

DOCTOR OF PHILOSOPHY

Brokering Governance? A Political Ethnography of the UN Tenure Guidelines in Struggles for Access to Land, Fisheries and Forests in Nepal

Whiddon, Katie

Award date:
2023

Awarding institution:
Coventry University

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of this thesis for personal non-commercial research or study
- This thesis cannot be reproduced or quoted extensively from without first obtaining permission from the copyright holder(s)
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Brokering Governance?

***A Political Ethnography of the UN Tenure
Guidelines in Struggles for Access to Land,
Fisheries and Forests in Nepal***

By

Katie Anne Whiddon

PhD

December 2021





Certificate of Ethical Approval

Applicant:

Katie Whiddon

Project Title:

Food Sovereignty from Above: Assessing the Impacts of the UN Tenure Guidelines
on Struggles for Access to Natural Resources in Nepal.

This is to certify that the above named applicant has completed the Coventry
University Ethical Approval process and their project has been confirmed and
approved as Medium Risk

Date of approval:

31 July 2017

Project Reference Number:

P60554

Brokering Governance?

***A Political Ethnography of the UN Tenure
Guidelines in Struggles for Access to Land,
Fisheries and Forests in Nepal***

By

Katie Anne Whiddon

PhD

December 2021



***A thesis submitted in partial fulfilment of the University's
requirements for the Degree of Doctor of Philosophy***

*To Indira, Bidhya, Laxmi, Anoushka, Yogita, and Sarita
for sharing their voices, and those of others.
In memory of my father, Michael, who was with me until completion.*

ABSTRACT

This thesis examines the brokerage of rights-based governance, and the role of intermediary organisations therein; a key yet neglected issue in the global food and agricultural governance literature. Governance brokerage encompasses overlapping forms of mediation: brokers translate rights and development projects, across a continuum of state-society and global-local relations. The thesis assesses how civil society actors employ the *Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests* (2012) in their struggles in Nepal. The context is Nepal's 2015 Constitution, and the newly enshrined rights to food and to food sovereignty.

Through a multi-sited political ethnography, I interrogate how the Tenure Guidelines were introduced into Nepal, and I observe how these spaces of policy dialogue are adapted and operationalised by three organisations, affiliated to different transnational advocacy networks. I locate state and non-state actors' uneven mediation practices at the interstices of national efforts toward inclusive deliberative spaces. I assess the extent to which they employ the Tenure Guidelines to amend and draft laws with participation of affected peoples. I analyse how the focus on law reform and multi-stakeholderism condition this process of adaptation. Based on empirically grounded research, substantiated by historical and socio-political analysis, I show that governance brokers play critical functions in connecting grassroots struggles to decision-makers. Yet their role as well-placed connectors is reinforced by the project-based approach to governance, in an unstable grey area of state-civil society *and* global-local intermediation. Beyond policy dialogue, I conclude that to bring social forces together to use human rights-based instruments as a tool in grassroots struggles, deliberative spaces need to equally be created or adapted by local activist networks, closer to the conflicts themselves.

ACKNOWLEDGEMENTS

This research was born from the curiosity of a solidarity interpreter who since 2010 has observed the efforts of activists to have a say. I would like to start by acknowledging the struggles of farmers, Indigenous Peoples' and other small-scale food producers' movements to have their voices heard. From the sidelines of the United Nations Committee on World Food Security (CFS), in Rome, I watched their organisations negotiate the UN Tenure Guidelines (VGGT), the object of this research. I wish to express my gratitude to the Secretariat and members of the Civil Society and Indigenous Peoples' Mechanism (CSM), and of the International Planning Committee for Food Sovereignty (IPC). The conversations over the years planted the seeds of numerous questions. Amongst many other rights activists for whom I have the utmost respect and admiration, I wish to mention just some of those who inspired and encouraged me: Andrea, Anisah, Antonio, Atun, Chantal, Emily, Javier, Kannayian, Mani, Maria-Noel, Mariam, Martín, Mauro, Molly, Naseegh, Netti, Nora, Shalmali, Sofia, and Stefano. Grazie infinite.

I owe my deepest gratitude to Josh Brem-Wilson, my first supervisor and Director of Studies at Coventry University, without whom this research project would not have come into existence, nor into fruition. I am grateful to Josh for the opportunity and encouragement to apply for this Ph.D., and for the unwavering academic guidance, support, and patience since then. This thesis has greatly benefitted from his in-depth focused interrogation, and our continuous exchange. In England, I am also immensely thankful to my second supervisor from 2015 to 2018, Mark Tilzey, for inspiring me to radically question and push boundaries. I equally thank my supervisors James Bennett and Priscilla Claeys for their invaluable guidance and enriching supervision. I owe a debt of thanks to Priscilla for joining the supervision team in 2018, and, prior to that, for her brilliant analysis and critical eye as Subject Expert in Peer Review Panels (2016-2018). She challenged me to trust my instinct, and find my own voice. Equally valuable inputs were made by Dr. Nina Moeller. Without the unfailing insight, steadfast direction and eye-opening comments of all my supervisors, I would not have made it this far.

I am grateful to the Centre for Agroecology, Water and Resilience (CAWR), Coventry University, for making this research possible by funding a 3-year studentship, and my fieldwork in Nepal. I also thank Funds for Women Graduates for granting me additional financial help during the thesis write-up phase.

A special thank you is due to the director of CAWR, Michel Pimbert. At the research centre, his presence and vigorous support were a beacon of light. The earlier development of this thesis was enriched by discussion with the CAWR and wider Coventry University

community at our regular seminars and supportive writing circles. In that spirit of CAWR conviviality, I would also like to convey my gratitude to my fellow Ph.D. candidates, whose company, smiles and laughter kept me going, particularly Carla Kay, Georgina McAllister, Gloria Giambartolomei, and Rosa Van Kesteren, along with my dear housemates Mai Abbas and Stefanie Lemke. I also appreciated the stimulating chats with colleagues and friends at CAWR, such as Csilla Kiss, Jahi Chappell, and Jasber Singh, and fellow volunteers at neighbouring Garden Organic and Five Acre Farm. May our paths cross again post-pandemic. A heartfelt greeting and thank you!

This thesis was complemented and enriched by two summers (2016, 2017) attending Ph.D. courses at the Centre for Development and the Environment (SUM) at Oslo University. There, I benefitted immensely from constructive feedback and stimulating comments from lecturers and participants on my evolving conceptual framework. Thanks are due, in particular, to Nora McKeon, Mariel Cristina Støen, Desmond McNeill, and last but not least, to David Lewis, whose work provided a significant turning point in my theoretical approach.

In the corridors of the UN Food and Agriculture Organisation (FAO), Rome, and beyond, Thomas Cooper Patriota—fellow Ph.D. from IDS (Institute of Development Studies, Brighton) and close ally of the CSM—was a pillar of light and positivity, as was Ingeborg Gaarde, former researcher on *La Vía Campesina* at the CFS. They were early and regular mentors to me. Also in Brazil, Luisa Vieira, the graphic designer behind my oftentimes-ambitious diagrams, shared her talent with me right until the last minute. Obrigada!

In Nepal, I would like to thank the entire team at the right to food network of FIAN Nepal in Kathmandu and Nepalgunj for opening their doors, taking me in as their intern and colleague, and guiding me through the maze of Nepali civil society, after many plates of dhal bat together. I am deeply grateful for the time spent together, and for our joint efforts in the first writings on the VGGT in Nepal. I would also like to express my sincere gratitude to the Kathmandu-based team of ANPFA (All Nepal Peasants Federation Association), without whom this research would not have got off the ground in Nepal, particularly Keshab Khadka, and Pramesh Pokharel. Thank you for teaching me about perseverance, adaptation and resilience in the path to food sovereignty. FIAN Nepal, ANPFA: dherei dherei danyebad.

My words can't express the gratitude and appreciation I have for the leaders of grassroots organisations and local activist networks in areas of everyday conflict in Nepal. They remain anonymous yet are vital to this research. An immense thank you to my interpreters / translators, Bidhyalaxmi Maharjan, Anoushka Pandey and Nyima Dholpopa: You were my shining stars. My gratitude also goes out to my colleagues and co-founders at the South Asia Solidarity Interpreting SASI Collective, especially to Laura Valencia. To my

friend and now-fellow Ph.D. candidate Tashi Tewa Dolpo, and to my housemate and fellow researcher in Kathmandu, Ranit Chatterjee, thank you for the helpful conversations. Mero hardik Namaste.

Back in Europe, I am grateful to the team at FIAN International, in Heidelberg, for the hours spent together discussing the possibilities for fieldwork during the first year of my Ph.D., particularly Sabine Pabst, country coordinator for Nepal, and Daniel Gomez, then-VGGT coordinator. Danke Schön!

Also in Heidelberg (in 2016), at the South Asia Institute, I met my Nepali teacher Laxmi Nath Shrestha, who sadly passed away after spending a second summer together in the Nepali quarter of Lisbon (Portugal). Rest In Peace Laxmi-Ji. Pheri bhetāula.

My family and friends remained a source of love and support throughout, for which I am profoundly grateful. It is also thanks to them that, today, I can celebrate the resilience of the human spirit: Marcus, Samantha, Alex, Arcadio, Vanessa, Sonja, Margareta, Marta, Jessica, Esther, Monica, Guga, Xico, Janette, Bruce, Shushma, Demian, Ben, Bastien, Ryan, Britta, Anna, Neda... And to my booth colleagues, fellow activist-interpreters for 12 years from Istanbul to Rome, via Dakar, Tunis and Gujarat: Rodrigo, Ramon, Tonet, Audrey, Gwen, Marie, David, Joe, Jorge. Gracias por la compañía!

A big thank you to the miracle women in my life for lending me a listening ear and a helping hand throughout this Ph.D.: Kelly Jordan Whiddon, for remaining my all-empowering sister-in-law and 'life coach'; Veronica Brands, for guiding me to overcome a (writer's) block and reconnect with purpose; Leonor Veiga, for supporting me with her powerful mind and exquisite skills; and last but not least, Silvia Stojanovic, Filipa Veiga and Tanja Dehmel for their yogic life teachings and sisterly love. Lokah Samastah Sukhino Bhavantu.

A special thank you to my father, Michael, for believing in me in difficult times, and attempting to read some of my chapters, all the while pushing me to keep bouncing back and reach the finishing line. He passed away during the pandemic, shortly after my Ph.D. viva, and I thus dedicate this final thesis to his memory. My mother Christine, her partner Alan, my sisters Jenny, Lucie, and Natasha (and their respective partners), and my brother David, were all, at different times, a sounding board, and a home to come back to. I am particularly indebted to my siblings and sobrinos/as. They gracefully and lovingly endured my "never-ending thesis" and its side effects; their presence was a rock under my feet, right until the end.

LIST OF ANNEXES

| | | |
|----------|--|-----|
| ANNEX 1 | FULL APPLICATION FOR ETHICAL APPROVAL (2016-2018)..... | 247 |
| ANNEX 2 | LIST OF INTERVIEWEES AND CODES..... | 252 |
| ANNEX 3 | VGGT FOUNDING PRINCIPLES AND PRINCIPLES OF IMPLEMENTATION..... | 256 |
| ANNEX 4 | VGGT PARTS AND CONTENTS..... | 257 |
| ANNEX 5 | VGGT PROJECT DESCRIPTIONS & TIMELINE OF NATIONAL AND SUB-NATIONAL WORKSHOPS..... | 258 |
| ANNEX 6 | DIAGRAM OF ACTORS ENGAGING IN VGGT PROJECTS AND POLICY-MAKING..... | 260 |
| ANNEX 7 | PARTICIPANT INFORMATION SHEET..... | 261 |
| ANNEX 8 | INFORMED CONSENT FORM FOR INTERVIEWEES..... | 263 |
| ANNEX 9 | DIAGRAM OF FIRST ITERATION OF DATA ANALYSIS AND THESIS WRITING..... | 264 |
| ANNEX 10 | BROCHURE WITH TRANSLATION OF SUMMARY OF TENURE GUIDELINES..... | 265 |
| ANNEX 11 | FLYER ON BUFFER ZONE RIGHTS FOR BZPRF CONFERENCE, FEBRUARY 2017..... | 266 |
| ANNEX 12 | MEMORANDUM FROM BZA ACTIVISTS TO MOPS..... | 267 |
| ANNEX 13 | LIST OF STATUTES..... | 270 |
| ANNEX 14 | THESIS TURNITIN SIMILARITY REPORT..... | 271 |

LIST OF FIGURES

| | | |
|-------------|---|-----|
| Figure 1.1 | <i>Front Cover of IPC Manual, IPC 2016.....</i> | 4 |
| Figure 1.2 | <i>Front Cover of Civil Society Guide for Employing the Tenure Guidelines.....</i> | 5 |
| Figure 2.1 | <i>Timeline of global governance events and instruments leading up to the Tenure Guidelines.....</i> | 28 |
| Figure 3.1 | <i>Map of Nepal where ANPFA and FIAN district and province-level VGGT workshops took place (red and blue respectively), and my research sites in some of these areas (below in orange), in addition to Kathmandu, my main fieldwork site.....</i> | 57 |
| Figure 3.2 | <i>Photo of meeting with NIWF.....</i> | 60 |
| Figure 3.3 | <i>Following the actors employing VGGT and influencing Right to Food and Food Sovereignty Act.....</i> | 62 |
| Figure 3.4 | <i>Following the actors employing VGGT and influencing land policies.....</i> | 63 |
| Figure 3.5 | <i>Following the actors employing VGGT and influencing National Parks and Wildlife Conservation Act.....</i> | 64 |
| Figure 3.6 | <i>Photos of roles temporarily assumed at FIAN-led VGGT workshop.....</i> | 70 |
| Figure 3.7 | <i>Photo of training on solidarity interpreting provided in Nepal and India.....</i> | 75 |
| Figure 4.1 | <i>Timeline of Nepali historical and political factors, from 1770s to 1951, and the foundation of ANPFA and ANWA.....</i> | 84 |
| Figure 4.2 | <i>Geographical map of Nepal.....</i> | 86 |
| Figure 4.3 | <i>Map of main ethnic groups.....</i> | 87 |
| Figure 4.4 | <i>Percentage of Hill-Brahmin (Bahuns) and Chhetri ('high caste') and main Adivasi-Janajati groups.....</i> | 91 |
| Figure 4.5 | <i>Percentage of Hindus, Buddhist and other minority religions in Nepal.....</i> | 91 |
| Figure 4.6 | <i>Caste system in Muluki Ain (1854 Legal Code), replaced by a National Code in 1963.....</i> | 92 |
| Figure 4.7 | <i>Timeline of Nepali historical and political factors, from 1950s to 2006, and the foundation of CSRC and NLRF.....</i> | 104 |
| Figure 4.8 | <i>Timeline 2000s-today.....</i> | 109 |
| Figure 5.1 | <i>Photo of international and Nepali delegates at a conference coinciding with the enshrinement of food sovereignty in the 2007 Interim Constitution.....</i> | 122 |
| Figure 5.2 | <i>Photo of Prime Minister K.P. Oli and other ministers at ANPFA 6th General Conference; & Photo of Ministers singing the National Anthem.....</i> | 126 |
| Figure 5.3 | <i>Photo of office of ANPFA, which is also national partner of IFAD's MTCP... </i> | 139 |
| Figure 6.1 | <i>Slide from Presentation at UNHABITAT Land Governance Conference, March 2018.....</i> | 160 |
| Figure 6.2 | <i>Screenshot of Facebook post showing Oxfam's role in taking CSOs' inputs to policy-makers.....</i> | 175 |
| Figure 6.3. | <i>FAO Governance of Tenure newsletter of March 2018.....</i> | 180 |

| | | |
|-------------|---|------------|
| Figure 7.1 | <i>Map of Nepal with three geographic regions and location of protected areas.....</i> | <i>191</i> |
| Figure 7.2 | <i>Scan of the first page of the flyer used during FIAN's VGGT CSO workshop highlighting translation of the chosen term for tenure, 'bog chalana' (usufruct customs).....</i> | <i>198</i> |
| Figure 7.3 | <i>News item on FIAN-facilitated consultation with MoPs on NCA.....</i> | <i>204</i> |
| Figure 7.4 | <i>Photo of FIAN staff accompanying 'Struggle Committee' to Prime Minister's Office.....</i> | <i>211</i> |
| Figure 7.5 | <i>Photo of grassroots activists accompanied by FIAN Nepal staff to ministries in Kathmandu.....</i> | <i>212</i> |
| Figure 8.1. | <i>National mediators in inter-state-civil society relations.....</i> | <i>229</i> |

LIST OF TABLES

| | | |
|-----------|--|-----|
| Table 2.1 | <i>Adapting Holt-Gimenez (2010) Food Regime—Food Movement Matrix to the Interpretation of the Tenure Guidelines.....</i> | 15 |
| Table 3.1 | <i>VGGT Projects and Events.....</i> | 53 |
| Table 3.2 | <i>Detailed Breakdown of Semi-structured Interviews.....</i> | 59 |
| Table 4.1 | <i>Nepal's main politically affiliated peasant wings/associations.....</i> | 95 |
| Table 4.2 | <i>Women's Organisations that are affiliated to parties.....</i> | 99 |
| Table 4.3 | <i>Women's participation and results in elections.....</i> | 101 |

LIST OF ACRONYMS

| | |
|---------|--|
| ANPFA | All Nepal Peasants Federation Association |
| ANWA | All Nepal Women's Association |
| BZA | Buffer Zone Area |
| BZPRF | Buffer Zone Peoples' Rights Federation |
| BZUG | Buffer Zone User Group |
| BZMC | Buffer Zone Management Committee |
| CBD | Convention on Biological Diversity |
| CEDAW | Convention on the Elimination of Discrimination against Women |
| CFS | Committee on World Food Security |
| CITES | Convention on the Illegal Trade of Endangered Species |
| CPN-UML | Communist Party of Nepal—United Marxist Leninists |
| CSRC | Community Self-Reliance Centre |
| CSO | Civil Society Organisation |
| CSM | Civil Society Mechanism |
| DCA | DAN-CHURCH AID |
| GAFSP | Global Agriculture and Food Security Program |
| GCAR | Global Campaign for Agrarian Reform |
| GLII | Land Indicators Initiative |
| EPC | Environmental Parliamentary Committee |
| ESCR | Economic, Social and Cultural Rights |
| FECOFUN | Federation of community forest users' groups |
| FFP | Fit-For-Purpose |
| FPP | Forest Peoples Programme |
| ICARRD | International Conference on Agrarian Reform and Rural Development |
| ICC | International Coordination Committee |
| IFAD | International Fund for Agricultural Development |
| IFI | International Financial Institution |
| ILC | International Land Coalition |
| ILO 169 | International Labour Organisation Convention 169 on Tribal and Indigenous Peoples (1989) |
| IPC | International Planning Committee for Food Sovereignty |
| FAO | Food and Agriculture Organisation |
| FPIC | Free, Prior and Informed Consent |
| IUCN | International Union for the Conservation of Nature |

| | |
|----------|--|
| LAHURNIP | Lawyers' Association for Human Rights of Nepalese Indigenous Peoples |
| LGAF | Land Governance Assessment Framework |
| LMTTC | Land Management Training Centre |
| LVC | <i>La Vía Campesina</i> |
| LDC | Least Developed Country |
| LWF | LUTHERAN WORLD FOUNDATION |
| MoFSC | Ministry of Forest and Soil Conservation |
| MoLRM | Ministry of Land Reform & Management |
| MoPs | Members of Parliament |
| NAN | National Advocacy Network |
| NCA | National Parks and Wildlife Conservation Act |
| NHRC | National Human Rights Commission |
| NLRF | National Land Rights Forum |
| NGO | Non-Governmental Organisation |
| NIWF | National Indigenous Women's Federation |
| NRA | National Reconstruction Authority |
| PC | Personal Conversation |
| PPP | Public Private Partnerships |
| PSM | Private Sector Mechanism |
| RtF | Right to Food |
| RtFS | Right to Food Sovereignty |
| SG | Secretary-General |
| TAM | Transnational Agrarian Movement |
| TAN | Transnational Advocacy Networks |
| TNC | Transnational Corporation |
| UN | United Nations |
| UNDRIP | UN Declaration on the Rights of Indigenous Peoples |
| UNDROP | UN Declaration on Rights of Peasants and Other People Working in Rural Areas |
| US-AID | USA Aid Agency |
| VGGT | Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security |
| WB | World Bank |
| WFS | World Food Summit |
| WFS:5YL | World Food Summit Five Years Later |
| WTO | World Trade Organisation |

TABLE OF CONTENTS

| | |
|------------------------|------|
| Abstract..... | i |
| Acknowledgments..... | iii |
| List of Annexes | vii |
| List of Figures | ix |
| List of Tables..... | xi |
| List of Acronyms | xiii |

PART I. LOCATING GOVERNANCE IN THE CONTEXT OF THE RIGHT TO FOOD AND TO FOOD SOVEREIGNTY

| | |
|---|----|
| Introduction: Global Hope, Local Struggles, Transnational Demands | 3 |
| 1.1. The UN Tenure Guidelines and Struggles for Access to Land, Fisheries and Forests | 3 |
| 1.1.1. 'Bringing Rome Back Home' | 3 |
| 1.1.2. Taking Responsible Governance to Nepal | 6 |
| 1.2. Research Scope, Research Questions and Thesis Outline | 7 |
| Chapter 2. The Intermediation of Governance..... | 13 |
| 2.1. Interpreting the Tenure Guidelines | 14 |
| 2.2. Interpreting Governance | 16 |
| 2.2.1. Good Governance in the Neoliberal-Reformist Interpretation | 16 |
| 2.2.2. Rights-Based Governance in the Progressive-Radical Interpretation | 23 |
| 2.3. Implementing the Tenure Guidelines | 35 |
| 2.3.1. Neoliberal-Reformist Implementation | 35 |
| 2.3.2. Progressive-Radical Implementation | 37 |
| 2.4. Brokering the Tenure Guidelines? | 40 |
| 2.4.1 Brokering State Governance | 42 |
| 2.4.2. Brokering Transnational Governance | 43 |
| 2.5. Conclusion | 45 |

| | |
|---|----|
| Chapter 3. A Political Ethnography of the UN Tenure Guidelines | 47 |
| 3.1. Towards a Multi-Sited Political Ethnography of Rights-Based Governance | 47 |
| 3.2. Applying Multi-Sited Political Ethnography to my Research | 50 |
| 3.2.1. Research Structure | 51 |
| 3.2.2. Data Analysis | 67 |
| 3.3. Reflections on Positionality, Methodological Dilemmas and Ethical Challenges of Fieldwork | 68 |
| 3.3.1. The Challenge of Participant Observation of Governance Actors | 68 |
| 3.3.2. The Insider-Outsider Tensions of Solidarity Research with Nepali Social Movements and NGOs | 72 |
| 3.3.3. Overcoming the Language Barrier—Or Not | 76 |
| 3.3.4. The Challenge of Navigating National Politics | 78 |
| 3.3.5. The Challenge of Non-Collaborative Data Analysis and Writing | 79 |
| 3.4. Conclusion | 80 |

PART II. BROKERING GOVERNANCE FOR ACCESS TO LAND, FISHERIES AND FORESTS IN NEPAL?

| | |
|---|-----|
| Chapter 4. State-Civil Society Relations in Nepal..... | 83 |
| 4.1. The Formation of the State | 84 |
| 4.1.1. Property Relations | 87 |
| 4.1.2. Relations to Forests and Rivers | 88 |
| 4.2. State-Society Relations | 89 |
| 4.3. Political Parties, Peasants' and Women's Organisations | 93 |
| 4.3.1. Peasants' Movements | 94 |
| 4.3.2. Women's Movements | 96 |
| 4.3.3. Political-Civil Society | 102 |
| 4.4. State-Led Developmentalism | 104 |

| | |
|---|-----|
| 4.4.1. The Violent Maoist Insurgency | 106 |
| 4.4.2. Non-Violent Landless Movement | 107 |
| 4.5. Entering the Neoliberal and Human Rights Era | 108 |
| 4.5.1. Indigenous Peoples' Self-Organisation | 112 |
| 4.5.2. Rights Advocacy NGOs, and Social Movements | 114 |
| 4.6. Conclusion | 116 |
| Chapter 5. Struggles for Access to Participatory Policy Dialogue for Farmers—Men and Women..... | 119 |
| 5.1. A Nepali Context of Struggles for Food Sovereignty | 119 |
| 5.2. Employing the Tenure Guidelines: Discussing Men and Women Farmers' Rights | |
| 5.2.1. Party-Affiliated Farmers | 131 |
| 5.2.2. Party-Affiliated Women | 134 |
| 5.3. Brokering Governance for Party-Affiliated Men and Women Farmers in a Political-Civil Society | 138 |
| 5.4. Conclusion | 148 |
| Chapter 6. Struggles for Access to Land for the Landless..... | 150 |
| 6.1. From Failed Land Reform to Land Governance | 151 |
| 6.1.1. A Nepali Context of 'Scientific Land Reform' | 151 |
| 6.1.2. Land Mapping as Part of Land Governance | 158 |
| 6.2. Translating Land Rights: Non-State Actors' Employment of the Tenure Guidelines | 162 |
| 6.2.1. The Landless Movements' Demands for Land Rights Beyond 'User Rights' | 162 |
| 6.2.2. Guthi Land Rights Framed as 'Informal Tenure Rights' | 165 |
| 6.3. Governance Brokers across Global-Local and State-Civil Society Intermediation | 166 |
| 6.3.1. The Land Rights Movement | 167 |
| 6.3.2. NLRF's Political Weight in Brokering Governance | 168 |

| | |
|--|-----|
| 6.3.3. A Governance Brokerage Chain: from NLRF to CSCR to State Agents and Donors | 172 |
| 6.4. Interpreting Multi-Stakeholderism in Nepal: The Project-Based Approach | 176 |
| 6.4.1. A Failed VGGT Committee with State Actors | 178 |
| 6.4.2. A Short-Lived Multi-Actor Deliberation Platform | 179 |
| 6.4.3. A Multi-Stakeholder Land Commission Presented to Donors | 181 |
| 6.5. Translating the VGGT: Governance 'Projects' | 183 |
| 6.6. Conclusion | 186 |
| Chapter 7. Struggles for Access to River and Forest Resources in Conservation Areas | 188 |
| 7.1. A Nepali Context of Protected Areas | 189 |
| 7.1.1. From Dispossession of Forests, Grasslands and Rivers to Governance of Access | 189 |
| 7.1.2. Legal Reform for Participation in Governance of Protected Areas | 191 |
| 7.2. Non-Recognition of Common Property Resources and Customary Rights | 193 |
| 7.3. Translating Buffer Zone Dwellers' Rights: Non-State Actors' Employment of the Tenure Guidelines | 195 |
| 7.3.1. Customary Practices, Usufruct Rights and the Right to Food | 195 |
| 7.3.2. Employing the VGGT in the Amendment Process of the National Conservation Act | 203 |
| 7.4. A Governance Brokerage Chain across the Global-Local and State-Society Interface | 208 |
| 7.4.1. NGOs Brokering Governance: FIAN Nepal | 208 |
| 7.4.2. The Buffer Zone Rights Movement | 219 |
| 7.5. Interpreting Multi-Stakeholderism in Nepal: The Missing Powerful Private Sector | 217 |
| 7.6. Conclusion | 220 |
| Conclusion. Governance Brokerage for Local Struggles? | 222 |
| References | 231 |
| Annexes | 247 |

PART I

LOCATING GOVERNANCE IN THE CONTEXT OF THE RIGHT TO FOOD AND TO FOOD SOVEREIGNTY

INTRODUCTION: GLOBAL HOPE, LOCAL STRUGGLES, TRANSNATIONAL DEMANDS

1.1. THE UN TENURE GUIDELINES AND STRUGGLES FOR ACCESS TO LAND, FISHERIES AND FORESTS

1.1.1. 'BRINGING ROME BACK HOME'

In May 2012, the United Nations (UN) Committee on World Food Security (CFS)¹ adopted its first major policy outcome: the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security* (VGGT).² In a committee that was reformed with the aim of becoming "the foremost inclusive intergovernmental and international political platform on food security and nutrition" (CFS 2009) through the participation of non-state actors, some UN Member States welcomed this achievement as a reflection of the prevailing spirit of consensus (European Union Press 11.05.2012).³ The then-CFS Chair stressed that these much-needed guidelines would become a benchmark for policymakers, particularly because of the inclusive process they stemmed from (*ibid*). Meanwhile, important CFS donors pledged to support all 'stakeholders' in the next challenge: "the practical implementation of the Guidelines" (*ibid*).

The Tenure Guidelines are unique because they contain a set of standards to protect tenure rights for marginalised people, including forest- and river-dependent peoples. They cover all forms of tenure—public, private, communal, indigenous, customary and informal (FAO 2012a). They build on the Food and Agriculture Organisation's (FAO) definition of tenure as relationship among people in accessing and controlling land, fisheries and forests, defined legally or customarily (Guffens & Kroff 2012).

For food sovereignty activists such as the world's largest Transnational Agrarian Movement (TAM),⁴ *La Vía Campesina* (LVC),⁵ the underpinning of the Tenure Guidelines in human rights was a major accomplishment. The Founding Principles of the Guidelines highlight that both state and non-state actors (e.g. business enterprises) bear a responsibility in respecting human rights, and in preventing tenure conflicts, whilst the Principles of Implementation go from the rule of law to non-discrimination and human dignity (FAO 2012) (see Annex 3). Human rights are mentioned throughout the document, which is

¹ An intergovernmental committee, the CFS was established in 1974 following the first World Food Conference, and reformed in 2009. See, www.csm4cfs.org/the-cfs/

² Hereinafter Tenure Guidelines or VGGT.

³ See, www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/130169.pdf

⁴ Transnational Agrarian Movements (TAMs) are a wide movement of social movements who are both class- and identity-based, with demands mainly around land and other agrarian issues (Edelman and Borras 2016:4).

⁵ LVC is a transnational peasant/farmer movement that became better known following the 1999 anti-WTO Seattle protests (Edelman 2003). They are an arena of action, where diverging class-bases and ideologies converge (Edelman and Borras 2016).

unprecedented in a land governance instrument (Guffens and Kroff 2012). Thus, the International Planning Committee for Food Sovereignty (IPC)⁶—a key actor in the CFS reform process and thereafter—started using this global instrument to support their demands to realise not just the right to food (RtF), but a right to food sovereignty (RtFS) (LVC 10.12.2015).⁷ According to the IPC, 'responsible governance' affects the enjoyment of several rights linked to natural resource tenure, but also "relationships between men, women and communities with their spaces and territories" (IPC 2016).

The IPC created a didactic peoples' manual to provide civil society organisations (CSOs) with a practical approach to using the Guidelines in their struggles, and to generate dialogue with governments for policy advocacy (IPC 2016). It later fed into a series of CSO-oriented workshops co-designed by FIAN International,⁸ including in Nepal, my country-case study.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 1.1.
Front Cover of IPC Manual, IPC 2016

Meanwhile, in collaboration with different funding partners, the FAO started devising "activities to support the implementation of the VGGT, including awareness raising, capacity

⁶ IPC is a self-organised platform/network of rural and urban organisations and movements who globally coordinate their political positioning, (Edelman and Borras 2016:68). See, www.foodsovereignty.org/the-ipc/

⁷ Food sovereignty is: "the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems" (Nyéléni Declaration 2007, www.nyeleni.org/spip.php?article290). This thesis will focus on food sovereignty as the right to participate in policy dialogue as one particular interpretation of the right to define a food and agricultural system (see Brem-Wilson 2012, 2016; Pimbert 2007, 2009).

⁸ Founded in 1986, FIAN is an international action network and organisation that monitors the realisation of RtF (Carrigan 2014:14). RtF challenged the availability-centric concept of food security (McKeon 2019).

development, support to countries, partnerships, and monitoring" (Beckh et al 2015).⁹ This led to several co-drafted manuals, technical guides,¹⁰ and a series of workshops (Hall and Scoones 2016). Reflecting CFS's collaborative aspirations, the Guidelines recommended "multi-stakeholder platforms and frameworks" to find common solutions for tenure issues (Beckh et al 2015:326). Multi-stakeholder processes encouraged states to include civil society and the private sector in policy dialogue (IPC 2016:15). Funded by European donors, UN agencies and NGO partners facilitated Multi-Stakeholder National Workshops (including in Nepal) (Hall and Scoones 2016). In this spirit, global civil society actors equally developed a guide to train CSOs to employ the Tenure Guidelines for effective participation of peasants, Indigenous Peoples, fishers, pastoralists etc. in these new national spaces of deliberation with government ^{Some} s (FAO/FIAN International 2017).

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 1.2.
Front Cover of Civil Society Guide for Employing the Tenure Guidelines

Policy gaps that peasants and Indigenous Peoples had identified during negotiations, however, soon resurfaced. In a statement, LVC warned that the Tenure Guidelines were being 'misinterpreted' to undermine natural resource-dependent communities' rights (LVC 10.12.2015). The explosion of guides e.g. for investors (*ibid*) were partially based on different parts of the Guidelines (see Annex 4 for Parts and Contents), but also on diverging views of

⁹ See, www.fao.org/nepal/news/detail/en/c/427217/.

¹⁰ See, www.fao.org/policy-support/tools-and-publications/resources-details/en/c/1176484/; and www.foodsovereignty.org/peoples-manual-vgg/

governance. At the CFS, CSOs had raised concerns that this instrument insufficiently supported small-scale producers to attain 'their own' food security and sustainable development, and failed to upkeep international previously agreed language on Indigenous Peoples' rights (CSM Report 2012). Indeed, the CFS acknowledged that partnerships around implementation efforts would navigate the murky waters of competing visions of food security (CFS 2013:50, in Duncan 2015:198-199). The emergence of groups straddling different interpretations reflected the risk that the Guidelines could become a 'menu' from which to 'pick and choose' (Hall and Scoones 2016). CSOs worried that—rather than maintaining a holistic vision—some actors would cherry-pick (FAO Lessons Learned Report 2015).

How could this instrument be employed for the 'most affected', LVC members asked, if corporate interests prevailed over human rights, and 'multi-stakeholderism' blurred the lines between states and companies? (LVC 10.12.2015). How would facilitators of the participation of CSOs at the reformed CFS "*Bring Rome back Home*"?¹¹ As the plight of rural communities against land-grabbing continued unabated in a corporate-led neoliberal approach to food commodification, agrarian movements drew attention to the "proliferation of interpretations" (LVC 10.12.2015). They declared that the Tenure Guidelines were "at a crossroads" (*ibid*).

1.1.2. TAKING RESPONSIBLE GOVERNANCE TO NEPAL

In 2014, Nepal was selected for funded events aiming to foster policy influence, starting with LVC-led workshops for farmers' organisations; followed by FAO-guided Multi-Stakeholder National Workshops with different ministries; then CSO-oriented awareness raising workshops; and lastly, capacity-development trainings for civil servants and NGOs (see Annex 5).

A convergence of historical events—culminating in the unprecedented constitutionalisation of rights to food *and* to food sovereignty in 2015—made Nepal an interesting case study on efforts of globally connected CSOs to implement the Tenure Guidelines. This followed a long political transition toward becoming a federal republic with a multi-party parliamentary system, and a multi-ethnic, multi-cultural, and multilingual nation. The 2007 Interim Constitution had been the most progressive yet¹²: it recognised the social and cultural rights of ethnic groups long excluded from the state-structure, and it enshrined food sovereignty (Beauregard 2009).

Nepal experienced an armed conflict with Maoist insurgents (1996-2006), and two peoples' uprisings for democracy (1990 and 2006). The following years saw two consecutive

¹¹ Expression used by CSOs on nationally adapting CFS policy recommendations. See, www.csm4cfs.org/bringing-home-results-rome-strengthening-use-application-cfs-policy-outcomes/

¹² See, myrepublica.nagariknetwork.com/news/our-constitution-is-one-of-the-most-progressive-documents/; and www.ipsnews.net/2015/09/opinion-u-n-s-mixed-messages-on-nepals-constitution/. Indigenous Peoples' organisations, however, considered the 2015 Constitution a setback in territorial and citizenship rights (Dolpo-Ghale 2016).

Constituent Assemblies (2008-2012 / 2012-2015), and an emerging public sphere with varying new voices critically commenting and debating the meaning of democracy, of citizenship and of human rights against the backdrop of political and sociocultural changes (Hutt and Onta 2017). In April and May 2015, the country was hit by fatal earthquakes. Amidst post-disaster recovery and international aid pouring in, and the recognition of unresolved land governance conflicts, the Constituent Assembly passed the new Constitution on the 20th of September 2015, the date I started my Ph.D. It established a three-year timeframe to revise and draft legislation.

This study thus provides an example of how civil society 'brings Rome back home' to Nepal in applying the VGGT implementation process to the newly enshrined RtF and RtFS.

1.2. RESEARCH SCOPE, RESEARCH QUESTIONS AND THESIS OUTLINE

To establish the research scope, first we ask *why it is that civil society set such great store by the Tenure Guidelines?*

At CFS negotiations, CSO inclusion was enabled through the self-organised Civil Society and Indigenous Peoples' Mechanism (CSM),¹³ building on over two decades of activism, embodied by its precursor, IPC (McKeon 2009:29-32; see also Borrás et al. 2008, and Edelman and Borrás 2016). Via the CSM, the CFS is one of the main multilateral institutions that TAMs advocating food sovereignty, such as LVC, engage with. It is also a deliberative space for Transnational Advocacy Networks (TANs) (Keck and Sikkink 1998) advocating RtF, such as FIAN International (Claeys 2015). These Guidelines were important because they were the first outcome of the reformed CFS, "an innovative experiment in global governance", where TAMs attempt to "construct global governance in their favour" (Margulis et al. 2013:7-8). There, CSM constituencies negotiated on a par with governments and the private sector.¹⁴

Building on the momentum of IPC-FAO interactions, the CFS reformed in 2009, after the 2007-2008 food crisis illuminated global governance failures (see McKeon 2009; 2013; 2015; Duncan 2015). CFS was mandated to expand participation "to ensure that voices of all relevant stakeholders are heard" (CFS 2009). The plight of rural communities against land-grabbing was the impetus to focus on land as the CFS's first urgent task (Margulis et al. 2013:7). Hence the Guidelines were also the result of decades contesting the grabbing of territories (LVC 10.12.2015). In sum, the food sovereignty movement saw in the Tenure

¹³ The CSM brings together organisations of smallholder farmers, fisherfolk, pastoralists, landless, urban poor, agricultural workers, women, youth, indigenous peoples, consumers and NGOs (see McKeon 2009, 2015; Brem-Wilson 2012). In October 2018 it changed its name to Civil Society and Indigenous Peoples Mechanism. See, <https://www.csm4cfs.org/un-mecanismo-de-la-sociedad-civil-y-de-pueblos-indigenas/>

¹⁴ The corporate-led Private Sector Mechanism (PSM) conveys the position of agribusiness (Hall and Scoones 2016).

Guidelines a policy document to support CSOs' positions on inclusive, transnational food and agricultural policies (Nyeleni 2015).

As "the most definitive global framework regarding land and related natural resource rights" (Hall et al. 2015:478), progressive NGOs and radical social movement actors foresaw their usage in their struggles (Hall et al. 2015:479), hence the relevance of this Ph.D. research also for these actors. Despite the risk of pick-and-choose due to their non-binding nature (Monsalve and Aubry 2014; Cotula 2017), a rights-based approach widened their scope of usage to claim rights obligations from states (Margulis and Porter 2013; Edelman et al. 2014; Hall et al. 2015), and from the private sector (Beckh et al 2015:325).

Indeed, the novelty in terms of participation at the CFS was the espoused model of 'multi-stakeholderism'.¹⁵ Now part of global discourse, it must, however, be viewed critically, for it is evidently not neutral (Cammaerts 2011). While it may mean more access to policy-making for CSOs, this does not necessarily translate into meaningful participation nor real impact (*ibid*). It has been noted, for instance, that uniting voices while ignoring conflict and antagonism—also between states at the CFS and FAO—may be encased in a veneer of consensus-building—a 'gloss of harmony' on global political-economic issues that are reduced to their technical dimension through governance mechanisms (Müller 2013). The objective here is not to rehearse the conceptual limitations of 'multi-stakeholderism' in its obscuring of power relations (see McKeon 2017). Rather, this thesis questions country-level initiatives toward multi-stakeholderism in Nepal, as promoted by the Tenure Guidelines. It is problematic that such national efforts are under-studied and ethnographically under-explored. Whether or not these multi-actor spaces—which are co-organised by the FAO, funded by donors, and facilitated by internationalised NGOs—address civil society's struggles remains a key area for investigation, as touched upon in this thesis.

Indeed, consultation and participation became a clearly established 'principle of implementation' in the Tenure Guidelines (see Annex 3) (Guffens and Kroff 2012:4). CSOs' inclusion in regional civil society consultations (2009-2010) and then in inter-governmental negotiations (2011-2012) had generated a sense of their being recognised as economic, social and cultural agents (Strapazzon 2016), and more importantly, as 'agents of their own development' (CSM Report 2012). This remains a fundamental dynamic to assess empirically at national and sub-national levels.

Noteworthy is that the participatory process behind the Guidelines and the political support they enjoyed, imbued the instrument with normative and legal value, expected to also mark their implementation process (Cotula 2017:125). Nevertheless, food sovereignty movements remained conscious of salient imbalances in power, given that the lines between

¹⁵ So as not to conflate powerful actors such as TNCs with affected peoples, CSOs prefer to use 'participatory multi-actor deliberation' (see McKeon 2017).

public and private interests were blurred, and corporate sector and civil society representation at the CFS were increasingly put on a par (Conti 2016:8-9). Negotiations were fraught with underlying tensions between different models of food and land governance promoted by an array of actors with different visions, and the final text of the Tenure Guidelines reflects a compromise, opening the door to multiple interpretations (Hall and Scoones 2016:13). Indeed, some sections were drafted in "a general and/or ambiguous fashion" (Seufert 2013:4). Non-prescriptive language was used (e.g. 'should' and 'endeavour') to avoid potential enforcement and accountability mechanisms (Duncan 2015:185).

Despite the challenges, given the 'democratic' participation of CSOs (Paoloni and Onorati 2012; Seufert 2013:4; McKeon 2015:332), they deemed the negotiations inclusive and participatory (Seufert 2013; Lambek et al. 2014; Claeys 2015:101). Consequently, the CFS was lauded for ably providing the institutional space to bring together these actors to directly debate "controversial issues" on a par with governments, international agencies and the private sector (Monsalve 2012: 40). Hence, CSOs promoted the active uptake of the Guidelines (Strapazzon 2012) and their participation thereafter in national workshops (Monsalve 2015; Franco and Monsalve 2018). The resulting spaces are the main object of study in this thesis, and partly define the research scope.

Equally, social movements wondered whether and how CFS issues would "relate to their struggles on the ground" (CSM Report 2012). Scholarly analysis pointed to the need to assess these concerns with empirical research. To understand whether the CFS's deliberative qualities have any effect, the national and local-level adoption of CFS outcomes was identified as a pre-condition (see Zanella et al. 2018). Particularly relevant to this thesis is the line of inquiry advanced by Hall, Edelman, Borras, Scoones, White and Wolford (2015) on exploring the extent to which the Guidelines can be invoked in a flexible manner by those confronted with the reality of having to work together across different 'social forces' on the ground. They asked:

Do human rights frameworks serve as *an effective tool in local struggles*? [...] It is too early to tell if the Voluntary Guidelines or other international instruments will have any effect [...] How and within what framework to *bring together all social forces* confronting a variety of land questions [...] is an urgent political question for all those who work around social justice issues, and an urgent agenda for inquiry by 'engaged researchers' (Hall et al. 2015:279, emphasis added).

Hall et al. further posited that if the Guidelines are *not* an effective tool, then global governance instruments serve the function of framing issues, rather than allowing for genuine remedial decision-making over local conflicts (2015:279). This is the crux of the matter. Moreover, *who* is doing the interpreting and framing? *Who* is bringing social forces

together, and *how*, to employ rights-based instruments to confront issues emerging in local struggles?

Borras, Franco and Wang (2013) pointed in the right direction by postulating the use of a 'political and relational' lens to any in-situ study of the Tenure Guidelines. More explicitly, they anticipated that *how* they are employed will depend on the context-specific "political interaction of various state and non-state actors" within the larger framework of "(inter)state-(civil) society interactions" (2013:173). Nevertheless, this key factor of how state agents and civil society actors interact, which shapes national implementation efforts, are not sufficiently explored nor ethnographically investigated in the first generation of studies on the Tenure Guidelines, reviewed in Chapter 2. Clearly, national VGGT projects are creating spaces for participation of civil society to engage in policy deliberation: in VGGT workshops, policy makers *and* non-state actors are trained to this end by facilitators (Franco and Monsalve 2018). Nonetheless, this is a setting of donor-funded rights-based governance projects, channelled into country-level processes. Yet these equally important dynamics are largely ignored. If we wish to go deeper into the *problématique* of the multi-faceted relationship between a global rights instrument and local struggles, we need to assess the relations of national implementing partners to TANs, TAMs and UN agencies, to donors who fund these processes, to the state, and to other CSOs.

Indeed, to better understand how state-(civil) society interactions shape implementation efforts, what is required is an ethnographic actor-oriented analysis of global-national *and* state-society mediation. This thesis thus aims to address a gap in the literature by developing a distinctive exploratory concept: *governance brokerage*. This approach centres on the role of intermediation in implementing rights-based governance instruments to address grassroots struggles for land and other natural resources.

This thesis will argue that, in Nepal, national brokers—acting like connectors at the junctures of grassroots struggles and law-making spaces since the 2007 and 2015 Constitutions—play significant roles in translating human rights *and* development projects, *and* in mediating across the state-civil society arenas, all functions of governance brokerage, as developed in Chapter 2.

Here, suffice to note that there are hidden processes behind donor reliance that need assessing from a political-relational perspective, including intermediaries, their networks, perspectives and interests (Mosse and Lewis 2005:14). Yet these can remain understudied due to the lengthy multi-sited and multi-scalar fieldwork that political ethnography calls for, with all its methodological and ethical challenges, as expounded in Chapter 3. A longer in-situ ethnographic investigation—such as the one that forms the empirical base of this thesis—can help to explore in which way national-level mediators facilitate the participation of grassroots activists in central level spaces of policy deliberation, and whether and how

they thereby bring social forces together in a rights-based framework of multi-actor deliberation. Additionally, through a political ethnography with historical and documentary analysis, this thesis examines the political and relational factors that place governance brokers in the position of 'people in the middle' (Merry 2006).

To this end, Chapter 4 provides the historical and socio-political context in which this form of global-local *and* state-society intermediation has developed since the first experiments with democracy, and subsequent development aid, seven decades ago.

Chapter 5 investigates *how and to what extent Nepali peasant-farmers' organisations struggling for food sovereignty policies employ the Tenure Guidelines*. It shows that farmers' and women's wings of the ruling political party gathered in workshops to discuss the meaning of food sovereignty, how to lobby the government for its enactment, and to demand more political participation for these marginalised constituencies.

Chapter 6 interrogates *how and to what extent land rights activists struggling for access to land employ the Tenure Guidelines*. It explores how land rights groups demand equal property rights as landlords through new land policies, and equally engage in land-mapping and land use administration projects.

Chapter 7 asks *how and to what extent do Indigenous Peoples struggling for access to fisheries and forests interpret and employ the Tenure Guidelines*. It follows grassroots activists participating in long-awaited amendments of conservation laws to enable access to river and forest resources.

The sub-question cutting across these three struggles for access to natural resources is: *To what extent, and how, does global-local and state-civil society intermediation shape this process of employing the Tenure Guidelines?*

In sum, this thesis examines the employment of the Tenure Guidelines to address struggles for access to land, rivers and forests in Nepal between 2015 and 2018, and the global-local and state-(civil)society structural, institutional and relational factors that shape this process, through the lens of governance brokerage. It interrogates how the VGGT process unfolded in Nepal. There, several organisations organised, facilitated and/or participated in a series of workshops dedicated to adapting the Tenure Guidelines to national processes of participatory law- and policy-making.

This thesis is divided into eight chapters across two parts. Part I provides the research setting, the analytical and conceptual framework, and the methodology. Part II covers the historical context of Nepal, followed by three data chapters. The Conclusion wraps the thesis with a brief coda that brings Part I and Part II together.

CHAPTER 2. THE INTERMEDIATION OF GOVERNANCE

This chapter identifies two critical conditions that shape the use of the Tenure Guidelines: 1. how the Tenure Guidelines are interpreted by different groups of actors, their respective socio-political model and discourse around tenure of natural resources, and the perceived roles of state and non-state actors therein; and 2. how they are intermediated from the global governance arena back to local struggles by civil society actors¹⁶ fulfilling the functions of translation *and* mediation across the global-local and state-society continuum. These functions, performed by translators/mediators, come under what I later define as 'governance brokerage'.

It is divided in the following way: 2.1 reviews how the Tenure Guidelines are expected to be interpreted according to diverging governance discourses, already apparent during CFS negotiations.

2.2. explores two ways of interpreting governance: First, it assesses the 'good governance' model and its linkage to donor-driven agendas to facilitate investment in a market-centric production model. Second, it reviews the other end of the political spectrum of food sovereignty as a counter-hegemonic development and participatory governance model and ideology to effect change. It thus identifies the roles of global-local translators in their different facets as a key factor conditioning the implementation of the Tenure Guidelines, based on the governance discourse they subscribe to.

2.3 critically reviews initial studies on the Tenure Guidelines' implementation efforts, with a focus first on global public-private partnerships and then on CSOs' efforts to influence policy nationally.

2.4 proposes that efforts at the national level to employ the Guidelines in addressing local struggles be further analysed through the lens of 'governance brokerage', whereby actors perform the function of rights translators *and* governance mediators across the global-local and state-society continuum.

It concludes that how governance is brokered in the fuzzy interstices of often-overlapping state and non-state arenas of action—themselves shaped by global-local relations of aid-dependency in 'developing countries'—is a pivotal factor that conditions how instruments, related projects and spaces of dialogue are employed in invited spaces imbued with power relations.

¹⁶ See Kaldor (2003) for a useful typology of civil society (social movements; NGOs; member-based social organisations; nationalist and religious groups). In the context of South Asia, civil society as actor and arena outside of political parties (Scholte 2011:8) includes political parties (Hachhethu 2006).

2.1. INTERPRETING THE TENURE GUIDELINES

This section assesses how political contestations¹⁷ in negotiating the Tenure Guidelines were expected to spill over to implementation processes, based on diverging visions of governance of land and other natural resources.

The endorsement of the Tenure Guidelines by CFS member states was hailed as an unprecedented achievement of global governance (Hall and Scoones 2016: 8; Guffens and Kroff 2012:7), and a "milestone consensus" (IPC 2016). Negotiations, however, were also "the most recent site of struggle in the 'proxy war' between competing views and interpretations of natural resources" (Franco et al. 2013:8). Indeed, Borrás, Franco and Wang (2013) argue that a key conditioning factor of implementation is how actors interpret the Guidelines according to their political orientations, shaped by structural and institutional settings (Borrás et al 2013). They contend that: "implementation will be an even more contested and important site of struggle than the negotiations of the rules were" (2013:176).

Interpretation of the Guidelines will depend on how civil society actors relate to each other, to the state, to other states (e.g. donors) and to the international political economy overall, a dynamic they call "(inter)state-(civil)society" political interactions, where state and non-state actors are expected to play different roles (*ibid*:173). In land governance, Borrás et al. (2013) identify three political tendencies that build on longstanding ideological approaches to development and regulation. These fluctuate, and mark alliances in spaces of transnational governance. In the current context of neoliberalism,¹⁸ and its contestation, they anticipate that the use of Tenure Guidelines will depend therefore on a balance of state-social forces across and straddling three political camps: Neoliberal, Reformist-Progressive, and Radical.

Borrás et al.'s (2013) analytical framework builds on an earlier categorisation devised by Holt-Gimenez and Shattuck (2011) to analyse political reactions to the 2008 food price crisis. They identified socio-political camps that proffered solutions, and built alliances, underpinned by their respective discourse and economic, production and governance model. Holt-Gimenez and Shattuck (2011) identified four approaches to the food crisis under two broad umbrellas: *Neoliberal-Reformist* political approaches, under the corporate food regime,¹⁹ and *Progressive-Radical* approaches under the food movements (see Holt-Gimenez 2010). Based on the Food Regime-Food Movement Matrix (Holt-Gimenez 2010),

¹⁷ 'Political' here is qualified by the extent to which contestation enables agonism as a moderate type of adversarial conflict in social relations, underpinned by agonistic dissent, and the inescapability of antagonism in democracy-building (see Mouffe 1993).

¹⁸ Neoliberalism as state-led trade liberalisation and commodification which consolidated in the 1980s and 1990s, and which impacted small-scale farming, is characterised by the following features, as summarised by Edelman and Borrás (2016:29-30): "(1) trade liberalization, (2) guarantees for investors, (3) freer capital flows and (4) state retrenchment through firing of public sector workers, reduction of publicly owned enterprises. [...] increasing commodification and privatization of the biosphere

¹⁹ See McMichael 2013:47.

they suggest that Progressive-Radical rather than Reformist-Progressive alliances—as part of a strong global food movement— should sustain pressure to become a social force that brings about structural transformation (2011:135). Similarly, in the context of land-grabbing, Borras et al. (2013:171-175) argue that diverging camps—neoliberal; reformist- progressive; radical—see land-grabbing governance differently, and will apply the Tenure Guidelines accordingly (2013:171-175). They do not hypostatise positions within these 3 tendencies; predicting instead that actors will straddle them, join forces and configure alliances between and across these camps, shaping a three-way political battle (*ibid*).

The next sections examine in more depth the discursive politics and governance models that may underpin the interpretation of the Guidelines in Nepal, a Least Developed Country (LDC) that is aid-dependent (Karkee and Comfort 2016), and that is institutionalising a right to food sovereignty. To this end, and for the purpose of structuring this chapter, the next two sections borrow from the Food Regime-Food Movement Matrix (Holt-Gimenez 2010), on which Table 2.1.—a summary—is based.

| Political Orientation | Neoliberal / Reformist Interpretation | Progressive / Radical Interpretation |
|-------------------------------------|--|---|
| Socio-Political Model and Discourse | Market-centric Credible institutions for economic growth Neoliberal ideology | Food sovereignty Alternative to development Right to Food / Genuine food security |
| Implementation of Governance Model | 'Good governance' Accountability' and 'transparency' Technocratic/administrative 'simplification' Political independent judiciary systems Intellectual property rights Multi-stakeholder platforms | Rights-based participatory governance International normative instruments anchored in human rights Multi-actor inclusive deliberation |
| Land Governance | Property rights for land market Foreign direct investment Land titling Land law reform | Redistributive land reform & Customary Rights Agrarian Reform & Territorial Rights Access to Natural Resources Legal and social change |
| Perceived Role of State Actors | Capital accumulation for dominant classes Improve civil service and government bureaucracy | Stronger state for the marginalised Public policies and social safety nets |
| Perceived Role of Non-State Actors | Technical translation of development Expand global legal models Connecting donors to recipients | Rights translation Contestation through legal mobilisation Training CSOs for participatory policy-making |
| Translators/ Mediators/ Brokers | Connecting and generating connections between donors, government and non-government recipients Transnational, transcultural and translinguistic coding, decoding & constructing & negotiating meaning | |

Table 2.1.
Adapting Holt-Gimenez (2010) Food Regime—Food Movement Matrix to the Interpretation and Implementation of the Tenure Guidelines, and to the role of Governance Brokers

2.2. INTERPRETING GOVERNANCE

Transborder problems and an increasingly global political economy marked the advent of global governance as a concept. It is used to imagine and legitimise a world order, but how to define the term is extensively debated (see Roseneau and Czempiel 1992; Pierre 2000; Weiss 2000; Müller and Lederer 2005; Margulis et al. 2013). This thesis aligns with Rose's definition, as it emphasises the role of intermediaries in negotiating governance:

[A]n emergent pattern or order of a social system, arising out of complex negotiations and exchanges between "*intermediate*" social actors, groups, forces, organizations, public and semi-public institutions in which state organizations are only one [...] amongst many others seeking to steer or manage these relations. (Rose 1999:21 in De Herdt and De Sardan 2015, emphasis added)

Similarly, CFS scholars remind us that a critical approach to global governance means "identifying the actors, interests, and ideologies driving particular governance initiatives but also the international political economy context " (Margulis et al. 2013:5).

As an idea, governance remains "more political in nature than most other ideas in development policy", yet risks becoming a means through which to demote politics to a neoliberal approach to economics and regulation (Bøås and McNeill 2004:151-152). In this sense, this section first assesses the view of 'good governance' in a 'Neoliberal-Reformist' political orientation (2.2.1), whereby, through donor-driven rule-making, states anchor the fluid food regime by mediating capital accumulation for dominant classes whilst maintaining political legitimacy (Borras et al. 2013). This is followed by an analysis of the 'Progressive-Radical' understanding of rights-based governance and its underpinning in the food sovereignty discourse (2.2.2).

2.2.1. GOOD GOVERNANCE IN THE NEOLIBERAL-REFORMIST INTERPRETATION

This section unpacks the 'good governance' narrative—according to its undergirding production and consumption model—and how it can further condition the Tenure Guidelines application to advance land governance centred on property rights and land titling (Borras et al. 2013). Similarly, a political tendency that is tactically situated in an often-grey zone of alliances presents governance as 'best practices', does not believe redistributive land reform can occur, remains market-centric and anchored in land rights as strengthened property rights, and aims to mitigate negative impacts from e.g. foreign investments in the Global South, including in land-grabbing (Borras et al. 2013).

A. Socio-Political Model and Discourse

In the Tenure Guidelines negotiations, the USA and its allies stood firm in their position on economic growth as a solution to eradicate poverty through markets and investment projects (Duncan 2015:181-185). They shared a common socio-political model and discourse with the corporate-centric PSM (Duncan 2015:181). Some states were reluctant to include anti-World Trade Organisation (WTO) global trade wording, while other states chose not to participate in negotiations due to conflictive interests in large-scale land acquisitions (Duncan 2015:181). This governance model was driven by market-centric economic growth, which, I show next, permeates industrialised donor states' employment of aid in 'developing countries'.

Discussions on the global aid architecture would take us far afield in explaining the factors that condition the interpretation of the Tenure Guidelines. For present purposes, nevertheless, the wider structural and institutional paradigm of donor-funded rights-based governance is fundamental to understanding how the Tenure Guidelines could be linked to development cooperation (see Beckh et al 2015:328).

Some scholars reiterate the importance of assessing the global political economy in which 'good governance' is channelled to states (Chang 2002; Moyo 2009). From the perspective of a 'developing country', 'governance' converges with post-1990 aid policy shifts targeting institutional change. Aid-based development projects saw 'good governance' as necessary for economic growth, and aimed to foster stronger credible institutions (Uvin 2002; Moyo 2009:22). Thus they built on the rule of law (*ibid*), where legal reform, law and lawyers—as I return to later—are central to global-national relations. Governance reform included improving the civil service and government bureaucracy through trainings (Moyo 2009:23). This focus on the public service for an efficient bureaucracy went alongside the diffusion of a Western democracy model for developing countries' governments, centred on universal suffrage (Chang 2002:82; Moyo 2009), and promotion of 'accountability' and 'transparency', fashionably packaged by the World Bank (WB) as 'good governance' (Uvin 2002:5).

Here, international bodies are dominated by ideational framings connected to the economic paradigm of powerful donor states—i.e. neoliberal ideology—and their interests and material power (Bøås and McNeill 2004). The benchmark is US financial institutions; however, they are not allowed to evolve organically according to local conditions (Chang 2002:69-70). These include—amongst other institutional variables measured globally by WTO and WB—political independent judiciary systems, intellectual property rights, and, pertinent to this study, property rights (*ibid*), as discussed next.

B. 'Good Governance' of Land

Just like the concept of 'good governance', codes and guidelines developed by development institutions and aid agencies claiming responsible pro-poor land governance need to be scrutinised (Borras and Franco 2010). These actors may build on a technocratic and administrative view of governance as 'simplification', which facilitates capital accumulation through land markets (Borras et al. 2013). Proponents of a neoliberal lens to the land problem promote entrepreneurship as a boost to rural economies (Borras et al. 2013), and 'responsible' foreign direct investment in land as a quick fix, through regulation, to land-grabbing (Franco in Legend Land Policy Bulletin 2015).

Scholars argue that diverging interpretations of the Tenure Guidelines in land policy reform are based on disparate approaches to governing land tenure, which stem from different sectoral and class interests, occasionally coalescing under specific configurations of global land politics (Borras et al. 2013; Franco et al. 2013; Hall and Scoones 2016: 13; Brent et al. 2017). Hence, the Tenure Guidelines generate different results, depending on how actors frame reactions to critical contemporary dimensions of land governance (Borras et al. 2013). If interpreted solely as an instrument to facilitate transactions, they could be at risk of co-optation during the implementation process due to a corporate agenda (Conti 2016). Reformist but also progressive political camps favour land titling as a kind of land reform, and could potentially interpret the Guidelines from this perspective (Borras et al. 2013). To understand better why some consider this approach to be flawed, it is useful to assess how the meaning of 'land reform' has changed.

Land Reform and Land Law Reform

At the CFS, food sovereignty actors raised concerns that the human rights which undergird the Tenure Guidelines could be reduced to property rights, and thus interpreted solely to support ongoing trends in mapping and registration, including of customarily-held land with the view to privatising tenure (Conti 2016:11). This raises questions for my research on the extent to which the Guidelines are employed to achieve potentially divergent types of legal reforms, and on what 'land reform' actually means in the context of Nepal, where land titling projects have been ongoing since the introduction of VGGT workshops (see Chapter 6).

What does 'land reform' entail in this institutional context? Whereas the meaning of the word 'reform' still invokes legislative change, the difference in trends over the past five decades lies in its design and policy prescription (Lipton 2009). Classic land reform traditionally comprises laws that aim at increasing the share of land rights of land-poor farmers living in poverty through confiscatory land ceilings, thereby supposedly improving their income, status, political influence and power in society (Lipton 2009:3). Historically, this

has been achieved by directly transferring land from rich landowners to the land-poor, based on the premise that extreme inequality actually slows down economic growth (Lipton 2009:1-3), and that lack of redistributive agrarian reform can foster anti-colonial and/or anti-imperial and/or communist peasant revolts (see Wolf 1969; see Edelman and Borras 2016:26-28). Until the mid-1970s, such legislative changes sought more equal opportunities; whereas post-1975 reforms have primarily promoted efficiency-enhancing measures (e.g. structural adjustment programmes - SAPs) (Lipton 2009:4). Through de-subsidising and de-protecting, such reforms have widened inequality following liberalisation, deregulation, and market-centric programmes (*ibid*).

Particularly pertinent to studying how actors employ the Tenure Guidelines in an LDC is the evidence that emerges from this new thrust centred on property rights across Africa. According to Manji (2006), these trends denote not only a transition from communal tenure to free markets, but also a renewed centrality of law, and a key role for lawyers in prescribing development-oriented solutions.

Manji (2006) argues that the law-development linkage was strong in the state-centred developmental era of the 1960s and is now revived in the neoliberal age, with a focus on land reform in a specifically legal guise (Manji 2006). Law, development, and the 'land reform' agenda have been reshaped: the 'rule of law' and 'good governance of land' now underpin efforts toward reforming *land administration* systems (*ibid*). Whereas the developmental state of the 1950s-60s focused on *redistributive reform*, today, Manji reiterates that "land reform has come to mean *tenurial reform* [...] the terms on which an operational holding is controlled and worked"(Manji 2006:34, emphasis in original).

Even if the focus is still agricultural productivity, it benefits larger landholders more than the landless, and prioritises a functioning market economy over livelihood security of the land-poor (Manji 2006:83). In today's era of trade liberalisation marked by global commodity chains integrating farmers from the periphery, 'land reform' is equated with 'tenure reform', property rights, and related titling (Manji 2006:33-35).

Tenurial reform is much more closely linked to legal change because it depends on the law to enact changes, and should therefore actually be termed "land *law* reform" (Manji 2006:36; 51, emphasis added). Nationally, this legal response is reflected in new land policies, land laws, and land commissions (Manji 2006:51). Hence, we discern a correlation between donor support for 'good governance' and what Manji highlights as "rule of law aid" or "rule of law reform" (citing Carothers 1998).

Next, we assess the role of formalising property rights in this context, the ideology behind it, and the effects of its implementation.

Property Formalisation and Land Titling

Some key institutions for the type of land governance favoured by neoliberal and reformist interests (and by some reformist-progressive alliances) are clear property rights linked to free market forces, to be achieved initially through administrative and technical measures such as land titling (Borras et al. 2013:169; Conti 2016). Chapters 4 and 5 cover this process in Nepal.

Land titling has been through cycles of promotion and implementation since the post-Second World War era, in particular since its linkage to mainstream notions of development, and to human rights violations (Barry 2018).

Historically, formalisation of land rights was promoted by European colonial administrators, and in the 1950s-60s by institutional economists. In the 1980s-90s WB and development agencies focused on supporting governments in legal and administrative reforms for mapping and record-keeping (Sjaastad and Cousins 2008).

A new wave in the 2000s based on economic theories that link land registration to asset capitalisation led to a fervent uptake by International Financial Institutions (IFIs), donors and policy-makers, followed by governments in the Global South (Manji 2006:2-3). According to de Soto, legal solutions such as titling will bring people who have unregistered land and are therefore outside the legal system into the property system, enabling them to lift themselves out of 'underdevelopment' and benefit from formal ownership of their assets by "mak[ing] their domestic capitalism work" (de Soto 2000 in Sjaastad and Cousins 2008:1).

There is little empirical data to show that this new capitalistic thrust to property formalisation actually lifts people out of poverty, and some evidence suggests the contrary—especially for women and the landless who may sell their land (Manji 2015; Manji 2006; Bromley 2008; Sjaastad and Cousins 2008). This raises questions about the nature of capitalism as a set of institutions promoted by Western donors, and the way it is transferred to 'developing' countries as a symbolic instrument of ideational hegemony (Bromley 2008:26), and on the role of the state therein, as expounded next.

C. Perceived Role of State

Borras et al (2013) anticipate that state actors straddling neoliberal-reformist political orientations will favour employing the Guidelines to strengthen administrative solutions to land governance anchored in property rights. It is precisely from the state perspective that we can better understand this approach to 'good land governance'. For the modern state, 'pre-modern' customary or communal tenure systems are marked by a certain complexity that is not 'legible' to central-level government administrators (Scott 1998). Hence, efforts toward homogenisation underpin land mapping and titling (*ibid*). The driving logic behind the hyped

cadastral map through accurate survey of all landholdings is to generate a fiscally legible, manageable, reliable and productive system of taxation that deals with individuals, and not communities (Scott 1998:36-37). It facilitates the bureaucrat's office- and document-based job, through a "static and myopic view of land tenure" that ignores social phenomena (Scott 1998:46). Schematic cadastral mapping, Scott argues, disregards land for subsistence or to support local ecology (1998:47). It equally demonstrates that state actors consider land as a productive asset, i.e. a commodity for sale (*ibid*).

In this sense, the state has a historic function: the organisation of national ruling classes and capital (Moyo and Yeros 2012:17). Hence, state and private actors mediate transactions, channel capital and organise capitalist society, as ultimately the state "both reflects capitalist society and is autonomous from the social classes which compose it" (*ibid*).²⁰ Therefore, implementing global governance instruments on natural resources becomes premised on efficiency to implement 'good governance' in the name of transparency, but also to facilitate capital accumulation through the mediation of state actors in land governance (Borras et al. 2013:169).

D. Role of Non-State Actors

What role do non-state actors play in sustaining the above-described 'good governance' interpretation of global governance instruments, and its interlinkage with development, be it rights-based or not?²¹

Non-governmental actors play a key role in channelling ideas from the global to national arenas, and, in developing countries, their role is often linked to donor-funded projects *and* to state actors (Tarrow 2001; Mosse 2005; Lewis and Mosse 2006; Gaventa and Tandon 2010).

Assessing the national implementation of governance projects, Gaventa and Tandon refer to 'agile' mediating actors who sustain mechanisms to "move across spaces of engagement and interpret between actors" (2010:19). These are: organisations such as NGOs and INGOs, activists, local actors who adapt to (and adopt) the language of funders and intermediary NGOs, social movements such as agrarian movement LVC who bypass NGOs to speak on behalf of peasants directly, but mediators are also state committees, and, of course the 'state' itself (*ibid*), as discussed above. Mosse reminds us that such frontline intermediary actors are charged with channelling principles from international policy regimes, but equally translate them into their own interests and values (Mosse 2005).

²⁰ The state—itself a social relation—not only facilitates capital accumulation, it also mediates emerging contradictions (Tilzey 2017).

²¹ On the evolution of a rights-based approach to development, see Cornwall and Nyamu-Musembi 2004.

Studies further elucidate the role of non-state intermediaries in development projects. Lewis and Mosse's (2006) term of 'development brokers and translators' foregrounds the interface where competing interpretations drive implementation (2006). Based on Latour's Actor-Network-Theory (ANT) and concept of translation, Lewis and Mosse assert that mediators are not mere intermediaries, because they change and influence the evolution of the meaning of objectives (Lewis and Mosse 2006). Moreover, actors may reduce development interventions to policy-targets, and interpret this rational utilization of prescriptive governance instruments as an effective method of implementation (Lewis and Mosse 2006). I consider this dynamic when assessing how the Tenure Guidelines are adapted to national law revision as one way of addressing conflict (see Chapter 7).

Similarly, some non-state actors carve a role out for themselves when proposing legalistic solutions to governance issues—solutions that equally target the state structure. As translators of interests in a "land law laboratory", Manji argues that lawyers create roles and make themselves indispensable in a "land law reform network" (Manji 2006). First, they promote law reform to be taken up by IFIs and governments, then they assist in implementation, including in state restructuring and/or training civil servants. By combining Latour's ANT with Cutler's notion of a 'juridical link' that connects 'local and global political-legal orders', Manji demonstrates the need to seek answers not just to *how*, but also to *why* IFIs, donors, and governments seek to formalise property rights, including those of peasants. In sum, there is the need to place agency within structure, i.e. the wider context of contemporary neoliberal globalisation, and the transnational linkages between globalisation of law and of capitalism (Manji 2006:16-17).

In the words of Benda-Beckmann and Turner (2018), lawyers and their networks are key actors in the rapid expansion of legal models: they are like "law merchants" who trade "global law templates" around the world, and thereby, through this "project law", "make the erroneous assumption that they fill a legal void" (Benda-Beckmann 2018).

Similarly, Li calls for a political-economic analysis of relations that enables a critical stance on development programming itself, and how framing can be employed to promote technical solutions (Li 2007). Li empirically delves into the world of programmes led by development practitioners in collaboration with governments, including those challenged by codified human rights language (2007; 2019). Reminiscent of Ferguson's (1994) argument on the depoliticisation of WB-funded agricultural development projects, which are articulated through non-political, technical language, Li shows how the messiness of the social world is "rendered technical" through a "will to improve" (2007). This hegemonic discourse of "improvement" is formed through the bounded problem-intervention-result approach of projects/programmes, which provide incomplete diagnoses devoid of key political-economic processes (Li 2007; 2019).

The role of technical translators is equally central to Rottenburg's parable of a large-scale water infrastructure development programme in a fictional former socialist country in East Africa, where 'Übersetzung' ('translation') spans a long chain from local recipients to national bureaucrats and politicians, to development practitioners and to donors themselves (Rottenburg 2002; 2009). Yet, as Mosse contends, in development, cooperation relationships are made in the interstices (Mosse 2014:519), and it may thus seem implausible to envisage technical development language as hegemonic discourse alone. Rottenburg's study highlights this, Mosse suggests, because actors may have no other choice but to render technical the language that is used in their development encounters so as to communicate across the long chain behind programme implementation. Put differently, using technical language facilitates a complex transnational, transcultural, and trans-linguistic process from donor states to aid agencies to practitioners to beneficiaries and recipients—and yet what is at stake with such a solution-oriented 'translation' is that it precisely remains "divorced from the institutional-political context" (Mosse 2014:519, citing Rottenburg 2009).

What is analysed here is not solely the political economy of development, but also the system of codes that are utilised in a long chain of communication that entails coding and decoding as bridges are built between recipients and donors. Acts of interpretation are performed in the nodes that connect these chains, i.e. the links that are formed and hold up the chains of relations. As Mosse asserts, in the world of development programmes, knowledge is not merely instrumental, but rather relational and interstitial (Mosse 2014). In his empirical case study among *Adivasi* in India, knowledge is significant "not for the local autonomy it fostered, but for the connections that it allowed" (Mosse 2014:516). This brings us back to the role of intermediaries in different manifestations; in constructing meaning, and in the power they have to generate connections. This too can be applied to the interpretation and implementation of governance instruments, as this thesis will show.

2.2.2. RIGHTS-BASED GOVERNANCE IN THE PROGRESSIVE-RADICAL INTERPRETATION

This section discusses the predominant feature of the rights-based governance arena: international normative instruments anchored in human rights. At first, the discursive trend of a rights-based approach was coupled to political tendencies of 'good governance' and driven by IFIs, repackaging global policies that aimed to boost investor confidence with the language of human rights (Uvin 2007:600). This fluctuated in a continuum from those promoting the status quo in the centres of power through rhetorical means (e.g. bilateral and multilateral aid agencies), to the more radical questioning of the prevailing development paradigm (Uvin 2002:2). Participation and 'good governance' are elements of a rights-based approach adopted by development practitioners, but there are many ways in which this is operationalised (Cornwall and Nyamu-Musembi 2004). It was mainstreamed by WB (*ibid*),

and, as Miller suggests (2017), the rights-based approach is a broad umbrella concept that "can cover most [...] incorporations of human rights practice across the mainstream development NGO spectrum" (Miller 2017:63).

Of interest to this thesis is that at the CFS, actors from across the political spectrum converged after the food price crisis, utilising a political opportunity in global food and agricultural governance (McKeon 2015). As an alternative to reformist-progressive alliances that failed to challenge the market-centric neoliberal paradigm, the Civil Society Mechanism (CSM)²² became an example, for some scholars, of how progressive NGOs and radical food movements could work together (Holt-Gimenez and Shattuck 2011:127).

The CSM garnered support from government representatives to establish a link between the right to food (RtF) and tenure of land and natural resources, in coherence with existing human rights frameworks (Hall and Scoones 2016:14). This interaction strengthened the grounding of the Guidelines in international human rights law (Golay and Biglino 2013:14; Duncan 2015:180). For instance, by drawing from *International Labour Organisation Convention 169 on Tribal and Indigenous Peoples* (1989) (ILO 169), CSM delegates ensured that the Tenure Guidelines also reiterate the rights of Indigenous Peoples to Free, Prior and Informed Consent (FPIC) (Monsalve 2012).

What would be a progressive-radical, rights-based, interpretation of the Guidelines, according to food sovereignty proponents?

A. Socio-Political Model and Discourse

Within the structural and institutional settings of governance, food sovereignty proponents developed a discourse on access to and control over the means of production, as the result of "a specific historical juncture and food regime" (Fairbairn 2010:16). They proposed an alternative to 'development', based on autonomous means to produce food, running counter to the predominant neoliberal narrative centred on market-led agricultural systems and investment projects (Desmarais 2007; Trauger 2015; Rosset and Martinez 2010:154). This was also based on the everyday reality of inhabitants of rural areas, where the penetration of capitalism remained incomplete and space for resistance against the negative impacts of economic liberalisation emerged (Edelman and Borras 2016:6).

Food sovereignty proponents rejected food security as a business-as-usual procedure, and challenged global trade liberalisation (Patel 2009; McKeon 2009:29-32). Dressed in rights language that foregrounds the power dynamics and political economy of food production and trade, this narrative emerged as a *social* and *political* project, aiming to bring food systems back into small-scale producers' control (Rosset 2003; Wittman et al.

²² See Chapter 1 for a description of the CSM.

2010; Edelman 2014; Trauger 2015). To this end the term denotes primarily a *process* (Edelman et al. 2014; Schiavoni 2016), and "an evolving project" that has to adapt to phenomena such as land-grabbing, shifting its focus from the "the right of states to food policy autonomy to asserting the right of small-scales to productive autonomy" (McMichael 2015a:434).

It evolved from a nation's to peoples' right, and stems from discussions and increasingly joint efforts of agrarian, Indigenous Peoples' and rural and urban food producers' movements amongst others to develop their own production model and discursive frame for policy advocacy (see Desmarais 2007; Patel 2009; Claey's 2015). It took off as a counter-discursive tool, particularly but not only, after LVC adopted the originally anti-dumping concept of '*soberanía alimentaria*' (food sovereignty) in Central America (Edelman 2014b). Its proponents have since endorsed peasant agroecology as one of the six pillars of food sovereignty (Edelman et al. 2014; Pimbert 2015).

Food sovereignty is thus an ideology to effect change, an "alternative tradition" and a differing modernity (Desmarais 2007:34). The term served as a framing for increased mobilisation (Fairbairn 2010): a mobilising frame despite uncertainties about its policy implications (Edelman et al. 2014:912), fighting unequal power relations, and striving for equitable social and political relations (Wittman et al. 2010). The focus of these anti-globalisation agrarian activists was on claiming back bottom-up agency (Claey's 2012), peasant resistance (McMichael 2014; 2015), and control 'from below' (Claey's 2015). The "new" human rights angle (*ibid*) therefore served the purpose of mobilisation toward not merely *legal* but *social* change: for LVC it was about "a new kind of *rights politics*" (Patel 2007:89, emphasis added). These discursive politics drove their demands for participation in the CFS and Tenure Guidelines' negotiations, discussed next.

Participatory Governance

As introduced in Chapter 1, the Tenure Guidelines, a global rights-based instrument, dovetails two decades of civil society proposals to significantly reshape UN-civil society relations in global food and agricultural governance, and to secure their participation therein (see McKeon 2009; 2015). Social movements understood their participation in negotiations at the reformed CFS as bringing the voice of 'those most affected', 'from the ground up', and thus a step forward in global food and agricultural governance (CSM Report 2012).²³ Moreover, the CFS institutional reform and inclusion of LVC—also referred to in this context as a 'subaltern counterpublic' (Brem-Wilson 2012; 2016, citing Fraser 1990; 2007)—is a milestone in an overarching goal to participate in policy-making in a 'transnational public sphere' (Brem-Wilson 2015). Peasant movements and others legitimate their voice by

²³ See, www.csm4cfs.org/wp-content/uploads/2016/03/csm_annual_report_2012.pdf

invoking the "all-affected principle" (Brem-Wilson 2019), notwithstanding the challenges for attaining "*substantive* participation" (Brem-Wilson 2015; emphasis added).

The rights-based approach aligns with the evolving definition of food sovereignty from a nation's to a people's right to define their own food systems (see Nyeleni Declaration 2007), which includes democratic deliberation as one of its tenets (Pimbert 2006; 2009). It is, in its methodology, a 'deliberative inclusionary process' that provides new spaces for usually-excluded citizens to influence decision-making and democratise policy-making (Pimbert and Wakeford 2001:23). Thus, LVC's governance-oriented alternatives were envisioned as possible through inclusiveness in decision-making that translates into supportive public policies (Brem-Wilson 2016:9-10). In this regard, TAMs started exercising their "rights to have rights over food [and to] shape and craft food policy" (Patel 2009:663), by challenging global governance arenas, and gradually demanding direct participation.

The right to participate started materialising during the 1996 and 2002 World Food Summits (WFS and WFS:5YL) (see Figure 2.1.). There, demands of peoples' organisations and social movements (that had emerged in the context of anti-globalisation protests)²⁴ to become protagonists in policy-making arenas on the premise that they hold the *right* to do so began to be heard (McKeon 2009:42).

At the WFS Parallel Forum, CSOs—who later formed the IPC —called for national governments to have the right to defend themselves from unfair world trade rules and conditions, and for the nations, countries and peoples to have a say in agricultural development (Claeys 2015). Post-2000, two strategic issues were defined as key in CSOs' proposals for participatory policy dialogue: access to natural resources, and country-level democratisation processes supported by international mechanisms (McKeon 2009:54-55).

At WFS and WFS:5YL Parallel Forums the seeds were sown for the construction of alliances between RtF NGOs and food sovereignty movements that centred on access to land and other natural resources, and then with like-minded institutional actors not afraid to discuss political and structural issues (McKeon 2015:82). A strategic alliance was gradually built between social movements, RtF activists, and academics, mutually shaping the concepts of food sovereignty and RtF (Claeys 2015; McKeon 2015:82). Thence, RtF, which is enshrined in international human rights documents, became a stepping-stone for peasant activists to employ rights-based language in their global struggles to influence food, agricultural and trade governance (Carrigan 2014). LVC started linking RtF to broader rights-claiming, and to push it beyond existing economic, social and cultural rights (ESCR), to be captured by their then-draft peasants' rights instrument,²⁵ that would centre on RtF as the

²⁴ On this anti-globalisation movement, see de Sousa Santos and Rodriguez-Gavarito (2005).

²⁵ In 2001-2002 it was a country-level declaration drafted by LVC's Indonesian member; by 2008-2009 it had become a global-level draft led by LVC and later presented to the UN (Edelman 2014), culminating in the

right to access "land, water, seeds, credit, technology and knowledge required to produce it" (Edelman 2014:198). RtF NGOs and agrarian movements collaborated to crystallise the right to *produce* food and to *access* productive resources for food during the negotiations for the *Voluntary Guidelines for the Progressive Realisation of the Right to Food* (2004) (McKeon 2009:76, emphasis added).

Indeed, the Tenure Guidelines not only integrate provisions from existing human rights treaties, they particularly build on these previous efforts to underline access to and control over land and other natural resources from a RtF and right to land perspective, as summarised in the following timeline (Figure 2.1.), and expounded below.

UN *Declaration on Rights of Peasants and Other People Working in Rural Areas* (UNDROP) (see Edelman and Claeys 2019; Claeys 2019).

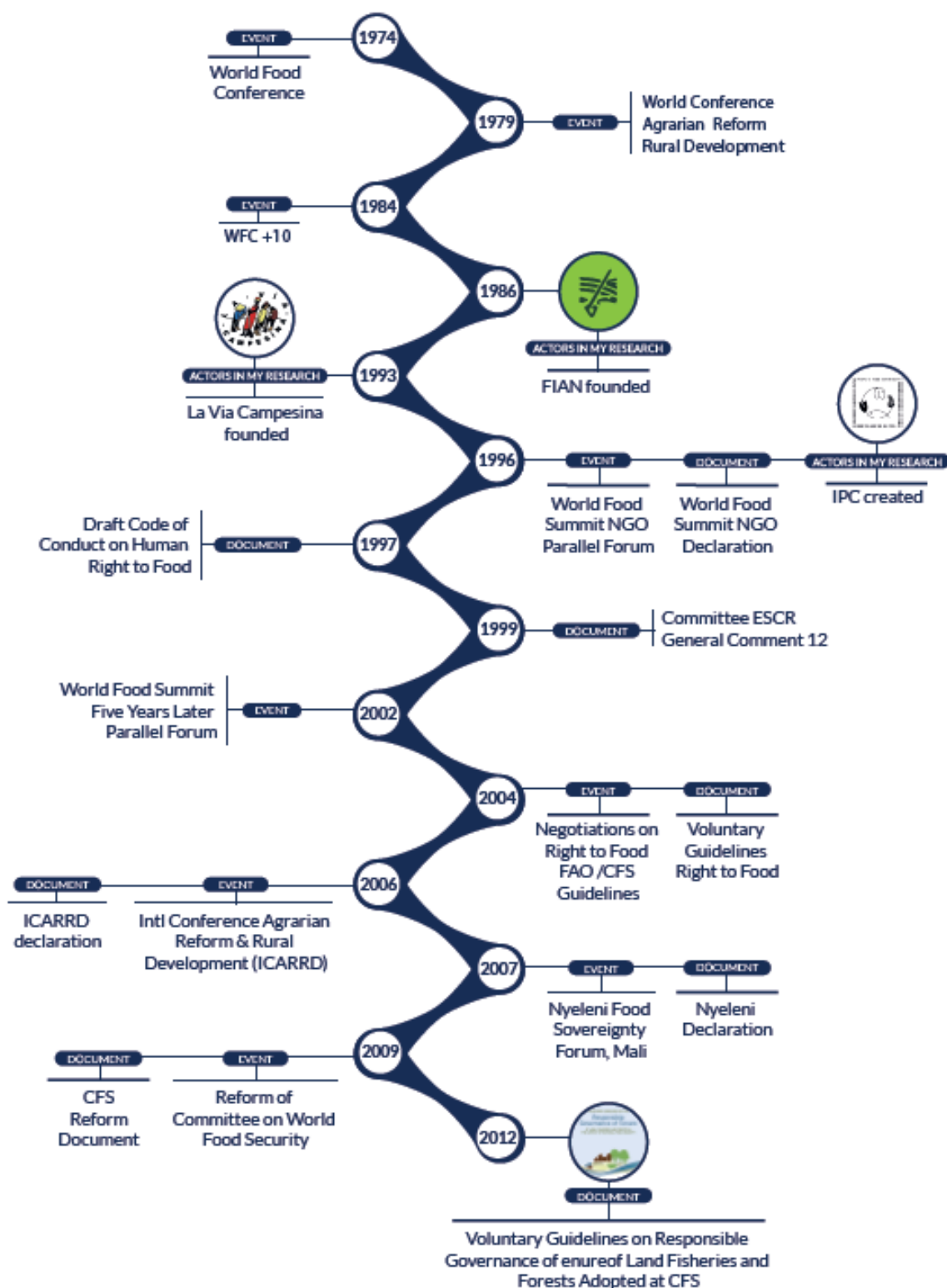


Figure 2.1.
Timeline of global governance events and instruments leading up to the Tenure Guidelines

B. Rights-Based Land Governance

The Tenure Guidelines covers secure access to land, watercourses and coastal areas, and forests, which, for the livelihoods of rural dwellers, the FAO emphasises, "are often interlinked" (FAO 2012a). This interlinkage of different relationships to land was already key to food producer peasant and indigenous movements' increasingly joint struggles toward 'democratic land control' (Franco et al 2015), from the perspective of RtF and its interlinkages with RtFS (see Claeys 2015). They are underpinned by demands for agrarian reform and the recognition of 'territory'.

Agrarian Reform and Territory

The Tenure Guidelines captures different social relations to land and other natural resources. This too is the fruit of a convergence of struggles under the banner of food sovereignty, but also of a collective effort to find a common framing that could bridge varied class bases and identities (Edelman and Borras 2016). As depicted in the timeline in Figure 2.1., the International Conference on Agrarian Reform and Rural Development (ICARRD) was a step in this direction.

At ICARRD the issue of land tenure was integrated into the global governance arena (see ICAARD Declaration 2006). But the subsequent implementation plan was unclear and stalled: The issues of land and agrarian reform remained contested, particularly within the FAO, where internally steps were taken away from the "hot" concept of agrarian reform (Brem-Wilson 2012:137-139). Such objections to demands e.g. for land reform are expected from intergovernmental institutions, as they "go for the jugular vein of the capitalist system" (Edelman 2014:199). ICARRD did, however, pave the way towards the participatory process behind the Tenure Guidelines and other emerging debates (Borras et al. 2015:604).

Importantly, it became clear that TAMs' demands for land reform for small-scale farms was moving toward incorporating claims for the recognition of collective rights over land as 'territory' (Monsalve 2013; Edelman and Borras 2016:72). The concept of 'territory', key to the UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP), though contentious for many states, was also discussed within LVC around a draft peasants' rights declaration (Edelman 2014:198-199). Because of varying class and identity politics, Indigenous Peoples and pastoralists are "historically wary of agrarian reforms" (Edelman and Borras 2016:72), not least because of the "inherent contradiction between implementation of land reform and defending or reclaiming indigenous territory" (*idem*:76). This has not been resolved and is a tension within LVC (also in Nepal, as I discuss later), and between LVC and IPC (*ibid*). Nevertheless, under the leadership of the cross-sectorial IPC, land issues were now framed in a more collective rights-based approach than for instance in LVC's

Global Campaign for Agrarian Reform (GCAR) (Monsalve 2013 in Edelman and Borras 2016:72).

Though GCAR was connected to the food sovereignty movement's campaign for state intervention on behalf of small-scale farmers (Lahiff, Borras and Kay 2007), it must be noted that positions within LVC were not homogenous, and it was particularly during GCAR that ideological and primarily class divergences transpired (Borras 2008; Edelman and Borras 2016). Including LVC among radical non-state actors (as Holt-Gimenez and Shattuck do) is heuristically helpful, however, it must be noted that members of such TAMs can be ideologically radical, liberal or conservative (Edelman and Borras 2016:39). Agrarian politics are marked by class politics: approaches to labour and to government policies differ depending on the organisational class-base (*idem*:44-45).

Despite the historical contradictions and issues of class differentiation among the peasantry, and difficulties in conciliating the discourse with experiences of agrarian capitalism and other key themes of agrarian change (Bernstein 2010, 2016; Jansen, 2015), multi-class transnational alliances such as LVC and IPC unite under a dominant ideological framework (Edelman and Borras 2016:55-56). This principally anti-capitalist narrative straddles ideological as well as rural-urban divides (*idem*:75). These broad and coherent enough coalitions of coalitions ensure effective advocacy, such as for instance during the Tenure Guidelines' negotiations (*idem*:71).

Although results were mixed on the ground, particularly given class differences within LVC (see Edelman and Borras 2016:47-54), GCAR—and ICARRD—helped to frame the debate and put 'agrarian reform' and 'land reform' back on the global policy agenda (Borras 2008:270).

Post-GCAR, the movement shifted toward more encompassing perspectives and parameters, and IPC accordingly named its Working Group "Land and Territory" (Borras et al. 2015:607-608). Globally, a growing alliance now incorporated non-peasant, non-agricultural social groups under the banner of a more polycentric food sovereignty movement (*ibid*). This led to deliberations on unaddressed paradigms of land governance and its human rights framings: how to reconcile notions of private property that undergird peasant-led land reform with Indigenous Peoples', forest dwellers' and pastoralists' claims to territorial rights built on customary tenure systems? (*idem*:605) How are land reform, agrarian reform and non-privatised territories to be brought under the single umbrella framework of food sovereignty? And what role should the state have therein (*ibid*)?

As per the evolving model of food sovereignty espoused by IPC/CSM members, in the Tenure Guidelines efforts converged to develop a more collective rights-based vision on land centred on the right to self-determination and territory (Monsalve 2012:37), beyond LVC's initial demands for agrarian reform (Monsalve 2013; Borras et al. 2015). These actors

now ultimately refer to the cultural meaning of land, as well as to its purpose for subsistence and agrarian use (Coomans 2006:12).

These land tenure debates are ongoing as movements converge under the banner of food sovereignty, and are certainly not resolved by the Tenure Guidelines, as my thesis will show. Essentially, as they sought to have their voices heard in global food and agricultural governance, movements also created a discursive and policy space for a growing recognition of 'territory', and the customary and informal tenure systems that underpin this concept as per the Tenure Guidelines, analysed next.

Customary and Informal Tenure Rights

Top-down technocratic property formalisation programmes have often failed to examine informal complex relations around socio-cultural norms and local-level socio-political organisation around access to land and other natural resources (Bromley 2008:26; Manji 2006:11; Sjaastad and Cousins 2008; Abubakari et al 2020:2).

Providing a one-size-fits-all unified system for tenure security ignores the wide variety of customary tenure systems and indigenous customs and institutions, and the extent to which surveying and registration are actually feasible, and supposedly beneficial (Manji 2006:21; Sjaastad and Cousins 2008:4). Bradley (2008) deems that an over-simplified solution (legal proof of ownership) to complex problems can only be short-lived, particularly for urban/rural 'squatters' or users of common property regimes (Bradley 2008:20-21) (see Chapter 6). Additionally, local people may better self-sustain these systems (see Krantz 2015:4), although factors such as commercialisation and population growth are adversely affecting them (Agrawal 2001:1656).

Some countries in sub-Saharan Africa have started recognising customary tenure rights in legislation, and developing sophisticated legal frameworks for land, recognising both individual and collective rights, including through participatory mapping exercises (see Krantz 2015:7-15), an initiative also relevant to Nepal (see Chapter 6). However, scholars warn against the risk of idealising traditional/customary systems as a supposedly flawless counter-solution to individual property systems. Some are not marked by social harmony and equity in accessing natural resources, but rather on hierarchy and asymmetrical power relations (see Krantz 2015:4). Subgroups are differentiated by their position of political power and decision-making or relative marginality, mostly along intersecting lines of ethnicity, gender, generation, caste and religion (Agrawal 2001:1657), a socio-political factor related to institutional arrangements that I assess in Chapter 4 on Nepal.

Gender relations can also not be addressed in a linear way. Agrawal points out that gender inequalities may be rendered invisible in customary institutions, as women are often the ones foraging and harvesting from common-pool resources (Agrawal 2001:1657). There

is wide consensus that women's land rights are not only rare, but are also worsened by land commercialisation (Krantz 2015:5), while informal rules often based on kinship generally continue to prevail over formal laws (see Krantz 2015:3; Manji 2006).

C. Perceived Role of State

Because of the state's role in the political economy of natural resource governance and policy-making (Borras et al. 2013), recent studies, which challenge the claim that global governance has hollowed out the state and assess the nexus of resistance and food sovereignty, distinctively "bring the state back in" (Tilzey 2017:4). This is particularly so for land governance proposals anchored in 'democratic land control' and 'land sovereignty', despite the contradictory and contested nature of state power (Borras et al. 2015). Though food sovereignty as a political space and project is also a terrain of contestation, it requires a developmental state to act as guarantor of food sovereignty rights, and play its role in the redistribution of power, also across government levels (McKay et al. 2016; Clark 2016). This is particularly pertinent in studies of peripheral states, and their structural characteristics (see Moyo and Yeros 2011:16-18).

This raises a host of questions of what the state's role is in countries where food sovereignty is nationally endorsed, such as in Nepal, my case study. Since its origins as a counter-framing, the concept of food sovereignty has shifted scale and is being interpreted at state level, and within countries, in different tiers of governance. Whether and how it translates into public policy is a matter of debate: Desmarais, Claeys and Trauger (2017) grapple with the idea that the counter-hegemonic project of food sovereignty can, should or should not be institutionalised, but examples are materialising in national and local-level progressive policy-making (Desmarais et al. 2017). Food sovereignty has been constitutionally enshrined by progressive governments, led by Venezuela, Ecuador and Bolivia (Beauregard 2009; McKay et al. 2014). Some principles, although less radical than globally conceptualised, have been incorporated into framework laws for agriculture in Senegal, and for self-sufficiency in Mali (Larder 2015). There is a specific framework law in Nicaragua, whilst in Nepal it was included in the Interim Constitution (since 2007) (Beauregard 2009; Beuchelt and Virchow 2012), and then enshrined in the 2015 Constitution (Sharma 2020). There, party-affiliated peasant organisations use the concept to frame a 'path to socialism' (Pokharel 2013), discussed in Chapter 5.

Critical assessments show how the state—an arena of class struggle—juggles elite interests with the need for a developmentalist approach to achieve food sovereignty. Studies question whether and how the state can foster the radical nature of food sovereignty, shedding light on the role of state actors in mediating relations with different social groups such as peasants/ farmers/ Indigenous Peoples, once the political language integrates food

sovereignty, and becomes a questionable tool for accessing state resources [on Mali see Larder (2015); on Ecuador see Peña (2013) and Clark (2016); on Bolivia, Ecuador and Venezuela see McKay et al (2014); on Venezuela see Schiavoni (2016); on Mexico and Ecuador see Henderson (2017); on Ecuador, Bolivia and Nepal see Tilzey (2017)].

As this thesis studies how transnationalised activists employ the Tenure Guidelines in their national struggles, this now brings me to the role they play in using global rights-based instruments to gain leverage over the state under constrained structural and institutional settings.

D. Role of Non-State Actors

Literature on how global-local activism interconnect has generated important insights into the roles played by non-state actors in interpreting global governance from a rights-based perspective. CSOs' contestation and actions towards reconfiguring rights regimes demonstrate that the state is not the sole designer and implementer of human rights (Santos and Rodriguez-Garavito 2005:20). The proliferation of non-state actors in contemporary global relations implies that "economic and social policy is no longer the exclusive preserve of government", and that the state can be turned into a territory for rights activists and advocates (Weiss 2000:800). This is also apparent in the way that the struggles of agrarian movements, social movements, and ordinary citizens increasingly adopt legal dimensions, as they invoke international norms for social change, thereby engaging in 'legal mobilisation' (Claeys and Peschard 2020).

As 'norm entrepreneurs', a key role of non-state actors is to use international norms to develop a stronger position in national debates, exerting pressure on governments, through flows of information, support, or pressure, oftentimes as advocates for minorities (Finnemore and Sikkink 1998; Keck and Sikkink 1998). Transnational Advocacy Networks (TANs) employ international rights instruments to bypass the national state in their support of local struggles, appealing to global spaces and actors, in an exercise that operationalises information, leverage and accountability politics—known as the "boomerang effect"—to pressure rights-violating states (Keck and Sikkink 1998). Keck and Sikkink's work on TANs was followed by a flurry of case studies showing that a key role played by non-state actors supporting local struggles is to connect local activists from marginalised constituencies with NGOs, TANs and other networks to target the state, in a mutually transformative process.²⁶ They demonstrate that despite disenabling structural factors, TANs can "be thought of as a

²⁶ On the anti-dam movement in Brazil in the 1990s see Rothman and Oliver 1999, on human rights violations in El Salvador and Nicaragua in the 1980s see Bassano 2014; on the Zapatistas and foreign activists see Olesen 2004; on networks of partners in Guatemala's indigenous rights movement see Stewart 2004; on 'contentious pluralism' in Central America as a form of local subversion that complements the boomerang model see Perla 2008; on interactions between NGOs in Colombia with Spanish NGOs aiding marginalised communities ignored by the state see Gomez-Quintero and Marcuello-Servos 2012.

network of partners who draw from their respective comparative advantages to contribute to collective action" (Stewart 2004:262, emphasis added). Tarrow (2005) defines this "new transnational activism" as multifaceted, but grounded in local realities—"not the product of a global imaginary but of domestically rooted activists who target dictatorship, human rights abuses [...]" (2005:205-206).

The global network of RtF activists is one such TAN (Claeys 2015), whilst food sovereignty proponents such as LVC have been conceptualised as a Transnational Agrarian Movement (TAM) (Claeys 2015, Edelman and Borras 2016). Given that my research traces how national members of TANs and TAMs bring the UN Tenure Guidelines to national policy-making, these functions point to how grassroots struggles are put on the agenda of central level policy reform.

Another pertinent role non-state actors play is creating organisations and consolidating their networks, which is linked to new political opportunities for identity-based groups, such as women and Indigenous Peoples. Zwingel (2005) argues that *Convention on the Elimination of Discrimination against Women* (CEDAW) is no longer just an intergovernmental regime, built on human rights law, but also a 'transnational implementation network' of NGOs and activists, insofar as they connect local issues with CEDAW to influence national policy (Zwingel 2005). Activists self-organise at the global level not only to develop instruments to support their rights-based struggles, such as CEDAW and UNDRIP, but also to fortify their self-organisation at multiple levels, including the intermediate level of UN treaty bodies, during the drafting and thereafter in efforts to employ the instrument.²⁷

During subsequent phases, they play a crucial role as 'norm and rights translators', translating the global discourse and generating different impacts, oftentimes through a 'distorted translation' process of 'norm diffusion', whereby actors who have their own political agenda engage in transmission of meaning across cultures (Zwingel 2013). Zwingel highlights actors' agency in material settings, and possible disconnects between international and domestic norms in processes of "interpretation, adaptation, restriction or expansion" (2013:115). The main lesson drawn is for a more actor-oriented approach that pays attention to *who* is doing the translating.

Merry identifies the role played by "people in the middle"—NGO members, community leaders and social movement activists—in bridging a gap between a cosmopolitan awareness of women's rights and local sociocultural understandings of gender and family. Intermediaries/translators can look both ways, understand both worlds, and through their agency, refashion global rights agendas for local struggles through "vernacularization", as

²⁷ On women's organisations' use of CEDAW see Zwingel 2005; Schopp-Schilling and Flinterman 2007, Byrnes 2010; Byrnes and Freeman 2011, Zwingel 2013. On UNDRIP and Indigenous Peoples' self-organisation, see Radcliffe, Laurie and Andolina 2002, and on their national use of the instrument see Toki 2010; Johnstone 2011.

they "negotiate between local, regional, national, and global systems of meaning" (Merry 2006:39).

A more bottom-up way that intermediary radical and progressive non-state actors translate systems of meaning is through framing. Studies on LVC and their allies, for instance, show the importance of applying frames to their struggles, more specifically 'master frames' that merge agrarian issues with an adapted collective rights angle (Borras 2008, Claeys 2015). Framing here refers to the agential process of constructing 'meaning', applied by social movements in their mobilisation activities in conjunction with political opportunity processes, to provide legitimacy to their beliefs and consequent actions (Benford and Snow 2000:612-614). Thus, social movements play a role in producing knowledge "by framing an issue in a 'counter-hegemonic' way, by developing points of view that challenge dominant ways of looking at the social and political reality" (Van der Heijden 2014:5).

According to Edelman and Borras (2016), collective action and TANs scholars have paid insufficient attention to agrarian movements' practices in international development, given their role in developing protest repertoires and engaging in contentious politics, also through the use of framing. One role of radical non-state actors globally is to resist, as they did against the WTO (see Edelman 2003), but also to provide continuity in their mobilisation through common campaigns.

As seen above, this reframing fed into the Tenure Guidelines: the role played by TAMs in framing their contributions to bridge identity and class divergences was key, particularly the master frame of "unity in diversity" and the idea that "we are all people of the land," despite internal social class differentiation (Edelman and Borras 2016:39-40). The implications of this are particularly visible at national and organisational level where rural-based working classes can be located in their social relation to property and rural infrastructure (*ibid*:41). As my thesis points out, this remains a key avenue for future research regarding Nepali farmers' organisations and landless social movements (see Chapters 5 and 6).

2.3. IMPLEMENTING THE TENURE GUIDELINES

Chapter 1 introduced the 'mis-interpretation' of the Tenure Guidelines, in LVC's view, due its usage by corporations to advance investment projects with the backing of mediating states, and their donor agencies (LVC 2015). Given the rapid uptake of the Tenure Guidelines by TNCs, and the flourishing of Public Private Partnerships (PPP), their role is assessed next.

2.3.1. NEOLIBERAL-REFORMIST IMPLEMENTATION

Fuchs et al. (2011) summarise that in private food governance "private actors are assuming pivotal roles in terms of rule-making, monitoring compliance, and enforcement" in private systems of governance, which include self-regulation, co-regulation and management-based regulation (Fuchs et al. 2011:1). In PPPs, the private sector does not only provide money, but also technical expertise and management skills, while companies who donate funds expect to be involved in the implementation phase, following policy dialogue with government officials at the UN (Bull and McNeill 2007:13-14).

Private sector actors include TNCs that have applied the Tenure Guidelines to newly established self-regulation mechanisms, for instance Coca Cola, Pepsi Co, Ilovo (sugar) and Cargill, in cooperation with a campaign by Oxfam entitled Behind the Brands (Hall and Scoones 2016:25). Another example of LVC's concern is the New Alliance for Food Security and Nutrition, a G7-led multi-stakeholder coalition to accelerate intensive agriculture on the premise that it reduces poverty by "promoting the interests of the corporations rather than those of African small-scale food producers and citizens" (McKeon 2014). Other alliances and coalitions that bridge different interests and straddle different opinions include "the G20, Rio+20 and the Francophone Assembly of Parliamentarians" (Duncan 2015:168), the G7 land partnerships across sub-Saharan Africa (Hall and Scoones 2016:32), and other bilateral and multilateral partnerships (LEGEND 17).

The Global Donor Working Group on Land²⁸ created tools for measuring and mapping land (e.g. the Land Indicators Initiative, GLII). For dispute resolution, WB developed the Land Governance Assessment Framework (LGAF). Citing the Tenure Guidelines, it placed much emphasis on land registries and cadastres, including for communal land, in order to support transparent land transactions or procedures for investors, thus avoiding conflict, it claimed (Hall and Scoones 2016: 33). However, as Hall and Scoones clarify, LGAF side-lined restitution and redistributive reforms due to underlying political interests (*ibid*).

One example of a large coalition of partners from across ideological divides is the International Land Coalition (ILC). ILC includes 207 land justice civil society and intergovernmental organisations, WB, International Fund for Agricultural Development (IFAD), FAO, NGOs such as Oxfam and receives funding from multilateral agencies such as WB and bilateral development agencies. Edelman and Borras define them as a hybrid coalition, mostly allied with WB, i.e. a "conservative-progressive coalition of international financial institutions and INGOs" (2016:74). According to Borras et al. (2013), ILC's definition of land-grabbing, as per their Tirana Declaration, mainly focuses on procedural issues, such as consultation, FPIC, and transparency of contracts (Borras et al. 2013).

²⁸ <https://www.donorplatform.org/land>

The above examples of implementation show how certain coalitions, NGOs and legal advisors therein, drive the 'regulate to mitigate land-grabbing' angle identified by Borras et al. (2013).

2.3.2. PROGRESSIVE-RADICAL IMPLEMENTATION

How and to what extent have CSOs employed the Tenure Guidelines to address grassroots conflicts, based on their model of participatory governance and perceived role of the state?

The Tenure Guidelines, and the multi-actor deliberative spaces they promote, are viewed by some CSOs as additional tools for affected constituencies to influence policy makers (Monsalve 2012; Golay and Biglino 2013:14; Duncan 2015:180; Hall and Scoones 2016:14). Some define them as a tool to "mobilise from below" without having to "wait for authorities to implement the guidelines" (Franco in Hall and Scoones 2016:29)

Radical TAMs envisaged using the Tenure Guidelines to enhance persuasive communication, particularly vis-à-vis state actors (Strapazzon 2012). As "the highest international standard on tenure of land, fisheries and forests to date", the main goal was to align policies to international standards (Franco et al. 2015:5). Indeed, the fact that the Guidelines are voluntary led to discussions among legal scholars on the nature of soft law for addressing struggles (Monsalve 2012; Cotula 2017), but IPC and LVC and other progressive-radical TAMs and their allies intentionally refer to them as the Tenure Guidelines without the word "Voluntary", as they seek to "move them in the direction of hard or binding law" (Edelman and Borras 2016:134). Wider plans for implementation in fact include "assisting individual developing countries to codify the Voluntary Guidelines in domestic law and practices" (Margulis and Porter 2013:75), whereby through their very domestication, their principles and recommendation become hard law (Franco and Monsalve 2018). Moreover, beyond the policy space, it is argued that "soft law can become a powerful tool to spread dissent and resistance to more powerful regimes" (Monsalve and Aubry 2014:25).

At the beginning of this Ph.D., not much had been written about implementation be it in terms of actual legal reforms at policy level, or dissent and resistance in grassroots conflicts. Since 2015, two ways of approaching the Tenure Guidelines have emerged.

Firstly, some scholar-activists analyse the Guidelines to demonstrate its potential in countries where political opportunities enable CSOs to influence policy reform. By identifying gaps and contradictions between national regulatory frameworks and the global instrument, they identify legal reform cases in which the Guidelines could be employed to address violations of marginalised groups' tenure rights (on Colombia see McKay et al. 2016; on Guatemala see Tramel and Caal-Hub 2016). Some studies recognise the possible shortcomings of interpreting the Tenure Guidelines to undercut and dilute Indigenous

Peoples' rights already enshrined in ILO169 and UNDRIP (Feiring 2013; on Guatemala see Brent et al. 2017).

Secondly, as the FAO, IPC and partner NGOs such as FIAN International developed awareness-raising programmes, studies emerged on the usage of the Tenure Guidelines to influence legal reform. Some studies focus on multi-actor spaces in which CSOs were trained to employ the Guidelines to confront public authorities and demand participatory policy deliberation from governments, especially in ongoing process of legal and state reform (on Myanmar see Franco and Khu Khu Ju 2016:63; on Nepal see Whiddon and FIAN Nepal 2017).

A 2018 study by Franco and Monsalve—on Nigeria, Mali, Uganda and South Africa—argues that the Guidelines could support the third political anti-capitalist current of interpretation identified by Borras et al. (2013) in terms of 'regulating to roll-back' land-grabbing through civic engagement. This is achieved, they suggest, by training activists to politicise the debate and target the state to reform laws on behalf of small-scale producers (Franco and Monsalve 2018:1387-1391). They contend that by training 'real people in society' on how to (re)-interpret laws and policies, the Tenure Guidelines can serve their struggles. This use "from below" implies not having to "wait for the state to begin trying to make use of their political value to claim rights and demand accountability, as part of a larger repertoire of action", and that the Guidelines can equip subaltern groups to "recalibrate the political-legal terrain towards greater respect for human rights and more democratic land control" (2018: 1387-1388). This is in line with the current trend across social movements and rights-based organisations in targeting legal reform through "legal mobilisation" (see Claeys and Peschard 2020).

What is missing in the above analysis, however, is an evaluation of the spaces in which these now-trained activists engage in participatory legal review. This is problematic because, as discussed in other studies, participation of civil society can be used to legitimise negotiation processes—CSOs' much-wanted deliberation risks becoming a checkbox list item (see e.g. Paulson and Pena 2012 on Indigenous Peoples). As Cornwall (2002) and Gaventa (2002; 2006) elucidate, "invited spaces" for citizen engagement have visible but also hidden and invisible forms of power that set political agendas and shape meanings. These "political spaces" may ultimately legitimise policies and programs that are conceived in an external locus of power, thereby creating institutional arrangements that may only appear to be inclusive of the most affected (Gaventa 2006). This is especially the case if such "invited spaces" are juxtaposed to "claimed or created spaces" (*ibid*).

"The language of participation and inclusion"—and other expressions of power as Gaventa puts it—"confuses boundaries of who has authority and who does not" (Gaventa 2006:23), especially in those governance arrangements that become more inclusive

following reforms. The social relations within these spaces are imbued with different and often overlapping forms of power (Gaventa 2003; 2006). Participation should not be reified, as the 'participatory' elements of development may be "constructed by a cadre of development professionals, be they academics, practitioners or policymakers, whose ability to create and sustain this discourse is indicative of the power they possess" (Cooke and Kothari 2001:15). Hence the professionalised process of constructing participation through invitation needs empirically assessing also in spaces where state and non-state actors deliberate, as affected peoples may only participate if invited to do so by the organisers/facilitators. This is touched upon in my discussion of the VGGT workshops in Nepal (Chapters 5, 6 and 7).

Returning to Borrás et al. (2013), they anticipated at least three interpretations of the Tenure Guidelines (2013:165-172), and reiterated that to understand these competing interpretations during the implementation phase, an "(inter)state-(civil) society interactions perspective" is required (2013:173). This assessment should explore both global and state-level structural conditions and existing institutions (2013:163), which this chapter has thus far identified. As they sum up, "it is the political interaction of various state and non-state actors that will shape how the Voluntary Guidelines will eventually be interpreted and implemented, from one setting to another" (2013:173).

However, the political interactions identified by Borrás et al. (2013) as key in conditioning outcomes of implementation are not sufficiently explored nor ethnographically investigated in the first generation of studies on the Tenure Guidelines described above. These first studies are underspecified regarding state-civil society relations, including donor-state and intra-TAM and TANs dynamics, which may condition the shape of implementation efforts. The studies do not account for the mechanisms by which civil society can influence laws in some but not in other cases. Moreover, whilst we get a glimpse of the diffusion of the Tenure Guidelines into domestic legislation, these studies so far do not permit an understanding of how transnational-national and state-civil society relations influence the outcome, or how domestic structures and institutions determine the extent to which the Guidelines are employed.

Training communities about their rights, and how to exercise them, is one way for CSOs to link global governance to local conflicts. But the effectiveness of such initiatives to influence policy also depends on other political functions that civil society members assume. As my thesis seeks to examine how VGGT projects (workshops) are used to address grassroots struggles for access to land, rivers and forests, beyond legal reform, the context-specific examination of "(inter)state-(civil) society interactions" (Borrás et al. 2013:173) brings me to the conceptual cornerstone of my thesis: the grey zone of "inter".

Reflecting in particular on the ethnographic analysis needed to respond to Hall et al.'s "urgent political question" to assess whether human rights instruments such as the Tenure Guidelines can adjudicate local conflicts (2015:479) (see Chapter 1), and in an attempt to move the debate forward, this chapter next proposes that the 'interfaces' between global governance and local struggles, and between state and non-state actors, be viewed through a lens of *governance brokerage*. This is an unbounded field of intermediation that includes but goes beyond translation, and incorporates implications for power relations. Governance brokerage may help us to understand *why* and *how* mediating actors straddle the reformist, progressive and radical interpretations of global governance of natural resources.

2.4. BROKERING THE TENURE GUIDELINES?

As seen above, political interactions between state and non-state actors are expected to shape the employment of the Tenure Guidelines, however, this anticipation for country-level efforts has not been substantiated by empirical evidence (apart from observations from the global level) (Borras et al. 2013:173). To this end, I suggest applying an exploratory concept especially germane to global-local *and* state-society mediation: governance brokerage.

After a dormant phase in academia, brokerage has found a new lease of life as a concept applied equally to a) state governance; and b) transnational governance, and covers the roles of state *and* non-state actors (Hönke and Müller 2018). Brokerage pertains to the global governance agenda, and is in its essence an intermediation performed by NGOs, government officials, and corporate actors, in producing (liberal) regulatory instruments, as they assume the roles of gatekeepers, representatives, in-group mediators and coordinators, and other functions as brokers (Hönke and Müller 2018:333-337). As recently pointed out, "indirect governance via brokerage and intermediation has [...] become a widespread reality" (*ibid*), and the bridging it entails an "institutionalised mode of social coordination" (*idem*:337).

In this thesis, the concept of *governance brokerage* is used to flesh out the interstices of state-(civil)society *and* global-local relations across the neoliberal/reformist and progressive-radical spectrum described above. This thesis will argue that governance brokerage, in the context of state reform and continuing dependence on donor funding (such as in Nepal), is performed in the intersecting and overlapping functions of intermediaries of both state and transnational governance. Based on the roles identified so far in this chapter, I will show that governance brokers mediate relations between state agents and the broader polity; channel and adapt (i.e. technically translate) globally designed development (and governance) projects to national settings; *and* translate rights for marginalised constituencies.

But how does this function play out in the growing interconnectedness of global governance 'projects' (such as VGGT multi-stakeholder platforms) and national participatory policy-making? Why and how do these social agents get to be in this intermediary position historically and behaviourally (Gledhill 2020), and to what extent does this shape the employment of the Tenure Guidelines? How do they gain the agency to mediate between actors with asymmetrical power in such a constraining environment, and why does this matter? I will argue that this position as governance brokers shapes their ability to employ VGGT workshops (and potential platforms) to influence law-making on behalf of marginalised constituencies, and thereby, state reform, and that such governance 'projects' further strengthen this agency. Their overlapping functions point toward the straddling of approaches to governance and political orientations described above, as brokers manoeuvre in the grey zones of *intermediation*, which, I will conclude, forms the very scaffolding of 'implementation' of rights-based instruments.

Firstly, though, the problem with taking civil society's autonomy from the state as a baseline is that power relations embedded in social forces, and which drive alliances, are less discernible, be they global-local 'partnerships' or coalitions across state and civil society spheres. Therefore, pertinent to the study of (inter)-state-(civil)society relations (Borras et al 2013) is that state formation and resistance need to be examined within their material, cultural and ideological moorings. This may reveal that social and political domination cannot always be clearly juxtaposed to resistance (see Gledhill 2000:95). Gledhill suggests that research should consider how class power in society relates to political power, for instance in political parties (Gledhill 2000:98).²⁹ Nationally, Gledhill notes that some researchers, particularly those that are aligned with a post-modern vision of resistance 'from below', are disappointed when they discover that domestic social movements are not necessarily that autonomous from the state (Gledhill 2000).

Indeed, a more nuanced examination of the contradictions, contestations and power in state-citizen relations in governance is required. Their separation into two distinct entities is itself constructed through power and social control, as boundaries of state and non-state agents are confounded (Mitchell 1997 in Sharma and Gupta 2006). Focusing on state functionality can equally render the institutionalisation of power invisible (Sharma and Gupta 2006:46).³⁰

²⁹ In Chapter 4, I will pursue the implications of this argument further and assess the power entrenched in Nepal's political system, and the relationship between social classes and political power, across the state-civil society continuum, as the context for my data chapters.

³⁰ And yet, as Moyo and Yeros assert, to unearth power relations, such as those of dominant classes over the oppressed, and the issue of national sovereignty in a wider context of global integration under neoliberalism in the Global South, the modern state itself must be viewed as "an autonomous actor" (Moyo and Yeros 2012:17), which is why this thesis equally applies an actor-oriented approach to the 'state' as a mediator / broker.

Indeed, the reason attention is paid to functions that brokers perform is because they can be power-enhancing:³¹ from gatekeepers, to representatives, to negotiators of contacts and roles within or outside a group in acts of alignment, and from in-group mediators to coordinators (Börzel et al. 2018:337-339).

Additionally, though applied mostly to 'external governance' in areas of limited statehood (Börzel et al. 2018:345) there remains a gap in researching governance brokerage in areas where the state is highly present, but where institutions are still in the making with the support of global governance instruments and donors, such as in Nepal. The next sections delineate some of these possible functions and their implications, based on the literature on brokering both state governance, and transnational governance.

2.4.1. BROKERING STATE GOVERNANCE

What do studies say about brokering state governance? The political broker was a common figure in anthropological literature of the 1950s and 60s (and later) focusing on political and economic relationships (Geertz 1960 cited in Hönke and Müller 2018).

Wolf (1956) encourages anthropologists to study the community-nation relationship more holistically. In a 'complex society' (a web of group relationships), the social and cultural dimensions of legal and political systems cannot be assessed in purely institutional terms: historical dimensions of political and economic brokerage must also be stressed (Wolf 1956:1065-1066). Brokerage, Wolf argues, is a useful analytical entry point because these actors "stand guard over the crucial junctures or synapses of relationships which connect the local system to the larger whole" (Wolf 1956:1075).

Of particular interest in the anthropology literature are the inside-outside dynamics to becoming a 'broker', possibly still relevant today when applying rights-based governance to a 'developing' country undergoing state reform. Kettering's (1986) study on statal brokerage in 17th century France shows that kings and ministers instrumentalised linkage-actors close to the court to enable royal control from Paris to the provinces, in a state that was not yet completely centralised. These "courtiers" played different roles in a system characterised by patron-broker and broker-client relations "inside and outside the institutional framework" (Jacobs 2014:304, citing Kettering 1986).

In pre-independence African countries, whilst native leaders mediated colonial authority, anthropologists mediated in the other direction, aiding colonial administration to understand customary property rights, which some colonial regimes manipulated and codified (Gledhill 2000:1). Scott (1998) speaks of "*sécrétaires et interprètes*" in French Vietnam; intermediaries between colonial officers and the Vietnamese population. Their use

³¹ Here I use power as defined by Wolf: 'power in interpersonal relations', which can translate into 'organisational' power, and ultimately, 'structural power' (Wolf 2001).

and translation of knowledge shifted power relations, aiding 'legibility' of the governed population for state agents exerting power over an extended territory with unknown local customary practices (Scott 1998). More recently, Shankland (2009) views individual Indigenous mediators in the field of health policy in Brazil, and their practices and narratives in connecting the local level in the Amazon rainforest with the state level, as fundamental agents. He explains that "mediators are the key players in the two-way process by which marginalised groups are made "legible" to the state (Scott 1998) at the same time as they map out its contours for use in their own strategies of political action" (2009:189).

Before further developing the lens of 'governance brokerage', and the role of mediators in bridging across levels and scales of power, a word of caution: the goal here is not to depict self-seeking interest groups or individuals, a connotation that may arise if mediation is assessed merely through an economic and political lens, as the term 'brokerage' may imply. Practitioners in some contexts are viewed as "exemplary" not only because of their capacity to move the margins of manoeuvre (perhaps in their interest), but also for their qualities of "courage, the capacity to think and act 'out of the box', entrepreneurship, [...] informal leadership, commitment, empathy, and the ability to establish connections" (Koster 2014:56). Note that where there is a well-functioning government which seeks the participation of sections of its population, intermediaries are referred to as "connectors", comparing these to bilinguals who build bridges between policy makers and citizens of different backgrounds and cultures, aiding the government to gain access to people who would otherwise remain hard to reach (Koster 2014).

2.4.2. BROKERING TRANSNATIONAL GOVERNANCE

The post-colonial setting of 'development' is also fertile ground for studying brokerage in an evolving context. In studies from the 1960s and 70s, it was hypothesised that the figure of the broker, which could engage with both rural communities and the state, was part and parcel of the early stages of the nation-state, and would later lose its relevance in processes of social integration (Lindquist 2015:4). However, following the rise of independent nation-states, there was an increase in interest in anthropologically studying programme officers in development, foreign aid, SAPs, INGO rural development projects etc.—i.e. 'middlemen' and the fault-lines they occupy (Bierschenk et al. 2002, Lindquist 2015).

Nevertheless, this remained centred on in-situ practices of mediation, as conduits for the transnational flow of resources and ideas. Bierschenk et al. (2002) present "local development brokers in Africa" as "the rise of a new social category": mediators between international aid circuits, the bureaucratic class, and local populations who are targeted as "beneficiaries" of development aid (2002:3-4). As figures connecting dissimilar social worlds,

brokers bridge gaps between disadvantaged and powerful sections of populations in the messiness of development in practice (Koster and Leynseele 2018).

What do studies say about brokering transnational governance? In anthropologically attempting to study the effects of the 'global aid architecture', other challenges emerge (Mosse 2005). Aid delivered through donors and IFIs impacts state-citizen relationships and nation-state sovereignty, because the wider neoliberal framework—in all its standards for efficiency—masks issues of power and inequalities (Mosse 2005:1). Moreover, decentralised aid can bypass the state, leading to an abundance of intermediary organisations that circumvent public authorities (Bierschenk et al. 2002).

As suggested above, in their overlapping functions, mediators work in development and human rights, and/or rights-based development, and indeed across different approaches to governance. If mediators both translate and broker and thereby impact outcomes of development and governance projects at the level of state-society and donor-state relations (Lewis and Mosse 2006; Gaventa and Tandon 2010), their role must be assessed. For instance, Tarrow (2001) suggests that without in-situ empirical observation of political interactions, it is not possible to answer questions on INGOs' relations to national social movements, nor on their roles as resource providers but also potential reinforcers of external dependency (Tarrow 2001:16). He asks: What is the nature of the "temporary coalitions" that they build, and "broker"—be it with national institutions or other states, to make them stronger domestically—given that "brokerage involves compromise, if not dependency" (*ibid*)? When seen from the perspective of transnational alliances, TAMs and their national members can utilise the political opportunity that transnational activism represents precisely to sustain financial resource flows that donor and advocacy NGOs provide, as well as access to strategic knowledge and into international institutions (Edelman and Borras 2016:4-5).

Albeit with changing definitions related to anthropological theories and a different empirical reality, the concept of broker thus reappears in literature engaging with globally designed development projects; "bringing economic and political elements into common frame" (Lindquist 2015). Recent studies do address relations and connections, and the disjuncture that can arise, as mentioned above in relation to development project translators (Mosse 2014:520 citing Rottenburg 2009). Interestingly, Mosse points out that "donors and researchers are happy to know little about the trading zones and translation practices, the mediators, brokers and 'ceremonial façades' that actually comprise loosely coupled development ventures" (*ibid*).

Yet their roles are interesting to this research, because brokers can act as screens, entrance guards looking both ways, and founders of "brokers' clubs" (e.g. domestic NGOs, associations, federations) (Bierschenk et al. 2002); and thus easily fall into typologies of domestic civil society, as I assess in Chapter 4. They can be part of "brokerage chains" that

may connect Western-based INGOs to community leaders, as well as actors straddling development projects with political functions in developing countries (Bierschenk et al. 2002).

Furthermore, under neoliberalism, the figure of the broker becomes a tool for historicizing new forms of complex "translocal" political relations and social change at the local-national junctures (Lindquist 2015:3). This is because a mere go-between or messenger does not affect transactions but a broker does, and whilst the patron controls the resources, the mediator does not control but does gain something from the transaction of resources (Lindquist 2015:2-4).

Moreover, the fact that strongly positioned NGOs building bridges between grassroots organisations and national processes speak for constituencies has raised attention on NGO relations to the state and to donors, and on the politics that underpin NGO practices (Fisher 1997; Bebbington 2004; 2005; Banks et al. 2015). A closer look may reveal that donor-dependent human rights NGOs can simultaneously weaken and strengthen the state in its policies and practices yet strengthen its control over the citizenry (Berkovitch and Gordon 2008). Given the political economy of aid and development, and their transnational chains (Bebbington 2004), this relationship has raised polemical questions about assumptions that social change is 'fundable' via resource transfers to 'partners' (Pearce 2010). The implication of this is scant discussion on power dynamics of interactions within and among social forces, in interdependent relations, across different spheres of global-national-local governance, and particularly, in the sphere of country-level implementation projects that are funded by donor-states and/or donor NGOs.

In a study of local reactions to a mining project in India, Kraemer et al. (2013) emphasise the importance of national advocacy networks (NANs), in anti-corporate social movements, and introduce the role of brokers therein as connectors between grassroots struggles and international NGOs. Interestingly, Kraemer et al. (2013) particularly emphasise how the effects of 'brokerage' are potentially unpredictable, as illustrated by one local NAN protagonist changing sides during the anti-mining campaign following corporate counter-mobilisation strategies, and after realising that locals are more interested in compensation than in framing their struggle with ILO169 (Kraemer et al. 2013). This factor raises several questions about incentives, but more so about the local realities of peoples' struggles, as discussed throughout this thesis, and their mediators/brokers who aim to connect grassroots conflicts to a larger global governance agenda.

2.5. CONCLUSION

This chapter showed that the Tenure Guidelines are expected to be interpreted according to diverging governance discourses, building on political orientations and development models that span *Neoliberal-Reformist* political approaches, under the

corporate food regime, and *Progressive-Radical* approaches building on human rights. Actors may straddle these political tendencies, because, as Borras et al. (2013) underline, their political stances are dynamic and may change beyond this analytical construct. While some empirical examples demonstrated the neoliberal-reformist approach to the Tenure Guidelines, an emerging body of literature on the Tenure Guidelines presented examples of how this unprecedented instrument in governance of natural resources has been used by civil society organisations (CSOs) to influence the revision of legal frameworks from a progressive-radical perspective. Like other soft law instruments, which were inclusive of affected peoples in the drafting phase, some scholars suggest that the employment of the Tenure Guidelines is deepening the relationship between international human rights law and national activism for policy dialogue and reform via national workshops, where civil society actors are trained in advocacy for increased leverage over the state.

Attention was then drawn to the actors that populate the multi-layered intersections, and the roles that they may play as intermediaries between global bodies that fund the Tenure Guidelines workshops, affected peoples from the grassroots levels that attend, and the sections of national government that partake. This was done through an assessment of the literature on rights translation and brokerage. The chapter proposed that there is a gap in empirically studying the role of brokers, a central aspect of global governance implementation at the national level, yet relatively unexplored in food and agricultural governance literature and social movement scholarship. It suggested that governance is brokered in the fuzzy interstices of often-overlapping state and non-state spheres, and that this may condition how the Tenure Guidelines are interpreted and implemented.

Through an ethnography in Nepal of engagements of civil society actors with global rights arena as well as of their interactions with the state, this thesis will now interrogate the extent to which their role as intermediaries—i.e. governance brokers—conditions the influence of a global governance instrument on local struggles for access to land, rivers and forests.

CHAPTER 3. A POLITICAL ETHNOGRAPHY OF THE UN TENURE GUIDELINES

In this chapter, I briefly clarify how political anthropology is placed today, epistemologically, to study cross-scalar processes through multi-sited political ethnography as both a methodology and a set of methods.

This chapter is divided into three sections. Section 3.1. clarifies why I espouse multi-sited political anthropology with historical analysis; 3.2. hones in on my methodological choices for fieldwork, data gathering and analysis. Here I describe the multiple scales, sites, events, participants and ideational framing elements that form the backdrop to my ethnographic research. Finally, in section 3.3., I share some reflections on positionality and methodological and ethical challenges of my fieldwork.

3.1. TOWARDS A MULTI-SITED POLITICAL ETHNOGRAPHY OF RIGHTS-BASED GOVERNANCE

My study aims to shine light on the socio-political arenas of struggle over the interpretation and implementation of a participatory global governance instrument that civil society actors aim to employ to foster participation in food and natural resources governance at the national level. In this section, I make an argument for an interdisciplinary empirical approach that draws from political anthropology, combined with some historical analysis. I share how political ethnography relates to my research process as both a methodology through which to consider epistemological and ontological concerns, and a set of methods through which to collect data.

Political anthropology aims to contribute to studies of power relations, their social foundations, and the worldviews that sustain them, through an ethnographically-grounded analysis of political life (Gledhill 2000; Wolf 2001). Vincent (2007) reminds us that—by crossing disciplines (political science, history, sociology, theology, philosophy etc.), and languages, including the language of respondents—it is about going beyond stereotypes and actually observing change in the making. In her words, "the political anthropologist's goal is to understand, interpret, and transmit the ideologies and circumstances of political structure, political organization, and political action" (Vincent in Nugent and Vincent 2007:2).

Taking into account permeable disciplinary boundaries, political ethnography of rights-based governance, I suggest, can cut across the sub-disciplines of anthropology of development,³² of the state,³³ of 'the political',³⁴ and of human rights.³⁵ Anthropological tools of analysis may thus enable the design of a single analytical framework that interweaves

³² See e.g. Ferguson 1994; Escobar 1995; Edelman and Haugerud 2005; Mosse 2005; Mosse and Lewis 2005; Lewis and Mosse 2006; Mosse 2014; de Herdt and de Sardan 2015.

³³ See e.g. Ferguson and Gupta 2002; Gupta and Sharma 2006.

³⁴ See e.g. Nugent and Vincent 2007; Kuschner 2007; Macagno 2014.

³⁵ See e.g. Goodale in Starr and Goodale 2002; Goodale 2006; Merry 2006; Goodale and Merry 2007.

history, economy, culture and power, and allow for new approaches that combine historical and political economic dimensions of development (Edelman and Haugerud 2005:20). As pointed out by Nepal-based anthropologist David Gellner, ethnography brings anthropology and social sciences closer together, and today, an ethnography is more likely to be in an NGO than in a remote village (Gellner 2009).

Meanwhile, *political ethnography*, as practised relatively recently in the social sciences (i.e. outside of political science), observes collective actors, e.g. from civil society—"actors involved in political processes, at times even extending the definition of these processes to move beyond categories of state, civil society, and social movements" (Baiocchi and Connor 2008:139). It is a mode of enquiry characterised by a relatively lengthy immersion of the researcher in a specific context of struggle, generating the potential to contribute to the study of politics and power (Schatz 2009).

At the heart of ethnography as methodological construction are participant observation and sensibility not only to the political reality itself, but to how those observed perceive it (Joseph et al. 2007; Schatz 2009), and express it in their own voice (Hirsch and Gellner 2001). Thus, political ethnography's added value is characterised by close contact which goes beyond a face-to-face interview, or observing at a meeting, and entails becoming embedded through close-up, real time, in-situ observation of people and institutions (Joseph et al. 2007:2; Baiocchi and Connor 2008). Through ethnographic sensibility, ethnographic studies equally seek to foreground how the observed interpret their social and political reality (Joseph et al. 2007). This is gained through extended periods of 'ethnographic fieldwork' with iterative observing, participating and asking questions, taking notes "about who did or said what, when, where, to whom and with whom" (Wolf 2001:51-52). Such questions to key interlocutors go hand-in-hand with "an extended dialogue with them about their beliefs and practices" (Gledhill 2000:7).

The political interactions of different camps, which Borrás et al. (2013) identify as a conditioning factor of how the *Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests* (VGGT) will be interpreted and implemented, can only be gleaned, I believe, from first-hand observing and participating. This entails observing others and oneself whilst participating, and seeking to identify the potential for adversarial relations that evidence structural and relational forms of power (Wolf 2001).

I concur with Bens and Vetter (2018) that ethnography—as a mode of research that studies social relations and how actors act but also *represent themselves*—can contribute today to understanding law, norm-making, and implementation (2018:240-241). I bear in mind that my case study—the employment of a global governance instrument and the extent to which it intersects with national law-making and local struggles—is located in particular places, and at particular times (Goodale and Merry 2007). Moreover, groups of actors are not

fixed at the interfaces of these different places, nor at the interstices of different levels of authority, but rather, they also have varying margins of manoeuvre (Bierschenk et al. 2002). These groups of actors (and their networks) negotiate their roles, relations, and modes of meaning-making and representation (Lewis and Mosse 2006)—roles that are constantly adapting to the context whilst simultaneously shaping the context (Jacobs 2014).

In this regard, by adapting political ethnography to my research design, I aim to add texture to and infuse nuance into analyses of processes and outcomes of political actors in their ongoing realities, as they interact with institutions (both formal and informal), and within political phenomena that don't lend themselves well to traditional methods of political scientists and sociologists (see Joseph et al. 2007; Schatz 2009). This is partly because governance processes, populated and negotiated through translation and brokerage, particularly in 'developing' countries, span translocal relations (Lewis and Mosse 2006). Amidst processes of globalisation and transnationalism discussed in Chapter 2, ethnographic methods thus need to explore several levels at once. This of course involves travel and mobility across "networked spaces of transnational encounter", where transnational is a scale that "transcends yet also incorporates other levels of analysis, including the local, regional and national" (Juris and Khasbanish 2013:8).

Hence the most well-suited to my Ph.D. research is a multi-scalar ethnography that spans scales and a continuum of global-local sites, in the interlinkages across translation and brokerage chains connecting a wide variety of social actors in development and governance (see 3.2.1.). Ethnography of such processes therefore becomes multi-sited (Marcus 1995, see also Burawoy 2001), as explained next.

In multi-sited ethnography as methodology, which I depict in detail in 3.2., the pieces of the jigsaw puzzle are to be put together, in all their empirical complexity, by connecting different sites of fieldwork through their interrelationship within a system, going beyond any single locality, as was once the basis of ethnography (Larssen 2015:6). It is a multi-scalar approach that sees these scales not in a linear way, but as a continuum, and thereby places emphasis on how 'globalisation' is actually 'consumed', as Burawoy puts it, "not in some virtual reality but in real organisations, institutions, communities etc." (2001:148).

Yet, as Larssen (2015) points out, global political ethnography of policy processes, in all its complexity, contingency, and dynamic nature, also calls for an ethnographic enquiry into the fuzzy interstices between spaces. This brings me back to the cornerstone of my thesis: the spaces of "inter" in "inter-state-(civil)society interactions" (Borras et al. 2013:173). This is because of the *interactions* of "a wide range of international, national, trans-and subnational, governmental and non-governmental actors [who] blur or redefine boundaries of private and public domains, of the state and the 'non-state'; and [...] produce effects (and affect) at many different levels" (Larssen 2015: 4).

Most importantly for the purpose of my study, by not forsaking the historical and cultural dimensions of politics and economics, and vice-versa, a space opens up for empirically studying—within these broad themes—*relations* and *processes* (Gledhill 2000). I applied ethnography as a methodological approach by paying particular attention to the political scope and flows of power in relations that unfolded in national spaces where global governance was adapted to country-level processes, and where meaning was sought by the different actors from intergovernmental bodies, IFIs, INGOs, social movements, CSOs, and government agents, and in their local, national and global alliances and coalitions. As mapped out below (3.2.), I observed everyday political interactions in human rights-based governance projects in a 'developing country' or 'peripheral state', Nepal, in conjunction with history not as a mere "flow of events" but more so as "societal arrangement and transformations" (Wolf 2001:60). In my study, these dynamics were shaped by political interactions embedded in the intersections of global governance trends *and* local realities, which emerged in the spaces of deliberation promoted in the VGGT projects that were facilitated by NGOs in Nepal between 2014 and 2018 (see Annex 5).

Guided by the ambitious goal of this Ph.D. to relate the local-global mutuality of rights-based governance, the research design by necessity took me from the UN CFS and the Food and Agriculture Organisation (FAO) that houses it in Rome, to national workshops led by NGOs and social movements, to heterogeneous communities living on the edges of rivers and forests, and back again. Hence, my plans and protocols for carrying out my investigation needed to be adaptable, and anchored in a multi-sited research process. With this objective in mind, the next section provides specific information on the multiple scales, phases, sites, events and participants that this study follows.

3.2. APPLYING MULTI-SITED POLITICAL ETHNOGRAPHY TO MY RESEARCH

This research project was designed collaboratively with FIAN International by a former researcher on LVC, building on the practice of 'solidarity research' and its epistemological approach, which is underpinned by the idea that knowledge is situated, both in regard to *why* we want to know, and *how* we know it (Brem-Wilson 2014). The main partners identified on the ground were based on this collaboration: FIAN Nepal, the national chapter of FIAN International; and the All Nepal Peasants Federation Association (ANPFA), LVC's only national member, and peasants' party wing of the then-governing CPN-UML party (Communist Party of Nepal - United Marxist Leninists). Once in Nepal, members of these two organisations became my main interlocutors, and indeed gatekeepers (Seidman 2006) to access other NGOs, organisations, and key interlocutors both among grassroots activists and governmental actors.

An iterative interactive model recognises that an interconnected and flexible structure can be anchored in different components that relate to each other (Maxwell 2013), which suited my research in the rapidly changing political context of post-constitutional Nepal, and the swift expansion of donor-funded projects post-VGGT adoption. As presented below, the site and participant selection for my research followed an inductive approach, whereby a multi-sited terrain was constructed by following the chain of events as they unfolded, along with the links that kept that chain in place.

My research terrain was therefore malleable, to the extent that it was shaped by my own interactions with the pre-selected organisations (FIAN, ANPFA), and the CSOs they facilitated access to, and the ones I was later able to access through my relationship-building across Nepali civil society. Underpinned by the principles of qualitative inductive research (Maxwell 2013), I opted mostly not to pre-design the steps to be taken in Nepal (apart from ensuring attendance at VGGT workshops and relationship-building with and through FIAN Nepal and ANPFA). I allowed for space to organically respond to new developments where the research components interacted in unforeseen ways (Maxwell 2013). As described in this sub-section, these components included the VGGT workshops and conferences in Nepal (as well as related meetings in Rome, and other governance events I was invited to follow), and actors in the VGGT processes and grassroots struggles who made up my data sample.

I thus applied techniques that allowed for both '*pre-planned*' and '*opportunistic*' movement (Marcus 1995:106). To this end, I 'literally' and 'physically' trace and follow the interlocutors of my study, as I next lay out in the tables and descriptions in 3.2.1., developing thereby a "multi-sited terrain of investigation" (Marcus 1995:110). And this with awareness of positionality at all scales, as I discuss in 3.3.

First, in 3.2.1. I share the broad ethnographic components that I trace and follow through a continually evolving context within distinctive settings, which in my study are juxtaposed in different ways. In 3.2.2. I briefly describe the data analysis process.

3.2.1. RESEARCH STRUCTURE

Having explained the rationale behind my chosen methodology, next I describe the data sample and construction of this study. To elucidate how I put into practice such a global-national-local ethnographic approach to my study, I adopt and adapt Marcus' explicit modes of constructing the "multi-sited space through which the ethnographer traverses" (1995:105). This entails self-consciously following primarily 'the thing', 'the people', 'the metaphor', and 'the plot' or 'the conflict', amongst other components (Marcus 1995).

First, I '*followed the thing*', i.e. donor-funded multi-actor VGGT workshops and conferences (2014-2018), where I queried whether and the extent to which the Tenure Guidelines influenced national policy outcomes, and were employed to address local

struggles (3.2.1.1.). Second, I *'followed the people'*, i.e. the intermediary actors in a long chain of governance brokerage—i.e. global-local translation and state-society mediation. This took me from Rome—where my journey of inquiry pre-dated this Ph.D. as explained in 3.3.—to Kathmandu. Thereafter, I continued down to subnational areas of conflict around land, rivers and forests, thereby traversing scales and phases, as I tracked chains of translation and brokerage that spanned a continuum of relations (3.2.1.2.). Third, I *'followed the metaphor'*, which I identified as signs and symbols in human rights parlance, and more specifically, the realm of discourse that was being built around the constitutionalised right to food (RtF), and right to food sovereignty (RtFS) (and herein, landless peoples' and women's rights) (3.2.1.3.). *'Following the plot'* (or the *'conflict'*) culminates in the data chapters of this thesis, but focuses on travelling to the local areas of conflict themselves (3.2.1.4).

3.2.1.1. 'Following the thing': Mapping the VGGT Terrain of 'Responsible Governance' in Nepal

The first component of my research was the 'VGGT terrain', i.e. the VGGT workshops themselves and the globally-designed projects they were connected to. The following table (Table 3.1.) presents the project title, in addition to some related events of pertinence to the VGGT implementation phase, as well as the type of data gathering methods applied to each case selected. The project descriptions are in Annex 5. The map that follows (Figure 3.1.) pinpoints where the workshops took place in Nepal, and their proximity to the subnational areas I visited.

| Scale | VGGT Project Name | Site and Dates | Facilitators & Participants | Methods |
|----------|--|--------------------------------|--|---|
| Global | Event: Lessons Learned: Meeting between FAO and CSOs on VGGT Learning Framework | FAO, Rome 5-7 November 2015 | <ul style="list-style-type: none"> • FAO Tenure Group • FAO Civil Society Office • IPC • FIAN International • National CSOs/ NGOs facilitating VGGT workshops | Participant Observation Secondary Data: Report |
| Global | Event: Global Thematic Event on VGGT – CFS 43rd Session | FAO, Rome October 2016 | <ul style="list-style-type: none"> • FAO | Observation |
| Global | Event: Fifth Anniversary of VGGT, Side-Event at CFS 44th Session | FAO, Rome October 2017 | <ul style="list-style-type: none"> • FAO | Observation |
| Global | Event: Global Thematic Event on VGRtF – CFS 45th Session | FAO, Rome October 2018 | <ul style="list-style-type: none"> • FAO • ANPFA selected as speaker | Observation |
| Regional | Event: International Fund for Agricultural Development (IFAD) MTCP2 (Medium-Term Cooperation Program) Regional VGGT Workshop | South Asia December 2015 | <ul style="list-style-type: none"> • IFAD • ANPFA | Secondary Data: Report |

Table 3.1.
VGGT Projects and Events

| Scale | VGGT Project Name | Site and Dates | Facilitators & Participants | Methods |
|-------------------------|---|--|---|---|
| National | <p>Workshops: 'Support for the Implementation of VGGT Component 1" Donors: FAO, UK / Partner Countries: Myanmar, Nepal, South Africa & others Value: USD\$ 400,000 National VGGT Workshops</p> | <p>Kathmandu December 2014 December 2015 July 2016</p> | <ul style="list-style-type: none"> 2014: FAO/ Ministry of Land Reform & Management / CSRC 2015: FAO & UN HABITAT / Ministry of Land Reform-Management / FIAN Nepal 2016: FAO & UN HABITAT / Ministry of Land Reform and Management & Ministry of Agricultural Development & Ministry of Forests & National Reconstruction Authority (NRA) / DAN-CHURCH AID (DCA) & LUTHERAN WORLD FOUNDATION (LWF) | <p>Primary Data: Interviews with organisers, facilitators, and selected participants</p> <p>Secondary Data: Workshop Reports</p> |
| National / Sub-national | <p>Workshops: Project: 'Supporting Small-Scale Food Producers' Orgs in Promotion of VGGT' Donor: IFAD via La Via Campesina Value: USD\$ 450,000 Partner countries: Nepal, Argentina, Mozambique, Nicaragua</p> | <ul style="list-style-type: none"> National: Kathmandu May 2015 District: Lamjung January 2015 Sarlahi February 2015 Bardia March 2015 Baitadi March 2015 | <p>ANPFA & ANWA</p> | <p>Primary data: Interviews with organisers & facilitators & selected participants¹</p> <p>Secondary data: Reports</p> |

Table 3.1. (suite)
VGGT Projects and Events

| Scale | VGGT Project Name | Site and Dates | Facilitators & Participants | Methods |
|-------------------------|--|--|--|--|
| National / Sub-national | <p>Workshops: ‘Increase the Use of VGGT Among CSOs and Grass-roots Organisations’ (for Food Security and Sustainable Development)</p> <p>Donors: Belgium</p> <p>Implementers: FAO, National & International CSOs</p> <p>Value: USD\$ 2,800,000</p> <p>Countries: 19 countries including Nepal</p> <p>National and province-level CSO-oriented workshops based on ‘Learning Framework’</p> | <ul style="list-style-type: none"> • National: Kathmandu September 2015 October 2015 & September 2016 • Provincial: Bajura November 2015 Kailali November 2015 Dhading December 2015 | <ul style="list-style-type: none"> • FAO/ • FIAN NEPAL & ANPFA & CSRC & NIWF | <p>Participant Observation at National Workshop in September 2016</p> <p>Primary data: Interviews with organisers & facilitators & selected participants</p> <p>Secondary data: Reports</p> |
| National | <p>Event: Multi-Stakeholder Consultation between Environmental Parliamentary Committee & Buffer Zone Peoples’ Rights Federation</p> | Kathmandu November 2016 | FIAN NEPAL | <p>Primary Data: Interviews with organisers & selected participants from EPC and BZPRF</p> <p>Secondary Data: FIAN NEPAL News-letter</p> |
| National | <p>Project: “VGGT Learning Programme Learning programmes to support the implementation of the VGGT in five countries” Blended Learning Approach</p> <p>1. “Governing Land for Women and Men”</p> <p>2. “Implementing Responsible Governance of Tenure”</p> <p>Donor: Germany</p> <p>Implementer: FAO Capacity Development Suite, 1. Oxfam Nepal and 2. FIAN Nepal</p> | <p>1. Kathmandu December 2016</p> <p>2. Kathmandu December 2017</p> | <p>1. OXFAM</p> <p>2. FIAN NEPAL</p> | <p>1. Primary Data: Interviews with organisers, facilitators & participants</p> <p>2. Participant Observation</p> <p>Primary Data: Interviews with organisers, facilitators & selected participants</p> <p>Secondary Data: FAO Governance Newsletter</p> |

Table 3.1. (suite)
VGGT Projects and Events

| Scale | VGGT Project Name | Site and Dates | Facilitators & Participants | Methods |
|----------|---|--|-----------------------------|--|
| National | <p>Project: 'Increase the Use of VGGT Among CSOs and Grassroots Organisations" (for Food Security and Sustainable Development) Phase 2 Donor: Germany</p> | <p>National:</p> <ul style="list-style-type: none"> • Kathmandu September 2017 • Dhulikel February 2018 <p>Provincial:</p> <ul style="list-style-type: none"> • Kanchanpur May 2017 • Jajarkot May 2017 • Gorkha July 2017 • Sankhuwasabha August 2017 • Makwanpur September 2017 | | <p>Participant Observation in Dhulikel Workshop in February 2018 Primary Data: Interviews with organisers, facilitators & selected participants</p> <p>Secondary data: Reports</p> |

Table 3.1. (suite)
VGGT Projects and Events

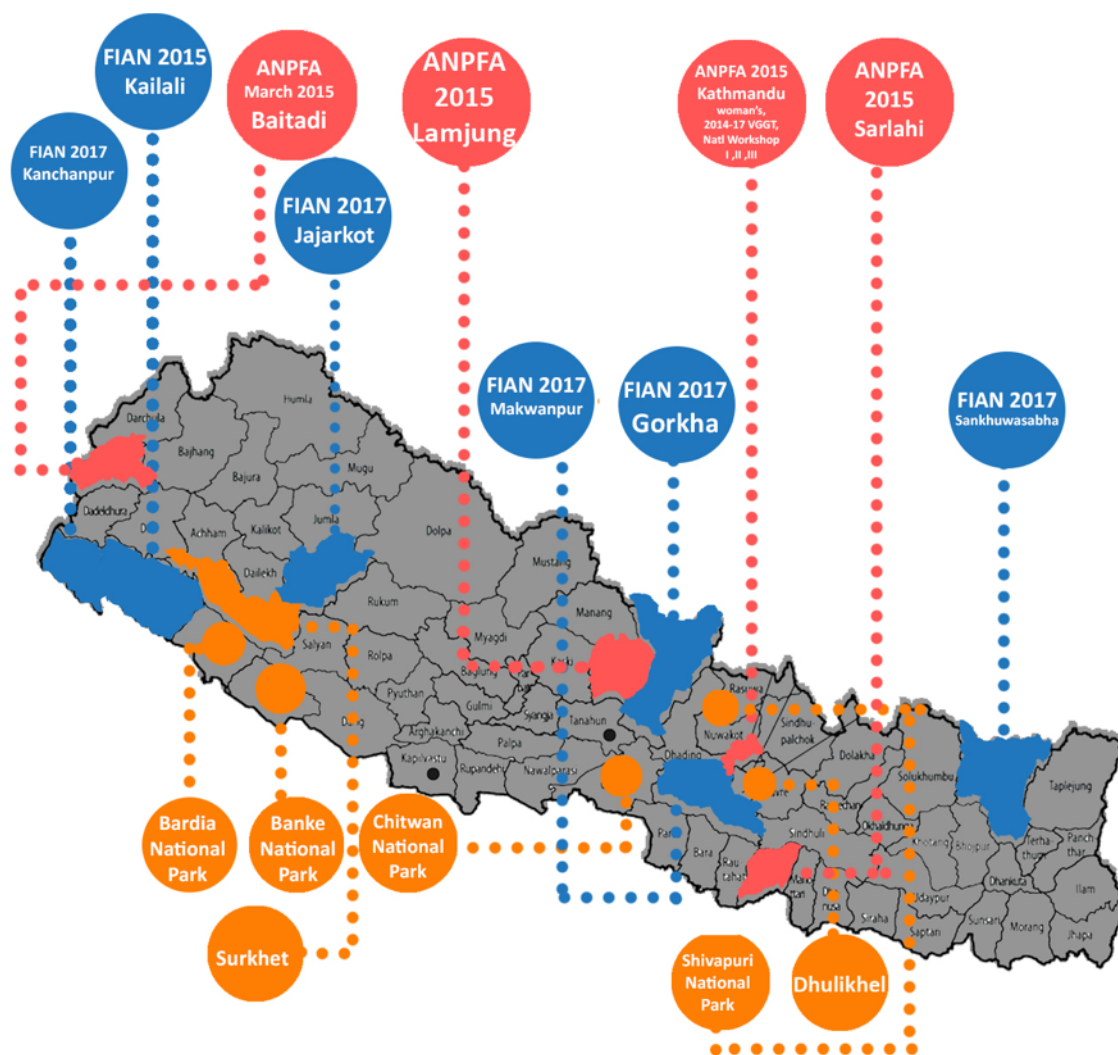


Figure 3.1
Map of Nepal where ANPFA and FIAN district and province-level VGGT workshops took place (red and blue respectively), and my research sites in some of these areas (below in orange), in addition to Kathmandu, my main fieldwork site.

3.2.1.2. 'FOLLOWING THE PEOPLE': MAPPING THE ACTORS

This ethnography, as a textual product and descriptive way of writing (Vincent 2007:2; Juris and Khasnabish 2013:3), is the result of selecting a non-random sample of data, events, people, and the knowledge of those people, on which a diagnostic is then drawn (Wolf 2001). Having said that, the intentional open-ended nature of research design for spaces of activism both at the beginning and throughout the research process, leaves space for things to emerge (see Juris and Khasnabish 2007; Brem-Wilson 2014). This had implications on how I designed the research in the most flexible manner possible: I employed

a purposive sampling methodology that enabled me to identify information-rich case studies within a range of variation in the sample (Patton 2002) on the employment of the Tenure Guidelines. These case studies were specific VGGT workshops and their application to existing policy- and law-making processes in Nepal, mediated by different sets of actors (though often overlapping given the wide networks of national civil society). This was followed by snowball sampling (Patton 2002), primarily geared to better understanding political interactions in the specific historical and political conjuncture of post-constitutional Nepal that may be behind the VGGT facilitators' choices to focus on specific policies and laws. Thus, given that the main VGGT workshop facilitators in Nepal were linking the Tenure Guidelines to their pre-existing and ongoing campaigns for policy influence (related to struggles for land, rivers and forests), I selected those areas of advocacy. I thus identified key interlocutors from the organisations mediating those struggles across the 'inter-state-(civil) society' continuum of political interactions (Borras et al. 2013, see Chapter 2).

First, I gathered data from participant observation at VGGT workshops. Based on further data emerging from participant observation at the offices and external meetings of FIAN Nepal, and of the national *La Vía Campesina* member, ANPFA, and at meetings of the national Right to Food Network, I then extended my data gathering further afield from the main actors. I applied snowball sampling based on recommendations given by FIAN, ANPFA (based on the list of participants of all VGGT workshops), and other relevant CSOs, such as the main land rights actors: the Community Self Reliance Centre (CSRC) and the National Land Rights Forum (NLRF). The final sample frame is a combination of key interlocutors from organisations I interacted with closely (FIAN and ANPFA) and VGGT workshop participants and previous facilitators—e.g. Oxfam, Lutheran World Foundation, the Ministry of Land Reform and Management, the Land Management Training Centre etc.—whom I interviewed face-to-face. Additionally, those participants whom I met either in Kathmandu or at the subnational level equally pointed me toward other governmental and civil society actors they believed I should interview, especially for a deeper insight into emerging plans on how to realise the right to food (RtF), the right to food sovereignty (RtFS), and land rights, beyond the VGGT workshops. Particularly whilst travelling at the sub-national level, opportunistic sampling also generated important contextual insights on local conflicts.

In total I interviewed 116 people in different parts of Nepal (see map in Figure 3.1. for research sites) across a wide variety of state and non-state actors, and held personal conversations (PC) with many more at events and in organisations' offices. These included governmental actors from different categories. I interviewed ministerial joint secretaries,³⁶ Members of Parliament, ministerial staff, politicians, province-level governors, national park

³⁶ Usually third or fourth position down from Minister.

authorities, user groups (such as Buffer Zone Users Groups, forest users groups, and irrigation users groups) social movement and CSO representatives, activists from grassroots organisations, party farmer wing leaders and staff, party women's wing leaders and staff, non-party farmers' organisations, NGO professionals and development practitioners, aid agencies, UN representatives, journalists and academics (See Annex 2). Where possible, I sought gender balance by interviewing as many women as possible. Nepal is a patriarchal, male-led society, where women's presence is often tokenistic (Shah 2018). Nevertheless, women are increasingly present in the public arena, more so in professional development than in politics (see Chapter 4). Given the focus that VGGT facilitators placed on ensuring inclusion of women in workshops, I was able to access and spend extended amounts of time with women who are actively challenging their exclusion. I return to this below.

| Interview Category | Number of Interviews |
|---|-----------------------------|
| United Nations | 4 |
| INGO | 12 |
| Party-Affiliated Peasants' Wing | 19 |
| Party-Affiliated Women's Wing | 5 |
| Farmers' Organisation (Non-Affiliated) | 3 |
| National NGO | 35 |
| Ministry / Government | 17 |
| Grassroots Activists | 17 |
| National Park Institution / Authorities | 10 |
| Nepal-based Donor | 2 |
| Academic or Journalist | 9 |
| Men | 67 |
| Women | 49 |

Table 3.2.
Detailed Breakdown of Semi-structured Interviews

These interviews were in the majority face-to-face, semi-structured, and lasting between 1 and 3 hours. The interviewee received a Participant Information Sheet describing the project (see Annex 7) and an Informed Consent Form (see Annex 8) to sign, which were orally explained in Nepali by my interpreter, where necessary. I led a focus group discussion with the National Indigenous Women's Federation (NIWF) (photo below).

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 3.2.
Photo of meeting with NIWF members.

The mostly recorded in-depth interviews were combined with a series of short telephone interviews (not recorded), conducted by my Nepali interpreter, targeting for instance province-level VGGT workshop participants who were not available to meet due to long distances (e.g. NIWF province-level members), and follow-up calls e.g. with the spokesperson of the Environmental Parliamentary Committee (EPC), and my key informants from the Buffer Zone Peoples' Rights Federation (BZPRF) (male vice-president, and female vice-president and Indigenous activist). Additionally, as I was based at the office of FIAN Nepal (in Kathmandu in 2017 and shortly in Nepalgunj in 2018) where I proofread NGO reports, and equally spent much time at the office of ANPFA (in Kathmandu) going through documentation at their Research Department (reports, publications, and newsletters), many spontaneous discussions emerged based on access to and availability of high-level leaders,

directors, board members and staff. These were not recorded due to the nature of the settings and encounters, but informed my data and led to making arrangements to formally interview other contacts upon their recommendations. Whilst travelling by car (e.g. across central Nepal) with NGO staff, many conversations shaped my understanding of their interactions with local level CSOs and activists. When the opportunity arose to speak to relevant people at events and other sites, or to meet in an informal setting outside of their offices, I also carried out other unstructured interviews, which helped to triangulate data and better understand the rapidly changing political environment, as well as to provide an informal space for interlocutors to share their personal reflections (Seidman 2006). It is worth noting that on such occasions, using informed consent forms or recording devices was neither always suitable nor recommendable given the different situations and contexts. Informal conversations were held with business people at the local level, for instance, hotel and other business owners around Buffer Zone Areas (BZAs) of national parks, as well as with national park guides. Last but not least, I mixed with Nepali academics and activists in my free time (people mostly wearing both hats), as well as with NGO staff, and many informative conversations emerged. Informal and in-depth longer conversations with well-established scholars of Nepali politics and anthropology (both Nepali and foreign) proved very useful for equally contextualising and triangulating data.

This second component of my research methodology—i.e. 'following the people'—entailed mapping who was who in Nepal in the field of applying global governance to national advocacy, and analysing how they form translation and brokerage chains (see Chapter 2) that span local struggles, National Advocacy Networks (NANs), TANs, TAMs and global projects, partners and donors. As described by Marcus (1995):

Multi-sited research is designed around *chains, paths, threads, conjunctions*, or juxtapositions of locations in which the ethnographer establishes some form of literal, physical presence, with an explicit, posited logic of association or connection among sites that in fact defines the argument of the ethnography" (1995:105, emphasis added).

Aiming to capture the connections among sites at different scales, and to inform my sample frame, the following diagrams provide an overview of these chains (though they are not fixed), and the main policy-making processes that I followed, in order to build into my analysis the extent to which their knowledge and employment of the Tenure Guidelines overlapped with their inputs into these law-making processes.

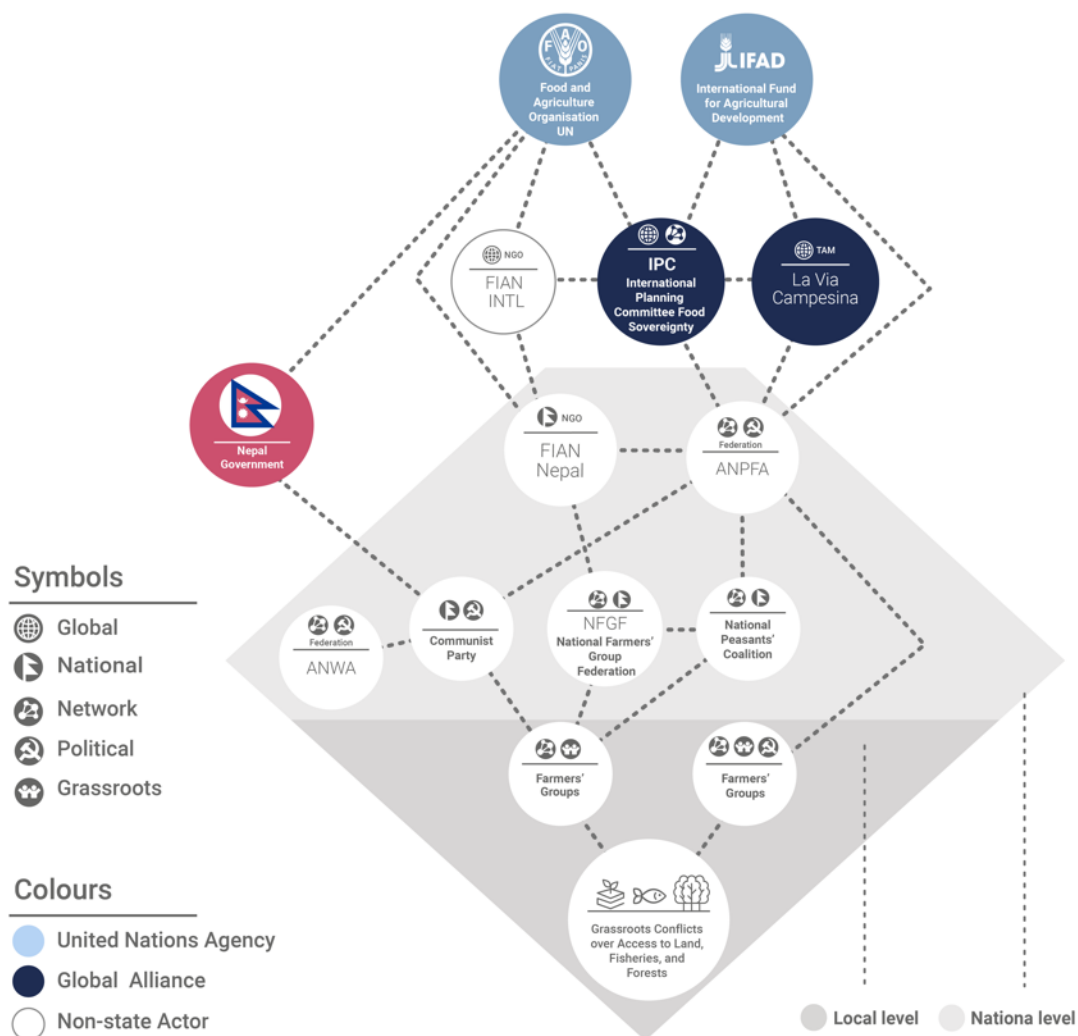


Figure 3.3.
Following the actors employing VGGT and discussing Right to Food and Food Sovereignty Act
 (see Chapter 5)

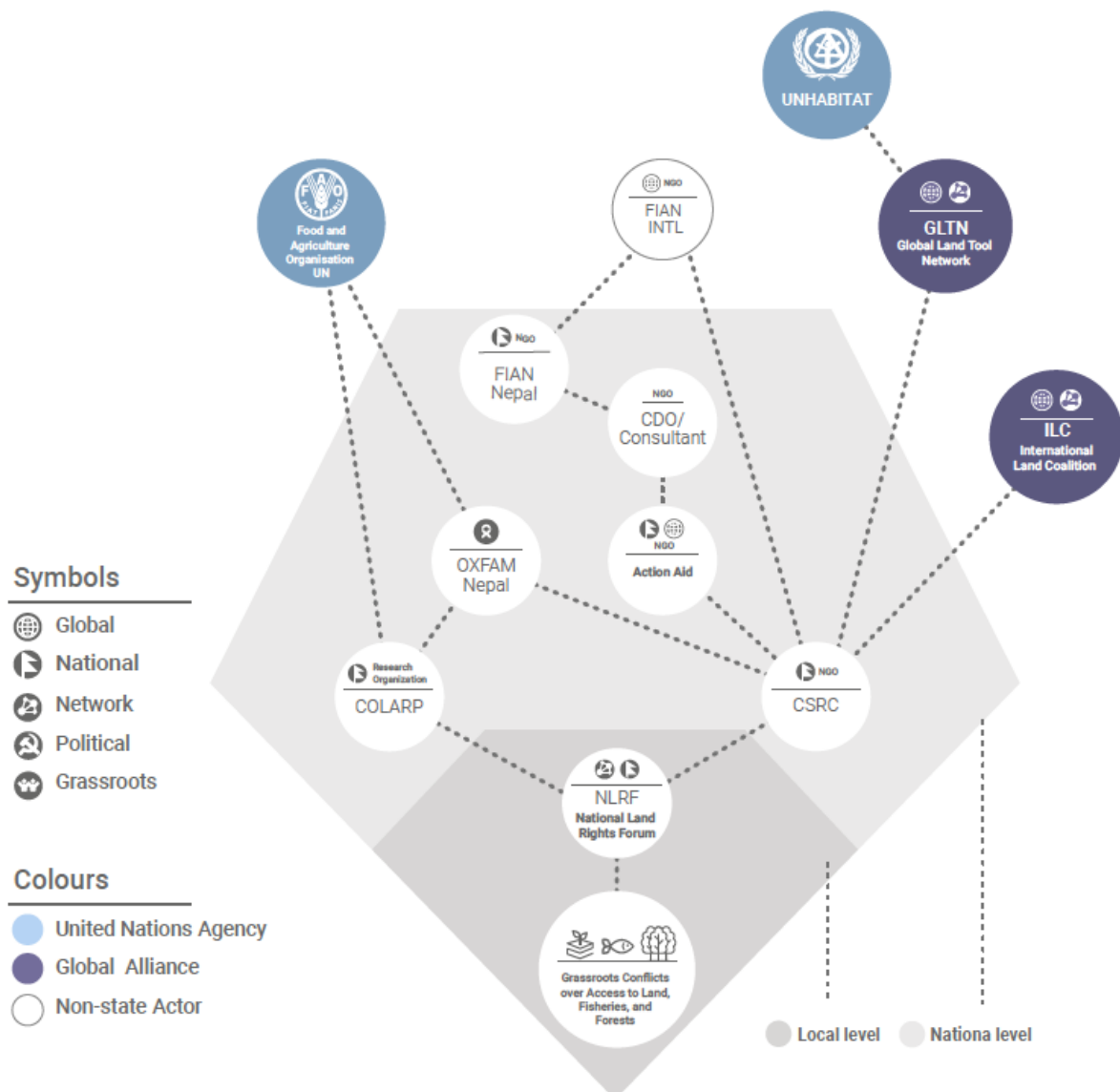


Figure 3.4.
Following the actors employing VGGT and influencing land policies (See Chapter 6)

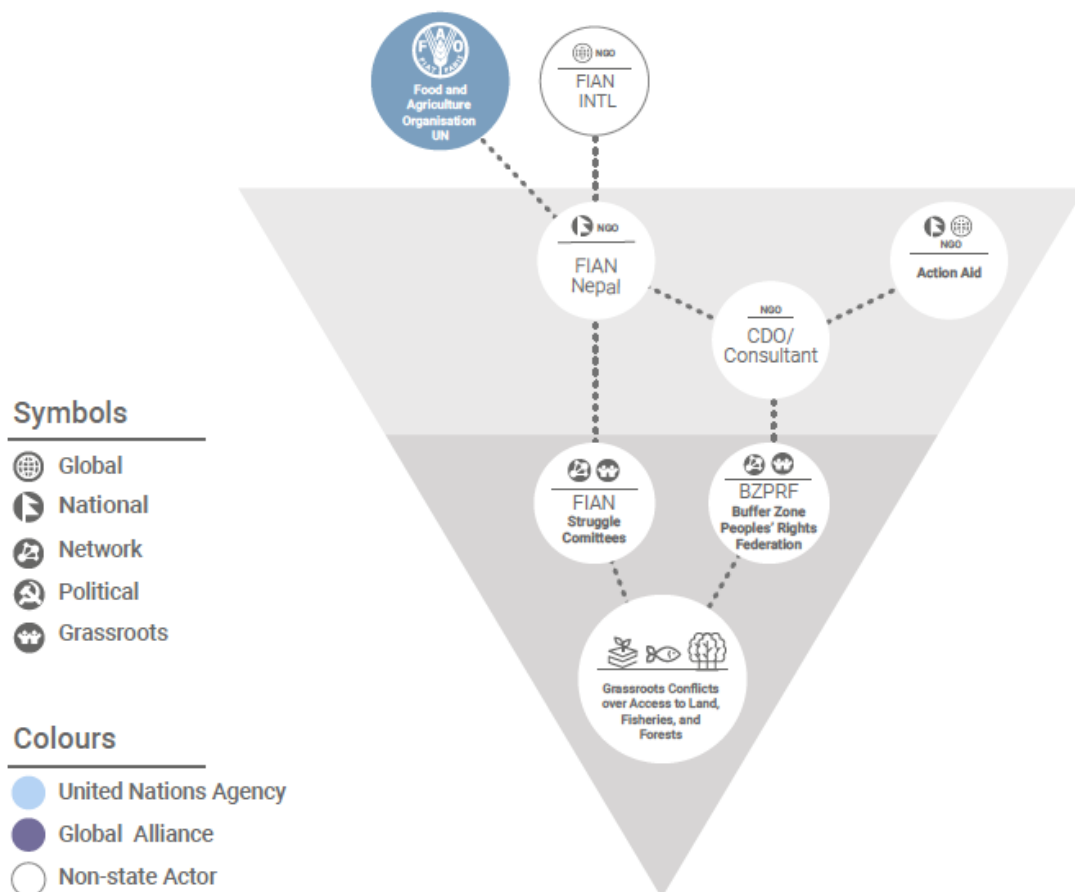


Figure 3.5.
Following the actors employing VGGT and influencing National Parks and Wildlife Conservation Act (See Chapter 7)

3.2.1.3. FOLLOWING THE 'METAPHOR'

I expanded into the broader field of advocacy covered by the actors and policy areas debated in VGGT workshops, as described above, to build into my analysis the wider ideational framings: i.e. the struggle for food sovereignty and the human right to food as envisaged by civil society actors promoting the employment of the Tenure Guidelines (see Chapter 1). Overall, both the formal and informal interviews described in 2.1.2. had a two-fold objective. On the one hand interviews focused on the extent to which VGGT workshops and the knowledge gained on the Tenure Guidelines fed into policy-making, and into advocacy work supporting struggles for access to natural resources at different scales. On the other hand, more general questions were asked with the aim of exploring the institutional and political setting, the emerging narrative at governmental and non-governmental levels, and the framing of civil society struggles around the right to food and the right to food sovereignty, as enshrined in the 2015 Constitution of Nepal, as well as the more specific land rights.

Between April 2016 and May 2018, I spent time in different places where the actors framing their struggles with these discourses operated, both at the global level, and in Nepal. For instance, whilst in Rome, I met on an informal basis with representatives of ANPFA, FIAN Nepal and LMTC (Land Management Training Centre) during their meetings at FAO and CFS. These informal occasions led to conversations that guided my understanding of how they interacted with Rome-based UN agencies and how they engaged with TANs and TAMs. It also widened my understanding of how FAO departments reach out to these national actors to implement VGGT projects, or partake in e.g. Global Thematic Events on the CFS (see Table 3.1.).

In Kathmandu, I was invited by ANPFA to join several meetings, including their party wing 6th General Conference (with over 800 members present, all CPN-UML ministers, the Prime Minister and former prime ministers, and no foreign guests), a meeting between Farmers' Organisations and the World Bank to assess the implementation of GAFSP (Global Agriculture and Food Security Program) in Nepal; a meeting of the Right to Food Network which ANPFA was chairing at that time; and the General Conference of the CPN-UML party's women's wing, ANWA (All Nepali Women's Association) (see Chapter 4). In addition to the VGGT workshops, FIAN welcomed me in several of their events, such as their yearly national FIAN gathering, a sub-national Right to Food network meeting in Pokhara, and a Right to Food Conference in Nepalgunj. At the Kathmandu office, which served as my base for 4 months in early 2017, I equally met members of FIAN Nepal and of the Right to Food Network during e.g. board meetings. Early in 2018, when I did not have a base but instead focused on travelling to local areas, and on interviewing governmental and UN-level interlocutors in Kathmandu and further afield, COLARP invited me to join the UNHABITAT-

led high-level Land Governance Conference, which focused on Fit-for-Purpose Land Administration (see Chapter 5).

At the sub-national level, the land rights NGO CSRC invited my interpreter and me to join a press conference between journalists and the newly appointed director of the Surkhet land commission. A small right to food NGO invited us to follow a US-AID meeting with local journalists and recently elected politicians. Through other contacts made at the VGGT workshops, I also visited LMTC and the University of Kathmandu in Dhulikhel (in Kathmandu Valley), both public institutions that focus on training land surveyors and other ministerial staff. In addition to observing the above-mentioned events, which I was able to follow to different lengths depending on the availability and quality of interpreting,³⁷ my political ethnography drew on secondary sources, such as published and unpublished material by COLARP researchers, ANPFA's research department, and FIAN Nepal's communication outlets (webpage, newsletters, staff reports, NGO reports, publications in Nepal). Chapters of NIWF's 2016 yearly booklet proved insightful for the perspective of Indigenous women, and complemented our group discussion. These documents were mostly in Nepali and were translated and proofread by two Nepali-English interpreters/translators, whom I selected and trained myself (see 3.3.). My analysis combined this grey literature with media coverage of Nepali politics (from English speaking newspapers Kathmandu Post and The Himalayan Times), as well as informal conversations about the meaning of RtF and RtFS (and about its lack of media coverage) with journalists whom I met at the press events mentioned above.

3.2.1.4. FOLLOWING THE 'PLOT' OR THE 'CONFLICT'

Put succinctly, I followed the plot or story that forms the research setting of this Ph.D., i.e. that the Tenure Guidelines may be an important instrument for civil society actors' struggles, based on how they may be used to influence policies, and whether this employment of a global governance instruments addresses grassroots conflicts. This correlates in my study with following the grassroots arenas of struggles for access to natural resources, as I investigated whether and the extent to which influencing policy via VGGT projects has any effect on adjudicating grassroots struggles for access to natural resources. Following the 'plot' or the 'conflict' is an amalgamation of all the above, but it also means engaging in a multi-sited ethnography that reaches the grassroots level, where contestation against blocked access to natural resources takes place on a daily basis. For a far greater insight, I needed to leave the workshops, and the offices of NGOs and/or internationalised social movements / farmers' organisations behind, and take this qualitative field-research method to

³⁷ Interpretation was not considered vital by my hosts during my first visits in April and September 2016, where in-house staff would help out when and if possible. How I overcame the language barrier is discussed in 3.3.

the spaces of affected peoples on whose behalf governance brokers carry out policy advocacy at the central level.

At the local level, I sought to understand the power dynamics that are visible in everyday politics and power relations that do not fall under the aegis of law- and policy-making. It was in interviews and conversations with community activists involved in local conflicts that I explored the extent to which their participation in VGGT workshops helped them in their everyday struggles. This means going beyond the deliberation spaces of the VGGT workshops and engaging in fieldwork observational analysis that took me (and my interpreter as of mid-2017):

- to the national parks themselves, where I engaged in deep conversations with local guides (of indigenous ethnicities, working for hotels and park authorities), and with an ethnic boat rower (whose parents were still fishing) during a three-hour boat ride to the house of an activist;³⁸

- to the houses of activists in Buffer Zone Areas (BZA) for overnight visits (e.g. BZPRF President and Vice-president in Chitwan National Park);

- to meetings between NGO representatives and local communities such as the Sonaha fisherfolk (and the National Salt Corporation) in more remote areas of Bardia National Park;

- to long walks with subnational representatives of the National Land Rights Federation (NLRF) to meet and informally talk to land rights activists, including former bonded labour women;

- to treks up the mountainside of Shivapuri National Park with NFGF (National Farmers' Group Federation) representative around the newly established buffer zone area (BZA) to visit affected Indigenous Tamang farming communities. These were just starting to be mapped by FIAN Nepal for future advocacy work.

Equally fruitful during the second stint of fieldwork (2018) was the receptiveness of recently locally elected politicians who opened their doors to my interpreter and me, to help us better understand the process of state reform, federalisation and power devolution underway in Nepal, and how they envisaged implementing food sovereignty from a Nepali perspective.

3.2.2. DATA ANALYSIS

Data analysis was carried out on Nvivo, after transcribing and uploading interviews, along with the written sources of secondary data. The data coding process was iterative due to the changing nature of my own data analysis. The first iteration involved coding interviews, presentations from VGGT workshops, reports, newspaper clippings, and notes from informal

³⁸ For some photos and an account of these first experiences, see my initial blog: <https://colibriconnect-blog.tumblr.com/>

conversations with codes referring to first the 'impacts' of the Tenure Guidelines on struggles for access to land, rivers and forests, and second the historical, institutional and overall political 'factors' that condition those impacts. The second iteration focused on the emerging themes of my analysis: brokerage in its different facets, along with elements characterising the broader political context that shaped the employment of the Tenure Guidelines to influence policy addressing struggles for natural resources. Nvivo also proved useful for separating interviewees into 'cases', e.g. women, farmers, Indigenous Peoples etc. Subsequently, the textual outcome of this political ethnography was the result of lengthy filtering and selection, but reflects a mere fraction of the data gathered.³⁹

3.3. REFLECTIONS ON POSITIONALITY, METHODOLOGICAL DILEMMAS AND ETHICAL CHALLENGES OF FIELDWORK

As presented in Chapter 1, this thesis aims to ethnographically address an 'urgent political question' that Hall et al. (2015) pose to 'engaged researchers': to assess the extent to which rights-based instruments such as the Tenure Guidelines could serve as an effective tool for grassroots struggles (Hall et al. 2015:479). As presented here, in my case, given my background as an activist-interpreter, the basis of entering this Ph.D. as a potentially 'engaged researcher' was from the perspective of 'solidarity research' (Brem-Wilson 2014). This was partly due to self-identification as a supporter of the food sovereignty movement. Once I entered the academic arena, nevertheless, I faced several methodological and ethical dilemmas.

Here I explain that my entry point for this project seemed, of course, like an advantage in terms of building trust with national gatekeepers, who knew me or of me. But there were also many challenges in exploring situatedness, negotiating positionality and navigating methodological and ethical challenges to realise this research, while trying to retain that trust all along.

These include challenges with dynamics of participant observation embedded in global-national relations of power (3.3.1.); difficulties in managing the 'insider-outsider' tensions (and synergies) of solidarity research (3.3.2); gradual but partial solutions found to the language and cultural barriers, and its meaning for me as a language justice activist-interpreter (3.3.3.); and the implications of having to navigate national politics across the party-divide, and the gender-divide (3.3.4), and the post-fieldwork of writing non-collaboratively.

³⁹ The word limit for a Ph.D. thesis in the UK is 80,000 words, and having chosen to cover land, fisheries and forests (as per the Tenure Guidelines) from the perspective of the struggles of farmers' organisations, of land rights social movements, of Indigenous Peoples, and of women in the intersections of these, much data was forsaken in the process of condensing.

3.3.1. THE CHALLENGE OF PARTICIPANT OBSERVATION OF GOVERNANCE ACTORS

Before starting this Ph.D. in 2015, I had spent five years working for LVC, IPC, CSM and *Schola Campesina* (a farmer-to-farmer training project),⁴⁰ as part of a network of solidarity interpreters/translators. I equally worked as translator and copy-editor for FIAN International and the Global Network for the Right to Food.⁴¹ I thus started my research from the vantage point of already partially understanding the internal structure and advocacy themes of these actors and arenas. I was present during the first post-reform CFS session in 2010, and throughout the negotiations on the Tenure Guidelines (2010-2012), as well as other CFS policy recommendation negotiations and IFAD Farmers' Forums. I observed these either from the interpreting booth during IPC's/CSM's internal meetings and side-meetings, or from within the plenary session when not interpreting. I was part of a team who translated the IPC's Guide on the Tenure Guidelines in 2014. By 2015 I was expressing my wish to carry out research on the transnational dynamics that I had been observing. It was therefore with great motivation that I applied for a Ph.D. research project on the Tenure Guidelines.⁴² From the outset, my Ph.D. was inserted in a project that aimed to assess the extent to which global efforts to influence policy recommendations at the CFS had any impact on struggles for food sovereignty.

My changing situatedness in the field of mostly global-national relations was an ethical challenge that led me to reflexively interrogate the nature of my research whilst in Nepal. The ethical challenges and dilemmas of doing fieldwork as a female, Western researcher in the Global South require more open discussion (see Lunn 2014), in particular when combined with the added complexity of being an 'insider' attempting to remain on the 'outside' in participant observation. My main challenge was in maintaining this dual position. I was ethnographically observing from the outside as a Western-funded student, aware of the implications this entails in historically situated power relations (Schatz 2009:76), and in the risk of 'othering', whilst attempting to retain the solidarity and loyalty of an insider.

My point here is not to repeat that ethnography has colonial and imperial roots and that the historical legacy of British imperialism and Western domination shape relations in research.⁴³ This was quite obvious from the beginning of my arrival in Nepal, where being

⁴⁰ <https://www.scholacampesina.org/>

⁴¹ <https://www.righttofoodandnutrition.org/>

⁴² The project description—entitled "Food Sovereignty 'from above'?"—defines the aim as being "to understand the roles and impacts of a global governance instrument on the ground (state and civil society)". See, www.findaPh.D..com/Ph.D.s/project/food-sovereignty-from-above/?p63688. For a full project description, visit, <https://feedback.facebook.com/CovUniCAWR/photos/a.1881459991981513/1938773006250211/?type=3>

⁴³ Anthropologists who conclude that immersion can contribute to the study of how power works have interrogated the history of their discipline and its tendencies to 'otherness', and practised sufficient self-questioning and epistemological reflexivity (see Schatz 2009; Wolf 2001; Gledhill 2000). Some conclude that the discipline is embedded in historically situated power relations (see Wedeen in Schatz 2009:76).

"from London" was openly expressed by others as a mark of social capital, and seemingly shaped how I was first presented and perceived in meetings. As a participant in VGGT workshops, it became apparent that the power differentials that arise from being a Western researcher in a resource-constrained environment, are enmeshed in observer-observed relations, even when camouflaged by a stance of solidarity. For example, facilitators initially required of me to take unexpected public positions, e.g. as last-minute presenter on the employment of the VGGT; or spontaneous 'special' international guest on stage next to governmental and non-governmental representatives (see photos in Figure 3.6.).

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 3.6.
Photos of roles temporarily assumed at FIAN-led VGGT workshop. Source: Author's own

Of course, ethnography (as methodology, epistemology and theory) does not completely break down the binary between observer and observed (Juris and Khasnabish 2013:5), and, I would add, can make the observed literally *feel* observed. Thus, as I engaged in mapping the VGGT projects, their donors and facilitators, I started to radically question the design and methodology of this project, and the nature of my own role. This led me to consider the role of such Ph.D. projects in fostering an environment of monitoring that often takes the shape of a Global North visitor in a Global South setting (coincidentally often white women in the case of the VGGT, as I noticed). This itself preserves the dynamics of power that ethnography aims to study through immersion. I pondered whether, with its focus on the articulation of the VGGT with national level policy-making, and civil society's employment of the Guidelines in their local struggles, the initial design was not dissimilar from other initiatives around monitoring of this first CFS output, the outcomes of which I was observing at yearly CFS global events.⁴⁴ I wondered whether my presence, which often coincided with that of an FAO female representative, could induce a 'need' among my Nepali interlocutors to show that all the workshops they were facilitating had led to 'impact'. Such effects could be the very framing of local struggles with terminology from the Guidelines, or the direct influence of this process on policy, and thereby, their increased leverage over the 'state' as

⁴⁴ See e.g.: <http://www.fao.org/cfs/home/activities/vggt/en/>; <http://www.csm4cfs.org/civil-society-report-use-implementation-tenure-guidelines/>; <https://www.odi.org/publications/10409-strengthening-land-governance-lessons-implementing-voluntary-guidelines>

'civil society', a dynamic I emphasised in first exploratory writings undertaken collaboratively with FIAN lawyers (Whiddon and FIAN Nepal 2017).

Indeed, after two academic readers (with a background in human rights) of a first draft thesis provided feedback that "the terminology sounded like that of an FAO report", I took distance from this first iteration on the 'impacts' of the Tenure Guidelines, and conditioning factors (see Diagram of summary in Annex 9). I chose instead to return to and apply my initial focus on the role of 'development brokers' (Lewis and Mosse 2006), which I had presented at PhD Courses at Oslo University in August 2016 and 2017. Yet, I was unwilling to develop it given the initial loyalty to the original title of the project, and the request of e.g. ANPFA actors to "show the world what Nepal is doing for food sovereignty" (personal conversation [PC]). I ultimately took some distance from the project title by the time I decided to write a second thesis draft. Having identified the "Politics of Mediation" as one of several factors that conditioned the quality of 'impact' in my first draft (as per Gaventa and Tandon 2010), I later proceeded to place the onus of this thesis on 'governance brokerage', as performed by mediators such as NGOs and farmers' organisations. However, this topic, it must be noted, was not chosen collaboratively, nor with the project designers, nor with the national gatekeepers, but was rather a response that was inductively guided by my ethnographic insights and observational analysis.

3.3.2. THE INSIDER-OUTSIDER TENSIONS OF SOLIDARITY RESEARCH WITH NEPALI SOCIAL MOVEMENTS AND NGOS

The recognition of situatedness in political anthropology has in the past led on the one hand to self-reflexive cultural critique, and on the other to politically committed and engaged forms of research (Juris and Khasnabish 2013). I experienced the dilemma of the former, and the lack of preparation for the latter.

This is partly related to the dual loyalties to academia and to activism that scholars may experience (Kurzman 2008:11; Borrás 2016), and their awareness of "their location in an elite, dominant institution that is enrolled in the process of reproducing a particular social order" (Duncan et al. 2019:6). An experience that also resonated with me is that of graduate students who entered academia because of their previous experience and ongoing sympathy with activists, and yet, as Kurzman expounds "academic training frequently drums the do-good impulse out of [them]" (2008:11). My personal experience lies somewhere in between—or perhaps back and forth between—the positions laid out above, as I now explain.

Many contradictions emerged on the ground in terms of actors' expectations from this project, and my own queries and insights into the world of donor-funded development and governance, as well as that of agrarian movements and ally NGOs. In all its complexity, in

solidarity research, researchers generally go to fieldwork with transnational social movements without a fixed theory in mind, develop an inductive research process in a collaborative spirit of openness, and learn thereby to live with the discomfort that can arise (Brem-Wilson 2014). In this respect, it is informed by and relates to other inductive approaches. Nevertheless, I had to additionally learn to juggle some methodological constraints inherent to a pre-designed project, such as the pre-established collaborative aspects with pre-selected actors. Then there were the 'first impressions' that come with being a 'foreign researcher' (Dam and Lunn in Lunn 2014), given that the selected person for this project was not a Nepali researcher. This, of course, offered me access to meetings (listed above) upon invitation of my gatekeepers that may otherwise not have materialised, but it also generated some expectancies among my gatekeepers (and other interlocutors), which ultimately led to a divergence and distancing in interests for this project.

As I navigated the global sites, I blended in as another multicultural, cosmopolitan, multitasking actor wearing different hats. In national sites, however, I stood out, mainly for what I could potentially, but explicitly, 'give back' to research collaborators and participants (see Staddon in Lunn 2014). And this, all the while assessing the extent to which the evolving project retained, or not, its original collaborative elements, or was slowly taking on attributes of immediate reciprocity (Gillan and Pickerill 2012). Several anecdotal instances of specific requests for personal reciprocation ultimately revealed that there often *is* a predictable 'quid pro quo' element that goes beyond the varying examples of engagement and commitment that Edelman lists for activist–academic relations, some of which this research did operationalise⁴⁵ (2009:254). Above all, they show how my positionality shaped the fieldwork and possibly how interlocutors responded, especially given how my position was perceived by others—that of an educated, white, Western, allegedly 'well-connected' female researcher, who could facilitate access to what I call in this thesis chains of governance brokerage. In other words, given the political economy of development (and of academic research in this field), I myself was also a potential broker.

Thus, having become quickly drawn into some compromised conditions of national socio-political dynamics (as well as global-national relations), it became difficult for me to feel like an autonomous researcher seeking a deeper analytical understanding than that of the narrative presented by NGOs, peasant organisations, and other governance brokers, including UN representatives (see Chapter 2). As pinpointed by Edelman, at times there were elements of investigative journalism as I probed beneath the surface and posed difficult

⁴⁵ For instance, working for FIAN Nepal as proofreader; helping their staff e.g. to write an application for a VGGT follow-up project for FAO, which they were then awarded; and training their staff in writing skills for their reports, based on FIAN International's Style Guide.

and uncomfortable questions, sometimes interrogating the performance aspect that can be witnessed in policy and struggle arenas (Edelman 2009), and generating tensions.

Having said this, in solidarity research there is a process of learning to live with 'being uncomfortable' when working collaboratively and in solidarity with social movements—as Brem-Wilson (2014) explains based on his own Ph.D. research with LVC—and of employing dialogue as a means to overcome it. The main tensions arose from attempting new ways to establish dialogue throughout, and after, given the divergent interests for this research project, and potentially for my role. More to the point, I navigated "real-world ethical dilemmas in fields marked by contention", such as that of social movements, as Gillan and Pickerill note, conscious of the fact that "the issues we choose to address are often highly politicised and involve our own moral judgements and sympathies" (2012:133). And this, in addition to finding ways to address the ethics of doing something for research participants in recognition for what I was receiving, in a setting where this is often expected and demanded (on Nepal see Staddon in Lunn 2014).

One way I elected to develop an ethic of *general* reciprocity, beyond *immediate* reciprocity (Gillan and Pickerill 2012) was through dialogue with the wider breadth of social movements of the region (Nepal and India). This emerged after I accepted a role in creating a network of solidarity interpreters for social movements in South Asia, with the goal of promoting participation in political spaces.⁴⁶ I was a co-founder (together with an ANPFA colleague and eight others), and key trainer, of a collective of solidarity interpreters and trainers, starting with LVC, and then expanding to include different peoples' movements from across South Asia.⁴⁷ This experience also shaped my sensibility (Schatz 2009) toward socio-political exclusion of marginalised sections of society across state-(civil) society dynamics, and the need for historically analysing social hierarchies, especially regarding the exclusion of women in spaces of political decision-making (see Chapter 4). By actually training my own interpreters who were then also available to support non-English speaking grassroots activists during the VGGT workshops that I attended (as well as FAO representatives unable to otherwise follow presentations in Nepali), my ethnographic work overlapped with my own embeddedness in a regional movement for language justice.

This approach to navigating the difficulties of solidarity research through synergies with the region's wider social movements helped me (and others) to differentiate between firstly my role as a Ph.D. researcher on a specific topic (the employment of the Tenure Guidelines), engaging in a principally intellectual endeavour, and secondly, my role as a

⁴⁶ Upon initial request of LVC South Asia in India. We later worked with peoples' movements, and established a collective for training (SASI Collective), and collaboratively wrote a manual specifically for the South Asian context.

⁴⁷ SASI Collective. See, www.sasicollective.org/why-language-justice; lvcsouthasia.blogspot.com/2017/05/a-movement-within-movements.html?m=1

supporter of the work performed by movements and NGOs in food sovereignty and the right to food through my work as activist-interpreter-trainer. In that sense, my positionality did not fall into the category of 'agrarian scholar-activist research movement' seeking mutuality in knowledge production, as put forward by Borras (2016), nor necessarily in any of the existing categories of scholar-activists (*ibid*; see also Duncan et al. 2019). This separation of roles, albeit fuzzy, helped me to better manage the contradictions and limitations of attempting to develop a dual loyalty at such an early stage of my academic journey, especially in terms of exploring the demands for both academic and political rigour that come with entering scholar-activism (see Borras 2016).⁴⁸ The limitations of my stance are, of course, a feeling of inability to make my thesis relevant to academia, social movements, policy and practice all at once, and if at all to my Nepali counterparts—as Jones asks on fieldwork in such contexts: "Can you please all of the people at the same time?" (Jones in Lunn 2014).

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 3.7.
Photo of training on solidarity interpreting provided in Nepal and India, here in Kathmandu with ANPFA, and SASI co-founder and colleague Pramesh Pokharel, ANPFA Secretary General Dattaram Kanal, and ANPFA Head of Research and International Staff Dr. Keshab Khadka, with several ANPFA, ANWA and Nepali NGO staff.

⁴⁸ I note that the literature places much emphasis on these demands, and on acknowledging e.g. the need to not become counterproductively 'paralyzed' by the structural distance between scholar activists and movements (Duncan et al. 2019:6). Nevertheless, insufficient attention is paid to the emotional demands of this type of engagement. Apart from ethnographic sensibility, there is potential emotional engagement (Schatz 2009) and consequential difficulties with contradictory experiences, which in my case led to a burnout (extreme mental, emotional and physical fatigue). Some researchers are starting to write about the experience of Ph.D. burnout from the angle of "compassionate activism" (see Veiga 2021). In the world of solidarity interpreting, we are only just starting to address it. See, <https://www.sasicollective.org/blog/avoiding-burnout>.

In sum, synergies were found not in setting the agenda for this research at the national level, but rather in the contribution that I as an individual could make to a broader movement goal. Whilst acknowledging that the boundaries remain blurred, I had to consciously create a more distinct sphere in which to engage in solidarity, separate from my Ph.D., because of my partial understanding of the power-ridden processes among agrarian movements and other organisations. This was also to mitigate the risks that come from the many "layers of movement brokers and cheerleaders [...], and uncritical scholar-activists who take grand claims by movement leaders, brokers and cheerleaders at face value" (Borras 2016:37).

Navigating this delicate situation as an outsider is related to the specificities of Nepali politics. Unlike the peasant wars and revolutionary agrarian movements that ended three decades ago (Borras 2016; Edelman and Borras 2016), in the case of Nepal, revolutionary agrarian politics have until recently dominated the national scenario (see Chapters 4, 5 and 6). The Nepali LVC member advocating food sovereignty is both highly active in the radical tendencies of TAMs, and in country-level agrarian politics that span the middle-peasantry perspective and landless constituencies (see Edelman and Borras 2016; Tilzey 2017). In this regard, to remain 'engaged' in my research, I decided that my research could and should directly listen to the voices of local constituencies, as Edelman (2009) suggests, who are targeted by these movements/organisations. In other words, I sought to also hear the voices of the grassroots peoples on behalf of which Kathmandu-based actors mediate.

The next challenge was thus how to expand my range of respondents to beyond the interlocutors at or close to ANPFA and FIAN Nepal, in order to gain a better sense of the extent to which the Tenure Guidelines were a valuable tool for grassroots activists. Next, I share some additional reflections on the issue of language, without which it would have been impossible to interact with grassroots networks of activists as I did later in my fieldwork.

3.3.3. OVERCOMING THE LANGUAGE BARRIER—OR NOT

Based on my work experience with the South Asia Solidarity Interpreting (SASI) Collective, some of my observations were marked by my involvement in a group that aimed to provide opportunities for participation in political spaces for the most marginalised, often women, who didn't speak the dominant languages, and other marginalised constituencies whose languages were subsumed by Hindi, English and/or Nepali.

This brings me to the challenge of languages in a multi-scalar, multi-sited ethnography. Crossing scales and spheres poses practical, epistemological and ethical challenges, not least starting with the issues of language and culture, which already define boundaries around immersion, and a differentiation between the observer and the observed. It is a truism that immersion can only be partial, not least because of the language barrier,

and the complex cultural phenomena that one has to interpret from one's own *Weltanschauung* (Schatz 2009). We are told that being 'multilingual' as a scholar—metaphorically, if we equate our epistemological approach to a language—is advantageous in aiding us to decipher political life in its many dimensions (Schatz 2009:17 citing Feyerabend 1979). To this, I add, that being literally multilingual is also a must, if we are traversing spaces where several languages are spoken, particularly if we aim to assess power relations in participatory spaces of governance where we have to relate to people and institutions in different languages. In ethnography, the researcher ideally converses with key interlocutors and other people being observed "in their own terms"— "in their own language, i.e. without an interpreter getting in the way" (Hirsch and Gellner 2001:1). This was rarely possible in Nepal, because though many educated Nepalis speak English (though some more fluently than others), they speak Nepali with each other, and thus participant observation at many meetings and in many instances was severely hindered. Cooke provides some rules of thumb for people working in participatory development interventions, such as working only in languages that one understands as well as our first (Cooke in Hickey and Mohan 2004; see also Cooke and Kothari 2001). For me, having been selected for a project in a country where I didn't speak the language, despite being multilingual, I was breaking this valuable tenet by accepting to do fieldwork in South Asia, and expressed this at the outset. Thus, I set out to learn conversational Nepali to the best of my capacities in a short amount of time⁴⁹ (although this also led to a lengthier Ph.D. than most in England). Then, in order to contextualise this new language and all the cultural baggage any language brings, it also meant immersing myself in literature on the history, peoples and religions of the country, and developing a social network of Nepali friends from different socio-political backgrounds in Kathmandu. As a Westerner doing research in Nepal, and regularly working in India, these cultural immersions later impacted the degree of openness that some interlocutors started showing. But I must also point out that others felt all the more uncomfortable with my presence in meetings due to the same reasons: e.g. one female politician at a Right to Food Network meeting openly complained, in Nepali, about "that foreigner over there writing, writing, writing" as I took field notes. A male leader of a non-affiliated farmers' organisation reacted to some of my comments on national politics, during a VGGT workshop coffee break, saying to a FIAN colleague, in surprise but also bemusement, "she understands, she actually understands". Meanwhile, some ANPFA members pondered

⁴⁹ A 4-week, 6-day a week intensive Nepali language course at the Institute of South Asian Studies at Heidelberg University in August 2016; private tuition with the same teacher during my first 5-month stay in Kathmandu from January to May 2017; a 2-week 5-day a week intensive course at the University of Lisbon in July 2017, which I co-coordinated; and more lessons and informal learning with help of my interpreter during my second 5-month stay in several parts of Nepal from December 2017 to May 2018.

why I had chosen to train an interpreter from outside the political party, potentially making it difficult to access therefore their spaces (see Chapter 5).

My first trip to Chitwan National Park was in January 2017 without my own interpreter. Using local people who spoke some English to help proved insufficient in terms of communicating with my key informants. In 2018, I returned to Chitwan, and then travelled further to Bardia, Banke and Shivapuri National Parks, only this time with an interpreter who had also translated many FIAN, ANPFA and NIWF reports, and was thus knowledgeable of the topic. This second visit to the conflict areas only 3 months after local elections proved to be rich and much more engaging, especially as I was by then able to hold a conversation in Nepali, allowing key informants to speak in their own language and express their perspectives. As Gledhill suggests, cultural frameworks remain central to ethnographically investigating the dynamics of political processes as *understood* by the people themselves (Gledhill 2000:7). This implies entering the arenas of struggle and subversion that are shaped by everyday relations of power on the ground, and interrogating from that position, as much as possible.

Indeed, during my second stint of fieldwork (December 2017-May 2018), I was able to ask questions to grassroots interlocutors in Nepali, and follow the answers with the help of my interpreter's written notes that she would jot down simultaneously in English, or through whisper-interpreting, enabling us to hold some interviews and conversations almost entirely in Nepali. This resulted in a much more natural setting for my interlocutors, and opened the doors to observe other realities locally.

Despite these efforts, the data analysis and resulting thesis still reflect the limitations of only partially overcoming the language, cultural, and country-specific political barriers.

3.3.4. THE CHALLENGE OF NAVIGATING NATIONAL POLITICS

Whereas I started this research from the positionality of 'engaged movement scholarship', once in the national context, I found that allegiance to organisations, and indeed to their interests and objectives, shaped my sample frame in unexpected ways, and I thus took some of the steps described so far.

First, as both my host organisations are closely connected to CPN-UML (the largest political party in Nepal, see Chapter 4), I felt it was necessary to also hear the perspectives of people outside the realm of the political party affiliation.

This, however, proved a difficult terrain to navigate, and therefore my data does not reflect the positions of e.g. farmers' wings of the other main parties. This could be considered a limitation were it not for the fact that it did not greatly hinder my following of the VGGT

workshops, which were, naturally, dominated by CPN-UML circles.⁵⁰ Moreover, where I did manage to interview grassroots activists that were not necessarily attached to CPN-UML-linked organisations, I myself was viewed as an "intern" of ANPFA and/or FIAN, and/or as an LVC volunteer (by those NGO representatives who were aware of transnational dynamics), a complex identity that remained throughout the two years of fieldwork. This role shaped the possibilities of dialogue and reciprocity in complex ways that go beyond the scope of this chapter.

Nevertheless, the gradual awareness of this identity and its advantages *and* limitations did lead me to better research the historical dimensions of national party politics (see Chapter 4), and its implications for how spaces such as 'multi-stakeholder' governance workshops and right to food conferences are organised and facilitated with a particular prevalence of CPN-UML-affiliated 'middle-people', who thus have higher leverage over policy-makers in governmental arenas (see Chapter 4 regarding Nepal's political-civil society). This also meant recognising that such mediators are mostly situated within a high social class, educational background and overall social status (see Chapter 4), and that the 'voice of the client' that my ethnographic methodology aimed to bring forth (Hirsch and Gellner 2001) varied greatly depending on their social positioning in Nepali society (e.g. caste and gender). In other words, the 'subalternity' of voice of peasant organisations e.g. at the CFS (see Brem-Wilson 2012) was less discernible when my fieldwork remained at the level of organisations in Kathmandu, but more salient at the grassroots level, particularly among Indigenous women activists (see Chapters 4 and 7).

On that note, I soon recognised the need to spend more time with women, than with men (who were a majority in offices), as I noticed that women more openly discussed exclusionary political practices of Nepali society, and their radical stances in a conservative environment. As a woman who over time learnt to speak conversational Nepali and to show solidarity in particular to women's organisations, I was able to spend sometimes several days in a row with women activists, which proved to be some of the most informative and enriching experiences of the entire political ethnography. On the other hand, as a *foreign* woman perceived to be potentially influential on global-national processes, I gained access to many male-dominated spaces where women speak less due to prevailing norms of patriarchy and caste (see Chapter 4).

3.3.5. THE CHALLENGE OF NON-COLLABORATIVE DATA ANALYSIS AND WRITING

An inductive study that is premised on implicit flexibility, and space to be able to refocus the project's initial research questions, is by its very nature also characterised by an

⁵⁰ CPN-UML is the largest political party, and many NGOs used to be run by people close to them (see Dahal 2004; Hachhethu 2006).

explicit reflexive process. This type of reflexivity can be considered pointless self-indulgent navel-gazing (Marcus 1998:193), yet, necessary. As Juris and Khasnabish (2013) point out regarding post-fieldwork analytic procedures, ethnographies that involve transnational activism face the common discrepancy between a possibly more positivist account of social movement leaders, and the potentially postmodern critical perspective of an academic (see also Edelman 2009; Borrás 2016). Given the little input from *national* actors in designing the project, and their non-participation in the data analysis and writing process (for the above-mentioned reasons), I personally had to reflect on the ownership of this data, and on its employment. Returning to Cooke's (2004) rules of thumb for participation in development, applied to this context, "Data belong to those from whom they are taken"—data, which, after all, have been extracted in a context marked by centre-periphery, and observer-observed, power relations. In Western research institutions, despite all the ethical safeguards and considerations taken, the use of data from political ethnography for such an academic endeavour should still consider whether, and how, it could generate controversy.

Here, Mosse's (2006) account of objections made by influential key informants to his book on development policy and project practice is useful: Their accusations of defamation were based on his ethnography as a project 'insider' in India. Mosse (2006) reminds us that anthropologists (must) differentiate between relations developed during fieldwork, and the need to exit these when back at the 'desk', in what becomes a "solitary process that disembeds knowing from its relationships", partly because "closeness makes writing more difficult" (Mosse 2006:937).⁵¹ It remains unclear to me, post-return, how to navigate the 'shades of grey' of a political ethnography (Schatz 2009), and whether this "reflexive concern about epistemological privilege gives way to worry about epistemic capture or co-option" (Mosse 2006:938). Such shifts in insider-outsider dynamics, and my ongoing reflections on positionality, methodological dilemmas and ethical challenges of fieldwork, raise questions on the unstable grey area between political anthropology employed in engaged research, and what often feels like 'anti-social anthropology' (Mosse 2006).

3.4. CONCLUSION

When I started this Ph.D., I was mostly guided by my questioning of the effects of the global process that I had been observing from the vantage point of an in-house linguist and interpreter for LVC, IPC, and CSM. I was driven by my motivation to gain an understanding and develop a praxis of engaged research, whereby I would actually follow the outcomes and effects on local conflicts. To this end, I chose research methods for this Ph.D. that would enable me to observe from 'without', whilst remaining 'within'. Here I shared some of the complexities, contradictions and concerns of this position.

⁵¹ Having said that, this thesis will be sent to key interlocutors in Nepal.

The next chapter provides historical analysis of the backdrop to my research: state-civil society relations in a process of state reform and ever-growing peoples' movements. Chapter 4 is followed by three data chapters that aim to forge the academic labour of ethnography as an "ongoing process of discovery" (Wolf 2001:58) with the desire to leave space for the voices of the people to come through (Hirsch and Gellner 2001). And this with the growing awareness of how "policy ideas (especially ambiguous ones like good governance, ownership or civil society) take social form, being important less for what they say than for who they bring together, how they enrol, unite or divide" (Mosse 2005:15).

PART II

BROKERING GOVERNANCE FOR ACCESS TO LAND, FISHERIES AND FORESTS IN NEPAL?

CHAPTER 4. STATE-CIVIL SOCIETY RELATIONS IN NEPAL

This thesis focuses on the employment of the Tenure Guidelines in struggles for access to land, rivers and forests in Nepal between 2015 and 2018, and the global-local and state-civil society structural, institutional and relations of intermediation that shape this process. This chapter covers some historical terrain that enables us to contextualise the interconnected struggles for natural resources in today's rapidly changing socio-political relations, and how they converge around human rights. It thereby sheds light on the institutional setting and evolving political interactions in which state and civil society actors interpret and implement the Tenure Guidelines. It develops the framework of inter-state-(civil) society relations, established by Borrás et al. (2013) as the main conditioning factor (see Chapter 2), from a historical and anthropological angle.

What follows is a synthetic and schematic description of different periods of Nepal's history, and the ruptures provided by political opportunities that pertain to the main CSOs/NGOs engaging with the Tenure Guidelines. Worth noting is that although this outline centres on domestic settings, the national actors described in this chapter are linked to the global context of Transnational Advocacy Networks (TANs) and Transnational Agrarian Movements (TAMs), and their efforts to employ global governance instruments (see Chapters 1 and 2). The data chapters (Chapters 5 to 7) will examine the use of the Tenure Guidelines by different constituencies depending on how they relate to global arenas, to grassroots struggles and to state agents.

Section 1 investigates the historical roots of state formation between the 1770s and 1950s and its linkages to today's land tenure regimes. It analyses first the origin of property rights, and second the abolition of customary access to forests and rivers. Section 2 examines the manifestation of state-society relations in the codification of a hierarchical caste system, which governs access to natural resources. Section 3 historically assesses the emergence of political parties, and their farmers' and women's wings. This is where I introduce the 1951-founded All Nepal Peasants Federation Association (ANPFA) and the All Nepal Women's Association (ANWA), the first actors to engage with the Tenure Guidelines in La Via Campesina (LVC)-sponsored workshops (see Chapter 5). Section 4 covers the period marked by the single-party rule and developmental state (1960–1990), with a focus on successive failed land reform initiatives, and the consequent violent Maoist insurgency that led to over 17,000 deaths. Here we meet the non-violent land rights movement epitomised by the grassroots social movement, the National Land Rights Forum (NLRF), and their NGO partner named Community Self-Reliance Centre (CSRC), who used the Tenure Guidelines to strengthen their campaigns for property rights for the landless (see Chapter 6). Section 5 ends this context chapter with the 1990s–2000s, when an ongoing political transition to

federalisation accompanied a wave of protests and convergence of social movements' struggles that led to the monarchy's collapse, as well as a surge in identity politics. This is when a group of human rights activists and development consultants founded FIAN-Nepal, a right to food NGO that played an important role in training CSOs on the Tenure Guidelines, and in using the workshops to facilitate policy dialogue on access to forests and rivers for marginalised fisherfolk around conservation areas (see Chapter 7). Section 6 closes this chapter.

4.1. THE FORMATION OF THE STATE

To introduce this section, the following timeline summarizes a first periodization of resistance in Nepali history, which saw the emergence of peasants' and women's movements organised into political party wings in 1951, the year that the first phase of multi-party democracy began. Two of these organisations, as Chapter 5 shows, were the first actors to employ the Tenure Guidelines in Nepal for awareness-raising among their constituencies: the All Nepal Peasants Federation Association (ANPFA) and the All Nepal Women's Association (ANWA).

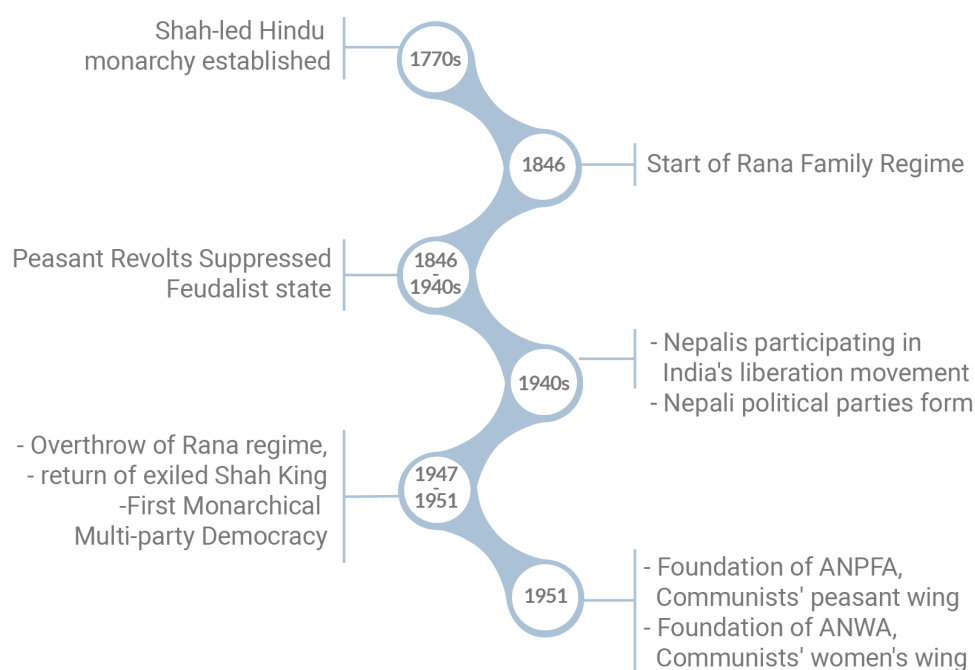


Figure 4.1.

Timeline of Nepali historical and political factors, from 1770s to 1951, and the foundation of ANPFA and ANWA. Source: Author's own.

The linkage between land tenure regimes, feudal relations and state-building in Nepal takes the reader back to 1768. Prithvi Narayan Shah, a warrior king from Gorkha (80 km northwest of Nepal's capital, Kathmandu) conquered Kathmandu Valley—a fertile circular

bowl at 1,400 metres in the Himalayan foothills—in 1768-1769. A Hindu kingdom was established through a process of unification and assimilation of a widely diverse people from across a rugged topography, going from the plains bordering India to the mountains bordering Tibet (Roka 2011; Pradhan 2015). From the mid-hills to the mountains, the peoples are mostly of Tibeto-Burman descent, whereas from the mid-hills to the plains, Indo-Aryans are a majority (ADB 1999) (see Figure 4.2.).

The modern state was extractive and predatory since its formation (1769–1816) (Deraniyagala 2005:56). Land ownership has since been skewed toward Hindu Indo-Aryan male 'higher-castes' (see Figure 4.4.) who make up a minority elite class that has benefited from centuries of prebendalism. A figure often cited to demonstrate the structural issues behind landlessness is that 37% of land is in the hands of 5% of the population who do not farm it themselves (FIAN-Nepal 2012). The state did not develop modern nation-state systems of health, education, infrastructure or roads (Roka 2011:174).

Already in 1980, Blaikie, Cameron and Seddon attributed Nepal's political and economic administrative structure, and agricultural and socio-political crisis, to continuity in land tenure regimes since the 18th century; (Blaikie et al. 2005).¹ This approach was, however, criticised for overlooking structural contradictions and temporal-structural disjunctions, e.g. post-1950 population growth and migratory patterns (Mishra 1980). It also fails to trace social factors prevailing in today's social relations to events of pre-modern history that precede the modern state, as class relations that permeate today's political institutions and natural resource governance can be traced back to the fourteenth century (*ibid*). The founders of the modern state are descendants of high-caste Hindus from India who spoke a Sanskrit-based language—Parbatiya²—and who wished to differentiate their Hindu nation from Mughal India, whose Muslim rulers their forefathers had fled (Roka 2011:173). The Rajputana royal families settled in Western Nepal, and slowly displaced the natives of Mongoloid descent (Pradhan 2015:8), a wide diversity of Indigenous minorities known today as *Adivasi-Janajati* (see Kharel et al 2016). State formation has been the purview of descendants of these Khas-Arya (Regmi 1977:7), and remain so today, as argued by a leading Nepali political scientist today (Interview with Hachhethu 15.04.2018).

During British colonial rule of India, Nepal was a satellite state. Whilst the East India Company forced liberalisation in trade, the Rana regime became dependent on British India. In exchange for maintaining Nepali independence, they helped colonial rulers to suppress Indian struggles (e.g. in 1858) (Roka 2011:174). The Rana state benefitted from the employment of many *Gurung* men (a large ethnic group) known as *Gurkhas* in the British-

¹ On the political economic roots of failed soil conservation, see Blaikie 1985.

² Nepali, originally known as 'Parbatiya', is a Sanskrit-based language, whilst the other languages of Nepal are not (Pradhan 2015:16; Gellner and Letizia 2019).

Indian army (see Adhikari and Bohle 1999; Blaikie et al. 2005; Pradhan 2015) The trade of British (luxury) goods was channelled to the Ranas in exchange also for timber (Blaikie et al. 2015).

Whilst international political and commercial ties are pertinent to the state's role as mediator of capital (see Chapter 2), today's ongoing tensions continue to be rooted in the Hindu-centric state formation, as are the public debates on diverging relations to natural resources. Khas-Aryans elevated their caste and social status over Mongoloid ethnic groups across the central and Western midlands—from where political, administrative and military agents, known as 'Hill Brahmin-Chhetris' (or 'Bahuns'), still come from (Regmi 1977; see also Bista 1967). Meanwhile, Hill *Janajatis* were incorporated into the army's lower ranks in a growing nation-state formed by the military prowess of the expanding Gorkhali state (Regmi 1977:7). In this context, collective land tenure was ultimately subsumed to property regimes favoured by the Khas-Aryan Hindu settlers (*ibid*), as expounded in 1.1. and developed further in Chapter 6.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 4.2.

Geographical map of Nepal. Nepal is a small landlocked country that sits between India to the south and China to the north, covers an area of 147 181 km² over four geographical regions (Terai/Tarai plains in the South, the Churia or Siwalik Hills, hills/mid-mountains, and Himalaya mountains in the North). Nepal grows mostly rice, wheat, maize, and potato, and millet, buckwheat, and sugarcane. Source: Topographic Survey Branch, Survey Department, Government of Nepal.

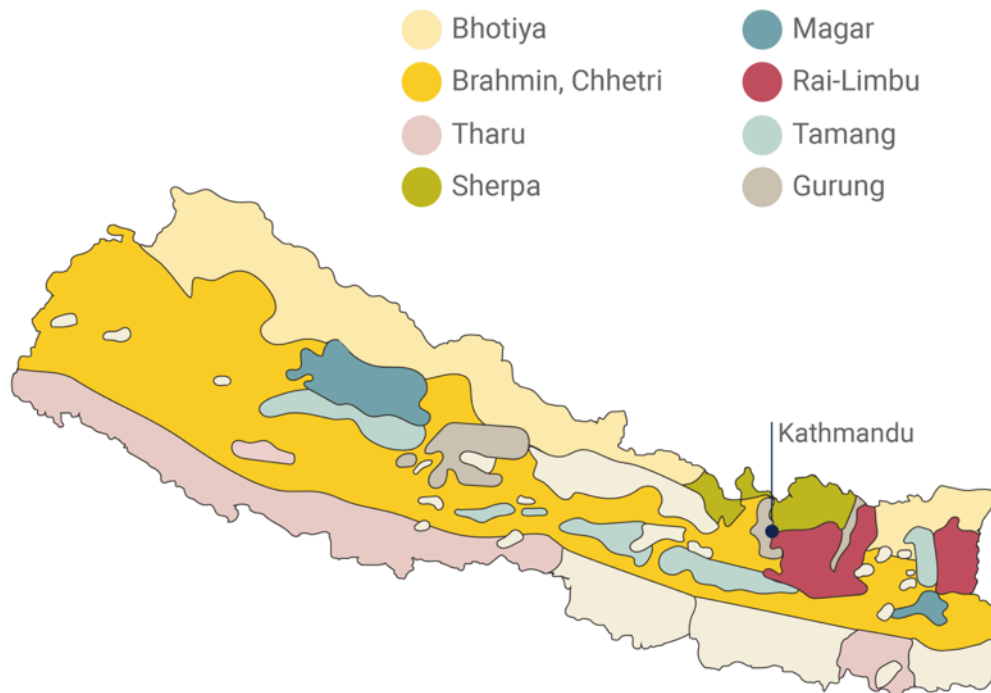


Figure 4.3.

Map of main ethnic groups. Nepal has a population of 28 million. This map shows some of the main Adivasi-Janajati, as well as Brahmin-Chhetri groups, and where they are predominantly from. Source: Adaptation from eastasiaorigin.blogspot.com

4.1.1. PROPERTY RELATIONS

Historically, property emerged in parallel with state formation and appeared "only through the sovereign powers of government and is based on law and documentary evidence" (Regmi 1977:15-16). The system of freehold tenure is tied to the Hindu Khas-Arya development of a property regime, whereas customary or communal land tenure is specific to unequally endowed indigenous ethnic groups through an inalienable relationship (Caplan 1970; Regmi 1977). When Khas-Aryans migrated and settled in the hilly areas of 'tribal' ethnic groups, they gradually dispossessed them of their land, and became economically, politically, educationally and linguistically their 'superiors', affecting land transactions and Hindu-tribal conflict, as communities had to irrevocably surrender customarily held land (Caplan 1970:9; Adhikari and Bohle 1999). A Hindu-centric state system and infrastructure—from postal services, to army salaries, to increased land tax revenues—was built whilst eroding Indigenous People's customary tenure systems (Caplan 1970:55-57).

Thence, tenurial systems created after the 'unification' of Nepal—under one territory with a military King—became tributary and hierarchical. Owning land became a source of economic and political power (Regmi 1974). Rai draws on Wolf's (1966) distinction between peasant and tribal societies to highlight that, in Nepal, the former were/are subject to a

dominant group of non-farming rulers who appropriate their surplus production, whilst the latter were more autonomous in terms of control over their means of production, and this also defines their diverging perspectives on tenure today (Rai 2018:104-105).

4.1.2. RELATIONS TO FORESTS AND RIVERS

Evidently, widening the tax-base from land was key to building the centralised state infrastructure, thus legal recognition of private property prevailed, whilst customarily held lands, including forests, riverbanks and grasslands, were usurped.

Today, forest covers the largest percentage of land in Nepal. While farmland covers 21% of land (98% of farms are private property), forests cover 29%, grasslands 12%, shrublands and degraded forests 11%, and bodies of water and other lands 20%. Uncultivated land makes up 7%.³ Forests are either on state or private registered land, where forest has been planted or is protected. State-land forests are categorised into: 1) government-managed forests; 2) community-managed forest⁴; 3) leasehold forests, 4) religious forests (equally managed by communities); and 5) protected forests (managed by government agencies) (Singh and Chapagain 2005).

Although their vision of tenure is not legally enshrined, some *Adivasi* cosmovisions survive, where land is not possessed for crop cultivation, but rather a component of territorial belonging based on integration in the region's ecology and mutual coexistence with nature (Rai 2018:103-109). Additionally, as the population grew (1960s-70s), *sukumbasi* (landless squatters, sometimes transient)—even though regularly evicted by forest guards—encroached, cleared and settled in forestland, particularly since the eradication of malaria in the Terai (Shah 2018:48-49). In the Terai lowlands, some areas were settled by other dominant ethnic groups (peasant farmers) who were given land under private tenure as part of a nation-building and agrarian process that led to the internal colonization of oppressed native groups (Stevens 2013).

Subsequently, as of the 1970s, conservation areas with forests and rivers were established on government land, appropriating 65% of ancestral territories of local *Adivasi-Janajati*, impacting their tenure regimes, and gradually alienating them from sources of livelihood such as forests and rivers (Paudel et al. 2007). Making up over 23% of Nepal's landmass, protected areas were established on lands inhabited by Indigenous Peoples, whose customary territories were historically annexed to the Nepali state. The evolving governance of wildlife parks and reserves was neither democratic nor participatory, and

³ According to ANPFA, "cultivable land covers about 20% of the total land, forest 44.76% (including grassland, shrublands) [...] rocks, snow lands and settlements make up the rest." (see Banskota 19.03.2019)

⁴ A community-led management system of federated user groups that has received appraisal for its contribution to forest recovery, and critique for the further marginalisation of Dalits and forest-dependent ethnic groups. See Singh and Chapagain 2005; Westerland 2007; Gilmour 2016.

state-led coercion changed the social and cultural fabric of affected communities (Pimbert and Pretty 1995; Pimbert and Ghimire 1997). Many are smaller marginalised ethnic groups who still depend today on rivers and forests. Their struggle and emerging park-people conflict has also fed an upsurge in resistance movements (Paudel et al 2010; Rai 2013), and later NGO-support, as assessed further in Chapter 7 on their employment of the Tenure Guidelines. The next section delves deeper into the history of state-society relations, and how they permeate today's discussions on governance of land, forests and rivers.

4.2. STATE-SOCIETY RELATIONS

To study Nepali state-society relations more broadly, an intersectional approach from the perspective of state-peasant and state-Indigenous Peoples is useful in studying power relations around struggles for land and natural resources. It must consider the complexity of social relations based on ethnicity, gender, religion, language/geographical origin, and occupational groups (Wickeri 2011:946) including landed and landless farmers, peasant and Indigenous women, and specifically among Indigenous Peoples, marginalised river-dependent fishing groups, as discussed throughout this thesis.

The dependency of an agrarian class on non-agriculturalists—who provided land but nothing more—dates back to the Rana oligarchic regime (1846–1951). To guarantee loyalty among nobility, Rana rulers encouraged absentee landlordism and a dependent peasant class, who in turn were exploited by intermediaries such as tax collectors in a landlordist state propped up by contingent armies (Adhikari 2007; Wickeri 2011:951). This dependency on higher-class patrons led to exploitation and oppression (Nepali and Pyakuryal in Upreti et al 2008:101); and to lack of dignity and psychosocial issues among the oppressed (see Adhikari 2008; see Pyakuryal and Upreti 2011). Co-dependency and class determinants were consolidated, as illiterate peasants with no social mobility depended on elites to harvest crops; and owner-landlords (themselves tied to the rulers) depended on peasants for agricultural production (Wickeri 2011:952-953). The persisting deadlock means that it is not in the interest of the landed class to create an enabling environment for tenants, freed slaves and other landless people to be free from their subjugation (Wickeri 2011:952-953).

These modes of domination are responsible for the underdevelopment of the majority of the population to this day. Authority and symbolic violence of the haves over the have-nots remain interwoven, as feudalistic, techno-bureaucratic and developmental approaches are also entrenched cultural codes (Nightingale and Ojha 2013). The intersections of power with culture and ideology are key here, especially if analysed from a historical and anthropological angle, as espoused by Wolf (Wolf 1990; 1999). It is conceptualised by Nepali anthropologist Bista (1991) as 'Bahunism', a psycho-political imposition of caste, patriarchy and fatalism that

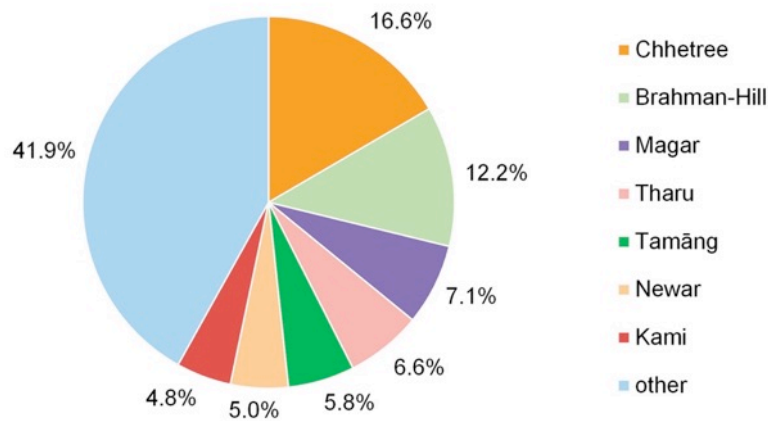
perpetuates the socio-cultural and Vedic religious values of Bahuns through Sanskritization⁵ and Hinduisation of the rest of the nation (Bista 1991; Kamata 1999; Dahal 2004:7). Bahuns hold the reigns of state power over the majority of the population (many minorities), that come under the other macro-ethnic groups of *Adivasi-Janajati*, *Madhesis* (southern groups of partly Indian origin), *Dalits* etc. (Kharel et al 2016) (see Figure 4.2).

There are 126 groups in Nepal divided into caste and/or ethnic group (2011 census), 123 languages, and the population is spread almost equally across the southern plains (Terai), and the hills and mountains put together (Kharel et al. 2016). Autochthonous nationalities (and religions) were subsumed into the Hindu four-fold classification of *Varnas* (class/caste), transforming society according to a division of labour and notions of purity and impurity that still mark socio-political relations (Höfer 1979). There are large discrepancies also among indigenous groups. Those from the hills still make up a substantial number in modern security services (Kharel et al. 2016:250). Other Mongoloid ethnic groups (smaller in number) were categorized by the Hindu rulers as generically 'traditional occupational groups', a classification I return to in today's debates on the *Right to Food and Food Sovereignty Act*. These were viewed as part of the lower end of the hierarchy along with 'untouchable' castes such as tailors, tool-makers, blacksmiths, leather workers, porters, etc. (Regmi 1977:7), known today as *Dalits*. These smaller ethnic groups included Majhi (fisherfolk) and Bote (boat people),⁶ communities who today are fighting for access to conservation areas, and participated in amendments to the *National Parks and Conservation Act* (1973), discussed in Chapter 7.

⁵ Through Sanskritization, the so-called lower castes had to learn and adopt the culture of Brahmins-Chhetris (Dahal 2004:7).

⁶ These 'highly marginalised' fisherfolk make up 0,04% and 0,32% of the Nepali population respectively. The Tharu, the main 'marginalised Adivasi-Janajati' in the Terai, represent 6,75%. The 'marginalised' Tamang, who live in the hills/mountains, e.g. around Shivapuri National Park, represent 5,64% (2001 Census in Gellner and Karki 2007). These are groups on behalf of which FIAN-Nepal advocates access to forests and rivers for the realisation of RtF, supported by the Tenure Guidelines (see Chapter 7).

Nepal caste/ethnic composition (2011)

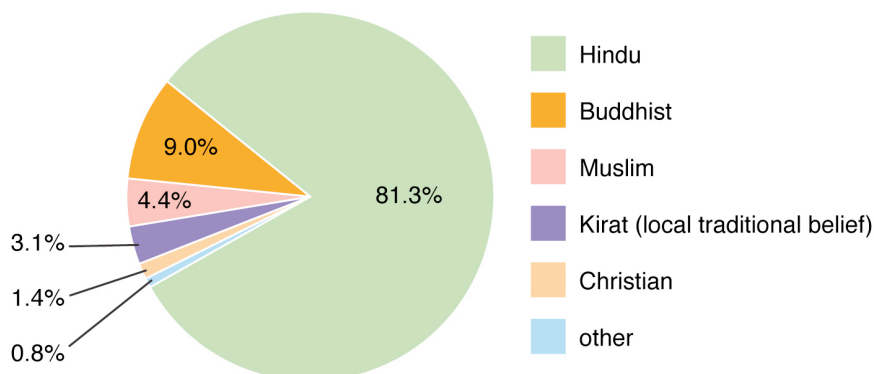


© Encyclopædia Britannica, Inc.

Figure 4.4.

Percentage of Hill-Brahmin (Bahuns) and Chhetri ('high caste') and main Adivasi-Janajati groups. Source: Encyclopaedia Britannica.

Religious affiliation (2011)



© Encyclopædia Britannica, Inc.

Figure 4.5.

Percentage of Hindus, Buddhist and other minority religions in Nepal. Source: Encyclopaedia Britannica

Access to water, natural resources and other assets is still determined by a community's position in a structural hierarchy that for two and a half centuries was legally codified in the *Muluki Ain* (1854 Legal Code) (see Figure 4.4.), and remains an indicator of voice, capability to participate in political life, level of political influence, and extent of economic wellbeing (Höfer 1979; Wickeri 2011; Kharel et al 2016:239).

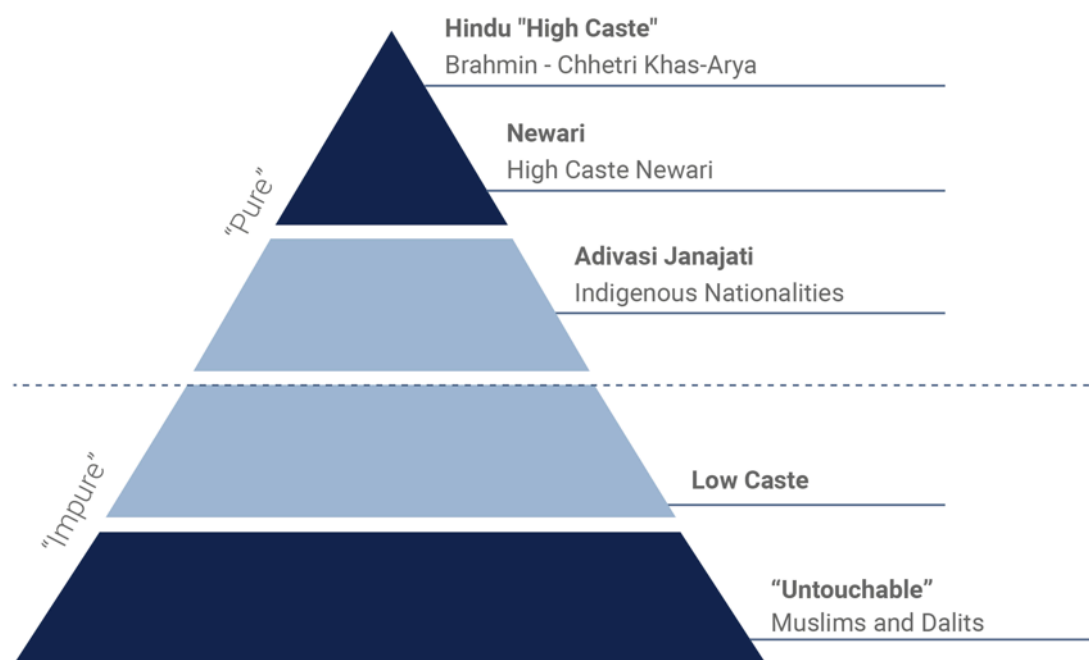


Figure 4.6.

Caste system in Muluki Ain (1854 Legal Code), replaced by a National Code in 1963. Source: Author's own, adapted from Wikipedia.

Regarding feudalism and caste relations, Dahal elucidates that the state "acted as an enforcer and *mediator* of the interests of contending social castes and classes [...] where the state class acted as patron, thinker and decision-makers, and society abided by them" (Dahal 2004:5, emphasis added).

Importantly, Hinduism was protected by the state and embodied by the divine figure of the King (until the fall of the monarchy in 2006), and legally encoded in the traditionalist conception of caste (Gellner and Letizia, 2019:286-287). It became the "status quo and the Establishment", and throughout, "political Hinduism was an elite and state affair" (*ibid*). It only became seriously challenged by the Maoists and Indigenous movements in a surge of identity politics converging in the Second Peoples' Uprising of 2006 (*Jana-Andolan II*), described further below.

In 1951, when the Rana regime fell, an interim constitution abolished discrimination based on religion, caste or sex as per the *Muluki Ain*, and in 1963, the government of Nepal promulgated a new National Code that declared 'untouchability' a thing of the past (Regmi 1977:11). Although social discrimination since the 1990 Constitution is outlawed, it still permeates social relations, and relations to the state (Wickeri 2011). Until the First Peoples' Uprising for democracy in 1990 (*Jana-Andolan I*), identity-based organisations could only be

formed on the basis of cultural activities, as part of a 'social civil society' (Hachhethu, interview 15.04.2018). Nation-building continued with the official discourse of unity, which was encapsulated in the Panchayat-era slogan "one language, one religion, one form of dress" (Lawoti and Hangen 2013). Before the transition to democracy (post-1990) speaking on behalf of one's community or ethnic group was considered "*arashtriya tatwa*" (anti-national), extremist or separatist. Indeed, discursive politics of assimilation into a Hinduist order spread the idea of 'deviants' so as to avert any challenges to the centralised state (Pyakuryal and Upreti 2011:5).

Nepal's socio-cultural diversity was not statutorily recognised until the 1990 Constitution, which, while recognising the multi-ethnic and multi-lingual nature of the nation, actually maintained the exclusionary status of a Hindu kingdom until 2015, the year the current Constitution was promulgated (Kharel et al. 2016:232).⁷

This "superiority of the sovereign state" along with the respect for it, "was passed on from the old feudal regime to multiparty democracy" (Dahal 2004:5). It shows that governance brokerage is not merely related to areas of limited statehood (Börzel et al. 2018), but also to areas where the state is highly present (see Chapter 2). Hence the importance in understanding the historical context of state-society relations for today's efforts in interpreting and implementing 'responsible governance', and the role of organisations as governance brokers therein, including party-affiliated peasants' and women's organisations, discussed next.

4.3. POLITICAL PARTIES, PEASANTS' AND WOMEN'S ORGANISATIONS

Collective efforts to challenge the autocratic monarchical state were led most notably by peasant-farmers' and women's movements, led by educated leaders who first organised into political party wings in the first nine-year window of democracy in the 1950s.

Activism—as a form of challenging state oppression and the ruling culture through associations—can be traced back to the 1920s, 30s, and 40s particularly (Dahal 2004). Just as the state class drew from Hinduism for hierarchy, social reform movements equally invoked Hindu-Buddhist treatises to generate consciousness and an ethical sense of service (e.g. the spiritual quest of *dharma* as righteous behaviour and social order) (*ibid*). Reforms included the "abolition of child marriage, granting formal rights to people, stopping burning of widows, introduction of political education" (Dahal 2004:5).

In the 1930s and 40s, middle-class Nepali children attended boarding schools in India; many stayed on to study at colleges and universities, and had their first experience of

⁷ See, however, Gellner and Letizia (2019) on ongoing Hindu practices by Heads of State. Tewa-Dolpo argues that the 2015 Constitution discriminates against Indigenous Peoples including for Hinduism-related practices, e.g. the centrality of the cow (2016:83).

revolt when they joined the liberation movement against the British. Political parties emerged as movements and were thus the first generation of activists seeking to become 'citizens' rather than mere 'subjects' (Dahal 2004:6). They were formed by Nepali dissidents in India and overthrew the Rana rulers (a close ally of Britain) in 1951, leading to the reinstatement of the exiled king and the first democratic experiments in Nepal (Upreti and Pyakural 2011; Roka 2011; Pradhan 2015:10). Invoking *dharma*—together with modernity and democracy—Dahal concludes that "[this] pluralistic form of governance [was also] the beginning of a political culture of weakening kinship ties, caste system, local community, and the questioning of religious authority and tradition" (Dahal 2004:6).

As assessed next, this emerging political culture underpinned the formation of peasants' and women's movements who became some of the main actors in state reform, and today promote participatory policy-making (see Chapter 5).

4.3.1. PEASANTS' MOVEMENTS

Nine years of political instability, civil disobedience movements, and successive failures to hold elections, culminated in a royal coup and a return to autocratic governance in 1960. This was based on the King's decision that "parliamentary democracy was alien to the Nepalese tradition, and was fundamentally unsuited for the development of the country" (Burghart 1994 in Pradhan 2015:13). The first attempt at parliamentary democracy (1951-1960) failed because there were no modern institutions in place to sustain the aspirations for democracy, which, Pradhan argues, is still a fatal shortcoming today (Pradhan 2015:12). This short interlude, however, did provide a political opportunity for the formation of peasant organisations. Banned political parties mobilised their repressed student and peasant wings and covertly carried forward their agenda for agrarian reform (Pyakuryal and Upreti 2011:3; Gellner and Karki 2007:2).

From 1950 onwards, sporadic peasant movements emerged against the landlordist system. Peasants mobilised either into organised movements, or into politically motivated peasants' groups (see Table 4.1.) (Basnet 2008:26). These first associations had high expectations from political parties and intended to be inter-party, however, there was soon internal strife and division due to the predominant influence of the communists and the politically motivated nature of demands (Basnet 2008:26-27). The nature of party-peasant bridging and political brokerage that connects the state with rural masses is exemplified in the creation of peasant party wings (Wolf 1956; Edelman and Borras 2016), and, as I suggest, their leaders remain central today to governance brokerage (see Chapters 2 and 5). The following table provides an overview of the main peasant party wings that are still active today (ANPFA will be the main actor in Chapter 5).

| Name | Party | D.o.B | Orientation | Membership | International Affiliation |
|---|---|-------|---|-------------|---|
| • ANPFa All Nepal Peasants' Federation Association | • Communist Party United Marxist-Leninist (CPN-UML) | 1951 | <ul style="list-style-type: none"> • Anti-feudalist • Anti-imperialist • Anti-WTO • Peoples' party-led democracy • Peasants' Rights • Scientific Land Reform | 1,2 million | <ul style="list-style-type: none"> • La Via Campesina • Asian Peasant's Coalition |
| • NFA - Nepal Farmers' Association | • Nepali Congress (NC) | 1951 | <ul style="list-style-type: none"> • Democratic-socialist • Democratic party system • Peasants' Rights • Anti-feudalist • Land reform | 200,000 | N/A |
| <ul style="list-style-type: none"> • ANPFa-Revolutionary • All Nepal Peasants' Federation - Revolutionary | • Communist Party - Maoists | 1950 | <ul style="list-style-type: none"> • Anti-landlordist • Anti-capitalist • Anti-imperialist • Peasants' Rights • Agrarian Revolution • Revolutionary Land Reform | 700,000 | N/A |
| • Nepal Kisan Federation | • Political Party in itself | 1952 | <ul style="list-style-type: none"> • Anti-landlordist • Anti-feudalist • Tenants' Rights | 42,000 | N/A |

Table 4.1.

Nepal's main politically affiliated peasant wings/associations. Author's own (based on directory of farmers' organisations in Nepal)

At first, political parties did not bring about any radical changes in the country's economic structure or feudal system, limiting themselves to minor reforms to placate the peasants and avert insubordination (Basnet 2008:27). Smaller movements quickly lost momentum and peasants were warned against mutiny through killings and mass arrests (Basnet 2008:27; Seddon 2018). Others staged demonstrations in the post-1951 window: One campaign titled "*Re Nahi Ji Kaho*" ("Speak respectfully to peasants") focused on "prestige, social dignity and self-respect". Another campaign titled "*Maddat Bhakari Khada Karo*" ("Store grain") showed that saving grain sustained the struggle (Basnet 2011:150). Other more explicit slogans taken up by peasant movements and by political parties led to reprisals and mass evictions by landlords, but fed their evolving political discourse. The

Nepali Congress (NC) slogan of the 1958 elections '*Jagga Kasko Jotneko*' and '*Ghar Kasko Potneko*' (land for tillers, home for tenants) is one example (Basnet 2011:150).

The support that political parties gave to peasant movements and their campaigns for transferring land to the tillers, among other reasons, ultimately led to the King banning political parties and jailing NC leader B.P. Koirala (Wickeri 2011). The fear of progressive land reform was likely the main reason (Basnet 2008:33). At the end of the 1970s, organised farmers started using the slogan that later was also adopted by ANPFA (see Table 4.1.)—"Jasko Jot Usko Pot"—"land to the tillers" (Basnet 2011:151 citing ANPFA). This was in fact the last slogan used by ANPFA, the Nepali member of *La Via Campesina* (LVC), before adopting 'the right to food sovereignty' as their main motto (personal conversations [PC]).

Post-1960, several peasant uprisings took place, though only small. One example is an anti-landlord insurgency in Jhapa (Eastern Terai, 1969-1974), shaping revolutionary ideas for struggles to come (Basnet 2008:32 citing ANPFA; Pradhan 2015:19). Inspired by the Naxalite Marxist-Leninist movement in India, current Prime Minister (2017-2021) and CPN-UML leader, K.P. Oli, headed the insurgency and was imprisoned for 14 years.⁸ Political parties played a major role in organising peasants whilst underground (Basnet 2008; 2011). Meanwhile, the landlordist interests were protected by the state through measures to diffuse tension, or through brutal suppression (*ibid*). The banned NC suffered crackdowns but still rivalled the Marxist-Leninists. Being well-versed in covert dissidence, the Marxist-Leninists—organised into the then-All Nepal Peasants' Union—continued to expand their peasant base, through generally non-violent mass-based political action (Pradhan 2015:15; Shah:2918:52). Thus, we see how closely today's ruling political class is linked to peasant insurgencies, and to NC-Communist rivalries, including the merger of the Marxist-Leninist and Maoist parties into one single Communist Party for the 2017 elections during my fieldwork.⁹

4.3.2. WOMEN'S MOVEMENTS

Gender relations vary across each broader ethnic group, and their relationship to the state, property, and the public sphere also differs accordingly. There is no stable subject position of a 'Nepali woman', yet in a multi-ethnic, inter-caste setting, women's collective solidarity and activism is tied to a common experience of inequality in their political agency and participation (Shah 2018:70; 94).

The Hindu/non-Hindu dichotomy in analysing the status of women is an academic and politicised debate in Nepal (Shah 2018:72). Broadly put, (Buddhist-Hindu) Tibeto-Burman groups impose fewer social-economic limitations on women: they mix and generate income from business (e.g. lodges, teahouses), while (Hindu) Indo-Aryans restrict women's

⁸ See, www.recordnepal.com/wire/oli-and-the-jhapa-rebellion/

⁹ See, therisingnepal.org.np/news/29555; www.thehindu.com/news/international/nepal-prime-minister-kp-oli-from-the-jhapa-revolt-to-the-seat-of-power/article31878367.ece

movement, especially among Southern and Western communities (ADB 1999:3). Gender gaps are highest among the disadvantaged caste/ethnic groups (*idem*:16).

Beyond this binary, common to Tibeto-Burmans and Indo-Aryans is that they are historically unable to access property, education, and credit the way men can. However, things are changing particularly since the last three constitutional reforms (1990, 2007 and 2015) (ADB 1999). Property relations are interlinked with kinship and marriage of daughters who 'transfer' (or 'are given') to other families. Still today, ownership laws relate to women's sexual status (Shah 2018:84-89). Traditionally, residence is patrifocal, and inheritance patrilineal, and therefore marriage is a way to gain access to land (*ibid*). Women (especially rural women) are socially expected to fulfil household chores exclusively (ADB 1999:xv). Women in rural areas carry a heavier burden in agricultural and home-based work (Shah 2018:69).

Gender-based violence is widespread both inside households and in public, and it can "range anywhere between light teasing to rape and trafficking" (ADB 1999:xv). Though there are reports ranging from mental and emotional torture to beating and abuse, women's poor economic and bargaining power, and dependency, makes it hard for them to speak out (ADB 1999:19-20). Girl trafficking has been identified as a last resort for tillers unable to pay landlord tenancy fees (see CSRC 2018).

Under Hindu monarchs, and thereafter, Nepali women were second-class citizens (Dhungana 2014:43). Dahal sees the women's movement as a 'new social movement' underpinned by the politics of difference, and more specifically, it is "a response to partly the Hindu code of law and partly gender discrimination rooted in religion, race, caste, sex, place of birth, etc. and the deep structural inequality embedded in traditional society" (Dahal 2004:8).

Women's positions in societies that are historically separated by sex have to be assessed through a political-economic lens that links the denial of rights to male-dominated economic exploitation, which is dressed in religion, and embedded in state power (Dhungana 2014:39). It is society that assigns social roles along gender lines through a process of social construction that results in male privilege through access to resources, power and authority, and ultimately, in their domination over subordinated women, then internalised through socialisation (Vaidya-Malla 2011).

Hinduism has a traceable history of over four thousand years, and five distinct periods. In the Vedic period, women were portrayed and honoured as goddesses and creators of the universe (Vaidya-Malla 2011). Each period thereafter was marked by transitions away from semi-egalitarian values toward confinement of women to the domestic sphere through notions of purity, controlled sexuality, untrustworthiness, and vulnerability (to be protected by males), led initially by religious elites and encapsulated in religious texts (e.g.

Manusmriti) (Dhungana 2014:4-42; Vaidya-Malla 2011:45). These were gradually misconstrued yet institutionalised through traditions, language, and ultimately patriarchal laws that deny women equality and dignity (*ibid*). There exists, however, a duality with inherent contradictions in attitudes as the "benevolence of the sacred sister/daughter is juxtaposed against the danger and pollution posed by the wife/daughter-in-law" (Shah 2018:77). In short, women's struggles are not merely for legal rights, but for dignity, liberation, and political freedom, by fighting against the Brahminization of a discriminatory Hindu code (Dhungana 2014:46).

Hindu values equally drove the first women leaders to take up the struggle. Yogmaya Neupane (1860-1941)—a revolutionary predecessor to women's rights movements—challenged this institution and demanded the removal of injustice and suppression, and a shift toward '*Dharma Rajya*', which interestingly means 'good governance' (Dhungana 2014; Upreti et al 2020:77). According to classical Hindu-Buddhist treatises, the notions of *Dharma* (governance) and *Rajdharma* (instrumental action for the common good) are underpinned by ideas of institutional duty among power-holders. Subjects can therefore warrant their dissidence against rulers who deviate (Dahal 2004). This Hindu-Buddhist idea of governance inspired Yogmaya's challenging of the Rana rulers, who, however, imprisoned Yogmaya and her organised movement of 204 women for attempt at mass immolation. In July 1941, in a final act of rebellion against the Brahminic system of distorted Hinduism, Yogmaya and 67 followers collectively sacrificed their lives in Arun River (*ibid*).

The main factors that contributed to women's movements were education, and political party affiliation. Education is a key factor in becoming an activist, as discussed further below. Dhungana (2014) argues that for women, *Karma* and *Gyana* (action and education) are prerequisites for embarking on a movement toward liberation (*Mukti*). Two educational organisations focused on women in the 1940s, and soon after, women leaders created the first women's wings of political parties with the goal to influence policy, as listed in Table 4.2. Chapter 5 will show how the All Nepal Women's Association (ANWA) (together with ANPFA), affiliated to CPN-UML, utilised the space provided by *La Via Campesina*-sponsored VGGT workshops to put forward their own interpretation of what it means to have a 'right to food sovereignty'.

| Name | founded | Party |
|---|---------|-----------------------|
| • Nepal Mahila Sangh Nepal Women's Association | 1947 | Nepali Congress Party |
| • Adarsh Mahila Samaj Ideal Women's Association | 1947 | |
| • Akhil Nepal Mahila Sangh All Nepal Women's Association | 1951 | CPN-UML |
| • Akhil Nepal Mahila Sangh (Krantikari) All Nepal Women's Association (Revolutionary) | | Maoists |

Table 4.2.
Women's Organisations that are affiliated to parties
Source: Authors' own (based on information from Vaidya-Malla 2011; Dhungana 2014:47;
Upreti et al 2020:78).

The post-Rana 1950 Constitution enshrined 'equality before law', marking a turn in women's political organisation, as seen in the table above (Dhungana 2014:47; Upreti et al 2020:78). As mentioned earlier, political organisations had to go underground during the Panchayat monarchic regime (1960-1990), yet women leaders played a role in the alliance of banned political parties. NC had been mobilising female college students already in 1961 for political dissent against King Mahendra, and Yogmaya Koirala (from NC) established the first Women's Committee in 1974 (Dhungana 2014:47).

In 1990 women joined political alliances to challenge the monarchy and restore multi-party democracy (Upreti et al. 2020:78), and were instrumental for mass mobilisation during *Jana-Andolan I* protests (ADB 1999:41). While donor-funded development projects targeting women were already widespread (see Shah 2018), demands became more oriented toward political participation: in 1992, following pressure by women's groups and agencies, the government of Nepal ratified CEDAW and committed to implement the Platform of Action for the UN's Fourth World Conference on Women in Beijing (ADB 1999). Thousands of women activists from different backgrounds also rallied with the 2006 democratic movement (*Jana-Andolan II*) that ended the armed conflict with the Maoists (Vaidya-Malla 2011; Upreti et al 2020).

The transition to democracy saw significant achievements in women's increased literacy rate,¹⁰ and participation in political and administrative decision-making. Nonetheless, the figures from 2000 show a limited presence of educated women in the public arena: 13.47% in civil service, 19.23% in NGOs and 19.48% in business (Shah 2018:68).

Moreover, access to spaces of decision-making, particularly for women, is mostly restricted to educated and high-caste women, something I return to in Chapter 5. Historically, Brahmin women's literacy rate is high, particularly among the small urban elite, which is key to their political agency (Vaidya-Malla 2011). Women founders of party wings were not only educated, they came from 'upper-caste' politically active families whose male members they helped dutifully, thus reassuring society that women could participate in politics in a righteous manner, within the existing familial structure (Vaidya-Malla 2011). Nepali society perceives politics to be a masculine public activity. As it was traditionally not socially accepted, women politicians were originally connected to party occupation via kinship, either via 'spousal entry' (such as the current President), or as carriers of a father's legacy accepted by a paternalistic society (Shah 2018). This practice was imbued in dynastic patronage politics (Vaidya-Malla 2011). Beyond patronage, Vaidya-Malla's (2011) study on the political socialisation of women concludes that social mobility is much more difficult for marginalised groups—be it within NGOs, the media, women's organisations, student unions or human rights networks—so education becomes a means to access power and elites. Kathmandu-based middle-class women who make it into positions of mediation for the marginalised either through politics or professional development work, perform functions of what I identify as governance brokerage (see Chapter 2). As highlighted by Vaidya-Malla (2011), they are "the mediating agent of society which has a considerable influence on the social and political development of the country." (Vaidya-Malla 2011).

For poorer rural women with few education opportunities, the Maoist insurgency (1996-2006), discussed below, contributed to their agency. They found in militancy and militarism an opportunity to denounce caste, ethnic, and gender oppression, and its undergirding feudal patriarchy (Dhungana 2014:48). Women made up 20% to 30% of Maoist fighters and almost 70% of these were from Non-Aryan communities that are discriminated against by Brahmin-Chettri (Vaidya-Malla 2011).

They were attracted to the Maoists' manifesto, action plan and strategies, including gendered protest movements e.g. against domestic violence and related alcoholism (Vaidya-Malla 2011; Rai in Hutt and Onta 2017). Social norms about women's need for protection were challenged, privately but also publicly through the use of imagery of women combatants

¹⁰ From 4% in 1971 to 27% in 1996; men's literacy rate went up from 23% to 57% (ADB 1999). By 2011, it was 66%—a radical social change that was accompanied by growth in print and online media (Hutt and Onta 2017:3).

with guns, which in turn promoted the war (Rai in Hutt and Onta 2017). Yet these women were also suppressed by the state through the use of rape as a political weapon (*ibid*). Indeed, the male-centric ('high-caste') media depicted women's participation in violence as linked to feminine values such as defence of husbands, and often feminised and sexualised them, omitting their militarisation (Tamang in Hutt and Onta 2017).

The Maoists joining mainstream politics in 2006-2008 with a progressive agenda marked a turning point for women's participation in politics and institutions overall, and for women's property rights, starting with the implementation of inheritance for girls (Vaidya-Malla 2011).¹¹

As the Maoists entered the peace process (see 4.1.1.), many more women's organisations were formed to advocate ethnic and religious issues (Vaidya-Malla 2011). When women became candidates in elections, veteran male politicians faced the reality of people's desire for change (Vaidya-Malla 2011). Nevertheless, post-war Maoist rhetoric soon defaulted to relegating women fighters to the private sphere rather than open politics, as ideology no longer served as a weapon of control (Rai in Hutt and Onta 2017). The following table summarises women's participation and results in elections. However, the increase in numbers in participation, which rose when Maoists won, and then dropped again, does not yet reflect in influence over decision-making (ADB 1999:41).

| Election Dates | Women participating | Percentage of women elected |
|--|--|--|
| 1959 Parliamentary Election | 6 women from 115 | 0% |
| 1986 Legislative Election | 3 women from 140 | 2.14% |
| 1991 Parliamentary Election | 7 women from 205 men | 3.4% |
| 1999 Parliamentary and Local Bodies Election | 12 women from 205 MoPs 806 from 4146 Local Reps | • 5.85% Central level • 19.4% Local level |
| 2008 Constituent Assembly | 30 from 240 elected CA members | 12.5% |
| 2013 Constituent Assembly | 10 from 240 elected CA members | 4.1% |

Table 4.3.

Women's participation and results in elections. Source: Author's own, based on Dhungana 2014.

The above examination of the origins of state formation shines light on existing forms of power, but also on social forces that traverse the state and non-state spheres. These forces are key to the state-(civil) society political interactions identified in Chapter 2 as key to the employment of global governance instruments.

¹¹ Between 2001 and 2011, access to land for women increased from 10.8% to 19.7% (Dhungana 2014).

4.3.3. POLITICAL-CIVIL SOCIETY

This chapter has so far highlighted the close relationship that political parties have with civil society in Nepal. As some political parties *were* originally social movements, Gellner contends that they should be equally viewed as part of associative civil society in Nepal (and South Asia more broadly) (Gellner 2003:4-8). Moreover, organisations of a political or quasi-political nature have not hesitated to seek linkages with NGOs (Gellner and Karki 2007:2). Thus, it is important to remember the specificities of Nepal's political party system when we later explore the close ties of national mediators to influential politicians, and how this strengthens their access to policy makers, and thereby their capacity to broker governance.

In the 1950s, political parties built on the personal following of single figures, and were not popular movements *per se* (Blaikie et al. 2005). As parties became an integral part of the state, they increasingly engaged in intra-party and inner-party fighting, and in patronage (clientelism among the affluent sections of society, such as 'votes for favours') (Hachhethu in Gellner 2007:153-154). It was widely believed that individual politicians (rather than government institutions) could solve local problems, leading to periphery-level practices of reaching out to those persons perceived to be influential over central decision-making (Hachhethu in Gellner 2003). Associated to patronage, sycophancy and the seeming ad-hoc nature of national and local governance was the *chakari* system, institutionalised pre-1951 by the Rana regime (Shakya 2009). *Chakari* stems from Hindu notions of obeisance, and paternal father-son relations, which, in its secularised form, instrumentalises social behaviour so as to elicit favour rather than fulfil duties, and extends patriarchy (Bista 1991; Kamata 1999). The belief that proximity to politicians was advantageous for advancement is a legacy of the *chakari* system, whereby rulers advised noble classes to formally and publicly spend hours at the courts, enabling them to avert potential political dissent (Shakya 2009). Once Nepal opened up and embarked on a mixed economy, reliance on politicians and bureaucrats translated into bribery and commissions from private business owners to state agents (*ibid*). This was considered inherent to a system where state agents are not only completing a state function, but actually personify the extractive state, and did so not for the nation, but for the benefit of a single social class (*ibid*). In the transition from Panchayat rule (1960-1990) to a multi-party electoral parliamentary government, *chakari*—ingrained in Nepal's political and administrative hierarchical culture—was a challenge to democracy (Brown 1996). It was also linked to the widespread corruption of politicians, which in turn added to their power: for instance, in hunger-struck areas, food aid has been abused as a means to collect votes, further discriminating against the targeted vulnerable food insecure (Adhikari and Bohle 1999). Other relief programmes in the past were mostly funnelled to villages where a strong political personality had enough power to influence the process (*ibid*).

The dependency on government agents for development (including food aid) has equally been traced back to the feeling of subservience to the ruling classes of Kathmandu, generated, for instance, by tax collectors who visited rural areas on behalf of the state. In a study on the history of Karnali's recurrent food crises, Adhikari shows that in the state-nation building process, peasants would plead functionaries for help, making them feel unworthy about themselves and about their food customs, while the ruling classes (who were all from the same social group in terms of caste, ethnicity and indeed food habits) continued to construct and impose this type of class relations for their political and economic interests (Adhikari 2008).

Today, socio-cultural configurations and institutions, as well as network and organisational culture whereby connectedness is one's social capital, condition the political economy of development and of natural resource management, and cannot be ignored in today's channelling of donor-driven governance projects, as I return to later.

Noteworthy is that state-society relations were initially mirrored in 'civil society' outside of parties. Like those in government, people working in the development sector are predominantly Hill 'high-caste' men (Hachhethu 2006). They were part of an urban-based growing 'modern' middle-class of professionals; class being an increasingly stronger determinant cultural force that cuts across the caste system (Liechty 2002:8, Seddon 2012). Nonetheless, historically, during state formation, Sanskritization of bureaucratic language worked to the advantage of literate Brahmins in accessing government and administrative positions (Caplan 1970:59), and later, in accessing NGO jobs (Shakya 2009). From the 1980s, most NGOs/CSOs were created by the same social groups that led the resistance against the party-less monarchic regime, and subsequently benefited from access to the state. Many NGOs/INGO offices were, and still are, established and directed by privileged social groups (Lawoti and Hangen 2013:13).

In conclusion, in their quests for participation in state formation and in policy-making, Nepali social movements and national NGOs are not apolitical in nature (Hachhethu 2006:6). Many are associations linked to political parties, and/or work very close to the ruling elites (*ibid*). But these are also historically close to grassroots dissidence: Leaders and cadres of different Communist factions, though officially disbanded post-1960, subversively organised for decades, for example mobilising *sukumbasi* from their forest hide-outs (Shah 2018:48–49). Today, occupational groups (including student unions) are linked to an ideological or party brand—they may be "civil in name" but are "political in objective"—and each party has its identity-based sister organisations (i.e. Dalits, women, peasant-farmers etc.) (Hachhethu 2006). In sum, this evolution is linked to the former party front organisations, i.e. a façade to political organisations that went underground during the Panchayat regime (Gellner and Karki 2007:4), examined next.

4.4. STATE-LED DEVELOPMENTALISM

This section first evaluates the country's history of post-1950s aid-funded development, and state-led developmentalism during the single-party Panchayat regime (1960-1990), and the relation of this developmentalism to the interests of more powerful states. It then centres on peoples' movements that surfaced with the re-instatement of democracy (1990).

The following figure sums up the historical landmarks that paved the ground for Nepali organisations to enter the human rights era in a growingly neoliberal political environment, described in Section 4.5.

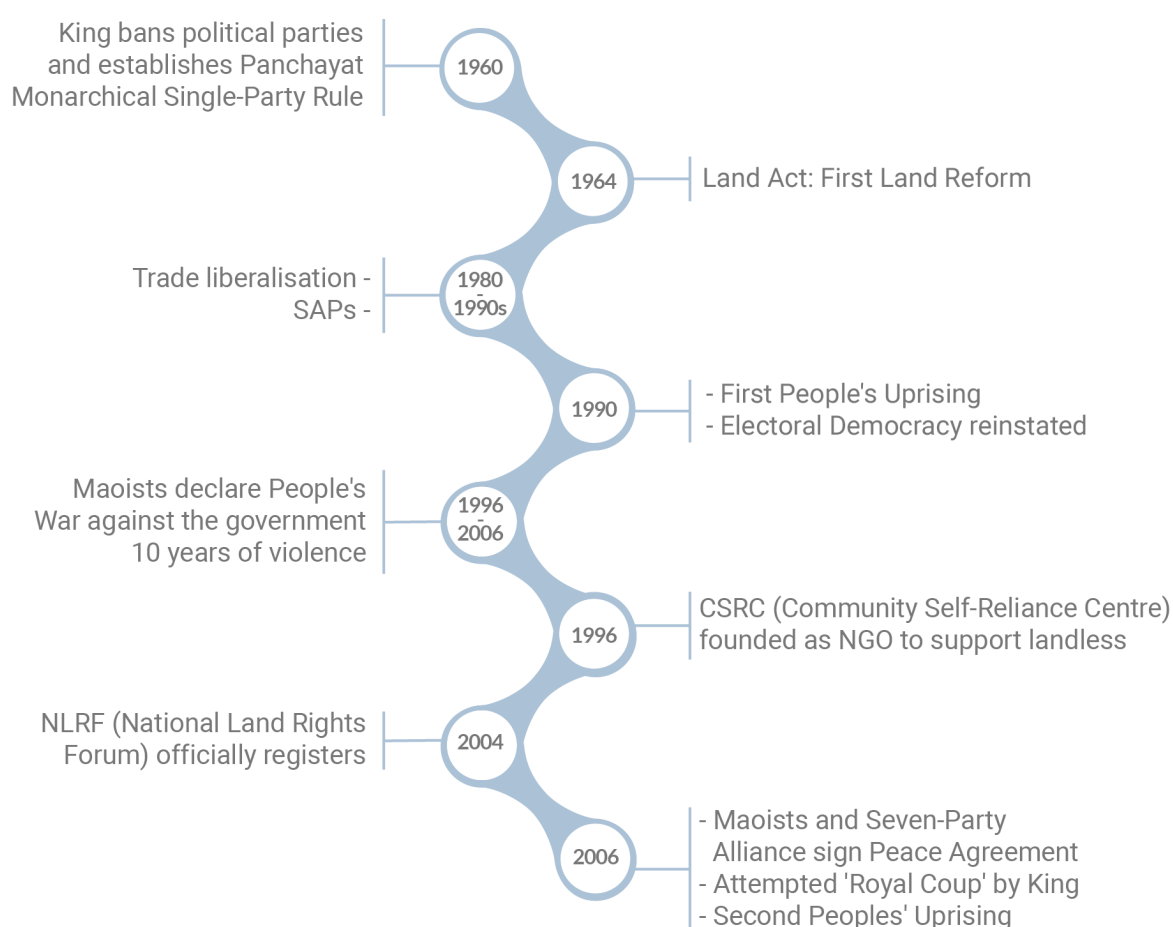


Figure 4.7.

Timeline of Nepali historical and political factors, from 1950s to 2006, and the foundation of CSRC and NLRF.

In 1956, Nepal initiated its planned national economic development programme supported by international assistance and cooperation, with the goal of creating a welfare state and achieving national self-sufficiency. However, it only reached 20 to 25% of the people in half a century (National Human Rights Commission [NHRC] 2003:86).

In 1960, the newly-emerging political culture of Nepal was curtailed by the returned Shah King, who imposed order through the authoritarian party-less Panchayat system, lasting three decades (Hachhethu in Gellner 2007:133). The Panchayat is a vertical system of rule that connects the local level directly to the King through councils, following a structure of kinship and feudal relations (Rokka 2011). The King retained all power and authority, but proclaimed that democracy and local governance were practised in a form appropriate to Nepal's tradition—but essentially, Pradhan asserts that it "functioned like a communist politburo" (Pradhan 2015:14). Parties were deemed unnecessary, and the formation of party-inclined labour and trade unions were averted through the King's creation of six 'classes' of people categorized as: 1. peasants, 2. labourers, 3. students, 4. former military, 5. students (college graduates), and 6. women (Shakya 2009).

This institutionalized political system of corporatism brought civil society under the state's control, with consequences for today's state-civil society relations in terms of organising around a particular identity, profession, or other common causes (see Uesugi 2019). Through these 'classes' the active citizenry believed to have representation, but rather than develop political culture, local Panchayati councils administered Brahminic social regulations (Pradhan 2015:14). By proclaiming modern development, but in line with Nepal's tradition and culture then defined as 'Nepalism', the Panchayati elite mobilised rural support for the royal regime (Pradhan 2015:14).

The proclaimed goal of Panchayat political discourse was to strengthen socio-economic indicators of development (Pradhan 2015:16). 'Development'—'*Bikas*' in Nepali—became an explicit objective and a state-led practice that infiltrated into villages and everyday life as a new form of discourse (Pigg 1992). Post-1951, Nepal created the bases for becoming a laboratory for development policies, and, some argue, for its trajectory toward economically 'failed development' (Panday 2009). Others maintain that Nepal became a 'failing state' despite—or partly because of—an influx of international aid (Shakya 2009).

The Nepali state's acute dependency on foreign aid started one month before entering the 'democratic' era, when, in 1951, the Rana rulers received a grant from the United States Marshall Plan, intended to curtail the rise of communism (Shakya 2009). Thus, state agents, and NGOs that prop up the state in view of the risk of failure, have since their very inception held ties to global donor funding (Fujikura 2013). More importantly, it was initially the government of Nepal that was dependent on foreign aid, rather than the economy as a whole: in the early 1980s foreign aid represented 5.4% of GDP, but it financed the public sector investment almost in its entirety, and thereby indirectly helped to legitimise the political system, and enable the upper class to consolidate existing power relations (Fujikura 2013). This is key to partially understanding the current economic, social and political context of unequal development because the government was the main source of employment for

educated upper classes (Shakya 2009). International donors (e.g. USA, Britain) funded the creation of a large body of civil servants and infrastructure projects—but aid was tied to conditions linked to the interest of a core in maintaining control and dependency in periphery countries (see Blaikie et al. 1980).

Consequently, unfulfilled expectations, especially over land redistribution, government ineptitude, and failure to spread development pushed the Communist Party of Maoists (CPN-M)—a party equally formed by Kathmandu-based intellectuals—to take up arms against the government (1996-2006) (Pandey 1999; NHRC 2003), as described next.

4.4.1. THE VIOLENT MAOIST INSURGENCY

In 1996, the Maoists openly blamed the government for neglecting the poor in the name of "privatisation and liberalisation" (Wickeri 2011:965). Though commanded by urban-based Brahmins feeding off of rural grievances, the Maoist People's Liberation Army (PLA) led a grassroots revolution (Pradhan 2015:21).

The armed conflict with the Royal Nepal Army known by Maoist cadres as the 'Peoples' War' was a "genuinely revolutionary situation" (Gellner and Letizia 2019:276). It strategically fed off the emerging identity politics of Indigenous Peoples and Dalits, and translated their grievances into political demands (Gellner 2007:1826; Pradhan 2015:22-23). Whereas Marxist ideology focused on the peasantry as a class, the Maoists capitalised on non-class entities such as ethnicity, language and religion (Pradhan 2015:39), although their discursive politics remained centred on class emancipation and unity across identities (Rai in Hutt and Onta 2017).

Maoists violently seized land from large landowners and their political feudal opponents and distributed it to the landless, especially in the Mid and Far-Western Terai, where they were able to gain control of several districts (Carter-Centre 2012). Observers noted that it wasn't just Maoists capturing land, but other party adherents too, including members of the National Land Rights Forum (NLRFF, see Section 4.2.) (*ibid*).

A turning point for peace and state reform was the Seven-Party Alliance that was formed to challenge the new King's attempts to return to authoritarian rule, and to politically support the Second Peoples' Uprising of 2006. The parties were backed by mass movements that protested and marched for 19 days, which led to the King's resignation (see Thapa 2005).

With the Maoists in power for the first time after the first Constituent Assembly elections of 2008, Nepal's non-Aryan ethnic groups and rural population took this political opportunity to further their demands for inclusion in the state-building process. Despite the constant compromise-seeking that ensued (Pradhan 2015), the balance of political forces shifted as the Maoists had laid the groundwork for raising rights awareness amongst the

disenfranchised. In fact, the Maoist demands, apart from state restructuring, were very close in spirit to the *International Covenant for Economic, Social and Cultural Rights* (ICESCR) (Panday 2009:416-417).

Amidst a civil war with self-proclaimed Maoists challenging the landlordist state and Kathmandu-centric development, a non-violent land rights movement also emerged in the 1990s, for which the next section provides the socio-political context.

4.4.2. NON-VIOLENT LANDLESS MOVEMENT

The chapter focuses so far on the structural causes of inequality so common to studies on Nepal's 'underdevelopment' (Adhikari 2008c:7), but this thesis does not aim to downplay the role of agency, as demonstrated by its focus on peoples' movements. Whilst recognising that individuals belonging to a group can repeat patterns that reflect the social structure, and that ethnicity/caste is still relevant, political agency is growing. *Jana-Andolan I* (First Peoples' Uprising of 1990) opened up space for different groups to cultivate and use their agency (Adhikari 2008c:8), agency to demand farmers' and women's rights as covered in Chapter 5, land rights for the landless, covered in Chapter 6, and access to natural forests and rivers for marginalised ethnic fisherfolk covered in Chapter 7.

Post-1990, things moved rapidly. Political parties returned to the fore as part of a peoples' movement, and the Panchayat Regime ended with *Jana-Andolan I*. Led by Congress (NC) and the United Left Front (seven then-underground communist parties)—consisting of a mainly urban, middle-class movement—the first successful People's Movement took to the streets in battles and demonstrations to seek democracy. It took 41 official martyrs before King Birendra legalised political parties (Gellner 2007:1825). According to their ideological identity, the rural classes joined their ranks and were to become party members and voters of either the democratic-socialist NC or the communist-socialist United Marxist-Leninists (CPN-UML) (Hachhethu in Gellner 2007:137).

As portrayed in more detail in Chapter 6, tenurial systems created after the 1770s 'unification' of Nepal were tributary and hierarchical, and the tenant peasant was at the bottom of the pile and paid the most both to the aristocratic and bureaucratic classes (Rai 2018:110). After 1990, farmers' post-democracy expectations of land redistribution, for which many had sacrificed their lives in decades of sporadic, place-based and uncoordinated revolts were not met, as power was shared among landlord-led political parties (Basnet 2011:151). It is against this background of failed rural development and the new post-1990 democracy era that the landless movement emerged as a grassroots-based campaign for land rights. Basnet (2011), activist, academic and former director of the 1996-founded Community Self-Reliance Centre (CSRC), which today is backstopping partner of the grassroots National Land Rights Forum (NLRF), argues that parties abandoned the plight of

tillers fighting for access to land. Peasants' associations (see Table 4.1.) "were captured by the middle class", pushing non-affiliated land rights movements to emerge independently in an environment of a strengthening civil society (Basnet 2011:151). Basnet contends that farmers' party wings took up the "agenda of agrarian reform" at the expense of the "land reform agenda" (*ibid*), implying that they focused on landed farmers, and their access to state support for agricultural subsidies, rather than on redistributive land reform that would challenge politically powerful landlords (see Lipton 2009) (see Chapters 2 and 6).

The non-violent movement for tenancy rights spread across the country through awareness-raising programmes and campaigns facilitated by CSRC, who "successfully mobilised the landless and tenant farmers" (Basnet 2011:151). These in turn "started organising themselves independently and fight for the land rights movement" in the shape of forums from the local community level, to the district level, all the way up to the central level, forming the NLRF (*ibid*). It was not a political party wing led by the educated elite, but rather a social movement of landless tillers supported by a grassroots-based NGO of literate activists.

These state-civil society political interactions, and how they evolved in Nepal's political transition to parliamentary democracy, are key to understanding how the Tenure Guidelines are employed to debate new land policies, and for affected peoples to engage in workshops and pertinent spaces of policy deliberation, discussed in Chapters 5, 6 and 7.

4.5. ENTERING THE NEOLIBERAL AND HUMAN RIGHTS ERA

The 1990s was both an era of politics *of* and *for* transformation, and *of* and *for* regression. The following timeline of this last period in history provides the contemporary context for this study, explained next.

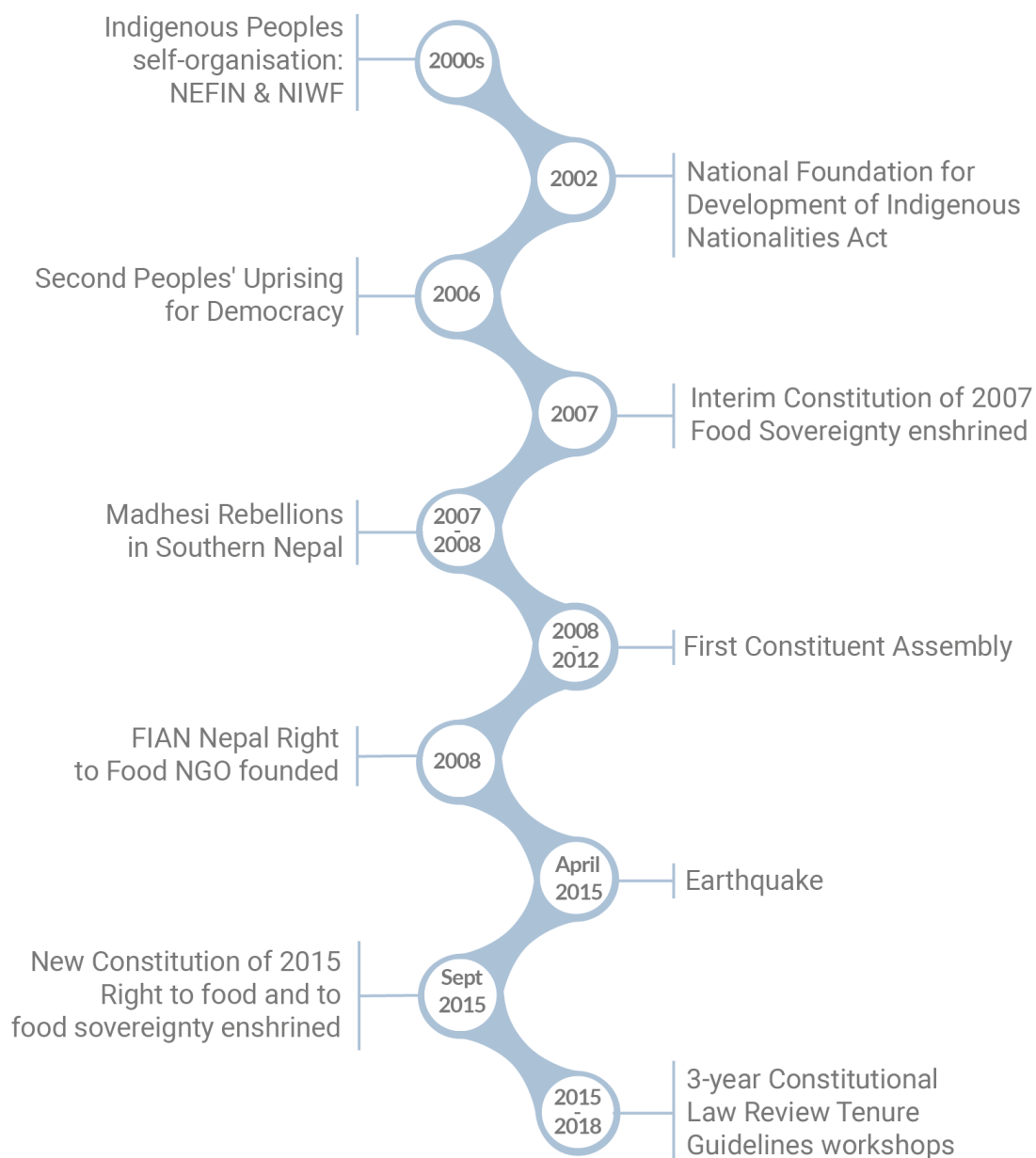


Figure 4.8.
Timeline 2000s-today

In the 2000s, Nepal's economy was still primarily rural, but under neoliberalist policies, rural poverty increased (Deraniyagala 2005:58). Figures from 1999 estimate that 81% of Nepal's population made a living from agriculture (with an agricultural productivity of US\$ 114 value added per worker per annum) (see Dahal 2004). 23% of land in Nepal was apt for cultivation, of which 20% was lying fallow (Upreti et al. 2008:188). Only 35% of the total cultivated area was irrigated for only one season per year, leaving large swathes of peasants with insufficient food (Seddon and Hussein 2002). Declining agricultural outputs per capita were and still are compensated by external sources of income through remittances following

a rural exodus of emigrants and urban influx,¹² but only some households can overcome food deficits, as local farm economies cannot meet yearly food requirements (Seddon et al. 1998). There continues to be a lack of coordination between government departments and absence of quality seeds, tools and credits (Upreti et al. 2014).

Congress (NC) leaders failed to develop any radical policy for Nepal's development, and CPN-UML generated populist slogans that raised the hopes of the disadvantaged lower class and ethnic constituencies, but did not actually translate into land reform (Hachhethu in Gellner 2007:141-149). Post-cold war foreign aid was tied to liberal economic policies, such as the withdrawal of subsidies, and the prices of public utilities rose, failing to meet the basic needs of Nepalis (Hachhethu in Gellner 2007:152).

Within the framework of neoliberal free trade, Nepal adopted structural adjustment programmes (SAPs), and opened up towards integration into the global market. The adoption of new policies led to a contracted state and increased private sector incentives, but the gap between agricultural and non-agricultural growth widened, leading to the deterioration of the farming sector (Roka 2011:177). Fiscal and budgetary gaps between urban areas, particularly Kathmandu, and rural areas became wider, whilst businesspeople got richer (Roka 2011:176-177).

Nepal's economy has not benefitted from access to global markets in the neoliberal era—under Nepal's pre-1985 protectionist measures there was a "positive relationship between economic openness and GDP [...] and industrial GDP in the pre-liberalization period", yet, although investment initially increased in the intensive economic liberalisation of the 90s, it dropped as Nepal witnessed a regression in its trade balance from 1991/92 to 2009/2010 (Kharel 2014:68). According to UNDP, between 2015 and 2018, Nepal met two of the 'graduation' criteria to 'upgrade' from LDC, but this was deferred. To the surprise of global institutions, merchandise exports dropped (again), despite efforts to enter the global market and benefit from international trade, so instead, UNDP concludes, Nepal remains a recipient of international support measures (UNESCAP 2020).

While Nepal adapts to a global capitalist economy, rural pre-capitalist production modes do not always generate a saleable commodity surplus due to ongoing semi-feudal access systems, shedding light on class structures that hinder year-round food security for small-scale farmers (Sugden 2009). Yet Nepal became the first LDC to join the WTO in 2004 following nine years of complex negotiations for Nepal to demonstrate economic and policy reform for foreign investment (see Pandey, Adhikari and Waglé 2011).

¹² An estimated 3 million men emigrated for work by 2012, sending US\$5.1 billion in 2012 (22.3% of the GDP), reducing the poverty rate from 42% in 1995-96 to 32% in 2003-04 and 25% in 2010-11. Many left during the Maoist insurgency.

In this context, Nepali society increasingly became dependent on NGOs (Shakya 2009), peasants became frustrated at the loss of their traditional forms of subsistence (Fujikura 2013), and Indigenous Peoples increasingly mobilised (see 4.5.1.). The government thus contended with failed development, inevitable integration into global neoliberalism, and emerging identity movements, all the while inter- and intra-party strife led to deadlocks, political instability and poor democratic credentials (Pradhan 2015:21). The 1990s-2000s were, in the eyes of a Finance Minister-turned-academic who critiqued those seeking privilege from public office "a democracy of, for and by the political parties [where] the façade of market-led development created principally by donor-driven policy entrepreneurs and technocrats imploded" (Panday 2009:415).

For Panday, there was no basic "law and order", and the state only pretended to be a "functioning entity", i.e. a "charade" supported by donors (*idem*:421). Additionally, because of power haggling and lack of cross-party cooperation, other Nepali scholars reiterate that the state machine remains inept (Hachhethu in Gellner 2003).

And yet the political class committed itself to human rights-based obligations, actually reinforcing the international perception that it required external support in order for it to be uplifted out of poverty and join circuits of trade (see Shakya 2009).¹³ Post-1990, Nepal ratified 39 human rights-related treaties, including 7 of the 9 core conventions,¹⁴ but political instability and discrimination hindered the implementation of rights-based provisions (NHRC 2003; 2013). The *Nepal Treaty Act* (1990) provides for international treaty law to prevail over Nepali law, but robust initiatives were and are hampered by the uncertainty of their legal status and the absence of an enabling regulatory framework (Khatiwada 2014). Investigations are easily obstructed, parties interfere, and unpunished security forces often perpetuate violence against minority groups, who are unaware of rights, let alone laws, and for whom there are rarely redress mechanisms (Kharel et al. 2016:237-238).

'Particisation' of social interests resulted from a translation of social interests into political power; in Dahal's words, "social alienation by co-optation" (Dahal 2004:7). Yet the fact that "the entire political class was radically diseased by excessive privilege and set aside the promises of social transformation" through ongoing practices of pre-party patronage politics and relations with businesspersons, precisely drove critical masses to form into new social movements (*ibid*). Kinship-style clientelism such as *aphno manche* (translated as 'our own people') was behind much discontent with the ruling classes (Bista 1991) (see 4.2.3.).

¹³ See Shakya 2009 for a study on Nepal's transition to a democratic liberal market economy, its previous attempts to industrialise (e.g. carpets, garment, hydroelectricity), and the role of WB and IMF.

¹⁴ For example, Nepal ratified: CEDAW on 22 April 1991; ICCPR on 14 August 1991; ICESCR on 14 May 1991; CRC on 14th September, 1990; CERD on 30 Jan, 1971; CAT on 14 May 1991; and ILO 169, in September 2007.

Raised awareness of rights fed discontent with the failed state's dysfunctional legal system: Tensions mounted among people now politically aware of their post-1990 constitutionally enshrined rights (Roka 2011:177). Groups of women, Dalits, Indigenous Peoples and other marginalised sections of society built on politics of difference, their ideological basis being the "discontent of those left behind, left out and stepped upon by hegemonic groups claiming to represent the nation-state" (Dahal 2004:6-8). This meant that although civil society remained highly politicised (NHRC 2003; 2013; 2015), the 'transition' and peace process saw a new class of citizens creating a polity ready to replace ancestral elites. They were literate, educated and politically active, but not always along party lines, and ready to contest the status quo in the public sphere, contributing to an emerging public discourse on human rights (Hutt and Onta 2017).

4.5.1. INDIGENOUS PEOPLES' SELF-ORGANISATION

Ethnic conflict and mobilisation around identity politics became a hallmark of Nepal's democratic era and growing resistance against the state in the 2000s (Gellner 2007; Lawoti and Hangen 2013). *Adivasi-Janajati* were mostly excluded from the prevailing nation-state structure and played a major role in mobilising in *Jana-Andolan II* (2006). Indigenous movements grew, and set the scene for a shift from civil and political rights, to economic, social and cultural rights (*ibid*). Following participation in international fora and supported by donors (e.g. DFID), some larger Tibeto-Burman ethnic groups self-organised into the National Federation for Indigenous Nationalities (NEFIN). They started referring to themselves as *Adivasi-Janajati*, intentionally translated into English as 'indigenous nationalities' to emphasize claims to sovereignty over natural resources in different non-recognised 'territories' (Gellner 2007:124). The politics of these claims remains complicated (Hutt and Onta 2017:99-100). The 2002 *National Foundation for Development of Indigenous Nationalities Act* lists 59 groups defined as a "tribe or community [...] with own mother tongue and traditional rites and customs etc." (*ibid*).

Self-determination along ethnic lines, use of languages, and secularism were some demands (Kharel et al 2016:259). *Adivasi-Janajati* initiated a collective refusal to identify with the Hindu symbols and historical narratives that had been the pillars of two centuries of nation-building (Gellner and Letizia 2019). Instead, they mobilised around their own separate cultural history (pre-Aryan Mongoloids) and highlighted the ongoing oppression of their peoples, thus building an ethnic ideology that allowed for imaginings of unity that would ultimately lead to the creation of new political entities (Fisher in Gellner 2007:123-124).

The goal of mobilisation was to counter the state-building and institutionalisation process that had consolidated the dominant position of a Hindu 'higher-castes' world order (Lawoti and Hangen 2013:14). Apart from NEFIN, numerous Indigenous nationalities (some

sporadically violent) formed nationalist movements that demanded access to economic and political resources, as well as autonomy for self-governance and control over ancestral land and natural resources therein (*ibid*). Meanwhile, the southern *Madhesis* rebelled violently, demanding federalisation and state restructuring (Hutt and Onta 2017:3) (in 2007, 2008, and again during my fieldwork 2015-2016).

In 2007, in a bid to quench the rising tide of protest, the state adopted *International Labour Organisation Convention 169 on Indigenous and Tribal Peoples* (ILO169) and endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), instigating several years of debate on the meaning of Indigenous rights. Some Nepali indigenous rights groups reached out to global human rights bodies to denounce the state's control of communally owned land, natural and cultural habitats, including expropriated water and forests (National Coalition Against Racial Discrimination 2015).

NEFIN had the characteristics of a peoples' movement making significant strides towards cultural and linguistic pluralism, and thereby political inclusion in the nation-state. *Adivasi-Janajati* formed a 'subaltern public counter-sphere', and started changing the terms of post-Panchayat public discourse (Onta and Humagain in Hutt and Onta 2017:99). Yet, today, questions are asked regarding the extent to which their demands have been watered down by a still-exclusionary state, and how closely this is linked to the co-optation of indigenous leaders and subversion of their demands by political parties, or their very transformation into yet another "sister wing of a political party".¹⁵ Despite making up 38.5% of the population, participation of Indigenous nationalities in the state apparatus remains very low,¹⁶ whilst NEFIN male leaders face charges of politicisation.

Indigenous women, especially from minority ethnic groups, are particularly excluded (see Chapter 7). They have been self-organising since the start of the women's and labour movements of the 1950s and continue to self-organise through the National Indigenous Women's Federation (NIWF), which seeks participation and representation (NIWF 2016 Yearly Bulletin, author's translation). NIWF members do not feel represented neither by women's party wings, nor by their male-led Indigenous Peoples' organisations (e.g. NEFIN) which mostly assemble the larger and more influential ethnic groups (group discussion NIWF).

By the time the VGGT workshops started in 2014, there was some fatigue among higher-caste lawmakers on issues of indigeneity: Nepal was experiencing a discursive "backlash" by 'higher-caste' members of society and in government (personal conversation [PC] researcher). At the time, *Adivasi-Janajati* were contending with the governmental

¹⁵ See Pradhan, Kathmandu Post, "Indigenous movement, once a champion for the rights of indigenous people, is losing steam", August 11, 2019.

¹⁶ In the First Council of Ministers formed after the 2015 Constitution, 12.5% of ministers were *Hill Janajati*, and 5% were *Terai Janajati*. See, www.opmcm.gov.np/en/council

decision to equally identify *Bahun*s as an ethnic group based on their 'Khas-Aryan' identity, which they used to politically oppose affirmative action targeting marginalised social groups, as explained by another scholar-activist (INT-ACTIVIST-IP1; INT-NEFIN1). This is the context, as explored in Chapter 7, in which NIWF became active participants of CSO-oriented VGGT workshops, and shaped the emerging narrative on customary rights, whilst the gap left by NEFIN in promoting smaller ethnic groups' demands for access to rivers and forests was filled by rights advocacy NGOs such as FIAN-Nepal, introduced next.

4.5.2. RIGHTS ADVOCACY NGOS, AND SOCIAL MOVEMENTS

Ever since the 1990 Constitution enshrined freedom of expression and the right to organise, a shift from membership organisations towards a 'people-centred' and 'community development' paradigm began (Brown 1996). While the myriad development projects continued to fail to lift the most socially excluded out of poverty, Nepal saw the growth of a heavily professionalised NGO arena, as described next. In 1989, at the Kathmandu Social Welfare Council, there were 250 NGOs registered, increasing to 5978 NGOs by 1997 (Heaton Shrestha 2006:195, in Lewis and Mosse 2006). According to Heaton Shrestha, elite and 'power NGOs' needed to break away from the reputation of a corrupt and self-serving state, and patronage politics, demonstrating instead that they 'served others', 'the poorest of the poor', such as low-caste groups and women (2006:195-196).

By 2014, there were 39,759 NGOs and 189 INGOs registered in Nepal, covering health, agriculture, poverty alleviation, and good governance (Karkee and Comfort 2016), and human rights awareness-raising (Gellner and Karki 2007:2).

In the transnational era of rights-based development and governance (discussed in Chapter 2), donors were further encouraged to link development assistance to human rights (NHRC 2003). This led to a surge in CSOs focusing on rights, and in some cases, on the most marginalised constituencies, which as we will see in Chapter 7, is the focus of FIAN-Nepal in their work connecting the Tenure Guidelines with the rights of small ethnic groups of fisherfolk, referred to in Nepal as 'endangered'.

Indeed, post 2006, civil society saw a shift toward rights advocacy, within the framework of 'inclusive democracy' (Pradhan 2015:21). The public culture (as an arena of cultural contestation or debate) encompassed a "new class of citizens" who made "efforts to create new or re-discovered solidarities of various kinds" (Hutt and Onta 2017:4). Civil society, emboldened by the *Jana-Andolan II* revolution they had been part of, defied the wavering political class to not succumb to bourgeois democracy, to commit to pluralism and competitive politics rather than rivalry (Panday 2009:418).

Given the influx of donor money, international assistance, and INGOs in the 1990s, in the context of Nepal the term 'civil society' is increasingly analytically equated to large

international NGOs, leading to some confusion on the role they play in advancing citizens' debates (Pradhan 2015:65-71). But civil society also encompasses the identity-based 'new social movements' (Dahal 2004), and their associations, traditional CBOs, small agricultural cooperatives, and saving and credit organisations, and more recently trade unions, media associations, human rights networks (such as the Right to Food Network I mention in the data chapters), in addition to political party wings (see 4.3.) (Hachhethu 2006: 3).

Together with the many new media outlets, CSOs became

important as intermediate institutions that constructed and distributed the meaning of political and social changes in Nepal and they increasingly challenged the traditional roles of family and caste as *institutions* (Hutt and Onta 2017:5, emphasis in the original).

I shall return to this role of intermediation in its facets of rights translation and socio-political mediation, which I call governance brokerage (see Chapter 2), throughout the rest of this thesis.

As discussed further in Chapter 5, renewed leverage of party wings post-2006 saw an increase in their influence over the enshrinement of new rights for farmers and women among other constituencies in the 2007 Interim Constitution. The Seven-Party Alliance having deposed the king and restored electoral democracy, a political opportunity arose for food sovereignty to be enshrined as a citizen's right, as part of a commitment to socialism (Pokharel 2013). This was spearheaded by ANPFA and CPN-UML leaders (see Table 4.1.), who by then had joined *La Vía Campesina* as well as the Asian Peasants Coalition (Edelman and Borras 2016), and led anti-WTO and anti-GMO campaigns (Dangal 2013). Key to their argument was that Nepal went from a food exporter in the 1960s to a net food importer from the 1980s onwards and their focus was to influence national policy-making with the new language of rights (*ibid*). Despite the perception of limited statehood, and growing disillusion with political parties and donor-dependency described further above, the plight of disenfranchised constituencies thus continues, increasingly with the employment of global rights-based instruments, and solidarity of transnational actors.

With Nepal's accession to treaties, and the need to pressure the government to comply with international obligations (NHRC 2013; 2015), a window of opportunity arose for rights NGOs, in partnership with strengthened, conscious 'new social movements' (Dahal 2004).

In this new context, in 2008 a group of Nepali development practitioners founded FIAN-Nepal (FIAN)—a chapter of FIAN International (see Chapters 1 and 7)—as a member-based rights organisation and NGO with an explicit focus on the until then little-known right to food (RtF), and, in their words, to make "Nepal walk the talk" (Raj-Khadka 2015). The later-founders of FIAN introduced RtF into Nepal as a socio-legal project (described in Chapter 7)

at a time when public debate and political discourse shifted towards ESCR. Nepal had been party to the ICESCR and was under the international obligation to progressively realise the human right to food, leading to studies on its domestication and use in case of conflicts (see Khatiwada 2014). Yet it was not until 2007 that these obligations entered the judicial language (*ibid*). This was partly the result of lobbying by FIAN founders. Later, FIAN-Nepal's parallel reports to CEDAW, CESC, ECOSOC, and regular reports on RtF, as well as its case work and analysis of policies and legal frameworks, place it firmly in the practice of information and accountability politics, but also in the legalistic and rights-based turn toward development and governance brokerage (see Chapter 2), discussed further in Chapter 7.¹⁷

In short, human rights activists and other activists from social and cultural movements driving the political change are part of what Hutt and Onta call "a new breed of specialist communicators" which also includes "journalists, columnists, politicians", who engage in "sometimes acrimonious public accusations and debates [which] defined post-Panchayat public culture in Nepal" (Hutt and Onta 2017:5). In this regard, it is worth ending with a lengthy quote from Dahal's 2004 study that sets the scene on how these groups later engage with state and transnational governance:

The new social movements in Nepal have produced a critical mass of conscious people outside the hegemonic class representing state and political parties. This critical mass is trying to construct a genuine multiparty democracy capable of reflecting and representing multi-ethnic, multi-cultural and multi-layered social microcosm of the nation [...]. [T]hey are basically competing for influence on public policies and are also cautious about the possibility of transforming themselves into an appendage of political and economic societies like in the 1990s. [...] In fact, there are deep stirrings at the grassroots, the upsurge of previously marginalized and excluded section of people [...]. Based on the ideology of democratic pluralism these groups are socialising, mobilising and politicising people's identities, activities and relations and are seeking to cast vertically integrated Hindu-Buddhist caste society into a new form (Dahal 2004:11).

4.6. CONCLUSION

This context chapter provided an overview of the history of political parties, social and peoples' movements and NGOs against the backdrop of the specificities of Nepal's historical-political upheavals, which forms the core of the following data chapters. It showed that state-society relations are tied to a seven-century history of inter-ethnic struggle with a Hindu-centric state, and a seven-decade long struggle for democracy and inclusion of marginalised groups in the Nepali polity. This context directed us to see the issue of land and other natural resources "like a state", i.e. a state that seeks legibility (and domination) over its territory and

¹⁷ FIAN-Nepal later became one of the main partners of IPC in the facilitation of CSO-oriented workshops on the Tenure Guidelines (see Chapters 1 and 7).

peoples (Scott 1998), and a peripheral developmental state that organises domestic ruling classes (Moyo and Yeros 2011). It also invited us to follow agents of social change as political opportunities emerged. It stimulated us to consider the materiality of policy-making, as well as of donor-funded governance spaces, as viewed through the political anthropological lens provided in Chapter 3, but also to examine how these are mediated by organisations of a political-civil society.

To that effect, it identified the historical and socio-cultural roots of today's 'political-civil society' and concluded that "(inter)-state-(civil)society" relations (Borras et al. 2013:173) in Nepal can be broadly understood as grounded in the evolving intersections of state-peasant/farmer, inter-ethnic and inter-caste relations. As suggested throughout this thesis, these cross-cutting struggles against dispossession are mediated by transnationally connected CSOs (party-affiliated peoples' organisations, NGOs, social movements and rights activists, and their respective National Advocacy Networks [NANs]), who advocate rights on behalf of constituencies historically excluded by the state. Based on the concept of governance brokers developed in Chapter 2, an unstable space of intermediation combining rights translation and development brokerage arises from political opportunities in a shifting balance of state-social forces and global-national relations, and is brokered socio-politically, economically and culturally. Next, having introduced the emergence of the main actors who facilitated VGGT workshops, we examine the extent to which they shape the implementation process of the Tenure Guidelines, and are in turn shaped by this project to adapt a participatory global governance instrument to the Nepali context.

CHAPTER 5. STRUGGLES FOR ACCESS TO PARTICIPATORY POLICY DIALOGUE FOR FARMERS—MEN AND WOMEN

In September 2015, FAO hailed Nepal for the joint efforts of "government, human rights activists and farmers' groups" in constitutionalising the right to food" (FAO 01.10.2015).¹⁸ The All Nepal Peasants' Federation Association (ANPFA)—*La Via Campesina's* (LVC) national member—was later recognised by transnational movements for including 'every citizen's right to food sovereignty', and for spearheading law-making and policy advocacy.¹⁹

Earlier in 2015, ANPFA, the peasant-farmers' wing of the Communist Party of Nepal Unified Marxist-Leninist (CPN-UML) completed the first CSO-oriented VGGT workshops in Nepal, specifically for awareness-raising of 'small-scale food producers organisations' (see Annex 5). ANPFA outsourced one workshop to its women's section, the Peasant Women's Association of Nepal (PWAN), in partnership with the All Nepal Women's Association (ANWA), also sister wing of CPN-UML.

ANPFA leaders were present in all VGGT workshops from 2014 to 2018, either as presenters on behalf of civil society (e.g. at National Multi-Stakeholder Workshops), as co-facilitators and presenters at later FIAN-led workshops, or as recently elected MoPs following the 2017 elections. This chapter explores the extent to which, and how, ANPFA and ANWA utilised VGGT workshops in their campaign for a right to food sovereignty (RtFS). It shows that they used the space to discuss the meaning of this right in their wider campaign for democratic participation in policy-making. First it provides details of ANPFA's struggles and demands for food sovereignty. Second, it covers the VGGT workshops. A sub-section covers women specifically, given their special demands for increased participation in political spaces in women's broader struggles. Third, it investigates the role played by these party wings in governance brokerage, given their prominent position in Nepali political-civil society (see Chapter 4), which shapes how they use the VGGT deliberative spaces.

5.1. A NEPALI CONTEXT OF STRUGGLES FOR FOOD SOVEREIGNTY

This section covers the history of advocacy for RtFS in Nepal. It demonstrates that debates, campaigns, and lobbying are underpinned by a process whereby food sovereignty has become a slogan for a) socialism (not communism) that aims to converge struggles of different constituencies, yet centres on farmers; b) increased agricultural productivity and protection of national food production; c) the capacity, as a growing peasant-farmers' organisation, for further outreach to the grassroots and, consequently, expanded political

¹⁸ See, www.fao.org/news/story/en/item/334895.

¹⁹ See, usfoodsovereigntyalliance.org/tag/2020-food-sovereignty-prize/.

representation; d) access to government to influence public policies on behalf of farmers, particularly women, in a growingly feminised agricultural sector.

In Nepal, the concept of food sovereignty is associated to the peasant-farmer wing of CPN-UML, and its lobbying of government. A former Secretary-General (SG) of ANPFA coined the literal Nepali translation—'*Khadhya Samprabhuta*'—upon his return from the World Food Summit Five Years Later (WFS-FYL 2002) parallel forum, where he engaged with the IPC (see Chapter 2) (INT-ANPFA13).

Officially, ANPFA espoused food sovereignty as "the path to socialism" (Pokharel 2013 in LVC 2013). The type of socialism they seek is framed by food sovereignty as a 'progressive' movement slogan, a youth leader explained, whereby the state protects farmers through direct support (subsidies, market control, cooperatives-building, etc.). He added that rather than use 'communist' language such as 'communal property', their focus on cooperatives is how they lead 'the path to socialism' (personal conversation [PC]). An older ANPFA leader shared that their position distanced itself from certain tenets of communism towards "revisionism", and to "take what works and throw away what doesn't, based on scientific socialism" (PC).²⁰

This transition to socialism shaped the meaning that ANPFA constructed around food sovereignty, also as an anti-liberalisation slogan. The policy in place post-1995 was the 20-year Agricultural Perspective Plan (see Annex 14), which was based on the Green Revolution; however, farmers lacked quality seeds, tools and credits (Upreti et al. 2014). 'Food sovereignty' was originally invoked by ANPFA against trade-related measures that negatively impacted farmers. ANPFA demanded a U-turn from the government's 1990s' trade liberalisation policies (Khadka 2005). A 2004 rural caravan organised shortly after Nepal's WTO accession, raised awareness on chemical inputs locally. The main goal, echoing LVC's global call, was to publicly denounce the WTO's inclusion of agriculture in its agreements, backed by agri-business. One of the banners read "People's Caravan for Land and Food without Poisons / People Resist Agrochemicals".²¹ In a personal account, an ANPFA SG, (a long-time underground communist activist and international LVC leader turned MoP), shared how the caravan proceeded despite threats by the Maoist insurgents. Several Indian delegates were hit during an attack on their vehicles. The march culminated in Kathmandu on the International Day of Peasants' Struggles (17th of April), where a peaceful sit-in for peasants' rights ended with a police roundup of demonstrators, his arrest and imprisonment, along with that of several activists, and ANPFA leaders from the party's upper

²⁰ According to Brown, by the 1990s, CPN-UML, the Marxist-Leninists, gave contradictory messages of being communist—to mobilise its radical grassroots cadres and party rank and file—and not communist for a realist government, which espoused state intervention in the economy while opening the country to free market principles (Brown 1996:200).

²¹ See, <http://www.ens-newswire.com/ens/apr2004/2004-04-19-02.html>.

echelons.²² The caravan aimed to raise awareness on their campaign among grassroots farmers negatively affected by the reduction of agricultural subsidies following the 1990s' Structural Adjustment Policies. One day was dedicated to an international conference on *Food Sovereignty and the Alternatives to Corporate Globalisation in Food and Agriculture* (Pokharel 2013). This further strengthened the evolving political discourse espoused by CPN-UML leaders of food sovereignty as an alternative model of development built on socialism (*ibid*).

After officially joining LVC in 2002 (Pokharel 2013), ANPFA used '*Khadhya Samprabhuta*' as their main slogan, which, in their view, encapsulated the common struggles of landed and landless Nepali peasant-farmers.²³ Hence, a 2005 position paper presented at a regional conference explained this convergence of demands under the single banner of food sovereignty, in the Nepali context:

76% of total population depends on agriculture and 84% live in rural areas.²⁴ [...] Farmers in Nepal [struggle] for right to land since 1950 and this movement has been transferred to movement of Food Sovereignty in Nepal. [...] Nepalese farmers are seeking to open new horizons in their struggle through movement for food sovereignty [...] in its success the 20 million Nepalese farmers can win their livelihood. [...] Peasants in Nepal have to reassess their pivotal position and accordingly help convene [the] struggle for food sovereignty in their own perspective. (Khadka, presentation to South Asia Alliance for Poverty Eradication, SAAPE, 2005)²⁵

What was their 'own perspective', and how was it developed before the VGGT were channelled into Nepal? An ANPFA VGGT facilitator described the historical events leading to enshrinement of RtFS in the 2007 Interim Constitution, after reading my research's Participant Information Sheet ("Food Sovereignty from Above?" See Annex 7) in 2016, in the following terms. First, he reiterated that food sovereignty came from below. It was a bottom-up approach that resulted from popular pressure, which he related to the republican peoples' revolution of *Jana-Andolan II*. Food sovereignty was subsequently 'popularised' and made its way into the Constitution after becoming a farmers' slogan, given ANPFA's "alliance with the revolutionary forces" (PC). In his words:

At the time they wanted to sweep Food Sovereignty away in the name of the Right to Food. What is the difference, I was asked by a minister. I replied, what is

²² The former Home Minister and now ANPFA-chair, the Minister of Environment and Population, and the Minister of Local Development (a current member of the House of Representatives).

²³ According to ANPFA, in 2019, "land statistics show that more than 10% of the rural population are absolutely landless, 5% rich people hold 37% arable land, over half (58%) of the rural population are functionally landless, with holdings too small even for subsistence requirements (<0.5 ha); 30% of rural households are unregistered tenants (estimated at 1.5 million households), 48% of Dalit households are landless; only 6% Chhetri/Thakuri/Brahman are landless" (Banskota 2019).

²⁴ More recent figures presented by ANPFA to the government's National Farmers' Commission are as follows: "Agriculture provides livelihood to 65.6% of the population and accounts for 28% of the country's GDP; Agriculture is mostly subsistence and only about 10% is professional" (see Banskota 2019).

²⁵ See, <https://www.eldis.org/organisation/A6475>

the difference between milk and yoghurt? I can explain for hours, but with that example in 6 minutes I explained that one is Food Security, like Lassi, a watered-down form of yoghurt, and the other is Food Sovereignty, like yoghurt. He was convinced by the example. The first draft of the Constitution did not include Food Sovereignty, but the then-Prime Minister G.P. Koirala (Nepali Congress) added it in ink, in hand-writing, and signed it. (PC)

It was former CPN-UML Home Minister, and Chair of ANPFA, who was able to leverage his political power at the last minute to ensure that the 2007 Constitution included food sovereignty as a fundamental "civil right" (INT-ANPFA7, INT-GOV7).

In 2007, an international conference on food sovereignty was organised by the ANPFA-led Nepal Peasant's Coalition (NPC) (described in Chapter 6), which LVC members from 14 different countries attended²⁶ (see Figure 5.1.). ANPFA published its official position in the organisation's 2007 members' booklet, drawing parallels between its slogan of "agrarian revolution" and food sovereignty. The following excerpt encapsulates their campaign:

The inclusion of food sovereignty in the interim Constitution is a huge accomplishment and agrarian revolution is the way forward for its effective implementation. However due to the absence of related laws, implementation has not been possible. [...] We have christened this right food sovereignty. The essence of food sovereignty is giving citizens access to the means of production instead of food, the right to decide on development policies related to means of production and to consume healthy and culturally appropriate food, and women's, Dalits' and indigenous peoples' equal access to means of production. This is the only way to ensure food security [...] To ensure food sovereignty, farmers should be protected constitutionally, and establish their access to policy-making level. The present agrarian revolution will remain not only incomplete, but unsuccessful if it leaves out food sovereignty.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 5.1.

Photo of international and Nepali delegates at a conference coinciding with the enshrinement of food sovereignty in the 2007 Interim Constitution. (Source: viacampesina.org).

²⁶ See, <https://viacampesina.org/en/nepal-defend-food-sovereignty-agrarian-reform-and-peasants-rights/>.

In 2008, ANPFA hosted the South Asia Regional Conference on Food Sovereignty, Agrarian Reform and Peasants' Rights. The conference proceedings demonstrate a reference to food sovereignty as the overarching framework for peasants' rights, sustainable agriculture, and 'genuine land reform'.

Following crop failures, in 2011 a People's Tribunal was held to protest the loss of traditional rice varieties and heritage, as part of a broader campaign against imported GMOs and chemical inputs. An ANPFA male youth leader emphasised his perception that this public hearing would not have happened without the 2007 constitutionalisation of food sovereignty (PC). It was also an occasion for ANPFA to call for food sovereignty to be enshrined into law, to counter government decisions that were pro-MNCs, WTO, and WB, but "anti-peasant autonomy", and harmful for the environment (ANPFA 2011).²⁷ Cross-country mobilisation continued during the 2014 LVC regional "Climate Justice, Gender and Food Sovereignty Caravan", which came from Bangladesh and India and ended in Nepal (LVC 2014).

Despite these events, it was hard to foresee what the scope and nature of such a citizen's right to food sovereignty would entail (including for some NGOs working in food security), as explained by an ANPFA lawyer and international representative, (PC; INT-INGO2). The construction of a political discourse and socialist rhetoric was one thing. Subsequent legal interpretation and institutionalisation, following the post-2015 Constitution law-making process, was another matter.

Firstly, what were the implications for state-led implementation following the 2007 Interim Constitution? Food sovereignty was temporarily enshrined as a "right relating to employment and social security" (Interim Constitution 2007, Article 18). Provisions on farming and "protection from arbitrary deprivation of their profession" (*ibid*) reflected farmers' overall quest to seek dignity and governmental support for an *occupation*. The 1990 Constitution, however, limited the state's jurisdiction to questions relating to food shortages. After the 2007 Interim Constitution, food sovereignty was still limited to a general concept for the enforcement of existing legislation on food security (see Sawtee and Oxfam 2015). Thus, the Supreme Court of Nepal interpreted the right as the allocation of resources to people without access to food, and the regulation of market distortions that may result in food deprivation (Khatriwada 2014).²⁸ In 2008, the court equally interpreted it as a state responsibility in ensuring food security "according to which the Government of Nepal has to supply food immediately to 32 food-short districts" (Knuth and Vidar 2011). ANPFA nevertheless continued to relate food sovereignty to food production; in Nepal only 35% of the total cultivated area had irrigation

²⁷ See, www.anpfa.org.np/uploads/Press_Release_CORA_NEPAL.doc.

²⁸ See, *Bajuddin Minhya and Others v GON, Prime Minister and the Council of Ministers*, Writ No: WO-0338

for one season per year, leaving large swathes of the rural population of farmers with insufficient food (Seddon and Hussein 2002).

During my fieldwork, ANPFA's 6th General Conference (8-10 April 2016) provided ethnographic insights into the then-ruling party's political discourse on the need to increase agricultural productivity. They spoke of the need to strengthen ANPFA's position in influencing national policy dialogue, and to face the challenges of non-implementation of previous policies. The conference started with a one-minute silence for 26 peasant martyrs; "lives that were lost during the struggle", as explained by an ANPFA interpreter. The audience then sang a farmers' song on agrarian reform entitled "Let's take the country to prosperity", followed by the national anthem. The Prime Minister K.P. Oli proceeded to water a plant on stage, announcing "Let us make a revolution in irrigation" (see Figure 5.2). To better understand the specificities of the Nepali perspective on post-constitutional food sovereignty policies, the following speeches offered a crucial contextualisation of ANPFA's ongoing correlation of food sovereignty with a) achieving socialism; b) improving and increasing sustainable national agricultural production; c) enrolment of local farmers; and d) lobbying the government. The CPN-UML Secretary General appealed to the audience with the following analysis:

The country has now become a capitalist country and there is therefore the need to discuss the rights of small-scale peasants and how to achieve socialism. Peasants are the backbone of the country. Peasants mostly live on government land but they are not landowners. The question therefore is how to provide them with land. The country has jumped straight from feudalism to capitalism. [...] How can we address these issues and discuss them with government policy makers?

In the past, peasant organisations led an agrarian revolution. Now it is not only about land revolution but also about the modernisation of agriculture. Nationalism is the main issue. We should not have to import agri-food. We need to produce food ourselves. The time has come to work in the fields, and not just to talk. (participant-observation, interpreted by ANPFA staff)

A former Prime Minister continued along this line in the next speech:

When I was prime minister of Nepal, I proposed to include Food Sovereignty. ANPFA wanted to include Food Sovereignty. Now we need to focus on modernisation, industrialisation and mechanisation of agriculture so as to generate employment and sustainable agriculture and export products. [...] We have specific land use policies and yet these are only on paper and not applied in practical life. The government should be responsible. How much money is being invested into the agricultural sector? Into export?

Until now all we have done is talk. Now we have to work. Nationalism is not enough [...] ANPFA will have more farmer members and become stronger. It will lead the agrarian revolution (*ibid*).

The correlation between nationalism and food sovereignty is interesting, because it provides a strong, possibly populist, political discourse that, at the time, went hand-in-

hand with growing anti-India popular sentiment (ethnographic insights). Sharma (2018), in his Ph.D. research, suggested that the term 'sovereignty' may have had political appeal amongst the national proponents who brought back the concept from the global arena, which my ethnographic insights back. Indeed, the idea of 'sovereignty' appeals to a nationalistic political party that foregrounds the political and economic independence it seeks to maintain from its large neighbour to the South, India, with whom it shares porous borders. Moreover, in ANPFA, this was also interpreted as the need for Nepal to become self-sufficient in food production, as later explained by the Minister of Livestock Development, when stressing it had managed to become self-sufficient in eggs and milk.²⁹ The newly established Ministry prided itself in this achievement (INT-GOV3). A younger ANPFA leader, who was interpreting that day for the Minister, viewed this achievement as proof that Nepal can be food sovereign, and is on the right track to fulfil its commitment to this idea (PC).

²⁹ See, thehimalayantimes.com/business/country-becomes-self-sustained-eggs/.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 5.2.

Photo of Prime Minister K.P. Oli and other ministers at ANPFA 6th General Conference & Photo of Ministers singing the National Anthem. Source: Author's own (08.04.2016)

Further to the above, an interview with a former ANPFA Chair and senior CPN-UML leader elucidated how ANPFA's approach to the food sovereignty slogan was evolving under Nepal's specific context of rural poverty. He opened ANPFA's most recent manifesto/booklet (2016) and explained the following points (through a volunteer interpreter):

Our revolutionary programme is both ANPFA's and the government's: food sovereignty and agriculture. At the beginning, our concept of food sovereignty was different. Now we have changed it. Our demand was: every family has the guarantee to agricultural land, but now our demand is that all agricultural land be nationalised. [...]

Now the government provides support for agriculture, for equipment, for vehicles; so the land will belong to the government. People will be able to practise agriculture and have a decent life. Farmers have been considered poor so we want to uplift farmers and make them more productive so that nobody dies of starvation. [...] This is not yet approved by the government agenda. We are trying. [...] We have a proposal for land reform and policies on land use. For food sovereignty we need scientific land reform.³⁰

1st [*pointing to the booklet*]: scientific land reform.

2nd: electrification of rural areas—modern technology.

3rd: commercialisation of agriculture.

4th: industrialisation of agriculture.

5th: protection of ecosystem.

6th: implement food sovereignty.

7th: Social grouping—agricultural production will be through cooperatives" (INT-ANPFA7).

The next section of the booklet, entitled "Implementing Food Sovereignty: Principle and Political Report", concluded: "Although the Nepal Constitution ensures food sovereignty, people are deprived of this right in the absence of laws in line with constitutional provisions. ANPFA demands that the government formulate required laws without any delay for the implementation of food sovereignty" (ANPFA 2016, translated). How *did* these demands translate into laws, and how was implementation foreseen by ANPFA? First, what were the implications of enshrining a right to food *and* to food sovereignty in the 2015 Constitution? The new 2015 Constitution enshrined three fundamental "rights related to food". Under "Fundamental Rights and Duties" (Part 3), two new sub-articles were added to Article 36:

1. Each citizen shall have the right to food.
2. Every citizen shall have the right to be protected from a state of starvation, resulting from lack of food stuffs.
3. Every citizen shall have the right to food sovereignty as provided for in law. (Constitution of Nepal 2015)

³⁰ Chapter 6 covers the meaning of scientific land reform.

It was still too early to understand what these new rights would entail. There were spaces where this was often debated, in parallel to the VGGT workshops, especially given the 3-year timeframe to draft new legislation on these new rights. The drafting process, however, was only finalised after my fieldwork. Some preliminary insights can, nonetheless, be shared.

In 2017, the draft was named the *Right to Food Bill*, but changed following ANPFA's influence. In 2016, FIAN-Nepal had received the mandate from the Nepal Law Commission to lead country-wide consultations with civil society.³¹ In April 2017, following a weekend of intense negotiations between ANPFA and FIAN-Nepal, the name of the law became *Right to Food and Food Sovereignty Act* and proceeded to include some of ANPFA's contributions (participant-observation).³² Some new provisions were based on the 2017 UNDROP draft, which ANPFA leaders were translating into Nepali at that time (participant-observation). Had this not happened, one young ANPFA leader explained to me, ANPFA would have drafted their own bill, and demanded a separate law for food sovereignty (PC). Indeed, ethnographic observations often revealed confusion and consternation of lawyers on how to productively engage with the specific farmer-oriented demands of food sovereignty proponents—using a term that is not a recognised human right in international law—and concern on the role of state institutions in responding to these (observational analysis). As one FIAN RtF lawyer explicated, even within the government there are different 'layers' (i.e. types of state agents), who interpret food sovereignty differently. There are 'political people' who connect food sovereign power to real farmers at community level. But there are also bureaucrats and those in upper-echelons of governmental power who interpret food sovereign power as belonging to the government. He pondered: "Ultimately, if we follow democracy, once people elect their representatives, then the power lies with the political people in parliament. How do you separate bottom-up from top-down approach?" (PC). Thus, it is necessary to differentiate between a campaign slogan, and its interpretation by law-makers and enforcers.

One NGO staff working on food security and land issues opined that at legal and policy-making level, it was unclear how 'food sovereignty' should be operationalized, and wondered whether politicians use it merely as a slogan during election time, raising doubts on their 'genuine desire for transformation' (INT-INGO2). A RtF consultant then-based at an aid agency explained this is because it comes from a political party, but that people should look

³¹ In 2016, the Nepal Law Commission was provided with technical support from the FAO, funded by the Government of Norway. It created a Drafting Committee, under the remit of the Ministry of Agriculture (MoA). See, <http://www.fao.org/nepal/news/detail/en/c/429196/S>
In March 2016, FIAN-Nepal became Secretariat of a 'core group' of CSOs in a collective advocacy effort to lobby policy makers and drafted of a 'Position Paper on the Right to Food Bill'.
See, FIAN-Nepal. CSOs Position on Right to Food Bill, 13 June 2016, <https://fiannepal.org/2016/06/394/?lang=en>
On later law-making, See, FIAN-Nepal 2020, "CSOs Initiatives on Right to Food & Food Sovereignty Rule Preparation". <http://fiannepal.org/2020/10/1422/?lang=en>

³² See, <https://www.lawcommission.gov.np> > 2019/07

at the content, not who is behind it (INT-DONOR1), thereby transcending personality-based polarisation of political debates.

In some regards, my ethnographic observations confirmed the inherently processual nature of constructing food sovereignty identified in earlier studies (Edelman et al. 2014; Schiavoni 2016), and the fact that it is still "an evolving project" (McMichael 2015a:434). Others, like Sharma (2019; 2020), argue that state institutionalisation by Nepal so far does not corroborate the idea of an alternative food paradigm. Sharma (2019; 2020) concludes that agri-food governance is not challenged by the inclusion of food sovereignty as a right, and that it is not significantly different from food security or RtF, partly because Nepali proponents have not considered the meaning and purpose of *sovereignty* (I return to the nationalistic components below). He further argues that this partially stems from the lack of wider national debate on this "ambiguous idea", and the lack of conceptual clarity on food sovereignty, despite its function as a conceptual 'coalition magnet' (Sharma 2019; Sharma and Daugbjerg 2017).

This conclusion, however, fails to acknowledge the processual nature of policy dialogue, and indeed, of policy influence, which, in the Nepali context of political instability,³³ builds on continual iterations of political leverage and setbacks (observational analysis). Some political activists mentioned that they often needed to start lobbying from scratch, when government changed (INT-ANWA2). Moreover, the similarities of food sovereignty with food security at policy-level, noted by Sharma (2019), have also been pointed out by ANPFA members who relate this to the lack of understanding among bureaucrats, whom they are lobbying. As explained by a young ANPFA-member elected to a local mid-West government in 2017:

We need to stop out-migration of youth, and commercialize agriculture to engage more youth. This is the foundation to ensure food sovereignty and right to food in Nepal. As an elected representative, we will draft policies to spread food sovereignty at local level and educate people about it. [...] Even our bureaucrats and politicians don't understand the concept of food sovereignty. [...] We need intensive advocacy to implement food sovereignty. [...] Farmers' organisations need to advocate to ensure the spirit of food sovereignty is reflected in legislation. As a chief of rural municipality, I will ensure that the legislations we create reflect the spirit of food sovereignty. But I admit it's a difficult task. In my own municipality, only I understand the concept of food sovereignty (INT-ANFPA15).

Indeed, participatory policy-drafting debates were tense, as ANPFA's narrative clashed with the developmentalist paradigm of food security and the legal approach of RtF. A RtF lawyer and NGO consultant (and facilitator of Oxfam VGGT trainings) who attended the first post-constitutional deliberations where other party peasant wings were present, believed

³³ Government administrations changed every 9 months during my Ph.D.

proposals coming from ANPFA (the Marxist-Leninist wing) and ANPFA-Revolutionary (the Maoist wing) sounded like "policy-language". He was perplexed by party cadres' insistence to include content with no legal basis. He shared that communist parties' farmers' wings were adamant that food sovereignty be included as an entire subsection of the Bill, and opined that their proposals were written in "aspirational language that cannot be implemented. It seems more like a slogan than law [...] It seems like it is the language of politicians" (INT-NGO4).

Indeed, as seen so far, it is the language of a party-affiliated farmers' wing, lobbying more technically minded law-makers on behalf of farmers. Following the post-constitutional policy dialogue around the *Right to Food and Food Sovereignty Act* (2018), this first legal framework encapsulates ANPFA's advocacy work in the Preamble as follows:

[F]ood sovereignty means the prevalence of a condition in which farmers and food producers can enjoy the guarantee to participate and be represented in the control and decision-making process in the food system and the independence to choose; and also the right of the people and communities subsisting on agriculture to define policies relating to agriculture, labour and land, being free from the adverse impact of commercialization and globalization.

In other words, for farmers' wings who contributed to the Act, food sovereignty is the right to *participate* and for their voices to be channelled to government; it is about the voice of farmers being reflected in policy, their right to define policies that affect their livelihoods, from access to land, to how their produce is commercialised. Provisions stipulate the "right to access means and resources required for farming", and specifies farmers' right to choose seeds, tools, labour and technology, and to be supported by public policies, such as: investment; subsidies; insurance; pensions; distribution mechanisms, and compensation against losses. Additionally, reflecting the previous focus on farming as a profession, farmers are defined as persons working for minimum 6 months a year in agriculture. This was problematic for the landless, because in the Nepali context, landless labourers rarely work in agriculture for that amount of time, and would therefore continue to be excluded from subsidies.³⁴

Suffice to note here that the discussion is ongoing, and, because such subsidies focus on landed farmers, they have deep implications on relations between landed farmers and the landless, an area of research that requires more attention (see Chapter 6). Following the endorsement of the Act (September 2018), some NGOs called for a re-evaluation of the interpretation of who benefits from 'food sovereignty', and who has been left out (Amnesty International 2019).

³⁴ See Amnesty International (2019) for criticism by some Nepali CSOs and suggested amendments.

As explored below, the meaning of food sovereignty for achieving farmers' rights, and in particular for their participation in inclusive deliberative spaces, shaped discussions held at ANPFA's and ANWA's women-specific VGGT workshops. Above all, they became spaces for policy dialogue in an ongoing process of debate across different organisational scales: from the constituencies (the voters and recipients of state support), through their committee members, to their political leaders, and ultimately, the governmental decision-makers, in what I suggest further below are chains of governance brokerage.

5.2. EMPLOYING THE TENURE GUIDELINES: DISCUSSING MEN AND WOMEN FARMERS' RIGHTS

In Nepal, ANPFA was one of the first organisations to receive international funding for VGGT awareness-raising. It shared this with CPN-UML's women's wing, ANWA, to organise district-level trainings across 5 different regions and one women-only workshop. The project money was channelled by an Italian LVC member from IFAD to four countries, including Nepal (see Annex 5). According to ANPFA's official project report (2015), it aimed to make small-scale food producers familiar with the Tenure Guidelines, with a focus on rural communities and organisations' members, and to support them in their common strategy-building with regional human rights organisations.

This section investigates how the Tenure Guidelines were employed by *Kisan* (the Nepali term for both peasants and farmers, often used interchangeably in English by ANPFA) and women, in their struggles to influence policy. It shows how ANPFA and ANWA members used the VGGT workshop, i.e. the *space*, to discuss agrarian issues related to food sovereignty as the right to be included in policy-making. In the case of women, the workshops were used above all to discuss women's demands for increased participation, and for food sovereignty policies that would reflect their increasingly significant role in agriculture.

As such, it argues that ANPFA's and ANWA's use of the funded space provided by the VGGT project brought together leaders and constituents of several backgrounds, and is in line with the vision of food sovereignty as a form of deliberative democracy (Pimbert 2007, 2009). It equally reflects the evolution of Nepal's perspective on food sovereignty as a right to influence governmental decision-making through the inclusion of the voices of *Kisan* (peasants/farmers)—both men and women—in policy-making. To this end, ANPFA and ANWA leaders, who facilitated the workshops, fostered debate and collected their constituencies' concerns. I argue that channelling these back to government, aided in this function by donor-funded workshops on global governance, and by their position as party-wings, is part of their governance brokerage.

5.2.1. PARTY-AFFILIATED FARMERS

In early 2015, months before the promulgation of the Constitution, ANPFA's Kathmandu-based core team travelled to 5 different districts of Nepal³⁵ to impart workshops on access to land and other natural resources for the production of food (ANPFA project report 2015). The facilitators from ANPFA's international team, usually two men (who participate in transnational events via LVC) and one woman from Peasant Women's Association Nepal (PWAN), ANPFA's women's section, focused their presentations in each workshop on their wider campaigns on behalf of their constituencies, and on the potentials of food sovereignty as a policy framework (*ibid*). The workshops were taking place just as the Second Constituent Assembly was concluding drafting of the new Constitution, and discussions were ongoing about how to ensure governmental support of farmers through adequate policies (*ibid*). As summarised in ANPFA's final project report, farmers from across ANPFA's 23 producers' and constituency-based groups³⁶ were present, as well as key policy makers:

Various types of farmers like vegetable producers, potato producers, food and grain producers, milk producers and seed producers as well as forests user groups and water user groups were present in the program. Mostly local farmer leaders, journalists, academics, youth farmers, Dalits, women, social workers etc participated actively. Out of 293 participants 87 were female [...] [There were also] members of the [Second] Constituent Assembly³⁷ (*ibid*).

Participants were all members of ANPFA (INT-ANPFA9). Thus, the VGGT workshop became an internal organisational space—a governance workshop adapted by the organisers to their needs—where voters of the same party could open up about their concerns. This was linked, I suggest, to ANPFA's ongoing organisation-building and outreach efforts to local farmers, as highlighted by CPN-UML leaders above (see 5.1).

As can be gathered from district-level project reports and interviews with participants, the VGGT sub-national workshops were employed to further the debate among local farmers on the meaning and implementation of food sovereignty, and the role that ANPFA can play in supporting its members. For instance, facilitators described RtFS as the independence of farmers over their production methods, but also as a wider framing for peasants' struggles (ANPFA project report 2015). They gave presentations on how, through its connection to the global level via LVC, an *internationalised* farmers' organisations like ANPFA can ensure equitable governance of land and natural resources on behalf of its constituents (*ibid*) (Lamjung District Workshop Report, January 2015). This, I suggest, bolsters the organisation

³⁵ Lamjung (January); Sarlahi (February); Bardia, Baitadi and Rasuwa (March); Kathmandu (May).

³⁶ ANPFA is made up 23 national producers' organisations—farmers of sugarcane, poultry, tea, coffee, fruit, vegetables, farmed fish, cereal crops, herbs, honey, turmeric, ginger, cardamom, potato, flowers, livestock, milk, mushrooms—and constituency-based organisations such as Dalit peasants, women peasants, youth peasants, agro-forestry peasants and water users (ANPFA webpage).

³⁷ Note that this popularly elected body (2012-2015) was still drafting the 2015 Constitution. The previous Constituent Assembly (2008-2012) had disintegrated due to political impasses. See Hachhethu 2013, and <https://constitutionnet.org/news/making-nepals-second-constituent-assembly>

in Nepal's political-civil society (Chapter 4), as does its outreach to the grassroots, which in turn is enhanced through such workshops. The following schedule of a 2-day workshop provides an example of their focus on farmers' issues (men and women) and the processual construction of the meaning of food sovereignty with local constituencies:

—First session: 2 presentations, first on "VGGT program and its relevance in the context of Nepal"; second on "the district activities of federation and farmers' cooperative, its importance and the process of involvement in the cooperative"

—Second session: 3 presentations, first on "Voluntary Guidelines on the Governance of Tenure of Land, Fisheries and Forestry: Overview for Implementation"; second on "Food sovereignty with governance and the role of farmers' organisation"; and third on "Women, Marginality and VGGT".

—Third session: groups divided into 3 discussion topics (Land, Fisheries, and Forests), and recap of their "Major issues": "Landlessness; Land grabbing problem; Toxicity of land and its impact on productivity; Intervention of Indian food production on local market; Minimum sources of water; Irrigation problem; Insufficient water for drinking; Protection of watershed areas; Problem of the mobilisation of community in community forestry; Grazing problem Government policies about the Chure range (mid-hills) and its resistance of local community; Protection of the medicinal and other plants." The main presenter then wrapped up with "common issues related to the problems of farmers." (Sarlahi District VGGT Workshop Report, February 2015).

In subsequent interviews, district-level participants indeed recalled the workshops not so much for the Guidelines, but for the farming-related discussions that emerged, including the meaning of having RtFS. Two farmers (one a politician) in the mid-hills commented on the VGGT workshops:

Food sovereignty is included in the Constitution, but with a clause as per the law, which makes it difficult to implement at the grassroots level. However, the workshop provided a clear guideline to us about how we can implement food sovereignty and informed us about our rights to food sovereignty"(INT-ANPFA16; INT-ANPFA17).

Others found the workshops useful to discuss their ongoing lobbying of the government to develop farmer-friendly policies, based on their shared experiences of agriculture. An elderly ('high-caste') ANPFA regional committee member and vegetable grower enjoyed being able to discuss the benefits of organic production methods, and engaging in conversation with younger farmers (INT-ANPFA3)). He viewed food sovereignty as a means to encourage young people not to abandon agriculture, and to feel pride in their occupation rather than the discrimination and stigma currently attached to farming (*ibid*). Two Dalit women from a small community that built a 'kitchen garden' for self-sufficiency with post-flooding aid shared what it meant to have gained increased political subjectivity from attending a VGGT workshop. They didn't take with them something specifically about the

Tenure Guidelines, but about the experience of participating in dialogue. Participating in itself was an empowering experience that had other knock-on effects, as, in their words, they employed knowledge gained from their interactions with other farmers once back in their community. They were also seen as leaders with new ideas upon their return. As community leaders, and members of ANPFA's Dalit Women's Association (DWA), they learnt that they too could attend ANPFA's party conference in Kathmandu, where we met (INT-ANPFA4; INT-ANPFA5).

A VGGT facilitator further explained that at district level, many participants are illiterate, so they chose educated leaders to give presentations filled with images, while fostering dialogue. These spaces are occasions to reach out to illiterate members, given that community radio use is not widespread as in, e.g., Bangladesh (INT-ANPFA9).

Thus, the workshop was also an occasion and means to include community leaders, as part of ANPFA's bridging between Kathmandu and marginalised communities. Hence discussions on natural resource use were linked to the development of food sovereignty as an ever-evolving framing for their mobilisation. The decision to follow this format for the workshops and to focus on these subjects is also a reflection of the types and forms of national-subnational political mediation within the party wing, as discussed further below. As I show in the following section, this was the main use made by participants of the women-only VGGT workshop, as part of their struggle for participation in spaces of political decision-making.

5.2.2. PARTY-AFFILIATED WOMEN

Mid-2015, a women-specific workshop was organised by ANPFA's women's section, PWAN, and ANWA. This section shows how the VGGT workshop was employed, above all, to discuss women's ongoing struggles to increase their participation in political spaces, following from previous ones in the Nepali socio-political and historical context (see Chapter 4).

ANWA and PWAN women members used the political opportunity that the VGGT women-specific workshop presented to foment discussion on their lobbying for participation in all levels of governmental decision-making. This subsection illustrates how organisers used the space to bring together members with their women leaders—politicians and/or government officers—in a funded event that enabled them to identify the progress made so far in influencing the ongoing Constitution-drafting process.

Given the critical juncture at the time—nearing the end of the Second Constituent Assembly deliberations—women leaders used the VGGT workshops as a means to connect grassroots concerns with political party influence over decision-makers. As explained by ANWA leaders, the PWAN-ANWA workshops became spaces where members could partake

in pertinent debates with women from higher party ranks on women's needs, which the latter channelled through the party wing (INT-ANWA2; INT-ANWA4). In that sense, based on my interviews, the workshops were less about the Tenure Guidelines than a space to advocate for more participation of women in spaces of decision-making by lobbying those already in government. For instance, women joint-secretaries³⁸ from the Ministry of Agriculture and the Welfare Ministry attended the workshop (INT-ANWA2). An ANWA Central Committee Member explicated:

At the workshops we discussed in detail with parliamentarians and committee members and lobbied for [the following]: inequality provisions should be eliminated. We have had many struggles in parliament, on the streets, in the village, at grassroots, we organise women and fight against inequality in all sectors. We have had many achievements during this period. Legally and constitutionally there are many equality rights and provisions, and now they are discussing bills and formulating laws, so in legal aspects there is progress (INT-ANWA2).

Participants discussed issues affecting grassroots women such as "bonded labour, Dalit labourers, the value of women in rural areas, ownership of land, corruption, and social security" (INT-PWAN1).

In addition to mobilising for new laws in post-democracy Nepal, a younger ANWA leader and politician explained that women participating in the workshop highlighted the need to keep up the pressure for participation at central level, putting these women in a position, I argue, to mediate on behalf of other women: "The main contribution [of the workshop] is participation at policy level. At the workshop we said that there should be minimum 33% of women at all layers of decision-making, in all ministries." (INT-ANWA1)

This right to participate, and to be acknowledged as political agents in their own right, also underpinned a more focused debate during VGGT workshops and beyond, on what food sovereignty means for women farmers' organisations. Discussions contributed to their developing what I perceived as a *radical* framing of their demands for women-specific agricultural public policies and extension services, which included, as I next describe, a) specially designed tools and machinery, and preservation of seeds; b) attention paid to the effects of agrochemicals on reproductive health; and c) agricultural training tailored to women.

Women mainly discussed issues directly related to women farmers (of all castes/class/ethnicities) who are adapting to new conditions in rural areas since the mass migration of men, which has led to the 'feminisation of agriculture'. Indeed, in 2013, 1000 men a day were leaving Nepal, and women became 60% of the agricultural labour forces, but have limited access to land as well as to technology and training (IFAD 2013). Hence, an

³⁸ Joint secretaries are third or fourth rank down from Ministers.

ANWA Central Committee member explained that fact-finding missions in rural areas revealed how women are left behind in villages with the elderly and children. Therefore, working women have to confront policies that favour men as well as traditional farming techniques and equipment that are not woman-friendly (INT-ANWA1). VGGT workshop participants thus discussed how to lobby the government to provide extension services that are adapted to changing practices (INT-ANWA1). As a PWAN leader clarified, "PWAN lobbies for tools to be built for women, for instance women wear saris and they need wide tractors, PWAN asks for tools that women can use" (INT-PWAN1).

An ANWA leader similarly shared:

Poor women, peasant women, work for long hours, with their own scientific way, but the equipment is not woman-friendly. It is manual work, because machines are not accessible to women. We also raised these points during the VGGT workshops. Women need resources. Like in Latin America, where it was proven. So we do our own research and raise this. (INT-ANWA1)

The need for equipment and training is crucial to women's RtFS, in their view, and is historically linked to both gender and caste discrimination. According to social norms, it is generally taboo for 'high-caste' men and women to plough fields, but Maoists campaigned against this social norm during their insurgency. Nepali researcher Shah relates how he saw Brahmin-Chhetri men ploughing fields during his fieldwork (1998-2000), yet he also highlights that for women to do the same was still socially forbidden. Women were "ridiculed and ostracised by their community" if they did. Nevertheless, this began to ease in areas where women *had* to plough to survive because men had fled the violence (2018:53). It has therefore become a necessity for women advocating food sovereignty to be able to produce food with the right equipment.

In sum, in this wider framing of demands for political participation, PWAN and ANWA participants used the space to discuss many issues faced by women farmers. This led to a dialogue on the manifold ways in which the lack of women-specific policies, and the abundance of agricultural issues unaddressed by general policies, intersect with women's everyday lives. In a historically and socio-culturally significant setting of feminisation of agriculture, ANWA and PWAN members additionally used the VGGT workshop to discuss other gender-specific issues related to their discourse on food sovereignty. An ANWA leader who often works hand-in-hand with ANPFA leaders made a particular case against low-quality seeds and for their own traditional seeds:

[We discussed] about food sovereignty, food security overall, how to protect peasants, their current situation, lobbying the government to give peasants a pension, how to grow organic, agrarian reform, how women peasants work a long time and would like to transform their role in agriculture, how to protect seeds in

our own hands. Women are handling seeds, but because of multinationals, Monsanto, women are losing their seeds. Sometimes hybrid seeds lead to crop failures, so we raise our voice to the government and protest against Monsanto, also within the Right to Food Network and ANPfa (INT-ANWA1).

This ANWA leader is also the women's Focal Point for the regional SAAPE conference, which in the past provided ANPFA and ANWA with spaces to develop food sovereignty as a framing for their struggles (*ibid*).

Women's advocacy for food sovereignty has thus become closely intertwined with their ability to produce food with the right, adapted and modern equipment, and with their own seeds. Moreover, their demands are not for trainings about global instruments, but about practical farming issues. For instance, a PWAN member from East Nepal spoke about the many issues faced by women farmers there, including how their crops are destroyed by elephants crossing over the border from Indian wildlife reserves. For these women, she explained, and for her as a women's cooperative leader, what they need are trainings on farming and on cooperatives (not on governance instruments, as was alluded to according to my question) (INT-ANPFA-8). A VGGT workshop participant precisely pointed out this need: "we discussed how women could get subsidies for trainings from the government" (INT-ANWA1)

In addition to connecting food sovereignty debates to the wider issues of agrarian reform centred on the state's perceived interventionist role, and women's ownership of traditional seeds, the workshop also provided a space to discuss the specific impacts of agrochemicals on women's health.

Yes, VGGT tries to bring issues on how to transform agrarian system and how women's lives are impacted by using pesticides. Because of pesticides women's reproductive system is being affected, we discussed this. In Latin America the case was proven, but not in Nepal, but some friends from Bangladesh shared the same (INT-ANWA1).

Another ANWA staff who works for the Health and Population Department at CPN-UML on Women's and Babies' Health explained further how women's health is related to food security, and increasingly encapsulated under the wider umbrella of food sovereignty:

ANPFA and ANWA led a food sovereignty caravan [some] years ago, in collaboration with PAN-AP (Pesticide Action Network Asia and the Pacific) [...] In rural areas there is food scarcity. Women are the last to eat, even pregnant women. There is a lack of knowledge and stigma. So there is anaemia and malnutrition. Food sovereignty is being linked to food security. (INT-ANWA2).

Overall, interviewees indicated that it was not about whether these women employed the Tenure Guidelines to support their demands, but rather, about how the funded space provided by such workshops is key to their organisations in bringing together women from

across the state-civil society continuum to participate in policy dialogue. Subsequently, it is about how to forward their demands for more participation in Nepali political arenas through ANWA, to governmental levels. In addition, deliberations helped formulate women's specific farming-related demands, which were then transmitted to ANPFA male leaders to add to their advocacy work directly with government, as summarised by a PWAN leader: "The VGGT training session especially for women helped us in the mobilisation of women, in collecting common problems and in submitting our demands to the government through the organisation ANPFA" (INT-ANPFA11).

In sum, mid-2015, ANPFA and ANWA employed the VGGT workshop as a space to further their internal deliberations on what issues they wish to raise with government, to be included in the Constitution, which was then being drafted. As ANPFA was close to the upper echelons of the governing party, the employment of the workshop followed an existing trend of local farmers (men and women) who reach out to leaders to influence politicians to reach government, as described in the next section, from the angle of governance brokerage.

5.3. BROKERING GOVERNANCE FOR PARTY-AFFILIATED MEN AND WOMEN FARMERS IN A POLITICAL-CIVIL SOCIETY

This section argues that ANPFA and ANWA perform the role of governance brokers, which, I suggest, is to bridge between state agents and society more broadly, sometimes with the leverage acquired from participating in transnational processes, but equally from their own national social status. As described in Chapter 4, this stems from the historical construction of the state, underpinned by a feudalistic system and prebendalist class relations, later challenged through new relations of activism, at the intersections of which ANPFA/ANWA leaders find themselves. This places them in a privileged position of inter-state-(civil)society mediation (see Chapter 2). As national members of LVC, they had access to funded global governance projects in a competitive environment among organisations aiming for transnational arenas and funding, which I describe next. Such globally funded spaces of governance support efforts toward deliberative democracy and citizen empowerment through participatory dialogue (Pimbert and Wakeford 2011), but they also shape existing dynamics of intermediation.

In order to understand the role that ANPFA and ANWA played in employing the VGGT to further debates about food sovereignty, and specifically about influencing policy through participation, as discussed in this chapter, we need to understand their respective relations to TAMs, the Nepali state, and farmers, as well as their position as governance brokers in the intersections of these relations.

ANPFA is the sole Nepali member of LVC (unlike India where there are several) (see Edelman and Borras 2016). This reflects the national political strength of ANPFA, and its

ability to veto the membership of other potential applicants (e.g. the Maoist peasant wing, named ANPFA-Revolutionary), as described to me in Rome by an LVC ICC member (PC). Together with CPN-UML women's sister organisation ANWA, and the Dalit Landless Association, in 2003/2004 ANPFA also joined the Asian Peasants Coalition (APC) which, in its own words, fights "against all forms of imperialist and feudal oppression and exploitation".

The fact that ANPFA and PWAN are members of both LVC and APC (of which ANWA is also a member), an ANPFA former Secretary-General argues, is related to the specificities of landlord-centric feudalism in the region, and the need to belong to a second organisation that focuses on these issues for the landless. He explained that LVC Latin American members failed to acknowledge the existence of feudal relations in South Asia when ANPFA pointed this out at global meetings, which for them is key in their campaigning (INT-ANPFA13). It thus relates to ANPFA's national strategies to strengthen its position as an organisation for landed *and* marginalised landless farmers (*ibid*), but also to the regional differences within LVC (see also Edelman and Borras 2016). Furthermore, ANPFA is also the national implementing agency of the IFAD-funded Medium Term Cooperation Program (MTCP and MTCP2) Nepal country project, which finances capacity-building of farmers' organisations.



Figure 5.3.

Offices of ANPFA, which is also the national partner of IFAD's MTCP. Source: Author's own

Based on ethnographic insights, and the documentary analysis presented in Section 1, ANPFA is the key mediator/broker in connecting farmers to the state, a fundamental factor in their adoption of the concept of food sovereignty. Shortly after the end of ANPFA's VGGT project, they also coordinated a DFID-funded, FAO-supported, VGGT Technical Workshop for MTCP2 members from South Asia. In a presentation by an ANPFA MTCP2 coordinator, he highlighted how farmers, who have long been neglected by the government, "demand a larger share, both in policy and budget, [and that this is] often misunderstood with politicization active in democratic and liberation movements" (workshop presentation). This reminds us that, when discussing governance brokerage as performed across the global-local and state-(civil)society continuum by such party-affiliated organisations, the point is not to reduce the argument to the "misunderstood" party-politicization of governance, but to see this type of political mediation as a form of governance in and of itself.

During my fieldwork, party-politicization was widely discussed in the Nepali public arena. This builds on a long history of patronage politics, on recurrent civil society co-optation by political parties (see Chapter 4); and financing of strong politicians by businesspeople and big contractors³⁹ (INT-BZPRF1), which is equally covered by the media.⁴⁰ Yet another way of seeing politicisation implies the need to take a political stance on issues that are by their very nature, 'political',⁴¹ such as food sovereignty, as a former ANPFA SG explained:

[P]eople are divided into different groups, politicalisation, different parties, I should say clearly, peasant movements also are politicised, different parties: CPN-UML, Maoists, and another peasant organisation is sister organisation of NC... if one organisation raises an issue, and if it is a good issue, then it should be discussed... we should discuss content, not just say who has raised issue [...] food sovereignty has entered different levels with different capacities... it is a political issue, I don't disagree on that... because it has incorporated many issues, food security, right to food, access to resources, agriculture. (INT-ANPFA13).

As seen above, party wings have political clout, especially given their dynamic interaction with state and societal forces, and with regional and global bodies (observational analysis).

ANPFA and ANWA are strongly positioned within a continuum of state-(civil)society relations because of their history in Nepal's transition to democracy, and because they are members of an educated social and political elite well-placed to speak on behalf of a large constituency of party voters (see Chapter 4). Their highly influential status in food and agricultural governance in Nepal is linked to their longstanding history pre-dating NGOs, to

³⁹ Previous reports by the National Human Rights Commission have highlighted that many politicians either stem from or work with the business elite (NHRC 2003; 2013; 2015).

⁴⁰ See, <https://kathmandupost.com/opinion/2017/03/17/politicisation-is-necessary>

⁴¹ As espoused e.g. by a Health Minister in a TV interview, who said "It is not because of politicisation, but because of lack of politicisation that the country is facing the current situation with regard to governance."

See, <https://kathmandupost.com/opinion/2017/03/17/politicisation-is-necessary>

their leaders' closeness to high-level members of government (examples seen above), and to a large CPN-UML voter-base for which they act as political brokers.⁴² Moreover, depending on whether CPN-UML is in government or not, they have more or less leverage over policy-making (ethnographic insight). As pointed out by an ANPFA VGGT facilitator: "Now ANPFA's voice is the government's voice." (INT-ANPFA9)

This pushes them further to strengthening chains of brokerage with grassroots voters: during ANPFA's 6th General Conference, the CPN-UML secretary mentioned the challenge of outreach, despite being the largest farmers' organisation:

In Nepal there are many community organisations, but actual representation does not necessarily exist. Often other stakeholders speak on behalf of communities. ANPFA should be the representative organisation of farmers but at the grassroots level it has only managed to reach out to 80% of farmers. ANPFA could become the most important organisation in Nepal if it were able to reach 100% of farmers (participant observation, ANPFA interpreter).⁴³

A former Prime Minister equally reiterated the need for ANPFA to become stronger through its grassroots mobilisation:

Remember that 35 years ago we were responsible for restructuring ANPFA, to include peasants and indigenous peoples' communities at the local level. There was a landlord revolutionary movement. We raised the issue of land reform. Now we are proud to see that ANPFA is a leading organisation. But we also have to identify our weaknesses, including the need for mobilisation of peasants at district and village level. The Committee needs to be visually active at village level. There is the need to mobilise to become popular. If you mobilise, the government can give priority to farmers and peasants and it can then become a national issue. We have to raise the issues. The government has the responsibility for the agricultural sector and it looks to peasant organisations. (*ibid*)

This weakening and need to strengthen grassroots mobilisation was also raised internally during my fieldwork: an ANPFA member explained that a former SG was being requested to focus less on the international arena, and more on mobilising peasant-farmers, as he had done before becoming so active in LVC and international partnerships (PC). This very same leader who had exalted the advantages of being members of LVC during a speech at the 6th General Conference (participant observation), and at VGGT workshops (workshop reports), was being asked to return to ANPFA's original focus of enrolling farmers into the organisation (PC).

⁴² In the case of ANPFA, this also strengthens their position in national coalitions, such as the Nepal Peasants Coalition (discussed in Chapter 6).

⁴³ At the time, ANPFA had 1.2. million members out of a population of 28 million (of which approx. 70% were estimated to depend on agriculture). The use of such figures must thus be viewed in the context of politicians' rhetoric.

Indeed, the workshops described above were only open to CPN-UML members, hence the need to recall the specificities of the organisational construction of their sister wings, to better understand the chains of intermediation that connect the grassroots with central levels. Before federalisation, the structure went from Central Committee, down to National Council, then Zone Committees, District Committees, Area Committees, Town and Village Committees, and finally, Ward Committees (GAFSP report 2011). More recently, an ANPFA international staff explained that it had to restructure to ensure that there are two male and two female members from each province in the Central Committee (PC). Toward the end of my fieldwork, ANPFA was still unsure of how it would restructure following the merging of the CPN-UML with the Maoists into one single party (since then annulled), and the new state structure (PC).

Either way, the main focus was to continue expanding the organisation's membership country-wide. I met a Central Committee female member (from the sub-national level) who explained how ANPFA first found out about her through her previous activism for women affected by blocked access to forests, and then asked her to join. After joining, she was elected Committee member, thereby creating direct links between her group of women protesters, and the party, and thereafter was the chosen candidate for local governmental elections. Her account exemplifies the expansion of governance chains toward the grassroots, through the political party route. This is all the more significant since the restoration of the first local governments in two decades (since before the armed conflict with Maoists), and the ongoing federalisation process. In her words:

I attended a workshop on VGGT workshop [...]. There were many farmer leaders. [...] [As a central committee member of ANPFA] I primarily work for women farmers, women who make livelihood by selling firewood from forest, or fishes from the river. We organized demonstrations and marches, demanding equal pay for women and their occupational rights. They are not part of any national network. [...]

ANPFA requested me to join them because I was working with women farmers. Since I joined ANPFA, there have [been] a series of elections because ANPFA is a political organization. I was directly elected as a member of the State Assembly from this area.[...] People are very happy about federalism and the devolution of power from the central to the local level. In the past, plans for development were made in Kathmandu, which did not align with people's demands. [...]

There were not many women candidates contesting in direct elections. I was contesting against a strong male candidate. Educated people did not think I was capable enough. I went to villages to campaign and gather support from farmers and laborers, and they believed. So I won the election. Many voters want to me to support them in agriculture and create job opportunities here, so that their sons and daughters are not forced to go overseas. I owe them a lot. So now I have to work for them. A lot of youth are not interested in traditional agriculture, which involves a lot of manual work. So we need to modernize agriculture. Women farmers have lot of demands. They want trainings on new tools and technology,

seeds and irrigation. They are very poor, so they ask me to create jobs so that they can have food (INT-GOV7).

A young female farmer who got involved in politics through her engagement in agriculture provides another example. To benefit from LVC trainings, she formed an association, which joined ANPFA, and subsequently got involved in politics while working in rural development through cooperative-building (one of the tenets of food sovereignty as a path to socialism in Nepal). I met her at the office of the ANPFA candidate who had been newly elected state governor in a town in the mid-West Nepal hills (post-federalisation):

I participated in a training program organized by LVC in [India]. [...] Our party office in [mid-hills] sent letters to different wards of the district calling for participation of youth who were engaged in agriculture, running poultry farms, etc. to join us for a meeting to form an association. That meeting resulted in establishment of the association.[...] My family came here from [the north], and my whole family was part of the Labourers-Farmers Party, as UML was previously know. I became involved in politics after I joined the association. That's what I did during elections. My cousins were running for ward president, so I was campaigning alongside [the ANPFA candidate]. [Our association] is working to link women farmers with different organizations and cooperatives, which can give them loans for agricultures. Many of them are poor and cannot invest in agriculture. I deliver trainings on mushroom farming and goat keeping myself. We also deliver trainings on vegetable farming and non-seasonal farming. We also go to villages to see if their wards have budget for women's development. if they do, we ask women in the community about what they want to learn, and we deliver trainings of their interest. [...] I am a board member of a cooperative, and I went to Kathmandu very recently for conference on financial inclusion and entrepreneurial development through cooperatives [...]. I am teaching other women what I have learnt (INT-ANPFA14).

The above examples demonstrate how activism, political party organising, government lobbying, rural development, and indeed women's roles therein, all intersect in Nepal, and are part of the construction and operationalisation of food sovereignty in a specific framework of state-peasant-farmers relations, which are evolving in a rapidly changing political context.

To better comprehend ANPFA's leaders' relation to state services and its lobbying for state resources as a party-affiliated peasant-farmer organisation, it can be compared to peasant movements pre-dating the emergence of TAMs, albeit with the additional leverage of being transnationally connected (see Chapter 6). Edelman and Borras (2016) explain how peasant organisations linked to traditional political parties with long-term leaders served as brokers to distribute benefits stemming from state-led agrarian reform, such as subsidies for inputs and machinery, and credits. Before the 1980s, agrarian reform funds were channelled vertically to implementing agencies, titling and surveying offices, development banks, extension services, etc. This was done through privileged leaders of peasant organisations acting as intermediaries, who also served the purpose of amassing votes for political parties. This top-down system concentrated power in the hands of political elites close to state

bureaucracies (Edelman and Borras 2016:27). Additionally, members of rural and/or urban elites sometimes called themselves 'peasants' to gather support for 'revolutionary' or political projects that were in many cases clientelistic in nature (Edelman 2003:187).

This dynamic is partially visible in Kathmandu, also within the domain of global governance and rural development, where ANPFA leaders can become multi-faceted governance brokers (observational analysis). As one NGO lawyer put it, "they wear different hats depending on who they are speaking to" (PC). Yet, in their own words, they are fully conscious of not being '*Kisan*' (peasant or farmer in Nepali).⁴⁴ As an international ANPFA figure explained to me as we walked out of a GAFSP meeting between several CSOs and WB, they may not be 'peasants' themselves, but they represent their constituency in meetings not only with the government, but in any decision-making arena that affects them. Additionally, they channel subsidies (and teach farmers how to apply for them) (INT-FARMERS1), though it must be noted, that farmers with little/no land are not eligible for such subsidies (INT-FARMERS2).

In the specific context of Nepal, these state-farmer intermediaries are also global-national intermediaries through their managing of such global projects (e.g. GAFSP, MTCP). They present themselves as spokespersons for the grassroots constituencies who are still starting to use their own voices, as shown above in cases of women rights activists joining ANPFA. Below I share examples of older party-affiliated women who joined underground political activism before democracy, and continued thereafter from within the party, with access to global governance arenas.

The accounts shared so far are those of ANPFA members, and thus echo an ANPFA voice. There is a National Farmers' Groups Federation (NFGF) which is not affiliated to any party, which is equally trying to channel subsidies for its members, and campaigns for RtF.⁴⁵ Established in 2012, during my fieldwork it had 75,000 members (divided into 1364 member groups), compared to ANPFA's 1.2 million members.⁴⁶ During a trek to visit a Tamang (*Adivasi-Janajati*) community in a rural area in Kathmandu Valley with a NFGF member, the opinion expressed about ANPFA's role in national politics reproduced the criticisms made in the 1990s about politicians (see Brown 1996:200). However, it also reflected frustration at the failure to create farmers' groups in this community, which another Tamang woman-farmer described to me as highly divided and non-collaborative (INT-BZA10). In his words:

They (NFGF) also created a farmers' group in this area but it dissolved due to internal arguments and internal conflict. He was member of the group for one

⁴⁴ This self-awareness is also reflected in an internal decision taken at the 6th General Conference for all ANPFA members, including urban-based staff, to (partly) grow their own food: this was pointed out to me during home visits of two younger staff (from ANPFA's international department) producing some food at their homes near Kathmandu, two years later (ethnographic insights).

⁴⁵ See, <https://asiapacificfarmersforum.net/nepal-national-farmers-group-federation-of-nepal/>

⁴⁶ See, www.nfgr.org.ph

year, and suggested registering it with the VDC, but then there were arguments, and the group collapsed. Those [Tamang] people don't know about the work of those politically affiliated farmers' organisations... The problem is that [those organisations] say that they have farmers groups and they go to international platforms and raise their voices and put pressure on creating policies [...] If they had groups that went from top to bottom level, all of these policies and legal recommendations could flow from the top to the bottom, but there are no farmer groups in the villages here at the local level that are affiliated to them, so it doesn't work. [...] The politically affiliated farmers' groups are political cadres and have access to political spaces, so they have formed an organisation at the top level... If it were a farmers' organisation it should have been built from where the farming happens, it didn't start from the local level, where the farming happens. If they were really farmers' group it would be led by farmers, but they (in Kathmandu) are not farmers. (INT-FARMERS2)

Meanwhile, another NFGF member from a village in Kathmandu Valley described the process of connecting farmers to governmental offices and state subsidies in much the same way that party-affiliated organisations function, only in this case, they were unable to mobilise political ties when e.g. the respective party wing is in government, and they were still seeking opportunities to connect to transnational networks for funds:

In 2067 BS (2010 AD), we started a group to explore different alternative sources of livelihood with the support of World Vision. We ran farming trainings and other community works, e.g. constructing wells. I got the opportunity to take part in a pioneer farmers' training. There I came into contact with NFGF, and they asked me to join the federation. Once I learnt that the federation was not affiliated to any political party and worked with farmers to help them access government grants and facilitated their work, I joined. We decided to create a district chapter of NFGF. I became the secretary. We then expanded our network from [other areas]. We have very good relationship with District Agriculture Office, District Livestock Office. We help farmers prepare different documents to access grants and subsidies offered by these offices. [...] In my opinion, the politically-affiliated organisations only include members of their parties. The participation in their events is based on political affiliation and their work is guided by their political interests. As an independent organisation, NFGF stands for the interest of farmers. The politically-affiliated organisations also get grants from their parent parties, but only farmers who are members of the party have access to these grants. But as an apolitical organisation, we include all farmers regardless of their political affiliation. As a politically affiliated organisation, if your party is ruling the government, the government will channel funds to these. If your party leader is a minister, mayor etc. you will get funds from the government. [...]

About the international connection, I don't know if there's any at the central level. Some organisations like FIAN and Plan International supported our work in some districts. [...] As an apolitical organisation, it is difficult for us to raise funds. I would appreciate if you could connect us any entities that may help us access resources (INT-FARMERS1).

In sum, whilst other farmers' organisations have been founded in post-democracy Nepal, ANPFA, led by political cadres, has continued to mobilise and organise influence amongst a

CPN-UML rural voter base (see Hachhethu 2006). The cadres demand that the state provide for farmers through direct funds, participate in global governance and rural development projects, and equally engage in partisan politics. The specificity of an agrarian movement that has not rejected nor shows disdain for political party ties (unlike those described by Edelman and Borras 2016:104-105) shapes how food sovereignty has become a slogan, and an evolving framing in a political-civil society, as discussed above. Yet it equally adds to the complex evolution of what food sovereignty entails for policy-making, and the extent to which it can be considered representative beyond the party sphere, in a divided/divisive society.

The party-specific nature of these wings, and their role in intermediation, also conditions how they employ projects such as the VGGT workshops, to strengthen their members, including those in government. For instance, an ANWA central-level politician underlined how district- and village-level women present at the 2015 Kathmandu women-only VGGT workshop gave continuity to their work by engaging with local authorities after coming back home (INT-ANWA1). A PWAN leader emphasised that other women from the peripheries are not physically or economically able to attend such workshops. Instead, those women who, through their social positioning (ethnicity, caste and class), have already made it into politics can attend, and it is therefore in their hands to tackle policy issues. Educated, mostly English-speaking, participants are conscious of their roles in speaking on behalf of women whose voices are silenced by structural conditions, including in VGGT workshops. In her words:

Once I interviewed women in Ajjam, they were milkmaids, they wake up at 3 and go to sleep at 10. It is cold there and they don't have proper blankets and slippers, so they work all day, take care of house, kids and cattle. Even the husbands who are living abroad or in India come every two or three months and take the money away.[...] They don't have time to attend workshops and need to have their travel expenses covered.[...] The women who attend these workshops are usually already working at *government* level such as Chief District Office, because vulnerable people are not accessible, it is not feasible to bring them. [...] VGGT can be a good approach for addressing issues such as ownership and empowerment for women farmers through trainings. Not just income-generating and language skills for the lower people but also for women who are already in a good position and make them more empowered (INT-PWAN1)

Women who have made it into party committees and local governments, and can participate in workshops and training therefore act as connectors between Kathmandu and those disadvantaged women. In the eyes of an ANWA staff working on women's health issues, "at local level: NGOs and CSOs are very rare". Their role as members of a political party is all the more salient in reaching out to marginalised women (INT-ANWA2). Other women in politics spoke of their education, which got them into non-governmental work, after which they joined politics to continue supporting women:

My father was a local politician and he made sure I went to school. After I was educated, I was inspired to help other women in my community. I started working with different NGOs. In 2053 BS [1996 AD], I became a female health volunteer. Since then I have held different positions in different organizations. Now I am the vice president of my rural municipality. (INT-GOV8)

Further, as explained by an elderly and retired former Minister, former ANWA-Chair and Inter-party Inter-women's Alliance Chair, her role as women's rights activist (underground in the 1960s/70s) overlapped with her entrance into politics as CPN-UML local representative, and later, with her position as one of the few women in government. From these positions, she connected grassroots conflicts to influence in central level political arenas. Hence, post-1990, she used her position as district member and later zone secretary for ANWA, to tackle the mindset of men within the party locally, in wider efforts to raise awareness on discriminatory practices embedded in Hindu culture:

I used to be underground before democracy, I know the real condition of the people there, I know their language, and their real condition, because we lived together with them, they are downtrodden people and have no shelter, very pitiful conditions, no clothes, and live under the poverty line. And a handful of people who are very rich. The feudal system still exists there, not like in other parts of our country. It is very difficult to root out—there is still dowry system and child marriage as well as plural marriage, and domestic violence and witchcraft. [...] I mobilise people for my party. I coordinate peoples' committees. [...] They don't consider me a political leader but a women's leader [...]. Even within the party there is a mindset that is slowly changing. Yes, things have changed. We fought a lot. After promulgation of democracy I went there again. I know the conditions, and the educational status and the women's status and men also. [...] Most feudals are in other parties, but some are in our party. In UML people have changed their mindset, otherwise there are penalties we give to them.[...] [In a case of witchcraft and torture of women, a Hindu practice], a locally elected man was there, and we expelled him (INT-GOV1).

In her view, ensuring the political representation of women depends on having sufficient women in government. She remains deeply rooted in the struggle to uplift marginalised women, she explained, but joined politics because it is a means to an end: that of leverage over policy-making at the central level, but also access to all classes/castes of the women's constituency at the local level. In her words:

We feel that politics is the main policy that is above other policies, social, economic... Everything is decided by politics, so women must also be political leaders. Without participation in political bodies, women cannot go ahead in decision-making bodies, then we can't make laws (INT-GOV1).

This argument is reminiscent of women activists' from the 1940s-50s described in Chapter 4. They are strongly positioned to mediate ideas of responsible governance in

accordance with long-standing Nepali values of holding those in power to account, as per the Hindu concept of *Rajdharma* (governance) (Dahal 2004), discussed in the previous chapter.

Once in government, women's state-society mediation is further strengthened if they have the added leverage that comes with the use of global instruments, and from participating in transnational arenas. This former ANWA-Chair mentioned that since the country's opening to electoral democracy, women leaders had used CEDAW and the 1320 Resolution to back their national demands for more political participation (INT-GOV1). Another ANWA high-level leader explained that they participated in the women's rights events Beijing Platform in 1995 and 2005 (INT-ANWA4). Since joining global and regional food sovereignty movements, such as the Asian Peasants' Coalition (APC), ANWA leaders also attend regional level meetings, and get involved in debates on "WTO and food security and food sovereignty and the role of women" (INT-GOV1).

These leaders' experiences epitomise the different intermediation roles that women activists assume when they join mainstream politics, whilst continuing their global-national advocacy work. They interpret and mediate across deeply entrenched patriarchal socio-cultural norms, and vernacularise the rights-based ideals they espouse as women 'in the middle' (Merry 2006). From their vantage point in the interstices of state-society relations, when they leave the private sphere to influence society from a state agent's position, they foment evolving spaces of public culture, including those generated by VGGT projects, as seen above.

5.4. CONCLUSION

Party-affiliated farmers' and women's wings employed the VGGT insofar as the project funding enabled leaders to reach districts, and district-level members to come to Kathmandu for further workshops. Hence VGGT workshops served to strengthen ongoing deliberations on farmers' rights in an evolving framing of food sovereignty. This employment is shaped, I suggest, through existing governance brokerage chains. In that respect, I have argued that the Tenure Guidelines did not necessary offer a novel effective tool for these party-affiliated peoples' organisations, but did provide some additional adapted spaces for ANPFA and ANWA members to congregate and discuss their issues, in the context of the mid-2015 Constitution-drafting process.

Participation in national governance arenas, such as VGGT workshops, results from and leads to even stronger forms of intermediation, particularly in those spaces where political brokers mediate relations between the community level and the nation-state. As elucidated by Wolf's (1956) analysis of Mexico's post-revolutionary 'complex society', a key function of political parties, occupational groups and other special-interest groups, is social, cultural and political brokerage, which entails maintaining control of both local and central

ends of intermediation channels. In this sense, the above-described workshops both strengthen and depend on the role that peasant-farmer and women activists, as well as leaders from all levels, play in maintaining a complex web of relationships in the junctions of state-society interaction, where they equally engage in pressure politics and accountability politics (Keck and Sikkink 1998).

CHAPTER 6. STRUGGLES FOR ACCESS TO LAND FOR THE LANDLESS

This chapter focuses on struggles for *access to land* and asks how and to what extent do CSOs struggling for land rights in Nepal employ the Tenure Guidelines to influence policies for access to land to address grassroots struggles. It shows that land rights activists employed VGGT workshops insofar as they supported state actors in long-standing efforts to consolidate a property rights regime, underpinned by 'land law reform' and 'tenurial reform' (see Chapter 2). It argues that the Guidelines were used by CSOs to the extent that the workshops and instrument were useful in framing land rights and generating participatory policy dialogue. Furthermore, this employment to strengthen CSOs' leverage is conditioned by global-local and state-society intermediation, which positions them as governance brokers of differing calibre to influence policy.

The chapter is divided as follows. 6.1. provides a historical-anthropological analysis of Nepal's failed land reform. It shows that land governance has discursively shifted from 'land reform' to 'land use management', building on a property rights system that is undergirded by a Hindu-centric vision of land (see Chapter 4). This is equally at the core of donor-supported state-led land mapping. 6.2. discusses efforts by CSOs to influence policy. They employ the VGGT insofar as they back the legitimacy of intermediary NGOs' inclusion in policy-making and in shaping the narrative of land rights around 'user' and 'informal tenure' rights. 6.3. discusses how global-local and state-civil society relations of intermediation condition this employment. It focuses on land rights CSOs' growing capacity to channel development and governance projects on behalf of marginalised constituencies, suggesting that their leverage lies in their grassroots *and* transnational activism, through which they gain access to the VGGT workshops. 6.4. shows that efforts to adapt 'multi-stakeholderism' to the Nepali context, as promoted by the Tenure Guidelines, are part of the employment of this global governance instrument. 6.5. interrogates whether the VGGT are viewed as a potential effective tool at the grassroots level. The chapter concludes that at one end of the political spectrum, reformist state agents provide concessions through 'user rights' and 'informal tenure rights', and interpret the Guidelines to this end. Radical local-level activists continue to demand the same rights as land-owners but make little use of VGGT workshops locally. Meanwhile intermediary NGOs seek a progressive compromise in a model defined as 'good enough governance'—underpinned by land mapping and land use certificates—for which they refer to the Tenure Guidelines in an environment marked by rights translation, development brokerage, and mediation; all facets of governance brokerage.

6.1. FROM FAILED LAND REFORM TO LAND GOVERNANCE

In Nepal, governments and non-governmental partners became the recipients of donor support and FAO technical assistance to 'implement' the Tenure Guidelines through a wide range of VGGT workshops targeting both state and civil society actors (see Chapter 3). One of the main areas of intervention was the post-constitutional drafting of a new *Land Policy* and *Land Use Policy*, which were completed after my field research. Similarly, Nepal held its first post-conflict federal elections in 2017 (the first local elections in two decades), and started amending the *Land Act* for a 12th time. My ethnographic observations thus only cover the process building up toward these legislative reforms, which, I argue reflect a general trend toward 'tenurial reform' and 'land law reform' (see Chapter 2), as mediated by land governance brokers in the interstices of state-civil society relations.

This section provides the background of the political 'land reform' in Nepal's new democratic regime. It then assesses how recent reform trends point toward a land use management system, for which the VGGT partly provided backing to participatory cadastral mapping.

6.1.1. A NEPALI CONTEXT OF 'SCIENTIFIC LAND REFORM'

When the first globally-designed VGGT projects for multi-stakeholder platforms arrived in Nepal, they entered a public arena where state agents had long been discussing land governance issues, from the many government land commissions to the Constituent Assemblies (2008-2015).

This section argues that the employment of the VGGT needs to be viewed as part of ongoing efforts to seek consensus and compromise between the landed and the landless (but also of side-stepping Indigenous Peoples' claims to land). In this sense, the specificities of recent debates around "scientific" versus "revolutionary" land reform are crucial to understanding the discursive transition away from land reform toward 'land governance' and 'land use management'.

VGGT projects arrived in Nepal at a time when state and non-state actors were debating the meaning of land reform. Whereas reports by Kathmandu-based mediating NGOs, such as CSRC and FIAN-Nepal, were still using the term 'land reform' before the 2015 Constitution,⁴⁷ during my field research, this language was changing (observational analysis). Initiatives became more widely framed with the generic term 'land rights' or 'land governance'—a stronger framing that bridged globally-funded projects to national government efforts, as discussed below.

⁴⁷ See e.g. CSRC's National Land Reform Action Plan of 2014, and FIAN's recommendations in parallel reports (2014).

First, key to understanding land governance in Nepal today is Regmi's classification of tenurial systems, which is often used in presentations at VGGT workshops (participant-observation). Very broadly put, *Raikar* was state land under which three secondary forms of tenure evolved: *Guthi*, *Birta* and *Jagir*. *Guthi* stems from endowments of land to religious bodies (Regmi 1977:50-53). The now-abolished *Birta* and *Jagir* was an ascriptive system with emoluments for state agents and functionaries, which remains the foundation of today's political authority, administrative system and institutionalised privilege, underpinned by ethnicity, religion, geographical origin and caste (Regmi 1977; Wickeri 2011) (see Chapter 4). A land-holding oligarchic group was formed through state-administered land grants to Brahmins (priests), Chhetri (soldiers and nobility), and larger ethnic groups (members of the military) (Regmi 1977:23). The aim was to extend cultivated area, increase state revenues, and preserve the political authority of the dominant classes described above (Regmi 1977).

Particular ethnic groups' customary land tenure systems were known as *Kipat*. Communal property clashed with the rulers' idea of land as individual property and a source of power—"Raikar and Kipat are therefore based on diametrically opposed conceptions of the *source of rights* to use the land" (Regmi 1977:19, emphasis added). On the premise of building a welfare state, the 1960s developmental state abolished *Kipat*. The tenure systems that exist in Nepal now are *Raikar* as privately owned land; public or government land where exclusive rights are retained by the state, which regulates its usage by the landless; and *Guthi* or trust land, which is farmed by tenants.⁴⁸

Historically, for the purpose of nation-state building, *Raikar* landholdings needed to be registered. In 1854, steps towards documentary evidence were taken, culminating in a system of land records (codified in 1921), thereby commodifying land (Wickeri 2011:957). Thus, in all legislation from the 1888 *Legal Code* until the abolition of customary tenure in the *Land Act Amendment* (1968), evidence of title was required lest the *Kipat* customary user be accused of encroaching state land (Caplan 1970:55). Property rights were enshrined in the 1951 Constitution, and in every constitution thereafter (Wickeri 2011).

Following some of the characteristics of genuine pro-peasant land reforms of the 1950s-60s in other countries (Lipton 2009:6-7; see Chapter 2), Nepal's 1964 *Land Act* marked the first attempts to redistribute land through legal means. Landowners would share land with tenant tillers, but implementation largely failed (Deraniyagala 2005:55), and tenancy rebalancing laws actually led to farmer evictions due to entrenched landlordist power relations (Lipton 2009:154). The Act speaks of "equitable distribution of land", but a CSRC leader argues that such language was used for political legitimacy, following the banning of

⁴⁸ See FAO Gender and Land Rights Database: www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/prevaling-systems-of-land-tenure/en/?country_iso3=NPL.

political parties by the King during Panchayat rule (Basnet 2018:137-139). Similarly, the 1981 third amendment granted tenancy rights just before elections, but was hampered by a "political, administrative, and judicial nexus" of "landed class interests" (*ibid*). As Basnet's (2018) analysis shows, legal reform can be instrumentalised by political parties, notwithstanding the socialist rhetoric. The 1994 amendments were shelved and not implemented (see Wickeri 2011:964). During the Maoist insurgency, in 2001, the *Land Act* was amended to provide certification and formal rights in half the land tilled, but most tenants were unaware and uninformed (Wickeri 2011:960), reminding us of the non-implementation of land laws if locals are not involved or informed (Manji 2006).

In Nepal, farmland inequality and mass rural poverty remain interlinked, in an agricultural landscape where smallholder private tenure characterises most farms (i.e. family-cultivated, primarily below 2 ha) (Lipton 2009:112-124). Moreover, large landlords are members of political parties and well placed to resist the enforcement of ownership ceilings and influence law accordingly (Roka 2011). This is key to how state agents view the Tenure Guidelines' content for their own purposes to avoid redistribution, centring instead on what the instrument provides in terms of legislative reforms that protect their property rights.

One key reason for Nepal's land rights movement's⁴⁹ argument in favour of state-recognised property rights is that registered tenants did not have the same rights as land-owners, because they could not transfer those rights through sale, nor use the land as collateral (e.g. for loans), depriving them of upward mobility (Wickeri 2011:960). This remains a recurrent issue in today's struggles to influence policy-making on behalf of the landless, who are not satisfied with translating tenure rights as mere 'user rights', which I return to below.

Following the armed conflict, during which land was seized by Maoist insurgents, the 2006 Comprehensive Peace Agreement (CPA) between the Maoists and the Seven-Party Alliance (SPA) stated that land reform was a precondition to social transformation (Carter Centre 2012:1). Indeed, the 2007 Interim Constitution enshrined "scientific land reform", which entailed partial compensation for affected landholders. These discussions—underpinned by property rights—were key to initial interpretations of the Tenure Guidelines: the VGGT were introduced into Nepal at a time when the Second Constituent Assembly (2012-2015) was still discussing returns of seized land, and what a 'scientific land reform' implied. By then, for state agents, a land census was considered the first step toward their interpretation of land reform, as "the government needed to have clear data", (INT-GOV14), and thus land mapping became central, as discussed in 6.1.2.

⁴⁹ The movement is made up of Community Self Reliance Centre (CSRC) which today acts as backstopping NGO for the National Land Rights Federation (see Chapter 4, and 5.3. below).

The terms "scientific" land reform and "revolutionary" agrarian reform were introduced into the Marxist-Leninist and Maoist political parties' manifestos respectively during the first ever Constituent Assembly elections in April 2008, two years after the end of the 'civil war', and remained there in 2013 (Pyakuryal and Upreti 2011:11; Sharma et al. 2013:6). In the original *Land Act*, "scientific" was defined as a systematic way to proceed with changing the landholding structure so as to avert "revolutionary changes" (Regmi 1977:44). By 2007, the term—though still not explicitly defined—was connected to increased productivity, socioeconomic reform, and accurate land record systems (Upreti et al. 2010).

Once in government, in 2008, the Maoist Party established a Land Reform Commission.⁵⁰ In 2009, CPN-UML established a second commission. However, amidst the post-conflict hold-up around land seized by the Maoists, and CPN-UML's boycott of land ceilings (Roka 2011; Carter Centre 2012:1), the government studied previous recommendations for a broader comprehensive land reform, which are of relevance to how the Tenure Guidelines were initially interpreted. In April 2009, the scholar-activist collective known as Consortium for Land Research and Policy Dialogue (COLARP)⁵¹ organised a "National Discussion and Interaction on Scientific Land Reform". Here, they presented their long-term vision of scientific land reform for agricultural productivity, placing emphasis on "scientific agriculture", as "the engine of development" under the umbrella of agrarian transformation (Pyakuryal and Upreti 2011:18).

In sum, the term 'scientific land reform' marks the political discourse of several decades all the way up to the Constitution of 2015 and first VGGT workshops. There were, however, different interpretations among and within party-affiliated peasant organisations and independent movements, as I now discuss. For example, in the view of CSRC leader, Basnet, ANPFA leaders were reneging on their earlier campaigns for 'scientific land reform' and 'revolutionary agrarian reform' in their political rhetoric (see Basnet 2011:151).⁵² However, a series of interviews that I undertook during ANPFA's national General Conference in April 2016 with members from across the country and spanning three generations, revealed how positions on "scientific" and "revolutionary" land reform varied depending on class, caste, geographical location, generation, and political ideology. For instance, one member over the age of 70 expressed the need for nationalisation of all land to be administered by the state (PC) while a younger member spoke of the unrealistic nature of

⁵⁰ Report available at: www.molrm.gov.np/downloadfile/Report%20Final_1317547371.pdf.

⁵¹ COLARP were the first coordinator of a VGGT National Multi-Stakeholder Workshop in December 2014.

⁵² Basnet (2011), former CSRC leader, writes that land reform in benefit of landless was abandoned by politically affiliated peasant groups who focus on agrarian reform (e.g. ANPFA). Dangal (2013), former ANPFA SG, considers 'scientific' land reform to be a premise for agrarian reform, and this includes establishing a land ceiling. Dangal also argues that 'scientific documentation system' is to be achieved through a country-wide cadastral survey, and that a food sovereignty approach to land reform includes providing land to "the landless people, marginal farmers, agricultural workers" (Dangal 2013:244). Thus land mapping is not contradictory to land rights in the view of food sovereignty proponents.

those demands, given that the newly adopted Constitution enshrined the right to property (PC). He explained that the talk of 'nationalising land' is a political strategy to appease the 'voter bank' of poorer peasants (PC). Meanwhile, a former ANPFA chair, then transferred to a government office for entrepreneurship, was surprised to hear that such claims of nationalisation were made at the General Conference (INT-ANPFA13). An elderly farmer expressed that the party will provide arable land to peasants (PC). An ANPFA/LVC leader later explained that compensation could be given—also as per the Constitution—for privately owned land expropriated for the public good (including for land reform), for instance via shares in hydropower (PC).

Other ideas being mooted included 'land banks' for large landowners and absentee landlords to lease their land for farming without losing their property (PC). Such a proposal would address the common practice of absent landlords who prefer to pay the penalty (a government levy) for leaving land fallow, rather than face the risk of losing their inherited land to tillers, as a former FIAN-Nepal board member shared (INT-UN4). His position demonstrated that lenient government economic sanctions can do little to challenge landlordist power. The 'land bank' idea was further developed and eventually materialised as a policy. It was presented to the international community at a Land Governance webinar in June 2020, (see 6.4) (participant-observation). As a Ministry of Land Reform and Management (MoLRM) spokesperson explained to me, it involves a pragmatic approach that aims to assuage landlords' fears:

[A]bsolute ownership is with me. The Constitution says property rights should be respected, so they cannot grab my land. The land bank avoids the problems of dual ownership (between owners and tillers), whilst making land available for much needed cultivation, because the concept of land reform is not only based on agrarian reform and redistribution of land, but on increased productivity, and equitable access to land" (INT-GOV14).

Additionally, members interchangeably use 'scientific' and 'revolutionary' depending on which interest group they belong to, and who their audience is (fieldwork observations). Like any political party, CPN-UML is not a monolithic entity. The party elite is made up of powerful landlords (Roka 2011), and ANPFA leaders are themselves part of the landed class, as are most leading figures of Nepal's political-civil society⁵³ (see Chapter 4 on their high social status). One ANPFA /LVC peasant leader (and later MoP) openly expressed at a VGGT workshop in September 2016 that although he personally believed in land use classification as per ongoing debates (e.g. to classify his urban plot for agriculture) his family would not support 'jeopardising' their land, given the growing land market (and related speculation) (participant-observation). This complex position reflects some of the intra-organisation

⁵³ On CPN-UML-NGO close relations see Hachhethu 2006.

contradictions in the upper echelons, which an ANPFA member highlighted as problematic (PC). Meanwhile, as one district-level ANPFA member—who is of 'lower caste' and thus potentially challenges the landlordist state—reiterated:

We need land reform. 5% of the population owns more than half of land in Nepal. The same landlords hold power in the government. [...] ANPFA actively advocates land reform. These days, we are talking about revolutionary and reform [...]

The government must introduce land ceilings. The management of land use and land distribution are two different things. First, the government needs to redistribute land to landless people [...] The central level land reform policies do not work here. The government has to create a mechanism to collect data at the local level and verify the data. It is the government's duty to collect evidence, which could include by visiting such people's houses, local district administration office, examine their property ownership last three generations. The government only formulates policies, which end with trainings run by different political parties.

My request is that you include our opinions in your report and inform the government about it. (INT-ANPFA17).

Similarly, when I asked a Dalit leader why the Ministry of Land Reform Management (MoLRM) changed its name to Ministry of Agriculture, Cooperatives and Land Management (early 2018), he shared an insightful analysis of the recent shifts:

All political parties are not in favour of reform, they don't want to reform, they only want land management. It is very sad because we are organising the reform agenda, but the government nowadays, all Communist parties, say if we produce much more, then the poor will benefit. It is not possible to distribute land; we have to produce more and more [...] I too am a UML activist, I was a high-level commissioner of land reform, and when our party asked us about land reform, we had a meeting, and I raised this strongly, with [CSRC leader], that we should have a Land Reform Ministry, but they did not agree with us. They said we can have settlements, on public land [...] Private is their own land. If a leader has 11 hectares of land, they will put ceiling at 11; if 15, at 15 and so on [...] So nowadays they speak of agrarian reform for productivity, and land management. This is very sad for civil society movements" (INT-NGO16).

This former member of the CPN-UML Land Reform Commission (2009) further explained the complexity of the intra- and inter-party debates before the 2015 Constitution, and changes since then:

We recommended commissioners for a new land rights commission [...] But this Constitution has not accepted but there is another commission, a Finance and Natural Resources Commission (together). It is not formed, recommended, constitutional."

From the state perspective, a ministry spokesperson explained to me that being 'scientific' in land reform means being 'systematic' (INT-GOV14). The ministry's stance was

to use the term "cautiously", partly because "it is not well documented nor defined" by the government (INT-GOV14). For him, although he is a member of the ruling Communist Party (CPN-UML—which espouses 'socialism', not 'communism', as described in Chapter 5), 'scientific' does not imply redistributing landholdings whose size surpass a given land ceiling, as that would be the "communist and traditional approach to land reform" (INT-GOV14). Rather, in his view:

[S]cientific' has two objectives, first to ensure equitable access for peasants, landless farmers, i.e. marginalised people and second to increase productivity, i.e. to get an economic benefit by adopting tools for land management [...] modern, scientific tools (as included in former land commission reports) [...] to increase productivity, reduce land fragmentation, increase agricultural facilities such as irrigation [...] and give access to needy people who really need it (*ibid*).

Indeed, in 2011 MoLRM had formed a committee, which recommended "that the government conduct a *comprehensive land census* to assist with formulation of policies governing land use, land ceilings, redistribution, and other matters" (Carter Centre 2012:5, emphasis added). Evidence shows that these recommendations probably formed the basis for the Ministry's actions post-2015. These included interpretation of the Tenure Guidelines as a tool to support a government-led participatory land-mapping project.⁵⁴ (described in 6.1.2.).

Hence, at central government level, the discourse has seemingly shifted from redistribution as per the Maoists' demands, to land census and 'land use' as the first step toward solving the 'land reform' question. This is how state agents refer to the Tenure Guidelines, within the wider context of legal reform. Or as a long-standing Dalit leader (who led human and land rights caravans in 2011) highlighted, by 2018 meetings referred to "land reform governance":

[L]and reform governance—governance is now also their word. That word is not good for us. We are raising the voice for land reform for now 50 / 70 years. It was a major demand for Maoists, for civil society. But the political party leaders, when they came to power, then they decided like that [he laughs] (INT-INGO16).

In this sense, the *Land Use Policy* drafting, as well as the *Land Act* amendment process, both reflect a general trend toward focusing on 'land law reform' (Manji 2006). Law and development go hand in hand in this context (*ibid*), and the Tenure Guidelines are used to the extent that they fit in with these tendencies of land governance, by selecting its principles and/or paragraphs that support such initiatives. As summarised by the ministry spokesperson who was most involved with VGGT workshops and drafting of new land policies:

⁵⁴ Funded by donors, and facilitated by UN-HABITAT in cooperation with state and non-state actors.

There were 3 National Workshops, organised jointly with MoLRM and FAO, although the local partners were different. At the end of each workshop, we issued resolutions. According to those resolutions, the government has to develop some capacity in formalising policies, legal issues and institutions which may be helpful to implement provisions of VGGT—its general principles: what government should do, and what non-state actors should do. And then the principles of governance like equity, gender, social justice, accountability, transparency [...] Our Constitution provisions are more or less able to incorporate and implement the principles from the VGGT, but unfortunately we are lacking a specific law to implement the Constitution (INT-GOV14).

In this context of land law reform, grassroots CBOs relied on NGOs to both train them in legal affairs and advocacy, as pointed out in previous studies on VGGT workshops in other countries (see Franco and Monsalve 2018). They do so to influence either policy-making or law amendment processes, whilst NGOs such as CSRC, FIAN and COLARP intermediate between them and state agents through their access to state agents. This is an important aspect of state-civil society mediation of relations that I return to in 6.3.

I conclude this first subsection by reiterating the relevance of Kathmandu's 2014 post-conflict context, which helps to understand how the Guidelines were interpreted. Within the emerging framing of land governance, VGGT workshops took place as government and non-government actors gradually distanced themselves from more polemic debates on land reform, particularly regarding redistribution of privately owned land, whether previously justified on 'scientific' or 'revolutionary' grounds (observational analysis). This shift reflected the common stance among landlords that property rights needed to be protected. Regarding access to land for landless farmers, dialogue increasingly centred on land rights. These were premised not only on 'user rights' and 'tenure rights', (see 6.2.), but especially on existing understandings of property rights or state-owned and managed land, as well as the need to map these systematically (with assistance from donor-funded projects) as discussed next.

6.1.2. LAND MAPPING AS PART OF LAND GOVERNANCE

This section shows how, in parallel to VGGT workshops and the post-earthquake reconstruction phase, donor-funded activities increasingly centred on participatory land-mapping. Therefore, the Guidelines were interpreted by state actors as a tool to support these initiatives. This took place as political discourse was shifting from 'land reform' to 'land use management'.

In light of the three National VGGT Multi-Stakeholder Workshops co-organised by FAO and the government (2014-2016) (see Annex 5), and occurring during post-earthquake rehabilitation programmes, participants argued that Nepal needed to build transparent cadastres, (as per the Tenure Guidelines, see Annex 4) (workshop reports). A post-VGGT donor-funded project on cadastral mapping –thus became the main thrust toward 'land

governance' adapted to a Nepali reality. This trend toward 'land governance' fed into the UN-HABITAT and GLTN-funded Fit-for-Purpose Land Administration Project (2018), described next (participant-observation).

Before the VGGT workshops, Nepal had been a recipient from 2012 onwards of an FAO project piloting a computerised land registration system adapted to developing countries in need of more robust data management (SOLA Solutions for Open Land Administration).⁵⁵ Within the framework of assistance earmarked for VGGT implementation, Nepal continued to develop its geospatial training programme—a locally suitable technology as recommended by paragraph 17.4. Hence the Land Survey Department at MoLRM and the governmental Land Management Training Centre (LMTC) became particularly active in the VGGT workshops, sending their young geospatial technology trainees and civil servants to workshops (observational analysis).

Indeed, more flexible and context-sensitive approaches have emerged to land mapping and titling internationally (Krantz 2015)⁵⁶ (see Chapter 2). In 2014, the WB partook in a new land administration concept promoting land registration based on local contexts and community needs known as 'Fit-for-Purpose land administration' (FFP) (Barry 2018). These propose considering local socio-cultural tenure complexities, and responding to the limited impact of costly, one-size-fits-all earlier approaches, although they are equally centred on "aerial/satellite imagery to record boundaries rather than field surveys and a flexible tenure and flexible ICT approaches" (Barry 2018:383).

In Nepal, FFP pilot projects were being developed in parallel to the VGGT workshops. In fact, at the National VGGT Multistakeholder Workshops (see Annex 5), the need for functioning cadastres had already been established, and this interpretation of the Tenure Guidelines overlapped with the rolling out of an FFP project implemented by UN Habitat, Kadaster and LMTC in earthquake affected areas (observational analysis). In March 2018, speakers at the UN HABITAT Land Governance Conference presented these initiatives, and their backing by the Guidelines as one element of a "wider global agenda" (see Figure 6.1). International representatives expressed their conviction that more donor funding could be made available to Nepal if they chose to continue with FFP (participant-observation).

⁵⁵ See, <https://landportal.org/node/9492>; and <http://www.fao.org/tenure/activities/administration/recording-of-rights/software/en/>

⁵⁶ Albeit with limitations that still need verifying (Abubakari et al. 2020).

The Wider Global Agenda



Figure 6.1.

Slide from Presentation at UNHABITAT Land Governance Conference, March 2018

Additionally, at the UNHABITAT conference the then-draft *Land Policy* was hailed for drawing from several global instruments including the Tenure Guidelines (participant-observation). In this regard, the need to recognise and register informal land tenure had become a central aspect of the VGGT workshops post-2015. However, this also opened a wider discussion about the fact that social recognition of certain *Adivasi-Janajati* informal tenure systems had no legal recognition. This too, it was argued by civil servants, could be connected to the pending nationwide land mapping exercise that counted on community cooperation. Nevertheless, a speaker from CSRC, and renowned anthropologist, highlighted the need to undertake further research on remaining customary systems of Indigenous Peoples across Nepal, beyond land-mapping (participant-observation). This anthropologist and CSRC board member had facilitated the Oxfam VGGT capacity-development training (see Annex 5), where the need for more research on customary tenure systems was equally raised (INT-NGO14; INT-ACADEMIA1).

The need for more research in a context where the government is calling for a systematic approach to data collection on the country's land covering, though justified, may

also be a way of delaying the legal recognition of customary rights (see Chapter 7). Some research does of course exist (see COLARP 2017a). Here, suffice to add that back in 2016-2017, as part of VGGT-inspired efforts to discuss policy gaps to be addressed by the constitutional policy review process, a COLARP researcher who had co-coordinated the first ever VGGT workshop in Nepal (December 2014), published two policy briefs on customary tenure of land (see COLARP 2016; 2017) (INT-COLARP1).

This brought some attention to the plight of smaller ethnic groups to shape the political discourse around types of land tenure that the government could recognise, however, what remains is a gap in its connection to the spheres of law making, a role that, I suggest, only strong enough mediators can play through governance brokerage. Yet, if the rights are not demanded by the affected themselves, the *Adivasi-Janajati* demands for state recognition of their difference, framed as indigenous rights, may possibly not be mediated by social actors who, though working actively on land rights issues for the landless, are nevertheless Khas-Aryan. A NEFIN leader from a remote mountainous region where customary systems still exist explained that "customary laws are a challenge in the Hindu system [and] the government prioritises Hindu norms and values, which are not compatible with customary rights" (INT-NEFIN1). As reiterated by an Indigenous lawyer at a later online land governance webinar (June 2020) (described below in 6.4.3.), the focus of state agents as well as of CSRC and the landless movement on property rights is underpinned by their positionality in a society that excludes a cosmovision of a collective relationship to land (participant-observation).

Rather than solely resting on recent global governance initiatives or donor-funded spaces, such efforts build on two centuries of state-led efforts to consolidate compulsory coverage of registration, as described above (see Acharya 2008). This is evident in the fact that governmental institutions—from the Ministry, to the University of Kathmandu, to LMTC—all provided geospatial and FFP training to land survey officers, as part of long-standing efforts by the Nepali state to generate tax through cadastres (see e.g. the 1978 *Land Revenue Act*). Equally, as discussed above, protecting landlords' property rights over seized land was key to post-conflict political compromises with the Maoists (see Roka 2011). The need to map land destroyed by the 2015 earthquake was also paramount for access to state services and compensation, as discussed in the VGGT workshops (see 6.2.2.).

Ultimately, the conference demonstrated that other externally-funded projects, such as Fit-for-Purpose (FFP), became perceived as more relevant to Nepal's efforts towards a transparent land management and planning system (participant-observation) due to their practical implementability. As a Ministry spokesperson stressed, land is a source of tax revenue, but completing a full cadastral survey requires financial resources, (INT-GOV14), so the FFP project aimed to facilitate the survey through donor funding on the one hand, and

community engagement on the other, precisely because community involvement makes such land mapping projects more financially feasible, and socio-culturally sustainable (see Barry 2018; Abubakari et al. 2020).

The participation of community actors was expected to be channelled via the land rights NGO, CSRC, who referred to this endeavour as "good enough governance" (see CSRC Report 2018), an important interpretation that I return to further below. In this respect, 6.2. covers the employment of the Tenure Guidelines from the perspective of the grassroots land rights movement, the National Land Rights Forum (NLRF), supported by CSRC.

6.2. TRANSLATING LAND RIGHTS: NON-STATE ACTORS' EMPLOYMENT OF THE TENURE GUIDELINES

This section argues that civil society actors' use of the VGGT had two main aims: first, to ensure their participation in deliberative spaces to forward their demands, and second, to strengthen the framing of their struggles for land rights, based on property rights for all. State agents, however, translated these demands into 'land user rights' which in practice continued to differentiate the landless from the landed in terms of property rights, without addressing the landless' claims for access to land through redistribution. The following section (6.3.) will focus on the role of progressive governance brokers, in particular CSRC, in seeking compromise between reformist state actors and radical social movements.

6.2.1. THE LANDLESS MOVEMENTS' DEMANDS FOR LAND RIGHTS BEYOND 'USER RIGHTS'

The landless movement in Nepal is led by a social movement—the National Land Rights Forum (NLRF), and is supported in Kathmandu and locally by an NGO—Community Self Reliance Centre (CSRC). As I develop further in 6.3., this collaboration of actors makes up a brokerage chain that goes from the very grassroots level to the national policy-making arena, and to the transnational level of activism. Below I examine what their demands are, to what extent these are supported by the Tenure Guidelines, and how state agents react to these.

CSRC speak on behalf of landless families, members of NLRF. As explained by a sub-national coordinator, these wish to be considered legal individuals possessing the same powers of use, inheritance, and sale as the landed (INT-NLRF1). Therefore, their campaigns focus principally on achieving deed of title, which in turn ties them to the judicial and police institutions of the state. It also gives them access to state services that they are deprived of (*ibid*). This would benefit both the state with an increase in taxpayers, and the disadvantaged through the respect and dignity that comes from land possession (*ibid*). As a national Dalit network leader emphasised, landless people demand "rehabilitation", which implies "land, education, skills, and empowerment, to live with pride" (INT-NGO16).

Yet rather than defending full ownership rights for the landless, deliberations held in the framework of VGGT projects progressed toward framing their secure tenure rights as land 'user rights'. Indeed, the argument for 'user rights' remained anchored in Nepal's historical construction of a property regime that favours the higher classes (see Chapter 4). In that sense, the VGGT did not provide a new interpretation enabling to displace socially embedded systems of meaning, such as land ownership. In a process of near-'vernacularisation' (Merry 2006), however, the Guidelines did add impetus to the momentum generated by Nepali peoples' movements for land 'user' and 'informal tenure' rights. This can be viewed as a process of interactive hybridisation, combining symbols from the 'source' (global governance instrument) and ideologies from the 'target' (Nepali society). Still, context-specific historical and social customs continue to prevail.

Hence, the framing of 'user rights' for *sukhumbasi* (landless/squatters) became relevant for joint government and CSCR efforts to formally recognise land farmed by landless settlers.

To help the government understand the extent to which landless people occupy unregistered state land (referred to as "encroached") a High-Level Landless Problem Resolution Commission was formed to collect data⁵⁷ (INT-GOV14). Formal recognition of *state land* use by settlers is one solution proffered by state agents to the landless issue, and channelled to the disadvantaged sectors by CSRC and NLRf (see 5.3.). This provision was incorporated into a then-draft *Land Policy* (2018) formulated by MoLRM:

The main concept is that land is already informally acquired by people who have built structures there, so the government can't move them. So the land needs to be regularised anyway—as we are losing taxes from that land, because it's not in the cadastre. We are losing registry fees, [... revenues—it's still there, but insecure, so they won't invest, and productivity won't increase, those lands are like dead capital. (INT-GOV14)

State agents consider the only-partial titles provided to *sukhumbasi* on state-owned land an important advancement in 'user rights' (*ibid*):

[The landless] don't get a [full] *lal purja* (ownership certificate). If the government wants to regularise that land, they will have to conduct IVR: identification, verification and recording. [...] If based on all these investigations, the fact is established that they have been occupying that land, then the government will regularise that land [...] But so far the government is only willing to give user rights, not absolute rights. They can get a *lal purja* that mentions that the land can be used, but it is not for sale, not for mortgage (INT-GOV14).

⁵⁷ A press meeting on landless issues I attended in February 2018 in one local commission, where NLRf activists participated, was more procedure-based than issue-based. It revolved around landless "squatters encroached" state land, and how this was being solved either through confiscations or regularisation (participant observation).

Formalising informal settlements ultimately enables to consolidate the government's revenue base, without providing absolute property rights. This is all the more significant in the process of state restructuring through federalisation. Whilst the land certificate proposed by the government may be a positive step toward ensuring tenure security, the nature of the certificate is still contested by district-level land rights activists, because it does not change the structure of land ownership, the main identifier of class and social status. Grassroots land rights activists critiqued the government's approach and took a more radical stance, challenging the historically entrenched landlordist state. By not transferring rights to mortgage the land, nor giving conditions to obtain a loan (e.g. to send children to school, university or access a hospital) the government's approach essentially perpetuate discrimination and lack of social dignity for the landless, according to a local NLRF coordinator (INT-NLRF1). A Dalit leading activist reiterated: "If you have land, your son can become a doctor. If you have no land, you get no loan" (INT-NGO16). The land reform proposal thus remains incomplete (INT-NLRF1).

In this context, two NLRF young women members spoke respectively of their challenges as landless: a freed bonded-labour family attempting to restart their lives, and a family of flood victims living in camps, waiting months for state agents to provide promised plots of dry land (NLRF group discussion). Whilst a government representative in Kathmandu saw ongoing efforts to categorise land and identify/verify the landless as a type of 'reform' (toward transparent registries) (INT-GOV14)— subnational-level NLRF activists considered that land reform was no longer a strong framing for the land rights struggle (INT-NLRF1).

In sum, the policy-making process regarding the landless reflects tensions that emerge as the Nepali state transitions from tacit recognition of semi-feudal land ownership structures to fully-fledged capitalism, whereby the state can benefit from transparent cadastres and strengthened property rights. State control is maintained, and tax revenue streams for the government secured and increased, whilst conditions are created for a free market in the transactions of certain types of land. Individual property rights become strengthened, thus appeasing the anxiety of landowners of all sizes, and providing contractual predictability, often mentioned as a prerequisite for functioning market economies (Manji 2006:89) (see Chapter 2).

Nepal's grassroots activists broadly demand ownership rights (i.e. a full *lal purja*), in line with those benefitting the ruling elites of the existing Hindu-centric property system. In the eyes of the landlordist state, however, these demands are considered excessively radical (observational analysis). Interestingly, the landless movement's demands for a full title deed contradict the findings of similar initiatives in other countries, given the risk of loss of land for the poorer owners due to excessive taxation, and the cementing of existing inequalities,

particularly affecting women⁵⁸ (Sjaastad and Cousins 2008). This is because title deeds and registers, and the uptake of a legal property system as an alleged type of land reform, have entailed several risks elsewhere (*ibid*). For the purpose of this analysis, reformist-progressive political camps identified by Borras et al. (2013) favour land titling as a type of land reform, but in the case of Nepal, this is also supported by radical voices. Both state and non-state actors interpret the Tenure Guidelines from this perspective. Given the radical demands of landless peasants to obtain property rights (for which their used plots of state-land need to mapped and registered), and the landed elite's steering away from redistributive land reform, current initiatives backed by government and landless movement uses of the Tenure Guidelines straddle reformist and progressive-radical approaches to land tenure governance.

6.2.2. GUTHI LAND RIGHTS FRAMED AS 'INFORMAL TENURE RIGHTS'

As discussed next, NGOs facilitating workshops provided both technical (development) translation by channelling funded governance workshops into a national setting where aid is key, and rights translations, by framing their existing struggles with the terminology from global governance instruments, such as the Tenure Guidelines. These two forms of translation, in addition to mediation, are key overlapping functions of governance brokers. As described by Lewis and Mosse (2006), intermediaries are not only considered as mediating between aid donors and recipients, which I return to below, but are also seen as central to implementation through 'translation' of concepts, practices, and interests, including in rights-based development (Lewis and Mosse 2006).

After the earthquake, the VGGT workshops became spaces to deliberate on post-disaster land management. The earthquakes and subsequent landslides of 2015 brought to light the large amount of people who did not have property deeds for lost land, and therefore could not initially access government reconstruction grants. After the post-disaster immediate response, the government had to identify victims who lost their land and needed compensating. It became even clearer that records of tenure rights fell short of public information sharing. A land census became all the more necessary (INT-NGO4).

On the one hand the situation seemed to justify many CSOs/(I)NGOs consolidated campaigns for *formal* rights revolving around land titling, including recognition of legitimate ownership, and access to related social, political, and legal benefits (e.g. bank loans, irrigation, voting rights, and full citizenship in a country where many landless are also stateless). On the other hand, post-earthquake discussions held during the FIAN-organised

⁵⁸ Indeed, in later VGGT capacity-development training sessions geared toward women and facilitated by Oxfam in December 2017, property rights were presented as one of the main achievements of the democratisation era, along with the many NGO and NLRP-led campaigns for Joint Land Ownership titles (INT-INGO1; INT-NGO4; INT-CSRC2). There is insufficient scope in this thesis however, to explore campaigns for women's property rights in Nepal.

Second National VGGT Multi-Stakeholder Workshop (2015) also sparked debate on the absence of politico-legal recognition of '*informal* tenure rights'.

More specifically, NGOs lobbying for a more equitable land administration system found in the Tenure Guidelines an instrument to support claims for legal recognition of informal land tenure of people living on *Guthi* land. One achievement of the VGGT workshop was to achieve government compensation for post-earthquake lost land for people living on *Guthi* land with no titles, but paying levies (PCs).⁵⁹

A VGGT facilitator of a later VGGT workshop (2016), however, did not relate the 'achievement' of access to reconstruction grants to the VGGT, but rather to efforts spilling over from previous campaigns. Indeed, the Democracy Resource Centre, a policy research NGO, had identified non-registered *Guthi* dwellers beforehand, and warned the government and National Reconstruction Authority (NRA): "They recognised that they had made a mistake, and corrected it—now the state has set up a new set of rules, so that they can gain access to land—but this was a big issue earlier [...] It was not because of the VGGT" (INT-NGO4).

Notwithstanding, the workshops did provide added impetus to struggles demanding the recognition of informal tenure. Most importantly, post-earthquake deliberations with the backing of the Tenure Guidelines for informal tenure rights added momentum to a long-standing debate on how to secure land rights for the landless overall.

The next section shows, nevertheless, that national governance broker's political strength to influence policy in their favour gains more leverage from their rootedness in grassroots struggles and transnational connectedness, than from global governance instruments or projects.

6.3. GOVERNANCE BROKERS ACROSS GLOBAL-LOCAL AND STATE-CIVIL SOCIETY INTERMEDIATION

How do global-local and state-civil society intermediation condition the process of employing a rights-based global governance instrument? This section discusses the landless movement—NLRF and its 'backstopping' NGO, CSRC. This collaboration has grown in political leverage thanks to its grounding in local activism and strong mobilisation capacity amongst its most marginalised castes, but also to the role of an intermediary NGO, the CSRC. By interacting as governance brokers with state agents and the international arena, CSRC ultimately seeks to negotiate a middle ground between the radical narrative of land rights for the landless, and progressive-reformist state agents' focus on 'user rights' and land use mapping.

⁵⁹ Yet this type of compensation did not extend to other informally held land, such as that of poorer indigenous communities living on the edges of Shivapuri National Park, only a few miles from Kathmandu (INT-BZA10; INT-BZA11).

6.3.1. THE LAND RIGHTS MOVEMENT

Who are the main actors of the landless movement? Why have they become so vociferous, and how have they partnered with an NGO who brokers governance on their behalf? How does this chain of global-local and state-civil society intermediation condition their employment of the Tenure Guidelines?

The land rights movement, a partnership between NLRF and CSRC, was identified as indispensable actors to participate in VGGT workshops (INT-INGO1, INT-INGO2). As shown below, the Guidelines and workshops were mainly used by the CSRC to strengthen their position as brokers on behalf of NLRF to be included by state actors in co-drafting new land policies. I argue that CSRC can perform this role partly because its founding activist members are of the same social class and caste as state agents (i.e. educated Brahmin-Chettri), which places them in an advantageous inter-state-civil society position to politically broker on behalf of marginalised classes and castes.

CSRC was founded in 1993 and evolved from a community-based organisation to a national level NGO campaigning for the land rights of land-poor farmers, by engaging with networks both globally and locally. The current director explained:

CSRC was founded by a group of primary school teachers in a village in Sindhupalchok District, when they made the linkage between the trafficking of young girls and the tenancy problems faced by tillers who had no tenancy rights, and paid extortionate rent fees to landlords. The fact that they had good relationships with politicians [was a factor that] helped their campaigns (INT-CSRC3).

Post-1996, CSRC activists helped tenants to file applications in land registration offices. Many tenants could not do this themselves because they were often illiterate, financially unable to visit local authorities, and/or came up against the power of landlords. To be able to claim their rights, tenants required mediation of their demands by men who are socially better positioned, educated, and who understand the local political and power dynamics (see Chapter 4).⁶⁰ Additionally, activists also needed to mobilise tenants to demand implementation: in Sindhupalchok, tenants encircled the District Land Reform Office to demand that their applications be processed (Basnet 2008:35; Upreti et al. 2008).

CSRC and NLRF have more than 98,000 members, who participate in land and agrarian rights campaigns across Nepal (CSRC-UNHABITAT Conference report 2018). It is precisely the political nature of land and need to have an "effective campaign" that pushed CSRC founders to "organise farmers, tenants and smallholders at the local level", and further gain strength by connecting grassroots struggles in a multi-tiered structure from local representation to national-level NLRF in 2004, as expounded by its President (INT-NLRF2).

⁶⁰ For figures of filed tenancy claims, see CSRC 2018.

CSRC activists supported land-poor farmers in establishing local Land Rights Forums, which then federated at national level. Its political weight is derived from organising tenants and other landless, including so-called 'illegal squatters' (*sukhumbasi*) across the country, by informing them of the law, training them, and engaging them in dialogue at different levels, as well as in protest marches whenever necessary (*ibid*).

Because they are rooted in grassroots campaigning, they recognise the need to train activists from localities to enable tenants to come together and self-organise, and generate leverage to challenge local landlords and authorities (INT-CSRC3). As an NGO speaking on behalf of the landless, CSRC assumes the role of governance broker at the central level by translating rights (e.g. 'user rights'), mediating with state agents (e.g. in policy-making), and channelling globally-funded projects to the constituencies they represent (e.g. NLRF, as described next). In fact, CSRC directors "intervene politically in Kathmandu" as revealed in previous ethnographic studies (Wickeri 2011:990), and my own fieldwork observations (Right to Food Network meetings, February 2017; Land Governance Workshop, April 2018; ILC Land Governance Webinar, June 2020). As they seek compromise through brokerage in temporary coalitions (Tarrow 2011), they impact outcomes of development and governance projects at donor-state and state-society levels, (see Chapter 2) as further elucidated in the evolving role of NLRF in political-civil society, described next.

6.3.2. NLRF'S POLITICAL WEIGHT IN BROKERING GOVERNANCE

In Chapter 4, I argued that efforts made by contemporary political civil-society, and NGOs striving to remain apolitical, must be viewed through a historical-anthropological lens, and, as proposed in Chapter 2, from a governance brokerage angle. This section shows how NLRF's political weight has grown because it mobilises locally and influences centrally (via CRSC), and as member of regional and global networks, it channels funding to its areas of advocacy.

NLRF's watershed occurred after spearheading a mass protest march of rural men and women who descended on Kathmandu in parallel to the Second Peoples' Uprising (2006). Their demonstrated capacity to mobilise gave them legitimacy vis-à-vis political party wings. It was after this protest that they became key spokespersons for the marginalised landless people of Nepal in the eyes of politicians and government actors (INT-NLRF2). Because NLRF is able to mobilise through "mass meetings, gatherings, and nonviolent actions", and "hold bigger mass rallies than the political parties, their power is recognised" (*ibid*). NLRF has a code of conduct whereby the leader "needs to be connected to people at the community level and be involved in agriculture directly, either in livestock rearing or farming [because] if you are detached from farming community, you cannot represent issues" (INT-CSRC3).

In their opinion, this is what differentiates them from party-affiliated peasant organisations, whose members are considered "political farmers" (INT-NLRF2). The latter are viewed by other organisations as party members chosen for their leadership and capacity to broker access to state resources, rather than peasants actively connected to farming (INT-FARMERS1). The grassroots work of NLRF has become increasingly recognised by INGOs, government officials, and political parties. Because NLRF is now transnationally connected, it has also been recognised by politically-affiliated peasant-farmer organisations. This has increased the NLRF President's leverage over cross-party alliances such as the ANPFA-led National Peasants Coalition (NPC), and his participation in donor-funded global projects—an example of how relations can change and alliances shift in a political-civil society.

Implications of this recognition are wide for Nepali society, not just regarding funding, but also how projects are rolled out. INGOs reluctant and/or unable to support party-affiliated associations, such as Oxfam and Action Aid, lay much emphasis on supporting grassroots organisations, and are particularly active in training and connecting the land rights movement with advocacy at government level (INT-INGO1; INT-INGO2). They speak of non-partisan NLRF as a community-based organisation with a track record of mobilisation and campaigns rooted in the reality of peoples, and a "bottom-up" structure (INT-INGO2).

As such, NLRF has gained legitimacy in the eyes of central level actors, and therefore "no organisation would miss them out from inviting them [to a national VGGT workshop]" (*ibid*). Further, in the eyes of some INGO staff, NLRF are a member-based organisation that have developed their own mechanisms to remain autonomous and self-finance their local campaigns, sometimes collecting food (e.g. rice, vegetables) for their campaigns (*ibid*). This enhances the movement's credibility and makes it a trustworthy partner for campaigns, (e.g. Oxfam's Community Land Rights projects), that, together with Namati, train local level activists on their legal rights (INT-INGO1).

At provincial level (in February 2018) NLRF were not receiving financial support from Kathmandu. They were struggling to keep campaigns going, and were maintaining activities through locally-raised membership fees of a few rupees (INT-NLRF1). This ability to sustain interlinkages despite shortages in external funding is part of their self-reliance, and fosters a sense of ownership over struggles, shared with CSRC, as clarified by its director:

We are not a group that comes together for an hour-long meeting, collect certain amount of allowance [per diem] and leave. Our Village Land Rights Forums are a community, where people, who may also own land come together and collect their resources. They may allocate a piece of their own land for community use, so that they can continue their social traditions and customs" (INT-CSRC3).

Stronger networks connecting socially excluded local people (e.g. Dalits and other landless groups)⁶¹ with global support give leverage over Nepali political-civil society, and thus a stronger voice in global governance arenas and in chains of governance brokerage. Hence, transnational networking gave NLRF a say over where World Bank, IFAD, and other donors' projects were to be implemented to the benefit of their constituencies, despite not engaging in party patronage. A key illustration of this leverage is in how NLRF joined the National Peasants Coalition (NPC), despite initial resistance of higher caste politically-affiliated members. ANPFA plays an active role in spearheading global-national relations for the cross-party coalition, supported by IFAD's Medium-Term Cooperation Programme (MTCP) (see Chapter 5). The following account of how NLRF joined NPC illustrates how brokers can alternately act as screens, entrance guards looking both ways, and founders of "brokers' clubs" (e.g. associations, federations) (Bierschenk et al. 2002), but it equally shows how alliances and clubs can shift due to the leverage gained from brokerage of transnational governance, which in turn influences relations of actors who broker state governance.

Initially, NPC was intended to be an inter-party association, and only included the wings of the nine main political parties. But following pressure from other farmers' organisations NPC opened up to non-partisan associations and is today a platform for 14 farmers' organisations. Hence, NPC initially refused to accept the NLRF as a member, but NLRF—supported by CSRC—insisted they be members because they "represent real farmers", and because for them "all parties are the same" (INT-NLRF2). NLRF acknowledged that the relationship of party leaders such as prime ministers Prachanda (CPN-Maoists), Oli (CPN-UML) and Deuba (NC) have "both a political and organisational relationship" to their peasant wings and the NPC, but this should not impede non-party farmers' associations from participating in these spaces (*ibid*). NPC agreed to NLRF membership after witnessing the strength of both their grassroots movement (including their political weight vis-à-vis the government), and growing transnational connections (and related access to funds). This has given NLRF's President additional leverage over traditionally partisan spaces.

Clearly, the landless struggle is one for recognition and dignity, including among national organisations and associations led by political elites. It is also a prime example of how relations and alliances can shift in Nepali political-civil society when leaders engage in transnational activism, and are thereby able to strengthen their position as project, governance and political brokers. As established in earlier studies, brokers have to be well placed in a network and control communication channels therein, have others believe that they are well-connected, have time to engage in social relations, and have access to first-

⁶¹ Dalits use the term 'local communities' to refer to themselves, which their main representative organisation says is in accordance with "UN language" (INT-NGO16).

order resources such as finance (Lindquist 2015:4, citing Boissevain 1974). These characteristics of development and political brokerage are still verified today where transnationalisation and development projects overlap in Nepal, in arenas where both state and non-state actors depend on donor money, as described below.

Since they joined the Asian Farmers' Association (AFA), NLRF are also viewed as an organisation working for land reform across the country, and "not just to provide land deeds to landless families" (*ibid*). For NLRF, participating in donor-funder global projects including those funded by the WB, means that dissent is aired, if only tacitly, as part of a continuously evolving national balance of forces between landed and landless farmer constituencies, In the words of NLRF President:

Later, once we became a member of Asian Farmers' Association (AFA), and I became AFA president for Nepal, we hosted the civil society secretariat for projects such as Global Agricultural Food Security (GAFSP) and MTCP2. Because I am the president of AFA and AFA gives funds to NPC, they realized that AFA could decide to not give funds. So it put moral pressure on them, so when we became vice-president of AFA, NPC gave membership to NLRF. [...] We started to participate in all MTCP events. The first phase of MTCP was in Karnali region and we had organisations in that area [...]. The World Bank reached out to AFA to evaluate the work of GAFSP and include civil society participation. We realized that GAFSP is related to our work area. Our organisation is strong at the local level, but our members are poor, so we thought if we could channel the programme towards our members, it will help us. As an AFA member we were able to influence these programs. The CSRC director and I went to the USA as representatives of civil society. What we said in those donor meetings was that GAFSP, with US\$22.5 million, could not go ahead just with politically-affiliated organisations and the government of Nepal. We told them that civil society participation was imperative. So, NLRF was also able to receive funds from AFA, which received funds from the World Bank. We introduced programs in areas with our presence where existing issues matched with the project agenda. So, it became an issue of interest to us. Additionally, being a member of NPC helped us to partner with CARE, and inform about NPC's work at the international level. We also became members of the World Rural Forum (WRF) [...] WRF's support is not tied to projects (INT-NLRF2).

The above account shows how added leverage shapes relations between non-peasant 'upper-caste' leaders of well-established political organisations mostly representing middle-farmers, and leaders from traditionally socially-excluded groups of newer but rapidly growing social movements, whose representatives are amongst the most outspoken participants in meetings that congregate donor-funded (e.g. VGGT) projects, government and CSOs (observational analysis). Whilst ANPFA historically represents small-scale farmers mostly struggling for market access (approx. 80%), as well as subsistence (INT-ANPFA19), and is led by Brahmin-Chhetri political cadres, NLRF members are landless and led by a 'lower-caste' farmer, a dynamic that is not to be underestimated in assessing broader

relations between the food sovereignty movement and the landless struggle, which nevertheless fall beyond the scope of this thesis.

In sum, NLRF leaders, through their increased participation in governance spaces, and access to and influence over donor-funded projects, challenge *interpersonal*, *organisational* and *structural* forms of power (Wolf 2001). This is equally strengthened by their transnationalisation, as discussed next.

6.3.3. A GOVERNANCE BROKERAGE CHAIN: FROM NLRF TO CSRC TO STATE AGENTS AND DONORS

NLRF are part of a translation chain that connects Western-based INGOs to community leaders, as well as actors straddling development projects and political functions—a common sight in developing countries (Bierschenk et al. 2002). As this thesis studies how transnationally connected national activists employ the Tenure Guidelines in their struggles, it is worth briefly reviewing the role played by networked marginalised constituencies in using their *access* to global rights-based instruments to gain leverage over the state, under constrained structural and institutional settings.

NLRF brings the results of local forums to policy makers through CSRC (see Basnet 2011:151). This alliance of disenfranchised former bonded labourers and other 'low caste' groups (and tillers of all castes from across the country) with educated activists plays a central role in channelling the voice of the landless struggles to the government at all levels (fieldwork observations, e.g. National Landless Commission Surkhet in Karnali state, February 2018).

Although CSRC is a national NGO (with recent transnational connections), and despite assuming their role as political and governance brokers on behalf of marginalised sectors of society, they are also fervent critics of the NGO-isation of community development in Nepal (INT-CSRC1). Its current director clarified that CSRC is "different from a typical NGO"; they work with the land movement but are also well connected to international partners, such as ILC (International Land Coalition) (*ibid*), a broad multi-stakeholder coalition of land governance actors financed by international donor agencies (e.g. WB) and INGOs.⁶²

National members can utilise the political opportunity of transnational alliances to sustain financial resource flows provided by donor and advocacy NGOs, as well as access to strategic knowledge and into international institutions (Edelman and Borras 2016:4-5). The implications of CSRC's membership in ILC is unclear in terms of how it impacts their financial position or outlook, because, although they are transnationally connected, they equally claim that they are financially autonomous from donors and set their own agenda (INT-CSRC1; INT-CSRC3). CSRC has built relations with several other organisations who have provided

⁶² See <https://www.landcoalition.org/en/>.

funds that have strengthened their autonomy through the purchase of office spaces and land. They rarely use hotels for events, and aim to create a self-funded research unit within the CSRC employing a few research staff to further maintain their independence (*ibid*). This demonstrates their originally radical nature, as they do not buy in to the traditional donor-funded workshop modality at costly hotels, the main format followed by VGGT projects (fieldwork observations).

NLRF-CSRC has become one of the strongest alliances in Nepal's governance arenas connecting local to global and back again through their strategic set-up: the NLRF leader is a Dalit with close ties to and much credibility amongst landless farmers, whilst CSRC directors are 'upper-caste' longstanding activists who work closely with government in policy dialogue (fieldwork observations). They mostly attend new spaces of land governance together, where the NLRF voice is poignantly accusatory and direct, and the CSRC voice conciliatory yet firm (participant-observation, UNHABITAT Land Governance Conference April 2018).

At the transnational level, ILC are viewed as representative of a reformist-inclined political alliance that fails to challenge land-grabbing (see Borras et al 2013). In Nepal, these dynamics are absent as the focus is on prevailing feudalist landlord-tenant relations, rather than on land-grabbing by TNCs, so Borras et al.'s (2013) classification of approaches to the VGGT does not stand at the national level in this case. In fact, CSRC and NLRF are some of the more radical actors nationally, as their demands for property rights for highly marginalised landless farmers goes to the heart of the Nepali land-based hierarchy and caste system (see Chapter 4).

Having said this, the CSRC's more recent shift towards promoting what they call 'good *enough* governance' in its alliance with UNHABITAT and the Ministry of Land Reform Management (MoLRM) in a cadastral mapping project (which I observed at a Land Conference in April 2018) demonstrates how blurry the lines are between reformist, progressive and radical tendencies that Borras et al. (2013) delineate for possible ways of interpreting the Tenure Guidelines, once the focus turns to the grey zone of inter-state-civil society relations. The 'good *enough* governance' that emerges in donor-funded cadastral projects (see CSRC 2018), raises questions about the impetus behind land management projects, and the extent to which mediating agents are compromising with less progressive state agents who upkeep continuity of their status through property-centric relations. While NLRF remain a radical contentious voice in spaces of governance, CSRC are key mediators vis-a-vis state agents, and are thus also increasingly closer to seeking consensus with reformist-progressive narratives linked to the good governance agenda of land mapping, described in Chapter 2.

As governance brokers with knowledge of global governance and transnational networks, NLRF and CSRC both wield power that can shift state-social relations in their favour. But in an environment of tenuous compromise-seeking, they also have to adapt to globally-funded and state-led land mapping projects, and ensure that there too they represent the interests of the landless. For example, CSRC played a prominent role in policy discussions with state agents, and more recently, in VGGT workshops, where they gave presentations and sent members from all levels (fieldwork observations).

When asked if the Guidelines were useful, CSRC leaders expressed that they employed the Guidelines as a global reference to back their agenda to participate in policy-making arenas (INT-CSRC3; INT-NLR2). There, they bridge the gap between landlords' interests and landless peoples' demands, as per previous campaigns (see Basnet 2008; 2011). They referred to the Guidelines to influence policy dialogue on the drafting of new land policies (INT-CSRC3). It must be noted that this followed on from their previous campaigns to access decision-makers, as supported e.g. by Oxfam through their Community Land Rights project. As seen in Figure 6.2., Oxfam (which supports CSRC and NLRF) had already been collating CSOs' "voices and inputs", which they then took to decision-makers.

Building on the ever-stronger relationship between CSRC and ministerial staff, the next project they worked on together once VGGT projects had concluded, was the creation of a multi-stakeholder land commission, described below, which covers the adaptation of multi-stakeholderism in Nepal as one manifestation of how VGGT projects were employed in Kathmandu by state and non-state actors alike.

suggestions on the draft National Land Policy and Land Use Act to Mr. Nagendra Jha, Joint Secretary at the Ministry of Land Reform and Management (MoLRM) on February 25, 2016. Receiving the memorandum submitted by a team of OXFAM in Nepal, Joint Secretary Mr. Jha expressed commitment to incorporate the inputs provided in it. On the occasion, he suggested the team to hold a meeting on March 1, 2016 to collect further voices and inputs of the Civil Society Organizations and to develop an action plan in order to finalise the policy drafting process.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

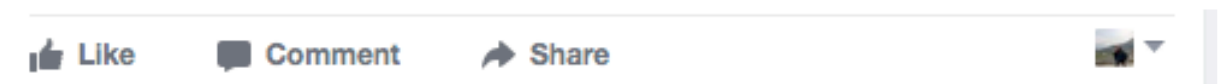


Figure 6.2.

Screenshot of Facebook post showing Oxfam's role in taking CSOs' inputs to policy-makers (Oxfam supports CSOs/CBOs such as CSRC and NLRF)

6.4. INTERPRETING MULTI-STAKEHOLDERISM IN NEPAL: THE PROJECT-BASED APPROACH

Chapter 1 mentioned that country-level buy-in for the VGGT was fostered through the creation of 'inclusive' and 'participatory' multi-stakeholder platforms, as per paragraph 26.2 of the Guidelines (Beckh et al. 2015; Hall and Scoones 2016).

Post-adoption, the aspiration to strengthen linkages between CFS outputs, national policy-making, and grassroots struggles, was a thread that ran through many presentations at the CFS and FAO. In October 2017, the CFS showcased the success of countries applying the Tenure Guidelines to conflicts and policy-making (e.g. Colombia), and to multi-stakeholder platforms (e.g. Sierra Leone).⁶³ At the FAO VGGT 5th Anniversary High-Level Event (10.10.2017), the OPCP (Office for Partnerships, Advocacy and Capacity Development) and donors (European Union) shared how applying the VGGT to law-making and development, in the context of SDGs, entailed the active participation of rights-based CSOs (participant-observation). In his speech, FAO Director-General Graziano Da Silva underlined: "More action should be undertaken at the local and grassroots level. We need to be more present at the field level" (participant-observation).

In this visible endeavour to show that multi-stakeholderism and the VGGT were an effective tool for bringing state and non-state agents together to resolve grassroots conflicts, my research question—and empirical approach to answering it—seemed all the more pertinent.

Indeed, the main theme at the first national workshops in Nepal was 'mainstreaming' the Tenure Guidelines through a 'multistakeholder' approach that could address legal fragmentation, through more 'policy advocacy' and 'multi-stakeholder dialogue' (LWF presentation, July 2016). How were these promoted and formed nationally in Nepal?

Before assessing national dynamics, it is worth highlighting that workshop facilitators are conditioned by the project-based approach channelled from FAO to countries, and that FAO implementers are equally tied to donor expectations.⁶⁴ In this sense, NGOs who are selected to facilitate VGGT projects by FAO departments not only 'negotiate between systems of meaning' in the translation of global recommendations into contextually adapted policy dialogue (Merry 2006), they also become agile mediators in the nodes of long chains of project implementation, sometimes engaging in dynamics reminiscent of the instrumental,

⁶³ See FAO Tenure Newsletters between 2013 and 2020 for some examples of country-level VGGT application efforts.

⁶⁴ For example, an FAO Capacity Development team member shared some concerns over delays, as they had to use the funding for VGGT trainings and submit reports to donors by a certain deadline, which the Nepali partners were unable to fulfil due to elections (November 2017) (PC). Ensuing complications were later resolved when an extension was sought and the facilitating NGO adapted the workshop to post-election needs for dialogue with new locally elected authorities.

An FAO consultant in land tenure equally mentioned that there were fewer difficulties in seeking funding on behalf of countries that request support for VGGT implementation, than in overcoming bureaucratic hurdles within the FAO in establishing partnerships with national grassroots organisations (PC). See also FAO's evaluation of partnerships with CSOs (FAO 2020).

relational, and interstitial characteristics of development programmes (Mosse 2014) (see Chapter 2), of which I now give some ethnographic examples.

At a three-day stocktaking event in November 2015 in Rome, some FAO departments met with FIAN International, IPC, and recipients of CSO awareness-raising workshops. Their aim was to assess the design, implementation and outcomes of the project to improve it for future dissemination, thus establishing a feedback channel from national partner CSOs/NGOs (participant-observation). Countries completing a first round of workshops were also linked with FAO member states to discuss further support for follow-up (*ibid*). The OPCP spokesperson underscored the explicit objective to identify concrete cases from the local level through CSOs who can "tell these specific stories", and show "how they are connected to national legal frameworks by generating dialogue with public bodies" (*ibid*).

Selection criteria for gaining access to such project funding were set by the FAO, in conjunction with donors and included a) the existence of an FAO Country Programme Framework, b) an existing VGGT process whereby the guidelines were being embedded into new policies, c) an enabling environment for CSOs, and d) that these CSOs be able to follow up with a proven plan (*ibid*). This indicates that it is in the interest of NGOs to create and uphold an 'enabling environment' if they wish to be viewed by global institutions as 'viable' national partners. It also alludes to competition between recipient countries to demonstrate that civil society is strong, and where it is active, to show its potential for cooperating with UN institutions and policy-makers.

The agile actors who engage with both local struggles and global arenas of rights-based governance in fact sustain mechanisms of mediation (Gaventa and Tandon 2010). They also enable the channelling of projects from donors, via the UN to NGOs who partner with grassroots advocacy networks, to "move across spaces of engagement and interpret between actors" (Gaventa and Tandon 2010:19). Such connectors—i.e. governance brokers in this thesis—have to work at all levels, from local to national, to transnational and global institutions, and through them, to donors. And one of the main ways they link these up is through the rolling out of VGGT workshops (observational analysis).

As discussed above, the Guidelines were introduced in Nepal through 'National VGGT Multi-Stakeholder Workshops' between 2014 and 2016, followed by overlapping civil society awareness-raising and capacity-development workshops from 2015 to 2018. 'Multi-stakeholderism' became an "invited space" (Gaventa 2006) facilitated by partnerships of MoLRM, NGOs and UN agencies (UNHABITAT and FAO) where governmental and non-governmental actors shared presentations, asked questions, and reached resolutions on furthering their collaboration with the aim of reforming laws. Then, follow-up projects were designed with the aim of attracting donor-funding (fieldwork observations). To illustrate this, this section provides three examples of state and NGOs co-creating VGGT multi-stakeholder

platforms with different formats, in an exercise that, I argue, projectises the VGGT and creates competition amongst actors who aim to bridge the state-civil society and global-local continuums:

- First, a failed inter-ministerial VGGT Committee based on the initial idea to create a multi-stakeholder council, mediated by the Lutheran World Federation (LWF), organiser of the Third National Multi-Stakeholder Workshop (5.4.1.);
- Second, a short-lived multi-actor dialogue platform, mediated by FIAN-Nepal, organiser of the Second National Workshop, and later organiser and facilitator of CSO workshops, as well as one capacity-development training (5.4.2.);
- Third, a Land Commission, formed *after* the VGGT projects, with participation of CSRC, and using the language of multi-stakeholderism (5.4.3.).

6.4.1. A FAILED VGGT COMMITTEE WITH STATE ACTORS

At the First (2014) and Second (2015) VGGT National Workshops (see timeline in Annex 5), participants discussed a recurring issue: the lack of coordination amongst government institutions, and the lack of harmonisation in policies cutting across the land, forestry and fisheries sectors (INT-UN2; INT-GOV14). Facilitators from MoLRM and from the NGO LWF committed to creating a "Multi-Stakeholder Coordination Council" (*ibid*).

At the Third National Multistakeholder Workshop (July 2016), participants set out to mainstream the Guidelines through a "multi-stakeholder approach" into the 'national building process' in four key thematic areas: Land, Forest, Agriculture, and Fisheries, placing emphasis on "marginalized people for local and national food security" (Workshop Report). An interesting development that would lead to competition over FAO assistance in 2018 (see 6.4.3.), was that a ministry-LWF alliance resolved to found an "*Inter-ministerial* VGGT Coordination Committee" tasked with 'mainstreaming' the Guidelines, but purely within the government, without the involvement of civil society (*ibid*). The new Committee's first three inter-ministerial meetings led by MoLRM assembled focal persons (joint and/or under-secretaries) from the land, agriculture and forest ministries, as well as from the Ministry of Federal Affairs and Local Development. LWF specified that "effective implementation" would be reached by "mainstreaming and harmonising" the guidelines across sectoral policies and throughout national processes, with the MoLRM playing a "lead role" (*ibid*). LWF covered the cost of the first inter-ministerial meeting, and later designed a project to apply for additional donor funding (INT-LWF1).

The 3-year timeframe set by the Nepalese Constitution to review legislation was a political opportunity to use the VGGT as a transversal tool for several ministries to seek policy coherence. The committee was formed with the technical and financial support of LWF (and Dan-Church Aid). In other words, an NGO provided the impetus and "allocated some

funds" to organise initial meetings amongst high-level ministerial staff (INT-DONOR2; INT-LWF1).

In the eyes of younger members of staff from the Land Survey Department (MoLRM), this was an opportunity for the Guidelines to be "systemised and implemented by the government", but it was also a challenge because this was unprecedented—they required examples from other countries to see how such an initiative could work, in line with the VGGT, but with their new Constitution as the main anchor (INT-GOV4). The assistant tasked with coordinating the VGGT committee clarified that they only had one meeting to make uninformed under-secretaries aware of the Tenure Guidelines (INT-GOV5). The MoLRM under-secretary in charge concluded that "it did not materialise very well. It's not a fully functioning committee" (INT-GOV14).

In sum, the committee was an integral component of the pilot project that was being designed as a follow up to the Third National VGGT Workshop. It was not a free-standing domestication government initiative, with a rights-based approach resulting from CSO pressure. Instead, the fledgling committee became a post-VGGT project co-designed by ministerial staff and their NGO ally, LWF, to present to donors. This reflects the dynamics of development brokerage (Lewis and Mosse 2006) that are equally pertinent to governance brokerage, in light of project-based approaches prevalent in aid-dependent countries (see Chapter 2).

While the Inter-Ministerial VGGT Committee stalled, LWF advanced on project formulation. LWF and the MoLRM continued collaborating in the development of a concept note and design of a pilot project, which they then shared with a representative from FAO Headquarters (and with me)⁶⁵ during an additional VGGT event mid-2018, where a new NGO-led multi-actor dialogue platform initiative was being presented, as I next describe.

6.4.2. A SHORT-LIVED MULTI-ACTOR DELIBERATION PLATFORM

In parallel, FIAN-Nepal was working first on CSO awareness-raising workshops (2015-2017) and second on a capacity-development training (December 2017) (see Annex 5). At the 5-day training near Kathmandu, an FAO representative from Rome explained, during a speech on the last day, that other countries had proceeded to create VGGT multi-stakeholder platforms as part of their 'country ownership'. This prompted the rushed formation, there and then, of a group of participants from the training to follow up on their discussion around the Tenure Guidelines (participant-observation). This was described in the FAO Governance of Tenure newsletter of March 2018 as the establishment of a "national multi-stakeholder platform" (see Figure 6.3.).⁶⁶

⁶⁵ This is because I was perceived as a connecting actor from the global scale (see Chapter 3).

⁶⁶ See, <https://www.fao.org/tenure/newsletters/detail-events/en/c/1106869/>.

Voluntary Guidelines General Learning Programme “Implementing Responsible Governance of Tenure in Nepal”

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Godawari, Lalitpur, Nepal. A workshop on the Voluntary Guidelines General Learning Programme “Implementing Responsible Governance of Tenure” was held in Godawari, Lalitpur District from 11-15 December 2017. The programme brought together 32 key “change agents” engaged in the governance of tenure in Nepal representing a multi-stakeholder audience. This included representatives from civil society, government, the private sector, and academia. The learning programme consisted of an online learning component lasting 4 weeks, which preceded the 5-day workshop in December. Participants assessed the tenure situation in Nepal with regard to the Voluntary Guidelines principles, and identified what priorities should be set to improve the responsible governance of tenure. One of the first key actions taken at the workshop was the establishment of a national multi-stakeholder platform entitled “National Forum for Tenure Dialogue Networks on Land, Forest & Fisheries in the context of Food Security”. The platform convenes state and non-state actors to continue the dialogue on tenure governance, and acts as a forum to plan joint activities. Their first post-workshop meeting was held on 30 December 2017. The Learning Programme was co-delivered by FAO, in collaboration with the Land Management Training Centre and FIAN Nepal, with funding from the Federal Republic of Germany.

Figure 6.3.

FAO Governance of Tenure newsletter of March 2018

This platform was actually formed *ad hoc* at the training, encouraged by FIAN facilitators. Participants were enrolled among the participants at the training: lower-level government staff with little political weight, and NGO staff. FIAN appointed a director (a university lecturer), who accepted this new leadership position, expressing much pride and honour (participant-observation). During my subsequent visit and tour of the university, this academic later expressed his disappointment; he thought it would be an FAO-funded project, yet he had to fund his own travel to meetings (PC). Meanwhile, FIAN facilitators expressed their mistake in selecting someone who wasn't from the social movements, implying that real leadership without dependence on funding came from movement-rooted activists (PC) (an

issue raised by movements themselves; see Basnet and Deuja 2014). Participants of this newly formed group, which was formalised through the opening of a Facebook page, met once at FIAN's office. This aspect was a source of complaint for some NGO and ministerial staff, as they had expected a fully financed functioning platform that would cover food, travel and per-diems as per the custom in a heavily funded NGO-event industry in Kathmandu (fieldwork observations).

Nevertheless, in March 2018, FIAN convened the launch of the forum/platform to coincide with the return visit of the FAO officer mentioned above, who was now attending the last VGGT training under her department's project. At the event, LWF's and FIAN-Nepal's projects clashed. Both needed funding, and both facilitators, LWF and FIAN had to show that they were meeting the criteria for what they envisaged was a follow-up to VGGT projects.

LWF had designed, technically supported, and funded a platform that would involve only government staff, without the involvement of civil society 'stakeholders' (see 6.4.1.). In their view, the three FAO-funded national workshops of 2015 and 2016 had been sufficient for the government to take 'country ownership' of the VGGT (INT-LWF1). There was no need for CSOs to further pressure the government, as inter-ministerial action was being taken, and therefore any other CSO workshops or forums were "a waste of funding money" (INT-LWF1).

Neither of the two projects materialised. Nonetheless, shortly after the VGGT projects, MoLRM formed a 'Land Commission' with the participation of CSRC, presented to the international community in 2020 as a "multi-stakeholder approach" to land governance (participant-observation), described next.

6.4.3. A MULTI-STAKEHOLDER LAND COMMISSION

In June 2020, an online Zoom webinar on Land Governance in Nepal was an opportunity for Nepali state and allied NGOs to present a multi-stakeholder Land Commission, this time with the involvement of civil society. The convenor was the Nepali International Land Coalition (ILC) coordinator whom I had met several times over the space of two years in Kathmandu, as he connected local realities (as a researcher), with state-(civil)society dialogue (as a policy analyst), and with the global sphere of governance (on the IFI-funded, and IFAD-housed ILC, see Chapter 2). He had been organiser of land governance events whilst working at COLARP, including VGGT workshops. The June 2020 webinar title—"Advancing Land Governance through a Multi-Stakeholder Approach in Nepal"—was indicative of 'multi-stakeholderism' as a concept, nationally interpreted and now becoming consolidated in Nepal.

This initiative was not directly linked to VGGT platforms, yet during the webinar, a CSRC director spoke favourably of the Tenure Guidelines and how they were employed to guide them in their contributions to policy formulation. Indeed, government, UN-HABITAT,

IFAD and CSRC representatives, gave favourable updates on policy-making, whilst a lawyer from the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), pointed out the gaps.

According to the invitation, the webinar aimed to a) "enhance collaboration and synergies among land governance partners"; and b) share existing "experiences of fruitful collaboration between civil society and state actors". Its goals were to 1. update participants on lessons learned so far on land governance in Nepal, 2. seek support for "a multi-stakeholder approach" to reform, and 3. demonstrate that state, UN and NGO actors in Nepal cooperate (participant-observation). It seemed like an opportunity to show that Nepal has an 'enabling environment' for CSO influence over policy-making, a prerequisite for VGGT projects, as mentioned above.

An update on the *Land Use Policy* and *Land Policy* informed listeners that land is being mapped with participatory tools, specifically the Global Land Tool Network (GLTN),⁶⁷ and divided into zones for agriculture, commerce and housing (see Annex 13 for List of Statutes). Meanwhile, the government has declared a land bank for the leasing of fallow land (mentioned above), and adopted a parliamentary amendment of the *Land Act* for tenure security.

One government representative stressed how "lucky they were to receive support from civil society and INGOs that work for the socially and economically disadvantaged" (participant-observation). I could see therefore that state and NGO agents continue to work closely together, the latter mediating for the former on behalf of marginalised constituencies, and that the Tenure Guidelines are still viewed as relevant to this function, albeit partially (not solely) to the extent that they provide opportunities to create projects linked to legislative reform. This tendency is in line, I suggest, with the contemporary law-development nexus and "land law reform" governance trend (Manji 2006), discussed in Chapter 2, but its implications for the disadvantaged sections of Nepali society would require much lengthier, local ethnographic research.

In sum, this online 'High Level Political Dialogue' platform promoted the government's new Land Commission, and a recently created "Multi-Stakeholder Platform on Land Governance". Though using VGGT language, the new Land Commission, however, should equally be viewed in light of the many land commissions formed at governmental level since the 1960s, discussed in 6.1. It shows that state and non-state actors increasingly merge and hybridize global governance dynamics with national level political developments. The major difference is that through shifting dynamics of development and governance brokerage, CSRC, the NGO that mediates between MoLRM and the landless movement, is included in

⁶⁷ See, gltn.net/2020/02/26/new-land-legislation-guarantees-tenure-security-and-access-to-land-for-all-nepali/.

the Commission. These organisations, as I explored in section 6.3., have become the main governance brokers for landless farmers in today's democratic era.

6.5. TRANSLATING THE VGGT: GOVERNANCE 'PROJECTS'

Although the CSRC publicly viewed the VGGT as a tool to back its strategic alliances with state agents for policy dialogue and land-mapping projects, some of the main critics of the VGGT project-based approach were actually the land rights movement. This, they explained, was partly because NLRF and CSRC invest their efforts in remaining autonomous from donor-funding, and in ensuring rootedness in self-organised grassroots groups of campaigners (INT-CSRC3; INT-NLRF2).

As described thus far, it emerges that the VGGT as a project have to compete in a crowded arena of donor-funded meetings and workshops, raising questions about the relevance of how the VGGT are channelled. The Nepali context was reflexively described by an ANPFA VGGT facilitator and regular presenter as a "piecemeal approach to development", which he differentiated from the "economic approach to development" that he espoused (PC at GAFSP meeting). This raises many issues for social movements on process and procedures versus real positive effects on locally grounded activism. For example, a former CSRC director said that they were aware that there was no community ownership of the Tenure Guidelines, partly because these are packaged as 'projects', and linked to donor money (INT-CSRC1). He openly reflected on how the project-based approach to the VGGT could threaten communities with division:

It is in line with INGOs or bilateral donors for their own agendas not the community agenda. 50% comes from outside—donor-driven initiatives, money-driven initiatives. The difficult part of this is that all these things are projectised. It is not initiated by oneself, it is not a committed issue, it came from outside as projectised. It is project-based initiatives, not community-led. That means, if it were community led there would be one position and one voice. Everything is project-wise, based on campaigns, and [hence] the division is there (INT-CSRC1).

Another CSRC leader reiterated that CSOs are "weakened" when they connect to NGOs, as the latter "take grants from donors and work for the agenda of others" (INT-CSRC3). They themselves have to constantly assess their relations to the global networks they are part of, the conditions under which they get funding for NLRF (e.g. from the World Rural Forum, without strings attached) (INT-CSRC1; INT-NLRF2), and the extent to which they can legitimise land governance initiatives through participation and close collaboration with government and UN bodies.

There may be a "will to improve" through the project-based approach, but this approach raises concerns about the wider political economy of development as a project that can be potentially rendered technical (Li 2007). The word '*Karikram*' in Nepali (programme) is

heard a lot across Nepal, and often refers to funded workshops. As one *Adivasi-Janajati* activist noted, they have an ample range of events they can choose to attend (INT-ACTIVIST-IP1). Some grassroots activists have so many workshops to attend that the participation criteria are often per-diem amounts, expenses covered, and location, as lamented by a permaculture NGO facilitator, whose farm I stayed on (PC). At one CSO-oriented VGGT workshop in Kathmandu, some participants who travelled far distances only partly attended; and then saw to more urgent city-based activities, such as medical appointments, as clarified by a workshop facilitator (PC).

It should be noted that the 'projectised' approach so common to workshops in the capital, when taken to the subnational level, is viewed with suspicion from activists who have encouraged other forms of community dialogue. For instance, a district level NLRF coordinator compares such workshops to their own meetings:

UN and other INGOs need to show their donors that recipient countries are benefitting from their money. There's a difference between the platform that you mentioned [VGGT Dialogue Platform] and our NLRF. I have participated in one of the regional level trainings organised by FIAN-Nepal in Dhangadi. In the workshop, there was a trainer who was talking and many participants were just dozing off. It shows that there is no careful selection of training participants. That is why people say photos are enough for NGOs. They just need a photo with the presence of representative of the government in order to show their donors. (INT-NLRF1)

This opinion of the VGGT being 'projectised' affected the non-ownership by NLRF activists locally. For instance, though some NLRF activists participated in VGGT province-level workshops, they did not see the Guidelines as a tool with which to influence the newly formed Landless Commissions on informal land settlements (mentioned above) (participant observation). Meanwhile, NLRF continued to participate in these mushrooming 'invited spaces' to bring the voice of the landless, and to express dissent, above all, at the form and format of policy dialogue: the 'project'.

This is critiqued in a 2014 blog piece by CSRC directors on "Mobilising for Change: building power in Nepal":

In Nepal, there is general mistrust of large NGOs (which are seen to rely on money from international donors). If the general public or the land deprived people found that mobilisation occurred only because of money from a funded project, this would undermine the power of the movement. However, if they know that the movement runs on the contributions of its members, then power holders will look much more seriously at the movement, because this demonstrates their power. [...] Community contribution helps to decentralise power, and bring power to the grassroots. [...] Using local resources gives ownership to local activists, and makes sure that how we use resources is transparent. (Basnet and Deuja 2014)

In this regard, at the UNHABITAT Land Conference in March 2018 (held in the most upmarket hotel in Kathmandu), the NLRF president admonished: "What is the point of meeting in such expensive hotels workshop after workshop, conference after conference?" (participant-observation). His intervention provocatively pinpointed that such meetings between ministries, UN agencies, and NGOs, may do little to advance the struggle of land rights activists locally.

It equally drew my attention to the different formats of VGGT projects between 2014 and 2018 (see Annex 5 for project descriptions and timeline). This was a de-facto conference, that simply mentioned the Guidelines as part of a global framework (participant-observation, see Figure 6.1.), but prior to this, VGGT CSO-oriented projects transitioned from an *awareness-raising* focus on grassroots CSOs, with sufficient leeway for facilitators to foster debate (2015-2016), to more professionalised 5-day *capacity-development* trainings combined with a 4-week online course (December 2016-December 2017). This means that the first CSO projects (organised by ANPFA and FIAN-Nepal) explicitly aimed to reach district and province level spaces of dialogue, whereas later "Blended Learning Approaches" were only accessible to the educated and professionalised staff of NGOs centrally.

Having said this, when FIAN were selected for the second phase of *capacity-development*, based on the positive analysis of their *awareness-raising* workshops reaching the FAO (PC), their team travelled to Rome to meet with the FAO Capacity Development Suite to ensure that the training was tailored to the country's contemporary context and needs (participant-observation, Rome). FIAN staff equally ensured, having critiqued the lack of "community people" in the previous training organised by another NGO (PC), that members from grassroots CSOs and local activist networks were present, even if they needed help to complete the online course (INT-BZPRF1). This meant, however, that the less educated grassroots people who had attended the *awareness-raising* workshops, were not viable candidates for *capacity-development* (see Chapter 7). This raises many issues on the format and content of workshops, and the extent to which they align with the methods of popular education and genuine multi-actor deliberation initially planned by the IPC, and collated in their first Peoples' Manual on the Tenure Guidelines (see Chapter 1).

Perhaps, in the future, especially in federalised Nepal, governance events could strive to become local as spaces of deliberation and citizen empowerment (see Pimbert and Wakeford 2001). As one mayor expressed to me at a FIAN-facilitated VGGT workshop in February 2018, these spaces are needed in newly formed wards—i.e. the most local of levels, where for the first time in two decades, elected local governments (not bureaucrats) are directly accountable to their constituencies (PC). A leader of a local activist network also highlighted that, rather than short-lived quick-fix central platforms, deliberative spaces are needed in local areas where conflicts are ongoing, bringing together local authorities,

grassroots CSOs, and private sector actors who are embedded in local power relations (INT-BZPRF1). This, of course, does not solve the conundrum about projects in a developing country, and raises further issues regarding Nepal's adaptation of the 'multi-stakeholder approach' to governance, and the conspicuous absence of the private sector. I will return to this interpretation of 'multi-stakeholderism' as part of the VGGT process in Chapter 7.

6.6. CONCLUSION

In the post-constitutional phase of legal reform in Nepal, mainstream political discourse became increasingly distant from previous political manifestos on 'scientific' and 'revolutionary' land reform and gradually shifted toward a language of land administration, tenurial reform, and land law reform (see Chapter 2). The recent policy turn circumvents the issue of redistribution and moves towards tenurial regulatory instruments based on land mapping, registration, and titling, linked to technologies and donor-funded trainings that overlapped with the VGGT projects co-organised by e.g. FAO and UN-HABITAT (2012-2018).

In this context, NLRF and CSRC were well-positioned as key actors to participate in VGGT projects, which they employed to the extent that the invited spaces advance their participation in policy dialogue and strengthen their campaigns. The Tenure Guidelines, and more specifically the VGGT workshops, were thus employed insofar as they could influence policies for access to land, whereby land rights were 'vernacularised' according to Nepal's socio-political reality as property rights for the landless.

In Nepal, to talk of land—the main means of production—is to talk of power; a landlordist state power, which has been challenged for decades, but, as concluded here, has maintained its dominance amidst a rising landless movement who demand equal property rights, but receive 'user rights'. I suggested that simplification is promoted in Nepal by both state and mediating NGOs, (who are of the same social class, as established in Chapter 4). Yet the proposal for property rights for landless farmers—though replaced by 'user rights' at governmental level—is more radical due to the low social status of its proponents. They challenge the Nepali hierarchical system that builds on centuries of land ownership, as well as the political-civil society in which farmers have been nationally represented by a landed class of leaders in party-affiliated peasant wings and their cross-party coalitions.

Collaborative state-civil society efforts to map land for titling (though differentiated certificates of ownership and user rights remain) is termed 'good *enough* governance' by CSRC, who mediate between radical social movements and conservative policy makers. This straddles the good governance and rights-based responsible governance approaches to access to land, reviewed in Chapter 2. It is characterised by a political compromise negotiated in the interstices of what Borras et al. call "inter-state-(civil) society relations"

(2013:173), where radical demands are met with concessions by state agents without fundamentally challenging the foundations of Nepal's hierarchical Hindu-centric property rights system. The leverage of political-civil society actors such as CSRC, ANPFA and FIAN-Nepal, is strong due to their intermediary position across the global-local and state-society grey zone of "inter"; i.e. their rootedness in grassroots campaigns, connectedness to transnational activism, and privileged social status in Nepali society. Consequently, they hold a strong position as governance brokers bridging arenas by translating rights, mediating compromise, and brokering projects.

The chapter further showed that efforts to adapt 'multi-stakeholderism' to the Nepali context, as promoted by the Tenure Guidelines, are part of the employment of this global governance instrument. Donor-funded projects promoted the 'multi-stakeholder' approach to land governance, whereby government and intermediary NGOs increasingly collaborate in drafting new policies. But attempts to give continuity to 'multi-stakeholderism' were made within structural and institutional conditions that remain shaped by aid dependency, thereby becoming artificial in their reliance on generating projects. Such project-based governance approaches retains the characteristics of development brokerage and global-local translation chains, applied to emerging 'invited spaces' (Gaventa 2006) of responsible governance. The question remains whether such participatory spaces of deliberation, could, rather, be created at the local level closer to the grassroots struggles themselves, and if so, would they require the use of the Guidelines as a tool therein.

The outcomes of these deliberations in practically accessing land for realising the right to food and to food sovereignty, beyond legislative reform, equally remain to be explored in future research.

CHAPTER 7. STRUGGLES FOR ACCESS TO RIVER AND FOREST RESOURCES IN CONSERVATION AREAS

In December 2014, FIAN International staff discussed with FIAN-Nepal (FIAN) how to design and adapt the first CSO-oriented VGGT workshops to their national efforts to realise the right to food (FIAN-Nepal 2014, meeting minutes). It is in the context of this fourth project to select Nepal as a recipient country for two different stages (2014-2015 / 2016-2017) that FIAN-Nepal organised both central-level workshops (in Kathmandu), and province-level workshops. FIAN-Nepal first proposed creating a 'core VGGT group' to facilitate the CSO-workshops, and identified the National Indigenous Women's Federation (NIWF)⁶⁸ as a member, together with ANPFA and CSRC. NIWF sent leaders and member organisations to participate in the workshops. Additionally, to guarantee a wide array of actors from grassroots activists to NGO staff to local level government staff in their workshops, FIAN officers equally coordinated attendance with nationwide grassroots associations of farmers (ANPFA and National Federation of Farmers' Groups—NFGF), the landless movement (National Land Rights Forum—NLRF), community forest users' groups (FECOFUN) and fishers (Buffer Zone Rights Federation—BZRF), as well as many provincial-level NGO staff who are members of the Right to Food Network at subnational level.

This chapter interrogates how and to what extent state and non-state actors in Nepal employ the UN Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. It examines how global-local and state-civil society intermediation condition the process of utilising the Tenure Guidelines and more specifically the VGGT projects (see Annex 5) to address grassroots conflicts for access to forests for food and rivers for fishing in Nepal's conservation areas.⁶⁹ To this end, this chapter focuses on the FIAN-led CSO-oriented VGGT workshops (2016-2017), and their adaptation to the national context of post-constitutional legal reform, in particular, the amendment process of the *National Parks and Wildlife Conservation Act* (NCA) (1973).

7.1. provides historical background to the governance of access to protected areas.⁷⁰
7.2. discusses the state's non-recognition of NGOs' framing of struggles for accessing protected areas as one of common property resources, and ongoing resistance to legally recognise customary rights, which subsequently shapes the interpretation of the Tenure

⁶⁸ NIWF brings together 40 central level and 61 district level Indigenous women's organisations. They are transnationally connected: they are members of the Asian Indigenous Peoples' Act, the International Indigenous Women's Forum, from which they receive funding. (NIWF 2016 Yearly Bulletin).

⁶⁹ Access to forests here means access to natural resources in and around forests for food security, including fuelwood, pasture, different types of grass (e.g. thatch grass, broom grass, reeds etc.), wild foods and herbs (see Singh and Chapagain 2005; Gupta 2011).

⁷⁰ Protected areas include conservation areas, wildlife reserves, hunting reserves and national parks.

Guidelines. 7.3. discusses FIAN-Nepal's role in employing the VGGT projects to continue bridging grassroots struggles to central level policy makers in the NCA Fifth Amendment process. 7.4. analyses how organisations shape and contextualise the interpretation of the Guidelines according to their roles as governance brokers 'translating' the VGGT and mediating across the state-society interface, in a brokerage chain that connects governmental agents to grassroots activist networks such as the Buffer Zone Peoples' Rights Federation (BZPRF) (7.4.2.) via rights-based NGOs such as FIAN-Nepal (7.4.1.). Multi-stakeholderism as per the VGGT is interpreted as a space of consultation between these actors, who choose not to incorporate the private sector due to prevailing power relations embedded in state-business relations (7.4.3.).

This chapter thus brings us closer to exploring how the outcome of such workshops is the strengthening of governance brokerage, in its facets of rights translation and mediation (see Chapter 2), key roles played by governance brokers who connect grassroots activists with both state agents and with transnational activism across governance brokerage chains.

The chapter concludes (7.5) that progressive tendencies among rights-based NGOs and government allies lead to the framing of grassroots struggles for customary access to forest resources and rivers as collective usufruct rights, rather than address Indigenous Peoples' more radical demands—in the socio-political context of an exclusive state—for customary and territorial rights based on their identity as *Adivasi-Janajati*, and previous ratification of ILO169. Such policy deliberations remain legalistic in their approach, whilst at the grassroots level power relations prevail in conflicts to access protected areas.

7.1. A NEPALI CONTEXT OF PROTECTED AREAS

In Nepal, following the promulgation of the 2015 Constitution and the enshrinement of RtF, access to natural resources for displaced nature-dependent communities became a key policy reform debate mediated by FIAN-Nepal within the framework of the VGGT projects and parallel amendment process to the *National Parks and Wildlife Conservation Act* (1973) (NCA). This section describes the context that led to this specific linkage between the Tenure Guidelines and a growing debate on the non-recognition of customary rights of Indigenous Peoples and local communities around protected areas.

7.1.1. FROM DISPOSSESSION OF FORESTS, GRASSLANDS AND RIVERS TO GOVERNANCE OF ACCESS

It is common knowledge that marginalised groups living in or near protected areas across Nepal have been dispossessed from their natural resources, and that this has had deep socio-cultural consequences (Pimbert and Ghimire 1997; Redford and Fearn 2007; Adams and Hutton 2007; Rai 2013; Lam and Paul 2014).

Protected areas, initially hunting reserves for King Mahendra during the Panchayat regime, were later viewed as conservation measures; thus they expanded with international financial and technical support and enforced (Paudel et al. 2007).⁷¹ Indigenous Peoples' tenure regimes were impacted by legislation, as they were gradually alienated from sources of livelihood (*ibid*). Restrictions on fishing grounds, collecting firewood, grass for fodder and other livelihood and religious uses,⁷² medicinal herbs, and seasonal wild fruits and vegetables fed a growing peoples-park conflict and public resistance (Rai 2013). In the VGGT CSO-oriented workshops discussed below, the NCA became the subject of deliberations on legal reform inclusive of local people⁷³ affected by restrictions.

As explored in Chapter 4, after the influx of NGOs in the new era of democracy (post-1990) there began a shift towards a 'people-centred' and 'community development' paradigm (Brown 1996), which was also applied to communities living around national parks, against the backdrop of a discourse viewed as fostering "fortress coercive conservation" (Peluso 1993).

The following map provides an overview of Nepal's protected areas were created. The next section then gives a historical analysis of conservation legislation in Nepal, the main theme of some FIAN-Nepal led VGGT workshops for CSOs representing local affected peoples.

⁷¹ See also: www.recordnepal.com/art-letter/books/the-dark-side-of-nepals-national-parks.

⁷² On the political ecology of grasslands in conservation areas, see e.g. Brown, K (1996); Gupta (2011).

⁷³ By 'local people' or 'local communities', I am referring to both *Adivasi-Janajati* and Brahmin-Chhetri who depend on access to natural resources in/around protected areas, as well as heterogeneous communities, such as in the Terai, where indigenous ethnicities co-habit with settled Khas-Aryan from the hills, and southern Nepalis of North Indian descent. The *Convention on Biological Diversity* (CBD) refers to indigenous peoples and local communities, as does ILO 169, which is the main source for use of 'local communities' for e.g. BZPRF activists (PC).

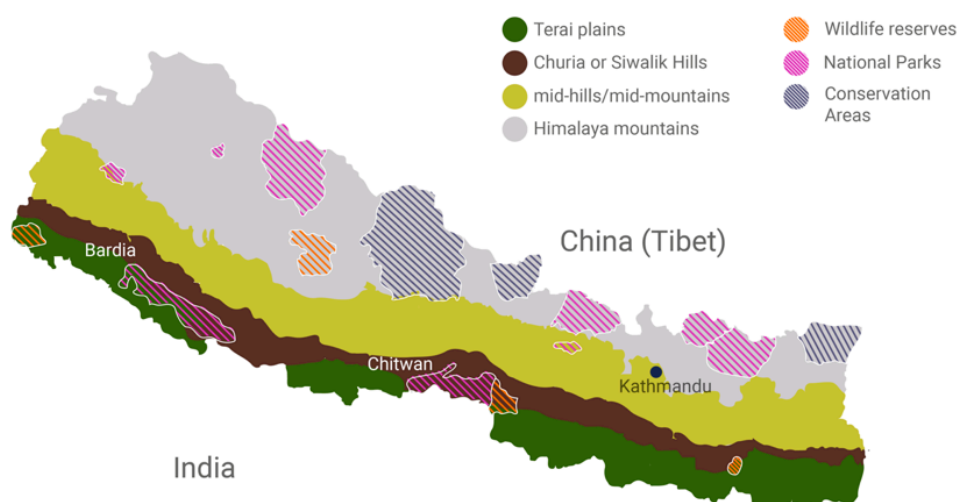


Figure 7.1.

Map of Nepal with three geographic regions and location of protected areas. The map shows all protected areas in their ecological environment. (Source: Author's own)

7.1.2. LEGAL REFORM FOR PARTICIPATION IN GOVERNANCE OF PROTECTED AREAS

The 1957 *Private Forest Nationalisation Act* and the 1974 *Nationalisation of the Grazing Lands Act* transferred all pastureland to the state, further undermining Indigenous Peoples' customary relations to land and forests, as did the 1993 *Forest Act* (Wickeri 2011:962). NCA—which governs access to forest resources in state-managed protected areas, including grass—was written with support from FAO and UNDP, and thus influenced by donors (Paudel et al. 2010). It has been amended five times, most recently in 2017 during the roll out of VGGT CSO-oriented workshops.

In the 1990s, global discourse shifted from techno-bureaucratic towards participatory livelihoods-centred conservation, and national legislation changed accordingly. In 1992, Nepal ratified the *Convention on Biological Diversity* (CBD), which promotes changes in global standards for benefit-sharing from conservation.⁷⁴ Accordingly, the NCA Fourth Amendment (1993) provisioned for habitable Buffer Zone Areas (BZAs).⁷⁵ Following civic contestation by locals, new institutions were created for their inclusion in the management of revenues from parks (see Jana in Campese et al. 2009; Paudel et al. 2010; Sunam et al. 2015).

In Nepal, there was already precedent in decentralised, community-led management of forests, which had been demonstrably successful in terms of community participation in

⁷⁴ On changes within IUCN (International Union for the Conservation of Nature) and CBD, and specifically legal reform around Indigenous and Community Conserved Areas in Nepal, see Stevens 2013.

⁷⁵ Buffer Zone Areas are on the periphery of a national park and are segregated from the core conservation area, which is guarded by the army. Buffer zone dwellers partake in conservation and development measures and have restricted access to resources, which are managed through their user groups (BZUG) and management committees (BZMC) (see Jana in Campese et al. 2009).

inclusive planning and regeneration of trees (Gilmour 2016). This institutionalised form of communal tenure through delegated management of community forests was in line with the *Local Self-Governance Act* (1999).⁷⁶ Protected areas, however, fall under a different governance regime, partly because they are an important source of revenue for the state both through tourism,⁷⁷ and through global conservation funds, such as WWF and USAID-funded programs.⁷⁸

A series of policy interventions aiming to democratise protected areas through devolved management were devised (Paudel et al. 2010; Sunam et al. 2015). In accordance with the then-devised *Buffer Zone Management Regulations* (1996) and *Buffer Zone Guidelines* (1999), BZAs were declared, and three tiers of co-management with park authorities were set up, including Buffer Zone Users Groups (BZUG) and Buffer Zone Management Committees (BZMC) (see Jana in Campese et al. 2009), for development-oriented budget allocation.

Yet these groups started mirroring existing discrimination and exclusion along the lines of class, caste, ethnicity, and gender stratification—as revealed in four decades of Community Forest Management programmes (Westerland 2007; Gilmour 2016). Meanwhile, discrepancies between people-centred and rights-based law and practice started fuelling discontent (Paudel et al. 2007; Paudel et al. 2010). Particularly in the accessible and heterogeneous lowland Terai,⁷⁹ a techno-bureaucratic conservation regime placed power in the hands of a few (Paudel et al. 2012; Jana Thing et al. 2017). A global conservation paradigm was supported by legislation, militarisation, and full authority of the national park governing body (*ibid*).⁸⁰

Further to the above, Indigenous Peoples' rights were not recognised in Nepal, despite social polarisation on Nepal's ratification of ILO 169 and adoption of UNDRIP, shortly after *Jana-Andolan II* (2006), and subsequent discussions on federalisation along ethnic lines (see Lawoti and Hangen 2013; see Chapter 4). Nepal does not recognise customary self-

⁷⁶See, www.np.undp.org/content/dam/nepal/docs/reports/governance/UNDP_NP_Local%20Self-Governance%20Act%201999,%20MoLJ,HMG.pdf.

Post-2015, FECOFUN, the Federation of Community Forestry Users started campaigning for community rights not just over the forests (i.e. the trees), but also the land. This campaign can also be linked to the VGGT process, but would require a chapter in and of itself.

⁷⁷ The government revenues from parks amounted to over US\$ 3,5 million in the 2014-2015 fiscal year. See, <https://kathmandupost.com/money/2015/08/12/cnp-top-revenue-generator>
On a call for tourism entrepreneurs and investors to Rara, See, <https://thehimalayantimes.com/opinion/rara-national-park-potential-touristic-hub/>

⁷⁸ See, National Trust for Nature Conservation financial audits: <https://ntnc.org.np/information-disclosure>.
Previously known as King Mahendra Trust for Nature Conservation, and today a donor-supported NGO, it is understood by some of its staff as semi-governmental (PC). See, ntnc.org.np/
On WWF and their role in galvanizing local people's support for conservation, particularly women, See, www.facebook.com/events/196342134295525/permalink/196737484255990/
www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death

⁷⁹ The Terai is the lowlands area I mainly visited (see Chapter 3).

⁸⁰ Today, the warden—a figure of power and control—still has the final say over user BZUGs and BZMCs (Jana et al. 2017), and this continues to be a bone of contention (PC).

governance nor collective ownership rights, nor does it use the concept of 'territory' (COLARP 2013), nor territorial rights as per the evolving narrative on land at the IPC (Borras et al. 2015:605; see Chapter 2). Campbell argues that whilst at the international level, arenas of governance have become favourable to "perceptions of indigenous environmental wisdom", in Nepal conservation programmes are one more means for state expansion into and "surveillance" of rural areas (Campbell in Gellner 2003: 83-84). Previous NCA amendments failed to mention indigenous rights and ignored related IUCN (International Union for the Conservation of Nature) and CBD recommendations, e.g. equitably-managed and respect of customary use of biological resources (Paudel et al. 2012; Stevens 2013:35).

As seen so far, the rights-based approach does not recognise Indigenous Peoples' customary rights to natural resources per se, but rather, integrates this constituency into existing political discourse that favours on the one hand property rights, and on other, state control over public land. The state still does not formally recognise non-statutory rights (i.e. customary rights deriving from local socio-cultural and religious customs).

Against this backdrop, following the promulgation of the 2015 Constitution, which is founded on "proportional inclusive and participatory principles" (see Constitution of Nepal 2015), inclusivity and participation of marginalised peoples in the drafting process of legal reforms has been promoted and mediated by Nepali NGOs and CSOs in complex political processes, where interpretation unfolds according to the socio-political interests of a multiplicity of actors. This is the general context in which this chapter sets out to assess what influence the VGGT have over the NCA Fifth Amendment process, and the extent to which this process of participation in policy influence helps to address the conflict at grassroots level.

7.2. NON-RECOGNITION OF COMMON PROPERTY RESOURCES AND CUSTOMARY RIGHTS

In Chapters 4 and 5, we saw that the ongoing trend toward consolidating property rights as a country-wide regime—which is steeped in Hindu-centric domination—obfuscates a clash of land tenure paradigms and the demands of some Indigenous Peoples and landless peoples to be recognised as equals to the ruling class in their relationship to land and other natural resources.

FIAN-Nepal, after its creation in 2007 (discussed in detail further below), started elaborating legal casework on those communities whose lack of access to natural resources could be framed as an infringement of their right to food (RtF). In 2012, FIAN commissioned a report on the centrality of accessing rivers and forests for marginalised peoples. The study highlights policy gaps regarding the recognition of traditional uses of natural resources that predate the expansion of the developmentalist state, which, post-1950, initiated the process of regulating uses of water and forest goods. The lens applied in the report was "Common

Property Resources"—i.e. a collective, rather than individual property-based, management of natural resources.⁸¹ The study reiterated that there was no legal recognition (only social) of customary practices of resource management in Nepal (FIAN-Nepal 2012).

When the 2012 report was written, the new Constitution of the Federal Republic of Nepal (2015) had not been promulgated yet, but it was being deliberated. The 2010 concept papers being developed by the Constituent Assembly mention *traditional and customary use rights and community rights of natural resources*, as well as rights to equitable benefit-sharing for Indigenous Peoples. However, these rights remained at the level of aspiration: the rights of specific ethnic groups or castes to have user rights to natural resources of economic value were not enshrined (FIAN-Nepal 2012, see also Fujikura 2013).

This evolution needs assessing in the wider context of Indigenous Peoples' claims against a Hindu-centric state. By 2015 there was a certain fatigue amongst the ruling elite with regard to *Adivasi-Janajati* demands (INT-UN4). The First Constituent Assembly of 2008-2012 had collapsed; and some members were resentful that it had been such an arena of contestation, given the polemic demands of some larger *Adivasi-Janajati* groups for state federalisation along ethnic lines, as promised by the Maoists during their insurgency (INT-UN4).

Additionally, in post-war Nepal the state had been arm-locked, some lawyers argued, into ratifying ILO169 and adopting UNDRIP, although it had no real intention of debating self-determination nor specific indigenous 'rights' over the management of natural resources (PC). A young ANWA lawyer described how it was considered to be foreign influence (PC), an opinion equally held by a local BZUMC member in Bardia National Park (INT-BZA5). To a question on why the state ratified ILO169, a NEFIN leader replied "to save their face [...] because of fear that they might lose funding from international aid if they didn't ratify", concluding that "they are the first to ratify, but the last to implement" (INT-NEFIN1).

Related to the indigenous question is the fact that the state was, until recently, constitutionally Hindu and Brahmin-centric (INT-ACTIVIST-IP1). Already during Constituent Assembly discussions, politicians could not openly agree on the role of Hinduism in the state structure either, which in turn affected how everything else was viewed (see Gellner and Letizia 2019).

Regarding smaller ethnic groups, throughout fieldwork in 2017 and 2018, the stance of a (Brahmin) government lawmaker was that Nepal's last remaining Indigenous customary systems of tenure were not worthy of paying much attention to in law-making because of their scarcity since being abolished in the 1960s (INT-GOV14). At subnational level, the stance of a (Brahmin) governor of a newly-formed federal state was that remaining

⁸¹ On common property resources, the commissioned authors conceptually underpin their argument with Olson (1965) and Ostrom (1990)—the latter a cornerstone work on the commons.

customary practices of *Adivasi-Janajati* would eventually be subsumed by 'development' (INT-GOV10).

In sum, the non-recognition of common property resources and customary rights by the Nepali state and society overall is the socio-political context in which FIAN-Nepal organised VGGT CSO-oriented workshops, and 'translated' and adapted them to spaces of policy dialogue on access to rivers and forests for usufruct rights of small ethnic groups living around protected areas, as assessed next.

7.3. TRANSLATING BUFFER ZONE DWELLERS' RIGHTS: NON-STATE ACTORS' EMPLOYMENT OF THE TENURE GUIDELINES

This section evaluates the CSO-oriented workshops that were based on the IPC's *Peoples' Manual on the Guidelines on Governance of Land, Fisheries and Forests*⁸² (see Chapter 1), which anticipated access to protected areas as a potential conflict to be addressed by the Tenure Guidelines. It contributes to an understanding of how FIAN-Nepal employed the Tenure Guidelines to strengthen existing campaigns to revise the NCA, through their mediation between state agents and affected communities, which, as explored later, mainly takes the form of governance brokerage.

The VGGT CSO-workshops fed into tenuous debates on customary rights and forms of common property resources, previously sparked by Nepal's 2007 adoption of ILO169 and UNDRIP, as well as on the meaning of the state's recognition of RtF. Debates on the Tenure Guidelines in workshops facilitated by FIAN contributed to the evolving framing of buffer zone dwellers' rights as RtF from the perspective of, on the one hand informal tenure rights as *usufruct* in the context of the NCA amendment process discussed here, and on the other, as 'traditional occupational rights' in the framework of the *Right to Food and to Food Sovereignty Act*.

7.3.1. CUSTOMARY PRACTICES, USUFRUCT RIGHTS AND THE RIGHT TO FOOD

In 2016, as part of a 'Learning Framework' co-designed by FIAN International and FAO and based on the IPC's *Peoples' Manual*, FIAN-Nepal organised a series of province-level VGGT CSO-workshops, followed by a national workshop (which I attended in September 2016). This project overlapped with FIAN's pre-existing campaign to incorporate the voice of BZA affected peoples into a post-constitutional legal reform process through participatory spaces of deliberation. FIAN therefore wove together the CSO-oriented awareness-raising project and ongoing 'multi-stakeholder' consultations (government and CSOs), driven, I suggest, by FIAN's experience and leverage in creating bridges between affected communities and the state, analysed further below.

⁸² See, www.foodsovereignty.org/wpcontent/uploads/2016/06/peoplesmanual.pdf.

FIAN-Nepal had already identified VGGT as a possible tool to support BZA struggles before its official introduction into Nepal as donor-funded workshops. The above-described 2012 FIAN-commissioned report mentions the Tenure Guidelines as a source of encouragement for policy review. Part Three of the Guidelines is specifically on "indigenous peoples and other customary communities", and draws from existing international provisions on Indigenous Peoples' rights (see Feiring 2013). Later, in 2016, FIAN-Nepal commissioned a report specifically on access to forests and rivers for BZA dwellers, and selected a small NGO which had a long history in supporting this conflict (but which was running out of funding)—Community Development Organisation (CDO)—to carry out the research (PCs). FIAN then incorporated the CDO-supported struggle into their RtF casework.

The 2016 commissioned report covered the main protected areas where river-people are affected: Koshi Tappu Wildlife Reserve, Chitwan National Park, Banke and Bardia National Parks, as well as Shivapuri-Nagarjun National Park, just north of Kathmandu, where FIAN was commencing advocacy work during my fieldwork.⁸³

The report highlighted that although some small-scale ethnic fisherpeople (the Majhi, Bote and Sonaha) had received fishing permits, the measures remained restrictive and their artisanal nets frequently seized.⁸⁴ Furthermore, these traditional livelihoods suffered from the impacts of climate change, pollution and construction projects that use the river as a stone quarry further upstream (as I too observed in 2017 and 2018). The report explained that the Bote (ethnic boat-peoples who also fish) compete against hotels for boat licenses, excluding many from an inherited occupation and income opportunity both from transport on their boats, and from fishing. The 2016 report by CDO (translated by my interpreter) provided research on other impacts on food and livelihood customs, which I confirmed in fieldwork observations: for instance, as wild animals are on the increase as a result of conservation efforts, they leave the forests and destroy crops, property and domestic livestock, for which the buffer zone peoples demand fairer and easier-to-access compensation from the government (INT-BZPRF1; INT-BZPRF2; INT-BZPRF3; INT-BZA7; INT-BZA10). From a social perspective, army personnel, employed to protect conservation areas, are a threat to a life of dignity, as they continue to harass and humiliate locals. Many women are victims of sexual assault, or engage in relationships with soldiers and are then abandoned, leaving the children stateless,⁸⁵ and women in militarised areas even more stigmatised (INT-BZPRF1). FIAN intended to use this report to develop a "contemporary human rights-based approach" to suggestions for Act amendments (*ibid*).⁸⁶

⁸³ I visited 4 out of these 5: Chitwan, Banke, Bardia and Shivapuri (see Figure 7.1.)

⁸⁴ This remained the case when I visited in February 2017 and again in February 2018.

⁸⁵ Because Nepali citizenship is granted through fathers, not mothers. See,

<https://www.opendemocracy.net/en/5050/will-nepal-give-equal-citizenship-rights-to-women/>.

⁸⁶ See, <http://fiannepal.org/2016/09/177/?lang=en>.

As the VGGT projects started to unfold in Nepal in 2015, and once FIAN-Nepal was selected as a key facilitator for CSO-oriented spaces by the FAO, in partnership with FIAN International and the IPC, FIAN staff identified a wide range of "contentious issues" that the Tenure Guidelines could be applied to, including: "blocked access of Indigenous Peoples to land, forests, and fisheries; restriction to access national parks and surrounding rivers for food." (presentation by FIAN-Nepal, VGGT Lessons Learned, FAO, November 2015, participant-observation).

FIAN-Nepal thereafter selected the issue of BZA people as an area of advocacy that could be adapted to the CSO-oriented VGGT workshops. In August 2016, in parallel to VGGT workshops, FIAN officers were already organising district level consultations in Bardia and Chitwan, together with CDO and the grassroots activists they were supporting. Indeed, the CSO-workshops of 2016 were held at an important moment for 'responsible' governance of tenure of natural resources: the launch of a participatory revision of Nepal's regulatory framework, provided by the 2015 Constitution, within a three-year timeframe for policy dialogue. In September 2016 the Ministry of Forest and Soil Conservation (MoFSC) initiated the Fifth Amendment of the long-disputed NCA, coinciding with the FIAN-led VGGT workshops (participant-observation).

In this context, a debate ensued on how to literally translate the concept of tenure into Nepali language. Indeed, the difficulty in linguistically translating the English term 'tenure' into Nepali, and *bog chalana* into English, makes it hard to fully grasp the 'rights translation' process around informal tenure, territorial rights, and customary rights. During the previous workshops on the VGGT, for example at the ANPFA workshops described in Chapter 5, facilitators had depended on their own Powerpoint presentations, and not on an officially translated document into Nepali. FAO Nepal requested a translation of the Guidelines to an FAO HQ representative during a visit to Kathmandu in September 2016. A six-page brochure was thus prepared in collaboration with FIAN-Nepal, and used during the CSO-oriented National Workshop (participant-observation, see Annex 10 for full brochure). The following scan is the front cover, where I noted the translation of the main concept of *bog chalana*, one of the terms used in Nepali language, and which roughly translates to 'customs of usufruct', as explained by my interpreter and a FIAN member of staff. The debates that followed therefore centred on customary practices of usufruct of forests and rivers of so-called 'traditional occupational groups', explained further below.

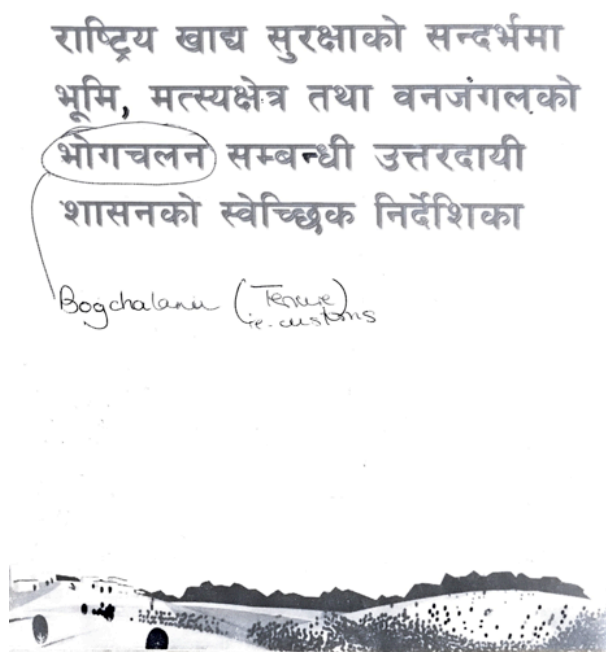


Figure 7.2.

Scan of the first page of the flyer used during FIAN's VGGT CSO workshop highlighting translation of the chosen term for tenure, 'bog chalana' (usufruct customs). Source: Author's own.

Ensuing debates about traditional livelihoods reflected a continuity in identity politics (see Chapter 4) and the perception of how state-managed resources should be allocated. In the wider context, by the time the VGGT workshops started, there was some fatigue among higher-caste lawmakers on issues of indigeneity (INT-UN4). Nepal was experiencing a discursive "backlash" by 'higher-caste' members of society and in government, as explained by a well-established researcher (PC). A NEFIN former vice-secretary mentioned that "Brahmin leaders of Nepal accused international donors for trying to fragment the nation" when Indigenous activists protested against the Constitution (INT-NEFIN1).⁸⁷ At the time, *Adivasi-Janajati* were contending with the governmental decision to equally identify Bahuns ('higher-caste' of hill origin) as an ethnic group based on their 'Khas-Aryan' ethnicity, which they used to politically oppose affirmative action targeting marginalised social groups, as explained by activist and former staff at the DFID-funded "Janajati Empowerment Project" (INT-ACTIVIST-IP1).

Against this backdrop, the workshop provided an opportunity for NGO staff, activists and other participants (of different ethnicities, but particularly of 'higher castes') to openly discuss—particularly during informal breaks—whether river-dependent people such as the Bote, Majhi and Sonaha were to be referred to as *Adivasi-Janajati* or as a traditional

⁸⁷ Some local 'higher-caste' actors in BZAs (e.g. at park authorities and buffer zone committees) believe that Kathmandu-based NGOs place too much importance on indigeneity and ILO169 (INT-BZA6; INT-BZA8).

occupational group, in other words, a sub-caste group that should not be recognised as a specific ethnicity but rather as part of the Hindu caste system (participant-observation). The former would imply that these groups of boat-peoples (as denoted by the Nepali term Bote), fisherfolk (Nepali term Majhi), and gold-panning people (Sonaha), would have special protection and welfare support as "endangered" ethnic groups, under the *National Foundation for Development of Indigenous Nationalities Act* (e.g. cash disbursements, inclusion in quotas e.g. for education, etc.) (see Chapter 4). The latter would imply that these nature-dependent occupational groups are at the 'lower' end of the caste system, along with some Dalits, who are also forest-dependent for their livelihoods. Either way, these groups have suffered a long history of discrimination and social stigma, because they are considered to be *pichhadiyeko* (i.e. "staying behind", translated as "backward people"). This adjective is often used with the noun *varga*, meaning class; not with a Marxist denotation, but rather in the context of a society structure that is classified according to a people's occupational ranking and purity. This implies that rather than rights as Indigenous Peoples, as per ILO169 and UNDRIP, the "undeveloped" can become targets of development and state-led welfare programmes, aiming to protect 'traditional occupations', as became visible in the *Right to Food and Food Sovereignty Act*.

It was explained that the Bote and Majhi are marginalised fisherfolk, already classed as *Adivasi-Janajati* by the state, and who FIAN were supporting in their struggle for access to natural resources. As for the Sonaha, FIAN was still in court, seeking '*Lopunmukh* status' ('endangered ethnicity'). What they have in common is that they still practice customary usufruct of state managed protected forests and rivers for their livelihood, and have historically lived in huts on riverbanks. As some workshop participants pointed out, they have never been concerned with land nor waterways as property (participant-observation).

Discussions and dialogue at VGGT workshops also showed how the Nepali hierarchical structure is being challenged by social forces for change, introduced in Chapter 4, such as that of Nepali Indigenous women, who employ these invited spaces to put forward their voices regarding their unacknowledged customary rights. Given their history of exclusion from political spaces, these workshops were an occasion particularly for *Adivasi-Janajati* women to shape the dialogue with their perspective of customary rights around land, water and forests. For instance, NIWF members who attended the CSO-oriented VGGT workshops organised by FIAN at provincial and central levels (2016-2017) mainly supported emerging ideas on the need to identify and respect customary rights.

As explained in a group discussion with NIWF, NIWF members view their struggle as one against multi-layered triple discrimination embedded in the state and social structures: firstly, as historically excluded *Adivasi-Janajati*, of which many groups still live in poverty, secondly as the socially and politically marginalised gender, and thirdly as silenced

Indigenous women. As such, in 2011, NIWF—together with the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and with support from UK-based INGO Forest Peoples Programme (FPP)—submitted a parallel report to CEDAW Committee. There, they affirm that, in addition to and because of the multi-fold discrimination they are subjected to due to the nexus between gender and ethnicity (and religion), their access to natural resources is severely restricted: "Indigenous women in Nepal continue to face the appropriation of their customary and traditional lands, resulting in loss of customary occupations, livelihoods and roles in their societies" (2011:4).

Yet, despite this report and other campaigns, Indigenous women felt that their voices were ignored. As described to me in a NIWF Group Discussion:

They did not hear us actually, the government—the Indigenous voice. The Indigenous women's voice: they totally do not care. We talked to non-indigenous women leaders also. In the constitution there is nothing for Indigenous women even though we stood.

One of their struggles is therefore to build spaces for Indigenous women's issues to be distinct from what NIWF members call "mainstream women's issues" (NIWF-GROUP), and, as they recommend in the CEDAW parallel report, to disaggregate data. They need this data in order to influence policy, and indeed, for political party wings led by Khas-Aryans (Bahuns) to be conscious of the differences. Some steps have already been taken, as NIWF leaders further illustrated:

There is a forum, an alliance, [created by] an indigenous women's loyal group, [it also includes] disabled indigenous women. There are 4 organisations, collecting issues from 5 different regions. They raise awareness amongst mainstream women's political groups. We have different issues. Before we were put in same basket, but now they say *indigenous women's* issues. They recognise that there are some differences. If they form an alliance to talk of women's issues, now they try and ensure participation of indigenous women (*ibid*).

Thus, in a progressively diversified public sphere with a rapidly wider scope for critical commentary (Hutt and Onta 2018), the FIAN-led provincial level CSO workshops were employed by member organisations of NIWF and other organisations to further advance the specificities of their needs as *Indigenous* women, in other words as an opportunity to self-identify and generate their own narrative disaggregated from that of women farmers supported by ANWA/PWAN or INGOs, and to express their perspective on tenure, backed by a new global governance instrument.

For example, an Indigenous woman, Board and Committee member of a forest conservation association who attended the Laham workshop, commented that she liked the workshop precisely because it was a chance for them to express to participating lawyers,

journalists and reporters that customary practices should and can also be protected by law, and this not only at central level, but equally at district level, as part of a 'bottom-up' process' with inclusion of Indigenous women (INT- ACTIVIST-IP2). She highlighted the participation of "different minorities, castes and regions", and the several levels of government (district, provincial) (*ibid*).

In these debates, another concept that stemmed from the title of the Nepali translation of the VGGT (see Figure 7.2.), and which often came up in interviews that I led in Nepali with an interpreter, was that of '*Jal-Jamin-Jungle*'. Some workshop participants referred to the Nepali shortened title of the Guidelines—Jal, Jamin, Jungle (land, water, forests)—as a 'concept'. In other words, they used this abbreviation, which covered these 3 natural resources together, to argue for the interrelatedness of accessing land, fishing grounds and forests, as I show next. A single women's rights NGO president shared how, at province-level FIAN VGGT workshops, they were able to discuss their struggles from the perspective of '*Jal-Jamin-Jungle*', which she referred to as a "very new concept" and which she related to women's lack of control over access to these resources (INT-NGO6). She equally pointed to the minorities participating in the Surkhet workshop, and the struggles on the one hand of landed farmers' wives, and the specificities of women's roles in conserving forest and water, whilst still using them for their livelihood (INT-NGO6).

A NIWF leader commented on the popular educational methodology used to bring these three natural resources into one single approach: During the Pokhara workshop participants enacted a theatre play where one group was '*Jal*', another '*Jamin*', and another '*Jungle*', which helped them to understand what they also referred to, in English, as the "VGGT approach" to conservation, and to Indigenous Peoples, issues at the core of their advocacy (INT-NIWF1). In her words: "Customary tenure is not accessible yet, which might be a problem, because when these rights are not given to people, people get pushed into poverty because they know nothing else, and a culture is lost." (INT-NIWF1)

Other participants saw this concept as bringing them closer to the emerging narrative around women's economic, social and cultural rights to access conservation areas (INT-ACTIVIST-IP2, INT-NGO5). '*Jal-Jamin-Jungle*' seemed to provide an all-encompassing concept that equates particularly with struggles for livelihoods of smaller nature-dependent *Adivasi-Janajati* groups, and provides an additional layer to the emerging debate on the state's non-recognition of customary rights to land, fishing areas, and forests. However, it also draws attention to the ongoing fragmentation in policy.

Indeed, this type of all-encompassing concept and potential framing would be novel in Nepal, given the history of separating the governance of land from that of forests, but is starting to have some effect on how policy-building is viewed by e.g. two central-level female RtF advocates (INT-UN2; PC). Actually, engaging with the three spheres of governance,

however, is highly complex beyond the framing of inter-related conflicts. As discussed in Chapter 6, at the first National Multi-Stakeholder Workshop (see Annex 5), this fragmented approach and lack of inter-ministerial coordination was a driver behind the formation of an "Inter-Ministerial VGGT Committee" tasked with 'mainstreaming' the Guidelines, and initially titled "Multi-Stakeholder Coordination Council". The goal was to discuss, explicitly and exclusively at governmental level, the recurring issue raised by civil society actors advocating RtF: the lack of coordination among government institutions, and the lack of harmonisation in policies cutting across the land, forestry and fisheries sectors (INT-GOV14).

At the Multi-Stakeholder National Workshops, it was also expected that the Tenure Guidelines would ground the still-to be drafted Right to Food bill in a multi-faceted approach to land, fisheries and forests (INT-LWF1; INT-DONOR2). But this did not fully materialise in the language of rights as underpinned for instance in Part III of the Tenure Guidelines on Indigenous Peoples and Other Customary Communities. A RtF consultant with experience working with FIAN-Nepal, FAO Nepal, and other bodies explained:

It is mostly land tenure which is linked to right to food and food security. In our [Right to Food] bill it is linked. In a workshop on food security, the issue raised is always land [...] Rarely do we talk of forests and rivers. [...] That is ministry of forests. There is a problem of sector coordination, because land and fisheries are interlinked, but there is a gap in coordination [...] That is why VGGT is mostly linked to this type of issue: what is the gap? It is disaggregated. (INT-UN2)

Layers of complexity are added due to the Nepali-centric terminology around 'traditional occupations', which is specific to the labour and occupation-related purity of Nepal's caste system. As per the existing Hindu societal structure, 'tradition' and labour became key to interpreting rights of forest and river-dependent groups such as Dalits, and smaller ethnic groups (some recognised as *Adivasi-Janajati*, and some not) (see Chapter 4) (observational analysis; INT-UN2).

FIAN's English report from the Second Multi-Stakeholder VGGT Workshop in December 2015 (also organised by FIAN) did include a recommendation to recognise 'traditional fishing' as a customary right. Nevertheless, by the end of the VGGT projects (2018), when the *Right to Food and Food Sovereignty Act* was being debated in parallel, only 'traditional occupations' were included in the draft. Given their controversial nature, debates on *Jal-Jamin-Jungle* as a customary right or informal tenure right did not seem to influence the parallel drafting of the new act. Rather than address the legal gap around customary rights to natural resources for food, emphasis was placed on the need to protect "traditional occupations" from a livelihoods' perspective, which was equally highlighted in the CEDAW report cited above. Thus, while contestation of mainstream narratives did permeate spaces of deliberation in VGGT workshops—where demands for collectively accessing rivers and

forests from a rights-perspective was explicitly made by ethnic fisherfolk—aiming to address some of the power dynamics that lead to discrimination continued to translate, in the draft bill, into state-centric development plans for *Adivasi-Janajati*.

As developed further in the next sub-section, demands made by *Adivasi-Janajati* communities to be recognised as such, as provided for by ILO169 and UNDRIP, did not make it into NCA amendments. In that sense, the concepts of common property resources and customary tenure rights originally used by FIAN in their reports were not applied to protected areas during policy dialogue on NCA amendments in VGGT CSO-oriented workshops. These were limited to an interpretation of *bog chalana* as tradition- and custom-based usufruct rights, and above all, framed by RtF, as enshrined in the 2015 Constitution.

7.3.2. EMPLOYING THE VGGT IN THE AMENDMENT PROCESS OF THE *NATIONAL CONSERVATION ACT*

Further to the above discussions among CSOs/NGOs, FIAN-Nepal facilitators—in their role of state-society intermediation—invited Members of Parliament (MoPs) to attend specific sessions of VGGT CSO-oriented workshops to discuss the NCA legal reform process directly with affected peoples. Grassroots activists attended and spoke of restrictions that did not allow them to live a life of dignity and of cases of physical, mental and sexual harassment by the army, non-inclusive buffer zone management plans, the Warden's power to dissolve locally elected committees, and the effects of increased wildlife (participant-observation). They communicated how their communities' food security is affected and their customs destroyed (*ibid*). FIAN organised an afternoon session with several members of the Environmental Parliamentary Committee (EPC) whose highly engaged Vice-Chairperson is originally from a BZA (INT-GOV12). This government agent then requested FIAN to organise a specific consultation where they could invite more MoPs, and this took place two months later, in November 2016. Over 50 participants attended, of which 21 MoPs, and activists from nine different parks. Figure 7.3. shows a photo and report taken from FIAN's webpage:

Multi-Stakeholders' Consultation Workshop on Proposed National Park and Wildlife Conservation Act, 2029 for amendment



Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Nepal Government, Ministry of Forest and Soil Conservation is going to amend National Park and Wildlife Conservation Act, 2029 and the amendment process has initiated by the Environment Protection Committee of Parliament. In this regards, the committee has organized district level stakeholders consultation workshops in Bardiya and Chitwan on 22 and 25 August 2016 respectively in order to collect valuable suggestions from the stakeholders during the process of amendment of the act from human rights perspectives.

FIAN Nepal has conducted a research study on the impact of National Parks and Protected Areas to the people's livelihood focusing right to food issue of indigenous people who are residing in buffer zone area. The research study covered Koshi Tappu Wildlife Reserve, Chitwan National Park, Shivapuri-Nagarjun National Park and Banke & Bardiya National Parks. On the basis of the findings and recommendations of research study, FIAN Nepal has reviewed the proposed draft of amended Act from human rights especially from right to food perspectives.

Figure 7.3.

News item on FIAN-facilitated consultation with MoPs on NCA.

Source: <http://fiannepal.org/2016/09/177/?lang=en>

This state-civil society interaction, facilitated by FIAN staff, created an entry point for MoPs and affected constituencies to deliberate required amendments of the NCA, which was deemed to be inconsistent with RtF.⁸⁸ There, FIAN supported BZA activists to write and submit to a 21-point list of demands to the ministry (MoFSC) (See Annex 12). Demands

⁸⁸ See, www.fiannepal.org/multi-stakeholders-consultation-workshop-on-proposednational-park-and-wildlife-conservation-act-2029-for-amendment/. Interestingly, FIAN called it a Multi-Stakeholder Consultation Workshop, as they seemingly adapted the VGGT language to post-VGGT workshop events.

conveyed included enhanced participatory management of protected areas; increased benefit-sharing; appropriate compensation; and access to forests for non-timber products (e.g. medicinal herbs) and to rivers, which are vital to their livelihoods, and to this end, the protection and promotion of "traditional and customary practices" (e.g. fishing, boating, grazing, drinking water, irrigation, gold panning, sand collection).⁸⁹

One demand that did not get filtered to lawmakers was that of BZA affected peoples to be recognised, as provided for by ILO169, as "Indigenous Peoples and local communities". For a local gathering of BZA activists that took place in February 2017 in Chitwan, an indigenous activist and later vice-President of BZPRF (who had participated in the 2016 consultation with MoPs), showed me a flyer which quoted ILO169 on the need to respect their rights and protect their livelihoods (see Annex 11). The flyer claimed non-statutory rights to access forest and river resources—whilst respecting conservation efforts—as well as citing mechanisms such as Free, Prior and Informed Consent (ethnographic insight, see also Whiddon and FIAN-Nepal 2017). The final amended act, however, used the terminology "permanent residents" and their needs (MoP presentation at VGGT Workshop 10.09.2017). Therefore, it did not specify ethnicity of such residents, perhaps acknowledging heterogeneity of these communities (see Chapter 4), and seemingly continuing to avoid issues of indigeneity and customary rights. As introduced above, this was the general trend in Nepali politics at the time (e.g. see Chapter 4 on the weakening of NEFIN). When asked why *Adivasi-Janajati* were not singled out for specific rights in this act, the spokesperson of the Environmental Parliamentary Committee (EPC) shared the opinion that the amended bill attempted to reflect the spirit of ILO169 by integrating new provisions on access to the park for wild fruits, roots, tubers, snails for food, and also to access religious areas for spiritual practices, all of which are specific practices of *Adivasi*, as long as the warden grants permission (INT-GOV12). The fact that permission to allow this access still lies with national park authorities, nevertheless, reflects a continuation of the non-recognition of territorial rights for the small ethnic groups living around protected areas (observational analysis). Rather, I would suggest that these amendments show that state agents made some concessions to provide access to use forest resources, but only from the perspective of RtF. As a FIAN lawyer explained, using a soft law instrument like the Tenure Guidelines has limited influence on lawmakers. Thus, by linking the VGGT workshops and subsequent consultations with MoPs to their casework on RtF, but also to the overall Nepali narrative of development (see Chapter 4), FIAN staff were able to gain added leverage over the NCA amendment process on behalf of the local community networks they advocate for, all the while recognising its limitations. As explained by one FIAN lawyer:

⁸⁹ See FIAN news item, in particular the 15 points that the EPC agreed to put forward for amendment: <http://fiannepal.org/2016/09/17/?lang=en>

VGGT is suitable to discuss with CSOs and political parties: they take it positively—but government people don't like it cause it is soft law, so the best way for advocacy is to use acts. [...] Politicians take it positively, even those who are leading ministries. But bureaucrats do not accept recommendations based on soft law. There are two types of government: political and bureaucratic. This leads to difficulties in using VGGT, but we can link it to our work [RtF]. [...] Nepal has adopted the rights-based approach since 1990, for example, the Right to Development Declaration. Human beings are at the centre of development work, national parks are also a development activity, so they should also focus on human beings, not only animals. Our basis is community voice. Legal provisions are based on community voice. (PC)

So mediators like FIAN-Nepal can employ the Tenure Guidelines to the extent that it supports advocacy among politicians (and MoPs) on behalf of otherwise-excluded local communities, and by linking it to their legal casework, they find a conduit to bureaucratic lawmakers. Adapting the VGGT CSO-oriented workshop to this specific participatory dialogue on the NCA was useful among such MoPs to the extent that it fomented their advocating among more bureaucratically-minded state agents: After the workshop and consultations, the EPC Vice-President garnered support from 37 other MoPs (some of which he accompanied on a visit to BZAs to meet local communities). He then presented these community demands to ministry lawmakers, who in turn accommodated some (about a quarter) and rejected others, despite their initial reticence to ease the restrictions on accessing the park (INT-GOV12).

The amended act was endorsed by the Parliament and the President in early 2017. New provisions allowed for limited use of paths and roads around the park, for access to forest products e.g. timber in natural disasters, and access to forests for traditional foods and native grazing lands, as long as "wildlife is not disturbed" (MoP presentation at VGGT Workshop 10.09.2017). The next pending step following the Parliament's endorsement of the amendment was to draft rules and regulations to be implemented by local park authorities (PC).

By mid-2018, this legal reform process, however, had stalled, reflecting the political instability and widespread legal dysfunction and non-implementation of laws, for which the Nepali state has been criticised before (see NHRC 2013; 2015). As described by several interviewees with experience in lobbying the government, they have to continually start advocating and applying pressure again when government staff are transferred or changed due to party politics (INT-ANWA1; INT-NGO1). The now-former EPC Vice-Chairperson explained that, following elections, some conservative MoPs requested a new amendment process, even before regulations were considered, to possibly repeal progressive changes to the NCA. Meanwhile, the NGO Federation, whose director had participated in the VGGT workshop, also called for a revision, but from the communities' perspective, given the

insufficiency of state concessions, and the ongoing technocratic approach to conservation, which is discriminatory against local ethnic groups. In their words:

Only about 25% of the rights were endorsed [...] It is not a local people-friendly act. [...] they made the act bureaucratic-friendly [...] So advocacy is needed to revise the Act again. [...] (INT-NGO1)

The NGO Federation equally reiterated the two-way channelling and the role of NGOs as connectors between the central and grassroots levels in advocacy:

The Nepali government is not always aware of what we decide in workshops and programmes. [...] We advocate at local and government level, so that local level people can also pressure government. It is not enough to do advocacy, we also have to work hard to make people aware of their rights. [...] There are loose form lobby groups at the district level that come together by themselves, like CSOs. They are not registered, but our member NGOs facilitate for those loose forms and manage resources for advocacy and create a linkage to the national level. So it works in parallel, in both directions. (INT-NGO1)

This type of connecting between state agents and grassroots activists, and pressure politics (Keck and Sikkink 1998), as carried out by FIAN in collaboration with the EPC, contributed, in the EPC Vice-Chairperson's opinion, to the unprecedented inclusion of community voices since the drafting of NCA (INT-GOV12). He explained that in the past, successive governments would only consider an act amendment if ministries, rangers or wardens were facing problems in their daily operations, but not for the purpose of meeting communities' needs. His belief was that without such advocacy organisations such as FIAN-Nepal, and their pressure, MoPs alone would not have been able to pressure the government to endorse the amendments. However, he also warned that without continuous follow up and pressure by civil society, the new government would not take the initiative to draft new regulations to enact the amendments (*ibid*).

This of course raises the question, again, on how effective such governance processes are on grassroots struggles themselves, and whether it may still be too early to tell if the VGGT can become an effective tool to this end, as pondered by Hall et al (2015) (see Chapter 1). It equally points towards the need to bring such workshops and spaces of deliberation to the grassroots struggles themselves, as suggested e.g. by the BZPRF president (INT-BZPRF1), by local mayors participating in the last VGGT workshops (post-elections), and by FIAN facilitators seeking to give continuity to the VGGT after federalisation (in 2018) (PC).

In Chitwan, BZPRF were invited to meetings by park authorities, who, according to the BZPRF-president, "realised the need to work with local organisations and activists, rather than only with politicians and national level NGOs" (INT-BZPRF1). The VGGT workshops helped him to understand the need to not only contest the authorities, but also for state

agents to be trained and made aware. He explained how they had always blamed the government for violating peoples' rights and how the BZPRF's task was to protest and demonstrate, based on their "superficial knowledge of rights"; only now did he also realise that the government needs to "be stronger", in order to fulfil those rights (INT-BZPRF1). Other community members (not workshop participants) chose subversion instead of lobbying, mobilised around the warden's office, padlocked buildings, and protests ensued, which ended in the removal of the warden's political protection by Maoists and his recall to Kathmandu (Newspaper clippings, Kantipur Daily, April 2018). BZPRF did not participate in this direct action.

In the opinion of the BZPRF Vice-President and indigenous rights activist, their participation in NCA amendments had limited effects, particularly for their ethnic groups. They shared with others from their community what they had learnt, for instance with BZUGs, but their hope for local impact was limited:

We talk about what we learnt and about our rights. But it is just talk, nothing comes out of it [...] The meetings in Kathmandu gave us an opportunity to share our problems with people in the government. Now people know that the government is mistreating Botes and the international level is putting pressure on the government. Although little has changed at the practical level. (INT-BZPRF2; INT-BZPRF3)

Based on the above, and as I explore further in the next section, well-positioned NGO leaders play a crucial role in advancing dialogue between marginalised affected peoples and powerful government agents (who also protect powerful business interests, as I explore thereafter in 7.5.). I argue that this role of mediation was reinforced by VGGT workshops—particularly given the way that FIAN contextualised them to inclusive legal reforms—placing the onus on the importance of those interstices between global governance and local struggles, and the state-civil society interface.

In that sense, FIAN's employment of the VGGT to foster policy dialogue with the participation of affected local people of different backgrounds (including highly marginalised ethnicities), reinforced their role as "connectors" who help state agents to access sections of its population that would otherwise be hard to reach (Koster 2014).⁹⁰ It equally strengthens the increasingly important performance of governance brokerage, and the need to bring this down to the level of local authorities, where local relations of power resist central-level governance brokerage.

⁹⁰ Especially in the post-constitutional context of Nepal state reform, at a time when local governments had not existed since before the 1996 conflict (these were re-established following the 2017 local elections).

7.4. A GOVERNANCE BROKERAGE CHAIN ACROSS THE GLOBAL-LOCAL AND STATE-SOCIETY INTERFACE

Based on the above-account on intermediation between government agents and affected local communities during the NCA amendment process, this section argues that the outcomes of interpreting a rights-based instrument are tied to how intermediary actors are able to place themselves as mediators in these flows. They are like nodes within and between networks, and can perform functions in the intersections of state governance, and transnational rights-based governance. The following accounts on how BZPRF and FIAN-Nepal, demonstrate that the 'people in the middle', i.e. NGO members, community leaders and social movement activists (Merry 2006), and their alliances across scales, play a key role in accountability politics and pressure politics (Keck and Sikkink 1998). This can be perceived as form of governance in and of itself: global-local and state-society interactions are mediated through chains of governance brokerage where such shifting alliances actively shape state reform. And this is not just because of fragile statehood in what Draude, Börzel, and Risse (2018) call 'areas of limited statehood'. Brokers equally emerge because of the strong presence of the state, which is challenged by new social movements to engage with excluded constituencies who employ politics of difference to demand a place in post-democracy Nepali society (Dahal 2004:6-8; see Chapter 4).

The buffer zone rights movement is an example of the post-1990 identity-based movements, while the role played by FIAN in advancing rights, as contextualised in the Nepali societal structure, can be seen as an example of brokerage—in its facets of translation and mediation—across scales. However, it does remain to be seen whether this intermediation also spans levels of power, in particular, at the grassroots levels where buffer zone people come up against the impunity of local powerful figures (observational analysis). In a transnationalised human rights era, reaching a compromise between state bureaucratic agents and marginalised groups—as seen in Chapter 6—is a function performed by Janus-faced brokers who can mediate socio-culturally and politically, because they can and do look both ways (Wolf 1956; Koster 2018). Yet, as described next, in governance this often remains at the central level, half-way up (or down) a chain, and, as already seen so far, focuses on national legal reform as an outcome of globally-designed projects.

7.4.1. NGOS BROKERING GOVERNANCE: FIAN-NEPAL

An example of how intermediation shapes the employment of the VGGT for policy influence is FIAN-Nepal's political weight in brokering governance, both as an NGO with a focus on legal reform at the central level, and a member-based organisation that spans the country and connects with grassroots activist networks. Like other NGO officers, these actors populate the multi-layered intersections of a grey state-civil society interface *and* global-local

chains of translation of human rights, and rights-based governance projects (see Chapter 2). They fulfil roles as intermediaries between global bodies (such as FAO, who design and co-ordinate VGGT workshops, and channel donors' funding), affected peoples from the grassroots levels, and national government agents who partake in the workshops. These workshops, in turn, become adapted spaces for the purpose of state-civil society policy dialogue. In this sense, here I show that FIAN lawyers are undoubtedly some of the key actors influencing the post-constitutional legal reform process in Nepal, and are therefore key connectors between grassroots networks of activists and policy makers on access to natural resources, a role which shapes how they employed the Guidelines, but equally to which the VGGT projects contribute through their provision of funding for deliberative spaces, and new concepts that make potential frames (observational analysis).

Their role is centred on law reform, based on international human rights instruments and integrating community voices (observational analysis). As I prepared to attend a sub-national level consultation on the then-*Right to Food Bill*, a FIAN lawyer explained to me how they ran "technical workshops" on behalf of the Nepal Law Commission, to discuss the draft bill with country-wide NGOs, in collaboration with the National Human Rights Commission (NHRC). The commission in turn "accepts their suggestions positively regarding existing international norms" (PC). As elucidated by the director of a subnational NGO that is a member of FIAN:

FIAN-Nepal started the Right to Food Network in Surkhet. FIAN plays the role of a bridge between people at the grassroots and policymakers. They communicate local people's problems to policymakers. They also conduct rights awareness programs, which is very important because when people don't know what their rights are, how can people know when their rights are violated. Lastly, they also file cases in court as they have a lawyer on their board. They have taken the case of Laxmanpur dam, which causes flood in Banke to international court. They use their international network in cases of ETO (Extra-Territorial Obligations). (INT-NGO7)

To further connect local struggles to policy-making, they also have to physically identify grassroots activists, beyond NGOs. A FIAN spokesperson at the FAO VGGT Lessons Learned meeting (November 2015), presented how FIAN's legal activism is carried out by first identifying cases; then forming and training local struggle committees; documenting case work; linking the different cases with policy advocacy; capacity-building and sensitization of different stakeholders; and lastly, following up with advocacy for a policy response (participant-observation).

How they do this often entails directly bringing together affected constituencies, organised into "struggle committees", with government actors. For example, just before they adapted the VGGT workshops to their RtF casework on struggles in conservation areas, they

had already facilitated this type of inter-state-society connection, as visible in the following Facebook post of 2015:



Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 7.4.

Photo of FIAN staff accompanying 'Struggle Committee' to Prime Minister's Office.

Source: <https://www.facebook.com/fiannepal/photos/a.279924108691017/1139771429372943/>

In this framework, FIAN have contributed to adapting the Tenure Guidelines to ongoing efforts of state-building in Nepal through law reform, by facilitating three types of workshops: a National Multistakeholder Workshop (2016), the IPC-inspired CSO awareness-raising workshops (2016-2017), and an FAO-designed capacity development workshop (2018) (observational analysis). Based on the analysis of social forces that traverse the state and non-state spheres reviewed in Chapter 4, I suggest that FIAN leaders' strong position in the Nepali rights-based NGO arena which I describe here,⁹¹ may condition their capacity to connect state and non-state actors in the spaces provided by VGGT workshops. This is in addition to their presence across a wide network of rights-based NGOs via their membership to FIAN and to the Right to Food Network (ethnographic insights). For instance, during my fieldwork, a common practice was to strengthen their RtF advocacy work by facilitating network-building among groups of grassroots activists, consolidating them, and then physically bringing them to Kathmandu and accompanying them to ministries to lobby, an example of which can be seen in the following photo. I return to the specific ethnic groups in BZAs below.

⁹¹ Based on ethnographic insights triangulated by interviews, personal conversations, national and international NGO reports, and newsletters (see Chapter 3).



FIAN Nepal

16 January 2017 · 🌐

...

A meeting of 19 RtF groups decided to form an ad-hoc district level network to create strong bond among RtF groups and support each other on their RtF violation issues of the district. Bajura ad hoc committee including Dailekh RtF group united to raise their consolidated voice leading a delegation to central government. A team comprising 3 RtF groups from Bajura district and one RtF group from Dailekh District arrived Kathmandu where their plights had never been heard. The team from remote part of the country together knocked the door of concerned Ministries and line agencies demanding to address their sufferings they are facing since many years.

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

Figure 7.5.

Photo of FIAN staff accompanying grassroots activists to ministries.

Source: FIAN Facebook Page

Additionally, their role as organisers and facilitators has reinforced their position as governance brokers, not only because of their translation of a global governance instrument (and related project around workshops) to a national post-constitutional context of legal reform from a rights-based perspective, but because of their active performance in mediating state-society relations in highly controversial and conflictive areas of advocacy, such as access to conservation areas.

Chapter 4 introduced how FIAN-Nepal was founded amidst a shift in Nepali discursive politics toward ESCR in the 2000s, and its role in advocating RtF in Nepal, until then a policy gap. As explained by a development consultant who supported the creation of FIAN as a

member-based NGO and as a key actor behind the Right to Food Network, FIAN Advisory Board members and executive staff have had, since its foundation, direct access to state agents (PC). For example, a former ANPFA SG (and now governmental staff) was the Chair of FIAN for some years, and two key ANPFA leaders joined the Advisory Board, thus establishing from the beginning direct access to politicians, to ministry staff, and to government when CPN-UML is in power (PC; INT-ANPFA13). Access of some advisory board members and executive staff to the (ruling) party is not only through their peasant wing, but also through personal relations (ethnographic insights e.g. from Facebook posts during 2017 elections). In fact, as expounded in Chapter 4, such type of access to the state by NGO/INGO offices has already been studied as related to the fact that they were established and directed by the same privileged social groups as the political elite (Lawoti and Hangen 2013:13). This is historically linked to access to education and other privileges for the higher social classes (mostly 'upper-castes') (Gellner 2007; Gellner and Karki 2007).

According to a well-established NGO representative who attended the launch of the 'Tenure Dialogue Platform' described in Chapter 5, this connectedness to politicians has been one way the NGO has leveraged its increasingly visible position in the Nepali NGO arena, and thereby gained access to globally funded projects such as the VGGT workshops (PC with former interviewee).

The close relations of many NGOs to CPN-UML is nothing new in Nepal, however, and has been studied by renowned scholars of Nepali so-called political-civil society (Hachhethu 2006; see Chapter 4). But this too is shifting, and FIAN-Nepal itself has taken steps to remove its initial political party branding (PC). One way of doing so was to support the creation of a farmers' organisation with no party ties, the National Farmers Group Federation (NFGF) (see Chapter 5), whose members participated in VGGT workshops (INT-FARMERS1). This is in line with a general trend among INGOs who claim non-allegiance to parties: During my fieldwork, several INGO representatives identified a gradual rejection of party-NGO ties, due to their own personal beliefs but also to donor requirements (INT-INGO1; INT-INGO2). This had an impact on their decisions e.g. to not participate in nor answer to funding requests for the Right to Food Network whilst ANPFA was the rotating Chair (PC with former interviewee). A former NGO officer, and a renowned RtF advocate who lobbied the Constituent Assembly (and is now working at a European aid agency) argued that relationships e.g. with ANPFA, however, should not limit collaboration given the Nepali context, if the focus is on the issue area:

Unlike in the rest of the world, in Nepal the farmers' organisations are close to the parties, so it's very difficult to have this formal collaboration with NGOs, and INGOs. That was the logic of the network [predecessor to Right to Food network], because then we had a common agenda. Because for me, if you have a common agenda, you should come together, that was the binding force. [...] That is the

closed-mindedness of having this kind of arrangement [...] For others it's not comfortable if sister wing is leading, if it were a coalition it would have been easier [...] that is also the reason they now have a National Peasants Coalition. [...] everyone wants to protect themselves not to be politically exposed. (INT-DONOR1)

Beyond its ties to governmental people through CPN-UML, added to the extensive net of contacts country-wide through the Right to Food Network, and their own Advisory Board composition,⁹² FIAN-Nepal has built a network of local activist connections.⁹³ FIAN has consolidated its position as a central level mediator precisely by increasing its visibility not only at the global level, as a national partner for FAO projects (participant-observation at FAO meetings), for instance, but also at the grassroots level. There, they have become a lever for activist networks that would otherwise have no access to central level policy makers due to entrenched class/caste/power relations (observational analysis). As explained to me at the subnational NGO office (20 hours away from Kathmandu by road), FIAN staff travelled to marginalised vulnerable communities and helped to organise local representatives into "struggle committees" (*Samiti*, the word in Nepali, is used widely for activist or associational groups) for FIAN to then advocate their rights at the central level. They identified existing loose-form networks of activists, provided them with training in advocacy, and minimal funding for meetings, and to participate in workshops (*ibid*). The resulting 'struggle committees' have access to FIAN's office premises for meetings if close by, and receive training from FIAN staff on the legal RtF, on leadership skills, and on systematic advocacy and other capacities that are deemed necessary for advocacy from a human rights perspective (PC; participant-observation). In other words, they are trained and supported in forms of advocacy, e.g. to submit a memorandum to local or central level authorities, which FIAN-Nepal links them to (*ibid*). One such *samiti* of flood-affected communities from the border with India was using the office space during my visit (*ibid*). Some of FIAN's activity reports describe how struggle committees can jump over the local level authorities, who may not be listening to their demands, and go straight to the central level in Kathmandu, accompanied by a FIAN member of staff. This highlights the role of NGOs as bridges—as intermediaries—who can engage in 'boomerang effect' accountability politics across the national-subnational scales (see Keck and Sikkink 1998 on global dynamics). But it equally

⁹² FIAN board members hold positions in e.g. UNDP, ANPFA, national NGOs. FIAN Advisers and members include Consultants from e.g. aid agencies, development consultancies, and the National Assembly (ethnographic insights).

⁹³ Originally, when FIAN was founded, the goal was to have community members in the FIAN board, and therefore not to perpetuate the social discrepancies between central-level mediating NGOs, often run by privileged classes, and local peoples (on this common occurrence in Nepal, see Heaton Shrestha in Lewis and Mosse 2006). This however did not materialise due to some initial reticence due to caste and social status issues (PC). It remained a goal in 2018, when these dynamics were slowly shifting as they welcomed one 'low-caste' grassroots activist into the board, as presented to me during a meeting in April 2018 (fieldwork observations).

highlights the protagonism of national advocacy networks (NANs) in brokerage, and the unstable spaces of intermediation they generate (see Kraemer et al. 2013 on Nepal).

This form of 'organising' others (or encouraging others to self-organise), nonetheless, does not always translate into self-organised sustainable networks, such as the grassroots land rights activists of the National Land Rights Forum (NLRF), which I discussed in Chapter 6. For example, two existing Sonaha associations in Bardia National Park were visited by the FIAN director and convinced to merge, even though they lived in different parts of the river (where they gold-pan), but they were not able to get on with each other and failed to maintain their coalition (INT-ACTIVIST-IP4, PC). Another example is the short-lived existence, in Chitwan National Park, of the *Indigenous Peoples' Protected Area Forum* (mentioned in Whiddon and FIAN-Nepal 2017 as a key grassroots actor at the 2016 VGGT workshop on NCA amendments). Building on the local welfare associations of small indigenous groups, FIAN invited them to join and use an official name with which to participate at the consultation with EPC MoPs mentioned above (INT-BZPRF3). The 'president' of the forum came to FIAN's office during my stay to request funding for a follow-up meeting specifically for indigenous women, but received a negative answer, as she later explained to me (PC). The forum seemingly disintegrated with the finalisation of the VGGT project, as no funding for follow-up was made available, and the activists could not afford to pay for bus-fares to meet (*ibid*). The 'president' did, however, find a new position as Vice-President of the more established Buffer Zone Peoples' Rights Federation (BZPRF), which I discuss next. Nevertheless, the above example shows that the donor-dependent project-based funding for workshops can sometimes stop there, and halt any potential continuity if grassroots activists are unable to generate additional financing for follow-up activities, or the will to congregate with minimum resources locally, as does the NLRF (see Chapter 6). This means that they continue to look toward brokerage chains upward to Kathmandu and beyond, raising questions about their capacity to mobilise (or willingness and/or capacity to do so with no funding) after such experiences. Answering such questions would indeed require a much longer ethnography at the local level, among the 'struggle committee' members themselves.

7.4.2. THE BUFFER ZONE RIGHTS MOVEMENT

As described by its current president (in 2018), the Buffer Zone People's Right Federation (BZPRF) builds on an originally informal networks of grassroots activists that advocates community rights to access forest resources and to be protected from wild animals and from army abuse. The network was set up following a series of dialogues with Majhi, Bote and Musahar Welfare Service Committees (organisations of ethnic groups native to and dependent on the river flowing along Chitwan National Park and beyond). The BZPRF president is a local activist and freelance journalist (of Brahmin caste, married to an

Adivasi) who for over two decades has been using the media to draw attention to the plight of buffer zone dwellers (INT-BZPRF1).

This nation-wide network has a long trajectory of resistance, and has in the past employed protest tactics, which became available to them following the historical instances of Nepal's post-revolutionary conjuncture: From direct confrontation of national park authorities (ending in threats, imprisonment and torture for some) and demonstrations, to the use of recriminating media and investigation to disclose corruption of wardens and abuse by the military (INT-BZPRF1; see Paudel et al. 2007).

The BZPRF was intermittently supported by different Kathmandu-based NGOs. It was established as a way to consolidate an existing loose form network when its president was working with CDO (the NGO mentioned above). Now, they have a president and five vice-presidents, who are from different national parks, a senior vice-president and a chief secretary, and they also cooperate with other rights-based organisations. They have been reaching out to other activists in different national parks. They also gather information on evictions taking place due to protected areas (e.g. Shukla-Phanta), and then hold discussions about compensation with local level authorities (INT-BZPRF1). A two-day local gathering in Chitwan in February 2017 (which FIAN funded and attended to strengthen its "visibility" and relations with BZPRF)⁹⁴ was the occasion to officially formalise the until-then Chitwan-based network, and to invite BZA dwellers from around the country (thanks to the funding) (participant-observation). They use human rights instruments such as ILO169 to back their demands, such as on the flyer announcing the event (see Annex 11). Yet, as mentioned above, state agents are reticent to employing ILO169, as are park authorities (INT-BZA6).

As explained by the respective founders of the NGO CDO (INT-NGO17) and of the BZPRF (INT-BZPRF1), local activists in Chitwan were originally supported by CDO, which for many years worked on the ground, and used to be financially supported by Action Aid. They collated evidence to support community demands. When the main financial support-person moved from Action Aid to a new job at a donor's office (where I later interviewed her to triangulate the account), the funding channels changed and CDO had to close. This affected BZPRF, whose president was employed by CDO for 11 years, demonstrating that chains of intermediation are flux in nature and often dependent on individuals at larger INGOs, on whom in turn smaller NGOs depend. Today, the CDO founder works as a consultant with the newly created federal governments—something he explained in an interview in Kathmandu, "must have disappointed grassroots activists" (INT-NGO17). In this regard, the BZPRF-president acknowledged that only activists who are from the area, and who have suffered the

⁹⁴ FIAN-Nepal activity report 07.02.2017, accessed in FIAN's office.

consequences of violations and humiliation in their flesh can provide continuity to the movement (INT-BZPRF1). So, whilst recognising the risk of dependency, local activists, like those of the Land Rights Forum at village and district level discussed in Chapter 6, adapt to the instability of outside partners, but remain rooted in their struggle, and continue to connect to other NGOs.

Hence, the gap that CDO left is now partly filled by FIAN-Nepal, in their capacity as a conduit to decision-makers, and by other NGOs who intermittently provide financial support for the buffer zone peoples' network-building process—including still Action Aid, though they now work in another district (INT-INGO2). Through their collaboration with FIAN, policy advocacy has become an additional tool in these peoples' struggle for recognition as river and forest-dependent communities.

7.5. INTERPRETING MULTI-STAKEHOLDERISM IN NEPAL: THE MISSING POWERFUL PRIVATE SECTOR

The Tenure Guidelines are the first outcome of a multilateral space of food and agricultural global governance, which, through the creation of national level platforms, aims to replicate the institutionalisation of multi-stakeholderism through country-led 'inclusive' policy making platforms (see Chapter 1). However, national spaces of multi-stakeholder dialogue in Nepal do not include the private sector, the implications of which are discussed next.

The VGGT workshops could be considered an "invited space" facilitated by FIAN-Nepal, rather than a bottom-up "created" or "claimed space" (Gaventa 2006), as they selected and brought affected peoples to attend. Yet, they were above all an *adapted* space—a workshop adapted to the Nepali post-Constitutional context. Locals spoke about the damage caused by industry to peoples' source of food. Conversations with community-level activists did however reveal the need to address the role of industry in destroying, for instance, fish stocks in rivers (INT-BZPRF1). This is particularly pertinent to *Adivasi-Janajati* communities who believe that they are unfairly blamed for overfishing, and are being encouraged to give up their traditional fishing modes on the premise that the little fish that is left is for wild animals living in the national parks (*ibid*). The BZPRF-president, a local activist from Chitwan, explained how they used the post-VGGT consultation of November 2016 in Kathmandu to also draw attention to issues related to the private sector and ecology, including "environmental degradation caused by use of pesticides in fields, and chemical waste dumped in the river" (INT-BZPRF1). Yet activities of the private sector along rivers go uncontested at the central level. He illustrated different sources of tension, and how the voices of local communities are suppressed:

Promoting tourism is not necessarily bad. But the way tourists are introduced to local people is false. Tourists are told that fishing communities were responsible for decrease in the number of crocodiles. But in reality, the Bhrikuti paper factory and distillery directly dump their sewage in river and dam in the river is opened during floods, and crocodiles cannot come back upstream once the dam is closed. We closed the paper factory for over 20 days [with protests], so that the government could force them to process their waste before throwing it into the river (INT-BZPRF1).

At community level, the impact of the private sector and of climate change is in fact a big concern. In Bardia, a local Indigenous Tharu activist from the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) shared how exclusion is exacerbated by the impunity of business owners:

A leather processing factory was established by the river. [...] the local people were concerned that it would pollute the adjoining river and the whole surrounding. LAHURNIP trained locals to advocate with the authorities and provided them legal support. We were able to stall the works. Similarly, a Chinese company established a slaughterhouse in Kothiya village. Local authorities agreed they would provide them with a dumping ground, but due to their failure, the locals now face environment pollution. We offered both financial and legal support to communities, but we weren't able to do anything about it. (INT-ACTIVIST-IP5)

He further connected every citizen's RtF with the right to access traditional foods for the Tharu, such as snails and fish, but these are disappearing because of pesticides and chemical fertilisers (*ibid*). Above I mentioned the Environmental Parliamentary Committee (EPC) spokesperson's perspective on the NCA amendment regarding specifically Indigenous Peoples' rights to collect traditional wild foods, but that this would depend on park authorities. Indeed, the national park prohibits local *Adivasi-Janajati* from entering the park to collect snails, crabs and fish, the LAHURNIP lawyer expounded, and to collect mushrooms and berries from which they make pickles to sell on the market. Another consequence of this ban, he added, is that Tharu knowledge on medicinal herbs is being lost, thus it is not only their right to food but also their right to receive medical treatment that is violated when on the one hand use of chemicals is not kept in check, and on the other Tharus are not allowed to enter "state property without causing any damage" (INT-ACTIVIST-IP5). Meanwhile, the private sector's business is facilitated through access to buffer zones for the construction of hotels or any other business, subject to the warden's monitoring (INT-BZPRF1).

The business sector was not part of the FIAN-led deliberations on taking a rights-based approach to amending the NCA, and yet, according to an NGO representative who was invited to parliament to give a speech to deter MoPs from contravening CITES (Convention on the Illegal Trade of Endangered Species), government agents appeased business interests in the NCA amendment process, in parallel to the VGGT workshops (INT-ACTIVIST-AN1). This they concluded from an investigative process they led, which revealed

the selling of licenses by authorities straight after the 'hasty' endorsement (*ibid*). Pro-business amendments sparked a 200-people march to protest against the Act's new provisions, to denounce the move toward animal commercialisation (INT-ACTIVIST-AN1). A public denouncement on Facebook early 2017 read:

The act states that any individual, commercial entity or organization can easily obtain a permission letter for commercial purposes [...] production of hide, fur and other animal parts including activities of extracting hormone, oil, juices, enzymes and meat, running circuses, zoos, slaughterhouses, lab experimentation and tests for commercial purpose. [...] The act has made it legal to turn wildlife into victims of a few individuals, businessmen, contractors and narrow-minded politicians. [...] it's obvious that introducing such an act [...] will encourage destruction of wildlife, chaos, poaching and, ultimately, trafficking (translated from Nepali, 10.05.2017)

In short, as confirmed by a presentation given later at a 2017 VGGT workshop by the EPC parliamentary spokesperson, new provisions included the use of animal seed or animal parts "to make lab testing easier", for the creation of zoos, for the gifting of animals to other countries, as long as the requesting entity "states the contribution they will make to conservation and the local community in Nepal" (EPC presentation at VGGT Workshop 10.09.2017). These changes had not been discussed at the earlier 2016 VGGT workshop (participant-observation). A grassroots activist clarified that they discussed the use of dead animal parts at the post-VGGT consultation with MOPs, and the fact that research centres and museums could benefit from these. On zoos and educational/entertainment centres, I asked how communities would benefit. Her conclusion was that the "rich always benefit, and the poor stay the same" (INT-BZPRF2). Similarly, NGO Federation staff concluded that "the amendment benefits big contractors [...] rich people who can run hotel, zoos ..." (INT-NGO2; INT-NGO3). For some investigative journalists, this is nothing new, as there have been alleged cases of park wardens protecting hotel owners' interests in Chitwan (INT-BZPRF1) and in Bardia (INT-NGO7), and of involvement in animal trading and/or trafficking.⁹⁵

Regarding the possibility to include the private sector in multi-stakeholder deliberations, as promoted by the VGGT, at governmental level, the parliamentary spokesperson did not deem it necessary to include the voice of businesspeople, such as hotel owners, and the tourism industry, as they "want to continue their activities without hassle" (INT-GOV12). He argued that the government is helpless (whilst stating that they are the only ones who could potentially take action) because not only do these companies claim to be providing employment, they are also backed by land mafias. From the perspective of a FIAN member, the private sector is not a problem in Nepal because there is no land-grabbing (PC). A FIAN board member explained to an FAO HQ representative and myself, that involving the private

⁹⁵ In financial terms, trafficking is second only to drugs and weapons smuggling. See, www.independent.co.uk/environment/nepal-emerges-as-poachers-paradise-1819110.html.

sector would require training them, which was not deemed feasible. Another NGO director expressed the opinion that it is sufficient to train government staff and CSOs, because it is up to the government to regulate the private sector so that it does no harm to citizens (INT-NGO7). One newly elected ward representative argued that government actors bear the responsibility of regulating the private sector and their socio-ecological harm, such as polluting agricultural fields; in fact, she was grateful for the opportunity at the workshop to reach out to higher-level politicians to express that (INT-GOV9). A development consultant explained that having to speak directly to powerful business owners, is not "part of the Nepali culture" (PC). Therefore, whilst multi-stakeholderism is promoted globally as a platform for country buy-in of the VGGT (see e.g. Beckh et al. 2015), this format may not necessarily work for certain national contexts. However, this may be the case at the central level, whereas at the local level where activists themselves are suffering from polluted sources of food, such a multi-stakeholder space of agonism may be warranted.

The above account suggests that whilst governance brokers mediate dialogue between state agents and affected peoples in adapted deliberative and inclusive spaces of policy dialogue, such as the funded workshops provided by VGGT projects, the private sector operates through political mediators in 'closed spaces' of 'hidden power' (Gaventa 2006) where business interests seemingly remain untouched. This calls our attention to the limits of ethnography in empirically understanding the extent to which state agents equally perform governance mediation (Gaventa and Tandon 2010), insofar as the state is a mediator in the organisation of national ruling classes and capital (i.e. economic transactions) (Moyo and Yeros 2012:17; Borras et al 2013; Tilzey 2017).

7.6. CONCLUSION

This chapter covered the governance of access to conservation areas (forests, grasslands and rivers), and explored how a RtF NGO, FIAN-Nepal, chose to link the VGGT CSO-oriented workshops to the parallel amendment process to the *National Parks and Wildlife Conservation Act*. It showed that, despite initial efforts to shape the political discourse on accessing conservation areas with a common property resources framing, and to recognise the customary rights of fisherfolk living on the edges of national parks (principally Chitwan and Bardia), subsequent policy dialogue at VGGT workshops centred on the Nepali term '*bog chalana*' (usufruct customs), and the rights of these ethnic groups to maintain their 'traditional occupations' for their livelihoods. This may demonstrate an ongoing resistance to legally recognise customary rights despite the state's adoption of ILO169 and endorsement of UNDRIP. It may equally reflect the setbacks experienced by Indigenous activists since the 2015 Constitution, as explained in Chapter 4.

In this context of resistance to adopt a more radical framing that could be provided by the concept of 'customary rights' of Indigenous Peoples, this chapter interrogated the extent to which civil society, in this restrictive legal context, employed the Tenure Guidelines. It suggested that national NGOs like FIAN-Nepal, with a primordially legalistic approach play a role as governance brokers, fulfilling global-local rights (and technical project) translation and state-society mediation. In that role, they employed the Tenure Guidelines to the extent that it supported their advocacy work among politicians (and MoPs) to amend NCA on behalf of local communities, otherwise excluded from policy dialogue. This they did by linking the VGGT to their RtF casework, through which they organised inclusive deliberations on legal reform, and found a more solid conduit to bureaucratic lawmakers.

Contextualising the VGGT CSO-oriented workshop to this specific participatory dialogue on the NCA was equally useful for MoPs from the Environmental Parliamentary Committee (EPC) in their lobbying of more conservative technocratically-minded bureaucrats. Meanwhile, at the local level, activists under the umbrella of the Buffer Zone Peoples' Rights Federation (BZPRF) reiterated the need to equally engage with local level authorities, and to train them.

This chapter further revealed the multi-layered complexity of how state-(civil)society relations in Nepal condition the employment of a non-binding tenure rights governance instrument within the framework of an agenda of a globally promoted conservation narrative. This in turn is linked to national and local business interests that benefit from conservation legislation, yet impact the livelihoods of communities living on the fringes of protected areas. Attention was drawn to the need to include the private sector in so-called multi-stakeholder initiatives, given their absence in the VGGT process, but parallel influence on the NCA amendment process to their benefit. In sum, beyond the central level of governance brokerage, I would suggest that grassroots activists require follow-up actions that do not necessarily depend on the donors' funding of policy deliberations, but rather on direct brokerage of power relations of different interest groups in the conflict areas themselves.

CONCLUSION: GOVERNANCE BROKERAGE FOR LOCAL STRUGGLES?

This thesis examined the extent to which state and non-state actors employed the Tenure Guidelines to address local struggles in the wider context of the rights to food and to food sovereignty in Nepal, between 2015 and 2018. It showed that CSOs used the Guidelines to influence policy dialogue and legal review, in line with contemporary governance trends to focus on law reform. Initial queries of my research related to 1) *who* is employing the Tenure Guidelines nationally?; 2) Do they bring social forces together in so doing, and *how*? 3); How do they facilitate the participation of grassroots activists in central-level spaces of policy deliberation? I interrogated *how* and *to what extent* Nepali peasant-farmers' organisations struggling for food sovereignty policies, land rights activists struggling for access to land, and Indigenous Peoples struggling for access to fisheries and forests, employ the Tenure Guidelines. The sub-question throughout was, how does intermediation, and the focus on law reform and multi-stakeholderism, condition this process of interpretation and implementation of the Guidelines?

Through an analysis of the unfolding political dynamics in the interstices of global-local and state-civil society relations, this thesis argued that the Tenure Guidelines implementation is shaped by *governance brokerage*. In an actor and structure-centred approach, I adapted the concept of brokerage from anthropology to qualify overlapping forms of intermediation: state-civil society political mediation, *and* global-local translation of human rights and of donor-funded projects. I investigated what the studied examples tell us about the relationship between a rights-based instrument, and this form of governance brokerage. Similarly, my analysis covered the implications of brokering the Tenure Guidelines to address grassroots struggles.

In Nepal's political economy of development, where donor-funding of 'projects' is widely prevalent, governance brokers are connectors at the junctures of grassroots struggles and law-making spaces since the 2007 and 2015 Constitutions, and employed the spaces generated by VGGT projects to this end. Besides providing guidance in legal reform, they carved out a fundamental role for themselves in bringing together governmental decision-makers, and constituencies thus far marginalised by the Nepali state. By feeding this information back to the transnational networks and thereby strengthening their roles as national mediators, these "people-in-the-middle"—"NGO members, community leaders and social movement activists" (Merry 2006)—and their alliances across scales and levels of power, continue to play fundamental roles in accountability and pressure politics (Keck and Sikkink 1998). As historically well-placed actors in a highly hierarchized society, they fulfil these roles by connecting marginalised grassroots activists with central-level decision-makers, and in navigating the interstices of global-local relations, they translate both rights

and technical development projects. Their role as governance brokers shapes their interpretation and implementation of the Tenure Guidelines.

By focusing on context-specific strategies and multiplicity of interests, beyond a CSO-state accountability narrative, this research unveiled political agents who do not merely adhere to normative scripts nor always converge under unifying framings. ANPFA and ANWA, CPN-UML party wings, organised VGGT awareness-raising workshops to bring their district-level constituencies together with their leaders and foment discussion about: a) access to natural resources and farming, and what food sovereignty means to them also in terms of participation in policy dialogue; and b) how to strengthen the participation of women in political spaces to equally influence agricultural policies in their favour. The context was the ongoing construction of food sovereignty as a framing for farmers' struggles—men and women—to access arenas of policy-making and state subsidies, still brokered through party conduits (though now challenged by newer farmers' organisations that are not party-affiliated). This approach reflects LVC's original concern about the Guidelines' insufficient attention to the need to support small-scale producers to achieve their own food security and sustainable development (CSM 2012); and ANPFA's strategies for addressing farmers' rights.

For the long-standing struggle of the landless, VGGT projects partially enhanced CSO participation to influence policy-making on secure tenure of land through the CSRC. NLRF members radically challenged state-led exclusionary practices through demands for property rights. Yet, the Tenure Guidelines were cited to strengthen a narrative of 'user rights' for the marginalised landless and 'informal tenure rights' for farmers living on *Guthi* land, and to back land-mapping projects that consolidate the state's legibility over its territory. Assuming their role as governance brokers, seeking political compromise with status-quo forces such as elite large landowners, CSRC branded the legal response provided to land rights struggles as 'good enough governance' (CSRC 2018). The focus on participatory law-making is where I perceive a correlation between donor support for 'good governance' and "rule of law reform", and a confirmation of the current law-development nexus (Manji 2006). Similarly, the Guidelines were employed by FIAN-Nepal to contribute in amending the *National Parks and Wildlife Conservation Act* (NCA) (1973). They utilised VGGT workshops to link conflicts of indigeneity and 'usufruct rights' with their RtF casework. Whilst maintaining a legalistic approach to reform, a political compromise was found, I argue, by framing the rights of small ethnic groups, such as fisherfolk, as the need to protect 'usufruct rights' and 'traditional occupations'. This reflects a Nepali vision of livelihoods related to occupational class, later reinforced in the *Right to Food and Food Sovereignty Act*, but also a prevailing tendency to curb discussion on customary rights. Whilst the former is in

line with socio-cultural practices embedded in the country's Hindu-centric nation-state building history, the latter is viewed by state agents and their allies as a radical demand of Indigenous Peoples, who still cite ILO169 to back their campaigns.

Borras et al. (2013:173) proposed "(inter)-state-(civil) society interactions" as a key conditioning factor of the Tenure Guidelines' interpretation. They anticipated that different uses would reflect diverging political orientations spanning (neoliberal)reformist, progressive, and radical approaches to land governance. Applying 'brokerage' as a lens suggests that categorisations used to understand VGGT usages are useful as heuristic signposts, but in the grey zone of intermediation, boundaries are particularly blurred. Borras et al. (2013) cautioned that actors could straddle ideologies underpinning development and governance models, but did not provide empirical evidence of *why* or *how* this manifests nationally.

This thesis provides ethnographic evidence that these differentiations may operate at the ideological level, but are difficult to pin down in Nepal. Socio-cultural, historical and political factors defy such attempts. Ideas of radical, progressive, or reformist trends help to observe shifting alliances, but not necessarily to grasp *how* and *why* national mediators fluctuate, or why they employ the Tenure Guidelines in different ways. For instance, ANPFA (Marxist-Leninist) leaders are not perceived as radical by other national actors, as some may think of LVC members (although see Borras and Edelman 2016 on LVC in India). Meanwhile CSRC and NLR, ILC members, do not view themselves as neoliberal-reformist, despite belonging to a donor-IFI-NGO coalition perceived as such (see Chapter 2).

Nepali governance brokers who work at the interface of *transnational* alliances between progressive and radical political camps (see Chapter 2), are less inclined to challenge established hegemonic discursive fields *nationally* because they perform their role within pre-existing cultural terms and political-economic structures. Reminiscent of "vernacularisation" (Merry 2006), these intermediaries' way of adapting the VGGT is not merely an act of framing struggles with rights-based principles, rather, agile intermediaries in a grey zone of state-society interactions are circumscribed by existing institutional frameworks, and their own culturally accepted concepts. This enables them to bridge between disadvantaged social groups and the political elite.

The balance of social forces between continuity and change shapes the fluidity of interstitial spaces in Nepal. These are often moulded by dominant social groups that historically define access to natural resources. Nonetheless, the Nepali public sphere has undergone rapid transformation since the post-1990 transition to democracy, particularly since the rise in identity politics and the resulting new social movements (see Chapter 4). This allowed for the margins of manoeuvre for mediators to expand. In this changing socio-political context, I show how governance brokers remain strategically positioned. As

highlighted by Hönke and Müller these actors "negotiate flows of resources and political support between the local, national, and/or international levels" (2018:333). This is apparent in all three studied organisational identities. Their practices and pursuit of local legitimacy often reflect the very acts of intermediation that epitomise brokerage (*ibid*). Yet, I show that rather than stepping in because of government's incapacity or unwillingness to expand its authority over the national territory (*ibid*), governance brokers perform a critical function by working closely with both government and CBOs. As a rights-based NGO officer put to me at a subnational office, *they show government officials how to realise the state's rights-based obligations, which in turn helps their party to get re-elected* (PC). The fact that mediators are often from the same social groups as decision-makers (see Chapter 4) gives them added leverage to act as governance brokers. Nonetheless, they must contend with both progressive forces for change and entrenched (domestic and foreign) ruling class interests within the state (another form of mediation that is harder to follow ethnographically).

In Nepal, governance brokers perform roles in both state governance and transnational governance, through their national networks (e.g. Right to Food Network, Nepal Peasants' Coalition, FIAN-Nepal), and through UN, WB and other IFI-funded rural development projects. Connections with transnational networks provide them with additional leverage to act simultaneously as project, development and political brokers overall. NLRF is one example: they climbed in influence following grassroots mobilisation *and* accession to transnational networks and global projects (see Chapter 6). Against the backdrop of federalisation, law reform, policy-making, and development aid, these actors and networks negotiate their roles, relations, and modes of meaning-making and representation (Lewis and Mosse 2006)—roles that are constantly adapting to a changing context that they ultimately also contribute to shape. The influence that national mediators leverage based on these different intersecting practices of governance brokerage thus moulds the ways in which they employ the Tenure Guidelines.

Within this context, I demonstrated, however, that key Nepali political-civil society actors are fully aware and reflexive of the contradictions in their own positionalities, and of the political economy of piecemeal development in which they operate. Brokerage practices are not stable, nor the structure of brokerage chains fixed. Actors themselves are conscious of uneven practices as they adapt to transnational dynamics and national socio-political shifts. In much of my analysis, actor-constellations and alliances are in flux. Yet they remain the scaffolding of a nation-state system in reform, not only because they can 'look both ways' (Wolf 1956), but precisely because they sway and adapt in line with the evolving democratic transition, and world of participatory governance, as captured in Figure 8.1.:

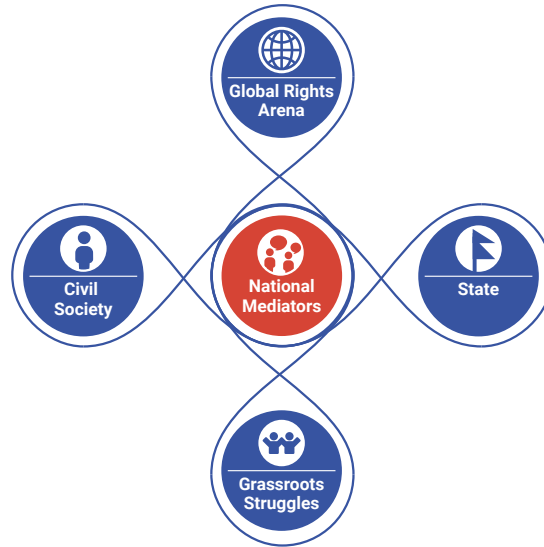


Figure 8.1.

National mediators in inter-state-civil society relations. Source: Author's own.

Intermediaries have become a crucial link in the use of the Tenure Guidelines and the discourse of responsible, participatory governance that underpins them. Here, I want to highlight that three different aspects of governance brokerage require additional research in other settings—if we are to better understand how national mediators can further use rights-based global governance instruments to address grassroots conflicts: a) their facilitation of workshops which are packaged in projects; b) their use of those workshops to facilitate the participation of grassroots activists in policy-making; c) the potential for adapting these spaces for deliberating possible remedial mechanisms at the level of grassroots conflicts themselves.

A key aspect of governance brokerage that require further research is *whether the project-based approach behind the VGGT can generate momentum to address grassroots struggles*. Legitimacy for implementing the VGGT in a donor-dependent LDC rests to a substantial degree on accessing globally designed projects. In Nepal, national partners were selected by global actors, through transnational connections, and funded by donor states in a chain of governance brokerage. Mediating organisations competed for projects, as indicated by one NGO officer who was not selected by the FAO for a second workshop. There may be "a will to improve" through programmes (Li 2007), yet the political economy of development permeates spaces of governance, which are populated by facilitators acting also as brokers. Governance brokerage thus delineates agency at the intersections of local-national-global advocacy arenas, but equally strengthens the agency of facilitators (e.g. NGOs) as intermediaries in state governance. Moreover, the VGGT were also instrumentalised to generate further projects for both state and NGO agents, such as multi-

stakeholder/dialogue platforms, and committees seeking funding. This 'projectised' approach to governance thus lends continuity to state-civil society relations in the interstices of ill-defined boundaries. In short, VGGT projects are opportunities to provide continuity to the work of an increasingly well-established socio-political class of mediators—sometimes aligning, sometimes competing. Their governance brokerage on behalf of marginalised local communities enables the latter to reach out to otherwise inaccessible decision-makers in government. We could also ask, would this happen if there were no funded projects to be used to this end? How would historically marginalised local peoples gain access to government without mediation?

In conclusion, the question remains: *does this make the instrument an effective tool for grassroots struggles?* In 2015 Hall et al. (2015) suggested that it was too early to tell if the Tenure Guidelines had any real influence in supporting local struggles. At the time of writing in 2019-2020, following two years of fieldwork, it may still be too early to decisively answer.

Mediating organisations are ultimately answerable to the grassroots communities whose concerns they bring to government in acts of political brokerage. Each organisation interpreted the instrument and deliberative space provided by awareness-raising workshops according to their core advocacy work in the current national political conjuncture. This was achieved through the participation of movements, CSOs, CBOs, NGOs and party wings in workshops. The focus remained policy and law-making, following *deliberation*, albeit rushed.

Nepal's reliance on NGOs for the provision of services to its mostly rural population is now paralleled by a growing network of governance practitioners who professionally co-draft policies and bills, based on the demands they channel. In this context, the VGGT workshops provided funding for spaces to foster policy dialogue. We saw that adherence to the party line can lead to division amongst members of a political-civil society, as can ethnicity/caste, thus multi-actor dialogue is all the more fundamental. Moreover, donor-funded development (and conservation) initiatives have also added to civil society fragmentation. Looking specifically at grassroots struggles, brokerage as intermediation is in line with a post-1990s trend away from '*aphno manchhe*' (kinship-patronage politics), and post-2000s trend toward channelling the voices of the most marginalised to policy-makers (see Chapter 4). Although the post 2000s polity-building is marked by new relations of solidarity (Dahal 2004), it is also a form of transmitting meaning across culturally and historically distinct social groups by these mediators, who find compromises through the new laws and policies they help to write.

This raises questions firstly on whether the focus on resulting policies and laws actually lead to any change on the ground, where power relations are so far not addressed

by legislation (see NHRC 2013, 2015; Kharel et al. 2016). Secondly, grassroots actors may come to depend on the mediation of influential mediators who are historically well-placed in Nepal's power structures, and on funding, as was seen when a local BZA indigenous women's rights activist came to FIAN-Nepal to seek finance for a follow-up meeting for women after a VGGT workshop (which she didn't get and therefore cancelled the initiative).

Existing power dynamics can also be self-reinforcing, as mediators have a social advantage over affected peoples, and use this to create an 'enabling environment' for policy dialogue as per global expectations, thereby entrenching their own role in an evolving governance hierarchy. Actors' differential power to influence decisions is key to governance brokerage, because the forces looking to unseat power held by higher social classes and castes may become placated by such initiatives. Indeed, the effects of governance brokerage on grassroots struggles would require a longer and more in-depth local-level ethnography, within communities (e.g. small-scale farmers, landless, ethnic fisherfolk and other marginalised Indigenous Peoples), once, (and if) rules and regulations based on centrally-achieved legal amendments are drafted and enacted by local governments.

In sum, global-local and state-civil society intermediation shapes the process of interpreting and employing a rights-based global governance instrument, as anticipated by Borrás et al (2013), but in Nepal, it potentially strengthens the Kathmandu-centric and professionalised interface of policy and law-making. Brokers populate interstitial spaces and straddle diverse political orientations, as they adapt, shape, and contest in different directions, whilst negotiating political compromise between different interest groups. Their intermediation, however, remains centred on national processes of legal reform, and is thereby often limited to outcomes in law-making at governmental level. Nonetheless, these adapted spaces have also generated genuine dialogue over peoples' rights in the framings of the right to food and to food sovereignty, which are still evolving and processual in nature.

That brings me to a last point and another possible avenue for future research: *could these spaces generate deliberation beyond central-level policy dialogue and legal reform, at the level of grassroots conflicts themselves?* Based on the participation of some recently elected local government agents in the last VGGT workshops of 2018, I noticed a growing demand for such spaces of deliberation to be organised locally. Indeed, to bring social forces together using human rights frameworks as a tool for grassroots struggles requires spaces of multi-actor deliberation to be held close to the grassroots struggles themselves. There, brokers could use their social status and closeness to state agents to bridge power relations and everyday exclusionary practices, thus going beyond central-level law-making. *How will this happen?* Will federalisation and devolution of power (and resources) lead to local multi-actor deliberative spaces, inspired on the experience of the VGGT adapted spaces? Will

they use local resources, which would lead to local ownership, as appealed by CSRC leaders, or will they apply for projects, and then adapt them? I suggest that with more leeway for facilitators in their roles of governance brokerage, such spaces could further develop into 'deliberative and inclusionary processes' (Pimbert and Wakeford 2001). These will need to be 'created spaces' (Gaventa 2006), even if using resources from donor-financed projects. As such, they could generate processes for democratic deliberation and citizen empowerment, in the spirit of food sovereignty (Pimbert 2006). There is the need to allow for spaces for genuine dialogue between ethnicities, cultures, and occupational groups, where agonistic dissent can contribute to democracy-building through the recognition of the voice of others, without rushing to complete the 'project'. Giving governance brokers margin of manoeuvre to translate as a form of adaptation is fundamental, as seen with the ANPFA and FIAN's first district/province-level CSO-workshops, compared to later globally-designed capacity-development workshops which were more restrictive (due to language and modality issues). The cases covered in this thesis are examples of how national, and indeed local contexts must lead in such projects, so that Nepali activist networks can shape deliberations to their own political processes toward state reform. The levels of actors' reflexivity demonstrated nationally point toward the existence of policy arenas that have their own national characteristics when it comes to participation and engagement. Thus, rather than artificially (dis)-enabling so-called 'country-ownership' in 'invited spaces' generated by the project-based approach, as seen in the failed VGGT inter-ministerial committee and CSO-led forum (see Chapter 6), some Nepali actors wish to create their own spaces, in a rapidly evolving public arena following decentralisation and ongoing devolution of power.

Channelling the VGGT to national policy arenas in the forms of projects can thus be both an opportunity and an obstacle. This depends on the rigidity of workshops' format, expectations that global project coordinators express to national facilitators, and the extent to which these project implementers depend on such projects for their own professional occupations. They may generate national experiments in how to combine politics, understood as representation via elected politicians, with direct consultation of numerous types of social actors, in particular, those whose lives are affected by the decisions taken by state agents mediating varying interests. Lessons learnt from bottom-up social movements—such as the landless movement analysed in Chapter 6—point to the need for "community ownership" to be delinked from the project-based approach. This could be done in addition to channelling their influence to central policy makers via governance brokers. With sufficient flexibility and continuity, these adapted spaces can foster more public debate among Nepali society; they need to take root as deliberative spaces that foment ongoing efforts toward multi-ethnic, multi-cultural and even multi-lingual nation-building and state reform. One may

even see the potential to underpin further the processual construction of food sovereignty as democratic deliberation and meaningful participation for supportive public policies. To this end, grassroots activists' networks need to create their own spaces locally, with local elected government officials, business owners, and/or other interest groups, if and when deemed necessary by local actors themselves.

In sum, through this multi-scalar and multi-sited political ethnography of state and non-state actors' efforts to employ the Tenure Guidelines in Nepal, I have shown that governance brokers play critical functions in connecting grassroots struggles to decision-makers, by translating rights as well as rights-based governance projects. Yet their role as well-placed connectors can be reinforced by the project-based approach to governance, in an unstable grey area of state-civil society *and* global-local intermediation. Beyond policy dialogue, I conclude that to bring social forces together to use human rights-based instruments as a tool in grassroots struggles, deliberative spaces need to equally be created or adapted by local activist networks, closer to the conflicts themselves.

REFERENCES

- Abubakari, Z., Richter, C. & Zevenbergen, J. (2020). Evaluating Some Major Assumptions in Land Registration: Insights from Ghana's Context of Land Tenure and Registration. *Land* 2020, 9, 281;
- Acharya, B.R. (2008). Land Tenure and Land Registration in Nepal. Integrating Generations FIG Working Week 2008. Stockholm, Sweden 14-19 June 2008
- Adams, W.M., & Hutton, J. (2007). People, Parks and Poverty: Political Ecology and Biodiversity Conservation. *Conservation and Society* 5:2.
- Adhikari, J. & Bohle, H-G. (1999). *Food Crisis in Nepal—How Mountain Farmers Cope*. Adroit Publishers.
- Adhikari, J. (2008). *Food Crisis in Karnali: A Historical and Politico-economic Perspective*. Martin Chautari.
- —. (2008a). *Land Reform in Nepal. Problems and Prospects*. ActionAid Nepal.
- Adhikari, J. & Hobley, M. (2015). "Everyone is leaving. Who Will Sow Our Fields?" The Livelihood Effects on Women of Male Migration from Khotang and Udaypur Districts, Nepal, to the Gulf Countries and Malaysia. *The Journal of the Association for Nepal and Himalayan Studies*. Volume 35:1, Article 7.
- Agrawal, A. (2001). Common Property Institutions and Sustainable Governance of Resources". Montreal: *World Development*, 29, 1649-1672.
- All Nepal Peasants' Federation (ANPFA) (No Date), South Asia Alliance for Poverty Eradication. *Studies in livelihood against neo-liberalism in agriculture and trade perspective*. Rich South Asia and Poor People. ANPFA & South Asia Alliance for Poverty Eradication
- —. (No Date) Land Grab: Red Claw of Neo-Imperialism in South Asia. ANPFA & South Asia Alliance for Poverty Eradication.
- —. (2008). Proceedings of South Asia Regional Conference on Food Sovereignty, Agrarian Reforms and Peasants' Rights 8-9 July 2008. ANPFA & South Asia Alliance for Poverty Eradication.
- —. (2009). Proceedings of South Asian Women Peasants' Conference on Right to Land, Empowerment and Liberation 20-21 January 2009. ANPFA & South Asia Alliance for Poverty Eradication.
- Amnesty International (2019). Right to Food in Nepal Analysis of the Right to Food and Food Sovereignty 2018.
- Baiocchi, G. & Connor, T. (2008). The Ethnos in the Polis: Political Ethnography as a Mode of Enquiry. *Sociology Compass* 2/1, 139–155.
- Banks, N., Hulme, D. & Edwards, M. (2015). NGOs, States, and Donors Revisited: Still Too Close for Comfort? *World Development* 66, 707-718.
- Banskota, B. (2019). Present Status of Agriculture, Peasantry, Food Sovereignty and Peasant Right in Nepal. Presentation to Government of Nepal. Available at: <http://www.nfc.gov.np/downloadsdetail.php?id=1>.
- Barry, M. (2018). Fit-for-purpose land administration—administration that suits local circumstances or management bumper sticker?. *Survey Review*, 50:362, 383-385.
- Basnet, J. (2008). International Movements on Land Reform: A Bird's Eye View. In Upreti, B., S. Sharma, & Basnet, J. (Eds.), *Land Politics and Conflict in Nepal: Realities and Potentials for Agrarian Transformation*, 37-57. Community Self Reliance Centre.
- —. (2011). *Land rights movement and agrarian change*. In Pyakuryal, K.N., & Upreti, B.R. (Eds.) *Land, Agriculture and Agrarian Transformation*. COLARP.
- —. (2018). Marginalization of Tenants in Nepal: A Political-Economic Analysis. In Upreti, L. P., Dhakal, S., & Basnet, J., *Peasant Studies in Nepal*. Vajra Books.
- Basnet, J. & Deuja J. (2014). Mobilising for change: building power in Nepal. War Resisters' International. Available at: <https://wri-irg.org/en/story/2014/mobilising-change-building-power-nepal>.
- Bassano, D. (2014). The Boomerang Pattern: Verification and Modification. *Peace and Change*, 39:1.

- Beauregard, S. (2009). Food Policy for People: Incorporating food sovereignty principles into State governance: Case studies of Venezuela, Mali, Ecuador, and Bolivia. *Senior Comprehensive Report, Urban and Environmental Policy Institute*, Occidental College, Los Angeles, April.
- Bebbington, A. (2004). NGOs and uneven development: geographies of development intervention. *Progress in Human Geography* 28, 6, 725-745.
- Beckh, C. Gärtner, E., Windfuhr M., Munro-Faure P., Weigelt, J., & Müller, A. (2015). Taking stock after three years of adoption: Experiences and strategies for implementation and monitoring of the UN Voluntary Guidelines on Tenure (VGGT). *International Soil and Water Conservation Research* 3, 324-328.
- Benford, R. D., & Snow, D. a. (2000). Framing Processes and Social Movements: An Overview and Assessment. *Annual Review of Sociology*, 26 (1974) 611–639.
- Bens, J., & Vetter, L., (2018). Ethnographic legal studies: reconnecting anthropological and sociological traditions. *The Journal of Legal Pluralism and Unofficial Law* 50, 239–254.
- Bereshot, W. (2010). Everyday Mediation- the Politics of Public Service Delivery in Gujarat. *Development and Change* 41(5): 883-905
- Beuchelt, T., & Virchow, D., 2012. Food sovereignty or the human right to adequate food: which concept serves better as international development policy for global hunger and poverty reduction?. *Agriculture and Human Values* 29, 259–273.
- Bierschenk, T., Chauveau, & J., Sardan, J.O.D., (2002). Local Development Brokers in Africa The rise of a new social category. *Working Paper 13*. Institut für Ethnologie und Afrikastudien, Johannes Gutenberg-Universität.
- Bista, D.B. (1967). *People of Nepal*. Kathmandu: Ratna Pustak Bhandar.
- —. (1991). *Fatalism and Development: Nepal's Struggle for Modernization*. Sangam Books.
- Blaikie, P. (1985). *The Political Economy of Soil Erosion in Developing Countries*. Routledge.
- Blaikie P., Cameron J., & Seddon, J.D. (2005). *Nepal in Crisis. Growth and Stagnation at the Periphery*. Adroit Publishers.
- Bøås, M. & McNeill D., (2004). *Global Institutions and Development—Framing the World?* Routledge.
- Borras, S.M., Edelman, M. & Kay, C. (2008). *Transnational Agrarian Movements Confronting Globalization*. Wiley-Blackwell.
- Borras, S.M. (2008). La Vía Campesina and Its Global Campaign for Agrarian Reform. *Journal of Agrarian Change*, 8 (2&3), 258–289.
- —. (2016). Land politics, agrarian movements and scholar-activism. Inaugural Lecture 14 April 2016. The Hague: ISS.
- Borras, S.M., & Franco, J., (2010). 'From Threat to Opportunity? Problems with the Idea of a "Code of Conduct" for Land-Grabbing'. *Yale Human Rights and Development Journal*, 13, 507-523.
- Borras, S.M., Franco, J. C., & Wang, C. (2013). The Challenge of Global Governance of Land Grabbing: Changing International Agricultural Context and Competing Political Views and Strategies. *Globalizations*, 10(1), 161–179.
- Borras, S.M., Franco, J. C., & Monsalve, S. (2015). Land and Food Sovereignty. *Third World Quarterly*, 36(3), 600–617.
- Borras, S.M., Franco, J., Isakson, S. R., Levidow, L. & Vervest, P. (2016). The Rise of flex crops and commodities: implications for research. *The Journal of Peasant Studies*, 43(1), 93-115.
- Brem-Wilson, J. (2012). *La Vía Campesina and the UN Committee on World Food Security: A Transnational Public Sphere?* PhD Thesis, University of Bradford.
- —. (2014). From 'here' to 'there': Social movements, the academy and solidarity research'. *Socialist Studies* (10)1, Summer.
- —. (2015). Towards Food Sovereignty: Interrogating Peasant Voice in the UN Committee on World Food Security. *The Journal of Peasant Studies*, 42(1), 73-95.
- —. (2016). La Vía Campesina and the UN Committee on World Food Security: Affected Publics and Institutional Dynamics in the Nascent Transnational Public Sphere. *Review of International Studies* 43(2), 302-329.

- —. (2019). Legitimizing global governance: Publicisation, affectedness, and the Committee on World Food Security. *Third World Thematics*, 3, 5-6, 605-625.
- Brent, Z., Alonso-Fardejias, A., Colque, &G., Sauer, S. (2017). The "tenure guidelines" as a tool for democratising land and resource control in Latin America. *Third World Quarterly* 39(2), 1-19, November.
- Bromley, D., 2009. Formalising property relations in the developing world: The wrong prescription for the wrong malady. *Land Use Policy*, 26(1), January.
- Brown, K. (1996). Conservation or Development in the Terai? The Political Ecology of Natural Resources in Nepal. In Auty, R. M. & Teye, J. *Challenging the Orthodoxies*. Palgrave Macmillan.
- Brown, L.T. (1996). *The Challenge to Democracy in Nepal—A Political History*. Routledge.
- Bull, B., & McNeill, D. (2007). *Development Issues in Global Governance. Public—Private Partnerships and Market Multilateralism*. Routledge.
- Burawoy, M., (2001). Manufacturing the global. *Ethnography* 2(2), June, 147–159.
- Byrnes, A.C., (2010). The Convention on the Elimination of All Forms of Discrimination Against Women and the Committee on the Elimination of Discrimination Against Women: Reflections on Their Role in the Development of International Human Rights Law and as a Catalyst for National Legislative and Policy Reform. *UNSW Law Research Paper*, No. 2010-17.
- Byrnes, A.C., & Freeman, M., (2012). The Impact of the CEDAW Convention: Paths to Equality. *UNSW Law Research Paper* No. 2012-7.
- Campese, J., Sunderland, T., Greiber, T. and Oviedo, G. (Eds.) (2009) *Rights-based approaches: Exploring issues and opportunities for conservation*. CIFOR/ IUCN.
- Caplan, L. (1970). *Land and Social Change in East Nepal: A Study of Hindu-Tribal Relations*. Routledge.
- Carter Centre (2012). Land Commitments in Nepal's Peace Process: An Update on Implementation. June 20, 2012. The Carter Center.
- Carrigan, A., (2014). The "Rights" Time: Civil Society Reflections on the Right to Adequate Food. *Right to Food and Nutrition Watch* 2014.
- CSRC (2018). Summary Report Fit-For-Purpose Land Administration. A Country Level Implementation Strategy for Nepal. CSRC, Ministry of Agriculture, Land Management and Cooperatives, & UN-HABITAT
- CSRC & NAMATI (2018). Power to the People Impact Assessment Form – A Case Study on Local Land and Natural Resource Governance in Nepal (September 2018).
- Chang, H-J. (2002). *Kicking Away the Ladder: Development Strategy in Historical Perspective*. Anthem Press.
- Civil Society Mechanism (2012). *Annual Report*. Rome: FAO.
- Claeys, P. (2012). The creation of new rights by the food sovereignty movement: The challenge of institutionalizing subversion. *Sociology* 46, 844–860.
- —. (2013). From Food Sovereignty to Peasants' Rights: an Overview of Via Campesina's Struggle for New Human Rights. *La Via Campesina's Open Book: Celebrating 20 Years of Struggle and Hope*
- —. (2015). *Human rights and the food sovereignty movement: Reclaiming control*. Routledge.
- —. (2019). The right to land and territory: New human rights and collective action frame. In De Schutter, O. & Rajagopal, B., *Property Rights from Below*. 131-149. Routledge.
- Claeys, P., & Edelman, M. (2020). The United Nations Declaration on the rights of peasants and other people working in rural areas. *The Journal of Peasant Studies*, 47(1).
- Claeys, P., & Peschard, K. (2020). Transnational Agrarian Movements, Food Sovereignty, and Legal Mobilization. In Foblets, M-C., Goodale, M. & Sapignoli, M. (Eds.), *Oxford Handbook of Law and Anthropology*. Oxford University Press.
- Clark (2016). Can the State Foster Food Sovereignty? Insights from the Case of Ecuador. *Journal of Agrarian Change* 16, 183–205.
- Consortium for Land Research and Policy Dialogue (COLARP) (2016). Customary Land Rights of Indigenous People in Nepal: Issues and Lessons. Policy Brief 5. Available at: colarp.org.np/wpcontent/uploads/2016/09/Policy_brief_Aug_2016_final_for_Print.pdf.

- —. (2017). Indigenous Peoples and Land Tenure Practices: Contemporary Debates and Issues in Nepal. Policy Brief 7.
- —. (2017a) Policies and Practices of Land Tenure among Indigenous Peoples of Nepal. COLARP, ILC & CSRC
- Committee on World Food Security (2009). *CFS Reform Document*. FAO.
- Conti, M., (2016). Food sovereignty agenda of transnational rural social movements in the UN global governance. Colloquium Paper 46, 4-5 February, ISS.
- Cooke, B., & Kothari, U. (2001). *Participation: The New Tyranny?* Zed Books.
- Coomans, F. (2006). Agrarian Reform as a Human Rights Issue in the Activities of United Nations Human Rights Bodies and Specialised Agencies. *Netherlands Quarterly Human Rights*, 24(1), 7–30.
- Cornwall, A. (2002). Making spaces, changing places: situating participation in development. Working paper series, 170. IDS.
- Cornwall, A., & Nyamu-Musembi, C. (2004). Putting the 'rights-based approach' to development into perspective. *Third World Quarterly*, 25:8, 1415-1437.
- Cotula, L. (2017). International Soft-law Instruments and Global Resource Governance: Reflections on the Voluntary Guidelines on the Responsible Governance of Tenure. *Law, Environment and Development Journal*, 13/2.
- Dahal, M.K. (Ed.). (2004). *Nepalese economy: towards building a strong economic nation-state*. Tribhuvan University and New Hira Books Enterprises.
- Dangal, P. (2013). *Agriculture policy and food sovereignty; a case study of Nepal*. PhD Thesis, Tribhuvan University.
- De Herdt, T., & de Sardan, O. (2015). *Real Governance and Practical Norms in Sub-Saharan Africa: The game of the rules*. Routledge & CRC Press.
- de Sousa Santos, B. (2012). Public Sphere and Epistemologies of the South. *Africa Development*, Vol. XXXVII, No. 1, 2012, pp. 43 – 67.
- de Sousa Santos, B., & Rodríguez-Garavito, C. A. (2005). *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge University Press.
- Desmarais, A.A. (2007). *La Via Campesina: Globalization and the Power of Peasants*. Pluto Press.
- Desmarais, A.A., Claeyes, P., & Trauger, A. (2017). *Public Policies for Food Sovereignty. Social Movements and the State*. Routledge.
- Deraniyagala, S. (2005). The Political Economy of Civil Conflict in Nepal. *Oxford Development Studies*, 33(1), 47-62.
- Dhungana, R. K. (2014). View of Nepali Hindu Women's Thorny Path to Liberation. *Journal of Education and Research*, March, 4(1), 39-57.
- Dolpo-Ghale, T.T. (2016) New Constitution and Indigenous Peoples of Nepal. In Jaiswal, P. (Ed.). *Constitution of Nepal: Evolution, Development & Debates*. GB Books.
- Draude, A., Börzel, T. A., & Risse, T. (Eds.) (2018). *The Oxford Handbook of Governance and Limited Statehood*. Oxford University Press
- Duncan, J. (2015). *Global Food Security Governance: Civil Society Engagement in the Reformed Committee on World Food Security*. Routledge.
- Duncan, J., Claeyes, P., Rivera-Ferre, M.G., Oteros-Rozas, E., Dyck, B.V., Plank, C., & Desmarais, A.A., (2019). Scholar-activists in an expanding European food sovereignty movement. *The Journal of Peasant Studies* 48, 875–900.
- Edelman, M. (2009). Synergies and tensions between rural social movements and professional researchers. *The Journal of Peasant Studies*, 36:1, 245-265.
- —. (2014a). The next stage of the food sovereignty debate. *Dialogues in Human Geography*. Vol. 4(2) 182–184.
- —. (2014b). Food sovereignty: forgotten genealogies and future regulatory challenges'. *The Journal of Peasant Studies*, 41(6), 959-978.
- —. (2014c). Linking the Rights of Peasants to the Right to Food in the United Nations. *Law Culture and the Humanities*. 10(2):196-211.

- Edelman, M., Weis, T., Baviskar, A., Borras, S., Holt-Gimenez E., Kandiyoti, D. & Wolford, W., (2014). Introduction: Critical Perspectives on Food Sovereignty. *The Journal of Peasant Studies*, 41(6), 911–931.
- Edelman, M. & Borras, S. (2016). *Political Dynamics of Transnational Agrarian Movements*. Fernwood Publishing.
- Edelman, M., & Haugerud, A. (2005). *The anthropology of development and globalization: from classical political economy to contemporary neoliberalism*. Wiley-Blackwell.
- Escobar, A. (1995). *Encountering Development: The Making and Unmaking of the Third World*. Princeton University Press
- Fairbairn, M., (2010). Framing resistance: international food regimes and the roots of food sovereignty. In Wittman, H., Desmarais, A., & Wiebe, N. *Food sovereignty: Reconnecting food, nature, and community*, 15-32. FoodFirst Books.
- Food and Agriculture Organisation of the United Nations (FAO) & FIAN International (2017). *Putting the voluntary guidelines on tenure into practice. A learning guide for civil society organizations*. FAO.
- FAO (2012). *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*. FAO.
- —. (2012a). *Voluntary Guidelines on the Governance of Tenure at a Glance*. FAO
- —. (2020). Evaluation of the FAO Strategy for Partnerships with Civil Society Organizations. Thematic Evaluation Series, 10/2020.
- Feiring, B. (2013). *Indigenous peoples' rights to lands, territories and resources*. ILC.
- Ferguson, J. (1994). *The Anti-Politics Machine*. University of Minnesota Press.
- Ferguson, J. & Gupta, A. (). Spatializing States: Toward An Ethnography Of Neoliberal Governmentality. *American Ethnologist*, 29, 981-1002.
- FIAN Nepal (2012). Forest and Water Policy Frameworks and its Practices in Nepal—An assessment of community access to and control over resources from Right to Food Perspective. Prepared by Rai, J.K, Paudel K.P., and Uprety L.P.
- —. (2013). More than 50 years of Food Aid in Nepal and the Food Crisis Continues. *Right to Food and Nutrition Watch* (2013): 70-73
- —. (2020). CSOs Initiatives on Right to Food & Food Sovereignty Rule Preparation. Available at: <http://fiannepal.org/2020/10/1422/?lang=en>.
- Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, 52(4), Autumn, 887–917.
- Fisher, W. (1997). Doing Good? The Politics and Antipolitics of NGO Practices. *Annual Review Anthropology* 26:439-64.
- Food Sovereignty Network South Asia (FSNSA). Land Governance in South Asia Issues, Conflicts and the Way Forward. ANPA & FSNSA
- Franco, J., Mehta, L., & Veldwisch, G.J. (2013). The Global Politics of Water Grabbing. *Third World Quarterly*, Vol.34, No.9, 1651-1675.
- Franco, J., & Monsalve, S. (2018). Why wait for the state? Using the CFS Tenure Guidelines to recalibrate political-legal struggles for democratic land control. *Third World Quarterly* 39, 1386-1402.
- Franco, J. & Ju, K.K. (2016). Land and Peace in Myanmar: Two Sides of the Same Coin. *Right to Food and Nutrition Watch* 2016, 62-64.
- Fuchs, D., Kalfagianni, A., & Havinga, T. (2011). Actors in Private Food Governance: the legitimacy of retail standards and multistakeholder initiatives with civil society participation. *Agriculture and Human Values*, 28(3), 353–367.
- Fujikura, T. (2013). *Discourses of Awareness: Development, Social Movements and the Practices of Freedom in Nepal*. Martin Chautari.
- Gaarde, I. (2017). *Peasants Negotiating a Global Policy Space - La Vía Campesina in the Committee on World Food Security*. Routledge.
- Gaventa, J., (2002). Exploring Citizenship, Participation and Accountability. IDS Bulletin 33, 1–14.
- —. (2003). 'Power after Lukes: An Overview of Theories of Power since Lukes and Their Application to Development'. Brighton: IDS.
- —. (2006). Finding the Spaces for Change: A Power Analysis. IDS Bulletin 37(6).

- Gaventa, J., & Tandon, R. (Eds.) (2010). *Globalizing Citizens: New Dynamics of Inclusion and Exclusion*. Zed Books.
- Gellner, D. (Ed.) (2003). *Resistance and the State: Nepalese Experiences*. Berghann Books.
- Gellner, D. (2007). Caste, Ethnicity and Inequality in Nepal. *Economic and Political Weekly* May 19.
- —. (2009). The awkward social science? Anthropology on schools, elections, and revolution in Nepal. Inaugural Lecture as Professor of Social Anthropology, University of Oxford 15 May.
- Gellner, D., & Karki, M.B. (2007). The Sociology of Activism in Nepal: Some Preliminary Considerations. In Ishii, H., Gellner, D., & Nawa, K. (Eds.) *Political and Social Transformations in North India and Nepal: Social Dynamics in Northern South Asia*, Vol. 2, 361-397. Manohar.
- Gellner, D., & Hachhethu, K. (Eds) (2008). *Local democracy in South Asia: microprocesses of democratization in Nepal and its neighbours*. Sage.
- Gellner, D., Letizia, C. (2019). Hinduism in the Secular Republic of Nepal. In Brekke, T. *The Oxford History of Hinduism: Modern Hinduism*, 275-304, OUP.
- Gillan, K., & Pickerill, J., (2012). The Difficult and Hopeful Ethics of Research on, and with, Social Movements. *Social Movement Studies*, 11:2, 133-143.
- Gledhill, J. (2000). *Power and its disguises: anthropological perspectives on politics*. Pluto Press.
- Golay, C., Biglino, I., (2013). Human Rights Responses to Land Grabbing: a right to food perspective. *Third World Quarterly* 34(9), 1630–1650.
- Gilmour, D. (2016). Forty years of community-based forestry—A review of its extent and effectiveness. FAO Forestry Paper. FAO.
- Gomez-Quintero, J.D. and Marcuello-Servos, C. (2012). Transnational Political Echolocation: An Emancipatory Strategy for Excluded Social Groups. *Alternatives: Global, Local, Political*, 37 (2) 151-164.
- Goldstone, R.J. (2012). Symposium: The Global Impact and Implementation of Human Rights Norms. *McGeorge Global Business & Development* (25)1.
- Goodale, M. (2002). Introduction: Legal Ethnography: New Dialogues, Enduring Methods. In Starr, J., Goodale, M., *Practicing Ethnography in Law*. Palgrave Macmillan.
- —. (2006). Toward a critical anthropology of human rights. *Current Anthropology*, 47(3), June, 485-511.
- Goodale, M., & Merry, S.E. (2007). *The Practice of Human Rights: Tracking Law between the Global and the Local*. Cambridge University Press.
- Guffens, C., & Kroff, F. (2012). Guidelines to secure peoples access to land. Hands off the Land Project, TNI/FIAN/IGO/FDCL, Berlin, June.
- Gupta, S.P. (2011) Forest Tenure Issues in Terai of Nepal: Understanding the Present Management Regimes. HNRS, Kathmandu University.
- Hachhethu, K. (2006). Civil Society and Political Participation. In Baral, L. R. (ed.), *Nepal, Quest for Participatory Democracy*. Adroit Publishers.
- Hachhethu, K. & Gellner, D.N. (2010). Nepal: Trajectories of Democracy and Restructuring of the State. In P. Brass (Ed.) *Routledge Handbook of South Asian Politics*, pp. 131-46. Routledge.
- Hall, R., Edelman, M., Borrás, S.M., Scoones, I., White, B., Hall, R., & Welford, W. (2015). Resistance, acquiescence or incorporation ? An introduction to land grabbing and political reactions from below. *The Journal of Peasant Studies* 42(3-4), 467-488.
- Hall, R., & Scoones, I., with Henley, G. (2016). Strengthening Land Governance: Lessons from implementing the Voluntary Guidelines. *LEGEND State of the Debate Report*.
- Hickey, S., & Mohan, G. (Eds.) (2004). *Participation: From Tyranny to Transformation? Exploring New Approaches to Participation*. Zed Books.
- Hirsch, E., & Gellner, D. (Eds.) (2001). *Inside Organizations: Anthropologists at Work*. Berg.
- Holt-Gimenez, E. (2010). FoodFirst Backgrounder. Institute for Food and Development Policy. Volume 16. Number 4.
- Holt-Gimenez, E., & Shattuck, A. (2011). Food Crises, Food Regimes and Food Movements. *The Journal of Peasant Studies*, 38(1), 109-144.
- Höfer, A. (1979). *The caste hierarchy and the state in Nepal: A study of the Muluki Ain in 1854*. Universitätsverlag Wagner.

- Hönke, J., & Müller, M-M. (2018). Intermediation, Brokerage and Translation. In Draude, A., Börzel, T. A., & Risse, T. (Eds.). *Oxford Handbook of Governance in Areas of Limited Statehood*. Oxford University Press.
- Hutt, M.J., & Onta, P. (Eds.). (2017), *Political Change and Public Culture in Post-1990 Nepal*. Cambridge University Press.
- International Fund for Agricultural Development (IFAD) (2013). *35 Years of IFAD in Nepal*. IFAD.
- IPC (2016). *People's Manual on the Guidelines on Governance of Land, Fisheries and Forests*. FAO.
- Jacobs, M. (2014). Development Brokerage, Anthropology and Public Action. Local Empowerment, International Cooperation and Aid: Safeguarding of Intangible Cultural Heritage. *Volkskunde* 115, 299-318.
- Jana Thing S., Jones, R. & Birdsall Jones C. (2017). The Politics of Conservation: Sonaha, Riverscape in the Bardia National Park and Buffer Zone, Nepal. *Conservation and Society* 15(3): 292-303.
- Jonhstone, N. (2011). Long-standing Implications: The UNDRIP and New Zealand. Post Treaty Settlements Issues Project paper, University of Victoria, Institute of Policy Studies, 2011. Available at: <http://posttreatysettlements.org.nz/long-standingimplications-the-undrip-and-nz/>
- Joseph, L., Mahler, M., & Auyero, J. (2007). *New Perspectives in Political Ethnography*. Springer.
- Juris, J.S., & Khasnabish, A. (Eds.) (2013). *Insurgent Encounters. Transnational Activism, Ethnography, and the Political*. Duke University Press.
- Kaldor, M. (2003). Civil Society and Accountability. *Journal of Human Development*, 4(1), 5–27.
- Kamata, Y. (1999). The Implicit Mode of Domination in Nepal: Fatalism and Bahunism as the Main Causes of Underdevelopment. *Contributions to Nepalese Studies*, 26(1), 65-81.
- Karkee, R., & Comfort, J. (2016). NGOs, Foreign Aid, and Development in Nepal. *Frontiers in Public Health*, 24 August.
- Keck, M.E., & Sikkink K. (1998). *Activists Beyond Borders: Advocacy Networks In International Politics*. Cornell University Press.
- Kettering, S. (1986). *Patrons, Brokers, and Clients in Seventeenth-century France*. Oxford University Press.
- Kharel et al. (2016). *South Asia State of Minorities Report 2016. Mapping the Terrain*. The South Asia Collective. BFC.
- Khatiwada, A. (2014). *Analysis of Nepali Legislations and Policies Relating to Food Security*. South Asia Watch on Trade, Economics and Environment.
- Koster, M. (2012). Mediating and getting 'burnt' in the gap: Politics and brokerage in a Recife slum, Brazil. *Critique of Anthropology*, 32(4) 479–497.
- —. (2014). Bridging the Cap in the Dutch Participation Society: New Spaces of Governance, Brokers, and Informal Politics. *Etnofoor*, Vol. 26, No. 2, Participation pp. 49-64
- Koster, M., & Leynseele, Y.V. (2018). Brokers as Assemblers: Studying Development Through the Lens of Brokerage. *Ethnos* 83(5), February, 1-10.
- Kraemer et al. (2013). Conflict and Astroturfing in Niyamgiri: The Importance of National Advocacy Networks in Anti-Corporate Social Movements. *Organization Studies*, 34 (5-6) 823-852.
- Krantz, L. (2015). Securing Customary Land Rights in Sub-Saharan Africa. Learning from new approaches to land tenure reform. *Working Papers in Human Geography* (1), University of Göteborg.
- Kurzman, C. (2008). Meaning-Making in Social Movements. *Anthropological Quarterly* 81(1), 5–15.
- Kuschnir, K. (2007). Antropologia e política. *Revista Brasileira de Ciências Sociais*, vol. 22, núm. 64, junho, 2007, pp. 163-167.
- Lawoti, M., & Hangen, S. (2012). *Nationalism and Ethnic Conflict in Nepal. Identities and Mobilization after 1990*. Routledge.
- La Via Campesina (2015). The Guidelines on the Responsible Governance of Tenure at a Crossroads. Statement, December 11.

- Lam, L.M., & Paul, S. (2014). Disputed Land Rights and Conservation-led Displacement: A Double Whammy on the Poor. *Conservation and Society* 12(1): 65-76, 2014.
- Lambek, N.C.S., Claeyes, P., Wong, A., & Brilmayer, L. (2014). *Rethinking Food Systems Structural Challenges, New Strategies and the Law*. Springer.
- Larder, N. (2015). Space for pluralism? Examining the Malibya land grab. *The Journal of Peasant Studies*, 42(3-4), 839-858.
- Lawoti, M. & Hangen S. eds. (2013). *Nationalism and Ethnic Conflict in Nepal. Identities and Mobilization after 1990*. Routledge.
- LEGEND (2015). *Land Policy Bulletin*, (2), October.
- —. (2017). *Land Policy Bulletin*, (7) August.
- Lewis, D., & Mosse, D. (Eds.) (2006). *Development Brokers and Translators: The Ethnography of Aid and Agencies*. Kumarian Press.
- Li, T.M. (2007). *The Will to Improve. Governmentality, Development, and the Practice of Politics*. Duke University Press.
- —. (2019). Problematising the Project System. Rural Development in Indonesia. In Hodgson, D., Fred, M., Bailey, S., Hall, P., *The Projectification of the Public Sector*, 56-74. Routledge.
- Liechty, M. (2002). *Suitably Modern – Making Middle-Class Culture in Kathmandu*. Princeton University Press.
- Lindquist, J. (2015). Anthropology of Brokers and Brokerage. In Wright, J.D., *International Encyclopaedia of Social and Behavioral Science*, 2, 870-874. Elsevier.
- Lipton, M. (2009). *Land Reform in Developing Countries*. Routledge.
- Lunn, J. (2020). *Fieldwork in the Global South. Ethical Challenges and Dilemmas*. Routledge.
- Macagno, L. (2014). Uma antropologia do politico? *Analise Social*, 210, XLIX (1)
- Manji, A. (2006). *The Politics of Land Reform in Africa*. Zed Books.
- —. (2015). Whose land is it anyway? The failure of land law reform in Kenya' *Africa Research Institute*, 1-13.
- Marcus, G.E. (1995). Ethnography in/of the world system: The emergence of multi-sited ethnography. *Annual Review of Anthropology*, 24:95-117.
- Margulis M., McKeon, N., & Borras, S.M. (2013). Land Grabbing and Global Governance: Critical Perspectives. *Globalizations*, 10(1), 1-23.
- Margulis, M., & Porter, T. (2013). Governing the Global Land Grab: Multipolarity, Ideas and Complexity in Transnational Governance. *Globalizations*, 10(1), 65-86.
- Martinez-Torrez, M. and Rosset, P. (2014). Diálogo de saberes in La Vía Campesina: food sovereignty and agroecology. *The Journal of Peasant Studies*, 41:6, 979-997.
- Maxwell, J.A. (2013). *Qualitative Research Design, An Interactive Approach*. Thousand Oaks.Sage Publications.
- McKay B., Nehring R., & Walsh-Dille M. (2014) The 'state' of food sovereignty in Latin America: political projects and alternative pathways in Venezuela, Ecuador and Bolivia. *The Journal of Peasant Studies*, 41:6, 1175-1200.
- McKay, B., Muñoz, B.R.F., & Fajardo, D. (2016). The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security in Colombia: Towards democratic land-based resource control. Colloquium Paper 19, Global Governance/Politics, Climate Justice & Agrarian/Social Justice: Linkages and Challenges, International Colloquium, The Hague, 4–5 February.
- McKeon, N. (2009). *The United Nations and Civil Society: Legitimizing Global Governance – Whose Voice?.* Zed Books.
- —. (2014). The New Alliance for Food Security and Nutrition: A Coup for Corporate Capital.
- —. (2015a). Global food governance in an era of crisis: Lessons from the United Nations Committee on World Food Security. *Canadian Food Studies Special Issue: Mapping the Global Food Landscape*, 10(2), 328–334.
- —. (2015b). *Food Security Governance: Empowering Communities, Regulating Corporations*. Routledge.
- —. (2016). Are peace and sustainability a likely outcome when the fox rules the chicken coop? Critiquing the concept of multi-stakeholder governance of food security. *Globalizations*, 14:3, 379-398.

- McMichael, P. (2009). A food regime genealogy. *The Journal of Peasant Studies*, 36:1, 139-169.
- —. (2013). *Food Regimes and Agrarian Questions*. Fernwood Publishing.
- —. (2015). The Land Question in the Food Sovereignty Project. *Globalizations*, 12, 434-451.
- —. (2016). Commentary: Food regime for thought. *The Journal of Peasant Studies* 43(3), 648-670.
- Merry, S.E. (2006). Transnational Human Rights and Local Activism: Mapping the Middle. *American Anthropologist*, Vol. 108, Issue 1, pp. 38–51.
- Miller, H. (2017). Rejecting 'rights-based approaches' to development: Alternative engagements with human rights. *Journal of Human Rights*, 16:1, 61-78,
- Mishra, C. (1980). Review Article: Nepal in Crisis: Growth and Stagnation at the Periphery. CNAS, Tribhuvan University, Kathmandu.
- Monsalve, S. (2012). The Recently Adopted Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests: A Turning Point In The Global Governance Of Natural Resources?. *Right to Food and Nutrition Watch* 2012, 37-40.
- Monsalve S., & Aubry, S. (2014). 'Rethinking The Voluntary Vs. Binding Divide: A Reflection After 10 Years Of The Voluntary Guidelines On The Right To Food', *Right to Food and Nutrition Watch* 2014.
- Monsalve, S., & Künneman, R. (2013). International Human Rights and Governing Land Grabbing : A View from Global Civil Society, *Globalizations*, 10(1), 123–139.
- Mosse, D. (2005). Global governance and the ethnography of international development. In Mosse, D., Lewis, D. (Eds.), *The Aid Effect: Giving and Governing in International Development*. Pluto Press.
- —. (2014). Knowledge as Relational: Reflections on Knowledge in International Development. *Forum for Development Studies*, 41:3, 513-523.
- Mouffe, C. (1993) *The Return of the Political*. Verso.
- Moyo, D. (2009). *Dead Aid: Why aid is not working and how there is another way for Africa*. Penguin Books.
- Moyo, S., & Yeros, P. (Eds.), (2011). *Reclaiming the Nation: The Return of the National Question in Africa, Asia and Latin America*. Pluto Press.
- Müller, P.S., & Lederer, M., (2005). *Criticizing Global Governance*. Palgrave Macmillan.
- National Coalition Against Racial Discrimination (2015). *Universal Periodic Review: Submission on the Human Rights Situation of Indigenous Peoples*. March. Available at: www.ncard.org.np/newsdetail/nepal-universal-periodic-review-submission-on-the-human-rights-situation-of-indigenous-peoples.html.
- National Human Rights Commission (2003). *Human Rights in Nepal, A Status Report*. Nepal: Lalitpur.
- National Human Rights Commission (2013). *Mid-Term Report on the Implementation Status of Conclusion and Recommendations of Universal Periodic Review of Nepal*. Nepal: Lalitpur.
- National Human Rights Commission (2015). *Mid-Term Report on the Implementation Status of Conclusion and Recommendations of Universal Periodic Review of Nepal*. Nepal: Lalitpur.
- Nightingale, A. J., & Ojha, H. R. (2013). Rethinking Power and Authority: Symbolic Violence and Subjectivity in Nepal's Terai Forests. *Development and Change* 44(1): 29–51.
- Nugent, D, & Vincent, J. (Eds) (2007). *A Companion to the Anthropology of Politics*. John Wiley & Sons.
- Nyeléni (2007). Declaration of Nyéléni. Available at: <https://nyeleni.org/spip.php?article290>.
- Nyeléni (2015). Declaration of the International Forum for Agroecology. Available at: <https://www.foodsovereignty.org/wp-content/uploads/2015/02/Download-declaration-Agroecology-Nyeleni-2015.pdf>.
- Olesen, T. (2004). Globalising the Zapatistas: From Third World Solidarity to Global Solidarity?. *Third World Quarterly*, 25(1), 255–267.
- Ostrom, E. (1990). *Governing the Commons. The evolution of institutions for collective action*. Cambridge University Press.
- Panday, D.R. (2009). *Nepal's Failed Development: Reflections on the Mission and the Maladies*. Kathmandu: Nepal South Asia Centre.

- Pandey, R., Adhikari, J., & Waglé, S. (2011). Nepal's Accession to the World Trade Organization. Case Study of Issues Relevant to Least Developed Countries. Paper prepared for the Development Policy and Analysis Division of the United Nations Department of Economic and Social Affairs (UN-DESA).
- Paoloni, L. & Onorati, A. (2014) Regulations of Large-Scale Acquisitions of Land: The Case of the Voluntary Guidelines on the Responsible Governance of Land, Fisheries and Forests. *The Law and Development Review* 7(2).
- Patel, R. (2007). Transgressing Rights: La Via Campesina's Call for Food Sovereignty. *Feminist Economics* 13(1), January 2007, 87–116.
- Patel, R. (Ed.) (2009). Grassroots Voices Food sovereignty. What does food sovereignty look like? *The Journal of Peasant Studies*, 36(3), 663–706.
- Patton, M. (2002). *Qualitative Research and Evaluation Methods*, 3rd Ed. Thousand Oaks. Sage
- Paudel, D. (2016). Re-inventing the commons: community forestry as accumulation without dispossession in Nepal. *The Journal of Peasant Studies*, 43(5), 989–1009.
- Paudel, N.S., Jana, S., & Rai, J. (2010). Protected areas and rights movements: The inadequacies of Nepal's participatory conservation. Discussion Paper Series, 10(3).
- —. (2012). Contested Law: Slow Response to Demands for Reformulating Protected Area Legal Framework in Nepal. *Journal of Forest and Livelihood*, 10(1)
- Paudel, N. S., Budhathoki, P., & Sharma, U. R. (2007). Buffer Zones: New Frontiers for Participatory Conservation?. *Journal of Forest and Livelihood*, 6(2), 44–53.
- Paulson, N., Laudati, A., Doolittle, A., Welsh-Devine, & M., Pena, A.P. (2012). Indigenous Peoples' Participation in Global Conservation: Looking beyond Headdresses and Face Paint. *Environmental Values*, 21(3), 255–276.
- Peluso, N.L. (1993). Coercing Conservation?: The Politics of State Resource Control. *Global Environmental Change* 3(2):199-218.
- Perla, H. (2008). Si Nicaragua Venció, El Salvador Vencerá, Central American Agency in the Creation of the U.S.-Central American Peace and Solidarity Movement. *Latin American Research Review*, 43(2).
- Pierre, J. (2000). *Debating Governance: Authority, Steering, and Democracy*. Oxford University Press.
- Pimbert M., (Ed.) (2004). Institutionalising Participation and People-centered Processes in Natural Resource Management. Research and Publications Highlights. January, IIED-IDS.
- —. (2006). Transforming Knowledge and Ways of Knowing for Food Sovereignty and Bio-Cultural Diversity. Paper for Conference on Endogenous Development and Bio-Cultural Diversity, the interplay of worldviews, globalisation and locality, Geneva, Switzerland, 3-5 October 2006.
- —. (2009a). *Towards Food Sovereignty: Reclaiming autonomous food systems*. Reclaiming Diversity and Citizenship
- —. (2009b). *Towards Food Sovereignty*. Gatekeeper 141, November 2009
- —. (2015). Agroecology as an Alternative Vision to Conventional Development and Climate-smart Agriculture. *Development*, 58(2-3): 286-298.
- Pimbert, M., & Pretty, J.N. (1995). *Parks, People, and Professionals: Putting 'Participation' into Protected Area Management*. Discussion Paper No. 57, February, Geneva: UNRISD.
- Pimbert, M., Boukary B., Berson A., & Tran-Thanh K. (2010). *Democratising Agricultural Research for Food Sovereignty in West Africa*. IIED, CNOP, Centre Djoliba, IRPAD, Kene Conseils, URTEL.
- Pimbert M., & Ghimire, K. (2007). *Social Change and Conservation—Environmental Politics and Impacts of National Parks and Protected Areas*. Earthscan.
- Pimbert, M. & Wakeford, T. (2001). Overview—deliberative democracy and citizen empowerment. IIED PLA Notes (40).
- Pokharel, P. (2013). Constitutionalization of the struggle for food sovereignty in Nepal: Success, prospects and challenges. In *La Via Campesina's Open Book: Celebrating 20 Years of Struggle and Hope*.
- Pradhan, S. (2015). *Politics in Nepal: Monarchy, Democracy and Governance*. Colombo: Regional Centre for Strategic Studies.

- Pyakuryal, K.N., & Upreti, B.R. (Eds.) (2011). *Land, Agriculture and Agrarian Transformation*. COLARP.
- Rai, J.K. (2013). *Exclusion of Conservation Interventions in Nepal: Impacts on Livelihoods of Bote Indigenous Communities in and Around the Chitwan National Park*. A Final Report Submitted to The Social Inclusion Research Fund (SIRF) Secretariat SNV Nepal.
- Rai, J. (2018). The Landlord State, Adivasi People, and the 'Escape Agriculture' in the Eastern Tarai of Nepal: A Historical Analysis of the Transformation of Dhimals into a Farming Community'. In Upreti, L.P., Dhakal, S., Basnet, J. (Eds.) *Peasant Studies in Nepal*, 101-130. Vajra Books.
- Redford, K. H. & Fearn, E. (2007). Protected Areas and Human Displacement: A Conservation Perspective. *WCS Working Paper* No. 29.
- Regmi, M.C. (1977). *Land Ownership in Nepal*. New Delhi: Adroit Publishers.
- Risse, T., Ropp, S.C., & Sikkink, K. (1999). *The Power of Human Rights. International Norms and Domestic Change*. Cambridge University Press.
- Roka, H. (2011). The National Question and the Unfinished Revolution in Nepal. in Moyo, S., & Yeros, P. (eds.), (2011). *Reclaiming the Nation: The Return of the National Question in Africa, Asia and Latin America*. Pluto Press.
- Roseneau, J. & Czempiel, E. (1992). *Governance without Government: Order and Change in World Politics*. Cambridge University Press
- Rosset, P. (2003). Food Sovereignty Global Rallying Cry of Farmer Movements. *Food First Backgrounder*, 9(4).
- Rothman, F.D. & Oliver, P.E. (1999). From Local to Global: The Anti-Dam Movement in Southern Brazil, 1979-1992. *Mobilization: An International Journal*, 4(1): 41-57 4 (1), 41-57.
- Rottenburg, R. (2002). *Weit hergeholte Fakten: Eine Parabel der Entwicklungshilfe*. Lucius & Lucius.
- —. (2009). *Far-Fetched Facts: A Parable of Development Aid*. Translated by Allison Brown and Tom Lampert. MIT Press.
- Sawtee & Oxfam (2015). Legislative Measures Relating To Food Security In South Asia: Regional synthesis report. Sawtee
- Scott, J. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press.
- Shakya, S. (2009). *Unleashing Nepal*. Gurgaon: Penguin Random House India.
- Schatz, E. (2009). *Political Ethnography: What Immersion Contributes to the Study of Power*. University of Chicago Press
- Schiavoni, C. (2016). The contested terrain of food sovereignty construction: toward a historical, relational and interactive approach. *The Journal of Peasant Studies* 1-32
- Scholte, J. A. (2004). Civil Society and Democratically Accountable Global Governance. *Government and Opposition*, 39, 211-233.
- —. (2007). Civil Society and the Legitimation of Global Governance. *Journal of Civil Society*, 3, 305-326.
- —. (2011). *Global governance, accountability and civil society. In Building Global Democracy? Civil Society and Accountable Global Governance*. Cambridge University Press.
- Seddon, D. (2018). Resistance, Rebellion, Revolt and Revolution: A Historical/Anthropological Consideration of Peasant Movements and Other Forms of Rural Unrest in Nepal. In Upreti, L.P., Dhakal, S., Basnet, J. (Eds.), *Peasant Studies in Nepal*, 25-101. Vajra Books.
- Seddon, D., Gurung, G., & Adhikari, J. (1998). Foreign Labour Migration and the Remittance Economy of Nepal. *Journal of the Association for Nepal and Himalayan Studies*, Volume 18:2, Article 7.
- Seddon, D., & Hussein, K., (2002). The Consequences of Conflict: Livelihoods and Development in Nepal. Working Paper 185. *The Livelihoods and Chronic Conflict Working Paper Series*. Overseas Development Institute.
- Seidman, I. E. (2006). *Interviewing as qualitative research: a guide for researchers in education and the social sciences*. Teachers College Press (3rd Ed.)
- Seufert, P. (2013). The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. *Globalizations* 10(1), 181-186.

- Shah, S. (2004). *A project of memoreality: transnational development and local activism*. Himal Books.
- Shattuck, A., Schiavoni, C. M., & Vangelder, Z. (2015). Globalizations Translating the Politics of Food Sovereignty: Digging into Contradictions, Uncovering New Dimensions Translating the Politics of Food Sovereignty: Digging into Contradictions, Uncovering New Dimensions. *Globalizations*, 12, July, 421–433.
- Shankar P.G. (2011). *Forest Tenure Issues in Terai Region, Nepal*. Kathmandu University
- Shankland, A. (2009). *Speaking for the People: Representation and Health Policy in the Brazilian Amazon*. PhD Thesis, Institute for Development Studies.
- Sharma, P. (2018). The 'sovereignty' of food sovereignty: An inquiry with insights from Nepal. Presentation at the ECPR General Conference, University of Hamburg, 22-25 August 2018
- —. (2019). *Political appeal of an ambiguous idea—Explaining the institutionalisation of food sovereignty in Nepal*. PhD Thesis, Australian National University.
- Sharma, P. & Daugbjerg, C. (2017). Food Sovereignty as a Coalition Magnet. 3rd International Conference on Public Policy, June 28-30, 2017, Singapore
- Sharma, P. & Daugbjerg, C. (2020). The troubled path to food sovereignty in Nepal: ambiguities in agricultural policy reform. *Agriculture and Human Values* 37:311–323
- Sharma, A. & Gupta A. (Eds). (2006). *The Anthropology of the State: A Reader*. Blackwell Publishing.
- Sharma S., Upreti B.R., Manandhar P, & Sapkota M. (Eds) (2014). *Contested Development in Nepal: Experiences and Reflections*. School of Arts, Kathmandu University and Nepal Centre for Contemporary Research.
- Sharma, S., Upreti, B.R., & Müller-Böker, U. (2014). Negotiating Access to Land in Nepal. *Journal of Contemporary Asia*, 44(3):521-539
- Shornstein, S. (2010). *Sticks and Stones: The Strategic Use of Development by the Maoists in the Mobilization of Nepal 's Rural Population*. Independent Study Project (ISP) Collection.
- Singh, A. (2014). The Nation Still in Daze, the Need to Race Out of the Incompetent Maze: Sustainable Development Laws and Nepal. *Kathmandu School of Law Review*, 4.
- Singh, B.K., & Chapagain, D.P. (2005). Community and leasehold forestry for the poor: Nepal case study. FAO.
- Sikor, T., Dhungana, H., & Maskey, G. (2015). Justice brokers, global indigenous rights and struggles over hydropower in Nepal. *DEV Working Paper 52*. The School of International Development, University of East Anglia.
- Singh, A. (2014). The Nation Still in Daze, the Need to Race Out of the Incompetent Maze: Sustainable Development Laws and Nepal. *Kathmandu School of Law Review*, 4.
- Sjaastad, E., & Cousins, B. (2008). Formalisation of land rights in the South: An overview. *Land Use Policy* 26: 1–9
- Springate-Baginski, O. & Blaikie, P. (2007). *Forests, People and Power*. Earthscan
- Strapazzon, A. (2012). A Stepping Stone to a New Civilization—Interview with Angel Strapazzón. *Right to Food and Nutrition Watch* 2012, 42-44.
- —. (2016). Towards an Assessment of the Implementation of the Guidelines on Tenure. of Land, Fisheries and Forests: A Tool for Social Movements Struggles. *Right to Food and Nutrition Watch* 2016, 29-32.
- Stepputat, F., & Larsen, J. (2015). Global Political Ethnography: A methodological approach to studying global policy regimes. *DIIS Working Paper* (01).
- Stevens, S. (2013). National Parks and ICCAs in the High Himalayan Region of Nepal Challenges and Opportunities. *Conservation and Society* 11(1): 29-45.
- Stewart, J. (2004) When Local Troubles Become Transnational: The Transformation of a Guatemalan Indigenous Rights Movement. *Mobilization: An International Quarterly* 9 (3), 259–278.
- Sugden, F. (2009). Neo-liberalism, markets, and class structures on the Nepali lowlands: The political economy of agrarian change. *Geoforum* 40:634-644.
- —. (2013). Pre-capitalist Reproduction on the Nepal Tarai: Semi-feudal Agriculture in an Era of Globalisation. *Journal of Contemporary Asia*, Volume 43, Issue 3.

- Sunam, R. K., & McCarthy, J. F. (2015). Reconsidering the links between poverty, international labour migration, and agrarian change: critical insights from Nepal. *The Journal of Peasant Studies*, Volume 43:1.
- Sunam, R. K., Bishwokarma, D., & Darjee K.B. (2015). Conservation Policy Making in Nepal: Problematising the Politics of Civic Resistance. *Conservation and Society* 13(2): 179-188.
- Tarrow, S. (2001). Transnational Politics: Contention and Institutions in International Politics. *Annual Review of Political Science* 4 (1), 1–20.
- —. (2005). *The New Transnational Activism*. Cambridge University Press
- —. (2011). *Power in Movement—Social Movements and Contentious Politics*. Cambridge University Press
- Thapa, M. (2005). *Forget Kathmandu: An Elegy for Democracy*. Penguin Books India.
- Tilzey, M. (2017). *Political Ecology, Food Regimes, and Food Sovereignty: Crisis, Resistance, and Resilience*. Palgrave Macmillan.
- Toki, K. (2010). What different drip makes: The implications of officially endorsing the United Nations declaration on the rights of indigenous peoples. *Auckland University Law Review*, 16(1), 243-272.
- Tramel S. F. and Caal Hub J. L. (2016). Interpreting and using the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security in Guatemala: challenges for democratizing land, fisheries and forests tenure. Colloquium Paper No. 41. ISS.
- Trauger, A. (2014). Toward a political geography of food sovereignty: transforming territory, exchange and power in the liberal sovereign state. *The Journal of Peasant Studies*, 41:6, 1131-1152.
- —. (Ed.) (2015). *Food Sovereignty in International Context Discourse, politics and practice of place*. Routledge
- Uvin, P. (2002). On High Moral Ground: The Incorporation of Human Rights by the Development Enterprise. *The Fletcher Journal of Development Studies* 17: 1–11.
- —. (2007). From the right to development to the rights-based approach: how 'human rights' entered development. *Development in Practice*, 17:4-5, 597-606
- Upreti B.R., Sharma, S. R., & Basnet, J., (2008). *Land Politics and Conflict in Nepal Realities and Potentials for Agrarian Transformation*. CRRC, NCCR North-South, and HNRSC Kathmandu University.
- Upreti B.R., Sharma S.R., Pyakuryal K.N., & Ghimire S. (Eds.) (2010). *The Remake of a State: Post conflict Challenges and State Building in Nepal*. NCCR North-South and HNRSC Kathmandu University.
- Upreti, B.R., Sharma, S. R., & Paudel B. P. (2014). *Food Security in Post Conflict Nepal: Challenges and Opportunities*. NCCR.
- Upreti, B.R., Upreti, D, and Ghale Y. (2020). 'Nepali Women in Politics: Success and Challenges'. *Journal of International Women's Studies*, 21(2), 76-93.
- Upreti, L. P., Dhakal, S., & Basnet, J. (2018). *Peasant Studies in Nepal*. Vajra Books.
- Vaidya Malla, M. (2011). *Political Socialization of Women in Nepal*. Adroit Publishers.
- van der Heijden, H-A. (2002). Political Parties and NGOs in Global Environmental Politics. *International Political Science Review* 23 (2), 187–201.
- —. H-A. (2006). Globalization, Environmental Movements, and International Political Opportunity Structures. *Organization & Environment* 19 (1), 28–45.
- van der Heijden, H-A.(ed.) (2014). *Handbook of Political Citizenship*. Edward Elgar Publishing.
- Veiga, L. (2021). How I Experienced A Burnout While Doing My Ph.D. School of Commons, Bands on Burnout.
- Wakefield, M. (2014). The International Human Rights Treaty System: Impact at the Domestic and International Levels. *Human Rights Brief*, 21(32).
- Weiss, T. G. (2000). Governance, good governance and global governance: Conceptual and actual challenges. *Third World Quarterly*, 21:5, 795-814,
- Weiss, T. G. (2011). *Thinking About Global Governance: Why People and Ideas Matter*. Routledge.

- Westerland, K. (2007). 'Nepal's Community Forestry Program: Another Example of the Tragedy of the Commons or a Realistic Means of Balancing Indigenous Needs with Forestry Conservation?', *Colorado Journal of International Environmental Law and Policy*, 18(1), 189–216.
- Whiddon, K. A. (2017). The 'Nepalisation' of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. Food Governance Blog 2 February 2017. Available at: <https://foodgovernance.com/the-nepalisation-of-the-voluntary-guidelines-on-the-responsible-governance-of-tenure-of-land-fisheries-and-forests/>.
- Whiddon, K. A. & FIAN Nepal (2017). Insight 5.1. "The Responsible Governance of Tenure of Natural Resources: A Stepping Stone Towards the Right to Food and Food Sovereignty in Nepal". *Right to Food and Nutrition Watch 2017: Insight 5.1*.
- Wickeri, E. (2011). Land Is Life, Land Is Power: Landlessness, Exclusion and Deprivation in Nepal. *Fordham International Journal*, 34, 930-1041.
- —. (2010). No Justice, No Peace: Conflict, Socio-Economic Rights and the New Constitution in Nepal. *Drexel Law Review*, 2, 427–492.
- Wittman, A., Desmarais A., & Wiebe N. (Eds.) (2010). *Food Sovereignty: Reconnecting Food, Nature & Community*. Fernwood.
- Wolf, E. (1956). Aspects of Group Relations in a Complex Society: Mexico. *American Anthropologist*. Volume 58, Issue 6
- Wolf, E. (1969). *Peasant Wars of the Twentieth century*. Harper & Row.
- —. (2001). *Pathways of Power: Building an Anthropology of the Modern World*. University of California Press.
- World Forum on Agrarian Reform (2004). Documents from the World Forum on Agrarian Reform (WFAR). Pascual Carrion, December 4-8, WFAR.
- Zanella, M.A., Goetz, A., Rist, S., Schmidt, & O., Weigelt, J. (2018). Deliberation in Multi-Stakeholder Participation: A Heuristic Framework Applied to the Committee on World Food Security. *Sustainability*, 10, 428.
- Zwingel, S. (2005). From intergovernmental negotiations to (sub)national change. *International Feminist Journal of Politics*, 7:3, 400-424.
- —. (2013). Translating international women's rights norms: CEDAW in context. In Gülay C., Prügl, E. and Zwingel S. (Eds), *Feminist Strategies in International Governance*. Routledge.

ANNEX 3: VGGT Founding Principles and Principles of Implementation

| Tenure Guidelines – Founding principles | |
|---|--|
| Non-state actors | Responsibility to respect human rights/tenure rights |
| Recognise/Respect | All legitimate tenure rights |
| Safeguard | Legitimate tenure rights |
| Promote/Facilitate | Enjoyment of tenure rights |
| Provide | Access to Justice |
| Prevent | tenure disputes/violent conflicts/corruption |

| Tenure Guidelines – Principles of Implementation | |
|--|---|
| <ul style="list-style-type: none"> - Rule of Law - Consultation and Participation - Holistic and Sustainable - Gender Equality - Equity and Justice | <ul style="list-style-type: none"> - Non-Discrimination - Human Dignity - Continuous Improvement - Accountability - Transparency |

ANNEX 4: VGGT Parts and Contents

Tenure Guidelines Parts and Contents

| | |
|-------------------|--|
| part. 1 | Preliminary Matters Sets the direction of the Guidelines |
| Section 1 | Objectives |
| Section 2 | Nature and scope |
| part. 2 | General Matters Provides guidance which applies to all situations of governance of tenure |
| Section 3 | Guiding principles on responsible tenure governance |
| Section 4 | Rights and responsibilities related to tenure |
| Section 5 | Policy, legal and organizational frameworks related to tenure |
| Section 6 | Delivery services |
| part. 3 | Legal recognition and allocation of tenure rights and duties Addresses the legal recognition of tenure rights of indigenous peoples and other communities with customary tenure systems, as well as of informal tenure rights; and the initial allocation of tenure rights to land, fisheries and forests that are owned or controlled by the public sector. |
| Section 7 | Safeguards |
| Section 8 | Public land, fisheries and forests |
| Section 9 | Indigenous peoples and other communities with customary tenure systems |
| Section 10 | Informal tenure |
| part. 4 | Transfers and other changes to tenure rights and duties Provides guidance for when tenure rights are transferred or changed in various ways after their initial recognition of allocation |
| Section 11 | Markets |
| Section 12 | Investments |
| Section 13 | Land consolidation and other readjustment approaches |






| | |
|-------------------|---|
| Section 14 | Restitution |
| Section 15 | Redistributive reforms |
| Section 16 | Expropriation and compensation |
| part. 5 | Administration of tenure Covers the administrative aspects of effective governance of tenure |
| Section 17 | Records of Tenure Rights |
| Section 18 | Valuation |
| Section 19 | Taxation |
| Section 20 | Regulated spatial planning |
| Section 21 | Resolution of disputes over tenure rights |
| Section 22 | Transboundary matters |
| part. 6 | Responses to climate change and emergencies The earlier parts of the Guidelines address mostly "every day" situations, whereas this part addresses extreme situations where people could be displaced on a large scale. In all cases, States should strive to prepare and implement strategies and actions in consultation with and participation of people who may be displaced. The provision of an alternative place to settle should not jeopardize the livelihoods of others |
| Section 23 | Climate change |
| Section 24 | Natural disasters |
| Section 25 | Conflicts in respect to tenure of land, fisheries and forests |
| part. 7 | Preliminary Matters Sets the direction of the Guidelines |
| Section 1 | Objectives |
| Section 2 | Nature and scope |

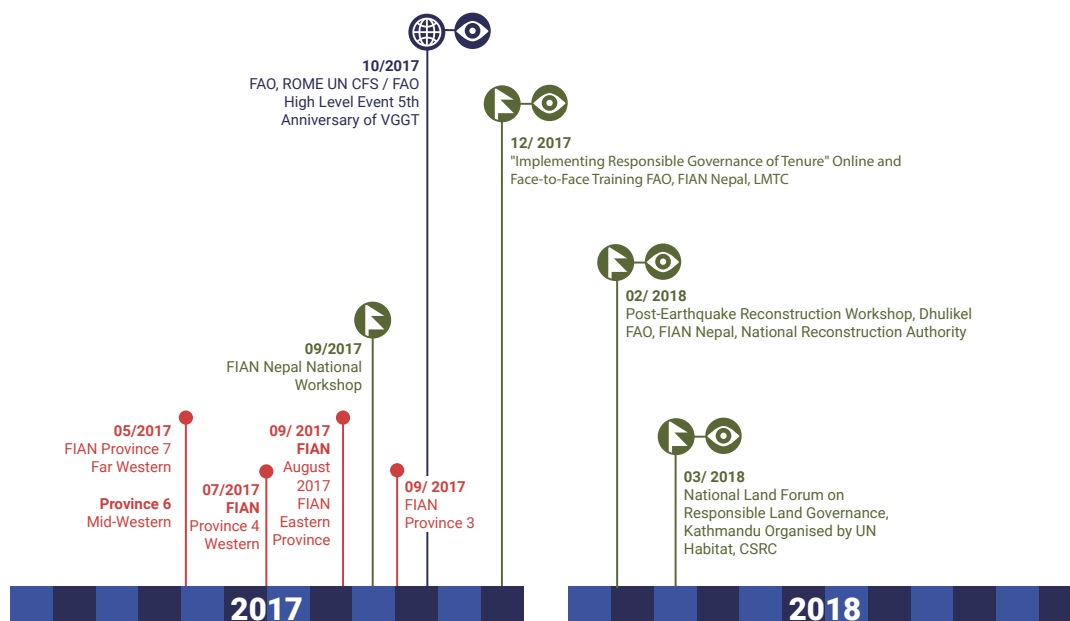
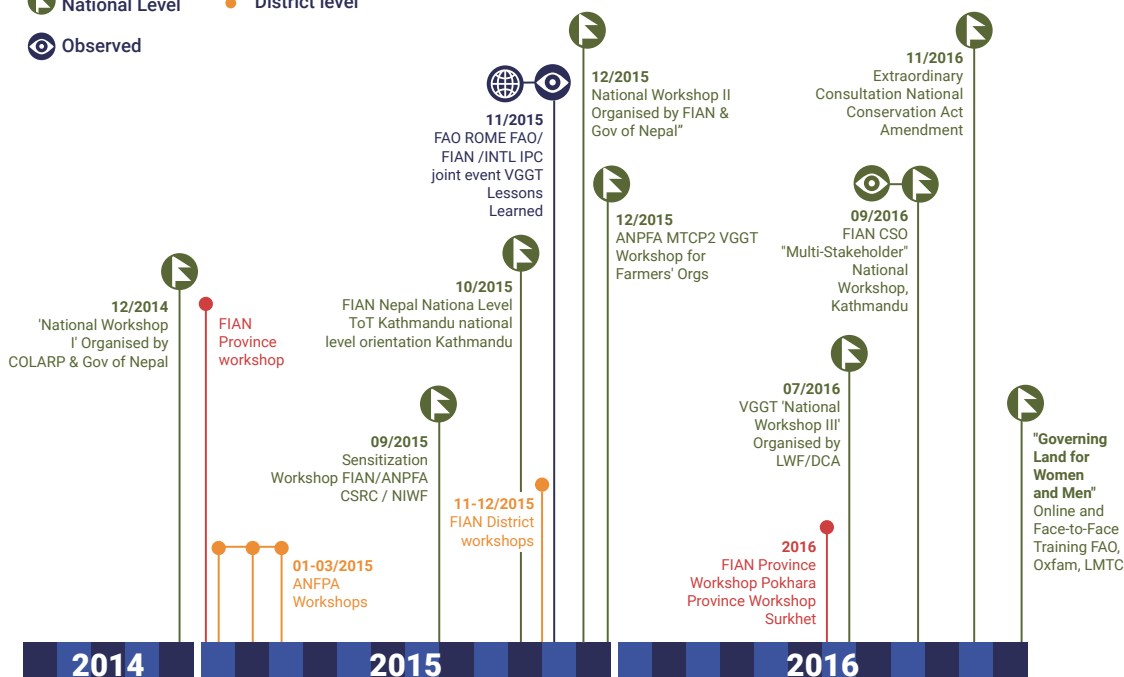
ANNEX 5: VGGT Project Descriptions &

Timeline of National and Sub-national Workshops (*next page*)

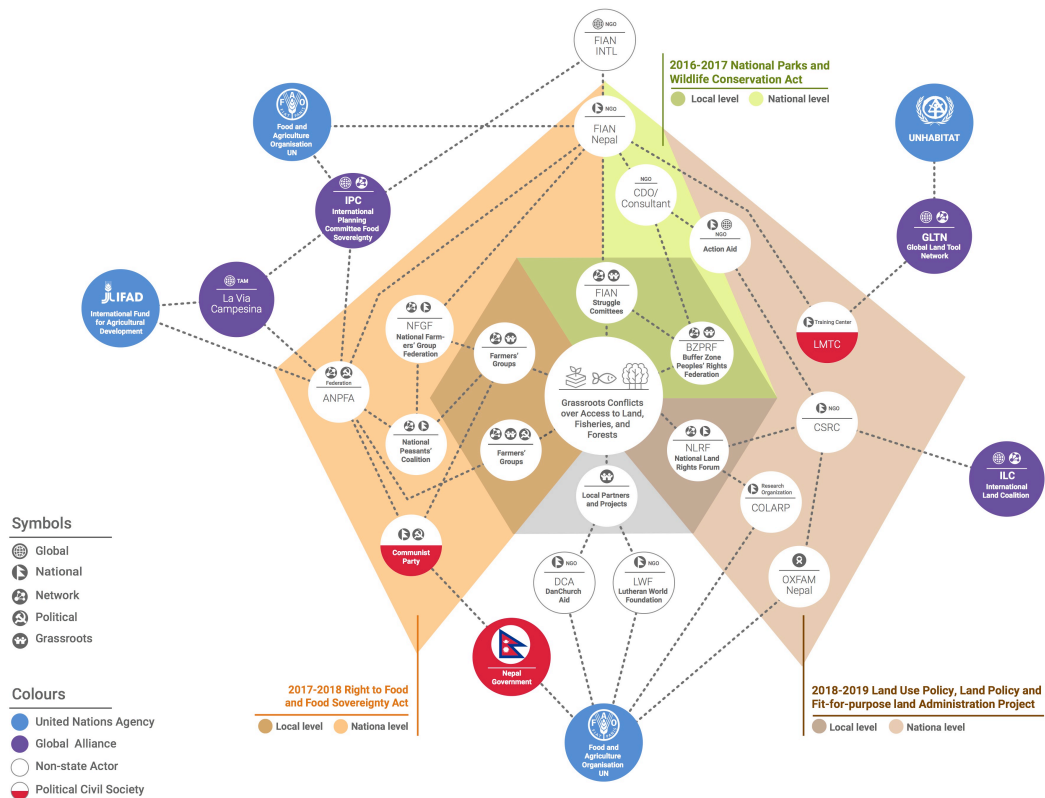
| year | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|--|------|------|------|------|
| | <p>Project: 'Support for the Implementation of VGGT Component 1" Phase 1</p> <p>Donors: FAO, UK / Partner Countries: Burma, Nepal, South Africa / Value: USD 400,000</p> <p>Aim: UK, and G8 UK presidency, encourage effective VGGT implementation. Country-level Workshops to:</p> <ol style="list-style-type: none"> 1. raise awareness on VGGT among Government & Citizens to understand tenure rights 2. increase ability to administer tenure rights & processes to provide access to & transfer rights 3. support multi-stakeholder national forums and develop plans for mainstreaming VGGT | | | | |
| | <p>Project: 'Increase the Use of VGGT Among CSOs and Grassroots Organisations" (for Food Security and Sustainable Development)</p> <p>Donors: Belgium, FAO, Netherlands, Switzerland, Sweden / Implementers: FAO, National & International CSOs</p> <p>Value: USD 2,800,000 Countries: 19 including Nepal</p> <p>Aim: Capacity development and increased understanding of VGGT among CSOs & grassroots orgs to:</p> <ol style="list-style-type: none"> 1. boost their contribution to multi-stakeholder platforms AND other tenure-related domestic processes 2. strengthen the partnerships for the application/implementation of VGGT <p>Project Output: Produced Learning Guide for CSOs together with FIAN Intl as coordinator of IPC Working Group on Land and Territory</p> | | | | |
| | <p>Project: 'Supporting Small-Scale Food Producers' Orgs in the Promotion of VGGT'</p> <p>Donor: IFAD / Implementers: AIAB (LVC Italy member) ANPFA (LVC Nepal member)</p> <p>Value: USD 450,000 / Partner countries: Nepal, Argentina, Mozambique, Nicaragua</p> <p>Aim:</p> <ol style="list-style-type: none"> 1. to make small-scale food producers familiar with VGGT 2. capacity-building to develop common strategies with regional Human Rights orgs 3. monitor implementation of VGGT at national level (with rural communities and organisation's members) | | | | |
| | <p>Project: VGGT Learning Programme to Support the Implementation of the VGGT in 5 Countries (Blended Learning Approach)</p> <p>Approach 1: Governing Land for Women and Men Approach 2: Implementing Responsible Governance of Tenure</p> <p>Donor: Germany / Implementer: FAO Capacity-Development Suite</p> | | | | |

Symbols

-  Global Level
-  National Level
-  Observed
-  Provincial level
-  District level



ANNEX 6: Diagram of Actors Engaging in VGGT Projects and Policy-Making



ANNEX 7: Participant Information Sheet

Centre for Agroecology, Water & Resilience
Coventry University, Priory Street, Coventry, CV1 5FB



Food Sovereignty 'From Above'?: Interrogating the Impacts of Global Governance on Natural Resource Tenure in Nepal

Participant Information Sheet, January to May 2017

Information about the project/Purpose of the project

Food sovereignty activists such as the global social movement La Vía Campesina have long sought to shape the direction of food and agricultural global governance. Recently these efforts have involved extended participation in policy arenas such as the UN Committee on World Food Security (CFS). This PhD project will examine the 'meaning' of such participation, by conducting a country-level (Nepal) case study on the impacts of a recent CFS output: the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*. This study aims to understand the roles and impacts of a global governance instrument on the ground (state and civil society). This project will be conducted collaboratively with International food rights NGO FIAN International, with input from their Nepal country office, and other food sovereignty activists in the country. It will seek to answer such questions as:

- To what extent and in what ways have the Guidelines articulated with national level policy-making in land/fisheries/forestry tenure in Nepal?
- To what extent and in what ways have Nepalese civil society utilized the Guidelines in their local struggles?
- What factors have promoted or inhibited engagement by civil society and state actors with the Guidelines?

Why have I been chosen?

Because you are a member of an organisation working for rural development and therefore have an important perspective on the role of global governance supporting your work.

Do I have to take part?

Your participation is entirely voluntary.

What do I have to do?

Participate in an interview of 30 minutes to one hour on the role of global governance and more specifically the CFS Land Tenure Guidelines in supporting your work.

What are the risks associated with this project?

There are no obvious risks associated with this project.

**EXCELLENCE
WITH IMPACT**

**Coventry
University**

What are the benefits of taking part?

By participating in this interview you contribute to a study that seeks to enhance the ability of global governance to support grassroots development work.

Withdrawal options

You can withdraw from the research within a period of three months after the interview has concluded (PhD student to be notified within three months of the interview).

Data protection & confidentiality

All data captured in this project will be securely stored, and treated as confidential. Any used data will be anonymised to prevent identification of individual research participants.

What if things go wrong? Who to complain to?

If you wish to complain, please contact Professor Moya Kneafsey (Ethics Lead, Centre for Agroecology, Water and Resilience, Coventry University) at apy034@coventry.ac.uk or Professor Ian Marshall, (Deputy Vice Chancellor, Strategic Alignment and External Relations, Coventry University) at i.marshall@coventry.ac.uk.

What will happen with the results of the study?

The results of this study will help shape the direction of a collaborative project on the assessment of the direct impacts of a global governance instrument on people on the ground and how these can be optimised. The results will potentially be used in my PhD thesis and may be published in publicly available journals, blogs, policy reports etc.

Who has reviewed this study?

This study has been reviewed for ethics clearance internally at the Centre for Agroecology, Water and Resilience and by the Ethics department at the University of Coventry.

Further information/Key contact details

For more information please contact:
Katie Anne Whiddon
PhD Student
Centre for Agroecology, Water and Resilience
Coventry University, UK
0044(0)7809626507
whiddonk@coventry.ac.uk

Dr Josh Brem-Wilson
Research Fellow
Centre for Agroecology, Water and Resilience
Coventry University, UK
0044(0)7557425448
Joshua.Brem-Wilson@coventry.ac.uk

ANNEX 8: Informed Consent Form For Interviewees

Centre for Agroecology, Water & Resilience
Coventry University, Priory Street, Coventry, CV1 5FB



Project Title: Food Sovereignty 'From Above'?: Interrogating the Impacts of Global Governance on Natural Resource Tenure in Nepal **Informed Consent Form**

1. I confirm that I have read and understood the participant information sheet (January to May 2017) for the above study and have had the opportunity to ask questions

Please initial

2. I understand that my participation is voluntary and that I have the right to change my mind about participating in the study for a short period of three months after the interview has concluded (PhD student to be notified within three months of the interview)

3. I agree to be recorded and for anonymised quotes to be used as part of the research project

4. I agree to take part in the research project

Reference of Participation Information Sheet: January to May 2017

Name of participant:

Signature of participant:

Witnessed by (if appropriate):.....

Name of witness:.....

Signature of witness:

Name of Researcher:

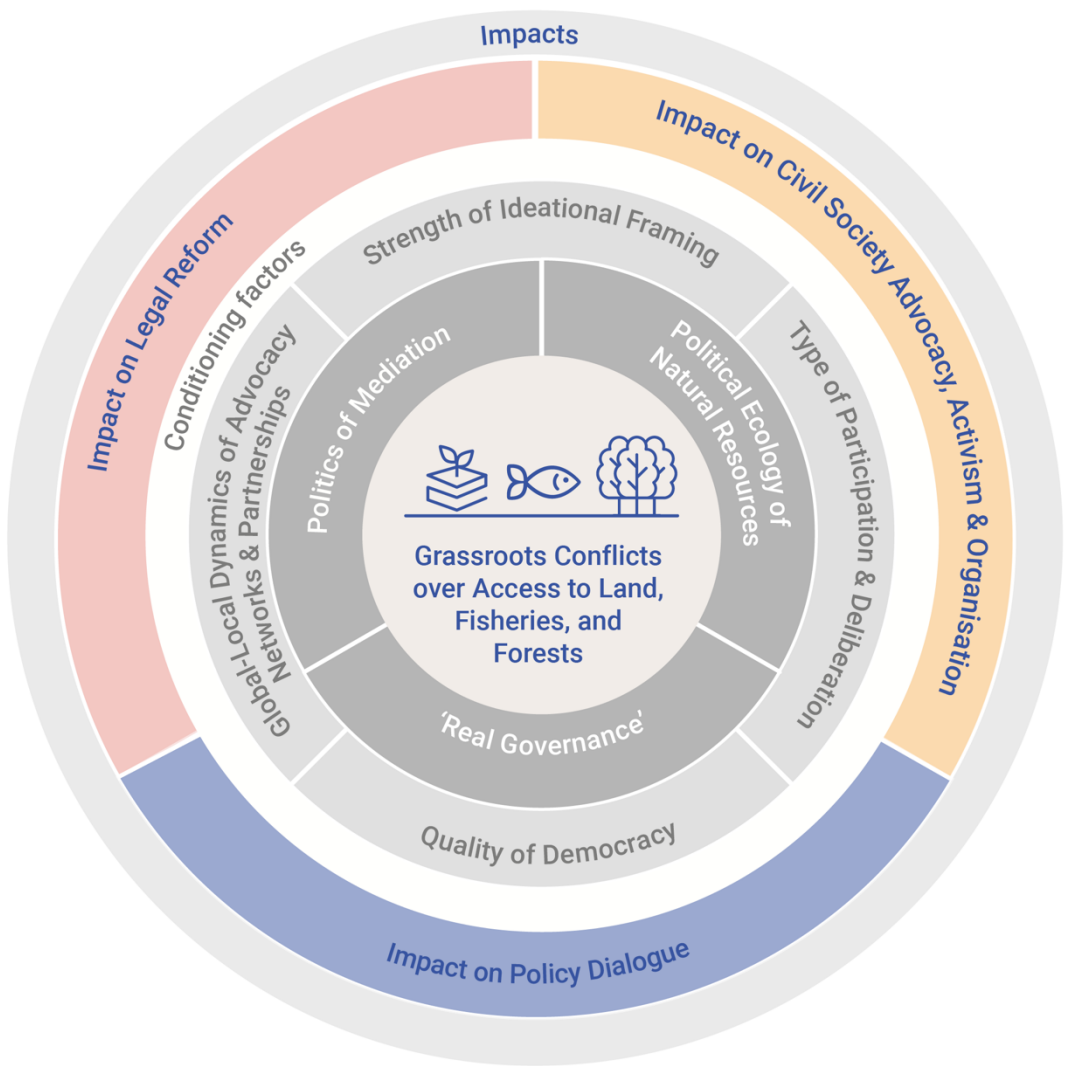
Signature of researcher:

Date:.....

**EXCELLENCE
WITH IMPACT**

**Coventry
University** 

ANNEX 9: Diagram Of First Iteration Of Data Analysis And Thesis Writing



ANNEX 10. Brochure With Translation Of Summary Of Tenure Guidelines

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

ANNEX 11. Flyer On Buffer Zone Rights For BZPRF Conference, 02.2017

Some materials have been removed from this thesis due to Third Party Copyright. Pages where material has been removed are clearly marked in the electronic version. The unabridged version of the thesis can be viewed at the Lanchester Library, Coventry University.

ANNEX 12. Memorandum From BZA Activists To MoPs, Translated

Dear Sir/ Madam,
Environment Conservation Committee
Singadaurbar, Kathmandu

SUBJECT: MEMORANDUM

People living in the buffer zones of national parks and conservation areas are multi-lingual, multicultural and make a livelihood from a wide range of activities. In the past, it was mostly indigenous peoples that lived in the areas that make up national parks, but today, due to migration across Nepal, people of different ethnic groups and castes, including Brahmin, Chetries, Thakuris and Dalits live in areas surrounding national parks, leading to a mixed society. Around one third of the country's total population live in these areas. Their livelihood completely or partially depends on the forest, river and streams and different natural resources available in conservation areas. But recently, the implementation of the *National Park and Wildlife Conservation Area Act 2029* has affected our livelihoods by prohibiting the use of natural resources.

National parks, conservation areas, hunting areas are the national pride as they are full of biodiversity. There is no doubt that they play an important role in environment conservation areas. We are also aware about the need to preserve and conserve national parks. However, conflicts between the national park conservation committees and local communities are increasing day by day.

Following the *Constitution Act 2072* of Nepal, which has established the democratic republic, the *National Park and Wildlife Conservation Area Act 2029* is being revised with the goal of minimizing park-people conflicts. In order to put an end to the conflicts, it should be compulsory for local people to promote national parks and the conservation of natural resources. However, organizations should bear this responsibility, as the government should ensure the safeguarding of livelihoods. We have following demands, which we hope will be fulfilled.

DEMANDS:

1. In the revised bill, buffer zone areas to be linked with the conservation areas won't be valid to us so the buffer zones areas should be kept as in the previous act.
2. Local people should be entitled to financial benefits from national parks and conservation areas.
3. Organizations working on national parks and conservation areas and Buffer Zone Councils should include 40% women. Proportional and inclusive participant must be considered in affected areas.
4. In order to ensure that organizations working on national parks and conservation areas and Buffer Zone Councils are sustainable, capacity building of local communities should be assured for a period of 10 years.

5. The *Constitution Act* should include a provision regarding the inclusion of local buffer zone communities in the organizational work process for national parks and conservation areas.
6. During the process of making or updating boundaries or maps of national parks, conservation areas and buffer zone areas, the government should request permission from the Buffer Zone Council.
7. 10% of the profit made from national parks and conservation areas should be saved to put towards a compensation and relief savings fund. Once the compensation and relief fund is opened, profits should be distributed.
8. If an accident occurs leading to the loss of human life of a community member trying to make a living from a traditional livelihood (e.g. an attack from wild animals), after the required investigations, compensation should be provided.
9. 50-70% income of the national park and conservation areas should be provided to the Buffer Zone Council.
10. The entry fees from national parks and conservation areas in Himalayan region should go towards the Buffer Zone Council.
11. In the Himalayan region, the revenue amount, which is raised from mountain climbing, should be provided to the Buffer Zone Council, instead of sending it to the respective District Development Committee.
12. The use of pathways, grazing, drinking water, irrigation, embankment, traditional occupation etc. inside the national park and conservation areas for the livelihood should be conserved. Their usage in the future should be ensured.
13. 30% of the income from national parks and conservation areas should be separated in a basket fund to provide income to national parks and conservation areas, which don't have a source of income.
14. Inside the territory of national parks and conservation areas, before opening hotels, lodges, public transportation, entertainment or other service activities, an agreement should be reached with the Buffer Zone Council.
15. Buffer zone peoples affected by natural disasters,
16. The dahattara/bahattara firewood which are carried away by the river and ponds inside or outside the buffer zone areas can be collected and used by local people.
17. Collected herbs and other useful and important materials should be kept safely in a museum.

18. Blockage and investigation time should not exceed 25 days and other processes should be carried out according to the law.
19. While carrying out development works in the national parks, conservation areas and buffer zone areas, the construction committee should consult with the Buffer Zone Council.
20. In the case of an increase in animals in national parks and conservation areas, which may lead to conflicts between man and animals, there should be a provision allowing for official hunting or transferring the animals to an appropriate place.
21. Losses from wildlife such as loss of human life, loss of domestic animals, physical damage and loss of agricultural crops should be analyzed, and compensation and relief facilities should be provided accordingly.

ANNEX 13: List Of Statutes

Agricultural Perspective Plan (APP) (1995)

Available at: <https://leap.unep.org/countries/np/national-legislation/nepal-agricultural-perspective-plan>.

Agricultural Development Strategy (ADS) (2014)

Available at: <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC171433/>

Forest Act (1993)

Available at: <https://www.lawcommission.gov.np/en/archives/15933>

Land Act (1963)

Available at: <https://www.lawcommission.gov.np/en/archives/16643>

See: <https://glt.n.net/2020/02/26/new-land-legislation-guarantees-tenure-security-and-access-to-land-for-all-nepali/>

Land Use Policy (2012) (2015 Amendment)

Available at:

https://molcpa.gov.np/downloadfile/land%20use%20policy__2015_1505895657_1536124080.pdf

Land Use Act (2019)

See: <https://csrnepal.org/federal-parliament-passes-the-land-use-act/>

Land Revenue Act (1978)

Available at: <https://www.lawcommission.gov.np/en/archives/16350>

Local Self-Governance Act (1999)

Available at: <https://www.ecolex.org/details/legislation/local-self-governance-act-2055-1999-lex-faoc074262/>

National Land Policy (2019)

See: <https://glt.n.net/2019/04/05/special-announcement-nepal-government-adopts-a-national-land-policy/>

National Parks and Wildlife Conservation Act (1973)

Available at: <https://www.lawcommission.gov.np/en/archives/13512>

National Trust for Nature Conservation Act (1982)

Available at: <https://www.lawcommission.gov.np/en/archives/12798>

Nepal Treaty Act (1990)

Available at: <https://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/treaty-act-2047-1990.pdf>

Right to Food and Food Sovereignty Act (2018)

Available at: <https://www.lawcommission.gov.np/en/archives/documents/the-right-to-food-and-food-sovereignty-act-2075-2018>

ANNEX 14 THESIS TURNITIN SIMILARITY REPORT

Katie Whiddon Thesis for Mock Submission 31122021.pdf

ORIGINALITY REPORT

12%

SIMILARITY INDEX

11%

INTERNET SOURCES

7%

PUBLICATIONS

5%

STUDENT PAPERS

PRIMARY SOURCES

1

Submitted to Coventry University

Student Paper

1%

2

www.tandfonline.com

Internet Source

1%

3

www.righttofoodandnutrition.org

Internet Source

<1%

4

www.fao.org

Internet Source

<1%

5

docplayer.net

Internet Source

<1%

6

mafiadoc.com

Internet Source

<1%

7

dokumen.pub

Internet Source

<1%

8

www.cambridge.org

Internet Source

<1%

9

pure.rug.nl

Internet Source

<1%