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International Outlook for Privately Protected Areas

Country Report: NEPAL

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Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.^{1,2} **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at landconservation@lincolninst.edu.

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¹ Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

² Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

NEPAL (नेपाल , Federal Democratic Republic of Nepal)

Outlook for Privately Protected Areas

The ILCN and UNDP would like the following volunteers for reviewing this document for accuracy to the best of their ability.

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I. Country Overview

Land Area

Nepal's total land area is 14,718,100 ha. Of this, about 28 per cent (4,121,000 ha) is in agricultural use, but only 1 per cent of total areas is permanent cropland, with 12 per cent of the area devoted to grazing.³ An additional ~44 per cent of the land area is forested (with 5,960,000 ha classified as forests and 650,000 ha as other wooded land).⁴ Only about 17 per cent of the forest land is within protected areas, and the annual deforestation rate is 1.4 per cent.

Rapid variations in altitude and geology throughout Nepal support high biodiversity in a small area. Geographic areas range from the high Himalayas and foothills to the north, to a central band of foothills, and lowland plains, or Terai plateau, to the south.⁵ According to Nepal's most recent National Biodiversity Strategy and Action Plan (NBSAP), "The country occupies about 0.1 per cent of the global area but harbors over three percent and one percent of the world's known flora and fauna, respectively."⁶

In recent decades, urbanization has proceeded rapidly;⁷ however, the country's economic base remains agrarian and rural.⁸ Approximately 90 per cent of Nepal's population is employed in agriculture.⁹

The new Constitution in 2015 introduced the opportunity to enshrine such rights as the "right to live in a healthy and clean environment" and outlines such political jurisdictions of the state as "to make proper use of lands, while regulating and managing lands on the basis of, *inter alia*, productivity, nature of lands and ecological balance."¹⁰

³ United States Agency for International Development (USAID). 2017. "Land Links- Nepal." Accessed October 2017. <https://land-links.org/country-profile/nepal-2/>.

⁴ Ibid.

⁵ Ibid.

⁶ Government of Nepal, Ministry of Forests and Soil Conservation. 2014. National Biodiversity Strategy and Action Plan (NBSAP). p. 79; 96; 100. <https://www.cbd.int/doc/world/np/np-nbsap-v2-en.pdf>.

⁷ Acharya, Hari Bhadra. Under Secretary, Department of National Parks and Wildlife Conservation, Nepal. Presentation: "Overview of Protected Areas Management in Nepal." July 17, 2014. Accessed online at <https://www.cbd.int/doc/meetings/ecr/cbwecr-2014-07/other/cbwecr-2014-07-presentation-day2-04-en.pdf>.

⁸ Sharma, Sagar Raj, Bishnu Raj Upretim, and Ulrike Müller-Böker. 2014. "Negotiating Access to Land in Nepal." *Journal of Contemporary Asia*, 44:3, 521-539. <https://doi.org/10.1080/00472336.2013.868022>.

⁹ Chapagain, D. 2007. "Land Tenure and Poverty: Status and Trends Land Systems in the Hills and Mountains of Nepal." p. 407 in M. Banskota, T.S. Papola and J. Richter (eds) *Growth Poverty Alleviation, and Sustainable Resource Management in the Mountain Areas of South Asia*. Nepal: ICIMOD. http://lib.icimod.org/record/23185/files/c_attachment_213_3038.pdf.

¹⁰ Parliament of Nepal. 2015. "Constitution of Nepal." § 30(1) and 51(e)(4). https://www.constituteproject.org/constitution/Nepal_2015.pdf.

Land ownership and tenure

Land tenure in Nepal is complex and has undergone a range of reforms¹¹. See the references for more information and details than will be covered in this section.

The 2015 Constitution grants every citizen the right to acquire, own, sell or otherwise dispose of property. Nepalese nationals can own land, including non-residents.¹² The State is empowered to interfere with real property only “for the public interest,” as defined to include “land reforms, management and regulation. . . for the purposes of enhancement of product and productivity of lands, modernization and commercialization of agriculture, [and] environment protection. . .”¹³

For most of the Monarchy’s history, the Crown was the final owner of all land, and the State remains the ultimate or default landowner.¹⁴ Since the 1950s, there have been several waves of land reforms that have led to the present system.

Today, there are four types of land ownership generally operating in Nepal. The dominant two are *raikar* and *guthi*.¹⁵ *Raikar* land is freehold land, possessed by an individual or company and recorded by a land ownership certificate. Ownership is total, but subject to the police powers of the state, such as eminent domain. *Guthi* land has been granted by the state or private donors to local institutions for public uses. In the other two other cases of ownership, either the government holds land, or tillers lease agricultural land from private owners. Tenancy of the latter sort has become rarer with the imposition of land reforms.

When it comes to forests and protected areas, all community/commons-owned forests transitioned to state ownership in 1957, through the *Private Forest Nationalisation Act*.¹⁶ The 2006 Peace Agreement maintains this by calling for the nationalization of forests and conservation areas,¹⁷ and the 2015 Constitution gave the government police powers to manage natural resources, and “to conserve, promote, and make sustainable use of, forests, wildlife, birds, vegetation and bio-diversity, by mitigating possible risks to environment from industrial and physical development, while raising awareness of general public about environment cleanliness.”¹⁸ Today, 0.01 per cent of forestland is privately owned.¹⁹ The Government owns approximately 60 per cent of forests outside protected areas, as well as all protected forests (about 10 per cent), the remainder of which is Guthi or other forest (almost 30 per cent), held by religious/cultural institutions, or in leasehold as part of landless support program (0.7 per cent).²⁰

¹¹ Acharya, Babu Ram. 2008. Land Tenure and Land Registration in Nepal. FIG Working Week 2008. Stockholm, Sweden. http://www.fig.net/resources/proceedings/fig_proceedings/fig2008/papers/ts07b/ts07b_02_acharya_2747.pdf.

¹² Parliament of Nepal, 2015. § 25(1)

¹³ Ibid. § 25(4)

¹⁴ Sharma et al., 2014. P. 528.

¹⁵ Jones Lang LaSalle. 2014. "Nepal Property Investment Guide" Accessed online October 2017. www.joneslanglasallesites.com/investmentguide/uploads/attachments/2014AP_PropertyInvestmentGuide-Nepal_6g04rbna.pdf.

¹⁶ Chapagain, 2007. P. 412.

¹⁷ USAID, 2018.

¹⁸ Parliament of Nepal, 2015. § 52(g)(5)

¹⁹ Subedi et al. 2014. P. 9.

²⁰ Ibid. p. 10.

National Protected Areas

The 1973 *National Parks and Wildlife Conservation Act* serves as the foundation for Nepal's contemporary protected areas network.²¹ The Act designates *strict nature reserves* or *conservation reserves* for the most stringent protection. *National parks* are areas protected from exploitation to manage and conserve flora, fauna, and ecosystems for the purposes of culture, science, and tourism. Both *wildlife reserves* and *hunting reserves* focus on animal and habitat conservation, in the latter case for hunting.

An additional protected area category was added in an amendment to the 1973 *National Parks and Wildlife Conservation Act*. *Conservation Areas*, or “means an area to be managed according to an integrated plan for the conservation of natural environment and balanced utilization of natural resources.”²² This open definition allows for the continued residence in, and use of, the area by local tenants and landholders. [see *privately-managed protected areas* and case study]

According to Nepal's latest National Biodiversity Strategy and Action Plan (2014), Nepal has established 20 protected areas, covering 3,418,562 ha (23.23 per cent) of the total land area, made up of 10 national parks, three wildlife reserves, one hunting reserve, six conservation areas, and buffer zone areas around nine national parks and three wildlife reserves.²³ (Note: The World Database on Protected Areas shows 3,489,792 ha of land – 23.63 per cent of the Country – protected by 49 unique areas.²⁴ Differences between statistics may be due to differences in methodologies or out of date reporting).

Nepal's protected areas are subject to an array of human influences, which support the economic development of the Country. For example, the 1979 *Mountain National Park Regulation* provided rights to local communities to use forest resources in and around national parks. This has been important in Sagarmatha National Park (114,800 ha), which contains Mount Everest and supports about 3,500 Sherpas in the park whose livelihoods are based in tourism, agriculture, and forest products.²⁵ Timber leases on protected forests contributed about USD 13 million per year to government funds from 2004-2012—this was about 26 per cent of forestry sector total.²⁶

Buffer Zone Policies

In recent decades, Nepal has developed a strong buffer zone policy to augment its protected area network. Buffer zones are defined areas surrounding protected areas, established by the government, to lessen pressures of surrounding human settlement on protected ecosystems. Parameters were initially set out in the fourth amendment (1993) of the *National Park and Wildlife Conservation Act 1973*; zone boundaries were subsequently set by the *Buffer Zone Management Regulation* (1996) and policy further

²¹ National Parks and Wildlife Conservation Act, 2029 (1973). § 2.

<http://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/statutes-acts/national-parks-and-wildlife-conservation-act-2029-1973>

²² Parliament of Nepal, 1973. § 2(e)(1).

²³ Government of Nepal, Ministry of Forests and Soil Conservation, 2014. P. 42.

²⁴ UNEP-WCMC. 2017. “Protected Area Profile for Nepal from the World Database of Protected Areas.” Accessed October 2017. <https://www.protectedplanet.net/country/NPL>.

²⁵ USAID, 2018.

²⁶ Bhishma et al., 2014. P. 11.

clarified by the *Buffer Zone Management Guidelines* (1999). The zones are made up of lands under a range of ownership types, including private forests.²⁷

Buffer zones are also intended to balance resource conservation with community economic development. Thus, activities in buffer zones range from sustainable forest product harvesting and skill development to conservation education and afforestation.²⁸ Management plans are guided by a management team and a Chief Warden/Chief Conservation Officer.²⁹

Community Forestry

Community management of forests has been long in development throughout Nepal. Since 1987, it has operated in more or less the same way.³⁰ Communities apply to the government for a concession on the land and must submit a defined management plan that supports the conservation of forest resources, waters, and soils. If successful, the community is granted a 10-year lease conditional on effective management, and the state retains final ownership of the land. Community members form a corporate legal entity called Community Forest User Group (CFUG), which acts with the assistance and supervision of government agencies.

The Forest Act of 1993 provided much of the framework for the program in its present design, which was most recently updated by the 2009 *Regulation on Community Forestry Development Program*. Today, Nepal has approximately 18,133 CFUGs managing 1,700,000 ha — about one-third of all forest areas in Nepal.³¹ The arrangement allows communities to generate revenues from the forests, and also funds the government through a 15 per cent tax on forest products.³²

II. Law and Policy for Private Land Conservation

Privately Protected Areas

There is no formal definition of a privately protected area (PPA) in Nepal's legislation, nor is official protection of privately-owned land identified by the biodiversity action plans of relevant ministries. No agency of the government collects data on privately-owned conservation areas. This is due largely to an emphasis on communities and the state as the appropriate actors to undertake conservation. Despite this, the private sector has been involved in managing land for conservation in Nepal.

Privately-managed state protected areas

The government has created opportunities for local NGOs to manage government protected areas by contract. This began with the King Mahendra Trust for Nature Conservation—now the National Trust for Nature Conservation (NTNC). The Trust was established by the *King Mahendra Trust for Nature*

²⁷ Bajimaya, Shyam. 2006. "Nepal's Buffer Zone Programme: A Showcase of a Participatory Approach to Protected Area Management." In *Capitalisation and sharing of experiences on the interaction between forest policies and land use patterns in Asia: link people with resources*. Proceedings of a workshop, Godavari, Nepal, 26-28 January 2005. Volume 2. Technical Papers. pp.125-141.

²⁸ Allendorf, Teri D. and Gurung, Bhim. 2016. "Balancing Conservation and Development in Nepal's Protected Area Buffer Zones." *PARKS*, 22 (2): 69-82. http://parksjournal.com/wp-content/uploads/2016/11/PARKS-22.2-Allendorf-et-al-10.2305IUCN.CH_2016.PARKS-22-2TDA.en_.pdf.

²⁹ Personal Communication, Marcus Cotton, July 2018.

³⁰ Pandey, Ghan Shyam & Bijaya Raj Paudyal. 2015. Protecting forests, improving livelihoods – Community forestry in Nepal. https://fern.org/sites/default/files/news-pdf/fern_community_forestry_nepal.pdf.

³¹ Acharya, Hari Bhadra. 2014. Presentation: "Overview of Protected Areas Management in Nepal," given on July 17, 2014. Accessed October 2017. <https://www.cbd.int/doc/meetings/ecr/cbwecr-2014-07/other/cbwecr-2014-07-presentation-day2-04-en.pdf>.

³² Pandey and Paudyal, 2015. P. 9.

Conservation Act (1982), as a Nepal-based NGO interfacing between the government and international conservation organizations.³³ A 2003 policy on “Contracting the Management of National Parks, Reserves, and Conservation Areas to non-government organizations (NGOs)” called on the government to expand the role of such NGOs.³⁴ Today the NTNC manages three national protected areas [see case study].

Based on the *Guidelines for Privately Protected Areas (2018)*, released by the IUCN, such instances of shared governance may meet the requirements of a PPA depending on who ultimately has decision-making power over management of the area.³⁵

Special Conservation Sites

The organization Himalayan Nature is piloting a new kind of protected area called a *Special Conserved Site (SCS)*.³⁶ These are discreet sites outside of formal protected areas, or within a human settled area of a protected area, with high biodiversity value (see reference for more on SCS criteria). The SCS is designed to recognize biodiversity in human-dominated landscapes.

In the SCS model, sites are owned, protected, and managed by communities and local conservation leaders who work in partnership with local governments and government agencies. Himalayan Nature cites several examples of SCS in Nepal, all on private land, and advocates for such sites to become institutionalized and adopted by Himalayan countries. More information on this concept can be found in Baral et al.’s 2014 article cited below. Depending on how such sites are owned, recognized, and managed, these may be recognized as PPAs or Indigenous and Community Conserved Areas (ICCAs) in the future.

National Biodiversity Strategy and Action Plan (NBSAP)

Although PPAs are not addressed directly in Nepal’s most recent NBSAP (2014), submitted to the Convention on Biological Diversity, the plan does include a strategy of “Broadening the conservation constituencies by effectively involving local governments and private sector in conservation and sustainable use of biological resources.”³⁷ The document also cites the importance of private forests, which only cover a small area (~2,300 ha of private land) but are increasing. Promoting agro-and private forestry for the purposes of biodiversity conservation is another key strategy.

III. Financial Incentives for Privately Protected Areas

There are, as known to this study, no tax-incentives to encourage landowners to manage land for conservation purposes. However, there are several financing mechanisms that may be able to support action on private land or action by private actors.

³³ National Trust for Nature Conservation Act, 2039 (1982). <http://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/national-trust-for-nature-conservation-act-2039-1982.pdf>.

³⁴ Bajimaya, 2006.

³⁵ Mitchell, B.A., S. Stolton, J. Bezaury-Creel, H.C. Bingham, T.L. Cumming, N. Dudley, J.A. Fitzsimons, D. Malleret-King, K.H. Redford, and P. Solano. 2018. Guidelines for privately protected areas. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

³⁶ Baral, Hem Sagar, Bittu Sahgal, Samiul Mohsanin, Kuenga Namgay, and Aleem Ahmed Khan. 2014. Species and habitat conservation through small locally recognised and community managed Special Conservation Sites. *Journal of Threatened Taxa*, 6(5): 5677–5685. <https://threatenedtaxa.org/index.php/JoTT/article/view/228/365>.

³⁷ Government of Nepal, Ministry of Forests and Soil Conservation, 2014. p. 77; 96; 100.

Payments for Ecosystem Services

Payments for ecosystem services (PES) refers to a market-based mechanism for promoting land conservation. The reach of PES systems has spread rapidly around the world, and Nepal is no exception. Nepal's NBSAP calls for a "a system for economic valuation of ecosystem services provided by the country's protected areas," as well as new programs to increase awareness of ecosystem services and formalize the rights of marginalized populations.³⁸

The International Centre for Integrated Mountain Development (ICIMOD) has been instrumental in developing PES for the countries of the Hindu Kush Himalayan region. Their framework was adopted by the Nepal government, as outlined in the country's most recent NBSAP. ICIMOD's sequence for implementing PES starts with awareness and education and moves on to valuation of services and the establishment of a market. Once launched, funds raised from communities or businesses that benefit from ecosystem services are paid to people in rural areas conditional on the continued flow of those services, as evaluated by the terms of an initial contract. This system is meant, in the words of the 2014 NBSAP, to "extend justice and equity to those who are the main custodians of mountain ecosystems."³⁹

UN-REDD Program

REDD+, or reducing emissions from deforestation and forest degradation, is a project of the UN that provides payments for ecosystem services, especially carbon sequestration, in forest communities worldwide. REDD+ in Nepal remains in the early stages of its development, with the support of the World Wide Fund for Nature (WWF) and the Hariyo Ban Program of the United States Agency for International Development (USAID).⁴⁰

Ecotourism

Ecotourism strongly influences policy and outcomes for protected areas in Nepal. National Parks are popular with foreign and local visitors, such as 'trekkers' on long Himalayan journeys.

Nepal's conservation lands present enormous potential for ecotourism investments.⁴¹ Nepal's latest NBSAP prioritizes ecotourism in protected areas and mountain ecosystems as a way to improve management capacity through revenue generation.⁴² This policy builds on a long-standing tourist economy. Private tourist lodges were permitted in protected areas under Section 6 of the *National Park and Wildlife Conservation Act (1973)* and subsequent amendments. However, at present, those lodges that used to operate in PAs have not had their leases renewed and are still in negotiations.⁴³

In 2015, Nepal's Department of National Parks and Wildlife Conservation (DNPWC) had developed a "Tourism Concession Manual" to facilitate the process of opening up small portions of protected areas to development by private tourism companies willing to lease the land by concession. However, its release has been postponed, as many DNPWC officials fear degradation of the conserved landscapes, and

³⁸ Government of Nepal, Ministry of Forests and Soil Conservation, 2014. p. 79; 96; 100.

³⁹ Government of Nepal, Ministry of Forests and Soil Conservation, 2014. P. 68.

⁴⁰ Subedi et al., 2014.

⁴¹ Ibid., 15-16.

⁴² Government of Nepal, Ministry of Forests and Soil Conservation, 2014. P. 80; 87.

⁴³ Personal communication, Marcus Cotton, July 2018.

competing priorities (between conservation actions and patronage) should private companies be permitted once again to operate in protected areas.⁴⁴

Although important to the economy, tourism does pose a threat to conservation goals—a fact that the Nepalese government has long recognized.⁴⁵ Foreign visitors flock to Nepal to see its outstanding landscapes and biodiversity. Heavy traffic in small protected areas can make it harder, rather than easier, to reach conservation objectives.⁴⁶ The Sherpa ethnic group has capitalized on tourism to Nepal's mountains [see above] but have also systematically developed land surrounding protected areas for tourism infrastructure and towns.⁴⁷

IV. Organization

Governmental

- Department of National Parks and Wildlife Conservation (DNPWC) administers the national protected area network.⁴⁸
- Department of Forests and Soil Conservation manages non-protected government forest areas.⁴⁹
- The Ministry of Soil and Watershed Conservation focuses on the management of erosion and watersheds and is also the focal point for international agreements on conservation, including the Convention on Biological Diversity (CBD).⁵⁰
- The National Biodiversity Coordination Committee (NBCC) is comprised of representatives from government ministries, NGOs, and private sector. The NBCC was established to organize the conservation efforts of these actors.

Non-governmental

- The National Trust for Nature Conservation (NTNC)—formerly the King Mahendra Trust for Nature Conservation—is a non-profit trust based in Nepal. The NTNC has had more than 200 conservation projects in the country since 1982, and currently manages three National Protected Areas: Annapurna Conservation Area Project (ACAP), the Manaslu Conservation Area Project (MCAP) and Gaurishankar Conservation Area Project (GCAP).⁵¹
- The International Centre for Integrated Mountain Development (ICIMOD) serves eight countries in the Hindu Kush Himalayan region. ICIMOD works to develop sustainable rural economies in the wake of rapid urbanization, include through programs that provide rural communities with payments for ecosystem services that they conserve.⁵²
- The WWF (World Wide Fund for Nature) has been active in Nepal for 50 years. Today, their focus is on large landscape conservation in the Terai, and on REDD+ implementation and CFUG support in Nepal's forests.

⁴⁴ Acharya, Pushpa Raj. 2016. "Government shelve plan to reopen protected areas to private sector." *The Himalayan Times*, February 2, 2016. <https://thehimalayantimes.com/business/govt-shelves-plan-to-reopen-protected-areas-to-pvt-sector/>.

⁴⁵ Keiter, R. B. 1995. "Preserving Nepal's National Parks: Law and Conservation in the Developing World." *Ecology Law Quarterly*, 22(3): 591-675. P. 595. <https://doi.org/10.15779/Z38FK1C>.

⁴⁶ Xu, Jianying, Yihe Lü, Liding Chen & Yang Liu. 2009. "Contribution of tourism development to protected area management: local stakeholder perspectives." *International Journal of Sustainable Development & World Ecology*, 16(1): 30-36. <https://doi.org/10.1080/13504500902757189>.

⁴⁷ Keiter, 1995. P. 616.

⁴⁸ See their website: <https://www.dnpwc.gov.np/>.

⁴⁹ See their website: <http://dof.gov.np/>.

⁵⁰ See their website: <http://mofe.gov.np/>.

⁵¹ See their website: www.ntnc.org.np/national-trust-nature-conservation.

⁵² See their website: at www.icimod.org/.

V. Case Studies

Annapurna Conservation Area

The Annapurna Conservation Area was designated in 1986, at which time it became the first *conservation area* and the first protected area in Nepal to be managed by an NGO. The NGO at the time was King Mahendra Trust For Nature Conservation, which has since become the National Trust for Nature Conservation (NTNC). After a pilot period, during which the Trust launched its first programs to support conservation and defray the negative impacts of both tourist treks and local lifestyles in the area, the Annapurna Conservation Area Program (ACAP) launched fully in 1992. Today, they manage 762,900 ha.

Over 100,000 residents continue to reside in the conservation area and maintain their private landholdings.⁵³ Thus, the area is managed by a network of individual landholders, the Trust, government agencies and international NGOs, as donors and advisors. This helped Annapurna to become the first protected area in Nepal to operate without the help of military guards, relying on legislation and on social management systems.

⁵³ National Trust for Nature Conservation. n.d. "Annapurna Conservation Area Project." Accessed October 2017. www.ntnc.org.np/project/annapurna-conservation-area-project.