construction of a pond and a fish farm to create livelihood alternatives and overcome hardships caused by fishing restrictions. After obtaining approval from the warden of the National Park, they approached the BZUC for funding.

¹³ Channu Ram Majhi in Rajahar, Jit Bahadur Majhi in Pithauli, Suk Bahadur Majhi in Kawasoti and Khor Bahadur Majhi in Aghauli entered the executive body of the BZUC.

In 2003, they received NRs 36,600 for pond construction. In 2004 and 2005, they acquired NRs 20,000 and 40,000 to construct three community ponds for fish farming on two bigha of land. Although construction is still incomplete, in 2003 the fish farm earned NRs 6,000 in six months. This income increased to NRs 26,000 in 2004 and NRs 35,000 in 2005.

Conflict over land

In 2003, at Kawasoti, landless indigenous fishing communities demanded a plot of land from the Forest User Committee of the BZUC to construct a pond for the economically backward fishing communities. The land was located in the vicinity of the Namuna Community Forest. Later, the local upper caste elites opposed the idea of giving forest land for pond construction. The secretary of the Forest User Committee provoked the villagers who began to harass and threaten Musahar women. This resulted in a local conflict. The demand of the Musahar community was for five kattha of land. The settlement reached was for two kattha of land, which was then raised to the five demanded by the community. Today 11 Musahar households depend on the pond built on this land.

Community Development

Several achievements have been made during the past few years. Most of these are the result of indigenous people's activism, as described above.

In Piprahar, as a result of an appeal from local fishing communities, the Army stationed in the Park constructed a one-storey pucca building as a school. The VDC makes regular financial contributions to the school.

Villagers have built embankments across their settlement paid for by the Buffer Zone User Committee as part of the Parks and People Programme (PAP). Water pipes and tube wells have been installed as a consequence of collective bargaining.

In Kujauli village, fishing communities sought NRs 500,000 for the construction of a canal. In Keureni village, the BZUC provided a water pump worth NRs 50,000 to the Bote community.

In Daldaley, the Buffer Zone User Committee allotted NRs 90,000 for flood prevention. In Bagkhor in Aghauli VDC, the Bote community received NRs 12,000 from the Buffer Zone User Committee and NRs 6,000 from the VDC for the renovation of a school building.

In 1998/99, the Bote community from Ratanpur, Koluwa VDC received NRs 50,000 and NRs 100,000 from the VDC for flood-prevention. They have managed to acquire land for a community pond.

In Laugain, local fishing communities have a seed fund of NRs 20,000 for income-generating activities, and also financial support for the community school and a well. They received NRs 40,000 from the Buffer Zone User Committee in 1998/99 for flood prevention.

The installation of tube wells in fishing community villages has also been made possible in Rajahar, Pithauli, Parsauni, and Koluwa, among other places.

Access to Community Forests

Kumarwari Community Forest, located at Laugain, Pithauli VDC, falls into the buffer zone of CNP and occupies an area of 90 hectares. Before the conversion of the forest into a community forest, the open space was used as grazing land. Landless indigenous fishing communities who did not possess cattle could not avail themselves of this resource.

Local conflict

In 1997, the local forest user group (FUG) organised a song competition on the occasion of Teej, an important festival for Hindu women in Nepal. Tej Bahadur Majhi objected to the event on the basis that community forest resources should also be allocated for indigenous festivals such as Jitiya and Fagu. They argued that the FUG, dominated by high-caste Hindus, imposed their decisions on the rest. Local Tharus supported the fishing communities in this debate.

Once a year, the collection of khar, khadai (thatching grasses), and fodder from the community forest is permitted. Khar is used as a roofing material and can also be profitably sold. In 1997, the fishing community was sent a notice by the FUG to the effect that khar can be sold to outsiders only if it cannot be sold to FUG members or residents of the VDC. The sellers found this unfair and surrounded the office of the VDC chairperson until the notice was revoked.

Fishing communities were well-represented in the first and second assemblies of the FUG. After some time their attendance in the assemblies thinned. Between 1997 and 2002, there was only one representative from the fishing communities on the executive committee of the FUG. The leadership was monopolised by high caste Brahmins. The agenda was dominated by upper-caste concerns and the fishing community representatives felt marginalised within the group.

In 2002, when the forest was opened for collection of khar and khadai, Jit Bahadur Majhi, a local leader and an MMBKSS activist raised the issue of irregularities in the general assembly, as well as the conduct of the executive committee. Jit Bahadur entered the campaign for FUG chairperson. His political affiliation with the CPN (UML) lent him support in his campaign against the existing chairperson, who belonged to Nepali Congress. The collective pressure from the local fishing community forced the existing Forest Committee to declare a general assembly. On the day of the assembly many fishing community members attended and their presence helped to turn the outcome of the election in Jit Bahadur's favour. He became the chairman of the newly-elected Executive Committee (Ghimire 2004).

Women take the lead

Bote women from Dibyapuri VDC were in conflict with the Dibya BZUC. The ban paley (forest guard) had refused local Bote women access to the forest to collect jalugo (green vegetables) and to fish. Green vegetables and small fish (bhura machha)

available in the wetland area falling under the jurisdiction of the community forest contributed significantly to their food security. The women protested against the restriction. Along with local women activists from MMBKSS, they went in a delegation to the president of the CFUG. The president happened to be the vice-chairperson of the VDC. The restriction was lifted. Since then, the Bote community has had unrestricted access to small fish and vegetables in the wetlands and permission to collect firewood from the forest.

The Buffer Zone Community Forest User Group

Access to local community forests in the buffer zone has been a key demand of the movement. Through membership of the Buffer Zone Community Forest User Group (BZCFUG), fishing communities have gained access to grass, firewood, and thatch grass, as per the rules of BZCFUG.

In community forests like Sishwar Community Forest, 32 Bote-Majhi have acquired membership in the BZCFUG. However, membership is now declining as people are losing interest in forest user committees because of the growing perception that information about meetings is not given and that the decision-making process is not clear. However, the growing forest cover in the vicinity has left communities vulnerable to destruction by wild animals from the Park.

Citizenship Campaign

Indigenous fishing communities face severe bureaucratic problems acquiring citizenship. The need for citizenship was felt when applying for jobs in the Ghadiyal Project, a ferrying service for tourists.

This issue was raised by MMBKSS and supported by the MP Majhi Lal Tharu Thanet and Hari Bahadur Musahar from Shergunj. Hari Bahadur suggested consulting the local MP. The MP supported the fishing community and took many of them to the Chief District Officer with whom he initiated a dialogue on the question of citizenship. Fishing community members from Shergunj were the first to acquire citizenship certificates as a result of the campaign. Afterwards, the campaign spilled over to neighbouring villages. Local Bote-Majhi and Musahar leaders then began the citizenship campaign in Laugain, Rajahar, and other villages.

Free Education

Education had been identified as an important issue by indigenous fishing communities during their regular meetings. This issue has also been addressed in public campaigns.

In Piprahar, Rajahar VDC, Amar Bahadur Majhi once asked that some children be admitted to the local public school. He was aware that primary education was free, but the school administration demanded NRs 40 admission fee for school infrastructure. This was not acceptable to the local fishing communities who decided to protest. They organised a rally in the village market (Rajar bazaar) demanding free education. Dozens of Bote-Majhi and Musahar children participated in the rally. The VDC finally agreed to support school education financially, focusing on children belonging to minority

groups. Later the school made a special provision for completely free education for children belonging to the Bote-Majhi and Musahar communities.

The campaign received media coverage and became an inspiration to fishing communities in other villages. The experience was also discussed in MMBKSS's meetings to replicate the struggle elsewhere. In a school at Gaindakot, fishing communities also demanded free education. The school refused to oblige so the communities took a delegation to the VDC. The Nepal Local Self-Governance Act provides for the allocation of VDC funds for the welfare of indigenous and disadvantaged groups. The VDC then asked for details of the school-going children from the local fishing community. Later, on the basis of that data, the VDC allocated funds for the education of children from the fishing community.

In other VDCs¹⁴ free education was provided without much pressure from fishing communities, simply on the basis of application and an appeal by MMBKSS. This was one of MMBKSS's sustained and successful campaigns.

Campaign for a Just Fishing Tax

Indigenous fishing communities residing on the banks of the Narayani River in Gaindakot had been paying NRs 1,200 to the municipality as a fishing tax. This sum was felt to be unreasonably high. Local Bote-Majhi and the MMBKSS decided to launch a campaign against such unjust taxation. They demanded that the tax be reduced to NRs 50 to be consistent with Chitwan National Park, which charged NRs 50 annually from indigenous fishing communities residing in the buffer zone. Although the fishing communities in Gaindakot do not fall under the jurisdiction of the CNP, they claimed that since Bote-Majhi communities had been fishing freely for many generations in the Narayani River, NRs 1,200 was unduly onerous.

In 2001, around 60 local Bote-Majhi, including activists from MMBKSS, went in a delegation to the Gaindakot VDC and organised a rally to put more pressure on the VDC officials. In meetings, which were attended by the chairperson of the VDC, pressure was put on the chairperson to help. Eventually the VDC agreed in writing that Bote and Majhi from Gaindakot would only be required to pay the nominal charge of NRs 50 as a fishing tax.

¹⁴ Bhedabari, Pragatinagar, Daldaley, Amarapuri, Pithauli, Kawasoti, Aghauli, and Koluwa VDCs

Chapter Seven

Politics of Development — Partners and Assistance

Conflict with the Local NGO Sahamati

In 2061 BS (2004/05), Sahamati, a Nawalparasi-based NGO, began to work with MMBKSS and other organisations representing the interests of fishing communities. It attempted to contribute to capacity building and the institutional development of existing local-level organisations. In Rajahar VDC, the NGO organised a workshop on networking with the objective of expanding the scope of the organisation. MMBKSS activists accepted the NGO's proposal believing that it would support their ongoing struggle and that they would benefit financially. However, tensions soon surfaced. Their differences erupted after the initiation of a project by the NGO involving the MMBKSS without consulting them. The president of MMBKSS stated:

“We wrote a formal letter to the NGO saying that we object to becoming a client of an NGO. We are willing to work as equal partners. The NGO did not consult us when applying for external funding, signing the agreement, or starting the project.”

The NGO then reportedly challenged the activists in a discussion saying: *“You cannot run your organisation on your own. You people do not know anything”*. The NGO proposed to manage and control project funds and release activity specific funds to MMBKSS. The activists did not agree to this and said that they did not want to be treated as clients and would not work under their authority.

MMBKSS then addressed the donors that funded the NGO by expressing their concern in a formal letter and questioning the rationale behind funding an NGO without assessing the ground realities and understanding the perspectives of the actual right holders. Bote-Majhi activists pointed out that no representatives of the donor had visited them prior to finalisation of the project agreement. A joint meeting among MMBKSS, Sahamati, CDO, and the donors (Care Nepal and Action Aid Nepal) addressed the conflict. As Care Nepal had already released the funding, as per the agreement, the project was stalled for a while. Then Sahamati declared their intent to form a community-based organisation of indigenous fishing communities, with a promise to spend already released funding. Majhi Utthan Kendra was established, even though MMBKSS was already in existence.

Before the formation of the new community-based organisation of indigenous fishing communities, the NGO organised several programmes including advocacy training, a press conference, and citizenship camps, and appointed one person from Bote-Majhi community as a community motivator. MMBKSS claims that the total amount funded by Care Nepal was NRs 1 million. Out of this, only NRs 78,000 was allotted for campaigns with MMBKSS. Activists also claim that the practice of distributing allowances to participants during the programmes, although unhealthy in the long

term, had temporarily attracted local communities. One of the employees of the NGO claimed that the communities would be liberated in ten years. However, in reality, when the project term ran out, the programmes initiated by the NGO struggled for sustenance. MMBKSS activists saw that NGO staff only worked during the duration of the project and did not show up after the formal date was over. Majhi Uttan Kendra became defunct. The secretary of the organisation migrated to India. The other employees gave up their affiliation with the organisation and the NGO. One member, Hom Bahadur Musahar, left the organisation and joined MMBKSS. *“Sahamati divided our unified organisation,”* he regrets in distress.

Donors and NGOs try to set up organisations as projects. In this particular case, the effort was not successful. It might have been more useful to explore ways to support existing spontaneous, movement-based, community organisations after assessing their needs and after being very careful not to make undemocratic decisions, or to create dependence in any way.

Foreign Financial Assistance

Globalisation came to the Bote-Majhi through subtle channels and in the form of international NGOs. Their struggles and lives have been caught up with the politics and approaches of the bigger players in the development business.

The first (tripartite) agreement between Oxfam, Action Aid Nepal, and CDO was for three years (1996/97–1998/99). The project was envisioned as a learning experience. This enabled the inflow of foreign funding for the empowerment of indigenous fishing communities in Nawalparasi and to improve their livelihood. MMBKSS was for the first time exposed to foreign funding to assist their struggle. The allocated amount of NRs 800,000 was earmarked for building the institutional capacity of MMBKSS and channelled through the budget allocated to CDO. Although the technical financial responsibility was with CDO, democratic procedures determined the relationship because MMBKSS had been a partner organisation of CDO since 1998/99.

In the course of the cooperation, it was realised that an improvement in the fishing communities' entitlements could only be made possible through the buffer zone user committees, VDCs, and community forests. It also became clear that broader alliances had to be forged to tackle issues that lay beyond the local level, such as structural issues, and the root causes of the livelihood crisis. Oxfam showed reluctance to broaden the scope of the project beyond the locality itself. Oxfam's concern was based on its understanding of leadership at the micro-level of organising protests by the very poor. However, there was a danger that the leadership would slide back to the relatively dominant stakeholders in society and threaten the purpose of the programme. Oxfam's observation was that CDO was involved in issues beyond the mandate of the project and the benefits of the project were not directly reaching poor indigenous fishing communities. Action Aid, on the other hand, was pushing an agenda of initiating income generating activities along with social campaigns.

In the final review of the project, the donor's comment was that MMBKSS could not develop managerial skills and CDO lacked adequate representation of women and Janajatis (indigenous people) in its organisational set-up. Despite these reservations,

continuation of the project was recommended. MMBKSS continued to work in Nawalparasi and CDO worked with fishing communities in Chitwan. Oxfam continued as the sole donor. However, later, Oxfam committed only to a short-term project of six months.

During these six months fundamental differences arose between Oxfam and CDO regarding strategies and approach. Oxfam believed that an intervention should yield instant results and, therefore, the approach should focus on the direct empowerment of the social group targeted. CDO's understanding, arising from years of engagement, mobilisation, and organisational interventions, was that instant gratification is unrealistic.

Chapter Eight

The Tide Ebbs

One of the major lessons learned by MMBKSS during its cooperation with foreign funding agencies was that conservation policy and practice has to be made more accountable and democratic. Without this, there can be no empowerment of marginalised social groups who depend on natural resources. MMBKSS and CDO reiterated that campaigns have to extend beyond the locality and should address conflict between nature conservation and people in other locales as well. This might eventually lead to a questioning of the entire conservation policy and its institutional arrangement. The project was finally terminated by the local partners.

While foreign funding was abandoned, internal struggles and dynamics contributed to a decline in activism by the movement.

Internal Dynamics

Organisational work began with the involvement of the Majhi community. However, gradually, as the organisation began to gain strength and expand its ambit of mobilisation, the need to include Bote and Musahar activists became clear. After all, Bote and Musahar also depend upon the rivers, land, and forest and were equally at the receiving end of Park rules and regulations. Bote and Musahar were victims of the same historical process that marginalised the original inhabitants of the land.

One notable event propelled the much-needed unity. Park authorities confiscated boats from Daldaley and members of the Bote community were unsuccessful in reclaiming their boats. After this, for one year Bote community members were in a state of retreat and stopped fishing in the river. Many took up other occupations that are less natural-resource depended. When they joined force with the Majhi activists, the collective pressure led to the boats being returned.

Bote and Majhi tended to look down upon the Musahars as lower in the social hierarchy of the marginalised. Musahars were formerly treated as 'untouchable.' Jit Bahadur Majhi and Amar Bahadur Majhi competed for leadership. It was believed that Jit Bahadur gave priority to Musahars and excluded Bote and Majhi. Under Jit Bahadur's presidency, the organisation (MMBKSS) received external funding of NRs 60,000 as seed money for income generating activities (shops, raising pigs, etc.). Amar Bahadur had contributed NRs 14,000 as a loan to the organisation. This amount was never recovered. Jit Bahadur got into a scrap with Hom Bahadur's father over political differences. This conflict was aggravated when Hom Bahadur's father raised objections over the issue of travel allowances being given to participants in a workshop organised by MMBKSS. Hom Bahadur also did not approve of the MMBKSS not extending financial support during the land occupation campaign in Dhakaha. Jit Bahadur was

accused of corruption. He could not dispute the charge and this led to the credibility of the organisation being affected. His whereabouts are not known. This was the context in which the organisation came into contact with Sahamati. Sahamati was concerned over reports of inner conflict and charges of misappropriation. Internally, this led to MMBKSS accepting Sahamati's control over its financial affairs. Slowly there was a movement of activists towards Sahamati. This trend continued until the project expired and the members returned to MMBKSS.

Some MMBKSS Activists Become Inactive

Hari Bahadur Majhi, Ram Lakhan, Suklal, Raj Kumar, Bikram, Buddhi Ram, Suk Ram, and Sam Fuliya, some of the most dedicated activists, have left MMBKSS over the years. Suspicion of corruption within the organisation was a contributing factor. CDO realised that income-generating schemes, such as the ones it had initiated, were breeding grounds for transparency issues. CDO distributed money to fishing people to buy pigs as part of a poverty alleviation project. Some of the pigs died and losses were incurred. Hari Bahadur Majhi found more use for an ox and proceeded to use his money for that. This unilateral decision gave rise to internal conflict. Internal tensions dissuaded some activists. Another source of ill-feeling was the derogation reserved for members who became Christians.

Women activists complained that their involvement affected their family relations causing some to become inactive. Others, however, had different reasons. Some older members left to make way for younger leaders, or because they felt that they were unable to contribute as much as they would like. Some were disillusioned with the lack of progress in the improvement of their livelihoods. Some campaigns took immense energy and dedication and involved spending time away from other resource-seeking activities, but did not necessarily result in any substantial change (such as the Laukhani land occupation). In some cases, there was disappointment over the lack of support given by MMBKSS, for example, as alleged by Hom Bahadur in Dhakaha.

Withering of a Vibrant Movement

Internal discord and the ebb of enthusiasm among key leaders led to a decline in the vibrancy of the movement. The entry of foreign funds played a particular role. Earlier, there was a sense of a united struggle. Mobilising local resources for struggles played a role in maintaining the movement's vitality, although this also contributed to internal conflict.

Donors require regular reports and fund activities only within certain boundaries. This put organisational constraints on the movement. A foreign-funded project meant that some activists were paid, while others were not, which contributed to further internal misunderstandings. CDO went ahead and took the campaign beyond Nawalparasi district. It could not, however, commit constant and immediate support to MMBKSS. Other NGO partners, some of which were inexperienced, started to cooperate with MMBKSS. As a result, MMBKSS forced itself into the frame set by the donors.

Meanwhile, younger Bote-Majhi and Musahar people, equipped with formal education and more exposed to the world, began to question the very purpose of the MMBKSS,

which struggled to retain livelihood security from a traditional point of view. The younger people are more attracted to 'modern' sources of sustenance, which are less arduous, require a different skill set, and are more remunerative. CDO's physical presence in Nawalparasi has decreased over the past few years, although MMBKSS now and then still seeks their thematic and strategic support in campaigns. CDO is now focusing its campaign on Chitwan and protected areas in other parts of the Terai. Now, MMBKSS is launching its campaigns with two other Nawalparasi-based NGOs, Sahamati and the Vijay Development Resource Centre. MMBKSS still receives funding from Action Aid, Nepal. Serious concerns are being raised in the consortium of NGOs that includes MMBKSS and CDO about the need to enhance the synergy of all such organisations towards a collective campaign. So far, this has not yielded any satisfactory collective actions. Several NGOs are working in the one constituency for the cause of the Bote-Majhi and Musahar people. Ideas of alternative livelihoods for fishing communities are debated in the consortium. The potential danger of marginalising discourses about traditional livelihoods and the usufruct rights of indigenous fishing communities to rivers and forests have also been raised.

Chapter Nine

Recent Conflict with Conservation Authorities

Although civil society activism and the struggles of local groups have enhanced the space for indigenous people during the last few years, incidences of human rights violations by the Army and Park authorities still continue. Victims of human rights violations are often members of marginalised social groups and include the poor, women, and members of indigenous communities.

Continued Human Rights Violations

According to Khor Bahadur Majhi, a group of seven women including Bote women from Kumarwanti VDC were returning after collecting wild green vegetables from the National Park. At Amaltari, Gochada Army personnel from the Koluwa post forced them to cross the river in a semi unclad state. The Army personnel also smashed their boat for entering the forest and threatened them.

In another incident, a Majhi from Shergunaj was beaten by Army personnel when he went to the river to fish. The Army person from Khoriya post had asked the group of Majhi men to fish for them and given them NRs 30. The fisherman could not catch enough fish and were beaten.

Conservation Authorities Arrest Bote while Fishing

On 22 November 2005, at 5.30 pm, CNP officials arrested Bikram Bote from Jagatpur-1, (Chitwan) on the charge of fishing. He was arrested when he was fishing in the River Rapti. He was in an undressed state.

They threatened to fine Bikram Bote NRs 10,000 and imprison him for two years. Bikram argued with the officials. According to Bikram they had attempted to steal his catch, and when he resisted, they arrested him. He claims that his arrest was revenge for his resistance of the National Park officials. *"We can not release him. He misbehaved with us; he doesn't listen to us. We will punish him,"* said the ranger.

When the ranger refused to release him, local activists decided to publicise the issue and demand his unconditional release. Nepal Bote Samaj, an organisation representing an indigenous fishing community in Chitwan, and other civil society groups organised a press conference. The ranger, in turn, threatened to take legal action against Bikram. Activists organised a sit-in at the office of the Kerunga Buffer Zone User Committee at Jagatpur. After continuous public pressure for two weeks, the National Park authority released Bikram Bote on the condition that he report to Kasara every month.

Harassment of Kumal¹⁵ Women

On 30 April 2006, a group of 15 Kumal women from buffer zone areas (Jogitole, Ward 2, Meghauri) went to Khoriya Army Post inside Chitwan National Park to seek permission to collect wild vegetables. The women were sexually harassed by the Army. The Army also beat nine of the women. The next day, six army personnel from the same post came to the village. Shanti Kumal inquired about the incident and questioned the acts of the Army. The officer-in-command was enraged and said: *“Are you a journalist, human rights activist, a leader of this village? How dare you question us?”*

Afterwards, a press statement was released on behalf of Shanti Kumal condemning the incident and warning of a movement if a proper investigation was not conducted. When the matter was taken up by the media, it infuriated the army officers from Khoriya post. On 2 and 3 May, Army personnel from the post came to the village and threatened the villagers with dire consequences if they did not hand Shanti over to the army within three days.

Shanti Kumal then escaped from the village and took refuge in her relatives' house. On 4 May, a press conference was organised with the harassed Kumal women. They strongly protested against the Army personnel's behaviour and appealed for justice and security. On 5 May, their appeal reached the House of Representatives and Rajendra Panday, Member of Parliament, raised the issue in Parliament. On 8 May, in a programme organised at Bharatpur, Chitwan leaders of a citizens' movement and senior human rights activists raised the issue and strongly protested against the Army's actions.

Human rights organisations began their fact-finding mission. The fact-finding team conducted an investigation at Khoriya post. On 10 May, a public hearing was organised in Kathmandu at Martin Chautari. The national media highlighted the issue.

¹⁵ Kumal are forest-dependent highly marginalised indigenous groups residing in the buffer zone. They are also engaged in agriculture.

Chapter Ten

Future Agenda

Bote-Majhi and Musahar presently reside in 19 villages in Nawalparasi district. The majority of the fishing communities in about 10 of these villages¹⁶ still depend on forest and river resources for their livelihood. Their only sources of food security and livelihood are fish and wild vegetables. Channu Ram Majhi from Piprahar says that he makes his living exclusively from fishing in the Narayani River and from forest resources. He says:

“Although it isn’t adequate, we don’t starve”.

In villages such as Keurani, Daldaley, and Bagkhor, fishing communities possess some land for subsistence production. Some landless fishing communities seek alternative income from agricultural daily wage labour. Bote-Majhi and Musahar activists believe that the six-month licence granted to them is the direct result of their struggle.

The journey of the movement of indigenous fishing communities from Nawalparasi has taken more than a decade. Livelihood has been central to the movement. Their story illustrates how resistance over a small issue, in a small place, and from a small village can turn into a sustained movement. The movement is a successful example of a non-violent social movement in Nepal. The movement has exerted a great influence on the contemporary debate about democratisation and helped decision makers to rethinking policies governing protected areas and wildlife conservation in Nepal.

The movement gave birth to a vibrant people’s organisation, owned by the Bote-Majhi and Musahars, one of the most marginalised minority groups in Nepal. The movement also generated activists with sound leadership and campaigning skills.

The social campaigns led by MMBKSS in past and present have taken up the divergence between conservation policies and indigenous fishing people’s rights. As a result, these campaigns have increased indigenous people’s chances of accessing livelihood resources from the CNP and its protected surroundings. Moreover, the magnitude and frequency of human rights violations by conservation authorities, including the Army, have been drastically reduced. Bote-Majhi and Musahar activists interviewed said that they have regained social dignity because they have successfully bargained with public institutions for resources for their communities. It is testimony to the success of the movement that the Buffer Zone Council of CNP is preparing to handover the river in Patiyani VDC, Chitwan to local indigenous fishing communities.

However, the continued activism of MMBKSS highlights areas for future campaigns. After years of struggle, there may be a larger battle ahead over the plight of

¹⁶ Such villages include Piprahar, Laugain, Gairi, Badruwa, Shergunj, Bagkhor, Nandapur, Ratanpur, Tamsariya, and Naya Belhani

communities languishing on the banks of the River Narayani at the periphery of CNP. Vulnerability to floods, housing insecurity, and landlessness are continuous challenges for indigenous fishing communities. The resettlement of communities in safer locations with potential for subsistence cultivation is one of MMBKSS's main focuses. Legal entitlement to land currently occupied by fishing communities is another pressing issue. However, the distribution of land to those who possess no or little land for housing is linked to larger processes of land reform in the country.

Excluding the three-month spawning season, fishing communities are demanding an extension of fishing licences for up to nine months. But there have been conflicting concerns over the decline in the fish catch in the Narayani River Basin and its ramifications on the food security of fishing communities. There is a need to generate ideas and policies for alternative livelihoods for indigenous fishing communities. These should, however, not compromise indigenous people's social ecology and customary rights over productive river and forest resources. It is equally important to find ways out of the ecological crisis affecting the riverine ecosystem through vigorous campaigns and scientific interventions. MMBKSS can be a key actor in bringing both into harmony. Strategies are needed that equally address food security, particularly of forest-dependent communities, and free and continued access to livelihood resources (wild vegetables, fruits, medicinal herbs, and fallen timber).

There are issues that go beyond the local context. The aspirations, dreams, and demands of the struggling Bote, Majhi, and Mushars have links to the current conservation paradigm, and protected area policies and practices. There is an urgent need to democratise and restructure protected area management and policies. It is time to rethink the paradigm of biodiversity conservation, current models of protected area management, buffer zone management, and the presence of the Nepal Army in protected areas, particularly to secure the rights of indigenous communities in and around protected areas. In the context of state policies and the forces of globalisation, indigenous communities are being dispossessed of their natural resources rights and face the erosion of their traditional local livelihoods. At the same time, their indigenous knowledge and practices are being pirated, which is equally critical and needs to be urgently addressed.

References

- Adhikari, J.; Upreti, B (2006) *Reality Revisited: Highly Marginalised Ethnic Groups' Access to Natural Resources in Nepal: National Laws, Policies and Practices, Preliminary Draft Report*. Kathmandu: Action Aid Nepal
- Bhatt, D. (2006) 'All the King's Horses, All the King's Men', In *Combat Law*, Special Issue on Nepal, Sept–Oct 2006: 44–46
- Bhattarai, A.; Jana, S. (2005) *Grass Roots Organisation Engaging Conservation Agency: Case Study of Indigenous Fishing Communities Right to Fishing in South Central Nepal*. London: Research and Policy in Development (RAPID) Programme Overseas Development Institute (ODI). Available at http://www.odi.org.uk/RAPID/projects/PPA0104/natural_resources.html
- Bhattarai, A.; Thapaliya, A.; Thapa, M.; Ghimire, S. (2003) 'Voices from the Southern Civil Societies: Nepalese Country Report'. In *Voices from Southern Civil Societies, The Interplay of National and Global Contexts in the Performance of Civil Society Organisations in the South, Country Case Studies, Policy Papers*. Helsinki: Institute of Development Studies, University of Helsinki
- Bhattarai, A. (1999) 'Conservation and Erosion of Local Livelihoods'. In *Case Study of Impact of Royal Chitwan National Park on Majhi, Bote and Musahar Communities of Chitwan Valley*, MA dissertation. Kathmandu: Faculty of Humanities and Social Sciences, Tribhuvan University
- Dhital, R.R.; Jha, D.K. (2002) 'Fish Fauna of the Narayani River System and Their Impact on the Fishermen Community in Chitwan, Nepal'. In *Cold Water Fisheries in Trans-Himalayan Countries, FAO Technical Paper Series 431*. Rome: Food and Agriculture Organisation. Available at <http://www.fao.org/docrep/005/y3994e/y3994e0e.htm>.
- Dinerstein, E. (2003) *The Return of the Unicorns: The Natural History and Conservation of the Greater One-horned Rhinoceros*, Vol. 11, p.316. New York: Columbia University Press
- Dixit, K. (2003) 'Pollution, Poaching Affect Chitwan's Success'. In *Nepali Times*, No. 139, 4th-10th April
- Ghimire, S. (2003a) 'Nikunja Ra Janta Bich Ko Antar Sambandha' (Inter-relations Between National Parks and People). In *Environmental Justice Reader*, Martin Chautari. Kathmandu: Social Development and Research Centre
- Ghimire, S. (2003b) 'Impact of Conservation Practice on Livelihood'. In *Hamro Ban Sampadha*, Issue 2, Year 1. Kathmandu: Forest Action
- Ghimire, S. (2004) 'Bote/Majhi Access to Resources in Community Forestry: A Case Study of Benefit Distribution and the Decision-Making Process'. In *Case Studies on*

Equity and Poverty in the Management of Common Property Resources in Nepal.
Kathmandu: Forest Action

Jana, S. (2007) 'Local Movement of Indigenous Fishing Communities Around Chitwan National Park'. In Newsletter 52, *Sustainable Mountain Development in the Greater Himalayan Region: Greater Voices for All Mountain People.* Kathmandu: ICIMOD

Kshetri, I.D. (2004) 'Gaidakot's Citizens Force Closure of Polluting Paper Plant and Allow it to Reopen After Clean-up Guarantee'. In *Nepali Times*, No.226, 17th–23rd December

Poudel, M. et al. (full name please) (1999) *Mid Term Evaluation Report, Program on Campaign for Empowerment of Majhi, Musahar and Bote.* Bharatpur (Chitwan): Community Development Organization

Thapa, S.J. (2003) 'Pollution Alarm on the Narayani'. In *Nepali Times*, No.139, 4th–10th April

UNESCO and IUCN (2003) *Enhancing Our Heritage Project: Monitoring and Managing for Success in Natural World Heritage Sites, Initial Management Effectiveness Evaluation Report.* Royal Chitwan National Park, Nepal, August 2003. Kathmandu: UNESCO and IUCN

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Reconciling the needs of people who depend on natural resources for their survival with nature conservation management is a burning issue in many parts of the world. The emerging problems are approached by the concept of environmental justice – the struggle against the unfair environmental burden often placed on marginalised communities. This book traces the struggles of the Bote-Majhi-Musahars – marginalised indigenous fishing communities who live along the periphery of Chitwan National Park in Nepal – as they tried to regain their right to fish, ferry, and collect forest products from the National Park area. Their struggle sums up in miniature the problems faced by many indigenous groups. It shows how individual resistance transformed into a successful movement, and how this movement then withered in the face of outside influence and a changing situation. It raises the issues of vulnerability to floods, problems of land title recognition, resettlement, and the decline in fish populations, and rights to indigenous knowledge. Most of all it provides an example of one small group – their trials, tribulations, imperfections, successes, and failures – and how they are confronting a situation shared by many others caught up in the parks/people conflict.

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