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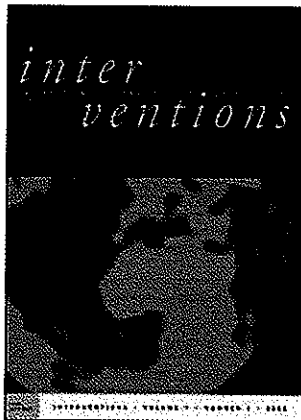
On: 27 March 2007

Access Details: [subscription number 771065962]

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954

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Interventions

International Journal of Postcolonial Studies

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title-content=t713702083>

GLOBAL DESIGNS AND LOCAL LIFEWORLDS

To cite this Article: , 'GLOBAL DESIGNS AND LOCAL LIFEWORLDS', Interventions, 9:1, 12 - 30

xxxx:journal To link to this article: DOI: 10.1080/13698010601173791

URL: <http://dx.doi.org/10.1080/13698010601173791>

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articles

GLOBAL DESIGNS AND LOCAL LIFEWORLDS

Colonial Legacies of Conservation, Disenfranchisement
and Environmental Governance in Postcolonial India

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University of Zurich, Switzerland

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environment

governance

biodiversity

**post-
colonialism**

World Bank

legal pluralism

India

The new language and practices of globalized environmental governance have a complex colonial genealogy. This case study delineates postcolonial continuities and shifts in regulatory, documentary and enforcement practices of biodiversity conservation and wildlife protection in India. Based on ethnographic material from the Gir forest, it analyses the twin processes of nature-making and state-building from the social and territorial margins of the state. These arbitrary and repressive practices involve a complex interplay of state laws, World Bank credit conditionalities and various sets of international norms advocated by conservationist and community-based human rights NGOs. Some dilemmas of a decolonization of the imagination in the South are considered with regard to trajectories of globalization of law.

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Imperialism brought about profound transformations in the categories for conceptualizing nature and society as well as in the legal and institutional regimes for their control in both the metropole and the colonies. Pervasive

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 **Routledge**
Taylor & Francis Group

interventions Vol. 9(1) 12–30 (ISSN 1369-801X print/1469-929X online)
Copyright © 2007 Taylor & Francis DOI: 10.1080/13698010601173791

changes in ecology and in underlying concepts of nature, seen as in need of scientific conservation or as a resource to be exploited for economic gain, are among the most enduring legacies of British colonial rule in India. Current policies and practices of environmental governance in India have inherited these tensions of colonial ideologies of nature. Among these legacies, which have been the subject of protracted struggles in recent years, are: state ownership of forests and the application of the legal principle of eminent domain, which have eroded the customary collective rights of local communities to commons; classification of forests based on the twin principles of conservation and commercial use which have deprived the rural poor of timber, fodder, firewood, forest lands and produce; the forced displacement of millions of forest dwellers from habitats demarcated as national parks and wildlife sanctuaries; the extensive powers of the Forest Department over the lives and livelihoods of resource-dependent local populations; as well as the role of scientific knowledge in the management of natural resources based on a claim of universal rationality that disregards local knowledge, norms and practices.

My case study of environmental governance in India delineates (post)colonial continuities, shifts and ruptures in regulatory, disciplinary and enforcement practices of biodiversity conservation and wildlife protection using ethnographic material from the Gir forest in Gujarat, western India.¹ It suggests that formal decolonization failed to dismantle ideas, institutional practices and legal regimes of colonial provenance. Ironically, environmental interventions since the 1970s have served to further entrench colonial mechanisms of surveillance and control of nature as well as of local populations. With the incorporation of the now hegemonic US model of 'protected areas' into older British conservation designs, the postcolonial state has extended its reach into areas and populations that were previously outside the direct control of the colonial state. Aided by the World Bank and international conservation NGOs like the Worldwide Fund for Nature (WWF), the new regime of what Goldman has termed 'globalized environmentalism' has brought more and more territories and communities on the peripheries under the control of the postcolonial state in the name of ecological 'development' (Goldman 2001: 503).² But resistance to this neoliberal environmentalism in India has drawn on international human rights norms and current principles of US environmental law as well as on the World Bank's own standards on resettlement in order to defend the lifestyles and livelihood patterns of forest dwellers, rather than rely merely on older precolonial traditions of living with, and thinking about, nature.

Postcolonial theory has often been criticized for its homogenous understanding of diverse experiences of colonial rule and processes of decolonization in different places and times. Rather than theorize on the basis of the Indian experience, which has certainly been formative for postcolonialism, I

1 See Kothari *et al.* (1996) for a general discussion of many of the conflicts around legal and policy issues with regard to protected areas and the rights of local populations in India. Chapter 14 by Shankar Narayan, based on the experiences of the Aga Khan Rural Support Programme, and Chapter 15 by Bharat Pathak, a former Gujarat government forest officer, focus on some aspects of the Gir National Park case discussed here.

2 See Ferguson (1990) and Escobar (1995) for a critique of development as a neocolonial set of discourses and practices.

ground my argument in ethnographic material from a site at the margins of the Indian state. Anthropological fieldwork, which generates situated knowledge (i.e., knowledge from and about somewhere), focuses attention on the specificities of history and geography. Moreover, the Gir forest, home to the Asiatic lion and a World Bank financed biodiversity conservation project, provides a good vantage point for the study of the intertwined processes of recolonization and internal colonialism that have often been neglected in postcolonial theory. From a location at the periphery of the nation state, it affords a possibility to study the twin processes of nature-making and state-building from the perspective of pastoralists marginalized by colonial and postcolonial rule. Following Das and Poole's (2004) insight that the 'margins' are not peripheral to the working of the state but highlight crucial aspects of its everyday functioning, I explore the (il)legality of regulatory and documentary practices of environmental governance from the social and territorial margins of the postcolonial state.

I begin with a brief consideration of the 'entangled histories' of modern conservation linking imperial centres and their peripheries (Conrad and Randeria 2002; Randeria 2002). My ethnography of conflicts over natural resource management and forced displacement in the Gir forest in the second section of the essay suggests that, contrary to the neoliberal rhetoric of the weakening of the state, state practices are even more arbitrary and repressive at the margins. But it also reveals the complex interplay of state and non-state actors within the global regime of environmental governance that targets remote resource-based populations. The Indian state is constrained not only by the credit conditionalities of the World Bank but also by two opposing sets of norms advocated by domestic civil society actors with varied transnational connections: the Indian chapter of the Worldwide Fund for Nature (WWF-India) and community-based human rights NGOs. The third part of the essay deals with competing cosmopolitan visions of the common good as reflected in the contestation by grassroots activists of a globalized scientific vision of biodiversity conservation and wildlife protection in 'protected areas'. Finally, I analyse some unusual trajectories of glocalization of law in order to consider the dilemmas of a decolonization of the imagination in the global South.³

3 The term glocalization was coined by Roland Robertson (1995) in order to draw attention to the

Entangled histories of a globalized environmental governmentality

entanglement of global and local processes rather than to a contrast between them.

Past and present policies and practices of nature conservation exemplify a central insight of postcolonial theory into the mutual imbrications of metropole and colony (Cohn 1996; Stoler and Cooper 1997). Colonial conquest – and especially the perceived environmental crises in the

peripheries of the world system resulting partly from the rapacious over-exploitation of forests for commercial purposes – was of enormous significance in forging modern European ideas about nature (Adams and Mulligan 2002). The experience of nature in the colonies also influenced the development of natural sciences in general and a scientific attitude towards nature in particular. Colonialism was thus constitutive in the making of modern Western visions and strategies of conservation as well as the new forms of technical expertise and institutional regimes for their implementation (Grove 1995). However, modern ideas of conservation did not travel fully formed from the metropole to the colonies. Indian environmental knowledge and philosophy, local systems of plant classification and interpretation of the natural world, were seminal to Western environmental thought, as were ideas of nature and practices of conservation that emerged and were experimented with in the West Indies, on Indian Ocean islands as well as in India in the seventeenth and eighteenth centuries (*ibid.*).

The institutional systems set up for forest conservation in India provided the blueprint for those developed in South-East Asia, Africa and Australia, and later in North America (*ibid.*: 12). In their turn, Western ideas and institutions were pivotal in shaping (post)colonial ideas and institutions for the management of nature. Contemporary conservation ideologies and practices in the West and the rest of the world thus bear the stamp of these intertwined origins. Conservation and commercial exploitation of forests in colonial India went hand in hand with the curtailment of the rights of local populations (Gadgil and Guha 1993). Under the new scientific regimes of natural resource management, villagers and forest dwellers, who enjoyed a variety of wide-ranging customary rights to forest lands and produce, came to be treated as holders of limited rights or concessions, and often as trespassers and lawbreakers. Opposition to colonial rule, including the formation of many anti-colonial movements, thus often also crystallized around resistance to the negative consequences of colonial forest policies for the livelihood patterns of resource-dependent local communities (*ibid.*).

The new globalized forms of ecological governmentality today include elements from several Western ideological strands of conservation which are part of the complex colonial history of nature preservation in many parts of the world. Among these is the now hegemonic idea of biodiversity conservation, enshrined in the international Convention on Biological Diversity. It is based on the US model of national parks, or uninhabited wilderness reserves, which is founded on the scientific identification, preservation and management of critical biodiverse areas that are demarcated as 'protected areas'. The historical antecedents of the idea of 'protected areas' can be located in royal game and forest preserves in Europe and Asia as well as in colonial environmental policies in Asia and Africa, which demarcated forest preserves for the management of timber, and game

preserves for recreational hunting by colonial officials (Orlove and Brush 1996: 330).

The concept of ‘protected areas’, which is pivotal to this global environmental regime, was developed by the International Union for the Conservation of Nature (IUCN) as the overarching term to encompass national parks, reserves and wildlife sanctuaries. In 1985 a hierarchical typology of eight categories of protected areas, delineated according to management objectives and practices and with a corresponding restriction of the rights of populations living in these areas, was codified.⁴ Over the past twenty-five years the protected areas of the world have quadrupled in size. In India their number has increased from 65 in 1977 to 554 in 2000, with at least 3 million people living within these (Apte and Kothari 2000). Today they cover an area of 154,037.38 square kilometres, i.e., 4.69 per cent of the territory of the country, but it is planned to expand these further to cover 6 per cent of the subcontinent (Rangarajan 2000). The organization of nature worldwide into a standardized syntax of ‘biodiversity’ and ‘protected areas’ enables the creation of what Wilk (1995) has termed a global structure for the interpretation and management of local differences. A common vocabulary of comprehension – or ‘monocultures of the mind’, to use Vandana Shiva’s felicitous phrase (1993) – renders differences across localities intelligible and predictable for experts and managers, just as it makes them available to the operation of common techniques of measurement and control. The new hegemony thus lies in making plausible a single uniform interpretative grid to define natural diversity, and a single set of scientific and institutional practices to manage it.

This environmental vision, with its claims to scientific rationality, is advanced by powerful international NGOs like Worldwide Fund for Nature (WWF), Conservation International (CI) and The Nature Conservancy (TNC), which are self-appointed guardians of ‘biodiversity’ worldwide. There has been a shift in the priorities and workings of all three conservation organizations, ‘with a new focus on large-scale conservation strategies and the importance of science, rather than social realities, in determining their agendas’ (Chapin 2004: 18). WWF-International, for instance, with a staff of 4,000 and a budget of 350 million US dollars in 2000, operates in ninety countries. As a partner organization of the World Bank for its environmental programmes, it is also part of the architecture of global governance. Whereas in the nineteenth and early twentieth centuries ideas, institutions and practices of conservation were circulated throughout the British empire by means of the colonial bureaucracy and networks of scientific experts, today it is bilateral and multilateral development organizations, international environmental NGOs, and their consultants, who are responsible for the global circulation of the new regimes of environmental governance to World Bank-borrowing countries (Brosius 1999; Escobar 1995).

4 See Orlove and Brush (1996) for a critical discussion of this typology.

Whereas forests in the colonies were classified and exploited for the benefit of imperial powers, landscapes in all of these countries today are subject to 'new efforts to classify, colonize and transnationalize territory in the name of "eco-governance"', according to scientifically defined environmental needs and ecological sensibilities of experts (Goldman 2001: 499). Starting from a globally defined problem of biodiversity, the WWF, for example, has identified 232 'biodiversity hotspots' worldwide, irrespective of state boundaries and sovereignty, as in need of urgent protection. It ranks these protected areas on a global index that reflects the extent to which these are perceived by experts to be endangered. The WWF thus protects what Heins calls 'global localities', spaces whose significance can only be ascertained by global comparisons and measurements based on scientific mechanisms of ecological surveillance (2001: 208). Such global assemblages exclude any consideration of the interests, experiences, knowledge systems and survival strategies of local populations.

In this biocentric view of the antagonistic relationship between society and nature, nature is represented as self-regulating pristine wilderness that is threatened by the unsustainable resource use and ecologically harmful lifestyle of the local population. It is, therefore, sought to either displace local communities from these areas or severely circumscribe their rights of access. In the light of the widespread experience of the failure of these top-down conservation projects, the 'participation' of forest dwellers and indigenous peoples has now become a part of the new green neoliberal governmentality.⁵ But in this global regime, the 'participation' of local communities is limited to the efficient implementation of project designs and priorities set by national and international environmental experts and bureaucrats. Local communities are not considered to be owners of common property resources; their customary use is obliterated and deemed local, and their knowledge of nature does not form the basis of context-sensitive conservation strategies.

The colonial and current transformations of landscapes into 'environment', 'natural resources', 'biodiversity' and 'protected areas', which disassociate them from usufruct rights and cultural claims of the people living with them, were and are political projects. These ideologies have always entailed legal classifications of peoples and landscapes at variance with local experiences of nature and the self-identities of resource-dependent communities. The carving out of ecologically or commercially valuable spatial zones and the policing of boundaries based on the imposition of uniform global classificatory schemes and property regimes, which entail varying degrees of exclusion of local communities, have been pursued by more or less coercive measures, then as now. As Das and Poole point out, these sites 'do not so much lie outside the state but rather ... run through its body' (2004: 13).

5 For the text of its 'Principles and guidelines on indigenous peoples and protected areas', see the WWF homepage: <<http://www.panda.org/resources>>

6 Divan and Rosencranz (2002) contains an overview of the central and provincial laws and policies as well as constitutional provisions on environmental law in India.

7 Fieldwork among pastoralists in the Gir forest and interviews with activists in Sasan, Saurashtra, and in Ahmedabad were conducted in December 2000 as part of the international project 'Reinventing Social Emancipation' of the MacArthur Foundation and the Centre for Social Studies, University of Coimbra. I would like to thank Achyut Yagnik, Ashok Shrimali and Varsha

The genealogy of the postcolonial Indian Wildlife Protection Act is instructive in this regard.⁶ Drafted on the expert advice of the Smithsonian Institute (USA) and modelled on the American idea and ideal of uninhabited wilderness, its logic can be traced back to the 1873 Act of the Madras government to protect wild elephants, as well as to the Wild Birds and Animals Protection Act VIII of 1912, which covered most of British India and specified hunting seasons as well as regulating the hunting of certain species through the granting of licences. The first modern codified law prohibiting the killing of wild birds and big game, in its 1935 revised form it provided for the setting up of wildlife sanctuaries. However, as proponents of hunting, the British had little interest in wildlife protection. The first initiative in this regard came from the ex-princely rulers in the 1950s, who had fraternized with colonial officials on royal hunting preserves and some of whom later became influential members of WWF-India (Rangarajan 2000).

The new language and practices of globalized biodiversity conservation thus have a complex colonial genealogy. The harsh and highly interventionist forms of forest management pursued by postcolonial states in most World Bank-borrowing countries bear the marks of their colonial origin. As Richard Grove has pointed out, these strategies, which were so successfully imposed in the context of colonial domination, could hardly have been introduced in Europe (1995: 7). This legacy of ideas about the control of nature and of populations dependent on natural resources has been built into the institutions and practices of the postcolonial state. The latter inherited the Janus-faced colonial policy towards nature which expounded simultaneously the virtues of conservation and extraction of maximum commercial profit – a schizophrenia that has been exacerbated by the neoliberal environmental policy prescriptions of the World Bank.

Contesting the lions' share: buffaloes, pastoralists, the Forest Department and the World Bank

Ganguly of SETU, Ahmedabad, for local hospitality during this and two subsequent visits to the area in 2001 and 2003, for access to documentation and, especially, for wide-ranging discussions around the issues dealt with in this paper.

My empirical material on environmental governance and erosion of customary rights comes from a World Bank-funded biodiversity conservation programme in Gir forest in the western Indian state of Gujarat.⁷ Situated in Junagadh, Amreli and Rajkot districts, Gir is the last intact habitat of an estimated 304 Asiatic lions as per the census carried out in 1995. Financed by the World Bank from 1996 to 2004, the Gir project was part of a larger 'eco-development' programme in seven regions of the country with a total budget of 67 million US dollars. It aimed to improve the management of protected areas of significant global biodiversity and increase the opportunities for local participation in their conservation.



8 The Gir sanctuary comprises a so-called protected area covering a total of 1,412 square kilometres of which the national park comprises of 258.71 square kilometres and is surrounded by the sanctuary extending over an area of 1153.41 square kilometres.

Interestingly, the area covered by the project in Gujarat had never been under direct colonial rule. In 1947, after the merger of the princely states of Baroda and Junagadh into the Indian Union, the Gir forest became part of Saurashtra and then later part of the newly formed state of Gujarat carved out of areas of the erstwhile Bombay Presidency in 1956. The government of Gujarat declared parts of the Gir forest area to be a wildlife sanctuary in 1965, and the biodiversity-rich area at the centre of the sanctuary was turned into the Gir National Park in 1975.⁸

Within the territory classified as 'protected area', encompassing the sanctuary and national park, there are today fifty-four traditional hamlets (*nes*) of livestock-owning pastoral communities (*Maldharis*) with a population of 2,540 (Singh and Kamboj 1996: 14). These families, which belong to several Hindu castes of Rabari, Charan, and Bharwad, raise livestock and sell milk products, and are collectively known by the occupational term *Maldhari* (owners of cattle). An estimated 14,200 head of cattle belonging to the pastoralists and to other forest dwellers graze in the sanctuary but are not permitted to cross into the area demarcated as national park. According to global conservation norms, which are applied by the state Forest Department, the pastoralists have only limited rights of residence, access and usufruct in areas demarcated as sanctuaries (for example to graze cattle, collect fodder, firewood and minor forest products, use water and roads), whereas they do not have the rights to live within or enter areas declared as national parks. Moreover, the protected area, through which four large public roads and a railway line also pass, contains in addition to several sacred groves for goddesses and memorials for saints, three large temple complexes of Kankai, Banej and Tulsishyam, which are visited by 70,000 to 80,000 pilgrims every year (Narayan 1996). Also located within this area are fourteen so-called forest-villages, whose inhabitants cultivate forest lands on short-term lease from the Forest Department in continuation of rights granted to them by the princely rulers. A regime of protected areas attempts to turn these forest dwellers into illegal residents or encroachers, and to change the landscape interwoven with their social fabric, livelihood patterns and religious beliefs into a recreational space for the urban middle classes.

The issue here is not simply one of exclusion of some members of the body politic for the benefit of others, but of reconstituting through special laws certain populations as those over whom new forms of regulation can be exercised. The Wildlife Protection Act splits the political community along lines of residence in different areas of the territory of the nation state and denies the rights of individuals and communities living in areas declared as 'protected'. It redraws internal boundaries so that some groups are deprived of the rights they had hitherto enjoyed: they can be forcibly displaced in the interest of biodiversity conservation, forced to adopt another mode of livelihood in the interest of the greater common good. A complex legal

process renders the inhabitants of protected areas and national parks as bare life (Fitzpatrick 2001). Those who were allowed to remain in the area demarcated as sanctuary, however, are denied modern civic amenities like electricity, paved roads, and infrastructure like schools and primary health centres, all in the name of conservation. The price for non-displacement is 'enforced primitivism' (Wilder 1997: 217).

The postcolonial state is no different from its predecessor with respect to its strong suspicion of, and hostility to, nomads and pastoralists. Those families that were resettled outside the boundaries of the protected area after the inception of the Gir Lion Sanctuary Project in 1972 thus lost their livelihood as pastoralists and their customary rights of access to the commons, and were reduced to wage labour. With the declaration of the 'wastelands' in the surrounding villages as 'protected forests' under the Indian Forest Act of 1927, yet another law of colonial provenance that the postcolonial state has continued to use, there is hardly any pasture land available to the villagers. These villagers, including those displaced from the national park, are thus forced to graze their cattle within the sanctuary in connivance with the pastoralists who continue to live there. But the lions did not benefit from the displacement of the pastoralists and their herds either. The cattle available to the lions as prey declined considerably too. No respecters of boundaries drawn according to scientific conservation principles, the lions were forced to move further out into the rest of the sanctuary area, and even beyond it, in search of prey. And some of the lions have had to be shot in recent years as they began to prey on cattle in the villages surrounding the Gir forest and even turned into man-eaters. As several of the pastoralists pointed out to me, this could hardly be seen as a successful policy of wildlife protection!

The irony of the fact that while lions are free to move in search of prey within the national park, the protected area and even outside it, pastoralists as denizens suffer indignities and restrictions was not lost on my interlocutors. Chandrasinh Mahida, an activist of the local peoples' movement, felt that:

It is better to be reborn as a lion than as a human being in the Gir forest. Lions here have more rights, better international funding and support. Even the World Bank is concerned about a decline in the population of lions. The availability of prey and water for lions, their ability to move freely within the forest, everything is closely monitored in order to improve their survival. But the movement of pastoralists and their buffaloes is policed so as to curtail their rights. The people are under pressure from forest officers to reduce the size of their families and their herds.

Ashok Shrimali, a human rights activist whose NGO had campaigned in defence of the claims of the pastoralists, confirmed that Forest Department

officials some years ago had suggested a *quid pro quo* to him. They were willing to issue birth certificates only for those children born in the Gir forest whose parents produced certificates of sterilization.

In the absence of organs of local self-government, and because the Forest Department and not the Revenue Department exercises executive authority over all forest areas in the country (and thus over all protected areas and their inhabitants), pastoralists and forest dwellers in Gir are entirely at the mercy of the Forest Department for all documents. As Rambhai put it to me:

Tell me why it is that lions count but we don't? We were carefully counted by the Forest Department only when we were to be evicted. Will you believe it, our cattle are registered on grazing passes but we have neither proof of our identity nor of residence.

As James Scott has pointed out, much of the power of the modern state is exercised through its writing practices: its surveys, censuses, identification documents, statistics, reports, bureaucratic orders, administrative notices, court judgements (Scott 1998). In the absence of written records of land ownership and personal identification papers, pastoralists find it impossible to negotiate their claims for compensation in the event of displacement. Grazing passes (*maswadi* pass), which record the number of cattle permitted to move within the forest and the fees to be paid for these grazing rights, are the only identification that pastoralists possess. They are thus dependent on their cattle to prove their identity as well as place and length of residence in order to secure their rights within the Gir forest. Activists have also been encouraging them to pay the comparatively high fines for transgression of Forest Department rules against grazing of milch cattle in the national park instead of paying a lower sum as a bribe to officials of the Forest Department. Receipts of payment of fines can be made to serve as proof of residence in the absence of any other documentation.

In a survey conducted by the Forest Department in 1971, pastoralists living within the area demarcated as the sanctuary were divided into those recognized as 'permanent', those deemed to be 'non-permanent' and those labelled 'illegal'. In order to be considered 'permanent', a status accorded to only one adult male per family, residents were asked to produce a 'grazing pass' issued at least ten years before, and to prove that the person neither practised any other profession except animal husbandry nor owned any land or house outside the Gir forest in an area under the administrative jurisdiction of the revenue department. Thus, within the boundaries of the state, different forms of citizenship and subjecthood were created, with differential rights to residence, ownership of property and the carrying on of one's traditional livelihood. All but the eldest son of a pastoralist family, who may inherit the 'permanent' status of his father, were turned into 'non-

permanent' residents forced to pay fines for grazing cattle inside the sanctuary. Their daughters and sisters married into villages on the periphery of the forest now have the status of 'tourists', who have to pay for a daily pass to visit their natal kin living in the protected area.

The WWF-India and the state government of Gujarat, who have made common cause in the name of the greater good of nature conservation, are seeking to further restrict the rights of the inhabitants of Gir and if possible to evict them entirely. The District Collector of Junagadh issued an eviction notice in 1997 for the remaining *Maldhari* families within the Gir sanctuary in view of the proposed conversion of the entire protected area into a national park. This decision followed a Supreme Court order in a case filed by the Centre for Environmental Law attached to WWF-India seeking to enforce the national Wildlife Protection Act. In terms of overriding commitments accepted by the Government of India in its agreement with the World Bank, for the limited duration of the project and within the project areas, World Bank policies safeguarding the rights of indigenous peoples, and protecting those affected by a project of involuntary displacement, prevail over national laws, which require the relocation of any person living within an area demarcated as a national park (World Bank 1996). Grassroots activists have strategically deployed the World Bank norms, and exploited their dissonance with national environmental legislation, in order to offset national law on the one hand and advance claims based on customary rights of forest dwellers and indigenous communities on the other. However, in order to anchor people's rights to natural resources in a more permanent policy framework beyond the short-term validity of the project law of the World Bank, activists in community-based NGOs have advocated more systematic changes. The Campaign for People's Control over Natural Resources, a new large nationwide coalition of NGOs, seeks to reassert and protect the collective customary rights of local communities (i.e., pastoralists, fishing communities, marginal and poor farmers, landless labourers, and indigenous peoples) to land, water and forests. It has challenged the very basis of state laws of colonial provenance on land acquisition, forests and wildlife protection based on the principle of eminent domain.

These community-based NGOs have also attracted attention to the contradictions of the World Bank's neoliberal green governmentality, which includes credits for biodiversity management and a ban on forced displacement of forest dwellers, together with policy recommendations to borrower countries for the privatization of mineral resources and their commercial exploitation, especially for export production. These NGOs have changed the terms of the discourse on conservation in Gir by filing a court case against the illegal limestone quarrying in the forest, pointing out that the extraction and transport of limestone on a large scale for the cement

factories surrounding the Gir forest pose a greater threat to the lions than the ecologically prudent pastoralists. Under pressure from the cement companies interested in easy and cheap access to the limestone deposits in the protected area, the government of Gujarat tried to make a case for shifting the lions out into other national parks and sanctuaries in neighbouring provinces on the grounds that the carrying capacity of the Gir forest was exhausted due to the overpopulation of lions. But this proposal met with opposition both from pastoralists, who feared that they would be the next to be evicted, and from conservationists.

Civil society, competing cosmopolitan visions of nature and the common good

My material on the 'parks versus people' conflict in the Gir forest can be interpreted as a case study in competing cosmopolitanisms. It presents a contrast between two visions of the relationship of local communities to nature which entail very different designs of (world) citizenship. I have called the bearers of these contending visions 'footloose experts' and 'rooted cosmopolitans'.⁹ Neither vision is narrowly nationalist, but there the similarity between the two ends. The one, based on a global regime of biodiversity conservation, is a totalizing and technocratic vision shared by experts working for international organizations and international or national NGOs, who see themselves as representatives of global stakeholders in nature. A rival vision is that of activists in community-based human rights groups who insist that environmental protection and natural resource use are not technical matters but political issues. They contend that ecological problems cannot be isolated from questions of political economy, social justice and citizenship rights. Bound by neither national loyalties nor a statist vision, these activists may transcend the nation state in search of strategic alliances but accord primacy to the survival needs and cultural priorities of resource-dependent communities over the rights of nature. In order to further the demands of their grassroots constituencies, these rooted cosmopolitans often forge issue-based transnational alliances. They contest the definition of common good advanced by (inter)national experts and by the state. But in their political practice and ideas they are neither confined to, nor constrained by, the local lifeworlds they seek to safeguard. Unlike the experts, who have little knowledge of, and even less sympathy for, local lifeworlds, these activists celebrate local knowledge of nature and the diversity of local landscapes and cultures along with the plurality of visions of a good life among different communities. Their defence of the traditional rights of communities borrows and mixes freely norms of heterogeneous origins. It is framed in terms of universalist discourses of human rights, the

9 For a detailed exposition of the argument in this section see Randeria (2003b). Sidney Tarrow defines 'rooted cosmopolitans' as 'people rooted in specific national contexts, but who engage in regular activities that require their involvement in transnational networks of contacts and conflicts' (2001: 8). I use the term in a somewhat different and narrower sense to refer only to those grassroots-based civil society actors with a cosmopolitan vision who have a strong commitment to protecting the rights of local communities and who occasionally act beyond the national arena in order to do so.

rights of indigenous communities, and the value of local knowledge of nature for environmental sustainability, which are all part of a global counter-hegemonic discourse.

In a recent interview Ulrich Beck suggests that cosmopolitanism be conceptualized as internal globalization, as a process whereby issues of global concern become part of local lifeworlds. But when Beck recommends that we 'think about the cosmopolitan disposition as something that does not have to exclude the perspective of the local', he leaves open the nature of the relationship between cosmopolitan sensibilities and locality (Boyne 2001: 184). My material suggests that the visions and styles of cosmopolitanism with regard to nature conservation, represented by footloose experts and rooted cosmopolitans, differ significantly in the extent and nature of their engagement with the local. The experts, favoured interlocutors of institutions of national and international governance, belong to a set of mobile elites who produce universally applicable blueprints for solving global environmental problems. Whereas the experts stress the objectivity and scientific validity of the knowledge on which their policy recommendations are based, grassroots activists point to the ecological superiority and cultural appropriateness of the context-sensitivity and embeddedness of the local ecological knowledge systems.

Yet my case study cautions us against seeing these civil society actors, with their competing cosmopolitan visions of nature and of the common good, as necessarily in conflict with, or transcending, the nation state. For as Ferguson and Gupta (2002) remind us, NGOs and other transnational organizations should not be seen as 'below' or 'above' the state but as integral parts of a transnational apparatus of governmentality:

This apparatus does not replace the older system of nation-states ... but overlays and coexists with it. In this optic, it might make sense to think of the new organizations ... not as challengers pressing up against the state from below but as horizontal contemporaries of the organs of the state – sometimes rivals; sometimes servants; sometimes watchdogs; sometimes parasites; but in every case operating on the same level, and in the same global space. (ibid.: 994)

In the Gir conflict, for example, the conservationist NGO, WWF–India, has found an ally in the Forest Department officials of the provincial government of Gujarat. The two have organized to further a global agenda of nature conservation using national legislation on wildlife protection and national parks. Grassroots activists, who address both international organizations and the state in the name of local communities, are ambivalent about respecting the state's claims to sovereignty over its people and the natural resources within its territory (Randeria 2003a). In the Gir case they have been able so far to safeguard the rights of pastoralists by exerting pressure on

the central government which, as the borrower, is forced to abide by the World Bank's credit conditionalities, including its resettlement standards. But this fine balance is likely to end with the World Bank project.

Ironically, the displacement of the Gir pastoralists envisaged by the Gujarat government and WWF-India has thus been temporarily averted with the help of World Bank norms invoked by grassroots activists. In the process, however, the central government has been forced to disregard the directive of the Supreme Court to implement its own environmental laws in response to the petition by WWF-India. The 'cunning state', playing on its own presumed weakness, thus rendered itself unaccountable and absolved itself selectively of the responsibility for enforcing its own laws (Randeria 2001, 2003a). It argued in court that it lacked the finances, the requisite personnel and the equipment to enforce the Wildlife Protection Act in all protected areas of the country.

Both varieties of cosmopolitan oppose the modernizing vision of the nation state with its developmentalist agenda that envisages the use of natural resources for economic growth. But whereas the environmental experts do so in order to advance a global design to protect the rights of nature, grassroots activists are concerned about the protection of customary rights to common property resources. Both invoke international norms derived from sources other than the regulatory framework of the state which they seek to broaden and transform. Experts remain ambivalent about the state's claims to sovereignty over natural resources within its territory as they would prefer nature to be subjected to the rule of experts rather than to national interest. Grassroots activists are as critical of state-led developmentalist policies and projects as of market-driven ones. They contend that state-led interventions on behalf of market forces increasingly erode the rights of local communities and endanger the commons (pastures and grazing lands, inland and coastal fishing grounds, woodlands, grasslands, forests, rivers, village tanks and ponds). From their point of view, both involve top-down interventions in favour of an intensification of the exploitation of natural resource use, with little concern for the impact of privatization and commercialization on fragile eco-systems and on the livelihoods of the poor who depend on them. For them, both the state and the market, as well as the new nexus between the two in neoliberal environmental governmentality worldwide, threaten the conservation of common property resources based on traditional patterns of access and use, as well as communitarian arrangements embedded in local knowledge of nature.

Glocalization of law and dilemmas of the decolonization of imagination

With the imposition of English common law throughout the British empire, the principle of eminent domain was exported to the colonies. Eminent domain refers to the power of the state to appropriate property without the consent of the owner and to convert it into public use by virtue of the superior dominion of its sovereignty over all lands within its jurisdiction. Today it continues to be used by postcolonial states in all parts of the world in order to legitimize state ownership and control over land, ownership of all natural resources which are not privately owned, and the right of the state to acquire these for a public purpose. The postcolonial Indian state has retained unchanged this Anglo-Saxon legal construction of 'eminent domain', and has thus continued a long colonial history of the dispossession of local communities. Interestingly, in the era of the postcolonial developmentalist state until the 1980s, 'public purpose' referred to infrastructure projects, like dams, irrigation canals, roads or military installations. As the term 'public purpose' has not been defined in law, the Indian state, like its predecessor, has been able to deploy it variously and flexibly. Under the regime of neoliberal governmentality, the setting up of private industries or of hotels in national parks has been declared to be 'public purpose' too.

Elsewhere I have dealt extensively with the ongoing political struggles by local communities and networks of grassroots activists for people's control over natural resources (forest land and produce, community pastures, water, minerals) in different parts of India (Randeria 2001; Randeria 2003a). These activists have questioned the use by the state of the power of 'eminent domain' to expropriate resources from local populations and to claim unfettered ownership rights over forests, minerals and water in its territorial domain. They advocate its replacement by the American doctrine of state as 'public trustee', which challenges the absolute nature of the 'eminent domain' concept. This principle, applied by US courts in environmental cases, imposes obligations and constraints on the use and sale of natural resources by the state, for it views the state as trustee rather than owner of natural resources within its territory. In these processes of the particularization of Western law and its 'vernacularization' in India (Merry 1997), Western norms are given a distinct accent and style through their translation and domestication by rooted cosmopolitans within the context of specific political struggles (Randeria 2003b). But these processes can also be read as the cosmopolitanization of the legal landscape in India.

From a postcolonial perspective one could, of course, reject ideas of citizenship, sovereignty, or human rights because of their inadequate realization in practice, especially under conditions of global political domination and economic inequalities. Or one could seek presumably

authentic indigenous alternatives to replace these ideas coloured by their European origins. Instead, activists chose to set aside a judicial principle of colonial provenance by advocating its replacement by a more suitable contemporary American one. The political ideas and practices of these community-based cosmopolitans are forged in a context and articulated in a vocabulary that are inflected with the vernacular but are certainly not entirely local. Here we have not only an interesting example of a creative process of glocalization of legal norms by non-state actors, but also an unusual trajectory of the Americanization of Indian law by grassroots activists to resist global designs of biodiversity and wildlife conservation.¹⁰ This tortuous path of the transfer of environmental norms between two postcolonies, India and the USA, alerts us to the ambivalences of a 'decolonisation of the imagination' in the face of the global hegemony of American law (Pieterse and Parekh 1995). Decentring the West is likely to be a paradoxical process at the periphery. As Santos has argued while delineating the differences in the epistemological basis of such a process in the North and the South, '[a]s a product of empire, the South is the house of the south where the south is not at home' (1995: 510). Beck posits that a dialogical imagination is an important feature of cosmopolitanism (Beck 2002: 18). In my case study only cosmopolitan grassroots activists show an ironic distance to their own culture that allows them creatively to explore the tensions within and between different legal orders. I have explored here the politics of some of these postcolonial subjects, who could be characterized, following Ulrich Beck, as having both 'wings and roots' (Boyne 2001: 48). The dislocation of these cosmopolitans involves, in the words of Beck, 'a polygamous relationship to place', albeit one which, in contradistinction to his vision of cosmopolitanism, reflects multiple moorings *within* a world of states (ibid.: 50).

My empirical material from the social and territorial margins of the Indian state thus not only introduces us to the messy complexity of new global forms of neocolonial environmental regimes which interrogates any simple narrative of the transition to postcolonialism. It also shows the non-linearity of processes of decolonization in which colonial ideas and institutional practices implemented by the postcolonial state are intertwined with often overlooked processes of internal colonialism and globalization. To many in India, globalization thus appears to be a recolonization of the periphery. Globalization has not led to a pluralization of ideas about nature by drawing on non-Western cosmologies or through the inclusion of hitherto marginalized knowledges. Globalized environmental governance evinces an even greater homogenization worldwide than the colonial regimes preceding it, not only due to the unbroken hegemony of Western frameworks of nature conservation with their mixture of imperial and utilitarian attitudes, but also because these new regulatory regimes, designed and operationalized by the

10 See Günther and Randeria (2003) for a general discussion of the processes of transnationalization of law and the role of non-state actors therein. Randeria (2001, 2003a) discusses in detail the various trajectories of legal transnationalization, some of the ambivalences and paradoxes of the resulting legal plurality as well as the interplay of the state, international institutions and civil society actors in this context as they are played out in India.

World Bank, are being diffused to all the Bank's borrower countries through its interplay with the state and international NGOs.

My understanding of postcolonialism encompasses all those theoretical perspectives in social sciences and cultural studies that privilege past and present unequal relations between the North and the South, which are a historical product of colonialism, in order to explain or understand our contemporary world. From such a perspective, the periphery enjoys an epistemological privilege only in so far as power structures and organizational hierarchies of knowledge are often most clearly visible and recognizable from the margins. These margins are not only the peripheries of the world system but those of the nation-state as well. Forged under conditions of global inequality, the self-image of (post)colonial societies has been constituted by the consciousness of their own relationality. In contradistinction, a defining feature of Western self-understanding has been the paradoxical assumption of, on the one hand, its own historical and cultural uniqueness and, on the other, its universality, or rather the possibility and desirability of universalizing its own historical particularities. The hegemony of Western science, and the regimes of environmental governance based on it, render knowledge from and about the peripheries marginal and relegate them to the status of 'local knowledge'. But as a site of critical knowledge production the periphery is both qualified and disadvantaged. If the South is to be able to transcend Eurocentrism, it must find a language of its own to enter into a dialogue with the metropole that might allow it to steer a path between the embrace of universalism and the islands of cultural particularism and nativism. Such a common political project would need to address, on the one hand, the entangled histories of modernity and, on the other, the long shadow colonialism casts on local communities, instead of taking a negative view of one's future as already having been (re)colonized by global forces and institutions.

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