Shifting Paradigms in Wetland Governance: Shaping and Reshaping Conservation

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Abstract: The Ramsar Convention came into force in Nepal in 1988 and it was an expression of the country's commitment to wetland conservation. Despite this, wetlands continue to degrade rapidly across Nepal. This paper examines the cross-cutting issue of wetland governance in Nepal with a case of a Ramsar site, sheds light on the recent developments and identifies its implications for the future. Wetland conservation has remained centralized in the past, with power vested in the state to manage through ministries and district offices. The irony is that numerous sectoral agencies claimed authority over its governance but failed to deliver its effective management. The paper suggests that wetland governance models will need to improve their design in order to espouse participation of non-state actors and to enhance synergies at all levels (local-district-national). Since there are no blueprint models or panacea for a multi-faceted resource such as wetlands, a critical balance should be maintained between efficiency of the design while ensuring adequate and meaningful space for engagement of non-state actors.

Key words: Fragmentation, governance, institutions, Multi-stakeholder platform, wetlands

BACKGROUND: WETLANDS A COMPLEX CROSS-CUTTING ISSUE

The Ramsar Convention and Nepal's Wetlands

The Ramsar Convention is an intergovernmental treaty adopted in 1971 and had an initial focus on conservation of waterfowl habitat. Over the years, recognizing the importance of wetland ecosystems for the conservation of biodiversity and human well-being, the convention broadened its scope into conservation and wise use of wetlands, listing of wetlands of international importance (the Ramsar list) and international cooperation. The Ramsar Convention came into force in Nepal on 17 April, 1988. The Department of National Parks and Wildlife Conservation (DNPWC) is the national focal point for the convention in Nepal. Till date, ten wetlands of Nepal are enlisted in the Ramsar site as 'Wetlands of International Importance'. The adoption of such intergovernmental treaties in the national context is a step towards environmental compliance. As the policies are adopted, the national legal systems are also forged accordingly. Such international environmental agreements also guide national laws and policies to the extent of its importance in the country. This demands efficient institutional arrangements at all levels. Resolution VII.7 of the Ramsar Guidelines urges the parties to review the compatibility of existing policies and legislation. The review should consider (1) legal and institutional arrangements that constrain wise use; and (2) support the development of positive legal and institutional arrangements to promote wise use. It also made a concrete recommendation that community and Non-Governmental Organization (NGO) participation should be promoted to the level where they are also represented in regional and local committees.

Wetlands denote perennial water bodies that originate from underground sources of water or rains (GoN/MoFSC 2014). It means swampy areas with flowing or stagnant fresh or salt water that are natural or man-made, or permanent or temporary. Wetlands also mean marshy lands, riverine floodplains, lakes, ponds, water storage areas and agricultural lands (MoFSC 2003). About 5 per cent of Nepal's total area (743,756 ha) comprises of wetlands (Baral 2012). Wetland ecosystems of Nepal fall into two broad categories - natural wetlands and man-made wetlands. They are rich in biodiversity supporting habitat for about 172 species of birds and major wetland plants, including threatened plant and animal species (GoN/MoFSC 2014), and play a vital role in maintaining biodiversity and livelihood of local communities (MoFSC 2002).

Wetlands in Nepal are threatened by multiple factors such as expansion of settlements and agriculture along with infrastructure development, eutrophication as a result of excessive use of fertilizers, invasive vegetation, and introduction of exotic fish species (GoN/MoFSC 2014). The efforts to tackle wetland degradation in Nepal are institutionally challenged by fragmented laws and policies acting concomitantly with the lack of coordination among government agencies which results in 'duplication, competition, stagnation and conflict' (Bhandari 2009: 15). Overlapping jurisdiction among government agencies has negatively affected resource management and it is more severe in case of wetland conservation (GoN/MoFSC 2014). Numerous government, NGOs and community based institutions are functional in the area of wetland conservation. Lack of coordination between these institutions resulting in overlapping remit, inefficient expenses and confusion among stakeholders has always been a pressing issue (MoFSC 2004).

The above statements lead us into a scenario where we come across a situation of numerous institutions being involved in wetland management thereby causing a state of fragmentation and formation of National Wetlands Committee (NWC) as an effort to coordinate at the national level and the Multi stakeholder forum (MSF) at the district level create a situation where the concept of multilevel governance holds relevance.

GOVERNANCE AND RESOURCE MANAGEMENT

A basic assumption for the need to understanding resource management institutions in governance of natural resource stems from the fact that these institutions are formed by people and they are the source of and solutions to environmental problems (Kalikoski *et al.* 2002). This section defines institutions and their roles in natural resource management. It explains how institutional arrangements support or hinder resource management. Further, the concept of institutional fragmentation is discussed leading into the concept of governance. This shift from government to governance (shift from rowing to steering) moves up to the concept of multilevel, multi actor, polycentric governance.

To know whether a certain management practice is sustainable or not within a natural scientific discourse may be difficult; but the design of a management and procedures is also a contested issue (Saglie 2006). Institutional and organizational fragmentation can lead to management problems across various

levels of structures in such a way that no one 'owns' the problem and the cost of coordination of such fragmented actors located across various tiers is high (Saglie 2006). Institutional arrangements, which place the decision-making authorities across numerous departments and agencies, can never function to achieve a common goal (Swatuk 2003). As described by Pahl-Wostl *et al.* (2008), problems of resource management are not necessarily associated with the resource base but more closely associated to governance failures. There is a growing awareness that governance is the key issue when there are problems of natural resource degradation (Ostrom *et al.* 2007). Despite the fact that most of the recent policies in natural resource management float around the inclusion of communities and multi-stakeholder participation, there has been inadequate debate around incorporation of existing local institutional arrangements in relation to resource use in wetland management in developing countries (Maconaiche *et al.* 2009).

Institutions exist as formal and informal ones; formal ones are visible in the form of laws, policies and organizations whereas informal ones exist in the form of unseen rules driving a society in the form of social norms, values and beliefs. These informal institutions remain outside the legal jurisdictions of the government agencies since they are not visible. The notion that institutions include both 'formal and informal' arrangements shapes the access of various groups to natural resources (Watson 2001). This raises the need to examine the role and importance of such informal arrangements in wetland management and their positions in recent changes in wetland governance in Nepal.

The problem of resource degradation is credited to a mismatch between institutions and resource expansion; this problem of mis(fit) thus concerns how well institutions fit into the environment they are managing (Kalikoski *et al.* 2002). Doremus (2009) identifies a simple response to this problem of institutional fragmentation as the creation of institutions with authority and responsibility matching the scope of the problem, which is covering the entire geographic area and all activities that contribute to the problem. Likewise, Duit *et al.* (2010) emphasize the necessity of institutions at multiple levels to sustainably manage ecosystems and caution that lack of focus at all levels from international to local could result in inadequate design of a governance regime.

'Governance' denotes a gradual shift from a situation of power being held at one center with the central government authorities to the diversion of roles and responsibilities outside the conventional government hierarchies. This also includes the actions of the state along with the roles for other actors such as communities and NGOs that can influence resource management (Lemos and Agrawal 2006). There has been a recent shift in the governance of resources with the emergence of multi-stakeholder platforms (MSP) to tackle the complex issues of water management by facilitating decentralized governance and diverse interests. The term *multi* refers to the diversity of stakeholders in a resource rather than their diverse stakes. The *multi* of a process is an estimate of whether various levels such as the state at various tiers, the society in the form of formal and informal institutions, the NGOs, public and the private sector are included or not (Warner 2006).

The concept of multilevel governance is critical and is distinguished by the occurrence of overlapping and multiple jurisdictions and is thus normatively superior to central state monopoly. Governance has to operate at multiple scales (see figure 1) in order to capture variations in the territorial reach of policy externalities (Marks and Hooghe 2000: 801). This mechanism of multilevel governance creates a more flexible atmosphere as compared to concentration of such authorities in one single point (Hooghe and Marks 2003).

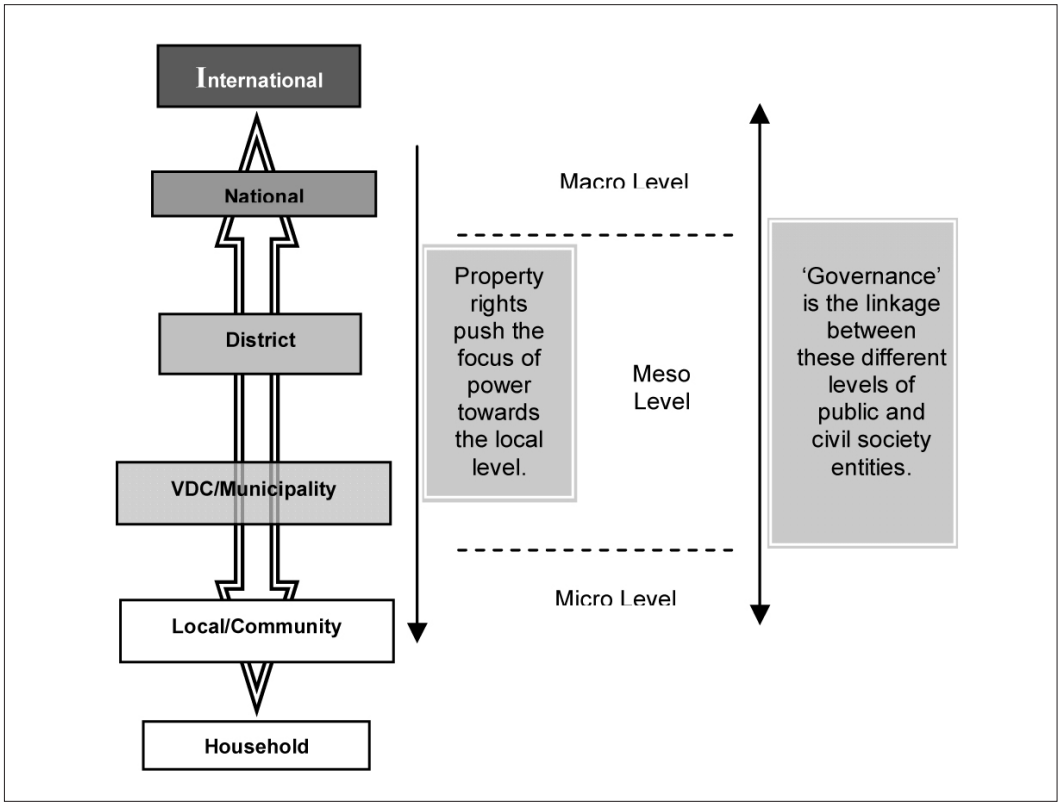

Figure 1: Governance and Scale (Adapted from Lubilo and Child 2010)

Though the governance regime for a resource can be more or less polycentric, there are no cases of perfect polycentric system and is rather a theoretical construct that challenges the blueprint governance model of a one-size-fits-all (Andersson and Ostrom 2008). As an analytical framework, 'polycentric governance' focuses on the complexity of interactions and relations among numerous institutions at multiple scales with overlapping jurisdictions and objectives in resource management - the core of this approach being an effort to understand the nested arrangements (Andersson and Ostrom 2008). The analytical framework presented in Figure 2 was used to understand how wetlands are governed at various levels considering the fact that it transcends from international to local levels. The polycentric governance proves useful as an analytical tool to study the stories of wetlands (Narayanan and Venot 2009).

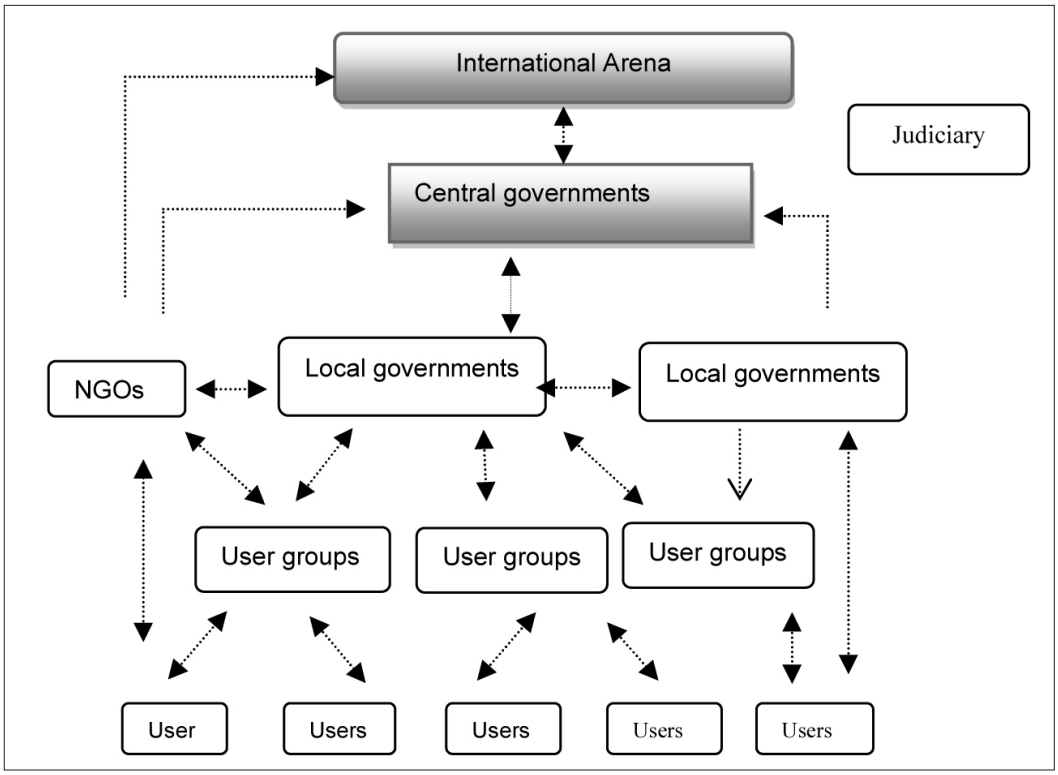

Figure 2: The Conceptual Model of Resource Governance from a Polycentric Perspective (Modified from Andersson and Ostrom 2008; Narayanan and Venot 2009)

Considering these notions, this paper examines the case of multilevel governance of wetlands in Nepal focusing on institutions that are associated structurally and functionally with wetland management. The paper holds both a practical and theoretical relevance; practically, the examination of this new field provides an insight into how various levels have (not) been involved in wetland management and also provides recommendations which can be useful for future management initiatives involving complex situations. Theoretically, the study highlights how various aspects of multilevel governance are implemented and broadens our understanding of the concepts for further exploration.

REVIEW OF KEY LEGISLATIONS AND POLICIES PERTAINING TO WETLANDS

There are numerous Acts, policies and institutions which are directly or indirectly associated with wetland management in Nepal. These include a wide array of sectors and tiers of the government structure with various Acts and policies addressing diverse wetland use and issues ranging from irrigation and local livelihood to tourism and mere financial gains through leasing out.

The Water Resources Act 1992 defines 'water resources' as water that is available in Nepal in the form of surface water, underground water, or in whatsoever

form. This definition thus encompasses all wetlands and their groundwater recharge sources. It further provisions the formation of Water User' Association (WUA) as a collective water management body which is autonomous and corporate body comprising of local communities. The WUAs are registered with the District Irrigation Office whereas they manage resources that falls within the jurisdiction of either the District Forest Office (DFO) or the District Development Committee (DDC). But it does not identify an organization to implement and monitor the Water Resource Act at the local level. Water Resources Strategy 2002 recognizes that biodiversity conservation, watershed management and integration of environmental issues in planning of water resource use as the major environmental issues relevant to wetland management. It also acknowledges that there are conflicting scenarios created by ambiguous and overlapping laws which need to be amended for harmonization but remains silent in regards to community participation.

Before 2003, there was a policy gap in Nepal on wetlands as the Master Plan for the Forestry Sector (1998), which is the only long term strategic document for the forestry sector, could not highlight explicitly on wetland management. The National Wetland Policy (NWP) 2003 was formulated to fulfill Nepal's obligation to the Ramsar Convention. NWP realized the need for a coordinated approach to wetland management and aimed to conserve, manage and promote wise and sustainable use of wetlands particularly in collaboration with the communities. The policy places wetlands in three categories – wetlands inside protected areas and buffer zones, public wetlands outside protected areas, and wetlands in privately held properties. For these categories, the policy suggests separate management practices with a special emphasis on benefit sharing with people's participation.

In order to address the gaps and challenges identified in implementation of the NWP (2003), the government revised the policy based on sectoral policy review recommendation. The Government of Nepal endorsed the revised NWP (2012) which is now a pragmatic document to address the overlapping issues and gaps from the previous policy. The NWP (2012) aims to address issues such as over use of wetland resources and services, lack of clarity in the ownership of wetlands, lack of mechanism to coordinate between the stakeholders, and contemporary issues such as climate change. With the vision of 'healthy wetlands for sustainable development and environmental balance', the policy aims to promote conservation and management of wetlands and sustainable use of wetland resources. The policy also envisions formulating a Wetland Act and its regulations to bolster wetland governance. It further elaborates areas of tenure and ownership, management types and classification, partnerships and multi-stakeholder participation along with sustainable financing strategies and formation of a wetland trust. One of the most important principles of the new policy is that if there is any kind of degradation or reduction in the area of wetlands while undertaking development projects, adequate measures shall be taken to create alternate wetlands or expand the existing wetlands to safeguard the biodiversity and ecosystem services are maintained ensuring no net loss of wetland area (NWP 2012). It clearly articulates the need and mechanism to manage wetlands at the national and local level.

Likewise, the government promulgated the Local Self Governance Act - LSGA (1999) and Local Self Governance Regulation - LSGR (1999), which set an unprecedented policy shift by legally endorsing the concept of self-governance and devolution of authorities to the local government. It elaborates on the two tier local governance structure with the DDC being at the top and municipalities or Village Development Committees (VDCs) functioning at the local level. A major contradiction created by the law here is between the rights of DFO and the local bodies. All open access lands and wetlands fall under the jurisdiction of DFO according to the definition of 'forest' in the Forest Act however they are leased out by the DDC and VDC in most cases if existing outside forested areas.

This section described numerous Acts and policies relevant to the wetland. The NWP which was formulated as a part of Ramsar implementation seems to have a cure for everything in it but a policy can never be effective without a legal backing. Institutional arrangements as set out by the NWP have never been materialized. The LSGA provides a wide range of authorities to the local government which creates an overlap of jurisdiction at the lower level. These overlaps and conflicts will be discussed in the latter sections as they seem to be very influential in changing the governance approach into a pluricentric decision making sphere.

STUDY AREA: GHODAGHODI LAKE AREA

The Ghodaghodi Lake Area – GLA (see figure 3) in Kailali district is made up of 20 lakes covering an area of 2563 ha of lowland Terai (DNPWC/WWF 2005). It was designated as a Ramsar site in 2003. The area is of particular importance as it represents one of the last intact networks of marshes, swamps and lakes in southern Nepal. The lake is connected with several *Tals* (lakes) such as Nakhrodi Tal (Lake), Baishhawa, Ojhuwa, Chidiya, Budhi Nakhrodi, Sunpokhari, and Ramphal. This wetland ecosystem provides important habitats for the globally-threatened marsh crocodile, smooth-coated otter, several species of turtle and many water birds. Local communities rely on the ecosystem for water, fish and plants for their livelihoods along with cultural and religious values and beliefs. Catchment level management plan of GLA (2013-2017) highlights its importance due to biodiversity richness, socio-cultural value and livelihood of wetland dependent communities. The Department of Forests (DoF) is the management authority of GLA and the DFO Kailali has the responsibility of facilitating implementation and monitoring of the conservation activities at the local level.

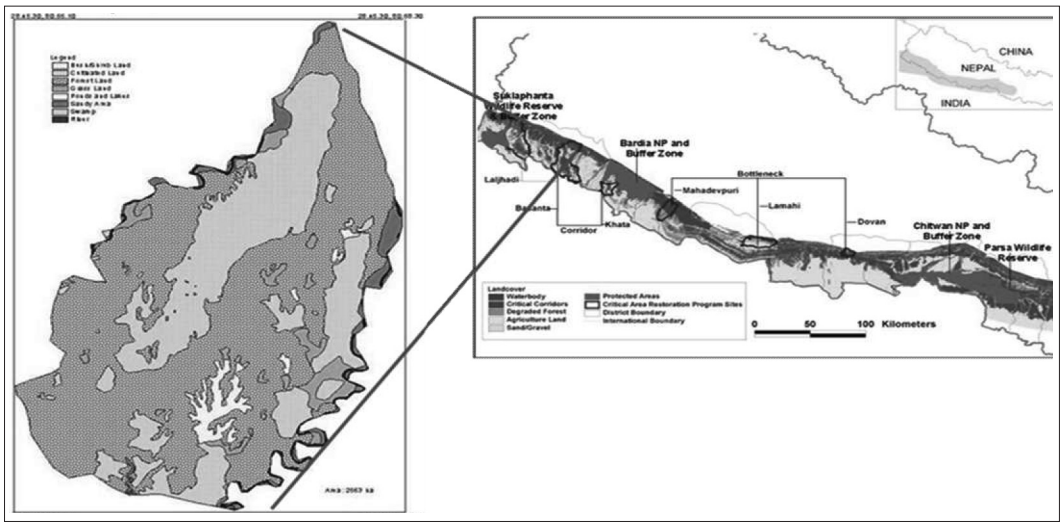

Figure 3: The Ghodaghodi Lake Area

INSTITUTIONAL ARRANGEMENT IN GOVERNING WETLANDS

This section deals with various government ministries, commissions, district level line agencies, NGOs and community based organizations in wetland management. It also describes the origin and development of a local NGO in the study area and the emergence of informal institutions which exist therein and establishes vertical and horizontal relations among these institutions and the presence of potential linkages.

National Institutions

Ministry of Forests and Soil Conservation (MoFSC) and its departments; DoF, DNPWC, Department of Soil Conservation and Watershed Management (DSCWM), and Department of Plant Resources are the key government stakeholders in conserving the wetlands in Nepal. This can be attributed to the understanding of forest as per the Forest Act (1993)[1]. The DNPWC does not have district level structures and thus its functions are implemented by the DFO. Despite defining the boundaries, the Forest Act does not mention anything about wetlands and the entire focus is solely on managing trees of a forest. Wetlands in Nepal, unless defined otherwise belong to the state. In few cases, the government owns the land but usufructs rights belong to the intermediaries or the tenants.

The Ministry of Federal Affairs and Local Development (MoFALD) expands from the central level to the grass-root level in the form of DDC, VDC and Municipalities. The LSGA structurally establishes ministry as the apex of three tiered administrative framework endorsed with the role of coordination, cooperation, facilitation, monitoring and evaluation of activities undertaken by the local bodies. The Ministry of Irrigation is also closely related to agriculture and wetlands as it

[1] Forest is any area that is partly or fully covered by forests and 'National Forest means all Forests excluding Private Forests within the country, whether marked or unmarked with forest boundary and the term shall also include waste or uncultivated lands or unregistered lands surrounded by the forest or situated near the adjoining forest as well as paths, ponds, lakes, rivers or streams and riverine lands within the Forest' (HMGN 1993).

holds the responsibility of planning and implementing irrigation facilities at the local level. It is represented by the District Irrigation office at the local level to support communities.

The Water and Energy Commission Secretariat (WECS) was established in 1981 under the Water and Energy Commission (WEC). The WEC is a high level commission constituting of secretaries from eleven ministries, representatives from academic institutions, private industrial sector and engineers. Similarly the National Lakes Conservation and Development Committee (NLCDC) was established with the vision of conservation and development of lakes and ponds having tourism, biodiversity, cultural and other values promoted to enhance communities' livelihoods in Nepal. The NLCDC was established in 2007 under the Ministry of Tourism and Civil aviation (MoTCA) and thus declared the entry of a new agency in wetland management.

The National Wetland Committee (NWC) was formally launched in January 2010 through the project called Conservation and Sustainable Utilization of wetlands in Nepal (CSUWN). The project was implemented in Ghodaghodi Lake Area among others. Two of its major objectives were formation of the NWC at the national level and MSF at the local level for implementation of the project as well as long term planning and management of wetlands. The NWC, which is the inter-ministerial and inter-agency committee composed of the representatives from ministries related to natural resource management and National Planning Commission, is the apex body at policy level for wetland management. The Committee was initially chaired by MoFSC. Later the secretary of the same ministry has been delegated the responsibility of coordination with under-secretaries from several ministries such as Ministry of Agriculture Development, Ministry of Environment, Science and Technology, Ministry of Energy, Ministry of Irrigation, Ministry of Industry, Ministry of Tourism and Civil Aviation, MoFALD, and the National Planning Commission as members along with the Director General of DoF and DNPWC and chief of the environment division at the MoFSC as the member secretary.

Despite the efforts to engage wider range of stakeholders, there are skepticisms about the endurance and efficiency of such committees mostly and largely dominated by government officials only as articulated in the view of an expert below:

> *Committees are part time jobs; they do not have institutional memories. If created as virtual bodies, they end up being political bodies. In such diverse inter-sectoral committees, who is going to take the lead? Who puts the agenda forward? The NWC does not have mandates and budgets; so how much can we expect for its chances of survival?* (Interview, March 21, 2015).

Despite such criticism, it should be realized, on the contrary, that a resource which has multiple use, stakes and interests is bound to have a large number of stakeholders in the NWC. Managing of multi stakeholder forums is learning by doing process and it is why the ministerial level structure was later changed to secretarial one. Regardless of the skepticism, NWC is an initiative towards a shift in governance of wetlands which was neglected for long. Moreover, the NWC has created space for numerous government agencies, conservation partners and academics unlike conventional government dominated mechanisms.

District Level Organizations

The DFO also has the legal authority over wetlands within national forests. In many cases, adjoining communities manage such wetlands according to their desired objectives without coordination with the DFO. The DDC on the other hand has the authority for development and resource management aspects within the district. But till date, DDC Kailali never had any such committees on forests and environment. The NWC 2012 provisions the District Forest Sector Coordination Committee (DFSCC) as the district level agency to look after wetland conservation and management within the district The DFSCC which was formed to engage non-conventional stakeholders such as DDC in forest management as a part of district development plan has yet to function, as stated below by a forest officer.

> *The DDC was never interested in environmental issues. They are interested in extracting resources to generate revenue. They are only interested in implementing development projects. Importance of natural resources conservation will be challenging in front of development projects* (Interview, March 19, 2015).

The MSF is flagged by the NWC as an appropriate body for overall planning and monitoring of the program related to wetland conservation. The MSF is chaired by the Chairperson of DFSCC and DFO act as member secretary. Community level stakeholders such as local fisheries groups and student eco-clubs are also included in the MSF. In GLA, the MSF was established in February 2010 following the establishment of the NWC. The forum's members are representative from district level government line agencies (District Soil Conservation Office, DDC-focal person and District Agriculture Office), VDC-Chair, representatives from CBOs, student's wetland clubs, teacher's networks, Community Forest User Groups (CFUGs), NGOs and Water User Associations. The number of meetings under this banner was limited and thus its effectiveness was never put to test. The MSF was formed as a pilot case to espouse collaborative management of GLA. Considering these limited meetings which probably was never enough to dig into complex issues facing wetland conservation, it is to be noted that a major challenge for MSF in the form of maintaining a balance between effectiveness, efficiency and redundancy was inadequately challenged and thus offered least lessons. A timely formation of MSF should have offered better insight into the dynamics of functioning of such a forum with diverse stakeholders.

Local Institutions

The GLA falls under the Ghodaghodi municipality at present. The LSGA delegates municipalities with the authority to levy taxes on use of natural resources and thus have provisions for wetland management at the local level. In most cases, local authorities have undertaken the practice of leasing lakes and ponds within their jurisdiction to individuals and institutions mainly for fisheries. An assessment of 101 lakes in Kailali district showed that 80 of them were leased out by the authorities for exotic fish farming (Bam 2002 cited in IUCN Nepal 2004).

A CFUG, an autonomous body recognized by Forest Act (1993), receives the tenure right (management and use) of part of the National Forest as a Community Forest based on the approved operational plan by the DFO. There are a number of CFUGs in

the area at present. In 2001, about 15 groups in the communities had been managing the forests as informal management regimes (TAL 2001), whereas only four CFUGs were noted in 2009 (CSUWN 2009). Now there are 32 community forests around the GLA and an effective management of GLA also offers them conservation benefits along with benefits from local tourism.

A key NGO in the area, Ghodaghodi Area Conservation and Peoples' Awareness Forum (GACAF), came into existence around the mid-1990s as a result of the efforts of the International Union for Conservation of Nature (IUCN) to work in partnership with the local communities. The GACAF has since then worked as a local partner of the World Wildlife Fund's (WWF) Terai Arc Landscape (TAL) area for some years. Having this association with the IUCN and WWF, the GACAF is also seen as the 'official' partner for projects related to GLA by most of the people and seeks representation in all forums concerning GLA.

Numerous informal institutions exist in the GLA in the form of local fisheries groups and forest protection groups and proposed community forests. There are around 24 forest protection groups which did not have legal status but were managing forest patches in their proximity and were approaching the DFO to be registered as CFUG. Schools and clubs also have shown an interest in wetland but specifically for economic benefits only. Except for the two large lakes - Ghodaghodi and Nakhrodi - others are managed by fisheries groups (Chatiya and Chandra-bijuwa fisheries groups) and CFUG (Tengwa), and the remaining ones are managed by schools and clubs. Though all of these lakes and ponds were handed over to informal groups for management during the IUCN/GACAF conservation efforts, most of such informal groups could not function properly largely due to their inadequate ability to manage the resources collectively. Currently, adjoining schools and local clubs have leased them out to gain financial benefits to support the local schools.

The above section has described the structure and function of key stakeholders in wetland management from national to grassroots level. Existence of WECS, NWC and NLCDC raises a point about why is the state keen to setup new institutions (committees) when there already are similar existing structures whose functions could be expanded. At the district level, both the DFO and DDC are very powerful government organization. But both of their roles are questioned by the non-government as well as government sector itself. At the resource use level, GACAF, CFUGs and numerous informal groups have a strong link. The GACAF has evolved in all these years and has facilitated the link between informal and formal institutions.

THE WAY AHEAD: TOP DOWN OR BOTTOM UP?

Institutions, Interactions and Fragmentations

Nepal has expressed its commitment to biodiversity conservation by being a signatory to a number of international environmental agreements. There are numerous biodiversity related policies though other emerging Acts and policies have not adequately addressed the issue of conservation. There is lack of coordination among various sectors associated with wetlands. Three major committees exist at the national level in the form of WEC, NLCDC and NWC. In case of Acts and

policies concerning wetlands, the Forest Act (1993) and LSGA contradict in relation to roles and ownership of resources. The lakes and ponds in GLA at present are parts of both the national and community forests. The Forest Act precedes the LSGA and despite this fact, the latter has not acknowledged the existence of users groups and community forests at the local level. The LSGA overlaps the already existing rights and authorities of other government agencies as well as of user groups. The urgency to harmonize these issues of overlapping jurisdictions and inconsistencies was long realized in the biodiversity sector (GoN and UNDP 2008). The recently formed NLCDC and NWC along with WEC create a situation of overlapping jurisdictions.

At the district level DDC and DFO are the most prominent ones with numerous others having different objectives and priorities. At the grassroots level, the existing institutions have not found a way into the governance regime. There have been no efforts for devolution of property rights to the local communities as outlined by the NWP (2012) though the communities are using the informal usufruct rights till date. The informal forest, fisheries and water user groups have all prospered under their need to manage the resources in a collective manner. Whether externally or self-motivated, these informal groups are organized under the increasing demands for the resources and it can be concluded that increasing resource scarcity and the benefits collective action have motivated the local communities to manage the wetlands. Any external interference in their resource use practices can have negative implications for the sustainable management of wetland.

Multi Stakeholder Platforms: Common Grounds to Govern

The creation of an MSP as a structure may not be sufficient to promote fruitful contribution in decision-making where the community sees itself as mere implementers rather than as players on the level playing field. These differences between the two ends of the MSPs are a distinguished character of such forums in developing countries and they largely contribute to the ineffectiveness of the bodies (Simpungwe 2006). This situation seems to be worse in cases of externally induced MSPs when local institutions and communities try to fit themselves within a given structure with their weak presence and limited roles.

The NWC at the policy level, the MSF at the meso-level including the local level institutions and government offices provide most of the ingredients for a MSP. The concern though is that the MSF at the district level is over represented by the government authorities and is accountable to the NWC at the national level which largely comprises representatives of the government. The MSF lacks adequate representation of local users as mentioned by Warner (2007) to be one of the most important aspects that it is designed to address. The ethnic, religious and cultural identities should also be assigned to a stakeholder as they are an important part of the local identity. The Tharu indigenous peoples, politically less powerful groups are in majority in the area which holds cultural and religious relevance to them. Incorporating their ideas and opinions in managing GLA will be vital for sustainability. Further, the task of creating a situation of cooperation is enormous mainly due to the reluctance

of government authorities to share their power and mistrust of the local on MSF. A major challenge to the MSP is that the platforms tend to be divided into 'government' and 'out of government' factions and the internal dynamics take over in time (Warner 2006).

The Present Scenario and its Implications

There are multiple layers of institutions- horizontally and vertically interrelated, and overlapping. The first level, the international conventions concerning wetlands are the Ramsar Convention itself, the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species (CITES). There are a number of committees formed for biodiversity sector under the MoFSC. To an extent, too many structures can impede coordination among the existing diversity. Institutions which are delegated with the responsibility to govern a large resource system as GLA should be layered in such a way that certain autonomy remains with lower units rather than managing the entire system as a single large unit (McKean 2000). It is referred to as a pyramidal design where lower level institutions are all a part of one arrangement in the end. If we examine the design of the MSF (see Figure 4), we come to the conclusion that it does not encompass the informal institutions which are using the lakes, ponds, forests and fisheries in GLA.

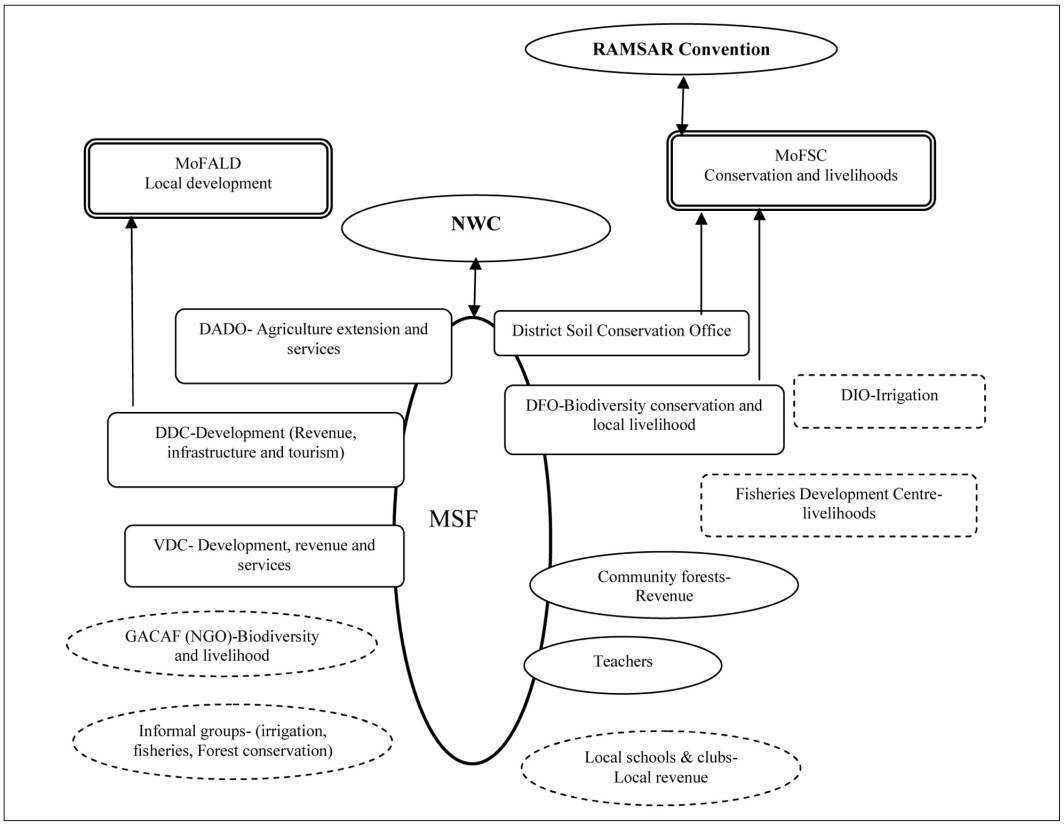

Figure 4: Local Institutions and Government Organizations (not) Represented in MSF and Their Vertical Linkages (Dotted Lines Representing Institutions Outside MSF)

At the national level, a number of institutions exist with overlapping functions and duties which has led to fragmentation of authority and responsibilities in managing wetlands. At the district level, there are a number of government agencies related with the GLA. The DDC and the DFO are the most important ones whereas the involvement of others is also necessary if the area needs to be managed as one single unit. The DDC is the most powerful body at the district level though it has shown little interest in environmental issues till this date. This can be explained by the political vacuum that has existed for a long period. Moreover, the DDC has yet to establish any structure or function from the conservation point of view of wetlands. It has only been involved in leasing out lakes and ponds outside the jurisdiction of national forests for revenue generation. It is noteworthy that if the DDC had used its rights according to the LSGA, it should also be made responsible for the sustainable management of these wetlands.

It can be concluded that most of the processes have been led by the government and the steering still rests in the hands of the top down model in contrast to the ambitions as expressed by the NWP, the NWC and MSF. The revised NWP (2012) promises a lot though the institutional arrangement has not yet demonstrated a success. It should be noted that GLA itself is a complex entity comprising of numerous lakes and forests tracts and a large number of communities under different administrative jurisdictions which makes it all more complicated to govern. Forests and lakes are in general managed by two different institutions in the entire complex with little focus on conservation of Lake Biodiversity as compared to revenues for local schools.

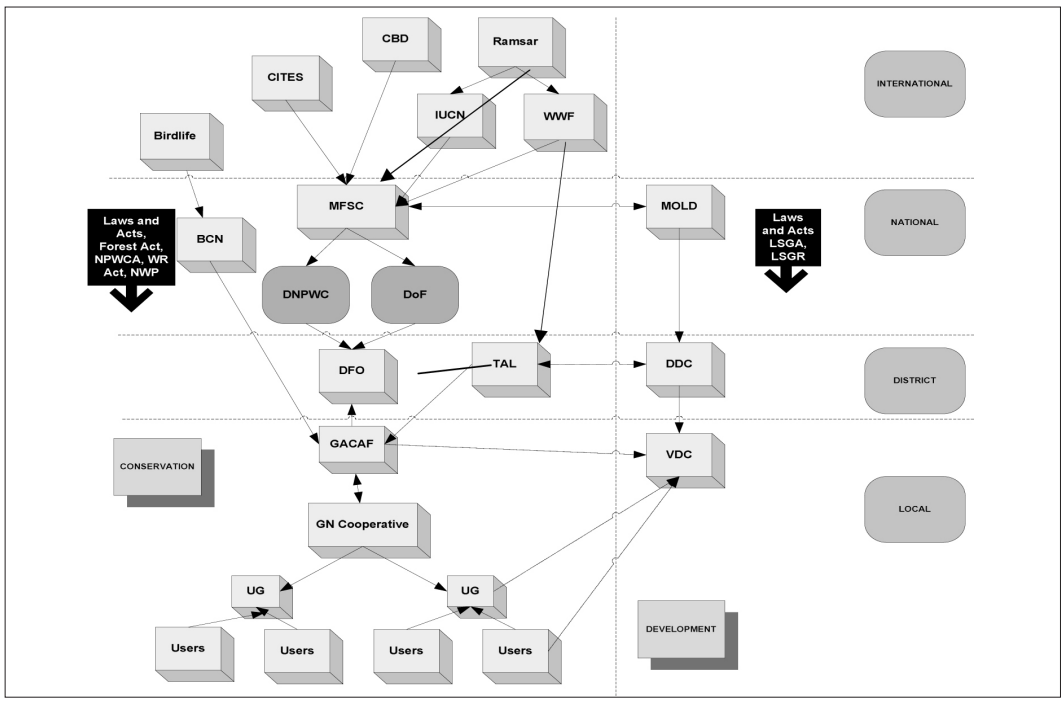

Figure 5: Interactions Among Various Levels of Wetland Management

Taken together, the examination of these four interconnected levels (Figure 5) paradoxically produces a challenging scenario: The Ramsar Conventions is institutionalized but circumvented to the central level only. The national policies are not translated into practice and there has been little effort to address the issues of fragmentation and overlapping jurisdictions or addressing local communities' despite being widely recognized in the NWP. This has led to continual degradation of wetland resources and has also alienated the local communities; and there is little room for a self-motivated, community-based solution unless the NWP is translated into practice. The revised NWP paves way for a participatory, multi-stakeholder management and governance of wetland resources at the local level as well. But the NWP (2012) alone will not address the issues unless the Wetland Act is formulated. A draft Wetland Act has been formulated and is yet to be passed by the Parliament. Once it comes into action, most of the issues and concerns related to wetland governance could be better addressed. To conclude, it should be stressed that the GLA is a Ramsar site of international importance and thus the responsibility of conservation should also be shared among the local, national, and international communities.

RECOMMENDATIONS

The ongoing initiative for governance will need to strengthen the design and implementation in a way to enhance synergies at all levels. In doing so, it must be remembered that since there is no blueprint models or panacea for biodiversity conservation in general; a critical balance should be maintained between efficiency of the design and redundancy. The recent importance given to biodiversity is appreciated but there is a need to review most of the Acts and policies impacting wetlands. This does not only limit to lakes and ponds but the entire water bodies as outlined by the National Wetland Policy. The multi-stakeholder platform is a noble initiative but will need to develop mechanisms to cover the entire wetlands sector at the local level in a participatory manner. As of now, most of the focus has entirely been on wetlands of international importance or wetlands inside protected area. But this paradigm of conservation needs to shift in order to cover all wetlands especially in the context of climate change. Further, the MSF lacks adequate local representation though it is not always an indicator of success. Still, the study recommends that most of the informal user groups at the local level should be brought on board in planning and decision making processes. It will be relevant to have smaller thematic or area-based sub-committees at the lower levels. But this will also require a balance between redundancy and effectiveness. As a key indicator of effective management and participatory governance of wetlands, the institutionalization of NWC and MSF will be critical and needs to move ahead at a faster pace considering the fact that it might be of no use if it fails to institutionalize.

DISCLAIMER

The views and opinions expressed in this article are those of the author(s) and do not necessarily reflect those of the organization of affiliation.

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