

## ༄༅། ། རྩེ་མི་ལ་རས་པའི་རེ་འབོད།

## Milarepa's Plea

གཡའ་རི་དང་གངས་རི་རྩེ་གསུམ།  
འདི་གསུམ་མི་ལའི་སྐྱབ་གནས་ཡིན།  
གཡའ་རྩེ་གངས་རྩེ་རྩེ་གསུམ།  
འདི་གསུམ་མི་ལའི་བདུང་རྩེ་ཡིན།  
སྐ་བ་གོ་བ་གནའ་བ་གསུམ།  
འདི་གསུམ་མི་ལའི་སྐོ་སྐྱགས་ཡིན།  
གཡི་དང་འཕར་བ་སྐྱང་གི་གསུམ།  
འདི་གསུམ་མི་ལའི་སྐོ་བྱི་ཡིན།  
སྐྱ་དང་སྐྱུ་མི་བྱེད་གསུམ།  
འདི་གསུམ་མི་ལའི་ཅེ་ཕྱོགས་ཡིན།  
བྱ་འཛོལ་མོ་གོང་མོ་མོད་པོ་གསུམ།  
དེ་གསུམ་མི་ལའི་བྱིས་བྱ་ཡིན།

Snow, rock, and clay mountains  
are my hermitages.

Snow and glacial rivers are my  
drinking water.

Deer, gazelle and blue sheep  
are my livestock.

Lynx, wild dog and wolf are  
my guards.

Langur, monkey and brown bear  
are my playmates.

Thrush, snow cock and griffon  
are my garden birds.

If this appeals to you, please  
join me.

Milarepa was an 11th century Buddhist  
hermit who lived in the Himalayan valleys  
along the Nepal and Tibet border. Mila's  
deep compassion for wildlife and love for  
wilderness fostered a spirit of harmony  
between man and nature in the Himalayas.

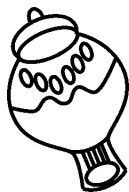
Taken from a poster published by TMI and ICIMOD  
designed by Lhakpa Norbu Sherpa, painting by Karma Lama





## Note

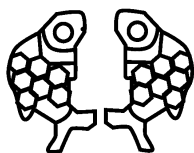
The symbols used in this book are from the eight auspicious symbols of Buddhism, which is common to the peoples of the transboundary region and forms an integral part of their culture. The details and names of the symbols differ a little in different traditions.



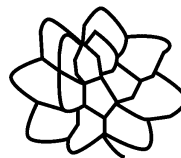
**The Great Treasure Vase** or **Precious Vase** symbolises long life, wealth, and prosperity.



**The Precious Parasol, Protection Parasol, or Precious Umbrella** symbolises protection from all evils.



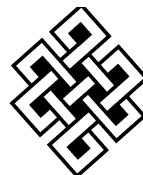
**The Golden Fish** symbolise happiness, abundance and fertility, and/or wisdom or being in a state of fearlessness.



**The White Lotus** or **Lotus Flower** symbolises purity.



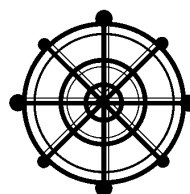
**The Right-Turning Conch, Right-coiled White Conch, or White Conch Shell** symbolises the awakening from ignorance, the sound of victory, power and (religious) sovereignty, and/or universality and strength of the law.



**The Endless, Infinite or Eternal Knot or Auspicious Drawing**, symbolises long life, the unity of wisdom and endless compassion, the interdependence of all things and/or continuity.



**The Victory Banner** or **Canopy** symbolises the ultimate victory of Buddhism over all things negative and/or the methods for overcoming defilements.



**The Dharma Wheel** or **Wheel of Law** symbolises the wheel of teaching that the Buddha turned.

## **Acts of the People's Republic of China relating to biodiversity conservation**

**The Constitution of the People's Republic of China** (PRC), Article 9, states that the State shall ensure the rational use of natural resources and protect rare animals and plants; it prohibits any occupation, by organisations or individuals, that damages natural resources. Article 26 states that the State shall protect and improve the environment, as well as encourage and organise afforestation and forest protection; it also prevents and controls pollution and other public hazards. Article 17 states that the people's governments at various levels shall take measures to protect regions representing various types of natural ecological systems; regions with natural distributions of rare and endangered wild animals and plants; regions where major sources of water are conserved; geological structures of major scientific and cultural value; famous regions where karst caves or fossil deposits are distributed; traces of glaciers, volcanoes, hot springs, or human history; and ancient and precious trees; it strictly forbids damage to the above. Article 19 states that measures shall be taken to protect the environment in cases where natural resources are being developed or utilised. Article 23 states that during urban and rural construction, vegetation, bodies of water, and the natural landscape shall be protected; it also states that gardens and other scenic places shall be constructed in cities, displaying the special features of the local environment.

**The Law of the PRC on the Protection of Wildlife**, Article 6 states that the governments at various levels shall strengthen the administration of wildlife resources, as well as formulate plans and take measures for the protection, development, and rational utilisation of wildlife resources.

**The Water Law of the PRC**, Article 5, states that the State shall protect and conserve water resources, adopt effective measures to preserve natural flora by planting trees and grass, prevent and control soil erosion, and otherwise improve the environment. Article 20 states that the forestry departments; under the State Council and the people's governments at the province, municipality, and autonomous region levels; shall designate and manage

nature reserves in forest areas of special value. These include forests typical of the specific region, forests containing rare animals or plants, or tropical rainforests (World Heritage Convention).

## Acts of His Majesty's Government of Nepal relating to biodiversity conservation

**The Constitution of the Kingdom of Nepal**, 1990, obligates the State to give due priority to environmental conservation. Article 26 states that the state shall give priority both to preventing adverse effects on the environment caused by physical development activities, and also to protecting the environment through increased public awareness on environmental cleanliness. It states that the State shall also make arrangements for special protection of rare and endangered wildlife, forests, and vegetation.

**The National Parks and Wildlife Conservation Act**, 1973, empowers His Majesty's Government (HMG) of Nepal to establish various types of protected areas in Nepal; such as national parks, strict nature reserves, wildlife reserves, hunting reserves, conservation areas, and buffer zones. It then defines each of these protected areas as follows.

- National Park: an area for landscape conservation and management
- Strict Nature Reserve: an area of ecological importance set aside for scientific research and study
- Wildlife Reserve: an area for conservation and management of wildlife and their habitat
- Hunting Reserve: an area for management of game animals
- Conservation Area: an area managed by communities for their livelihood by maintaining and conserving the environment through local effort
- Buffer Zone: an area peripheral to national parks or reserves; provisions for buffer zones call for wise and sustainable use and conservation of forest and wildlife resources by the community

Under Schedule 1 of this Act, 27 species of mammals, 9 species of birds, and 3 species of reptiles are protected, and killing or maiming of these species is punishable by law. Other wildlife species are only to be hunted with a permit. Also, to provide effective protection of the flora and fauna in protected areas, several actions are prohibited; such as entering without a permit, hunting wildlife, constructing, cultivating, grazing livestock, and damaging or removing forest products. Section 19 of the Act prohibits sale, barter, or transfer of any trophy without a license from a prescribed officer. A legal possessor of such a trophy must obtain permission from the Ministry of Forest and Soil Conservation to import or export the trophy. Transboundary conservation, however, is not mentioned in this Act (Chapagain 2001).

The **Forest Act**, 1993, incorporates several provisions for the conservation, development, utilisation, and management of forests. The Act empowers HMG of Nepal to delineate any



part of a national forest with environmental, scientific, or cultural significance a protected forest. Under the legal framework of this Act are various forest-management systems; these include government-managed forest, protected forest, community forest, leasehold forest, and religious forest. Community and leasehold forests are especially important, as they provide minor forest products and stable incomes to their guardian communities. After two decades of the community forestry programme, degraded forests, brush lands, and barren lands have been converted to mature secondary forests, providing habitat for wildlife. This Act also authorises a ban on collection, utilisation, sale, transport, or export of certain plant species and disseminates relevant information in the Nepal Gazette.

The **Environment Protection Act**, 1997, includes a provision for Environment Conservation Areas (ECA). It empowers HMG, Nepal to designate any place (including border regions) an ECA if such an area is considered important from an environmental aspect – this importance can be due to natural heritage, endangered or rare wildlife species habitat, or historical or cultural background. Activities harmful to the scenic beauty of these areas are strictly prohibited.

Several Acts control the import and export of plant and animal life. The **Plant Protection Act**, 1973, authorises HMG Nepal to control export and import of plant products and prevent infectious bacteria and viruses from entering the country through quarantine stations and laboratories at major customs points. **The Import Export Act**, 1957, authorises HMG Nepal to control export and import of wildlife products. Section 3 of this Act states that wildlife; bear gallbladder; musk and musk pods; and skins of snake, lizard, and other wildlife are not to be imported or exported. However, this Act does not currently ban transport of all protected species of flora and fauna. Similarly, the **Animal Health and Animal Service Act**, 1999, states that livestock products can be imported or exported but empowers HMG Nepal to prohibit the importing of livestock or livestock products that may carry infectious disease. This Act has yet to be implemented in transboundary areas.

Finally, the **Aquatic Animals Protection Act**, 1961, requires the construction of fish ladders on dams or other features that obstruct aquatic life; it also prohibits discharging electricity, using explosives, or dispersing poison in water (Chapagain 2001).

## Agreements between the Tibet Autonomous Region, China, and Nepal

The first **Trade and Payment Agreement**, 1974, enhanced the developing economic relationship and strengthened trade between Nepal and the Tibet Autonomous Region (TAR). Both countries agreed to use certain trade routes (Kodari/Nyalam, Rasuwa/Kyerong, and Yari Humla/Purang) and to improve the quality of life of the border inhabitants by permitting traditional trade, barter, and grazing within a 30 km radius of the border.

Another agreement of the same name was passed in 1981 and endorsed three more trade routes. It also included provisions on the export of live sheep, yak, and yak tails from TAR, and timber and medicinal herbs from Nepal.

The **joint meeting on trans-frontier pasturing** by border inhabitants was organised in 1983 to end conflicts related to pasturing. Some of its provisions included reduction of livestock, a time frame to end grazing practices, and immunisation of livestock that pasture across the border. Another provision instructed local authorities to disseminate information about infectious livestock diseases and take necessary measures to prevent the spread of such diseases.

The **agreement between the Governments of Nepal and China on trade, intercourse, and related questions between Nepal and the Tibetan Autonomous Region of China**, 1986, forbids nationals of either country to engage in activities such as herding, grazing, farming, hunting, felling trees, or picking medicinal herbs across the border. It states that livestock, plants, and products thereof originating in either country shall be quarantined prior to export or import, and that quarantine regulations of the importing country shall be conscientiously observed. It further states that the two governments shall cooperate in the development of tourism, economy, and technology, and shall expand links in trade and civil aviation (Chapagain 2001).

## International Conventions relating to transboundary issues between TAR and Nepal

The **Convention on Wetlands of International Importance**, 1971, of which Nepal and China are parties, states in Article 5 that contracting states must consult other contracting parties about obligations discussed at the convention regarding wetlands which fall beyond one country's territory into the territories of one or more other countries. This indicates that both Nepal and China have taken full responsibility for conservation of wetland flora and fauna beyond their borders.

The intergovernmental, **Convention on International Trade in Endangered Species of Wild Fauna and Flora**, 1973, (which came into force in 1975) came about due to the enormous volume of illegal trafficking of wild fauna and flora, and the resulting near extinction of some species. Parties to this convention have initiated necessary measures to control international trade in the wild fauna and flora listed in the appendices created by the convention. Over 158 countries are currently parties to this outstanding wildlife convention.

The **Convention on Migratory Species**, 1979, (also known as the Bonn Convention) was brought about by the Stockholm Conference, 1972, which urged governments to consider enacting international conventions and treaties for the protection of species that inhabit

international waters or migrate from one territory to another. This convention requires the review and assessment of the conservation status of migratory species. As the boundary between Nepal and TAR stretches over 885 km, this convention is especially important for these two countries.

The **Convention on Biological Diversity**, 1992, provides for notification, exchange of information, and consultation on activities that may have significant adverse effects on biological diversity, if the effects of these activities spread beyond national jurisdiction into other states or areas. Article 5 requires parties to cooperate directly or through appropriate international organisations in matters of mutual interest for the conservation and sustainable use of biological resources in their regions. This convention is potentially an important tool for strengthening transboundary conservation between TAR and Nepal (Chapagain 2001).





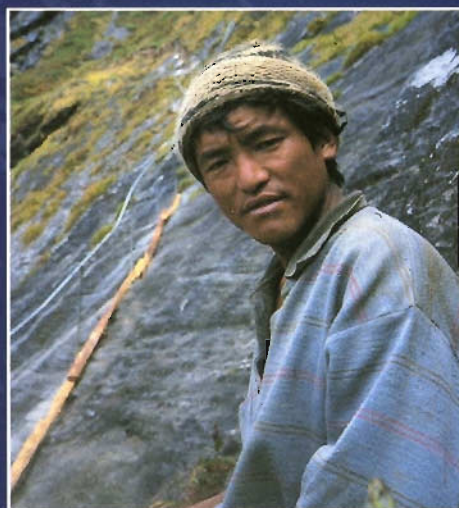
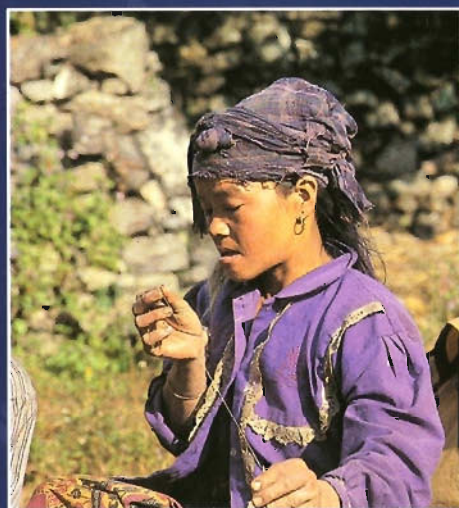
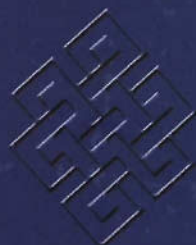
# about the authors

**Lhakpa Norbu Sherpa** was born and grew up in a remote Himalayan village in Solukhumbu, Nepal. He is an environmentalist with special interests in protecting mountain environments and cultures and promoting mountain livelihoods. He obtained a PhD in Forest Resources from the University of Washington, USA, and served as a Senior Manager of Nepal's National Parks for nearly 15 years. He has spent much of his career protecting the Mount Everest ecosystem. He has been involved in establishing and managing each of the three protected areas surrounding Mt. Everest (Sagarmatha and Makalu-Barun National Parks in Nepal and Qomolangma Nature Preserve in Tibet Autonomous Region). He also played a key role in promoting cross-border exchange between Nepalese and Tibetan conservationists and led a joint transboundary study to strengthen cooperation in transboundary conservation. Presently, he works as Manager of The Mountain Institute's (TMI) Qomolangma Conservation Programme in TAR.

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