

**Nepal Madhyasthata Samuha**

**Seminar on Conflict Resolution  
in Natural Resources**

Edited by  
Anupam Bhatia



Organised by  
**Participatory Natural Resources' Management Programme  
International Centre for Integrated Mountain Development  
(ICIMOD)**

April 24-25, 1995  
Kathmandu, Nepal

# **Nepal Madhyasthata Samuha**

## **Seminar on Conflict Resolution in Natural Resources**

**Edited by  
Anupam Bhatia**

**Organised by  
Participatory Natural Resources' Management Programme  
International Centre for Integrated Mountain Development (ICIMOD)**

**April 24-25, 1995  
Kathmandu, Nepal**

Copyright © 1996

International Centre for Integrated Mountain Development

All rights reserved

- Front Cover: View of a Himalayan Forest - *Sharada Kharel, Nepal/Australia  
Community Forestry Project*
- Back Cover: Path through the Forest - *Sharada Kharel, Nepal/Australia  
Community Forestry Project*
- Inset: Members of the Jalbire Women's Community Forestry Users'  
Group, Gorkha District, Nepal - *A. Bhatia*

Published by

International Centre for Integrated Mountain Development  
G.P.O. Box 3226,  
Kathmandu, Nepal

Typesetting at ICIMOD Publications' Unit

The views and interpretations in this paper are those of the author(s). They are not attributable to the International Centre for Integrated Mountain Development (ICIMOD) and do not imply the expression of any opinion concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.

# Foreword

# Preface

Increasing pressures on scarce natural resources are a critical issue confronting mountain communities who are asserting claims to the use and management of these resources. On a wider basis, this represents a potential for conflict as mountain communities struggle to meet their basic needs. This situation becomes more complex when processes to legitimise customary use rights are initiated. The community forestry process in Nepal is a classic example which illustrates this: forest resources are growing scarce, communities are staking their claims, and the process of handing over community forests is underway.

While we had substantial experience of conflicts, there were very few examples of constructive resolution. Forestry and related professionals were feeling the urgent need to enhance their abilities to understand the dynamics of conflicts and to take appropriate steps to mitigate and manage them. The presence of unresolved conflicts has often had a negative impact on forests and has often accelerated the process of degradation as common property resources reel under the open access and indifferent regime systems.

The Nepal *Madhyasthata Samuha* (Nepal Mediators' Group) has made a contribution by generating case studies of conflicts and their resolution and in building new capabilities for conflict resolution. The Nepal *Madhyasthata Samuha* is also an example of inter-institutional cooperation in the forestry sector in Nepal, and we hope that it will inspire more such cooperative initiatives. To facilitate and play a catalytical role is an important institutional mandate of ICIMOD, and we are already beginning to see growing interest in conflict resolution from the other countries in the Hindu Kush-Himalayas. We are confident that Nepal's considerable experience in community forestry, associated conflicts, and solutions will be of value to other countries and institutions who are addressing the common challenge of harmony and equity in the relationship between society and its natural resources.

Egbert Pelinck  
Director General



# Acknowled Preface

This document presents the proceedings of the Seminar on Conflicts Resolution in Natural Resources organised by the Nepal *Madhyasthata Samuha* at the Nepal Administrative Staff College, Kathmandu, Nepal, on 25th April, 1995. One main feature of the seminar was the presentation of five case studies of conflict resolution in Nepal. Participants at the seminar included senior policy-makers from the Ministry of Forests and Soil Conservation and the Ministry of Law and Justice, members of non-government organisations, research organisations, lawyers, and members of forest user groups. Key features of the seminar were small group discussions and interactive dialogues.

The case studies presented were:

- \* COMMUNITY FORESTRY IN NEPAL: AN OVERVIEW OF CONFLICTS, by K.B. Shrestha, Chief, Community and Private Forestry Division, Department of Forests, HMG/N  
  
BUCHHUNG FOREST: A CASE STUDY ON CONFLICT RESOLUTION, by Netra Tumbahangphe and Drona K.C., Nepal UK Community Forestry Project
- \* JALBIRE WOMEN'S COMMUNITY FOREST GROUP, by Sapana Pradhan Malla, Advocate, Supreme Court  
  
CONFLICT RESOLUTION IN THE BOKSE MAHADEVSTHAN FOREST, by Sharada Kharel, Nepal Australia Community Forestry Project and Shibesh Chandra Regmi, New Era  
  
NEPAL COMMUNITY MEDIATION STUDY, by Paul Kaplan, Asia Foundation
- \* Both Nepali and English versions of these case studies are available.

1. BACKGROUND ..... 1  
ICIMQD'S Participatory Natural Resources' Management Programme ..... 1

This seminar would not have been possible without the commitment and hard work of many people, particularly the members of the Nepal *Madhyasthata Samuha*. Equally important are the community user group members from Kabhre and Gorkha districts whose conflicts were the subjects of two of the case studies and who travelled to Kathmandu to participate in the seminar, thereby contributing to increasing awareness about conflicts and their resolution.

Background to the Seminar ..... 2  
Working Groups ..... 2  
Group One: Jalhira Women's Community Forest ..... 2  
    Background of the Conflict ..... 2  
    The Decision of the DOF and its impacts ..... 2  
    Legal Issues ..... 2  
    Suggestions ..... 2  
    Group Discussion ..... 2  
Group Two: Buchhung Forest ..... 2  
    Background ..... 2  
    Impact of the Conflict ..... 2  
    Analysis and Conclusion ..... 10  
    Discussion ..... 10  
Group Three: Bokse Mahadevsthan Forest ..... 10  
    Conflict within Mahadevsthan ..... 10  
    Conflict between Mahadevsthan and Ankele VDCs ..... 12  
    Group Discussion ..... 12  
Plenary ..... 12  
    Nepal Community Mediation Study ..... 12  
Major Findings ..... 12

# Contents

1.	BACKGROUND .....	1
	ICIMOD'S Participatory Natural Resources' Management Programme .....	1
	Formation of the Nepal <i>Madhyasthata Samuha</i> (NMS) .....	1
	Training Programme on Conflict Resolution .....	2
	Seminar on Conflict Resolution .....	2
	Planning Meeting for Seminar .....	3
2.	BACKGROUND AND INAUGURAL STATEMENTS .....	3
	Background to the Seminar .....	4
	Working Groups .....	5
	Group One: Jalbire Women's Community Forest .....	5
	Background of the Conflict .....	5
	The Decision of the DOF and Its Impacts .....	6
	Legal Issues .....	7
	Suggestions .....	7
	Group Discussion .....	7
	Group Two: Buchhung Forest .....	8
	Background .....	8
	Impact of the Conflict .....	9
	Analysis and Conclusion .....	10
	Discussion .....	10
	Group Three: Bokse Mahadevsthan Forest .....	10
	Conflict within Mahadevsthan .....	12
	Conflict between Mahadevsthan and Anekot VDCs .....	12
	Group Discussion .....	12
	Plenary .....	13
	Nepal Community Mediation Study .....	13
	Major Findings .....	14
	Space and Exposure Differences .....	14
	Ethnic Differences, Traditional Institutions and Contentiousness .....	14
	Alliances and Role of Social Networks .....	14
	Jat, Status, and Education .....	14
	Power, Influence, and Connections .....	14
	Increasing Role of Political Allegiance .....	15
	Intervention of Outside Institutions .....	15
	The Role of Mediation and How it Works .....	15
	Predictions for the Future .....	15
	Recommendations .....	15
	Conflict within a Forest User Group .....	16
	Conflicts between User Groups .....	16
	Conflicts between User Groups and Forest Division Office/Forest Department .....	16
	New Policy .....	16
	Plenary Discussion .....	17
3.	CONCLUDING SESSION .....	19
	Feedback from Participants .....	19
	Future Plans .....	19
	Closing Remarks .....	19
	ANNEXES .....	21

# ABBREVIATIONS

CADR	Centre for Alternative Dispute Resolution
CDO	Chief District Officer
CEAPRED	Center for Environment and Agriculture Policy Research Extension and Development.
DFO	District Forest Office
DOF	Department of Forests
FORESC	Forest Research and Survey Centre
FTPP	Forests, Trees, and People Programme
FUG	Forest User Group
HMG/N	His Majesty's Government of Nepal
ICIMOD	International Center for Integrated Mountain Development
IIDS	Institute for International Development Studies
IIMI	Internal Irrigation Management Institute
INHURED	International Institute for Human Rights, Environment, and Development
JWCFG	Jalbire Women's Community Forestry Group
MHDP	Mechi Hills Development Programme
NACFP	Nepal Australia Community Forestry Project
NAF	Nepal Association of Foresters
NEPAN	Nepal Participatory Action Network
NMS	Nepal Madhyasthata Samuha (Nepal Mediators Group)
OP	Operational Plan
PILF	Public Interest Litigation Forum
PNRMP	Participatory Natural Resources Management Programme
RECOFTC	Regional Community Forestry Training Center
RWGF	Rural Women's Creative Family
SCF	Save the Children Fund
SDC	Swiss Development Corporation
USAID	United States Agency for International Development
VDC	Village Development Committee
WATCH	Women Acting Together for Change
WIDC	Women Integrated Development Center
WRFD	Western Regional Forestry Directory
WSG	Women's Support Group
WWF	World Wildlife Fund

## Formation of the Nepal Madhyasthata Samuha (NMS)

The emergence of conflicts in community forestry and over other natural resources is a growing concern. There is growing consensus that the future will place increasing pressure on institutions to look for ways and means to resolve conflicts. Although institutions have experience of conflicts, examples of efforts to resolve them are rare.