

Nepal Action Research for Tourism Solutions

Nawa Customary Governance System

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Context

Khumbu's forest, pasture, and cropland commons are governed in part by the Nawa system, a Sherpa customary institution with no statutory basis. The state already relies on and partially funds this system's enforcement capacity without ever formally recognising it. This analysis documents what the Nawa system governs, who depends on it, and what non-recognition costs. It builds the evidence base for the case for formal legal recognition under Finding 3 of the Phase 1 brief.

The Nawa System

The Nawa system is practiced only in Khumbu. Nawa translates to authority. Custodians are village-appointed, rotate annually among households, and are selected through a village assembly ritual called Worshyo. Legitimacy rests on the village assembly (*yul them*) rather than the state.

Two custodianships exist. Singhki Nawa is responsible for forest use, and Lhothok Nawa is responsible for crop and pasture management, the heavier of the two roles. Rules are called di. Enforcement is through fines (*nachyang*) that escalate with the scale of damage. Khumbu was declared a *beyul*, a sacred hidden valley in Sherpa oral tradition. Nawa authority sits inside that same belief system alongside the region's sacred forests and lakes (Sherpa, 2016). No source gives an exact founding date for the Nawa institution itself, so its age relative to the *beyul* designation is not established.

What It Currently Governs

Nawa rules cover several domains of forest and agricultural life, most concretely illustrated by two examples. Permission from the custodian is still required before felling large trees, with fines that escalate for larger damage. Nawas also fix the annual dates for moving livestock between three rotating pastures, announcing both the move-out and the return each year. Other rules, covering dry-leaf collection and crop-field protection, follow the same basic logic of seasonal permission and fines.

The system's scope was once broader. The village assembly historically also settled theft, property division, and marital disputes, but these functions were abandoned as Nepal's state law expanded, leaving only the resource-related rules in place today (Sherpa, 2016). This is a precedent for what non-recognition has already cost the system once.

The state already depends on Nawa without recognising it in law. SNP Buffer Zone Programs funded and supported continuation of Nawa practice between 2002 and 2016 as one of their activities (Silwal et al., 2022), and UNESCO Nepal separately describes this as an annual stipend to Nawas. The Buffer Zone Management Regulation, 2052 (1996) does not mention Nawa at all. This means the support is discretionary program funding, not a legally recognised entitlement.

Who Depends on It

Households and villages are direct dependents, with subsistence herding and forest product use governed entirely by Nawa decisions. SNP and Buffer Zone administration depend on Nawa for ground level enforcement they cannot otherwise deliver, evidenced by the program's own funding of Nawa practice.

The tourism industry, including operators, lodges, and trekkers, depends on the conserved landscape Nawa sustains, but sits entirely outside the customary system, with no obligation and no enforcement exposure. No source documents a direct operational link between Nawa and tourism operators specifically; this dependency is inferred from the shared resource base rather than evidenced directly.

The Broader Case for Recognising Indigenous Governance

This logic holds even outside Khumbu, and it is the policy foundation the Nawa case sits inside. Indigenous Peoples represent 6.2% of the world's population and safeguard 80% of remaining global biodiversity across at least a quarter of global land area (IPBES, 2019). This is the standard grounding for treating customary environmental governance as a policy category rather than an informal arrangement.

In Nepal, customary law and institutions are not acknowledged by state legislation, despite the 2015 Constitution opening avenues for formal recognition at the local level. De facto recognition has existed at community level regardless — this is the exact gap that Finding 3 argues should close.

Nepal's Third Nationally Determined Contribution commits that by 2035, Indigenous Peoples' and other marginalised groups' customary institutions and practices will be recognised and addressed in policies, plans, and programs (Government of Nepal, 2025). Free, Prior, and Informed Consent (FPIC) Implementation Guidelines will be implemented by 2030 to ensure meaningful participation of Indigenous Peoples and other marginalised groups in climate projects (Government of Nepal, 2025).

A working precedent also exists at the correct governance tier. Shagya, a customary institution governing seasonal resource use and conservation in Gorkha's Tsum valley, is structurally comparable to Nawa. Both are community-legitimated systems managing forest and pasture use through rotating local custodians rather than state authority. Shagya has since been formally registered and recognised by the local government, moving from an unrecognised customary practice to one with legal standing (CIPRED). This shows a customary system like Nawa can be formalised at the municipal tier without restructuring it first, making it the strongest available precedent for Finding 3's recommendation.

Cost of Non-Recognition

Economically, no legal standing means Nawa cannot levy or retain enforceable fines and has no claim on tourism-sourced revenue streams, despite the state already relying on its enforcement capacity. The support that exists remains discretionary rather than an entitlement.

On governance, three overlapping authorities — SNP, KPLRM, and Nawa — operate with no formal coordination mechanism between them. Without formal recognition and integrated authority, Nawa's ability to govern effectively is structurally limited while administrative costs and operational inefficiencies grow.

Sustainability pressure on the Nawa system is already visible. Silwal et al. (2022) found that fewer Khumbu households now depend on livestock rearing, as tourism work has become the more reliable income source and drawn people away from herding. This matters directly for Nawa: the Lhothok Nawa's core responsibility is managing crops and pastures, so as fewer households keep livestock, there is less for that role to govern. Silwal et al. warn that the customary grazing practice "could disappear entirely" without legal safeguards.

The same tourism growth that is pulling households away from herding is also adding pressure on the forest and pasture commons Nawa governs, through greater trekking traffic, construction, and resource use, without any parallel increase in Nawa's formal authority to manage it. This is the same pattern that has already reduced the system once before: as Nepal's state law expanded into Khumbu, the village assembly lost the judicial functions it once held (theft, property disputes, marital disputes), leaving Nawa with only its narrower forest and agricultural rules. Each time a formal governance layer has expanded into Khumbu without incorporating Nawa, Nawa's scope has narrowed. Tourism-driven pressure is repeating that dynamic today.

Implications

This finding's own evidence already makes the case for recognition. The Buffer Zone Program's funding of Nawa practice between 2002 and 2016 shows the state treating Nawa as a functional conservation partner in practice, while the regulation governing that same program leaves it with no legal standing. This means the state can keep drawing on Nawa's enforcement capacity indefinitely without ever being obligated to support or protect it.

Nawa's scope has already narrowed once under exactly these conditions, when state law absorbed its judicial functions, and the same conditions are back today as livestock dependence declines and tourism pressure grows. Left unaddressed, the same erosion is likely to repeat — and this time there would be no remaining layer of Nawa's authority left to fall back on. The overlap between KPLRM, SNPBZMC, and Nawa, with no mechanism to divide responsibility between them, means that even where Nawa's authority holds, there is no clear channel for it to be exercised alongside the state.

The Shagya precedent shows that a comparable customary system has already been carried through formal recognition at the municipal tier — meaning the recommendation below is not untested. Applied to Khumbu, it points toward a KPLRM-level customary governance ordinance. This formalises a role the state already partially funds rather than creating new bureaucracy. It also gives KPLRM a way to act on the NDC 3.0 commitment years ahead of its 2035 deadline.

Recognition would address each cost identified above directly. Legal standing would give Nawa a basis to receive tourism-linked revenue rather than discretionary funding. An ordinance could explicitly define Nawa's role alongside SNP/DNPWC and KPLRM mandates.

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