

**RIVERS OF POWER, FORESTS OF BEAUTY:
NEO-LIBERALISM, CONSERVATION AND THE
GOVERNMENTAL USE OF TERROR IN
STRUGGLES OVER NATURAL RESOURCES**

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ABSTRACT:

This paper discusses the relationship between conservation, neo-liberalism and government in Himachal Pradesh, India. I bring together different scales of reference to highlight the convergences between neo-liberalism and conservation, along with the ways in which these have become governance techniques for both the Indian state and international environmental movements. The argument is based on a series of discussions I had with activists involved in the opposition to hydro-electric dams in the areas surrounding the Great Himalayan National Park. The activists took a clear stance that both conservation and neo-liberalism correspond in their exclusion of local communities from natural resources. I build on this perspective with the intention of understanding how state-led terror, directed against those opposing 'development' projects, is a further aspect of the techniques of governing emerging alongside neo-liberalism in India. This paper also explores the role of international environmentalism in creating a typology of 'legitimate' environmental resistance through which oppositional movements can attain a degree of protection from state violence, at the cost of depoliticized representations.

Why bother with naivety? Is it because we are heading into the strangest zone of all, the zone of the obvious, where things only become obvious once they have been spelled out? I need to slow down the process of purchase and put it into slow motion. I need a way to spell it out so that it sinks in as a physical sensation like being in an elevator that stops too fast, leaving our stomach behind.¹

Taussig, M.

Ecology isn't simply the logic of a total economy; it's the new morality of capitalism.²

The Invisible Committee

This paper describes the events surrounding a legal battle over the installation of privately owned hydro-electric dams on the Tirthan River, Himachal Pradesh, India. The court case and the various responses it attracted provide interesting examples of the intricate relationships between neo-liberalism, conservation and governmental repression in struggles over natural resources in the Indian Himalayas.

In 2006 a consortium of activists won a drawn out legal case against companies who planned to build nine private hydro-electric dams (hydels) on the Tirthan River. These dams were intended to power a cigarette factory and a clothing manufacturing unit in Haryana, a state hundreds of miles to the South. Activists argued that the construction of the dams would have destroyed the eco-system of the valley, filled the main source of drinking water with silt, rendered the irrigation systems and flour mills useless and caused the sacred pools along the river to dry up. However it was not the destruction of local livelihoods that convinced the courts, but the potential for the hydel projects to interfere with the conservation efforts undertaken in the recently designated Great Himalayan National Park. With this move the locals managed to save their river from privatization but, in doing so, were forced to rely on the logic of an edifice that had already caused their exclusion from 765 sq. km of common lands. Meanwhile, in valleys all around, where people do not live in the shadow of a conservation area, the construction of dams crawls on.

To people opposing the slow creep of enclosure and environmental degradation, the juridical decision indicated clearly that the discourse of legitimacy lay not in people's ability to protect

¹ Taussig, Michael. *My Cocaine Museum*. (Chicago: University of Chicago Press, 2004), 11.

² The Invisible Committee. *The Coming Insurrection*. (Los Angeles : Semiotext(e), 2009), 78.

and maintain their livelihoods but in the domains of conservation and national development. Negotiating the abusive sovereignty of companies and government, the destruction of livelihoods and ecologies, and the enclosure of things common are networks of 'activists'. They are people who struggle to inscribe different social and ecological futures by challenging government and corporate actions, by mobilizing people into resistance movements, and by creating different patterns of living. These activists can offer important lessons about the relationship linking government, neo-liberalism, and the international circulation of ideas about environmentalism - all of which affect the possibilities for those in the Himalayas who are struggling to protect local livelihoods, ecologies and cosmologies.

The account I draw in this article has three main thresholds of argument, each of which is addressed to different points in an expanding frame of reference, but which are crucially interconnected and manifested themselves in the opposition to dams on the Tirthan. It is important to articulate these three points in the same space because there are crucial interrelations between them that are often overlooked in a single scale analysis.

The first argument I make is drawn from the relationship between conservation and neo-liberal development that emerged from the events in the Tirthan valley. Here I want to add some subtlety, and therefore more explanatory potential, to accounts that see a simple hierarchy between development, conservation and local livelihoods in the logic of governing. I argue that the relationship between them is significantly more fluid than a hierarchy would suggest, and they often correspond in complex but important ways. Conservation and neo-liberalism share a fundamental homology; both see natural resources as separated from intimate human use. They eliminate local people from spheres of authority and seek to wrest resources from their control. Natural resources are constructed as either semi-mythic in conservation or open to exploitation as potential capital in neo-liberalism. Through their interaction, these two discourses signify a segmented approach to natural resources that works to justify their simultaneous enclosure and privatization.

The second point concerns aspects of the relationship between the state and neo-liberalism that became elucidated by the experiences of activists. The relationships between the state and the companies building the dams contradict the majority of theoretical accounts of neo-liberalism which conceptualize it as a situation in which the state withdraws to a regulative and administrative position, leaving people to interact directly with the forces of the market. From the activists' positions it was clear that the Indian state plays an enormous role as the producer and distributor of legitimizing ideas

about the benefits of neo-liberalism, as the creator and director of legislative authority, and as a force of coercive discipline with which resistance movements must engage. I argue that by categorizing certain projects as ‘developmental,’ and therefore in the service of the public good, whilst simultaneously labeling activists as anti-national left wing extremists, the Indian government has created a space for the use of legally sanctioned violence in which opposition to projects can be publicly decimated. This mobile category of left-wing extremist has been legislatively conflated with the similarly slippery idea of the ‘terrorist’ and used to justify a state of exception; a quasi-judicial situation in which the coercive power of law is exercised against certain groups without the safeguards usually accorded to citizens. The threat of violent repression is something activists constantly face, and it haunts movements that try to resist the enclosure of land for development and conservation. To understand processes of neo-liberalization we need to engage with the centrality of governmentally-legitimized violence to its success.

The third point is that this violence is not local to India but is engaged with, directed and sustained by ideas that flow throughout the world. The processes of privatization are funded and supported by international companies that present themselves as environmentally conscious businesses to customers in the West and to the cities of India. For many people ecology is becoming the new morality of capitalism and the effect of this movement has been to create an idea of environmentalism that does not view the environment as a political-economic issue but rather one of abstract ecology. This conceptual creation comes back to haunt those fighting the enclosure of their land on a political basis by establishing a typology of ‘legitimate’ resistance movements designating those who are eligible for international support, and hence spared the full brutality of state repression, and those who are not.

In struggling against enclosure and privatization, activists are forced to navigate between the potential repression of the state and the restrictive typologies created by international environmental movements. These two apparently contradictory discourses converge in the effacement of local livelihoods from the concerns of authoritative debates about the future of Himachal Pradesh’s rivers and forests. Only by exploring the issues can we hope to democratize access to the resources upon which people rely.

CONSERVATION AND NEO-LIBERALISM

The integral position of politics in conservation projects worldwide is well documented in studies of conflicts over natural resources. Many accounts depict repressive governments, focused on the exploitation

of nature and labor.³ However, the conception of a pervasive government, capable of exerting its domination over disparate communities has been criticized in ethnographic studies of struggles over resources. A budding literature is increasingly focused on writing more nuanced descriptions of the means by which access to resources is negotiated and contested from the perspective of both community and the state.⁴ The critique that has been raised against this movement is that the shift towards studies of the distribution of power within communities has instigated a reduction in focus on the politics of state formation and the functioning of government in relation to natural resources.⁵ In this article I bring together different scales of reference to highlight the relationships between neo-liberalism and conservation, and the ways in which these have become techniques of governing for both the nation-state and international movements.

Neo-liberal development has often been understood in frames of analysis separate from studies of conservation. Yet despite the seemingly contradictory logics of these two processes, they are closely connected and inform one another in intimate ways. I argue that neo-liberalism and conservation are two powerful discursive logics that share convergences in their treatment of natural resources and their perspectives on resident populations. In making this argument I want to add a shade of subtlety to the oft-repeated assertion that development is prioritized over conservation, which is itself positioned above local livelihoods in a simple hierarchy.⁶ The events on the Tirthan clearly indicate that there is a high degree of mutual interaction and concession between neo-liberalism and conservation; they come to justify and sustain each other. This is a much more powerful formation than a simple hierarchy and has major implications for those trying to oppose neo-liberal development and exclusionary conservation.

THE GREAT HIMALAYAN NATIONAL PARK

³ See for example: Guha, Ramachandra. *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya*. (New Delhi: Oxford University Press, 1989a) / Peluso, Nancy L. *Rich Forests, Poor People: Resource Control and Resistance in Java*. (Berkeley: California University Press, 1992).

⁴ See for example: Sivaramakrishnan, K. *Modern Forests: Statemaking and Environmental Change in Colonial Eastern India*. (Stamford: Stamford University Press, 1999) / Baviskar, Amita. *In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley*. (New Delhi: Oxford University Press, 1995) / Mosse, David. [The Rule of Water: Statecraft, Ecology and Collective Action in South India](#). (New Delhi: Oxford University Press, 2003) / Baviskar, Amita [ed]. *Contested Grounds: Essays on Nature, Culture, and Power*. (New Delhi: Oxford University Press, 2008).

⁵ Chhatre, Ashwini and Saberwal, V. *Democratising Nature: Politics, Conservation and Development in India*. (New Delhi: Oxford University Press, 2006) / Li, Tania M. *The Will to Improve: Governmentality, Development, and the Practice of Politics*. (London: Duke University Press, 2007).

⁶ Chhatre and Saberwal, *Democratising Nature*.

The Tirthan, Sainj and Jibhi valleys are formed by rivers springing from vanishing glaciers. High above human settlement the waters jump from frozen mountainsides, flowing through villages and small towns, meeting at Aut - where they are churned through the turbines of a hydro-electric dam to flow southwards. The shrinking glaciers rest in rugged mountains, covered in deep snow. Many of these peaks have never been touched by human hands and exist as the sole territory of wild animals. Below the snow line are fertile meadows and thick forests of birch, fir, oak and conifers. Living on this land are various endangered species, including Musk Deer, Brown Bears, Snow Leopards, Blue Sheep, Himalayan Tahr, Western Tragopan, and Cheer and Monal Pheasants; mythologized in local medicines and by tourists for their beauty and proximity to extinction.

In the last five years I have been to the Tirthan valley on four separate trips. Each time, the bounty of the hills has been a recurring topic of conversation with many people. I was told that over fifty species of medicinal herbs and the lucrative gucci mushrooms grow in the high altitude pastures. Those who spend their summer days roaming the forests can get 10,000 rupees for a kilo of dried mushroom, and similar amounts can be made by cutting, drying and selling medicinal herbs. In the past, over 23,000 sheep and goats would migrate to the pastures in the summer under the guidance of a few shepherds who would take control of village flocks for months at a time.⁷ However, the story of access to these fruitful mountains is fraught with struggles and exclusion.

In 1984, an area of this land was identified as potential grounds for conservation. Ecologists were impressed that the upper Sainj and Tirthan valleys contained “exceptional forest and a remarkable and complete array of the larger, more ecologically sensitive species typical of the western Himalayas.”⁸ Furthermore, the area is a habitat for the critically endangered Western Tragopan pheasant⁹. Ecologists were worried that grazing by domestic animals was causing ‘severe alteration of the natural forest flora,’ which reduces the sustainability of the habitat for wildlife, and they blamed local use of the land for grazing and fuel collection as the major culprit.¹⁰

⁷ Baviskar, Amita. “States, Communities and Conservation: The Practice of Eco-development in the Great Himalayan National Park.” *Battles over Nature: Science and the Politics of Conservation*, eds. Saberwal, Vasant K. and Rangarajan, Mahesh. (New Delhi: Permanent Black, 2003), 267.

⁸ Gaston quoted in *ibid*, 269.

⁹ The Great Himalayan National Park (GHNP) now holds one of only two protected populations in the world. Chhatre and Saberwal, *Democratizing Nature*, 2.

¹⁰ Gaston, Anthony J. et al. “The Status and Conservation of Forest Wildlife in Himachal Pradesh, Western Himalayas.” *Biological Conservation*, 27 (1983): 311.

The Great Himalayan National Park; Photos courtesy of Adam Payne and Asia Bocjczewska





The identification of potential parklands and the initial legal demarcations came at a time when conservation was high on Indira Gandhi's political agenda. Under her supervision, the Indian Wildlife Protection Act was legislated in 1972 and the vast majority of India's protected areas were established.¹¹ Many commentators have linked Gandhi's conservationist agenda with an attempt to win international

¹¹ Chhatre and Saberwal, *Democratising Nature*, 22.

political support.¹² Political tension with the United States following India's support for Bangladesh in the 1971 war with Pakistan led Gandhi to seek support from a variety of sources. It was during this time that she became known as an outspoken conservationist.¹³ Gandhi's perspectives on conservation were influenced by the emerging American model of hands-off management in national parks,¹⁴ which called for halting all consumptive use of resources, and, if necessary, forcibly depopulating areas.¹⁵ Although the threat of depopulation has been carried out in a few circumstances,¹⁶ the potentially unpopular legislation that was passed under Gandhi was rarely enforced. Laws were written and a fiery environmentalist agenda espoused, but relatively little trickled down to the GHNP area for many years.

The decision for the notification of the park came in 1999 following an order issued by the Supreme Court in 1997 to end all resource extraction in protected areas and close the GHNP to unauthorized human access. The order was catalyzed by petitioning from the World Wildlife Fund and the potential for eco-development loans from the World Bank.¹⁷ Local resistance to the closure of the parks was fierce. People objected to the terms of the settlement, which were drawn up using a report compiled in 1897. The report recognized only 314 houses from a current population of approximately 15,000 people, and did not include the now lucrative gucci mushroom as a source of income in its compensation calculations.¹⁸ Furthermore, locals objected to what were—from their perspective—patronizing and completely misleading ideas of exclusionary conservation. A local man, Jai Ram said:

...there is a bird, *tutru*, which toils in the forest to build a nest for its young. But when the time comes, another bird, *juraun*, forces *tutru* out and takes over the nests that *tutru* have built with such effort and skill. The *sarkar* [government] is doing the same to us. We have raised these forests. We have nurtured the birds and animals. Now the *sarkar* comes and throws

¹² Mahesh, Rangarajan, *India's Wildlife History: An Introduction*. (New Delhi: Perminant Black, 2001) / Lewis, Michael. *Inventing Global Ecology: Tracking the Bio-Diversity Ideal in India 1947-97*. (New Delhi: Orient Longman, 2003).

¹³ Chhatre and Saberwal, *Democratising Nature*, 22

¹⁴ Lewis, *Inventing Global Ecology*.

¹⁵ Guha, R. "Radical American Environmentalism and Wilderness Preservation: A Third World Critique." *Environmental Ethics*, Vol. 11 (1989): 71-83 / Merchant, Caroline. *Reinventing Eden: The Fate of Nature in Western Culture*. (New York: Routledge, 2004).

¹⁶ The cases of the Kanha and Gir National Parks are perhaps the most prominent examples of the forced depopulation of conservation areas. See Chhatre and Saberwal, *Democratising Nature* for more information.

¹⁷ Chhatre and Saberwal, *Democratising Nature*, 5-6.

¹⁸ *Ibid*, 54

us out of our forests.¹⁹

The controversy over the notification of the national park was further complicated by the last minute deletion of 10.5km of land from the park area. Officials argued that the land was ecologically insignificant, but conversationalists denounced the logic of insignificant and said that the thick bamboo groves contained some of the best habitat for the Tragopan in the park.²⁰ They linked the denotification of the land to the proposed Parbati hydro-electric project, a program which envisaged three stages on the Jiwanal and Sainj River. One of these stages involved building equipment to generate 800 megawatts from the stretches of the river that had just been deleted from the park.

The editing of GHNP borders for the benefit of business development has been linked to government privileging economic development over conservation, which is, in turn, seen as privileged above local livelihoods. Chhatre and Saberwal echo a common perspective in the literature about the conflicts between development and conservation. They argue that “while local livelihoods can be sacrificed for the sake of bio-diversity, bio-diversity must make way for national development.”²¹ It is tempting to draw such a conclusion from the literature on conservation and neo-liberal development projects in Himachal Pradesh. However, the story is complicated by a court case in which activists fought against smaller private hydel dams on the Tirthan River. By following these events we can reach more subtle and useful understandings of the relationship between conservation, neo-liberalism and livelihoods than that proposed by Chhatre and Saberwal.

In 2002, some local activists discovered that several panchayats (local councils) had given permission for nine dams to be built on the Tirthan River. This was under a new government policy called the ‘build-operate-transfer’ program. Under the terms of the program, private companies receive subsidies to construct hydro-electric dams, export the electricity to their industries and use it as they wish. The contract holds for forty years after which the government takes responsibility for clearing away remnants of rusty machinery and remedying the damage done to the local ecology, if there is any water left running down from the glaciers.

The dams were to be built using a technology beguilingly referred to as run-of-the-river projects. The run-of-the-river system involves diverting water into pipes and tunnels, which are kept above

¹⁹ Ibid, 1.

²⁰ Ibid, 79 / Baviskar, “States, Communities and Conservation,” 295.

²¹ Chhatre and Saberwal, *Democratising Nature*, 9.

the main river stream until a sufficient head²² has developed for the water to be dropped down near vertical pipes into turbines below. This system of creating hydroelectric power is increasingly preferred to large dam technology (in which the head is created by the height of the dam wall) because it does not involve the displacement of people and the associated criticisms caused by the reservoirs of large dams. Run-of-the-river systems are often proclaimed as modern alternatives to the archaic large dams; however, there are problems associated with the systems and few evaluations of their environmental and human impacts have been carried out²³. The technology has become popular in Himachal Pradesh, where all large hydel projects, with the exception of the Kol dam, are built as run-of-the-river systems.²⁴

The Tirthan was to be dammed to supply a cigarette factory and clothing manufacturing unit in Haryana state. With the contract, the companies received rights to use the river water as they wished. They told the locals that they would only use 90% of it, but many who have witnessed the decreasing water levels and experienced the dishonesty of dam building companies did not believe them. Projects like this are blooming all over Himachal Pradesh. Corporations take ownership of river after river. They import laborers, who cut down trees to feed and warm themselves, and bring in cash, which locals use for a number of activities. After a few years the construction stops, laborers move on and the valleys are left devastated.

The dams on the Tirthan, like other private hydel projects in Himachal Pradesh, are partly subsidized by the German organization *Gesellschaft für Technische Zusammenarbeit* (GTZ), a federally contracted company that supports the German government in its development policy objectives. Through the Indian Bureau of Energy Efficiency, GTZ finances private renewable energy projects in Himachal Pradesh with up to 30% of their set up costs. The grant from GTZ is dependent on an Environmental Impact Assessment, and paves the way for further subsidies from the Indian state. The support of international companies is an important part of privatized hydroelectric projects in Himachal Pradesh.

²² 'Head' refers to the vertical distance that water will drop from the intake pipe to the turbines below. The power a hydroelectric system is calculated by head (in meters) multiplied by flow rate (litres per second) multiplied by the gravitational constant (m/m^2) minus a degree of conversion inefficiency. Artificially elevating the head is the simplest way to increase the power capacity of run of the river projects.

Kerridge, Duncan. *Off the Grid: Managing Independent Renewable Electricity Systems*. (Machynlleth: Center for Alternative Energy Publications, 54).

²³ A brief summary of criticisms can be found in Watershed Watch Salmon Society. (2007). *Run-Of-River Hydropower in BC: A Citizens' Guide to Understanding Approvals, Impacts and Sustainability of Independent Power Projects*. Accessible from http://www.rivershed.com/documents/Guide_to_RunRiver.pdf

²⁴ Government of Himachal Pradesh. *Ninth Five Year Plan 1997-2002*. (Shimla: Government of Himachal Pradesh, 1997).

There is little information about the number of dams being built in Himachal Pradesh but Himurja, the modal agency for small dams, lists 145 implementation agreements signed, and 331 projects allotted.²⁵ This does not include projects being sub contracted from the National Hydroelectric Power Corporation (NHPC), which is building eleven large dams on in addition to the thirteen it already operates.²⁶ In the Sainj valley immediately to the north of the Tirthan, construction is happening on a huge scale. NHPC and its sub-contractors are building the biggest hydro-electric dam in the state. Already the mountain springs above the valley have dried up because tunnel blasting has caused the rock strata to shift. In the valley immediately south, Jibhi, activists are trying to revoke permission granted for more small dams.

Initially, the dams seemed like a good idea to some people. The prospect of jobs and cash tends to encourage belief and blunts critical questioning. Meanwhile, the companies involved actually have contracts with migrant workers, who they prefer to use because they are more skilled, can be paid less, and are much less able to organize against their employers. Companies go to great lengths to select the right workers, and weed out any who look like they have the potential to resist.²⁷

In 2002 a group of people from the valley challenged the permission given for the hydel companies to dam the Tirthan. The case went to the state court in Shimla where it was eventually won by the activists fighting to keep the Tirthan free from dams. One company, a Calcutta-based group called 'Swastika Projects,' argued that they were situated on the Palachan tributary and not the Tirthan; they tried to persuade the courts to revoke the decision against them but were defeated in a second case. The issues taken up in the court, and the location of authority by the judges reveals much about the locus of legitimacy amid the flying dust and money of dam construction. During the case it became clear that there was a correlation between the logic of conservation, supported by many environmentalists, and the logic of privatization advocated by neo-liberalists and the government. Both arguments excluded the local people from any authority and sought to wrest the resources upon which their livelihoods depended from their control.

In the case against the dams, activists made complex arguments about the social, ecological and spiritual impacts that the

²⁵ Himurja (Himachal Pradesh Energy Development Agency) website, <http://himurja.nic.in/mousigned.html>

²⁶ National Hydroelectric Project Corporation (NHPC) website, http://www.nhpcindia.com/English/Scripts/project_introduction.aspx

²⁷ Rajalakhsmi, T.K. "In Cold Blood." *Frontline*, Vol. 23 no.15 (Jul. 29-Aug, 2006): 11 <http://www.hinduonnet.com/fline/fl2315/stories/20060811002004400.htm>

hydro-electric dams would have on the valley. They knew that systems for controlling the flows and uses of water are forms of power that inscribe new relationships between state and society and wanted to assert the importance of the river in local livelihoods and cosmologies.²⁸ Their arguments covered a huge array of opinions and positions and reflected a pool of academic and policy level literature that highlights the negative social and ecological impacts of hydro-electric dams.²⁹

The courts heard the arguments and eventually decided to protect the Tirthan from damming. However, it was not the devastating impacts the hydels would have on people's material and spiritual life, the damage to the river ecology, or the hydels' inefficiency that convinced the courts. Instead, they emphasized the proximity of the proposed dams to the GHNP and the potential disruption the hydels could cause to conservation there.

²⁸ Mosse, *The Rule of Water*, 7.

²⁹ McCully, Patrick. *Silenced Rivers: The Ecology and Politics of Large Dams*. (London: Zed Books, 2001) / Hildyard, Nicholas. "Dams Don't Build Themselves." The Corner House (2000) <http://www.thecornerhouse.org.uk/subject/dams/> ECA-Watch. / "A Trojan Horse of Large Dams: How Export Credit Agencies are Offering New Subsidies for Destructive Projects Under the Guise of Environmental Protection." The Corner House (2005) <http://www.thecornerhouse.org.uk/subject/dams/>

Dams on the Sainj River; photos courtesy of Adam Payne





In their final decision, the judges wrote:

[the decision was made to uphold the] government of Himachal Pradesh's commitment to preserve and protect Himalayan ecology, environment and respecting the sentiments of local communities, their traditions, values, cultures and to save the serene Tirthan river and above all the trout fish and habitat of the critically endangered Western Tragopan and Cheer pheasant and musk deer and rare bio-diversity

of the Tirthan valley.³⁰

The Tirthan River was saved from damming, but the arguments in which the courts saw legitimacy hold little hope for local movements for sustainability, autonomy and access to traditional sources of food and fuels. Even in the careful language of the courts, livelihoods are not considered important - they were not even mentioned. Nothing in the decision pointed to the relationships between local communities and the rivers or the forests. The legal discourse saw conservation as more important than local economies and livelihoods and, by implication, committed to desolation the rivers and people that do not have a national park around them. The logic that saved the river from privatization reinforced and justified local exclusion from the once common lands of the National Park.

There is an important homology here between the neo-liberal discourses advocating the enclosure of common resources for private profit making, and the conservation idea of enclosing common resources to protect the wilderness from human interference. Both discourses separate people from the world in which they exist and, in so doing, subordinate the considerations of peoples' livelihoods to the more pressing needs of conservation and national development. As such, both interventions establish the conditions for the dispossession of parts of the rural population. For those who rely on the land and the forests as the source of their income and as the prime alimentary resources in times of scarcity, this dispossession can be devastating.

The logics of conservation and privatization constitute nature as an entity separated from the human realm. Furthermore, they divide it into separate zones, which are either reified as conservation space, or open to exploitation in the free market. Conservation programs corner off a section of the land for protection whilst remaining complicit in the exploitation of non-conservation areas. Neo-liberal development devastates certain spaces whilst funding wildlife conservation and the bio-diversity programs in other places. This correlation explains why many nature reserves are supported and funded by companies involved in resource extraction,³¹ and how NHPC can be awarded corporate environmental awards whilst being accused of dumping waste into rivers and abusing local ecologies.³²

³⁰ Legal papers. "Swastik Projects Private Limited and Others vs State of HP and Others and Indian Fish and Wildlife Conservancy and SAHARA." Hearing stated 04/13/2006. (Unpublished papers, 2006).

³¹ Tsing, Anna. "Natural resources and Capitalist Frontiers." In *Contested Grounds: Essays on Nature, Culture, and Power* [ed], Amita Baviskar (New Delhi: Oxford University Press, 2008), 15.

³² "NHPC Does not Deserve Award for Environmental Excellence". Indian Environmental Portal (2009).

[Http://www.indiaenvironmentportal.org.in/files/Environment%20Excellence.pdf](http://www.indiaenvironmentportal.org.in/files/Environment%20Excellence.pdf) / National Hydroelectric Project Corporation on Winning Corporate Environmental Award.

Amid the discourses of conservation and privatization, natural resources are constituted as semi-mythical things, positioned between the realms of the sacred and the profane, both subject to romanticization and open to violence. They may be exploited with little justification beyond their potential as capital, whilst at the same time being held as a mythic or sacred entity in the eyes of conservationists. The ambiguous position of a thing that is both detached from the human community enough to be sacred but included enough to be exploited is precisely where 'nature' is located in the discourse of the courts, and, as I go on to argue, in the ideology of green capitalism. It is separated from the people who live with it. Through its detachment from the community it loses its intelligibility and is opened to both enclosure by conservation and exploitation by privatization.

The case of the Tirthan teaches us to be more cautious about drawing clear distinctions between neo-liberalism and conservation in the actions of government. Both neo-liberalism and conservation are powerful lobbies, and the histories of their interaction are complicated. At local levels people have a degree of power in lobbying politicians for access to park resources and transgressing prohibitions on access to the GHNP.³³ However, from the position of the state, reflected in the decisions of the judiciary, the borders between neo-liberalism and conservation are fluid and the two are more complimentary than often imagined. Neo-liberalism and conservation are thus not necessarily problems for government. In many instances the two ideas are useful and productive ways of achieving certain ends. It is to this discussion that I now turn.

GOVERNMENT AND NEO-LIBERALISM

In the fight against the hydels, activists were faced with questions about the relationship between government, hydel companies, the electoral body and the resistance to the construction. Where does the support for hydro-electric dams come from, and how can it be opposed? The dams on the Tirthan were authorized under the 'build-operate-transfer program', a government project to increase the privatization of energy production. This program and the idea of energy privatization are advertised heavily in the towns and villages of Himachal Pradesh. It is no secret that the government goes to great lengths to facilitate the construction of privatized hydro-electric dams.³⁴ Many theoretical advocates of neo-liberalism describe it as an

Accessed at <http://www.nhpcindia.com/English/Scripts/PressRelease.aspx?Vid=154>

³³ Chhatre and Saberwal, *Democratizing Nature* / Baviskar, "States, Communities and Conservation."

³⁴ Government of Himachal Pradesh. *Approach Paper for Eleventh Five Year Plan 2007-2012*. (Government of Himachal Pradesh, 2007).

economic discourse in which the state withdraws to a regulative and administrative position.³⁵ However, the experiences of activists in the Tirthan valley show that this interpretive paradigm is not an empirical truth.

From the position of the activists it is clear that the state occupies a substantial role as the producer and distributor of legitimizing ideas about benefits of neo-liberalism, as the creator and director of legislative authority, and as a force of discipline with which resistance movements must engage. As such it is at the heart of the legal and coercive maneuvers necessary to make neo-liberalism an economic reality and cannot be described as being in a simple 'retreat'.³⁶ The extensive work done to facilitate the construction of dams is indicative of a reformation of governing techniques, rather than a deconstruction of government itself.³⁷

Foucault's notion of 'governmentality' is useful here to engage with how the 'retreat of the state' represents a reformation in techniques of governing rather than a reduction of government itself. Foucault defines governmentality as 'the ensemble of institutions, procedures, analyses [and] tactics that allow the exercise of state power over its populations'³⁸. His argument is that we are currently experiencing a change in sovereign power from the exclusive and repressive control of territory towards methods of discipline and management more immanent to populations. The focus of modern governments is 'life' and its power is based around principles of 'regularization' whereby for most people most of the time, forms of power are normalized rather than repressively enforced³⁹. Foucault sees 'civil society' as the productive site of modern power because it produces desires, needs, goods, individual and collective identities. As such, civil society and the political cannot be held apart as separate realms. Instead, the possibility of thinking of such a separation and the subjectivities produced through its creation are identified as primary sites in the changing discourses of power. I argue that

<http://hpplanning.nic.in/APPROACH%20PAPER%20TO%20ELEVENTH%20FIVE-YEAR%20PLAN%20FOR%20HIMACHAL%20PRADESH.pdf>

³⁵ Harvey, David. *A Brief History of Neo-Liberalism*. (New York: Oxford University Press, 2005), 2 / Saad-Filho, Alfredo [ed]. *Anti-capitalism: A Marxist Introduction*. (London: Pluto Press, 2003), 12.

³⁶Sud, Nikita. *The Indian State in a Liberalising Landscape*. Working Paper number 155, (2007) <http://ideas.repec.org/p/qeh/qehwps/qehwps155.html>, 15.

³⁷Ibid / Ong, Aihwa. *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty*. (Duke University: Duke University Press, 2007) / Lemke, Thomas. "The Birth of Bio-Politics: Michel Foucault's Lecture at the Collège de France on Neo-Liberal Governmentality." In: *Economy and Society*, vol.30 no.2 (2001): 190-207 / Brown, Wendy. "Neoliberalism and the End of Democracy". *Project Muse*, vol.7 no.1 (2003) http://muse.jhu.edu/journals/theory_and_event/v007/7.1brown.html

³⁸ Foucault, Michael. "Governmentality." *The Foucault Effect: Studies in Governmentality* [eds] Graham Burchill, Colin Gordon and Peter Miller (Chicago: University of Chicago Press, 1994): 219

³⁹ Foucault, Michael. *Society Must Be Defended: Lectures at the College de France 1975-76*. (London: Allen Lane, 2003): 26

Foucault's theory must be further complicated and repressive state interventions are a substantial part of state sovereignty in certain contexts. Nevertheless, the theory is productive in comprehending how neo-liberalism and the state interact in India today.

A good example of neo-liberal governmentality is the separation of electoral politics from market conditions through the processes of privatization. This division allows governments to influence peoples' lives whilst dramatically reducing its accountability for economic changes. The withdrawal or retreat of the state is not an abandonment of government but rather it signifies a partial transfer of the operations of government (to non-state entities.⁴⁰ This is achieved through the creation of methods, such as the privatization of basic services and the internationally sponsored eco-development programs around the GHNP, by which entities of government can be given a degree of autonomy from the state.⁴¹ Some of the regulatory operations of government are 'de-statized' and taken over by a proliferation of 'quasi-autonomous non-governmental organizations'.⁴² This is clearly evident in role of companies such as Himurja and GTZ in the Tirthan valley. What is important to take from this theory is the observation that these changes constitute a reformation of governance techniques and a manipulation of the terrain of the state rather than a withdrawal. As Gupta and Ferguson write:

This [the retreat] is not a matter of less government, as the usual ideological formulations would have it. Rather it indicates a new modality of government which works by creating mechanisms that work all by themselves to bring about governmental results through the devolution of risk onto the enterprise or the individual.⁴³

If we are to take full note of their argument then we must extend our thinking away from the idea of territorially sovereign nation-states and expand the discussion of governmentality to discourses of government that are becoming established on a global scale.⁴⁴ This is evidenced again in the international reach of GTZ and the involvement of the World Bank and the World Wildlife Fund in the area around the GHNP. The changing of scales in the discourses of governmentality holds significant implication for the possibilities of resistance to state projects and the international circulation of ideas

⁴⁰ Gupta, Akhil and Ferguson, James. "Spatializing States: Toward an Ethnography of Neoliberal Governmentality." *American Ethnologist*, vol. 29 no.4 (2002): 989.

⁴¹ Barry, Andrew et al. [eds]. *Foucault and Political Reason: Liberalism, Neo-liberalism and Rationalities of Government*. (Chicago: University of Chicago Press, 1996): 11-12.

⁴² Rose in *ibid*, 56.

⁴³ Gupta and Ferguson, "Spatializing States," 989.

⁴⁴ *Ibid*, 990.

about both conservation and neo-liberalism.

This discussion points to the observation that governments are constructed entities, which are shaped and made effective by particular symbolic devices and imaginative channels. These devices give states their rationality and direct their interpretations, even as those interpretations contribute to that very construction.⁴⁵ Neo-liberalism and ideas of retreat are changes in the symbolic and social construction of government as much as they are a reformatting of the economy. The expansion of techniques of government and the proliferation of concerns with managing individual life are all parts of the imagination in which the state is conceptualized as ‘dismantling’. But to take full measure of the relationship between government, neo-liberalism and subjecthood we have to investigate the situation of those opposing the state. It is from their perspectives that we can see the role of governmentally-led coercion in the success of neo-liberalism.

Giorgio Agamben locates the violence against certain communities as a fundamental component of the constitution of government. He argues that ‘the inclusion of bare life⁴⁶ into the political realm constitutes the original - if concealed - nucleus of sovereign power’.⁴⁷ His perspective is that political systems are built upon the inclusion of the possibility of excluding certain people from the realm of legitimacy. For Agamben, the ban of certain ways of existing is the primary political relationship. This can be seen in the treatment of those designated as terrorists all around the world: by assigning people to a category, they can be stripped of the rights accorded to citizens. Their lives are reduced to something no longer considered worth safeguarding.⁴⁸

The situation in which certain forms of life can be banned for the political community is described by Agamben as the state of exception. He argues that it is a form of constitutional dictatorship that is becoming a paradigm of governmentality all over the world.⁴⁹ The state of exception is neither inside nor outside ordinary law, but

⁴⁵ Ibid / Taussig, Michael. *The Nervous System*. (New York: Routledge, 1992) / Taussig, Michael. *The Magic of the State*. (London: Routledge, 1997)

⁴⁶ Agamben’s theory of *Homo Sacer* designates people who exist as ‘bare life’. It corresponds to people for whom *zoe* (the living body) has been separated from the socio-cultural aspects of *bios* (forms or ways of living). The *Homo Sacer* are people who have been stripped of their identity and occupy an ambiguous space of detachment from the community who hold *bios*. They become ‘human life...included in the juridical order solely in the form of its exclusion (that is, of its capacity to be killed)’ (Agamben 1998: 15). Their lives are rendered worthless beyond the simple living body; social, political and cultural connections are severed.

⁴⁷ Agamben, Giorgio. *Homo Sacer; Sovereign Power and Bare Life*. (Stanford: Stanford University Press, 1998), 11.

⁴⁸ Butler, Judith. “Sexual Politics, Torture, and Secular Time.” *The British Journal of Sociology*, 59(1) (2008): 1-23.

⁴⁹ Agamben, Giorgio. *State of Exception*. (Chicago: University of Chicago press, 2005), 2.

rather traces a threshold where ‘inside and outside do not exclude each other but rather blur with each other’.⁵⁰ Law and the absence of law are two corresponding forms of government that are enacted in the same political system. In this scenario the exception and the juridical system do not stand opposed by definitive boundaries but blur into one another in a state of permeability and mutual constitution. The state of exception signifies the extension of military powers into the civil sphere, and the corresponding suspension of the constitutional norms that protect individual liberties. For those accorded the position of being ‘outside’ the political community, law emerges from events; it does not precede them in a regulatory way.

Agamben’s analysis blurs the distinctions between authoritarianism and democracy by showing how in ‘democratic’ systems it is possible for the state to identify specific communities as threatening and open them to violent repression at the very borders of the legal. The Indian government has created a space for just this by describing many activists as anti-national, left wing extremists, and treating them under the juridical category of ‘terrorist’.⁵¹

People who resist the enclosure of their lands for private projects are subject to state-sponsored violence, legalized by a tradition of repressive anti-terror laws that stem from the colonial legal system.⁵² The most extreme of these was the Prevention of Terrorism Act (POTA), which was passed in 2002 to counter the threats to national security posed by “left-wing extremism” and “Islamic radicalism,” categories of such elusive content and enormous elasticity that they can be stretched to include almost anyone. The POTA defines terrorist activity as:

An activity that questions, disrupts, or attempts to disrupt, whether directly or indirectly, the sovereignty or territorial integrity of India... [or] is intended to bring about or support any claim that questions, disrupts, or attempts to disrupt, whether directly or indirectly, the sovereignty or territorial integrity of India...by any action taken, whether by act or by speech or through any other media or in any manner whatsoever.⁵³

⁵⁰ Ibid, 20.

⁵¹ Baviskar, *In the Belly of the River* / Baviskar, Amita. “Written on the Body, Written on the Land: Violence and Environmental Struggles in Central India,” in *Violent Environments*, [eds.] Michael Watts and Nancy Peluso (New York: Cornell University Press, 2001) / Roy, Arundhati. *The Algebra of Infinite Justice*. (New Delhi: Penguin Books, 2001) / Roy, Arundhati. *Listening to Grasshoppers: Field Notes on Democracy*. (St Ives: Penguin Books, 2009).

⁵² Kalhan, Anil [ed]. “Colonial Continuities: Human Rights, Terrorism and Security Laws in India.” *Columbia Journal of Asian Law*, 20 (2007)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=970503, 96.

⁵³ Prevention of Terrorism Act (POTA). Chapter II; order 3(b) (2002).

<http://www.satp.org/satporgrp/countries/india/document/actandordinances/POTA.htm>

In this act, a domain was created which grants exceptional powers to the sovereign by putting people in the category of ‘terrorist’. These powers strip the individual of their rights as a citizen in situations where they slip over into the position of ‘terrorist’. POTA has been used to clamp down on those protesting against the alienation of their land and livelihood rights all over India. Under its auspices, people opposing ‘development projects’ have been convicted as terrorists. The conditions of the act stipulate that they face up to three years of detention, without the right to trial, and their property and assets are seized by the state.⁵⁴ In Jharkhand, for example, 3200 people have been arrested under the POTA on allegations of “Maoism.”⁵⁵

The abuses of POTA became a mobilizing political issue in the 2004 elections and the Congress party won with a mandate to revoke the act. However, after doing so they made immediate changes to the Unlawful Activities Prevention Act (UAPA), which maintained many of the same human rights issues that had emerged under POTA.⁵⁶ The Peoples Union for Democratic Rights declared that ‘UAPA is intended as a surrogate for POTA’.⁵⁷ They argued that it ‘confirms a dangerous trend, whereby extraordinary law becomes a model for remapping ordinary criminal jurisprudence’.⁵⁸

Under civil law, if the government wants to ban a group it has to have its decision ratified within six months by a juridical tribunal headed by a High Court Judge; however, if you are charged with being a ‘terrorist group’ the requirement does not exist.⁵⁹ Under the UAPA it is much easier to ban an organization, which has led the Peoples Union for Democratic Rights to state that ‘there is a danger that any organization taking up democratic rights issues, or any other civil society organization, for that matter, may find itself branded a terrorist gang’.⁶⁰

The anti-terror laws existing in India today police the borders between legitimate and illegitimate exception by determining who belongs to ‘the people’ and who does not.⁶¹ With its anti-terror

⁵⁴ Roy, *The Algebra of Infinite Justice*, 203.

⁵⁵ People’s Union for Civil Liberties. *A Preliminary Fact Finding on POTA Cases in Jharkhand* (2003) <http://www.pucl.org/topias/law/2003/pota-jarkhand.htm>

⁵⁶ Kalhan, Colonial Continuities, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=970503, 153.

⁵⁷ People’s Union for Democratic Rights (PUDR). *Obsessive Pursuit: The Unlawful Activities Prevention Act (2004); Reinforcing Draconian Law*. (2004) www.pudr.org/index.php?option_undemocraticlaws12.htm, 18.

⁵⁸ Ibid 18-19

⁵⁹ Siddarth, M. *Anti-Terrorism Laws in India and the Need of POTA*. Legal service India (2003) www.legalserviceindia.com/articles/anti_pota.htm, 14.

⁶⁰ People’s Union for Democratic Rights (PUDR). *Obsessive Pursuit: The Unlawful Activities Prevention Act (2004); Reinforcing Draconian Law*. (2004) www.pudr.org/index.php?option_undemocraticlaws12.htm, 17

⁶¹ Singh, U.K. “The Silent Erosion: Anti-Terror Laws and Shifting Contours of

legislation, the state of India has repeatedly sanctified official violence. The desecration of accountability and the consecration of violence implied by POTA and the UAPA have been used to legitimize atrocities on behalf of the government and its institutions. However, the suspension of accountability that the acts imply is not restricted to the domain of the state. Companies in the business of “development projects” have also utilized opportunities to blur the line between violence and law.

The crucial part of this analysis is that the state of exception is a technique of governing that is deliberately created with aims and intentions. It is a direction implemented by government when it can no longer guarantee the empirical ends it desires to attain through the legal system.⁶² It is a conscious and pragmatic decision on behalf of the state, for which the creation of shadowy spaces beyond law is a technique for managing certain groups in a population.

It is the mystery and unnerving potential for violence that contribute to the imaginative construction of the state. As Michael Taussig argues, it is in the government’s interest to keep the memory of public protests, and the cruel violence unleashed against them, alive.⁶³ The strategic use of force on the blurred borders of the legal is employed by the government to rule through the strategic use of the abnormal.⁶⁴

Stories of explicit violence and intimidation from companies managing ‘development’ emerge from the accounts of hydel projects in Himachal Pradesh. In Chamba district, a few hours west of the Tirthan Valley, workers on a project attempting to build hydroelectric dams on the Ravi River went on strike against their treatment by the company. Meetings between the workers representatives, the project co-coordinators, the National Hydroelectric Power Corporation, and its subcontractors, the Hindustan Construction Company, produced no results and the strike dragged on. One night, after a failed meeting, four representatives of the strikers were walking back along the gloomy paths that weave their way along the steep rocky valleys. In the darkness, they were approached by armed men who murdered three of them. The bodies were thrown down the rock face into the river rushing below. The only reason the story became public was that the fourth man escaped, scrambling over the rocks at night.⁶⁵

Following the murders, ten people were arrested and the Inspector-General of Police announced that that the sub-contractor had masterminded the killings. He told the media that incidents

Jurisprudence in India.” *Diogenes* 212 (2007): 117.

⁶² Benjamin, Walter. *Reflections*. (New York: Schocken Books, 1986): 287.

⁶³ Taussig, *The Nervous System*, 47.

⁶⁴ *Ibid*, 47.

⁶⁵ Rajalakhsmi, “In Cold Blood.”

leading up to the murders, the interrogations of the arrested people, and developments after the events provided ‘strong circumstantial evidence against the arrested persons’⁶⁶. No one has yet been charged with the killings⁶⁷.

The threat of law in the normative sense of trial and punishment does not prevent companies from resorting to violence. A whole mass of officials, corruption and extortion grows in the spaces for abuse created by anti-terror legislation and feeds on the terror and indeterminacy. The murky domains are used by companies who know that they can remain unaccountable for violence perpetrated on their behalf. They use terror as a way of controlling workers and suppressing opposition.

REPRESENTATION IN THE STATE OF EXCEPTION

It is with an understanding of the functioning and effects of the state of exception that has been introduced through anti-terror legislation that we can begin to unpack the issues facing resistance to neo-liberal projects in India. To do so it is essential to investigate the effects of the international circulation of images of capitalism, environmentalism and resistance. A reading of Walter Benjamin’s writing on the state of exception opens spaces for discussing the productive effects of representation around the state of exception. He wrote:

The tradition of the oppressed teaches us that the state of exception in which we live is not the exception by the rule. We must attain to a conception of history that is in keeping with this insight⁶⁸

In this extract Benjamin points to both the reality of the state of exception as a permanent thing in many people’s lives, and to the need for a radically different way of analyzing the events that this reality constantly creates. In the state of exception certain people are exposed to violence beyond the protection of the law. This spilling of violence beyond the borders of law blurs the distinctions between order and disorder, normality and abnormality for the groups of people close to those targeted. In relation to those people this blurring of domains is a technique of governing because it creates a state of durable precariousness. However, many people looking from the outside remain blind to the permanence of the state of exception and the immense tension it contains. In an analysis of Benjamin’s writing, Taussig points out that if we are to take full measure of the

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Benjamin, Walter. *Illuminations*. (London: Fontana Press, 1973), 248.

state of exception as the rule of our times, then we are compelled to rethink our notions of order, certainly, centers and margins, all of which now appear as ‘sieged dream images’. They are the hopelessly hopeful illusions of minds seeking to find ways of escaping the circulation of violence.⁶⁹ A consequence of accepting the state of exception as the rule, and of seeking ways of thinking that are in keeping with this, is that our very means and forms of representation are a part of the ‘sieged dream images’ that Taussig describes. They are involved in the circulation of the state of exception and they contribute to its power by the subtle work of veiling and supporting areas of investigation. Our ways of thinking and talking are tied into the blurring of violence and law. It is these effects on our forms and means of representation that must be picked apart to understand how the state of exception in India, just as in other places, affects us here and now, and more importantly, how our representations affect it, there.

To understand the workings of our representations we must engage with the ways in which the self-styled ‘green’ capitalism blossoming all over the world is creating a certain ‘ethical logic’ of environmentalism and politics for its consumers. By influencing the category of what is a ‘legitimate’ environmental struggle, this ‘ethical logic’ haunts those fighting to save their land from those very same companies styling themselves as conscious ‘green’ businesses. It is here that we, the seemingly disconnected and unaffiliated, can glimpse our position in the state of exception. We have a role in perpetuating the circulation of images of legitimacy, and through the power of such categories, of producing and maintaining the thin walls of a category of struggle that can be spared some of the violence of the state. In the ability of this ‘green business’ discourse to influence both government and resistance movements in India, we can see the need to extend our discussion of governmentality to modes of governing that are becoming established in international spheres. This corresponds to Gupta and Ferguson’s proposal that we ‘extend the discussion of governmentality to modes of governing that are being set up on a global scale.’⁷⁰ I have argued that neo-liberalism is one such emerging global discourse, while international environmentalism is another. This is evidenced in the power with which representations of ‘legitimate’ environmental struggles influence the ways in which states, individuals and organizations are imagined, described and engaged with. Understanding the relationship between local activist movements, the governmentality of nation-states, and the flow of international discourses is crucial. In certain ways, the local can trump the government by reference to

⁶⁹ Taussig, *The Nervous System*, 10.

⁷⁰ Gupta and Ferguson, “Spatializing States,” 990.

these discourses of global governmentality,⁷¹ just as the correspondences between governmental and international discourses on issues such as neo-liberalism and conservation can work against activists. It is to these issues that I now turn.

GREEN CAPITALISM AND IDEOLOGY IN THE GLOBAL CIRCUIT

The dams, just like the national park, are not simply a local issue. The money and ideas that create and justify them fly into the valley from all around the world. Ideas spiral around like birds in air streams; for the activists struggling against the dams it was essential to try and understand the international movement of ideas, influences and funding for the hydro-electric projects. GTZ, the German company subsidizing hydro projects in Himachal Pradesh, presents itself as an environmentally responsible company. It describes itself as committed to meeting the growing demand of energy ‘without adversely affecting the climate or the environment’.⁷² It is fully committed to business as the vehicle to achieving this and describes their work as ‘paving the way for German companies’.⁷³ Writing about its projects in India, GTZ describes its three priority areas as ‘sustainable economic development’, ‘energy’ and ‘environmental policy’, which includes both conservation and the sustainable use of natural resources.⁷⁴

For many consumers in the West and the cities of India, GTZ appears to be an environmentally responsible organization. Its ideology suggests no difficulties or contradictions in the dual aims of economic development and the sustainable use of natural resources. For its customers ecology is being remodeled as the new morality of capitalism. Through this union GTZ proposes that the twin goals of a neo-liberal economy and international ecological responsibility are achievable. However, as the case in the Tirthan valley shows, the reality of such projects is more complicated and contradictory than the pictures painted by the companies suggest. The privatization of natural resources has devastating effects on the livelihoods of the communities who rely on them, and the ‘environmental sustainability’ described in environmental impact assessments and by planners at the level of policy turns out to be an ecological catastrophe in the places where construction occurs. In the shadows beyond the grand sounds of hydro-electricity as clean and green, there is a biography of damage and disruption that has huge social and ecological

⁷¹ Ibid, 989.

⁷² “Gesellschaft für Technische Zusammenarbeit (GTZ) Homepage,” Accessed at www.gtz.de/en

⁷³ Ibid.

⁷⁴ Ibid.

implications.⁷⁵

The ‘green’ neo-liberalism of companies like GTZ creates a widespread conception of environmentalism as an issue of abstract ecology, rather than a fundamentally political-economic issue of access to resources and autonomy over their use. This creates a massive disjuncture between both the conceptual and physical experiences of those who live in the areas where the hydro-electric dams are being built, and the consumers of the electricity and ideas that companies like GTZ subsidize. This disjuncture makes it difficult for people protesting the destruction that companies cause to their livelihoods and the ecologies they live with to articulate their message to those who consume the products of the companies. Furthermore, the disjuncture becomes incorporated into the rhetoric used by governments to conceptualize and advertise conservation and neo-liberalism.

The ‘green’ morality of neo-liberalism has saturated the common-sense rationality and imaginative contexts in which many of us live. As Harvey notes, neo-liberalism’s constant attempts to depoliticize the economy have been so successful that it is rarely thought of as an ideological or political issue.⁷⁶ The economy has become a normative process, detached from the perceived realm of the political to such an extent that it is no longer considered ideologically marked. Žizek argues that the depoliticized economy is the primary effect of neo-liberal ideology. It is the ‘fundamental fantasy’ of post-modern politics, which is to say it is the essential but frequently vanishing ground on which the edifice stands.⁷⁷ The idea of the depoliticized economy has the effect of relieving the individual subject of any responsibility in the perpetuation of capitalism, which is itself neutralized as an inevitable canvas of our lives. It is this unproblematic neutralization of certain features of neo-liberalism into a kind of spontaneously accepted background that is the feature of ideology in its purest and most effective form.⁷⁸

The story of GTZ in the Tirthan valley is part of the current attempt by neo-liberal institutions to reconfigure their position in relation to business and ecology. It is a pertinent example because it highlights how the same company can manifest completely divergent ideologies and practices to different communities it is in contact with. The green businesses that are presented as environmentally sensitive to their customers in Europe can have devastating effects in the places they operate. The enclosure of the common property of the

⁷⁵ McCully, *Silenced Rivers* / Hildyard, ECA-Watch, A Trojan Horse of Large Dams.

⁷⁶ Harvey, *A Brief History of Neo-Liberalism*, 155.

⁷⁷ Žizek, Slavoj. *The Ticklish Subject*. (London: Verso, 1999), 355.

⁷⁸ Žizek, Slavoj. *First as Tragedy, Then as Farce*. (London: Verso, 2009), 88.

river has disastrous effects on people's livelihoods. The separation of the economic from the political is productive of the ethical logic of people who believe it. I now argue that the depoliticized environmentalism produced by neo-liberal rationality comes back to haunt those fighting the enclosure of their land by establishing a typology of legitimate resistance movements into those who are eligible for international support, and hence spared the full brutality of state repression, and those who are not. The repression and delegitimization of more political opposition to the expansion of privatization in the mountains, and the corresponding calls for access to livelihoods, food and fuel are implicitly justified through this narrow space of legitimacy. This dynamic relationship is manifested in the convergence of conservation and privatization in the case of the Tirthan valley but is expandable to struggles over the privatization of resources in many situations. Engaging with this correspondence is essential if we are to comprehend the subtle role that international environmentalist logic plays in enclosure of common resources and the violence that creates.

SPIRALS OF REPRESENTATION: A CURRENCY OF LEGITIMATE RESISTANCE

Amita Baviskar describes how international pressure from Western environmental and human rights groups has created a typology, describing a certain category of environmental resistance movements that can use international eyes as a shield to deflect state violence. She points to how the state of exception as a form of governmentality has affected the ways in which resistance echoes through the halls of India's police stations and occasionally all the way across the oceans to distant ears. She writes:

The 'art of resistance' seem to be more successful if a struggle manages to represent itself as an environmental movement within a framework recognized by certain global audiences. Claims to environmentalism are more likely to be accepted if they fit into the template of 'green politics' developed in the north over the last three decades.⁷⁹

To fit the criteria, a social movement must be able to make a case for its ecological superiority and create genealogies that represent its subjects as 'natural' communities with ecologically virtuous ancestors. It is obliged to be unwaveringly committed to non-violence and electoral processes. It must also convert the fluid identities of its members into primordial (preferably tribal) categories, ironically

⁷⁹ Baviskar, *Written on the Body, Written on the Land*, 356.

resembling the very stream of stereotypes on which their marginalization rides.⁸⁰ Failure to establish such a case for ecological superiority and unified identity undermines a movement's claims to environmentalism and allows the state to categorize it as 'Maoist' or 'Left Wing Extremist'. This legitimizes the violence of the state of exception against the group, usually without serious opposition or even comment from international groups.

The relative protection afforded by conforming to the categories recognized by international environmental and human rights groups has the effect of fundamentally depoliticizing environmental struggles. Baviskar gives the example of the Narmada Bachao Andolan (NBA), an association established to protect the Narmada River from damming that has grown to be one of India's most internationally famous resistance movements. The NBA has realized the de-politicizing effect their publicity has on their message, and tries constantly to assert itself as a movement about more than just protecting nature in the abstract sense. However, the parts of their rhetoric that criticize the architecture of neo-liberalism and the structural violence that rural communities face are ignored, smothered in transit.⁸¹ The tragedy of the situation is that the category that can protect them from the full extent of state repression and allows their internationalization has the effect of depoliticizing the movement.⁸²

The 'template of green politics' described by Baviskar is one that fetishizes an idea of nature and ecology homologous to that which fuels the enclosure of the commons for conservation. It does not recognize the intimate relationship between environmental and social movements, and the need for a political-economic ideology sensitive to local autonomy over use of resources. The template paradoxically replicates the fundamental slogan of neo-liberal ideology; the economy is not a political issue, just as it adds the environment to the concoction of depoliticized concepts. Through this it creates a discourse where legitimacy resides in 'pure' environmental struggles, revolving around misunderstandings in the most appropriate relationship to nature and completely removed from contentious political issues about the enclosure and exploitation of natural resources for profit. The outcome of the court case about hydro-electric dams on the Tirthan reflects the logic of this depoliticized green politics. The courts saw legitimacy in the potential of the hydro-electric dams to interfere with conservation efforts in

⁸⁰ Ibid, 355.

⁸¹ Ibid, 363.

⁸² See also Guha, Ranajit "The Prose of Counterinsurgency", in *Selected Subaltern Studies*, [eds.], Ramachandra Guha and Gayatri C. Spivak. (New York: Oxford University Press, 1988).

the national park rather than in the destruction of livelihoods and the desolation of the agricultural economy of the area.

This template of green politics is homologous to the discourses of GTZ, and plays a role in mystifying the affects of their practices. By wearing a cloak of environmental consciousness for their customers, they create the impression that green business can be the solution to environmental issues and claim that the problem is not one of a structural violence inherent in neo-liberal practice but an issue of the kind of business doing the work. And people believe it. The idea that ecological issues are separate from social political ones becomes hegemonic, and environmentalism is seen in a narrow perspective. In this way a symptom of the disengagement of the economy from politics floats back to haunt resistance in rural India. Neo-liberal ideology affects the opposition to its manifestations. It restricts those suffering injustices caused by companies from being able to vocalize the essentially political nature of the issues they face, and it obscures the violence legitimated by the government. In subtle but vicious cycles, representation creates reality and de-politicized forms of environmentalism end up reinforcing the root causes of the desolation they endeavor to prevent.

IN CONCLUSION

In this paper I have voiced a few important points that emerged from a series of discussions I had with activists involved in the opposition to hydro-electric dams in the areas surrounding the Great Himalayan National Park. I have explained these relationships both as they were manifested in local spheres, and as they elucidated a series of connections to broader movements in international environmentalist discourse, neo-liberalist ideology and the possibilities for communities to defend lives and livelihoods from privatization and enclosure.

The first point I made was drawn from the relationship between conservation and neo-liberal development that emerged from the issues in the Tirthan valley. Following the perspective of activists, I argue that conservation and neo-liberalism share a fundamental agreement about the exclusion of people from areas of rich natural resources. Both eliminate local people from spheres of authority and seek to wrest the resources upon which their livelihoods depend from their control. Furthermore, both see natural resources as separated from human use and construct resources as either semi-mythic in conservation or open to exploitation as potential capital in neo-liberalism. Through their interaction, conservation and neo-liberalism signify a segmented approach to natural resources that justifies their simultaneous enclosure and

privatization. This argument represents a modification of many accounts that posit a hierarchy of development, conservation, and local livelihoods in the logic of governing. I suggest that a more subtle understanding of this relationship is necessary if we are to engage with the complexities of their interaction and create the understanding necessary to challenge the operation of these logics.

The second point concerns aspects of the relationship between the state and neo-liberalism that became elucidated by the experiences of activists. The relationships between the state and the companies building the dams contradict the majority of theoretical accounts of neo-liberalism which conceptualize it as a situation in which the state withdraws to a regulative and administrative position, leaving people to interact directly with the forces of the market. From the activists' positions it was clear that the Indian state plays an enormous role as the producer and distributor of legitimizing ideas about the benefits of neo-liberalism, as the creator and director of legislative authority, and as a force of coercive discipline with which resistance movements must engage. I argue that by categorizing certain projects as 'development' in the service of the public good, and inscribing activists as anti-national, left wing extremists, the Indian government has created a space for the use of legally sanctioned violence in which opposition to projects can be publicly destroyed. This mobile category of left-wing extremist has been legislatively conflated with the similarly slippery idea of the 'terrorist' and used to justify a state of exception; a quasi-judicial situation in which the coercive power of the law is exercised against certain groups without the safeguards usually accorded to citizens. The potential for violent repression hovers over movements that try to resist the enclosure of land for development and conservation. To understand processes of neo-liberalization we need to engage with the centrality of governmentally legitimized violence to its success.

The third point I have made is that the violence of the state of exception is not local to India but is engaged with, directed and sustained by ideas that flow throughout the world. The processes of damming rivers are funded and supported by international companies that present themselves as ecologically conscious green businesses to customers in the West and the cities of India. For many customers, ecological responsibility has become the new morality of capitalism, and the two are no longer seen as antithetical ideologies. The effect of this movement has been to create an international idea of environmentalism, which tends not to see the environment as a political-economic issue but rather as one of abstract ecology. This conceptual creation comes back to haunt those fighting the enclosure of their land on a political basis by establishing a typology of 'legitimate' resistance. The category of 'legitimate' resistance movements has come to designate those who are eligible for

international support or concern—and hence spared the full brutality of state repression—and those who are not.

