

**Zeitschrift:** Tsantsa : Zeitschrift der Schweizerischen Ethnologischen Gesellschaft  
= revue de la Société suisse d'ethnologie = rivista della Società svizzera  
d'etnologia

**Herausgeber:** Schweizerische Ethnologische Gesellschaft

**Band:** 8 (2003)

**Artikel:** Footloose Experts vs. Rooted Cosmopolitans : biodiversity  
conservation, transnationalisation of law and conflict among civil society  
actors in India

**Autor:** Raderia, Shalini

**DOI:** <https://doi.org/10.5169/seals-1007401>

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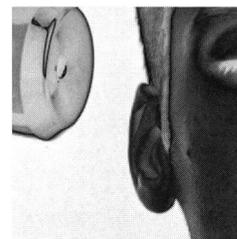
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# Footloose Experts vs. Rooted Cosmopolitans



## Biodiversity Conservation, Transnationalisation of Law and Conflict among Civil Society Actors in India

Shalini Randeria

The contemporary discourse on globalisation entails the theorisation of a subject – the cosmopolitan. This essay addresses variations among different types of cosmopolitan civil society actors in the field of development and ecology. It contrasts the visions and practices of two kinds of civil society actors whose cosmopolitanisms entail very different designs of world citizenship and democracy. Neither of these visions is nationalist, but there the similarity between them ends. Those whom I term footloose experts and those whom, following Sidney Tarrow (2001) though in a somewhat different sense<sup>1</sup>, I call «rooted cosmopolitans» have not only dissimilar understandings of the relationship between nature and society but also greatly varying understandings of the experiences of, and ties to, local communities. The first style of cosmopolitanism, based on environmental values of biodiversity conservation, is a totalising and technocratic vision shared by transnationally linked experts usually working for inter-

national organisations and NGOs who see themselves as representatives of global stakeholders in nature. They use global datasets and objective scientific criteria to determine the world-wide location of «protected areas» and the endangered status of «biodiversity hotspots» which often transcend the boundaries of nation-states. In this global agenda for the management of biological diversity, the local population with its traditional ways of life and livelihood is seen as a major threat to the protection and maintenance of pristine nature. Such a biocentric view of the relationship between nature and society is questioned by grassroots activists in human rights groups and social movements who insist that environmental protection and natural resource use are political rather than technical matters, and should not therefore be delinked from issues of political economy. In their view, development can only be sustainable if it links ecological concerns to issues of social justice and takes into account the diversity of experi-

<sup>1</sup> Sidney Tarrow has defined 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). As will be evident below, I use the term in a somewhat different and narrower sense to refer only to those civil society actors with a cosmopolitan vision who occasionally act beyond the national arena and who have a strong commitment to protecting the rights of local communities.



ence and knowledge of vulnerable communities. It cannot be realised top-down with the use of expert knowledge but can only be ensured through the participation of local communities in the realisation of their own visions of the good life.

The contestation of an expert global vision by grassroots cosmopolitans is analysed here using empirical material on conflicts in western India over biodiversity conservation and forced displacement of local communities from national parks. My analysis of competing cosmopolitanisms is based on data generated through fieldwork in Gujarat in 1999 and 2000<sup>2</sup>. It focuses on the role of law in the process of globalisation, as law provides an interesting prism through which the global in local processes can be viewed and an analysis of the local can be situated in large-scale processes. Laura Nader (1972) had advocated that rather than «studying down» from the margins of societies or from peripheries, anthropology should begin to «study up» the social hierarchy, in order better to address issues of power in social relations. Grounding our understanding of globalisation by following through transnational linkages would entail a «studying through» from the local to the translocal levels as I have argued elsewhere (Randeria 2003b). I propose to differentiate between two contrasting cosmopolitan visions by specifying the complex processes of interaction between the «local» and the «global» in each of these varieties of cosmopolitanism<sup>3</sup>.

Such an approach enables a much needed differentiation of the category of cosmopolitans, who are usually conceived of as a rather homogenous set of actors with a common universal vision and shared practices of transnationality. It also points to a need to study civil society itself as the site of conflicts between various actors who compete against one another and also may ally with the state or with international institutions in order to advocate their own version of cosmopolitanism. Moreover, it transcends the dichotomy opposing «locals» to «cosmo-

politans» (or the bearers of cosmopolitanism and their adversaries) on the basis of the identities or consciousness of actors in order to consider the differing nature of the entanglements between globality and locality in each case. Thus, while Ulrich Beck's characterisation of cosmopolitans in terms of their «global interrelationships and a transnational vocabulary of symbols» (Boyne 2001: 48) would certainly be true of both the categories of actors I differentiate, his conceptualisation of all cosmopolitans as deeply rooted locally, with «local consciousness, connection to local people» (Boyne 2001: 48) does not hold for footloose experts but describes only the concerns of a set of cosmopolitan activists with strong grassroots ties.

## Competing cosmopolitan visions

In his essay «The cosmopolitan society and its enemies», Ulrich Beck (2002) argues for a cosmopolitan sociology which would move beyond the conceptualisation of society as coterminous with the boundaries of the nation-state, the bounded unit within which social sciences have traditionally studied social processes and phenomena. Rather than understanding globalisation as merely increasing the pace and intensity of interconnections between nation-state societies viewed as closed containers, he suggests seeing cosmopolitanisation as internal globalisation, as a process whereby issues of global concern become part of local lifeworlds. Processes of cosmopolitanisation operate not beyond but within nation-state societies, changing their political dynamics and undermining national identifications and loyalties. In a recent interview, Ulrich Beck makes a sharp distinction between proponents of cosmopolitanism and its opponents when he states that «there is an important opposition between those who, on whatever class basis, higher or low educational attainment, higher or lower

<sup>2</sup> Fieldwork in the Gir forest and interviews with activists in Ahmedabad in December 2000 were undertaken as part of the international project «Reinventing Social Emancipation» funded by the MacArthur Foundation and the Centre for Social Studies, University of Coimbra. I have appreciated the opportunity to discuss my research with several members of the project as well as the financial support provided by it.

<sup>3</sup> In this paper, I have only dealt with the competing cosmopolitan projects of civil society actors in the sphere of development and ecology, confining my analysis to domestic activists and excluding scholars. A fuller analysis of varieties of cosmopolitanism must also include a discussion of the universalist claims and practices of Christian, Muslim and Hindu organisations.



income, relate positively to the interplay of local and global, [...] and those who define themselves against these influences which they see as powerful and endangering» (Boyne 2001: 48).

Beck suggests that we «think about the cosmopolitan disposition as something that does not have to exclude the perspective of the local» (2000: 184), but he does not specify the nature of the relationship between cosmopolitan sensibilities and locality. Contrary to his suggestion that all those engaged in cosmopolitan processes be seen not simply as «global players» who are «globalising the world globally» but as «locally engaged as well» (Boyne 2001: 49), I distinguish between two styles of cosmopolitanism based on their very different relationships to locality. My case study suggests that the visions and styles of cosmopolitanism represented by footloose experts in NGOs as against cosmopolitan activists in community-based organisations and social movements differ significantly from one another as to the nature of their engagement with local communities. Footloose experts, who are consultants to institutions of national and international governance, belong to a set of mobile elites who produce universally applicable blueprints for solving global problems. They emphasise the objectivity and hence universal validity of the scientific knowledge on which their policy recommendations are based, as against the contextuality and embeddedness of the local knowledge systems celebrated by grassroots activists. In the light of the widespread experience of the failure of top-down environmental conservation schemes which excluded any consideration for the livelihoods, interests and experience of local communities dependent on the commons for their survival, international NGOs have recently made a case for their inclusion in realising the global scientific vision of experts.

Whereas these experts maintain close ties to state bureaucracies and international organisations as policy consultants and partners in project implementation, rooted cosmopolitans remain close to community-based NGOs and social

movements. Wary of the dangers of co-optation by the state and international organisations, they are usually involved in oppositional politics. Unlike footloose experts, they are «bridging individuals» (Fox and Brown 1998: 454-5), who link local people to translocal audiences and institutions. In their role as «brokers» they often also «certify» (Tarrow 2001: 10) the claims of local movements in the national and international arena and translate them into terms which resonate with the current vocabularies and priorities in these larger fields. I argue that they are often reluctant transnationalists whose primary interlocutor is the state but who also enter the transnational arena selectively to seek strategic support for local causes. Sidney Tarrow (2001) proposes that the capacities of these actors to effect social change depends not so much on their transnational allies and networks as on their rootedness in the domestic networks they are able to mobilise in support of the local causes they champion. Elsewhere I have explored their role as private actors acting in the name of the common good in the new architecture of global governance and have focused on some of their dilemmas in relation to the state as well as on the unintended consequences of their actions in various arenas (Randeria 2003c).

The contrast between the carriers of these contrasting visions of cosmopolitanism is not primarily predicated on class differences. While the experts do belong to the elite, so do many of the cosmopolitan activists, though this category ranges rather broadly from urban middle class/upper caste activists to rural grassroots activists from disadvantaged backgrounds. Their social solidarity with one another is a matter of choice rather than of common class interests. But unlike the experts, who have little knowledge of or sympathy for local lifeworlds, these activists celebrate local knowledge, the diversity of local cultures and the plurality of the visions of good life embodied in these. Their primary commitment is to local causes but in their political idioms and practices they are neither constrained



by, nor confined to, the local lifeworlds they seek to safeguard. Unlike footloose experts, many of these activists are unlikely to regularly travel across national boundaries and may not lead highly cosmopolitan personal lives either. But to describe them as «locals» in Merton's sense because of their «orientations to locality» (1957: 393) would be to overlook the fact that their political ideas and practices are forged in a context and articulated in a vocabulary which may be inflected with the vernacular but is certainly not entirely local. I argue, therefore, that we need to broaden the category of cosmopolitans to include many civil society actors who, though acting primarily within the local or national political arena, frame local claims or demands in terms of universalist ideas of human rights, the rights of indigenous peoples, or even participate in the global discourse on the importance of local knowledge. Although they primarily address the state, they are ambivalent about respecting its claims to sovereignty over its people or over natural resources within its territory (Randeria 2003c). While both kinds of cosmopolitans oppose the modernising vision of the nation-state and its developmentalist agenda which envisages the use of natural resources for economic growth, the environmental experts do so in the name of environmental conservation and the rights of nature, whereas grassroots activists are concerned about poverty and the protection of the rights of local communities to common property resources. They question the definition of the common good advanced by both (inter)national environmental experts and the state. Yet the national arena remains their primary sphere of action as that is the level at which the majority of citizens still mobilises, protests, attempts to influence political decision-making and seeks juridical remedies.

Unlike Beck, who sees cosmopolitans by definition as «locally engaged» and equates this with their being «nationally rooted» (Boyne 2001: 48), I have argued elsewhere that both types of civil society actors are ambivalent with regard to the

state, though for different reasons (Randeria 2003a, 2003c). Although the new norms they invoke are not derived from the regulatory framework of the state and seek to broaden or transform it, both varieties of cosmopolitans campaign for the reform of state policy even as they transcend it occasionally (Randeria 2003c). Both strive to get new norms institutionalised and anchored within the nation-state but also beyond it in a transnational normative framework. Though environmental experts cooperate with the state and as lobbyists try to influence its decision-making, they too are ambivalent about it. They file cases on environmental issues in national courts seeking enforcement of state policy or changes in it. But they also question the claim of the state to sovereignty over the natural resources within its territory, as they would prefer to subject it to the rule of experts. Thus for both sets of civil society actors who are the subject of this paper, cosmopolitan politics operate equally within and beyond a nation-state that cannot, therefore, be seen as a relic of an earlier pre-globalised world. From the perspective of rooted cosmopolitans, state-led developmental schemes and market-driven policies bear a great deal of resemblance to one another. Both involve externally conceived top-down interventions in favour of an intensification of natural resource use with little concern for fragile eco-systems and the livelihoods of the poor who are dependent on them for their very survival. Both threaten traditional patterns of access and use along with communitarian arrangements for the control and management of common property resources which are embedded in local knowledge and ways of life. From their point of view, both state and market, or 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, ponds).



## Of lions, buffaloes, pastoralists and the World Bank: a twisted tale of biodiversity conservation

My case study illustrates both the conflict among civil society actors with different agendas and constituencies and the contrast between two competing cosmopolitan visions and styles of political action. In Gujarat, as in many other parts of India and the world, national NGOs with a biodiversity conservation agenda have been at odds with grassroots activists seeking to safeguard the rights of local communities to natural resources<sup>4</sup>. Whereas the environmentalists champion the cause of wild life protection (more particularly the rights of lions in the Gir forest) using a global grid of biodiversity, local activists have recently used the language of human rights and invoked World Bank norms to secure the traditional livelihood and cultural survival of pastoral communities. Claims by both sides are framed in terms of different sets of national laws but also in terms of various global norms. Whereas the environmental experts invoke the national law on wildlife protection in order to push the state into action, grassroots human rights activists have moved the courts to enforce the prohibition on mining in protected areas. While the former refer to transnational norms of biodiversity conservation and the management of protected areas, their equally cosmopolitan opponents seek to protect human rights by recourse to the World Bank's resettlement norms. My material, therefore, would caution against simple dichotomies of civil society vs. the state, or NGOs vs. international organisations, cosmopolitan vs. local/national which fail to capture the complexities of situations on the ground.

The expert environmental vision is advanced by the powerful international

NGO World Wide Fund for Nature (WWF) which is the self appointed guardian of «biodiversity» world-wide. It draws its moral legitimisation from its claim to represent global and national stakeholders in the environment and has high visibility in the national and international media. It operates with a global grid of so-called «protected areas» defined according to the criteria laid down by the International Union for the Conservation of Nature and Natural Resources (IUCN). Using scientific mechanisms of ecological surveillance, the WWF has identified 232 such areas world-wide as in need of urgent biodiversity protection. Starting from a globally defined problem of biodiversity, it localises such «biodiversity hotspots» in particular regions and ranks them on a global index which reflects the extent to which they are perceived to be endangered. The WWF thus protects what Heins calls «global localities» (2001: 208), spaces whose significance can only be ascertained on the basis of global comparisons and measurements based on scientific principles of conservation. WWF-International, with a budget of \$350 million in 2000, is part of the architecture of global governance through, for instance, its partnership with the World Bank.

Its Indian chapter has made a case for the displacement of the pastoralists who, in its view, endanger the survival of the Asiatic lion. While pastoralists emphasise their own positive contribution to conservation (including their intimate knowledge and care of their surroundings, as well as the symbiotic relationship between their buffalo herds and lions), state forest officials, international organisations and environmentalist NGOs all advocate a modern conservation regime derived from a Euro-American ideology of «protected areas» which assumes an antagonism between the rights of forest-dwellers and biodiversity management. Their representation of nature as self-regulating is based on an idea of uninhabited pristine wilderness threatened by local populations with large numbers, customary land rights and patterns of

<sup>4</sup> 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 Program, and chapter 15 by Bharat Pathak, a former Gujarat government forest officer, discuss some aspects of the Gir national park case.



livelihood, unsustainable resource use and ecologically harmful practices. The policy of both state forest department bureaucrats and environmental NGOs to expand protected areas leads to the conversion of inhabited forests into uninhabited national parks, thus turning forest dwellers with a variety of usufructuary rights to commons into encroachers, illegal residents and law breakers.

The clash between biodiversity conservation and displacement has been at the centre of controversies surrounding the Indian «Ecodevelopment Project» (with a total cost of \$67 million) financed since 1996 by the World Bank to improve the management of «protected areas» of significant global biodiversity. This section discusses the clash of the two cosmopolitan visions and practices outlined above with reference to the Gir forest in Junagadh district in Gujarat (western India), the last intact habitat of 284 Asiatic lions, one of the seven regions of the country where the project is being implemented. But unlike the model of protected areas consisting of pristine nature based on Euro-American notions of wilderness, the areas thus demarcated in India are all inhabited. The Gir sanctuary comprises a so-called protected area covering 1,412 square kilometres (in which the local population has limited rights to graze their cattle, collect fodder, firewood and minor forest products) and a national park of 258 square kilometres (from which the villagers have been completely displaced and no longer enjoy their traditional use and access rights to water, forests and grazing grounds). Within the territory classified in 1965 as protected in the Gir forest, there are 54 traditional hamlets (*nes*) of pastoralists (*Maldharis*) with an estimated population of 2540 (World Bank 1996). These families, belonging to several Hindu castes of Rabari, Charan, and Bharwad, raise livestock and sell milk products. They are collectively known by the occupational term *Maldhari* (owners of cattle). The area also houses 14 so-called forest villages with a population of 4500, including 230 Siddis of Abyssinian origin

according to estimates provided by the forest department officials. Moreover, the protected area, through which four large public roads and a railway line also pass, contains the sacred groves of the Charan and Rabari goddesses, a dargah of Makrani Pirs and the samadhi (memorial) of Apa Sura, a saint revered by the Bharwad community. How utterly inapplicable is a western notion of uninhabited wilderness classified as protected area in this context can also be seen from the fact that the three large temple complexes of Kankai, Banej and Tulsishyam occupy some 3522 ha. within the Gir sanctuary and are visited by 70'000-80'000 pilgrims annually (Shankar Narayan 1996).

In 1972, much before the start of the World Bank project, over 800 families of Maldhari were forcibly displaced from the «core area» defined as the national park. Whereas some of the families were permitted to resettle within the larger protected area demarcated as the sanctuary, 600 families were forced to move out of the forest and resettled under an inadequate rehabilitation program that gave them land in villages near the Gir sanctuary. This half-hearted attempt to turn pastoralists into farmers failed mainly due to the poor quality of land made available to families who had neither agricultural skills nor access to the tools and materials required for cultivation. Within a few years, many successful pastoralists, who had been selling milk and milk products over long distances, were reduced to wage labour and rendered destitute (Ganguly 2000).

Those families which were resettled outside the boundaries of the protected area thus lost their livelihood as pastoralists and their customary access to the commons. But given the centuries-old symbiotic relationship between the pastoralists, their large herds of cattle and the lions, the latter did not benefit from the eviction of the pastoralists from the territory of the National Park. No respecters of boundaries drawn according to scientific conservation principles, the lions too were forced to move out into the rest of the sanctuary area, and even



outside it, in search of prey. Some of the lions had to be shot as they began to predate on cattle in the villages surrounding the Gir forest and even turned into man-eaters. Officials of the wildlife department admitted that their department had paid compensation for damage caused by lions straying as far away as the coastal area of Diu. As several of the pastoralists pointed out to me, this could hardly be seen as a successful policy of wildlife protection! Highlighting their own positive role, and that of their buffaloes, in maintaining the ecological balance of the Gir area, the pastoralists pointed out to me the irony of the fact that the rights of lions seem to be better protected than their rights as citizens. Chandrasinh Mahida, an activist of the local peoples' movement, commented that while lions are free to move within the national park, the protected area and even outside it in search of prey, pastoralists suffer all sorts of indignities and restrictions on their movement and activities. He felt that it was better to be reborn as a lion than as a human being in the Gir forest. Moreover, many of the pastoralists questioned the priority accorded by the state and the World Bank to the protection of the lion. They argued that Hindu scriptures consider the milk-giving cow to be holy and at Independence the state chose the peacock as its new national bird. They told me that local kings and the British used to value lions whom they hunted but now that both were gone, there was no reason to favour lions over their buffaloes and themselves. In fact many of them felt that their own rights were much better protected and thus the lives of their buffaloes far better under the rule of these local kings prior to Independence.

Together with community-based NGOs, peoples' organisations like the *Saurashtra Paryavaran Samrakshan Samiti* (Saurashtra Environmental Protection Committee) and the *Nagher Bachao-Gir Jungle Bachao Andolan* (Save Nagher-Save Gir Forest Movement) have focused their struggle on the rights of the pastoralists to residence, movement, collection of forest products, grazing of cattle, use of forest

land and access to water resources within the Gir forest. In an attempt to curtail these rights the World Wide Fund for Nature-India and the state government of Gujarat have made common cause in the name of the greater common good of nature conservation. They argue that the traditional grazing practices of the pastoralists endanger both the fragile local ecological system and the lions. In the conservationist view, the large buffalo herds numbering well over 10'000 pose a threat to biodiversity conservation as do the Maldharis' demands for the provision of modern infrastructure and other facilities such as tarred roads and electricity. Rather than provide some of these amenities which would improve the quality of life for the pastoralists in the Gir forest, the District Collector of Junagadh issued an eviction notice in 1997 for the remaining Maldhari families within the Gir sanctuary. It was proposed that the entire protected area be converted into a national park following a Supreme Court order in a case filed by Centre for Environmental Law attached to WWF-India to ensure that the government of India implement the national Wildlife Protection Act.

This legislation, drafted on the expert advice of the Smithsonian Institute (USA) in the 1970s and modelled on the American idea and ideal of wilderness free of human habitation, has provisions for declaring certain areas as «protected areas» for the purposes of setting up national parks or wildlife sanctuaries. Aimed at biodiversity conservation, it also contains provisions to evict those living within the area demarcated as national park and to limit the rights of those permitted to continue to live within the protected area. Both sets of provisions work in practice to the detriment of the rights of local communities in these areas. Unable to protect the rights of the pastoralists under this national legislation, local human rights NGOs and peoples' organisations in the Gir area strategically invoked a set of transnational norms against involuntary displacement contained in the World Bank's



operational policy on resettlement. They have so far been able to prevent involuntary displacement out of the protected area and its conversion into a national park by arguing that this would violate the conditionalities of the World Bank with regard to the credit for the biodiversity project. Thus these civil society actors could be defined as «rooted cosmopolitans» in Sidney Tarrow's sense of the term, 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).

These rooted cosmopolitans mobilised support against forcible evictions and human rights abuses at three different levels simultaneously. Despite occasional forays into the transnational arena, activism in the Gir case remained at the local level for the most part. And it was in the domestic arena that mobilisation, resistance and protest took place although it was informed by many translocal ideas. Local human rights activists ensured that all politicians visiting the Gir forest as tourists or pilgrims regularly received petitions from representatives of the pastoral communities alerting them to the curtailment of their rights and their threatened eviction. At the national level they organised together with community-based NGOs working to protect the rights of the local populations in the other six sites at which the World Bank project is being implemented. They launched a highly effective media campaign in the national and the regional press to publicise the problems of the pastoralists, their positive ecological contribution to the maintenance of the fragile ecosystem of the Gir area and especially the danger posed to it by illegal limestone quarrying undertaken with the connivance of corrupt forest department officials. The successful judicial battle by local NGOs against this illegal mining and the media campaign altered public perception to the issue. Local activists not only made common cause with each other in the national network but also actively took part in protests at each of the other project sites.

Of these, only the case of the indigenous people facing involuntary displacement from the national park at Nagarhole (Karnataka) was filed as a complaint before the World Bank Inspection Panel (Randeria 2001, 2003c). It was though much less successful in protecting the rights of the local population than the Gir case that I have detailed here. At the transnational level, the activists in the Gir case followed a dual strategy. They wrote directly to the World Bank to ensure that it put pressure on the Indian state to stop forced evictions. Although they used the leverage of the World Bank to ensure some limited protection for the rights of local communities, many of these community-based organisations preferred nevertheless to maintain their oppositional stance towards it as an institution and continued to criticise its neo-liberal economic policies as well as its infrastructure projects in India. Several refused to participate in the implementation of the micro-projects, as they were careful not to compromise their independence or their social legitimacy by accepting any financing from the World Bank. At the same time they also mobilised support from Amnesty International and the South Asian human rights network to protest against the intimidation, beatings and eviction of pastoralists from the Gir forest. Amnesty International, for example, drew attention to these human rights violations in its statement on the occasion of the World Bank/IMF annual meetings in Hong Kong in September 1997.

In terms of the overriding commitments accepted by the Government of India in its agreement with the World Bank (World Bank 1996), for the limited duration of the project and within the six biodiversity project areas, World Bank policies safeguarding the rights of indigenous peoples and protecting those affected by a project from involuntary displacement prevail over national laws which require the relocation of any person living within an area demarcated as a national park. However, it is far from clear whether these World Bank conditionalities will have any permanent or



pervasive impact on national resettlement policies or environmental laws beyond the duration of their operation as «project law». Keebet von Benda-Beckmann (2001) has described as «project law» those sets of norms which bilateral and multilateral development agencies and international organisations like the World Bank introduce into the national legal arena by way of credit conditionalities or through their operational policies and guidelines for projects. At the national and local levels, these norms and principles often compete with, or may even override, national laws. Rooted cosmopolitans have strategically deployed the World Bank norms, and exploited their contradictions with national environmental legislation in order to offset national law as well as to advance claims based on customary law and traditional rights of indigenous communities.

However, in order to anchor peoples' 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. Citing successful precedents in other regions of the world, they have suggested the introduction of a program of joint participatory management of national parks and sanctuaries modelled on the Joint Forestry Management programs in countries in which local communities and the state act together to preserve the forests. Interestingly, since 1999 at the international level WWF has officially changed its policy in favour of the active involvement of indigenous peoples in the management of protected areas<sup>5</sup>. However as Heins (2001: 208) points out, this document only mentions the inclusion of «indigenous and other traditional peoples» in the management of protected areas but does not acknowledge their rights in commons. It merely includes their «participation» under the control of experts and bureaucrats in the implementation of project designs and priorities set by national and international environmental experts. Activists have demanded instead that new policies and priorities reconciling conservationist aims

and the interests of the pastoralists be arrived at by a process of negotiations which should include representatives of the local communities and peoples' organisations in the area, officials of the forest and revenue departments of the government of Gujarat and project implementing officers of the federal government. They insist that a fair as well as ecologically and socially sustainable settlement of the rights of the traditional residents of the Gir forest can only be achieved through such a consultative process.

Moreover, community-based NGOs present a case for peoples' rights over natural resources which goes much beyond the limited approach to displacement outlined in the World Bank policy which envisages the mere participation of local communities as conservationists in a global environmental agenda. An all-India network of NGOs has recently challenged the very basis of such a policy, and of national laws, which recognise only individual rights for purposes of compensation disregarding the collective rights of communities to access natural resources. The Campaign for Peoples' Control Over Natural Resources is a large new nation-wide coalition of NGOs, including one from Gujarat, which seeks to reassert and protect the collective customary rights of local communities (e.g. pastoralists, fishing communities, marginal and poor farmers, landless labourers, and indigenous peoples) to land, water, and forests. Apart from court battles, many of the NGOs involved in the new network have been involved in local mobilisation and resistance on these issues for several years. The Agenda 21 formulated by the campaign for the protection of local communities and indigenous peoples rights to commons evokes Article 21 of the Indian constitution which guarantees the right to life and livelihood.

<sup>5</sup> For the text of its Principles and Guidelines on Indigenous Peoples and Protected Areas, see the WWF homepage (<http://www.panda.org/resources/>).



## Global designs and local lifeworlds: dilemmas of the post-colonial state

My material from Gujarat illustrates the clash of two divergent visions and practices of cosmopolitanism represented by highly dissimilar civil society actors with different agendas, styles of functioning, constituencies and resources. Yet my case study cautions us against seeing various kinds of cosmopolitans as necessarily in conflict with, or transcending, the nation-state. Whereas WWF-India has found an ally in the forest department officials of the regional government of Gujarat, and the two have teamed up to protect the environment using national legislation, human rights activists have been able to exert pressure on the central government which is forced to abide by its commitments to the World Bank standards. The operational directives and policies laid down there after the successful transnational struggle against the Narmada dam in Gujarat now protect project-affected persons from forced eviction and guarantee the traditional rights of indigenous communities. These also provide for participatory resettlement and rehabilitation of families affected by a project so as to protect their living standards, earning capacity and production potential and further stipulate that these should not deteriorate as a result of a World Bank project. Ironically, the displacement envisaged by the Gujarat government and the WWF-India in consonance with national law has been temporarily averted by activists in community based NGOs invoking World Bank norms. The displacement of the local population would have contravened credit conditionalities accepted by the Government of India as signatory to the agreement with the World Bank. Afraid that the World Bank would withdraw from the project, the federal government prevailed on the regional government to stop all forced eviction, thus also forcing

the latter to contravene national environmental law and disregard the directive of the apex court. But this fine balance is likely to last only as long as the World Bank project does.

Continuing the colonial legal construction of «*eminent domain*», the Indian state after Independence has retained control of forests and restricted the access of local communities to the commons. Elsewhere I have dealt extensively with the ongoing political struggles by local communities to gain control over natural resources (forest land and produce, community pastures, water, minerals) in different parts of India (Randeria 2001, 2003c). In this context, they have questioned the very concept of «*eminent domain*» – the principle whereby ownership of all natural resources which are not privately owned vests in the state – which the post-colonial state has retained unchanged from Anglo-Saxon jurisprudence. In accordance with this principle, the post-colonial state, like its predecessors (the British Crown and the colonial state), claims unfettered ownership rights over forests and water in its territorial domain. In the cosmopolitan vision of rooted cosmopolitans, this remnant of British law is both contrary to, and unable to accommodate, the customary rights of local communities to commons. They therefore advocate its replacement by the American doctrine of state as «*public trustee*» which challenges the absolute nature of the «*eminent domain*» concept. By viewing the state as trustee rather than owner of natural resources within its territory, this principle applied by US courts in environmental cases imposes obligations and constraints on the use and sale of natural resources by the state.

These processes of cosmopolitanisation of the legal landscape in India can also be seen as processes of the particularisation of Western law and its «*vernacularisation*» (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 2001). Instead of searching for



presumably authentic alternatives to modern western legal concepts and norms in ancient Indian traditions, they choose to set aside a judicial principle of colonial provenance by advocating its replacement by a more suitable contemporary American one. Here we have an interesting example of a creative process of legal transplant and transnationalisation by non-state actors<sup>6</sup>, but also of an unusual trajectory of Americanisation of Indian law by grassroots activists to counter the hegemonic designs of biodiversity conservation advocated by the WWF.

If following Beck (2002: 18) we posit a dialogical imagination to be an important feature of cosmopolitanism, then in my case study only the grassroots cosmopolitan activists show the capacity to explore creatively the contradictions within and between different legal cultures. Moving in transnational political communities, they are the ones who decentre the national by importing international norms, as well as standards from other legal cultures, and marrying them innovatively with local traditions. They have an ironic distance to their own culture, which Bryan Turner (2002) regards as central to the cosmopolitan who must have the capacity for reflexivity and revision of his /her own perspective. I have explored here the politics of some of these post-colonial subjects, who could be characterised, following Ulrich Beck, as having both «wings and roots» (Boyne 2001: 48). Although neither migrants nor refugees, the dislocation of these cosmopolitans involves in the words of Beck «a polygamous relationship to place» (Boyne 2001: 50), albeit one which, in contradistinction to his vision of cosmopolitanism, reflects multiple moorings within a world of states. The cosmopolitan ties of these locally rooted activists who venture occasionally into the transnational arena are many and diverse, enabling the activists' participation in several worlds simultaneously. Yet as I have shown, their success in using these resources in many arenas depends on an intimate knowledge of the state and partnerships with and against it. The interests of the pastoralists

could be protected so far by exploiting not only the rivalry between the regional and federal governments but also by using the leverage of the World Bank to put pressure on the Indian state.

I have argued that if the state should be seen as fractured rather than monolithic, so should civil society. Rather than merely representing it as the site of diversity, it is important to see it as the site of competing visions and practices of cosmopolitanism. Decisive for our understanding of these differences between cosmopolitans is the nature of their attachments to local issues and communities, the strategies they employ vis-à-vis the nation-state, and the stance they adopt towards the hegemonic designs of global institutions like the World Bank. Rather than being detached from the local or the national, all cosmopolitans live in a world of multiple and overlapping solidarities with varying mixes of the local and global. Unlike footloose experts with global designs, rooted cosmopolitans are able to combine close intimacy with critical distance to locality. Dwelling both inside and outside the local, in the words of Zygmunt Bauman, they are «*in*, but not of the place» (2000: 206-7, italics in original).

<sup>6</sup> See Günther and Randeria (2003) for a general discussion of the processes of transnationalisation of law and the role of non-state actors therein. Randeria (2001) discusses in detail the various trajectories of legal transnationalisation, 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.



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## Abstract

### Footloose Experts vs. Rooted Cosmopolitans: Biodiversity Conservation, Transnationalisation of Law and Conflict among Civil Society Actors in India

This article seeks to differentiate between the political practices of two kinds of civil society actors: «footloose experts» and «rooted cosmopolitans», whose relationships to the state, to international organisations and to local communities differ markedly. Using fieldwork material on conflicts around biodiversity conservation and forced displacement as played out in a World Bank financed project in Gujarat (western India), the article contrasts these two political visions of world citizenship and the associated understandings of the interrelationship of nature and society. It is argued that civil society must be seen as a site of conflict between these two competing styles of cosmopolitanism. Through a focus on the entanglement of a plurality of legal orders (local, national and transnational) which these actors invoke to legitimate their respective claims, it is shown how the local is situated in global processes. Methodologically, a case is made for an empirical grounding of studies of globalisation by a «studying through» of discourses and practices from the local to the translocal level. Different kinds of cosmopolitan actors play a pivotal role as translators and middle-men in this process.

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## Author

Shalini Randeria is currently professor of sociology and social anthropology at the Central European University, Budapest and a member of the working group on «Civil society: historical and comparative perspectives» at the Wissenschaftszentrum Berlin für Sozialforschung (WZB). She will join the University of Zürich as a professor of ethnology in Fall 2003.

Ethnologisches Seminar, Universität Zürich, Freiensteinstr. 5, CH-8032 Zürich, randeria@web.de

