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## **The Black Day: Yarsagunbu, the State, and the Struggle for Justice**

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**Abstract:** The emergence of the unified Nepal with its centralized structure has put indigenous peoples in danger. Exclusion has been a primary medium to negate the indigenous peoples and their knowledge. Violence has become a new weapon to silence these peoples. The state is still reluctant to accept indigenous peoples' demands though the peoples' aspiration of justice reflects their own socio-cultural and political context, affected by the state led exclusion and violence. The interrelation of this hidden structural violence and continued historical exclusion by the state has led to continuing direct violence and injustice on the indigenous peoples of Nepal.

**Keywords:** Indigenous Peoples; Dolpo; Centralized Structure; Violence; Yarsagunbu, Nepal

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### **The Black Day: Yarsagunbu, the State, and the Struggle for Justice**

Wednesday, June 4, 2014, was not a usual day in Dho-Tarap. Violence ensued after a dispute between government officials and the local villagers over *yarsagunbu* harvesting on communal land in Dolpo. Security officials fired several rounds of bullets, both into the air and at the villagers. Two locals were left dead and many were injured. The victims and their families remember this day as the Black Day, symbolically representing the darkness of the event. Almost two years later, the victims have yet to receive any form of justice.

With this backdrop, this paper examines the events that led up to the violence on the Black Day and discusses the relationship of the Dolpo people with the state, focusing on their continued marginalization and exclusion. It concludes by highlighting the Dolpo people's quest for justice. This paper is informed by six months of data collection through primary and secondary sources, participant

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observation of public events and protests, and semi-structured interviews with locals. Materials published through personal blogs and national dailies also served as important sources of information for this paper.

### **Dolpo: People and Place**

The Dolpo region lies in the Dolpa District in northern Nepal, bordering China. Dolpo is comprised of seven Village Development Committees (VDCs): Vije, Saldang, Shey, Chharka, Mukot, Dho, and Tingyu. A Village Development Committee is the local administrative unit of the Nepali government. This region lies above 3,500 meters and is home to some of the highest villages on earth. Rough terrain, including high altitude passes, separates each VDC, making the living conditions difficult. The total population of this region is around ten thousand. It is one of the least populated areas of Nepal.

The people from this region, also known as the Dolpo, are one of the fifty-nine indigenous communities that are recognized by the government of Nepal. They speak their own Dolpo language. The Dolpo region was originally part of the kingdom of Zhangzhung. The kingdom of Zhangzhung was located in western Tibet as a separate province and was connected with the Bon religion (Dolpo 2014). It was only conquered and incorporated into the expanding Tibetan Empire in the seventh century CE (Takeuchi and Nishida 2009). Later, during the fourteenth century, the Dolpo region became part of the Lo Kingdom (the present day Mustang in central Nepal) and later became part of the Jumla Kingdom (in West Nepal). However, even though Dolpo was connected with these kingdoms, it remained a relatively independent region.

Agriculture remains the primary source of livelihood for the Dolpo people. They grow potatoes, barley, and millet. The growing season, however, is limited to only three months due to the rough terrain, high altitude, and longer winter months, when snow covers the whole region. Most of the VDCs lack irrigation facilities further limiting their productivity. The Dolpo people are also involved in animal husbandry; they keep yaks, sheep, and horses. Besides agriculture and pastoralism, they engage in trans-Himalayan trading with their neighbors in the north. Yarsagunbu, a valuable natural resource previously treated as a common natural item found in the pasturelands, has become a popular trade item in recent years. The Dolpo people trade yarsagunbu in two places: Mahango and Kyato in Tibet, China. In these places, markets open twice a year, once in May and once in

September. Thus, Dolpo people have come to rely heavily on the yarsagunbu harvest as a major source of income.

### **The Yarsagunbu Economy**

Yarsagunbu —also known as the Chinese caterpillar fungus—is popularly described as the Himalayan Viagra and is locally considered to be a *Bu* (a worm). The word “yarsagunbu” comes from the Dolpo language, a Tibeto Burman language: *Yar* (summer) *Cha* (plant) *Gyun* (winter) *Bu* (worm). Locally, it is understood to be a plant in the summer and a worm in the winter. But, scholars say that it is neither a worm nor a grass. Instead, it is a parasitic complex formed by the relationship between the fungus *Ophiocordyceps sinensis* and the larva of the ghost moth (Shrestha and Bawa 2013). It is found in alpine and sub-alpine pastures above the tree line, higher than thirty-five hundred meters. Like the neighboring Himalayan and Trans-Himalayan communities, Dolpos traditionally use yarsagunbu for its medicinal value. After the 1990s, however, the price of yarsagunbu continued to skyrocket, making it a valuable commercial product. In Nepal, yarsagunbu collection is most common in the Dolpo region. The end of the Nepali government’s ban on harvesting and selling this herb in 2001 has made the country the second largest supplier of yarsagunbu in the global market, after Tibet.

### **The Black Day: What Happened?**

The Black Day conflict began when locals asked non-Dolpo yarsagunbu collectors in Lang, a locally protected area, to stop collecting there. Tension had erupted over the revenue collection from yarsagunbu collectors before they entered Lang.

Citing the national park rules, but without prior consultation with the locals, government officials collected Rs. 500 (~US \$5) per person from the people living in the Nyasamba Buffer Zone User Committee (NBZUC) of the Dho VDC; Rs. 2,000 (~\$20) from people living outside the NBZUC in the Dolpa and Mugu Districts, where Shey Phoksundo National Park boundaries extend; and Rs. 3,000 (~\$30) from anyone outside the region. Fees thus collected also allowed access to Kalang and Lulang, common grazing areas for the locals, where locals discourage yarsagunbu collection.

On the other hand, local youths from the Dho VDC issued separate receipts for Rs. 2,000 to access the collection grounds with clear instruction to avoid Kalang and Lulang. On the first day alone, they were able to collect Rs. 756,000 (~US \$ 7,560). They said that this money would be used for the welfare of the community, whereas the government revenue is rarely invested in the Dolpo region. They further argued that they were practicing their customary law and were in line with the clauses of the International Labor Organization (ILO) Convention 169.

As tension erupted on the Black Day, the national park and buffer zone fees collection team members seized the money from the Dho youths. The team members did not listen to the requests of the locals to stop. Then, the locals, including youths, of Dho protested. They threw stones at each other. The Armed Police Force (APF) charged the locals with batons, launched aerial firing, and severely beat men and women. Twelve Dolpo individuals were criminally charged and were taken into custody. These individuals were strategically arrested to negate the local protests. The locals claimed that they suffered torture while in custody. They were beaten with batons and boots throughout the night. Tsering Phurwa, a local from the village, was later found dead. The locals believe that Tsering Phurwa died from the police beating. Nonetheless, the locals were forced to sign a paper stating that he died a natural death after falling off of a cliff while cutting grass. Post-mortem investigation did not follow. Instead, he received a rushed funeral without proper death rituals.

Dhondup Lama, fifty, from Dho was seriously injured by the beating while in custody. A few days later, he died while receiving medical treatment in Kathmandu. A crying, eighty-three-year old grandmother in a monastery said that when she was young, there was no rice to eat but that pain did not even come close to the cruelty that she witnessed on the Black Day.

### **Dolpo Joint Struggle Committee (DJSC)**

Immediately after the Black Day, local people—including their organizations in Dho and Kathmandu—formed the Dolpo Joint Struggle Committee (DJSC) to ensure proper investigation of the conflict and proper compensation for the victims and their families. The DJSC presented their list of demands to the Nepali government during a press conference in Kathmandu and through delegation meetings with the Ministry of Home Affairs.

Their demands included: 1) stern action against the culprits; 2) a ban on yarsagunbu collection by people from outside the seven VDCs of Dolpo; 3) implementation of the ILO Convention 169 for the management and conservation of highland pasture and meadows in the Dolpo region; 4) education of the security and district officials, who are largely high caste, Hindu elites from the mid-hills in Nepal and are unaware of the richness of the Dolpo culture, religion, and language; and 5) inclusive representation in the buffer zone management committee.

Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) also raised their concerns during a UN Special Rapporteur on the Rights of Indigenous Peoples in Geneva on July 8, 2014.

Days after the DJSC meeting with the minister of Soil and Forest Conservation, a regional level investigation committee was formed in Surkhet, outside Dolpo. The committee did not consult with the DJSC members. They carried out their investigation in Dunai, the district headquarters, not in the villages where the conflict took place. They talked to the security officials in Dunai but failed to include the victims and their families.

The DJSC then organized a press conference on the premises of the Federation of Nepalese Indigenous Nationalities Journalists (FONIJ) to further pressure the government to address their demands, which now included an inclusive and fair investigation committee. After the second press conference in Kathmandu, locals went on hunger strike for nine days, to no avail. The locals, increasingly frustrated, continued to protest. On July 21 2014, a peace march with a candlelight vigil was organized to mourn for the departed souls. Nearly one hundred people participated in this march.

Bamdev Gautam, the Home Minister of Nepal, agreed to meet the DJSC delegation after they tried for two months to get an appointment. In the meeting, Gautam, unaware of their demands, instead asked the DJSC to be more sympathetic to the security officials. The minister remained silent over the regional investigation committee's report.

Ninety-one days after the violence, on September 4, 2014, frustrated by the government's lack of action or attention, the DJSC protested with more than one hundred local youths. Their anger and pain had not been felt so strongly since the violence of the Black Day.

### **Discussion**

The Black Day and the subsequent formation of the DJSC, as well as the inaction and apathy of the Nepali government towards the Dolpo people, reveal the persistent marginalization of indigenous peoples, contested ownership rights over communal indigenous lands, and the exclusionary practices of the state towards indigenous peoples. Ironically, Nepal was the first Asian country to ratify the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) in 2007 and has ratified the International Labor Organization (ILO) Convention 169. A discussion of how indigenous citizenship and communal land rights are regarded in Nepal sheds light on the Dolpo people's relationship with the state and the dismissive position of the government towards them.

Dunai is the headquarters of the Dolpa district. District level government offices, including the District Development Center (DDC), the Local Development Office (LDO), the District Education Office (DEO), the District Court, the District Police Office (DEO), and the District Forest Office (DFO), are located here. These district level government offices offer services such as providing citizenship cards, social security payments, and certificates of marriage, birth, death, and private property. Therefore, Dolpo people have to walk between two and five days from their villages to Dunai if they need to get any legal documents. There is not a single Dolpo representative in these government offices. Consequently, it has become a lot easier for the government to mandate any activity without the consent of the locals.

### **Citizenship**

For a Dolpo person, acquiring a citizenship card is a difficult process. They have to walk to Dunai. A Dolpo would then need to get a recommendation letter from the VDC secretary and four local witnesses to prove that he or she is indeed a Nepali person. This does not, however, guarantee that the citizenship card will be issued on time. In 2014, when I visited the Dolpo region, the villagers shared their personal experiences of the needing to offer bribes and be able to speak and write in proper Nepali language to receive attention from the officials. They also told me that the officials regularly misinterpreted or mistook the names of the parents for those of the children. These mistaken names were then recorded in the district archive book and on birth certificates of those born before the 1990s.

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### Communal Land

The Dolpo people's claim over their communal land, such as Lang and Kalang, and how the government officials perceive that claim was the primary reason for the Black Day conflict. For the people, these pasturelands remain a source of livelihood. Before the yarsagunbu economy, the pasturelands were largely used for grass for the livestock and managed through customary governance by the village headmen, known as the *gapu*. The *gapu* system is pivotal in resolving conflicts, feuds, marriages, divorces, and deciding on times for cropping and harvesting (Bauer 2004).

The Birta Abolition Act of 1959, followed by the promulgation of the Civil Code in 1963 and the Land Administration Act of 1967, replaced the indigenous system of land administration that had existed for generations. The communal lands were brought under state jurisdiction when the state administrative units, such as the Village Development Committees (VDCs) and the District Development Committees (DDCs) in Dolpa and the seven VDCs, were strengthened. The communal cultural lands were termed "inactive" and diverted for other economic purposes. The establishment of the district level Land Revenue Offices further exaggerated the separation between indigenous peoples and their communal land.

### Conclusion

The violence led by the state was a continuation of the historical violence and exclusion that has been long practiced against indigenous communities, such as the Dolpo. The inactive intervention of the state became direct on the Black Day. Historically, the Dolpo's communal land has been devastated by state policies that focus on economic development vis-à-vis local administrative units. The absence of the Dolpo locals as decision makers in these developmental programs further affects the Dolpo region. Little by little, the locals have been made powerless. The Black Day was only a renewal of the state led exclusion and violence. Nonetheless, the post-Black Day events clearly indicate that the Dolpo locals are not voiceless. They clearly came together with their demands as they questioned the state's reluctance to deliver any form of justice to them. What will happen now if a similar form of violence is again repeated in Dolpo?

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**Additional Reading****Books**

- Acemoglu, Daron, and James Robinson. 2012. *Why Nations Fail*. New York: Crown Business.
- Baral, Lok Raj. 1993. *Nepal: Problems of Governance*. Delhi: Konark Publishers Pvt.
- Baral, Lok Raj. 2012. *Nepal-Nation-State in the Wilderness*. New Delhi: Sage Publications.
- Bhattachan, K.B. 2008. *Minorities & Indigenous Peoples of Nepal*. Kathmandu, Nepal: Sayami's Studio.
- Gurung, Harka. 2003. *Trident and Thunderbolt: Cultural Dynamics in Nepalese Politics*. Kathmandu, Nepal: Social Science Baha.
- Gurung, Harka. 2008. "State and Society in Nepal." *Nationalism and Ethnicity in Nepal*, edited by David N. Gellner, Joanna Pfaff-Czarnecka, and John Whelpton, 495-532. Kathmandu, Nepal: Vajra Publications.
- Jha, Prashant. 2014. *Battles of the New Republic*. New Delhi: Aleph.
- Jung, Courtney. 2008. *The Moral Force of Indigenous Politics*. Cambridge: Cambridge University Press.
- Lal, CK. 2012. *To be a NEPALESE*. Kathmandu, Nepal: Martin Chautari Press.
- Snellgrove, David L. 1992. *Four Lamas of Dolpo: Tibetan Biographies*. Edited and Translated by David L. Snellgrove. Kathmandu, Nepal: Himalayan Book Seller.
- Pandey, Ramesh Nath. 2010. *New Nepal, The Fault Lines*. New Delhi: Sage Publications.



- 
- Pradhan, Kumar. 1991. "Consequences and Conclusion." *The Gorkha Conquests: The Process and Consequences of the Unification of Nepal with Particular reference to Eastern Nepal*, 154-204. New Delhi: Oxford University Press.
- Ramble, Charles. 2008. "Tibetan Pride of Place; Or, Why Nepal's Bhotiyas are not an Ethnic Group." *Nationalism and Ethnicity in Nepal*, edited by David N. Gellner, Joanna Pfaff-Czarnecka, and John Whelpton, 379-413. Kathmandu, Nepal: Vajra Publications.
- Regmi, Mahesh C. 1995. *Kings and Political Leaders of the Gorkhali Empire 1768-1814*. Hyderabad, India: Orient Longman Limited.
- Rose, Leo E. 2010. *Nepal Strategy for Survival*. Kathmandu, Nepal: Mandala Book Point.

#### Journal Articles

- Des Chene, Mary. 1996. "In the Name of Bikas." *Studies in Nepali History and Society* 1: 259-270.
- Onta, Pratyoush. 1999. "The Career of Bhanubhakta as a History of Nepali National Culture, 1940-1999." *Studies in Nepali History and Society* 4: 65-136.
- Onta, Pratyoush. 2006. "The Growth of the Adivasi Janajati Movement in Nepal after 1990: The Non-Political Institutional Agents." *Studies in Nepali History and Society* 11: 303-354.
- Uprety, Sanjeev. 2011. "Masculinity and Mimicry: Ranas and Gurkhas." *Baha Occasional Papers* 5: 1-48.

#### Articles Retrieved from Websites

- Dhondup, Phurwa. "Brutal Police Crackdown on Public in Dolpo." *Yangkar* (blog). Accessed June 8, 2014. <http://dholpo.blogspot.com/2014/06/brutal-police-crackdown-on-public-in.html>

- 
- Dolpo, Tashi Tewa. 2014. "Nepal: Taking to the Streets." *Asian Human Rights Commission*. Accessed July 23, 2014. <http://www.humanrights.asia/news/forwarded-news/AHRC-FAT-021-2014>
- Harvey, Gemima. 2014. "Yarsagunba: Biological Gold." *The Diplomat*. Accessed August 17, 2014. <http://thediplomat.com/2014/08/Yarsagunbu-biological-gold/>
- Hachhethu, Krishna. 2003. "The Question of Inclusion and Exclusion in Nepal Interface between State and Ethnicity." Accessed July 10, 2014. <http://www.uni-bielefeld.de/midea/pdf/harticle1.pdf>
- Lal, C.K. "ParikalpanakoKheti." *Nagarik News*. Accessed June 28, 2014. <http://nagariknews.com/opinion/story/20340.html>
- Rai, Bhrikuti. 2014. "Fighting for Yarsagunbu." *Nepal Times*. Accessed June 13, 2014. <http://nepalitimes.com/article/nation/yarsagumba-dispute-dolpa,1424>

#### Newspaper Articles

- Dolpo, Tashi Tewa. 2014. "An Alternative to Violence." *The Kathmandu Post*, June 14.
- Dolpo, Tashi Tewa. 2014. "Exclusion in the Mountains." *The Kathmandu Post*, July 1.
2014. "Centre cannot hold." *The Kathmandu Post*, June 16.
- Ghimire, Rajendra. 2014. "Different but equal." *The Kathmandu Post*, January 2.
- Miya, Abdullah, and Buda Bishnulal, Buda. 2014. "Esthalgat report: Kina Bhayo Dolpama Bhidanta?" *Kantipur Daily*, June 22.
2014. "Local warn of relinquishing citizenship." *My Republica*, September 4.

---

Shahi, Pragati. 2014. “Yarcha trade helping highland economy.” *The Kathmandu Post*, July 31.

Thapa, Deepak. 2014. “Death in Dolpo.” *The Kathmandu Post*, June 19.

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References

- Bauer, Kenneth M. 2004. *High Frontiers: Dolpo and the Changing World of Himalayan Pastoralists*. New York: Columbia University Press.
- Dolpo, Ghale Tashi Tsering. 2014. "Nepal's Exclusionary Democracy." *Journal of Indigenous Nationalities* 13: 153-177.
- Shrestha, Uttam B. and Kamaljit S. Bawa. 2013. "Trade, harvest, and conservation of caterpillar fungus (*Ophiocordyceps sinensis*) in the Himalayas." *Biological Conservation* 30: 1-7.
- Takeuchi, Tsughito, and Al Nishida. 2009. "The Present Stage of Deciphering Old Zhangzhung." *Issues in Tibeto-Burman Historical Linguistics* 75: 151-165.