

# ANNEX 1

## SEMINAR PROGRAMME

### 09:00 Opening / Introductions by Participants

Welcome Address by Dr. Mahesh Banskota, Deputy Director General, ICIMOD

09:45 Sharing Seminar Design/Agenda, Manohar Lal Shrestha

10:00 Overview of Conflicts: Keynote Address by Kailash Pyakurel, Member NPC

10:30 Three Concurrent working Groups around Case Studies

- Baglung Group
- Jalbire Group
- Bokse Group

### Formation of Groups/Guidelines

10:45 Tea/Coffee

11:00 Working Group

01:00 Lunch

01:45 Plenary Presentations by Concurrent Working Groups

02:45 "Community Meditation in Nepal" Paul Kaplan

03:15 "Community Forestry in Nepal: An Overview of Conflicts"  
by K.B. Shrestha

03:45 Tea/Coffee

04:00 Discussion

04:45 Closing Remarks

# LIST OF PARTICIPANTS

The names of the NMS members are listed below.

Judith Amtzis

Lisa Bayley

Jeff Campbell

Paul Kaplan

Sharada Kharel

Ramesh Khadka

Sapana Malla

Ujjwal Pradhan

Shibesh Chandra Regmi

Janet Seeley

K.B. Shrestha

M.L. Shrestha

Narayan Kazi Shrestha

Rajiv Singh

Netra Tumbahangphe

## ANNEX 2

### **Keynote Address: Conflicts and Solutions**

**by Kailash Nath Pyakurel, Member, National Planning Commission, HMG/N**

Giving reasons that give rise to conflicts, Mr Kailash Nath Pyakurel said that people have exploited natural resources for centuries. At present, while population growth and development programmes increase daily, the supply of natural resources is unable to keep pace with growing demands. The gap between supply and demand leads to competition for scarce resources, the ensuing conflict obstructing the path of development, he said.

While admitting that conflicts over property rights and access to resource distribution are not new, he said that but institutional policies have only recently been formulated to deal with them. Extending and intensifying programmes to solve the shortfalls in natural, physical, and human resources would certainly accelerate the pace of development. In conclusion, he focussed on the importance of democratic solutions.

#### *Natural Resources*

The important resources of Nepal are water, land, forest, and the people's cultural heritage. Since people depend on natural resources for their livelihood, more effort and energy is being expended in conserving these resources. In its race for rapid development, Nepal's natural resources have frequently been overexploited. Also, traditional land-holding policies have been revamped and these changes have benefitted some people and been detrimental to others. The dissatisfaction of the losers leads to conflicts and struggles.

#### *CONFLICT*

Differences in views and attitudes between two or more parties can lead to conflict. Conflict, in the context of this workshop, denotes disregard, disagreement, hatred, hostility, etc. Even though we generally view struggle as negative, there is also a positive aspect. Society does not always disintegrate due to struggle; it can also be strengthened. Conflict can help strengthen truth and reality. Therefore, conflicts can play a vital role in a society's improvement.

#### Kinds of Conflict

For the sake of simplicity, conflicts are divided into the following types.

- i) Maternal and Intergroup
- ii) Active and Passive
- iii) Traditional Conflicts and Conflicts Arising from New Developments
- iv) Conflicts between Official and Non-official Corporations.

Conflicts can be further sub-divided according to four categories.

- i) Cause
- ii) Magnitude
- iii) Duration
- iv) Result

#### i) Cause of Conflicts

Conflicts are usually ignited by the repressed parties. Changes in traditional use patterns of natural resources are a prime cause of conflict. For example, farmers depending on a nearby water source for irrigation will object if their water is diverted elsewhere for drinking purposes. Conflicts between woodcutters and forest rangers are evident. Differences can arise between forest user groups and conservationists. Furthermore, laws regarding natural resources are themselves vague, another source of difficulty.

#### ii) Magnitude of Conflicts

Small conflicts can be aggravated by misunderstandings. Political affinities and external forces can contribute to the problems. Research shows that a situation may deteriorate if the parties involved belong to different ethnic groups.

#### iii) Duration of Conflicts

Although many conflicts remain unsolved for extended periods of time, this need not be the case. The duration of a conflict depends on the litigants' objective, the benefit to be derived from the conflict, and the arbitrator's skill. If the litigants hold to extremely different views and logic, if the conflict lacks a goal, and if the conflict is smouldering, it may last a long time. However, if both parties can be made to realise that the cost of the conflict is too high and the benefit too low, an arbitrator can successfully shorten the duration of a conflict.

The nature of a conflict (simple or complicated) also determines its duration. For example, if a name is missing from a nature conservation and utilisation group's list, this is easily rectified by listing the name. But if the committee as well as the pattern of consumption and membership changes, defusing the conflict could take time.

#### iv) Results of Conflicts

When conflicts are resolved there is a winning side and a losing side.

Sociologists and philosophers highlight the positive changes that conflict, discussion, and struggle can bring to society, because issues of concern to the deprived and poor are raised. Challenging the existing social structure promotes reforms and further changes, possibly also leading to reduction of conflicts.

Conflicts result in the huge wastage of money, energy, time, and resources. Conflicts over the property rights of a forest result in widespread felling of trees. This weakens the legal base of forest protection, leading to heavy exploitation of the forest. Water sources are another cause of conflict. If a pipeline and a tank are used to divert stream water, local villagers negatively affected by the programme will object, leading to further deterioration of the irrigation and drinking water situation.

In general, conflicts based on justice help strengthen and bring positive changes to society. On the other hand, conflicts due to personal issues have a negative impact because they waste time, energy, and resources and thus harm the environment. Such personal conflicts should be resolved quickly.

Although a court of law is the traditional locus for conflict resolution, the process can be long, slow, and costly. Therefore, resolving the issue within the village itself would be better. Development-related cases and conflicts about natural resources' management should be resolved as quickly as possible.

Conflicts relating to natural resources' management are an integral part of the development process. If this is realised, it is easy to see the consumer as the ultimate focal point. Conflicts are created and resolved by consumers, and for this reason people must be able to discover the reason for conflicts, their effects and how to resolve them. Following are some points relevant to this seminar.

- i. a democratic method of conflict resolution,
- ii. national participation,
- iii. human resource development and implementation,
- iv. transparency,
- v. coordination, and
- vi. follow-up and evaluation

#### i) A Democratic Method of Conflict Resolution

Techniques of conflict resolution through discussion are mainly institutional. For example, when the Forest Department becomes involved in such a discussion, it tries to resolve matters by initiating legal procedures, trying to punish the party involved in illegal activities. This process may work in the short run but in the long run it will be counter-productive.

Democratic systems of conflict resolution enable the people themselves to attack the root of the problem. People are thus encouraged to participate in the resolution process as decision-makers. An environment conducive to the rapid resolution of conflicts is created. Such a democratic process must be instigated in the conservation and use of natural resources. The challenge is to change the pattern from a punishment-oriented technique of conflict resolution to a democratic one.

#### ii) National Participation

National participation plays two important roles in normalising relations in resource conservation and use. First, group participation fosters the sharing of responsibility of conflict resolution. Second, local initiative reduces the cost of conflict resolution. Therefore, national participation is important both psychologically and economically.

It is crucial to involve intellectual and reasonable people as this paves the way for a permanent solution to conflict resolution. Participation should involve managing and developing natural resources, resolving conflicts, identifying problems and objectives, finding solutions and initiating programmes, formulating alternative plans, monitoring and evaluation, and distribution of benefits.

#### iii) Human Resource Development and Implementation

People must consciously decide to resolve conflicts. Consciousness-raising requires educational programmes at both the government and private levels.

#### iv) Transparency

The programmes initiated should be clear and transparent. Openness increases people's faith in the programmes, leading to their success.

#### v) Coordination

Unfortunately, Nepal lacks sufficient development infrastructure, and, due to a lack of coordination, the existing infrastructure is neither maintained nor properly utilised. Money, time, and energy are therefore not properly utilised, inviting conflict. Coordinated planning among different groups can reduce conflicts.

#### vi) Monitoring and Evaluation

Monitoring and evaluation are integral to successful programmes, especially in a backward country like Nepal. Technical and economic activities should be followed for development and conflict resolution. Without such monitoring and evaluation activities, working plans will not proceed smoothly. Resource plans must involve the participants in monitoring, supervising, and evaluating programmes. Such participation heightens capability and the speed of development.

### *The Role of User Groups in the Resolution of Natural Resources' Management Conflicts*

User groups are important in resolving conflicts regarding natural resources. Both irrigation user groups and forest user groups have resolved conflicts locally, with little effort and minimal cost. Nevertheless, many other groups, especially government-affiliated ones, still employ the punishment pattern. Some NGO-generated groups employ democratic patterns but are far from modern. Their efforts at democratisation should be applauded. User groups, being people-oriented, can be quite successful in resolving conflicts.

### *Conclusion*

Development programmes are not free of debate and argument. Issues arising from natural resources' management are very provocative. Many mistakes can be pointed out with respect to Nepal's past development programmes. Many mistakes have been repeated, such as neglect of people's participation, making simple problems complex and costly, and time-consuming programmes. It is necessary to learn from these mistakes and increase direct people's participation. Democratic institutions, people's conscious participation, developing local-level skilled manpower, transparency, coordination, and monitoring and evaluation must be used to resolve conflicts.