

# Nepal's peace process and community forestry (DRAFT)

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## **Abstract**

*A step-by-step progress towards constituent assembly through a series of steps consisting of Comprehensive Peace Accord, Interim Constitution, Arm Management and the Interim Government has grown optimism amongst war-wrecked Nepali people. They have now started to speculate that bloody conflict is going to be finally replaced by peace and social harmony. The paper, however, points out that such attainments at the central level may not necessarily lead to peace at the grass roots, where a number of challenging tasks impend. While huge challenge lies in reverting about and maintaining permanent peace, immediate challenge lies in repatriating, rehabilitating, compensating and reassimilating the displaced people who, may have been spending a sorry life in unknown locations both inside and outside the country. By referring to an initiative in Sankhuwasabha, and by sketching out the very characteristics of community forestry, it is argued that community forestry user groups may have a role to play in the peace process by being part and parcel in it. Possible role of community forestry towards ensuring permanent peace is also briefly touched upon. The paper ends by presenting some suggestions for more work.*

*Key words: Community forestry, Community Forestry User Group, Conflict, Displaced people, Peace process, Rehabilitation*

## **Rays of hope, finally**

Over a decade of armed conflict in the country proved very costly. It is estimated that nearly 15 thousands people lost their lives, 5 thousands were disappeared and 200 thousands were rendered homeless or displaced. Over 35 thousands security personnel lost their jobs due to intimidation or for fear of possible reprisal. The figures for those who were rendered disabled are not available, but it is widely believed that its magnitude is not small.

With the 5<sup>th</sup> Mangsir government-Maoists comprehensive peace accord and promulgation of interim constitution, however, rays of hope seem appearing. People are becoming more optimists to have witnessed a step-by-step progress towards constituent assembly through arm management and interim inclusive government. It very much appears that reconciliation at the top political arena, at least, is most probable.

## **Challenge**

It may, however, be noted that reconciliation at the apex would not necessarily translate into actual peace at the grass roots, the niche where roots of the problems would actually lie. The international experience is the witness of this harsh reality. Possibly the biggest challenge ahead is in rehabilitating the vast number of victims who were displaced and in compensating them in a just manner. The enormity of the task ahead can be visualised by the fact that our inevitable concern now, unlike in the past, is not only limited to the Maoist victims but the state victims as well. Locating them, persuading them to return and to materialise the actual repatriation is not easy. Probably even more daunting is to reinstate and re-assimilate them back to the society physically, financial, socially and, more importantly, psychologically. Putting this right would require a very heavy demand not only on the resource but that it would also require a well thought-out institutional arrangements combined with painstaking implementation. The complicated nature of the task is aggravated because people wishing to take advantage of the outside offer might like to put a false claim. Likewise, many genuine victims might not come forward with a robust claim either because of hesitation or because they may have been disguising themselves in unknown locations. Complications are further exasperated also because some of the victims, out of their desperation, may have somehow

managed to return to start a pseudo-normal life already, thus causing a great deal of confusion towards rightly compensating them. While a failure to fairly compensate the real victim would not bring about a desired result, it may even yield a counterproductive outcome if a fake candidate, by some means, managed to grab the perk.

### **Government initiative**

The government is, of course, trying to figure out how the whole rehabilitation process should be taken forward. Many donors are supportive to the endeavour and are keen to provide all possible support on that matter. Nevertheless, to date, no real concrete scheme applicable to the ground reality is apparent. The current engagement at the centre is largely limited to revision of the contemporary National Policy on Internally Displaced People (2062). The principle focus has been to accommodate the currently unfolded political scenario where problems of both of the rivals (Maoist victims and the state victims) could be addressed and dealt with.

While the new policy is yet to come, some districts seem to be doing at least some rudimentary exercise in that direction as per the *ad hoc* guidelines provided to them by the centre in Bhadra 2063. *Sankhuwasabha* is probably one of such districts where such exercise is being tried. It may be useful to give at least a cursory look to the initiative there despite the fact that it has been characterised by basics.

### **Community Forestry User Groups (CFUGs): the ultimate performer**

Sankhuwasabha initially responded to the government guidelines by constituting a committee under the chairmanship of Chief District Officer (CDO). Other members consisted of government employee, namely Local Development Officer (LDO), District Police Superintendent (DSP), and District Medical Superintendent (DMS). Likewise, people representing various parties and the civil society are the individuals representing the non-government arena. Upon the constitution of the body, it picked a local NGO called SODEC<sup>1</sup> as a focal institution to undertake the implementation. SODEC has been engaged at the work ever since it was entrusted with that responsibility. As of Kartik 2063, it claims to have identified 138 adults and 37 infants wanting to return home. Three individuals were helped to return home in Aankhi Bhuin Village Development Committee (VDC) and that their rehabilitation work is underway. Detailed data collection both of the ones mentioned above and of the additional victims is known to be in progress.

It may be noted that while SODEC has been identified as a focal institution to handle the business, it has not been doing the overall exercise on its own. It, instead, used local community forestry user group (CFUG) as an intermediary to do the actual job.

### **Why CFUG?**

Question naturally arises: why SODEC chose to use CFUG as an intermediary while it itself could have done the work directly or could, alternatively, have chosen other options. While one of the apparent reasons appears to be its prior association with community forestry related initiatives, it is not all. A number of factors may have contributed towards making the CFUG as an appropriate grass-root level institution to handle the actual job.

#### *CFUG: home of the displaced*

Displaced people besides being the member of a particular community are also likely to be the member of Community Forestry User Groups those actually dominate country's landscape. Some background may be helpful. As per the provision made by the Master Plan

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<sup>1</sup> SODEC (social Development Centre) is the NGO partner the UK supported Livelihoods and Forestry Programme (LFP) has picked for facilitating community forestry/livelihoods initiatives under the programme.

for the Forestry Sector (2046), Forest Act (2049) and Forest Bylaw (2051), government of Nepal, through District Forestry Offices (DFOs) lying across the country, has been generously handing over forests to the local communities of user groups (CFUGs) to the extent they are willing and capable of managing them. This is specially the case in the Hills where a number of donor-supported projects have helped Nepal Government in community forestry handover and in its management. Consensus regarding who constitutes the group, and how they would like to manage and use their resource is at the heart of the community forestry process.

As of now 14,337 CFUGs manage 1.2 million hectares of forestland across the country. The total number households covered by such groups are 1.65 million. This translates into nearly 8.6 million heads, which account for around 37 per cent of the country's 20.32 million population. Forest User Groups in the buffer zone of several national parks and wildlife reserves and the newly ventured collaborative forest management groups in some of the Terai districts are supplemental to the above data. Likewise, there are pro-poor leasehold forestry groups in a number of places in the hills, which also may add to the figure. Frequently there are also situations where communities have made informal institutions, which govern the resource base with an aim of eventually getting the resource handed over to them officially. Hills surpass the Terai and the high mountains both in terms of number of groups such formed and the members that constitute them.

Thus when we talk of the displaced people particularly from the hills<sup>2</sup>, they may well be the very members of CFUGs (or sometimes of similar other forestry groups) whose relationships had simply disrupted in the face contemporary violence. Provided this scenario, it is very natural that the victims would like to return home and, at the same time, the CFUGs would like to assimilate them back to their community.

#### *CFUGs are accommodative*

CFUGs seem intrinsically accommodative which would also favour them to actively participate in the rehabilitation process. It may be noted that community forestry has been quite encompassing ever since it was conceptualised in mid 1970s. A brief historical sketch may be helpful. Originally, community forestry equated with '*forestry for and by the local village council*'. Over the years there were major conceptual shifts to arrive at the current state of affairs where indigenous use right holders are the proprietors and the custodian of the resource. Accommodativeness has more lately extended to special support to the poor and disadvantaged. Recent trend suggests that the groups, under the facilitation of outside agencies, do a '*well-being ranking*' and that the information thus collected are ultimately used to furnish the poorer households with a special support package. Price subsidies, increased quota (for products like fuel-wood, timber etc) and assistance for income generation through soft loan are the examples of support the group are normally prepared to extend to the poorer members of their community.

The value of well being ranking has influenced other development agencies as well. District Development Committees (DDC), Terathum, for example, is known to have been using the community's *well-being ranking* data in identifying the poor in the district and in supporting them in a number of ways.

Considerate behaviour of CFUG, if not a norm, is not an exception either. There are several instances in the past where temporarily adjourned membership of those who had left the village had been reinstated upon their return home at little or no cost. Incidences of natural calamities like house-fire are seen compassionately and timber for its reconstruction is often provided for free or with a heavy subsidy.

These are indicative of how the CFUGs are characterised by accommodativeness. There is thus no reason why CFUGs should not be prepared to extend their considerate behaviour to the conflict victims whose case may be even more compelling than the rest. Evidently the

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<sup>2</sup> Number of displaced in the hills is believed to outweigh the ones in the Terai and High mountains.

CFUGs are mostly positive in this matter but a lot depends on whether outside interventions are prepared to acknowledge this ground reality.

#### *CFUGs as accountable entities*

On a number of counts CFUGs appear to be fairly reliable institutions to handle a number of development works. Those have been the autonomous institutions formed as per the legal provision stipulated by the forestry law and other government guidelines. They have been successful in regenerating their forestry resource base through participation of all those who are involved. Their network extends from local through district, regional and national level. Those have been liaising with government bodies, NGOs and the donors for accruing support not only for managing their forests but also for carrying out a number of community development works. Over the years they have developed community leaders who are capable of handling very complicated conflict situations through dialogue and discussion. A number of consensus based initiatives ranging from membership provision to the hardcore forest management and from benefit sharing to local development works fall under the regular functions of the CFUGs. The forest laws abide CFUGs, which require them to keep all records systematic and transparent. Their income and expenditure are subject to auditing and the same are liable to frequent monitoring from DFOs. These provisions would help to put the system into regular scrutiny, thus help maintaining a check and balance situation in connection with any development initiatives they would like to carry out.

#### *CFUGs are resilient*

CFUGs seem to be working reasonably well even under severe stress conditions inflicted by the prevailed conflict situation. This may be seen in the background that violent conflict had pushed virtually all government and non-government institutions into a state of virtual collapse. Probably the CFUGs have remained the major institution, to survive despite the fact that they had to face a great deal of threats arising from multiple fronts. Extant community forests and the CFUGs that govern them would epitomize this reality. CFUGs thus are characterised by resilience to severe hardship and threat conditions and have developed a built-in mechanism to cope such adversities by way of dialogue and negotiation. Evidently, emerging peace scenario would provide the already lively entity a better space for engaging itself into more efficient resource management and community development endeavour. CFUGs are tied up with renewable forestry resource base which may contribute it to be more sustainable compared to other community-based organisation which normally lack such resources. No wonder, Community Development Groups (CDGs) formed under the just phased out NARMSAP<sup>3</sup> programme has ceased operating where as the CFUGs formed under the same programme are functioning reasonably well<sup>4</sup>.

#### *Symbiotic relationship*

The CFUGs and the displaced are of course tied up with social bonds, as may be evident from above. Further, they are likely to have a number other symbiotic relationships which bear a clear relationship with the rehabilitation process. Amongst the very first few things the repatriated households (HHs) require immediately after they return is putting the long abandoned, probably wrecked, house to a shape. Likewise, they need to light their hearth for warmth and cooking. Community forests might extend support in that regard at a quite affordable price, the way it has been doing over the years to its members. It may be noted that outside money or even material support cannot be a substitute to these local forest products. Too dispersed and often inaccessible locations mean that external supply of goods or even money may be a very poor surrogate to local provisioning of those products.

It is not that outside money does not have relevance. Monetary support for buying lost household utilities, livestock and food is inevitable. Likewise, financial or even material support for schooling, drinking water or irrigation is a must if the government wants to be

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<sup>3</sup> A bilateral project between Nepal government and Danish Government

<sup>4</sup> This is of course based on general observation. Empirical study may reveal more.

sensitive towards the virtually irreparable loss the victims had to face throughout the period of traumatic eviction. Government is obliged to address this situation even if it has to garner donor support to that end. However, one confusion might surround. The facilities fetched with a focus on the victims (for example, construction of school/drinking water) would not necessarily limit to them but might spill to rest of the members of the community too. Though seemingly unjustified, it is not actually so. After all *'you would not build a school, or health centre or provide drinking water facility that serves exclusively the conflict victims'*. Outside support, in fact, may have more to gain than to lose by creating such services having wider socio-economic implications. In fact a symbiotic relationship already exists in the village and that such support, if handled properly, would simply reinforce this positive scenario, thereby also contributing towards local community development.

#### **Further down the road**

The discussion above obviously limits itself to exploring possible relevance of the CFUG in light of rehabilitation of the current conflict situations. However role of CFUG would not limit to this. It may have a role to play all the way towards eliminating social, political, and economic deprivations at the local level, the very essence that may have helped breed to the current conflict situation in the first place. Given the reasonably liberal community forestry policy and given the constant pursuit on the part of experts and the right activists, it may be imagined that inclusiveness would eventually be the essential feature of forestry governance in Nepal. It may thus be imagined that all Nepali may be incorporated into one or other form of forestry user groups in the due course of time, if not in the immediate future. Provided this anticipated situation, forestry user groups, which so far have largely concentrated themselves on forestry governance, may be expected to more vigorously involved in steering the overall development initiatives in their communities. If this is made to happen with careful outside facilitation, one may go as far as anticipating that the outcome might help to averting the conflict situation altogether by contributing directly to peace and development. Donor support may have an immense role to make it happen.

#### **Concluding remarks**

Peace building is the nation's current priority, which has drawn support from a number of donors. However, so far, very little is known as to how to go about building peace at the local level. A cursory look suggests that CFUGs may have a role to play in peace building by helping the displaced members of their community to relocate, repatriate, rehabilitate and re-assimilate back to their community. The involvement of CFUG in this process may be efficacious both in terms time and cost effectiveness. After all, no outsiders could do the job better than the community itself of which the displaced used to be a part until conflict caused them to detach. It is certainly wise to use the existing institution than creating a new one just for the purpose of task on hand. This is not to say that existing CFUG is the only option to perform the job. Sometimes we may have to create a new institution if CFUGs are not available or that they happened to be too weak to do the job. However, given that many advantages are associated with CFUG it may be wise to consider the same as one of the most relevant institution to deal with the conflict victims at the local level. While rehabilitation of the conflict victims could be at the top of the CFUG agenda in the current context, they should not stop there. They need to go beyond that and steer the community to better social, political and economic prosperity so that the undesirable conflict situation could be waived altogether. Development intervention may have a great role to play in this connection.

#### **Suggestions for further studies**

As this paper is based on very limited understanding of the situation, it may be useful to be definitive through more extensive work regarding how the issues of displaced could be addressed. The following points may be worth digging out by way of more detailed study:

- What could be the most appropriate institutional mechanism in the grass roots (and beyond) so as to effectively and fairly deal with repatriation, rehabilitation and compensation of the conflict victims/displaced?

- How should those intervening institutions be linked horizontally and vertically?
- Is really the CFUG a right institution to handle the issues of the conflict victims at the grass roots?
- What are the other institutions that could be used for the purpose?
- If CFUGs are found to be appropriate institutions to carry out the job, whether their involvement is going to cost them in terms of time and resource. Can they afford doing it without costing too much to the community forestry, their main job?
- Whether and to what extent the CFUGs are to gain or lose by being involved in the process.
- What could be the alternatives if the CFUGs are unavailable or are too weak to be entrusted with the proposed job?
- Whether DFOs can play a role in the process? If so, whether their involvement would cost too much to their official responsibilities.
- What are the elements of lasting peace at the local level? Whether community forestry can play a role to avert the conflict situation from being emerged in the first place.
- Provided that above is true, how the current community forestry intervention modality may be modified/redesigned so that peace and tranquillity remains the permanent feature of the Nepalese community?