



## Power, Equity, Gender, and Conflicts in Common Property Resources in the Hindu Kush-Himalayas

Presenting the historical perspective and political economy of common property resources' management and its associated issues, the author concludes that the last decade has seen increased commitment by the state to community-oriented resource management. The current issues in the context of power, equity, gender, and conflicts are then analysed with some interesting examples. The urgency to mainstream conflict resolution in policy, laws, procedures, operational guidelines, and human resource development is emphasised.

### Context

*"Agar ped bigre to khana milna mushkil ho jata hai  
agar padas bigre to jeena mushkil ho jata hai."*

If your natural environment deteriorates then obtaining food becomes difficult.  
If your relationship with neighbours deteriorates then life becomes difficult.

This proverb from the middle hills of Himachal Pradesh, India, is symbolic of the traditional and culturally-rooted significance attached to the status of common property resources and social harmony, both critical to the well-being of mountain people.

Recent empirical evidence indicates that both environmental degradation and the erosion of social institutions are issues in the Hindu Kush-Himalayas. While causes of environmental degradation are often ascribed to increasing population, accelerated biotic pressure on mountain resources, and loss in soil fertility, it is today clear that sustainable management of the commons in the mountains cannot be perceived in isolation of wider development trends and macro-policies. Issues of appropriate governance structures, accountability, and transparency are a central focus in our search for sustainable approaches to poverty reduction in mountain areas.

### Political Economy of the Commons

The status of today's commons and the conflicts and opportunities of tomorrow remain rooted in the past, and it is important to view these against a historical perspective of the political economy of the commons. The era prior to the emergence of the contemporary nation state was marked by use of forest resources based mainly on need. Mountain communities lived in an environment of plenty in which sufficient resources were available to meet daily needs and contribute to the quality of life and food security. Decisions related to access, distribution, management, and responsibilities were rooted in social and cultural institutional mechanisms. The interface between society and natural resources shaped resource-use patterns in mountain areas. Penetration of external market and related forces remained minimal, in part due to the inaccessible mountain

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*If the future points definitively to a  
scenario of environmental scarcity then  
competition and conflicts over these  
resources emerge as major issues in  
mountain development and make it  
imperative for us to examine issues of  
power, equity, and gender.*

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Comments are Welcome

### **Box 1: Traditional System of Distribution of Forest Resources - Narwan Village, Chadhiar, Kangra District, Himachal Pradesh, India**

The Narwan Village Development Committee (VDC) has a total of approximately 50 ha of forest area for their fuel and fodder needs as per forest settlements in Kangra District. The village has 60 households which are mainly Rajput, while there is an additional 70-household Harijan settlement. Though the Harijan settlement does not have traditional rights on this 50 ha forest area, the Rajputs have shared the area with the Harijan settlement.

Here is the current usage of this area and the mechanisms used for equitable use and distribution of forest products:

#### **Area given to Harijan household**

Seventeen ha have been given to the Harijan households. This practice began only in 1993. The Harijans are supposed to pay Rs 15 per household to the VDC, though until July 1997 no payment had been made by the Harijan households. The VDC members feel that Harijans are getting substantial amounts of fodder from the area granted to them. However, if they do not pay this year then the VDC may not allow them to cut grass from the area. It is clear that the Harijan households have only been given fuel and fodder rights and do not have a share in the final harvest of timber under settlements or under joint forest management.

#### **Area auctioned off to individuals**

Annually the VDC auctions off 17 ha of the area in an open auction. This area is not a very productive one and the auction amount is about Rs 600. Usually an individual VDC member gets the area and no outsiders are allowed to participate in the auction.

#### **Area retained by VDC**

Seventeen hectares are retained by the VDC to meet the daily needs of its 60 households. The distribution of this area is carried out by dividing the 60 households into 10 lots, depending on the traditional location of the houses in the village. The whole area is then divided into six portions in an open *gram sabha* (village meeting). Each area is then allotted to the six household lots by rotation to ensure equity.

Each group of ten households then further divides the area into ten portions. A lottery system is used to draw lots by each member. This process is followed every year to ensure equity and transparency. VDC members do not recall to what extent luck favours anyone and who draws the first few lots.

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*The emergence of the industrial revolution, the technological breakthroughs, the two world wars, and national needs led to the state viewing the mountain forest resources as raw materials for developing the infrastructure of the nation.*

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terrain. Traditional conflict resolution mechanisms and concern for equity were manifest in several examples of protection, distribution, and management, as kinship patterns in mountain societies were dominant factors (Box 1). While political institutions for governance existed, they were close to mountain communities and operated on principles of mutuality and participatory governance.

The potential romanticism in this scenario is tempered by the fact that exploitative structures, patriarchal relationships, power politics, and occasional lack of concern for equity also existed. However, the appellate opportunities were available and, most important, accessible to those who wished to exercise their right to redress some of these problems.

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*The recent decade of the nineties, however, has been the most dramatic in terms of changes in policies, rules, and regulations and attempts at institutional transformation in the forestry sector.*

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The emergence of the nation state and the colonial era in some of the upland and lowland regions of the countries of the Hindu Kush-Himalayas began a long process of change.

A common factor was the consolidation of small kingdoms, fiefdoms, and principalities into large spatial regions which were unified as nation states. This process also led to the state taking over the responsibility of meeting the basic needs of its people and nationalising forest and other common property resources in the mountains. The fundamental belief of the state was that regulative mechanisms were essential to ensure sustainable use of the commons. However, the political economy in the various countries had a major causative impact on the use of forest resources. This era saw rampant exploitation of forest resources with substantial disregard for sustainability and the rights of local communities.

Exploitation of forest products could not take place without establishing institutions which were charged with the responsibility of managing upland forest areas. This led to the establishment of forest departments armed with a diversity of policies, rules, and regulations. Rights were reduced

to settlements and concessions. Natural forest species were harvested to be replaced by species which were timber- and revenue-oriented, Polarities widened and distrust thrived.

### Contemporary Strategies for Forest Management

The recognition that custodian forestry was a failure slowly began to dawn several decades ago and led to a search for alternative approaches. People slowly began to emerge from the margins and to occupy a central focus in forest management strategies. The sixties saw the beginning of social forestry programmes which attempted to learn from the lessons of custodian forestry and to attempt to involve local communities in forest protection and management.

**Nepal** has currently the most pioneering forestry legislation in the world. It was approved in 1993 and the rules gazetted in 1995. Approximately 350,000 hectares of forest have been handed over to 4,500 forestry user groups. **India**, with a paradigm shift in its forest policy of 1988, approved an enabling government order in 1990 to encourage its states, regardless of whether they were in the mountains or plains, to involve local communities in forest management. Known commonly as Joint Forest Management, currently six of the mountain states in the western and eastern Himalayas have put into place similar government orders. It is estimated that, all over the country, about 1.5 million hectares of forest land are under community management in India. **Bhutan** began its policy changes with a recent forest legislation to include an ecosystems' approach. In addition, Bhutan has recently approved a new set of guidelines and rules to implement social forestry in pilot locations in the country. **Pakistan** has recently handed over forest areas in several pilot locations as an experiment in joint forest management, while several bilateral social forestry projects are laying the foundation for change. The **Chinese** experience in social forestry is well known and is now evolving to build on the practice and experience gained over the last thirty years.

In sum, the last decade has seen increased commitment by the state to community-oriented resource management; increased areas under community management; reestablishment of local institutions empowered with legal control; income generation from forest areas and products for individual households and communities, which have positive effects on the environment; and, in general, creation of an environment of trust and confidence in which to shape the future.

### Issues for the Future: Power, Equity, Gender, and Conflicts

However, these successes have to be viewed against issues which either have not been addressed or have created new challenges amongst stakeholders with an interest in common property resources in the mountains. These relate to exclusion and de-participation of marginalised groups and women in forest resources, power structures, and conflicts.

Recognising that environmental scarcity and potential conflicts will need to be dealt with and to build the additional capabilities needed to cope with emerging conflicts, ICIMOD initiated a process of capacity building in conflict resolution. Preliminary discussions indicated that, while experiences of conflicts existed, there was a paucity of conceptual tools to analyse conflicts and to resolve them. This led to an inter-institutional process which generated new knowledge through analytical case studies and disseminated these through several workshops and training forums.

Deeper analysis of these case studies led to the conclusion that, while some conflicts are caused by disagreements related to access and distribution of community forestry resources, in many cases the causes are actually based on class, caste, gender, and power but manifest themselves in the guise of community forestry.

Typologies are now available which provide a framework for stakeholder analysis at the policy level. Inter-user group conflicts are often between two institutions and are mostly caused by disagreements related to ambiguous boundaries and overlap between traditional boundaries and those drawn by the intervention of the forest department. In yet another category are disputes between local institutions and the forest departments and these are mainly related to operational plans and deviation from agreed objectives.

While there are several examples of conflicts due to matriarchal roles being threatened and based on gender, the most interesting one is that involving a small women's forestry users' group and the forest department. The example illustrates how a local timber contractor used his good offices to marginalise and disempower the women's group by using source-force and local male-dominated political structures.

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*Many conflicts can be classified as intra-user group conflicts which remain within the social and institutional domains of these local institutions and are caused by anomalies in the user group identification process and sharing of benefits and key issues of equitable participation and politicised or biased leadership.*

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### A schematic process evolved by forestry professionals depicting the need for personal and institutional change





## Box 2: Decision-making Processes Practised in Upper Mustang

The social norms and values of the communities of Upper Mustang are unique compared to other parts of the country. The unity of the villagers makes various project activities easy to implement. The *Mukhiya*, the leader of the village, has decisive power in the process of implementing village development work. However, he doesn't have the right to change the village norms and rules which have been adopted.

Although a *Mukhiya* is powerful, he often uses democratic methods to settle the issues in the community. Some of the methods are discussed below.

### Use of dice

This is the commonly-used method of decision-making in the villages of Mustang. This technique is used especially for village work of least importance, e.g., when they need to select someone for some small transport work, or to look after the community forest, or to regulate the gates of a desalting basin, or to decide who will be the candidate in an election, etc.

In the dice technique, a six-faced cube, with its facial numbers ranging from 1 to 6, is used. In this method, each household is asked to pick the dice and throw. The numbers thrown by members of different households are taken into account by the *Mukhiya*. The person getting the least number is asked to take on the community job. In the process of decision-making, this method is considered to be fair and impartial.

### Open voting

Generally, this method is used in solving major contradictory issues in the village. When the *Mukhiya* and other selected persons become unable to make a final decision, an open vote is cast. In this method, all of the participants, i.e., one person from each house, are eligible to cast a vote. Small stones or other locally-available objects are collected and counted as votes. Finally, the result is disclosed by the *Mukhiya* and is valid. Such a method was applied in Tetang irrigation project during the field crop harvesting season. The issue was whether there should be full people's participation or partial participation in irrigation canal construction work for two weeks. The result was 31 and 36 votes respectively. Hence, the villagers formed two working groups and worked on alternate days, one group in the project and the other in harvesting.

### Lottery method

This method is commonly used in the process of responsibility distribution and identification of certain beneficiaries. This method was used in Tetang Village of Upper Mustang during distribution of Improved Metallic Cooking Stoves. There were 69 households and the demand of ICS was for 69, but we only had 32 stoves. Therefore, the group decided to use a lottery method. The household representatives collected 69 different symbolic small wooden pieces. Each representative took one symbolic wooden piece from the bunch. Everyone's symbol was fixed. The symbolic wooden pieces were collected in a bag by the *Mukhiya*. As part of the process again, the collected wooden pieces were taken out by the *Mukhiya* one by one from the bag until there were 32. The 32 symbolic wooden pieces were given to the respective representatives who were allotted those symbols. Of the 69, those 32 representatives received stoves.

The challenge of attempting to integrate equity concerns in an environment in which resource scarcity is accentuating demands and increasing conflicts is a difficult one. It is advocated that a consensual approach based on proper identification, discussion, and broad-based agreement with the larger community for utilisation of resources, which can be earmarked for marginal and poor households, is the most appropriate one. Processes to build the confidence of institutions of the poor members of society are imperative because, when a resource deteriorates, it is easy to obtain consensus from the larger community but, when the resource becomes productive, the whole community and the local elite and power structures will be interested in staking a claim to the benefits.

The role of power and caste is best exemplified by a substantive study entitled 'Nepal Community Mediation Study' which identified and analysed over 100 conflicts in different ecozones of Nepal. The key findings related to power and caste were that *jat* (caste), though no longer legal in Nepal, plays a role in all social transactions, helping establish who is up and who is down. Confusion only occurs when other status conferring factors, official position, higher education or power, etc contravene. When higher *jat* Hindus are in conflict with one another, possible loss of status (*izzat*) from the outcome is more prominent than when lower *jat* members are in conflict. Believing that

they may be able to use connections to their advantage, these higher *jat* groups are more likely than others to take the conflict to higher levels.

On power, influence, and connections the study concludes that power inevitably plays a critical role in conflict resolution. Sometimes, in potential conflict between the powerful and the powerless, the powerless cannot even raise the issue. In general, persons with power and source-force will take any case for resolution to a level at which they believe their power will make the most difference in their favour.

This may well be true for other countries of the Hindu Kush-Himalayas where caste factors still continue to influence social, institutional, and political decisions of allegiance and alliance. In regions where caste is a non-issue it is fairly safe to speculate that class-based factors will replace caste-based factors.

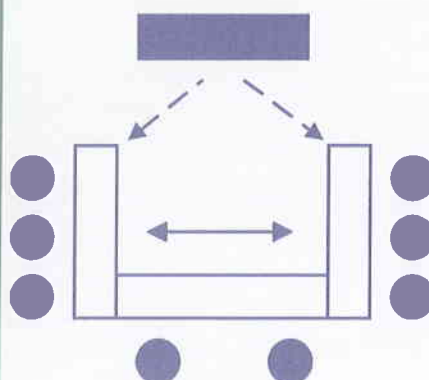
Research and experience indicate that traditional patterns of conflict resolution settlement tend to prevail in more remote mountain and hill areas. As people become more urbanised, they may bypass or ignore traditional mechanisms and use the formal court structures. This is especially true for those who are literate and have access to influence. The poor and those with low levels of literacy tend to lose out here again, as they are unable to offset the advantages offered to the elite and the powerful. In addition, the social costs of the formal court and its long-drawn out process is an added disincentive to pursuing disputes in the formal system. This tends to be an important issue in mountain areas where lack of mobility and inaccessibility make it difficult to have easy access to the formal courts. This also underlines the need to ensure that traditional, accessible, socially, and culturally appropriate arbitration and dispute settlement mechanisms are held together in order to ensure that mountain people who are powerless have access to equity and social justice.

Different strategies can be evolved to ensure that equity issues are given due importance. These include rigorous analysis of policy and other instruments for the management of the commons in the mountains, introduction of appropriate mechanisms based on equity and transparency and within constitutional norms and values, independent and neutral conflict resolution and arbitration mechanisms, right to informed consent by local communities, strict adherence to the process of identifying stakeholders, and the handing over of forest areas.

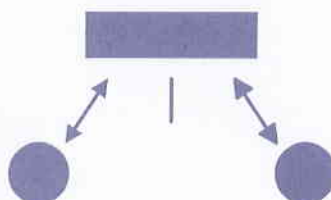
There is also a need to craft new institutional mechanisms which can give a voice to the voiceless, the marginalised households and women.

Power, equity, gender, and conflicts have to be seen in the context of mountain areas of the Hindu Kush-Himalayas. Social and kinship patterns are specific to mountain areas and mountain communities often exist as closed and restricted economic regimes. Due to inaccessibility, they have developed intrinsic and interdependent social and kinship relationships. These relationships transcend the social domain and lead to collective natural resource management strategies. The

## Processes in Conflict Resolution



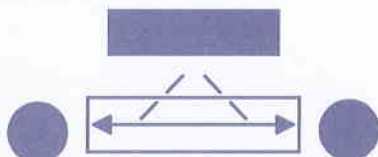
**FACILITATION** involves the help of a neutral person in designing and conducting a meeting



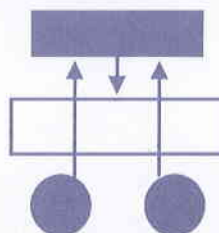
**CONCILIATION** consists of the attempt by a neutral third party to communicate separately with disputing parties for the purpose of reducing tensions and agreeing on a process for resolving a dispute



**NEGOTIATION** is a voluntary process in which parties meet face to face to reach a mutually acceptable resolution of the issues



**MEDIATION** involves the assistance of a neutral third party in a negotiation process. However, a mediator, unlike a judge, has no power to direct the parties. Instead, the mediator helps parties reach their own agreement



**ARBITRATION** involves voluntary submission of cases by the parties to a neutral party for decision-making, often negotiating a tailored set of rules of procedure which they agree to follow

presence of conflict causes a breakdown in these traditional approaches but also fragments the social fabric of mountain communities. While we are aware of the impact on natural resources, we do not yet have adequate documentation on the social and human impact of these conflicts. While conflicts are not new, their impact is today more urgent insofar as the presence of conflicts accelerates degradation of natural resources and impedes the introduction and sustenance of wise use of these resources.

Unresolved conflicts often threaten social sustainability and, in the absence of social harmony, no development processes or constructive interventions are possible. We need to recognise this paradigm and move urgently to mainstream conflict resolution in policy, laws, procedures, operational guidelines, and human resource development. This would enable us to fulfill our dual goal of ensuring sustainable development of the mountain commons and the well-being of the mountain people as articulated by the mountain farmers of the Hindu Kush-Himalayas.

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### Further Readings

- Karki, A.S.; Amtzis, J., and Bhatia, A. (eds), 1996. *Building Partners in Community Forestry, Workshop Report*, June 14-17, 1995. Kathmandu: ICIMOD.
- Malla, S.P., 1996. *Conflict Resolution Case Studies: Jalbire Women's Community Forestry Group*. MNR 96/1. Kathmandu: ICIMOD.
- Shrestha, K.B., 1996. *Conflict Resolution Case Studies: Community Forestry in Nepal: An Overview of Conflicts*. MNR 96/2. Kathmandu: ICIMOD.
- Singh, B., 1995. 'Conflict Management in the Leasehold Groups (Nepal)'. Paper presented at Seminar on Conflict Resolution, October 1995. Kathmandu, Nepal.
- Gadi, M., 1995. 'Conflict between landowners and community members represented by an NGO in North West Pakistan'. Paper presented at Seminar on Conflict Resolution, October 1995, Kathmandu, Nepal.
- Bhatia, A. (ed), 1996. *Seminar on Conflict Resolution in Natural Resources*, Kathmandu, Nepal: ICIMOD.
- Shrestha, M.L., Joshi, S.P., Bhuju U.R., Joshi, D.B., Gautam, M., 1995. *Community Forestry Manager's Manual*, 1995. Kathmandu, Nepal: Community and Private Forest Division.
- ICIMOD, 1995. *Community Forestry: The Language of Life*. First Regional Community Forestry User's Group Workshop. Kathmandu: Nepal.
- Kaplan, P., 1995. *Nepal Madhyasthata Samuha, Nepal Community Mediation Study*. Kathmandu, Nepal: Asia Foundation.

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Established in 1983, ICIMOD is dedicated to the cause of poverty alleviation and environmental conservation in the Hindu Kush-Himalayan range of Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan. ICIMOD is a focal point for documentation and information exchange, training, applied research, and demonstration on a wide range of issues affecting mountain people.

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