

Conflicts in natural resource management – Examples from community forestry

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Abstract

People everywhere compete for natural resources they need or want to ensure their livelihoods. Such competition for use and access over natural resources result in conflicts. Conflicts also emerge from differing cultural values, social norms and sanctions connected to access over natural resources. Community Forestry is the collective action of local communities in sustainable forest management and utilization. Since the late 1970s, many countries have been practicing such forest management system and Nepal is a pioneer example where such system has passed three decades. The Master Plan for Forestry Sector of 1988, Forest Act 1993, and Forest Regulation 1995 are the legal instruments to hand over state owned forest to Community Forest Users' Groups (CFUGs) in Nepal. The CFUGs and their national and international networks are the institutional basis for the development of Community Forestry in Nepal. Institutional development of Community Forestry, growing group funding and its utilisation, forest boundaries, group leaders, inclusion and exclusion of users in a CFUG are some of the recent issues for conflicts in Community Forestry. The paper mainly focuses on these conflicts and discusses the relationship among different actors who are involved in Community Forestry. The paper also discusses the impact of Maoist on Community Forestry and the CFUGs' development intervention.

Keywords: Conflicts, the Maoist Guerillas, Community Forestry, livelihoods.

1. Introduction

Land, water, and forest are the valuable natural resources for the economic development of Nepal. Conflicts are common in access to, use, and management of these natural resources. Therefore, root cause analysis and management of conflicts is crucial to improve the performance of collective action for resource management. The Government of Nepal has different strategies to conserve and utilise its natural resources including Community Forestry.

Community Forestry is the active and meaningful involvement of communities in forests. Key characteristics of Community Forestry are (1) meaningful community involvement in, or control of, decision making about forest management and the retention of benefits of forest management, (2) the retention of benefits of forest use and management within the community (EGAN et. al, 2002). The forest land in Nepal is under governmental control, however, the Government has made provision to hand over the state owned forests to the local communities for a certain renewable period of time for conservation and sustainable utilisation through the legal procedure.

The rationale behind the provision of the Community Forestry and the CFUGs in Nepal was the consequences of the Government's incapability to conserve the forest and biodiversity effectively through its bureaucratic systems. In 1957, the Government nationalized virtually all forests and placing them under the legal authority of Forest Department. As a result, people gradually lost all of their traditional right over the forests and were deprived from getting their subsistence needs of forest products. Resentment against nationalization contributed to unregulated extraction, creating conflicts between villagers and DOF staffs (SPRINGATE et al., 2003). This distancing of people from resources management led to wanton destruction of forests in Nepal (GILMOUR and FISHER, 1997).

In 1978, the Government introduced a new forest policy which had provisioned the participatory approach for forest management in the form of the Panchayat Forest and the Panchayat Protected Forest. The Master Plan for Forestry Sector in 1988 was introduced to strengthening the participatory forest management system. After the establishment of democracy in 1990, the Government has introduced new Forest Act 1993 and Forest Regulation 1995 with clear provisions

about Community Forestry and a timeline to hand over to the local communities.

The Community Forest Users' Group (CFUG) is a village level community and grassroots level civil society, which is formed with the objectives of forest management and utilization, registered as corporate and autonomous bodies at the District Forest Offices under their own charter. Each Forest Users' Group has its own working committee called Forest Users Committee (FUC), which possesses the right on decision making in the CFUG. Nearly 1.5 million people are involved in Community Forests and the figure is increasing since. Nevertheless, only 20 percent of the total potential Community Forests has been handed over to the 13,300 CFUGs (CFD, 2004).

The large number of people who have been involved in collective action as CFUGs are not homogeneous in terms of caste, ethnicity, religion and class, rather they are from different socio-cultural context. The impact of heterogeneity on the capacity of individuals to self-organize and sustain a common property regime is highly contested (VARUGHESE, 2001). Also, the socio-cultural composition of a settlement or a group of settlements may result in a difference of interests among forest uses that influences the organization of forest governance (VARUGHESE, 2001).

The Nepalese social structure is mostly heterogeneous in nature and composed of caste, ethnicity, gender, different economic class by wealth (rich, middle and poor), positions in both bureaucracy and political system, and level of education. The heterogeneous nature of Nepalese society is said to be the main causes of conflicts in Community Forestry. There are many issues of conflict within CFUGs' level such as benefits sharing, forest boundary, traditional use right, caste related, feeling of untouchables, gender related (SHRESTHA, 1995)

The heterogeneous structures of Nepalese society have also triggered the Maoists Guerrilla war in Nepal in February 1996. The root of the conflict is believed to be in the stratification of economic classes, ethnic tension and regional imbalance in development (BANJADE and TIMSINA, 2005). The objectives of the Maoists Guerrilla war was to overthrow the bureaucratic-capitalist class and the state system, to uproot semi-feudalism and to drive out imperialism in order to establish a new democratic republic with a view to building a new socialist society (SEDDON and HUSSEIN, 2002). According to the news published in

Nepali news media and in BBC in early February 2006, over 13000 people have lost their lives in the conflict until early 2006 and the insurgency has gripped 73 out of the 75 districts. Most of the people who died in the conflict were the part of economically active population group.

The armed conflict has led to a decline of state services in rural areas, including forestry services (BANJADE and TIMSINA, 2005). The Maoist, who claimed themselves as the new regime and the state as old the regime had already declared parallel local governments in each administrative district and village. The local Governments of the Maoists have made the provision for using and managing the forest resources of the country. Almost all the rural parts are under the influence of the Maoist (BHAT and DAHAL, 2006).

The Non-Government Organizations (NGO) working with CFUGs have also faced the same threat and problem while working in the rural part. Therefore, most of them have stopped their program and have slashed the budget for future program in the sector which have saddened the CFUGs and decreased their motivation, which led to a standstill of the development program. So, management of conflict is crucial for the livelihoods and welfare of the people.

2. Material and Methods

The paper summarizes research carried out in two districts of Far-West Nepal and a literature review. For the empirical analysis two Community Forest Users' Groups from each district Kailali and Dadeldhura with sample size of 235 were selected. One person from each household was interviewed face to face to find out the different existing situation of conflicts and their livelihoods. The face to face interview was carried out by using an interview schedule which contains 80 questions.

A total of 235 users including 60% female and 40% male were interviewed. The caste/ethnic composition of the respondents includes 29% Brahmins¹, 28.5% Chhetris², 22% Tharus (the ethnic people), 14.5%

¹ In caste system, Brahmins are placed on top hierarchy.

² Chhetri is also a caste and placed in 2nd hierarchy.

Dalit (the lower caste people), 0.9% Lama, 0.9% Magar, 3% Newar, 0.4% Rai and 0.9% Gurung. Tharu, Gurung, Magar, Rai, Lama, and Newar are Nepalese ethnic groups.

Additionally, 20 key informants related NGOs staffs, Federation of Forest Users' Nepal (FECOFUN) members and the Government forestry staffs working with CFUGs were also interviewed. The field study was carried out in between February to July 2004. The responses obtained from interviews were translated from the local dialects to English language, were coded, and analyzed with SPSS. Also, policy paper for forestry sector, proceedings of Forestry Congress and Conference, Organizations such as Regional Community Forestry Training Centre-RECOFTC's electronic news, Food and Agricultural Organization (FAO) papers and Nepali daily news medias: Kantipuronline.com, Nepalnews.com are the sources of information for this paper.

3. Results

The results are divided in to two parts: (1) Conflict in Community Forestry, and (2) the impact of armed conflict: Maoist People's war on Community Forestry. The conflict in Community Forestry refers to the conflict within the CFUGs, between two CFUGs and conflict between CFUGs and Government Forest agency while the armed conflict refers to the conflict between state military and the Maoist Guerillas.

3.1. Conflict in Community Forestry

The main issues of conflict in the community forestry are the issues of benefit sharing, participation, forest boundaries, traditional use right vs. Community Forestry, caste related and leadership. The issues of conflicts are differing in each group and ecological zone. In Terai (plane) region the issues of conflict have seen in the distribution of forest products; mainly timber and Fire-wood, and investment of group funds. The conflict due to traditional user right vs. community forest system, caste and cultural related conflicts, conflict for grass and fire-wood, participating in trainings, seminars and study tours have been found more in Hill region.

3.2. Benefits from Community Forest and Conflict

Generally, the poor people or who particularly depend on farming both (land use and animal farming) need more forest products than those whose means of livelihoods are secured from other means such as job and businesses. For example, the Tharu ethnic people who live in a joint family, average family size of 20 people or more and have their own culture. They need more forest products particularly fire wood for cooking and grass for their livestock. Similarly, the so called lower caste people who are poor and have no access on alternative means of cooking also need more firewood and grass for their livelihoods from Community Forest. These people often confront with the Users' Committee when their demands are not fulfilled and their voices are neglected.

Also, the Users' Committees get training, seminar and study tour offers from related organizations. Selection of the training participants among the users is another issue of conflict in CFUGs. Also, conflict surfaces when the committee members have different views and opinions on how to invest their group fund. In the study, it has been found that the Users' Committee of Samaichi CFUG decided to invest 400,000 Nrs on Jai-Bazaar road concrete, but users from Hasanpur hamlet opposed the decision and have also demanded the equal amount for their hamlet development, which has created conflicts in that Group.

3.3. Traditional use rights versus Community Forestry

This type of conflict surfaces when traditional users in a certain community are deprived from using forest and forest products after hand over the forest to a local community as Community Forest. While handing over the forest to a community, a boundary is drawn that includes a group having privileges to use the forest. In many cases, only the users who live closer to the forest are included in the groups.

Distant, secondary, or seasonal users who are not included in the Users' Group attempt to use forests by saying that they have traditional rights to use the forests. However, the provision made on the operational plan and users' constitution does not allow any one to use the forest unless they are provided with group membership. The unclear boundary or boundary drawn after hand-over of forest to the communities are the issues of such conflicts. This type of conflict has

been observed between two Community Forest Users' Groups and between individuals member of a group with Users' Committee.

In the study, such types of conflict have been seen in Suraksha CFUG of Kailali- the conflicts between individual's member of the Group and Users' Committee; conflicts between two Community Forest Users' Groups have been seen in Samaichi CFUG with Jali CFUG; Sugarkhali CFUG in Dadeldhura with Rishikhola CFUG and also with Malam CFUG.

3.4. Socio-Cultural context and conflict

There are four hierarchies in the Caste system and the 61 ethnicity in the Nepalese society. In the caste hierarchy Brahmin, Chhetri, Baisya and Dalit are positioned in the descending order. The Dalit or Sudra caste group is placed in low status and is not given any high rank positions in a society, and if by chance they get any position they are not treated according to their status.

In the study, it has been found that the caste related conflict is significant in the Sugarkhali CFUG of Dadeldhura district and have hindered the group activities. Although, the group is dominated by lower caste members including the president and the secretary of the committee, the upper caste users always discriminate to the lower caste women whatever to their position and value in the group. In the group meetings, the training sessions, and other gatherings the upper caste users sit away from the lower caste users; do not eat and drink with lower caste women; always shows the nature of untouchability in the collective actions. Such discriminating situations emerge frequently in the group.

3.5. The impact of armed conflict on Community Forestry

The Maoist Guerilla war in Nepal has affected each development intervention of all sectors in Nepal. The economy is in ruins, tourism is way down, and rural poor have fled their homes and live in terror. Over 13000 people have lost their lives, of which 2027 agricultural workers died in the conflict in the past 10 years. Likewise, 141 teachers, 331 students, 567 civil servants, 127 business people, 10 journalists, 13 social workers, 5924 political workers, 472 non-stated civilian, 6 health

workers and two law professionals have also lost their lives in the deadly conflict (INSEC, 2006).

The Maoists war has also badly affected the community forestry in many ways. The CFUGs are under the pressure of both conflicting parties: the Maoist insurgency and the state military and police. The armed conflict has led to a decline of state services including forestry services, more chronically since last 5-6 years. The activities of CFUGs inside their Community Forests and within their groups have been severely affected by the conflict. They are even living in a fear of physical insecurity from either side. The forestry infrastructures have been destroyed in many districts, forest securities have been made unarmed, the Range posts have been evacuated, forestry staffs working in the rural part have been transferred to district level offices (in urban areas) and the evacuated infrastructures are now changed to the shelters of Maoists. The CFUGs are compelled to pay dual tax to the state and to the People's Government called "Jan Sarkar" of the Maoists. The CFUGs, who denied to paying the tax to the Maoists, are not allowed to sell their forest products, which were stored for a long time and these valuable stored forest products are decaying or already have decayed (BHAT and DAHAL, 2006). The consequences of these obstacles on the CFUGs activities have resulted to loss of million of rupees as from the financial capital that could have come from the selling of forest products. In this way the lives and livelihoods of the people have severely affected in rural Nepal.

Also, the Maoist rebels have put forward the four conditions about Community Forest to CFUGs: (1) the CFUGs should register to the Maoists (People's Government) and should take permission while selling the forest products, (2) should name their CFUGs as the name of their Martyr³, (3) the CFUGs' Committee should be formed under their supervision, and (4) all income of the CFUGs should be deposited (BHAT and DAHAL, 2006). It has been found that the Maoists have 10% tax on the income from non-timber forest products, 20% on the Sal timber (timber from *Shoria Rubsta*), and 25% tax on the income form Khair timber (*Acacia catechu*) (BHAT and DAHAL, 2006).

³ The Martyrs are those who have been killed by state military in the war.

However, giving tax or any financial assistance to the Maoist, taking permission for any activities or making any kind of relationship with the Maoists is illegal, as the Maoists' Guerrillas have already been declared as terrorist by the state. Any legal actions could be possible from the Forest Department and from the state military or police to CFUGs, if found the CFUGs' relations with the Maoist's rebels. In these truce moments, the CFUGs are not well motivated for their duties.

By the state regulatory provision, the CFUGs have to pay 15% of tax on the income from Khair and Sal timber while selling outside the group; however the Maoists who claimed themselves as the new regime have made the same or some different regulatory provision for the CFUGs and forcefully collect these taxes from them. These dual taxes have made it difficult for CFUGs to trade the forest products, since they can no longer cover the cost of production (POKHERAL and POUDEL, 2005, BANJADE and TIMSENA, 2005). The CFUGs, which denied to pay the taxes or did not get to know the Maoists circulation were kidnapped and tortured by physical and mental harassment.

It has also been found that the Community Forests of the country are becoming the shelters of both conflicting parties. The insurgents train and take refuge inside the Community Forests. When they are present inside the forest, access to the forest is restricted and those who do enter run the risk of being labeled a 'spy'. If the state military notices the presence of the insurgence inside the forest, they also circulate the prohibitory order to the CFUGs for not being entering the forest.

In many cases, the state military has already circulated the prohibitory notice about entering into the forest to the CFUGs. Also, it has been found that the state military has established the military camps inside the Community Forests (e.g. Khorthali Community Forest in Dolakha, BANJADE and TIMSENA 2005). Similarly, the prohibitory order has been circulated to the 117 CFUGs by the District Administrative Office of Dang for not entering inside the Community Forest. The Ajambari Community Forest of Dang and Deukhari Community Forest with CFUG's Office building are under the control of state security (BHAT and DAHAL, 2006). These situations lead to a standstill of economic activities of the CFUGs, they are deprived from using the forest products, stored forest products are decaying, and are losing their group fund which they could have got by selling the forest products.

Nepal's Community Forestry has been severely affected by the chronic conflict between the state and the Maoist's Guerrillas, and the CFUGs who are the main stakeholders of the Community Forests are saddened by the conflict situation: politically, economically and socially.

4. Conflict management in Community Forestry

There are many strategies discussed in the literature about natural resource conflict management. Upreti in 2002 mentioned various aspects of conflict management in his book "Management of Social and Natural Resources Conflict in Nepal". He has mentioned that there are two approaches right based (legal) and interest based (alternate) for contemporary conflict management. Right based approaches focuses on litigation adjudication procedures through the courts and police, while interest based approaches look for mediation, negotiation, and other collaborative methods. Usually, for the management of natural resource conflicts, the interest based approaches are appropriate tools in the communities. Negotiation among the forest users by their own traditional practices helps to manage conflict in the group. Local people formulate informal conflict management practices by discussing the issues in public meetings (UPRETI, 2002) and for any negotiation local people use different strategies and options.

Local elderly people often work as mediators to deal with conflicts. Though they have no legal status and no written records are maintained for the decision made on conflicts, the users commonly accept the decision made by them. Elderly and socially respected people, traditional landlords, local school teachers, and Mukhiya, Village president, ward president are principal actors in resolving wide range of local conflicts (UPRETI, 2002). However, the role of forestry and related NGOs staffs can not be neglected in the present context.

In the study, for managing the conflict in Suraksha CFUG of Kailali, the District Forest Officer (DFO), President of District Development Committee and local elderly person played the crucial role. The role of DFO was found to be both an arbitrator and a negotiator in managing the conflict of all studied CFUGs.

The impact of the Maoist Guerilla war has also been observed on the customary practices of conflict management in the village. The Maoist's local governments have formed a "People's Court" in each

administrative district as well as in the village. So, if any thing happens in the village the Maoist insurgents calls the conflicting parties, discusses with them and decides on the issues. People sometimes file the application to the People's court and sometime the Maoists on the basis of their own information system call the victims to present their court. The decision made by "People's Court" should be obeyed by the conflicting parties.

5. Discussion

Natural resource conflicts are disagreements and disputes over access to, control over, and use of natural resources (SIDAWAY, 2005). Disagreements also arise when interests and needs are incompatible, or when the priorities of some user groups are not considered in policies, programs and projects (FAO, 2000). The dimensions, level, and intensity of conflict vary greatly (BUCKLES, 1999). Conflict over natural resources may have class dimensions, pitting those who own the resources against those who own nothing but whose work makes the resources productive (BUCKLES, 1999).

Communities participating in Community Forestry are not homogeneous entities; they consist of diverse groups differentiated by caste and ethnicity, class, religion and within and between each of these groups by gender and age (CHANDRASEKHARAN, 1996). These diverse groups comprise many interests, values and norms, perceptions, and social behaviors. These views, interests, social norms, and values result in differences or disagreements which are the base of conflicts in the local communities.

Many discussions, Seminars and Conferences were held in different part of the world in connection to natural resource conflict and their management, and each such international deliberation exemplified the issues connected with Community Forestry. The Electronic Conference 1996 organized by Food and Agricultural Organization (FAO) to address the natural resource conflict, Conflict Resolution in Forest Resource Management (1995) Forestry Congress (2003) were some examples, where the issues of Community Forestry were analyzed. These discussions mainly recognized that resource scarcity, lack of participation by all stakeholders, lack of information concerning policies, right and changes, introduction of new policy and law,

boundary establishment, socially unjust conditions and inequitable distribution of benefits were the principle issues of conflicts in natural resources as well as in Community Forestry (OLI, 1998, CHANDRASEKHARAN, 2000). In addition to the similar issues discussed in literature, the present study has found that leadership, investment of group funds, bias in selection of trainees are a few other contemporary issues for conflicts in Community Forestry.

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