Access Negotiation in Forest Governance of a Village in 'Hilly Region' of Nepal

Dhruba Khanal
MA Student; RCSD, Faculty of Social Science, Chiang Mai University, Thailand
dkhanal@msn.com

Abstract- In Nepal, political crisis connected with Post Civil war relegated the forestry sector and has put this sector at the least level of priority. Every sector of Nepali society is divided in party based politics and the power structure is embedded in it. Implementations of rules in use by communities cannot be separated from the party based politics.

This paper focuses on the political influence rooted in the community forest governance in the context of rapid increase of internal migration. It also analyzes the everyday practice of the forest user groups under the political and population pressure by using the 'politico-legal institution's perspective' to know the recognition of 'staking claim' for Access Negotiation. In everyday practice of FUG, two contesting issues are (i) conflicts between original dwellers and migrants and (ii) discrimination among the users based on caste politics.

Internal migration is the fundamental issue in the research site and it is connected with two disputes. One is connected with the improvement of the rural infrastructure and the other is tied with the political crisis associated with Maoist insurgency. Internal migration intensified the population pressure as well as land value in the village and has become key issue for the insufficiency of resource as well as the decline of the forest governance.

Caste based inclusive politics is moving society in the next pole of justice and realization of social justice has became far phenomenon. In the name of inclusion powerful actor in the society started to capture the space using their various capitals. However, poor but tangible actors like original dwellers who need actual benefit from the resource are not getting access and have been marginalized. Indeed many villagers have been diversifying their livelihood to survive. Many people in the village rely on the off farm activities i.e. remittance, labour, and some of them migrate again to other places for work.

Keywords- Access Negotiation, Forest Governance, Livelihood diversification

BACKGROUND

"Nepal’s wealth is her green forests”1 this well known Nepali proverb tells us the importance of forests for Nepali people. Forest are emotionally connected with the Nepalese community than it's environmental value and beauty [1]. Because these forests are virtual sources of fuel wood, fodder, and leaf litter for animal bidding and composting [2]. Most of the People in the village are dependent on the farming and involved in off farm and on farm activities and forest is one of the integral parts of the farming system. Every household of the village is involved in the farm activities so that farmers must have access to forest products such as leaf materials for fodder and for animal bedding, fuel wood for energy, timber for buildings, agricultural implements and coal for making agriculture tools [3].

1 Nepali Proverb translated Nepali into English in Nepali known as “Hariyo Ban Nepalko Dhan”
Nepalese forest governance history has changed in different time line as in the different regime. In the past there were lots of resources and population was small therefore, access to resources was not so complicated whether it was in the control of state or in the grip of elites, villagers had struggled for the resources. Nepalese history of management shows that there was always influence in getting resources. Historical context shows that villagers did not get resources easily in the autocratic and semi autocratic regime. Now in the federal democratic system also there is huge influence of politics. However, Governance and decentralization are also the part of democracy and forest governance is also rooted in the practice of forest democracy, empowerment of local people and social and environmental justice [4].

ACCESS NEGOTIATION

In this context access is used as the notion of Ribot and pleuso and they contend access refers the ability derive benefit to from a variety of rights-based access and relational access mechanisms, including illegal forms [5]. In the same vein Blaikie defines Access mechanism as “Access qualifications” and explains that to get the priority capitalist and leader can make influence in the society [6]. There is multiple ways to get access in the resources Some of them are "birth rites, first settlement, conquest, residence, cultivation, habitual grazing, visitation, manuaring, tree planting, spiritual sanction, bureaucratic allocation, loan, rental and cash purchase" Shipton, 1994: 348 cited in [7]. To access those rights rules are needed. Rules can be seen as rules in use but they are static and solid [7].

However, gaps remain between community forestry in theory and in practice [8] rules used in communities is quite far from the practice. Rules and regulation looks beautiful in reading and understanding but in practice it is opposite. In community forestry only active members of the CFUGs are benefited but for the poor and marginalized people status are same their socio economic status neither changed nor chance to participate in decision making and equitable benefit sharing. But the forest act 1993 and regulation 1995 advocate that 25 % of their earning will be spent on the development of CF and 25% of their income will be spent on the poor, discriminated minority and underprivileged people but cannot realize in the implementation level [9].

In this vein, some scholar argue that in preparing plan, policy and implementation of the forest governance is guided by technocratic mindset of experts [10-12] and those experts mindset cannot address the local level problem because construction of Nepali society is diverse in caste and ethnicity along with level of education and economic class by assets. Moreover, it is categorized by the position in bureaucracy and political structure [13]. Those dissimilar nature of Nepali society is considered as the cause of conflict in community forestry [14]. Indeed, there are numerous disputes within the CFUG's level such as benefit sharing, forest boundary, traditional use rights etc.

However, people's war connecting with Maoist insurgency has been foremost obstacle on that time period for the forestry sector. Government has given emphasis on the security and has cut development funds, diverting them to security expenditures [15]. Some scholar has noticed that politicized circumstances with the Maoist insurgency between 2001 and 2006 relegated community forestry legislation and regulations to a lower level of political priority [9]. During the conflict community forest user group came under great pressure from the opposing sides as well as the state security forces (army and Police) [14] and started to migrate leaving their native place to search for security.

The livelihoods of rural people became complex day by day as the insurgency has blown out. Many rural people has been affected and did not find any alternative means of subsistence than they had been forced to seek employment.
opportunities elsewhere, entering a mass migration [15]. So as the resultant they enter into a bulk migration they negotiate with their life and migrate to search for the better opportunity and secure life. This mass migration resulted problem into the village where they went to search for the subsistence.

In everyday life people are always negotiating but they don’t know that they are negotiating because people everywhere is competing for resource in order to meet the needs and want to improve their livelihoods [16]. These processes shape their local practices to legitimize access and entitlement to livelihood resource. In fact the ability to access those rights and getting entitlement is one of the major factors to make sure of their livelihoods. However, rights are not granted to the local people through political reform by the state. Jull and Lund (2002:6) has argued that on the contrary, people always require, entrench and conquer rights through confrontations and alliance with other people, institutions and the state. Under the various policies and reforms efforts, local people tend to put tremendous efforts into vindicating asserting and securing claims to their livelihood resources.

Indeed Lund suggested politico-legal institution approach to see the transition phase of the society there will be institutional claim and to stake the claim they use their institutional legitimacy for the negotiation. However, it is not legal but everybody in the society will accept it. He explains more that politico-legal institution goes through a parallel and intertwining process of identifying interests in recognizing rights of particular group of claimants, asserting its authority and acquiring legitimacy in its exercise of authority. He also suggests that these processes should be seen as ongoing and can be recognized as everyday practice of negotiation.

LIVELIHOOD DIVERSIFICATION

Livelihood diversification simply understood as change of living. Ellis (2000:3) had outlined diversification as ‘diversification of necessity’ and ‘diversification by choice’ and both necessity and choice are connected with the household and their livelihood. Necessity of diversification is compulsory. It comes with anxiety like loss of the ability to assume active agricultural activities due to coincidence. Mass migration of people from remote village in that village is the example for this situation. But choice of diversification is not compulsory. Reason for diversifying in choice as seeking out seasonal wage earning opportunities, travelling to find work in remote locations, educating children to improve their prospects of obtaining non-farm jobs [17]. This situation also reflects in the village because that village has the developed infrastructure as well as security than other places and this village counted as less effective village in the post conflicts.

Livelihood diversification has been studied in the field of development and change by the various scholars putting it on the central feature of the study in various aspects.

Ellis (1998:4) illustrates that “livelihood diversification is the process by which rural families construct a diverse portfolio of activities and social support capabilities in their struggle for survival and in order to improve their standards of living”

In the case of forest users because of the crisis of forest resource they started to sale their land and started to make Biogas plant and manage other source of heating. Now in there are 31% households having biogas plant and 36% households having LP gas as their primary heating source. In the village those activities is seen as the improvement of living standard.

Similarly, Hussein and Nelson (1999:2) and Ellis (2000:2) advice the classifications of activities included in rural livelihood portfolios focusing on various norms that include for example (i) farm versus non-farm; (ii) on-farm versus off-farm
activities; (iii) local versus migratory and (iv) self employment versus wage labor.

Among the forest users there are 8 occupational groups but 81% households have animals and 19% households don't have animals similarly, 56% households have birds and 44% do not have birds on their farm. Peoples are leaving farm activities and increasing off farm activities. Many households rely on foreign remittance and people wants to work as a labour in the construction rather to work in farm. In Construction work labour get more earning.

Indeed, Ellis and Allison (2004) argue that diversification as changing character of household activity portfolios and income sources, not to switching full-time occupations, nor to the relative diversity of sub-sectoral non-farm enterprises in rural areas. In the same vein Hussein and Nelson (1999:4) describe that livelihood diversification is an important strategy by which rural people may work to achieve sustainable livelihoods. Therefore diversification is very important to understand the layer of households in the rural community.

Scoones (1998) contends that the degree of diversification may relate to the resource endowments available and the level of risk associated with alternative options. Basically focusing on the livelihood diversification viewpoint, Ellis and Allison (2004) illustrate that different common property or CBNRM type resources play different livelihood roles for different wealth groups and thus have differing implications for poverty eradication. And explore more as: “The problem here has been resolving the cumulative pressures on access due to the multiple roles forest resources can play in livelihoods (wood fuel, building materials, charcoal for sale etc) with sustainability and conservationist objectives [18].

COMMUNITY FORESTRY IN NEPAL

Looking back to the history of management, during the period of unification of greater Nepal Saha dynasty distributed forest and land in the form of Jagir and birta to the closest people and their families [19-22]. Local people struggle for clearing the forest to survive. Subsequently, in the Rana period forest land was used as the specific purpose amusement for Ranas and getting wealth by selling slippers to the east India Company in India [19, 21, 23, 24].

Afterward, in the period of Panchyat government abolish birta and jagir and nationalize all the forest through The Private Forest Nationalization Act of 1957 and assign control over the forest resources in the department forest [19-21, 23-29]. Later in 1957 government brings the master plan of community forestry. This master plan give control over forest resources to the panchyat leader with the objectives of seeking broader participation of people in forest conservation and utilisation activities[30].

Similarly, after the overthrow of Panchyat from the 1990 People's Movement government introduce the forest act 1993 and regulation 1995. By those act and regulation villagers got the community forestry and get rights to self governance and rights to forest management and utilization under the CF constitution and operational plan [31]. By the end of 2005, 14,227 CFUGs had been registered across all 75 districts of Nepal [32].

Numerous past studies argue that Nepal is a leader in recruiting innovative programs of forest management designed for local communities [8, 33]. Similarly, forest managed by community had become in the forefront of conservation for several decades as result can be seen in the form of greenery hills [34]. However, Again in July 2010, Minister of Forestry prepared the forest act amendment bill "The purposed amendment

2 Jagir is Officials and nobles those who served the state. No tax was paid on such land and jagir land could be kept only as long as the concerned persons served the state (Malla 2001:290)
3 The birta grants had no precise time limitation and could be inherited and retained by the families until they were confiscated by the state (Malla 2001:290)
Access Negotiation in Forest Governance of a Village in 'Hilly Region' of Nepal

has the provision to increase the sharing of income from the community forests with the government, from the present 15 per cent to 50 per cent and also had a provision to increase the role of the government forest officials in wood trade and other activities in the community forests" [35].

RESEARCH SITE

Geographically Nepal is divided on the three major ecological major zones they are Terai region, Hilly region and Mountainous region. Research site is located on the middle hills of western Nepal and it is on the Lamjung district. Among the 61 VDCs of Lamjung district Bhoteodar Village Development Committee (VDC) situated 13 km east from the Headquarter of Lamjung district Beshishar in border of Bhanubhakta highway. It is 162 km far from the capital city Kathmandu and elevation of the VDC is 500 to 1500 up from the sea level. VDC comprise 1246 households and the total population of the village is 6505 containing 3308 female and 3197.

Village is rich in ethnic diversity 41% of people are listed in indigenous nationalities of Nepal consists Gurung, Magar, Tamang, Newar, Thakali and ghale, similarly Bramhin are 27%, Kshetry contains 16% dalit contains 14%, and muslim contains 2%. VDC Comprise 6 mother tongue language they are 873 households speak Nepali Language, 295 households Gurung Language, 40 households speaks Tamang Language, 22 households Newari language, 8 households urdu language 1 household Thakali language. Religiously, 949 households are Hindus, 267 households Buddhist, 17 households Christian and 14 households Muslim. Occupationally, 23% peoples depend on the agriculture, 22% people depend on the foreign employment, government service consists 14%, private service and business consists 17% and daily wage laboring consist 7% [36].

Lamjung district is divided in two parts from Marsyandi River and this VDC is became the gateway of 12 VDCs of eastern Lamjung since 1966 after building the suspension bridge over the river. VDC has developed the infrastructure and already became the municipal development committee. Internal migration is rapid on this village within the past 10 years almost 20% of the cultivated land has occupied by the houses. VDC record tells that this year 306 people come on this village as permanent migrants and 541 people as temporary migrants. VDC consist 73.43% of cultivated land and 23.72% forest land 2.61% shrub land and 2.24% sand land [36]. Almost all households use firewood as heating sources primarily or secondarily.

MAJOR FINDINGS OF THE STUDY

Firstly, one community multiple institutions and in the case of Bhoteodar one person engaged in many institutions. Such kinds of personality easily legitimized dispute in the institutions and rules in use become static and decreased the possibility of governance.

Secondly, in the past occupational users had worked their work on bali⁴. After the post war they started to work on cash and left the traditional bali system because they did not get sufficient resource from the forest. They also started to purchase the coal and work in cash. In household there is generally 10 agriculture tools and they will bring to the occupational users house 2 times a year and the occupational user get 20 kg Paddy in a year. In calculation the value of paddy 1kg equal to 18 than it becomes 360. In cash they will get minimum 25 rupees per tools then it became 500. So now they got 140 rupees more in minimum cost. But in some tools like khukuri they take 100. This relationship shows that this economic empowerment they got from social change not from the community forestry. Marginalized and poor are still marginalized in getting benefit. However, there is the provision 25% of outcome for poor users to make empowerment constitutionally.

⁴ Bali is the traditional means of getting labour cost annually during the harvest time.
Thirdly, every household in VDC use firewood as the heating source some use firewood as primary sources and some use as secondary sources. Some villagers use for the fodder and some use as the timber. Sources of forest resources are different for the villagers. 35% people rely on the community forests for the forest resources. 15% people purchase and 19% people use their personal forest. 1% people use the forest resource from both own land as well as community forest and remaining 29% people use forest resources but their sources are not identified either they get from the community forest or purchase. This is the major issue in the village to get access in the forest resources and the cause of conflict among the FUG users and new comers.

Fourthly, many lower and middle class households sell their land and from that money they send their children to the international labour markets villagers take this as social challenge to get the justice. They think that when they will be economically empowered, nobody can make discrimination for them. People used to say employed city-centric, unemployed village-centric and rich utilized the timber but medium and poor cannot get timber with struggle also and blame that executive member sell 200 cube feet timber to the furniture shop but lower class mention that they never got 1 cube feet timber.

Fifthly, in land holdings Bramhin Kshetry has more land but in cash income status indigenous nationalities are higher. And the dalit are in the least in land holding as well as cash income. This VDC has the majority of the indigenous nationalities nowadays and among them 30% households are from the British army and Indian army personal including retired and current. Remaining 30% also rely on foreign remittance. They have more income and they invest more in consumption as well as entertainment. Firewood consumption is higher on those communities because they spend 50% of firewood in alcohol making.

Finally, in participation I found that 8% households pay money, 3% households send hired labour and 89% households participate themselves during the period of silviculture. In cost and benefit they usually take 12 days to finished the operation and they will gate10 to 15 bundle of firewood and if they will not get timber they will be in loss. Question remaining here why those people send labour and pay money for participation? Villager answered that they are economically and socially powerful actors they easily can get timber as well as firewood. If they will not participate in silviculture operation they will not get anything from the CFUG.

THEORETICAL DISCUSSION

Ribot and pleuso contend that getting benefit from the things is access using different mechanism including illegal[5]. In the case of phedikuna CF actual members are not getting benefit because they did not harvest forest product from past 3 years but people from outside the FUG are benefitted by illegal logging. Rules in use become static [7]but the FUG members are engaging in the FUG to get the entitlement. Villager got endowments but they all of them did not get entitlement. However leach et al insist that after engaging in endowments in the rules in use, they will get entitlements[37]. Villagers are staking claim by their negotiating capability. Institutional claim became successful in the name of srabadailya sahamai5.

Provision of inclusion made to empowerment of socially discriminated people but the inclusion is used as the caste based. So, rich and elites of the caste are using the reservation facilities in the name of inclusion so community forestry is different in theory and practice as contends by Poe and Melisa. Population pressure versus resource size is important to get access however several scholars argue that

5 Multiparty agreement
population pressure doesn’t matter in resource utilization [2, 38].

**RECOMMENDATION**

In this kinds of village where the population growth is rapid from the several cause should define the population size according to the forest size.

Inclusion and the reservation should focus on the poverty not in the caste

Effective monitoring of the FUG is needed only giving monitoring and supervision rights to the DFO is not sufficient there should be the provision of civil society to monitoring.

**REFERENCE**


[20] Mahat, T.B.S., D.M. Griffin, and K.R. Shepherd, Human impact on some forests of the Middle

The First International Conference on Interdisciplinary Research and Development, 31 May - 1 June 2011, Thailand


