

## Natural Resource Conflict and Resolution Practice in Nepal

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### Abstract

*Natural resource conflict and management practices in Nepal have been significant due to the diverse geographical and ecological features as well as socio-economic complexities. Nepal is home to a wide range of natural resources which often become a source of dispute among different stakeholders. The paper explores the conflict associated to Natural resources which covers classes of interest group, disagreements, public protests, physical assaults, and the filing of cases in courts. It has been prepared by collecting data from primary and secondary sources when unstructured observation, focus group discussion and interview with respondent were conducted for primary data and books, journals were used for secondary data. The Balakhu village was selected purposively to study of condition, use pattern of natural resource in the village. Differences between rules and behavior, social relations, and the incompatibility of goals, actions and interactions framed in their specific context and time would be considered in analyzing resource conflict. Such conflict can be resolved by using formal practice of rule and regulation or law and using informal practice of traditional methods.*

**Keywords:** Natural Resource, Conflict, Causative Factors, Affecting factors, formal and non-formal management Practices.

### Introduction

Natural resource conflicts occurs when different groups or individuals have competing interests, needs, or priorities regarding to the use, management, and distribution of natural resources. These conflicts often arise due to factors such as limited availability of resources, differing values and perceptions, unequal power dynamics, and inadequate governances and regulatory frameworks. Population pressure and poverty are said to be the main causes of natural resource degradation and conflict in Nepal. Natural resource management practices in Nepal are rapidly changing, alongside social and political changes, advances in technology, increased information flow and market liberalization (Upreti: 2000). These changes are posing new challenges to existing policies, plans, institutional arrangements and legal provisions related to natural resources and are becoming a source of conflict. Natural resource conflicts are caused by contradictions and inconsistencies in the application of formal legal norms and value. Although different Government and non-Government organizations and other agencies invest much effort time and

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money in natural resource management, natural resource conflict is increasing. Land, water, pasture, forest are the most important natural resources for survival of the rural people of Nepal. Therefore the main focus of this article is conflict over these four natural resources (Land, Forest, pasture and water) and the management practices that has been applied by the people in the study area. Land, water forest, pasture are main backbone of economy of Nepal. But there has been happened natural resource conflict in the state. The historical context is a strong determining factor in the present governance of natural resources and management of associated conflicts. Prior to 1734, when present-day Nepal was a fragmented group of petty states, people were encouraged to cultivate as much forest and pasture land as possible. In turn, they had to pay a certain portion of the returns to the state. In this way, the state had begun to regulate the available natural resources. This led to the establishment of control mechanism: various departments and regional offices, policies, acts, rules and regulations were established to systematically control the use of available natural resources (Upreti: 2002). Up until 1950 the state granted tax-free land to officials, religious organization and individual favorites of the kings or rulers (Malla: 1997).

Traditionally, land was considered as the property of the state and this land is called raikar. Only the state had the right to alienate land through sale, mortgage or bequest. Thus the state granted state-owned raikar lands to individuals in various forms. Almost one third of Nepal's agricultural and forestlands had granted to individuals by 1950, and the remainder belonged to the Ranas themselves (Malla: 1997). Local functionaries, all favorites of the Ranas, implemented the land-grant policy in the villages and were able to ensure the greatest benefit to them. They obtained a great deal of land from the state through jagir and birta grants, and rented these lands to peasant farmers under tenancy arrangements. In this way, local functionaries turned into landlords introduced the Kut (contract) system in which only those tenants who were able to pay high rents could get a contract. After 1951 the government nationalized all the forest in Nepal to release land from birta holders, especially from Rana families (Upreti 2001). The history of land-tenure systems in Nepal shows that the mode of production and distribution of natural resources was very feudalistic in nature. The conflict was ubiquitous, not only between landlords and the landless but also between the state and the poor, and between the state and landlords. Government initiated land reform measures terms of land distribution, mainly due to its feudalistic socio-political structure. The execution of stable land rights granted by the land act is weak and customary land rights are heavily slanted in favor of the elite and restricted to maintaining patron-client relationships.

Classes of interest, disagreements, public protests, and physical assets are the causative factors of resource conflict. Resource conflict is an active stage of disagreement between the people in resource utilization practices. Such conflict occurs at different levels (between individual, between individuals and a group and between groups) for different reasons (Upreti: 2002). Feelings of suspicion, injustice, anger and mistrust help to inflame conflict. This article explores the causes of this natural resources conflict and tries to explain how such conflicts can be managed

in rural sector of Nepal.

Population pressure and poverty are the root causes of natural resource related conflicts in Nepal. Land, forest and pasture resources are over-exploited because of heavy dependence of the ever-growing population in the natural resource base. Mineral and water resources however are under-utilized owing to a lack of financial resources and infrastructure. Increasing natural resource degradation and its negative impacts on environment and society is creating several conflicts. Due to a government and donor focus on economic development there has been little attempt to effectively integrate poor people's concerns and conservation objectives in these economic objectives. These problems are directly linked with governance accountability and transparency as well as a historical power skewed socio-cultural legally.

It is important to note that all natural resource related conflicts are created in differentiated and specialized local environments across the country. The specific natural resource related conflicts of the Terai are different from those of steep hills and maintains. However more common problems are resource degradation, conflict about access, right and obligations fair distribution, and maintenance and benefit sharing. Various indigenous and exogenous factors such as population growth globalization of market, environmental and technological changes are imposing new conflict on the natural resource sector. Many large and small NRM project implemented by different agencies are introducing new conflicts as well as having various negative impacts on society. For example, ignorance of the importance of indigenous knowledge in planning and designing new systems, alteration of local rights and regulations, replacement of old institution by new ones imposition of technocratic solutions are some of the immediate implications of new intervention. This intervention's have their own family fixed and uniform policy and a rigid procedure based on reductionism -positivist orientation. They are technocratic in nature and generally do not acknowledge local diversities. This is becoming one of the major causes of conflict on NRM (Upreti: 2001)

There are several factors causing conflict in natural resources. Conflict may arise if the new NRM policy of the government contradicts with local cultural practice. The economic motive of people to acquire more from the existing natural resources on a competitive basis also leads to conflict is also growing due to the contradiction between environmental and economic interests. Changes in historical use patterns in natural resources can bring conflict into a community. Similarly, contradictions of legal arrangements and customary practices have promoted several conflicts, natural resource conflicts produce both positive and negative consequences and after existing social relations. They induce change in resource management and utilization, policy process, livelihood strategies, land and agriculture gender relations, power structure and livelihood and collective behavior. In most cases the combined effect of some or many of such factors can

escalate or resolve a conflict. Moreover, the intensity and effect of these factors different between communities and within a community depending on when the effect are felt.

### **Objectives**

Generally, the study explore the causes and resolution practices of natural resource in the study area. The specific objectives of the study is as below:

1. To explore the most common natural resource related conflicts in Nepal
2. To assess the existing conflict resolution practices in Nepal

### **Methodology and Short Description of Study Area**

The study is structured to analyze the natural resource conflict and resolution practices in the study area in descriptive framework. 20 households were chosen at random as the study's population, using judgment or purposeful sampling. A sort of non-probability sampling known as a "purposive sample" is one in which the subject is chosen so that it appears to fit the needs of the study for the sampling purpose. In addition to being primary and secondary, the data are qualitative. The respondents are directly interviewed, and the research area is directly observed, to get primary data. The secondary data was also gathered from other journals, publications, newspapers, etc.

Balakhu village was selected purposively to study of condition, use pattern of natural resource in the village. It is a general study only to prepare this article. It is not for other broad objectives. For interview, almost informants were used from old people's group because such people can say past condition of resource and resource conflict that helps to compare before and present condition of resource conflict. This article tries to describe the management condition of resource and resource conflict only.

Sunkoshi Rural Municipality Ward no. 1, Balakhu of okhaldhunga district is the study site. Okhaldhunga is situated east north of Nepal is hilly region and Balakhu is situated western part of Okhaldhunga. Land, water, forest and pasture are most important natural resources in this region. Most of the people depend on natural resource for their existence. Various classes of people different castes, religions different life standards, culture, social norms and values, traditional production systems raise the contradiction in using resource. Thus the resource conflict is increasing in this region. On the other hand over population pressure and poverty are the causative factors of conflict.

### **Common Natural Resource Conflicts in the study area**

The study has identified some common natural resource conflicts in the study area. Natural resource conflicts can vary greatly based on the region, available resources, environmental

factors, cultural dynamics, and many other factors. Some of the resource conflicts has been mentioned as below:

### **Land related conflicts**

Land related conflicts were the most serious in terms of their intensity and social effects. Boundary demarcation, changes of the ownership, looting of and damage to crops, tenancy rights, the alignment of new canals, roads, pates or drinking water systems on particular lands, land encroachment, mortgages, guthi land use, partition and gifting of land are the main land related conflicts documented in the study area. Napi system has also created conflict here. Most of the resource conflicts are related land use practices. Some key factors contributing to land -related conflicts in Nepal include:

**Historical land Distribution:** Nepali has a long history of feudalism and unequal land distribution. Land was traditionally concentrated in the hands of the a few landowning families portion of the population.

**Tenancy Issues:** The system of absentee landlords and tenant farmer has led to disputes over land use, rents, and ownership rights. Many tenant farmers have faced challenges in asserting their rights to the land they cultivate.

**Indigenous and Ethnic Groups:** Indigenous and ethnic communities often have unique land tenure systems that conflict with the legal framework established by the government. As the state attempts to assert control over these lands, conflicts arise.

Likewise, Land Reform policy, unclear land ownership system, rapid urbanization, unmanaged infrastructure development, miss utilization of natural resources, legal complicity, political instability are the majors causes of resource conflict in the region.

### **Water-related conflict**

Major conflicts over water reported in the study area included source disputes, sharing of water for different purposes like drinking water, irrigation, power generation and conflict over the payment of compensation for destruction by water related projects. Most of the water related conflicts are created in the system of irrigation, canal and term of drinking water. It is refers to disputes, tensions or conflicts that arise due to issues related to water resources. These conflicts can occur at various scales, from local to international and can involve different stakeholders such as governments, communities, industries and environmental organizations.

Transboundary water dispute, access to drinking water, agriculture water use and supply, drought

and scarcity, ground water depletion, infrastructure development are the major causes of water related conflict in the region.

### **Forest Related Conflicts**

The most common forest related conflicts documented in the study area were concerned with Ownership, identification of users, access to forest products, illegal use of non-timber forests products and hunting and poaching of wild animal product from forests, encroachment of forests, collection of fire wood, use of forest trees, political impacts on forest user groups, Forest User Group (FUG), where poor group and low caste people are excluded FUGs, are concerned the most common forest related conflicts documented in the study area.

Conflicts can arise when different groups have conflicting interests in how forests should be used. For example, conflicts can occur between loggers and indigenous communities who rely on the forest for their traditional livelihoods or spiritual practices. Similarly, clashes might happen between mining companies seeking access to forest resources and environmental activities concerned about habitat destruction and pollution.

### **Pasture-related conflicts**

The most common pasture related conflicts are concerned with grazing of animals, cutting grass, ownership of land, identification for users, access and, distribution to pasture land, encroachment of pasture land etc.

These conflicts also known as rangeland or grazing conflicts, revolve around disputes over the use, management and access to grazing lands for livestock. These conflicts often arise due to competition for limited resources differing land use practices, economic pressures and cultural factors.

### **Important Cases of Resource Conflicts in Study Area**

Based on the documentation of common conflict in the study area, some cases are studied to examine the causes of conflict and the measures taken to resolve them. This article is based on the case study of Balakhu Village and try to find out the causes of resource conflict in this area. Some causative cases of resource conflicts are found as below:

#### **Conflict between village elites and local people over forest and grazing land**

Village elites want to get ownership of the resources. They made the public forest and pasture land in their ownership at the time of Napi,<sup>1</sup> 2045 BS. Now a day they start to sell to local people

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<sup>1</sup> Land Area Measurement System

but local people reject to buy the public forest and pasture land that makes resource conflict between elites and local people. The control of a community managed forest and pastureland is also main cause of this conflict. The local elite and powerbrokers have started to terrace the forest and pasture land. They encroach on the forest and pasture land, undermining the symbolic and economic value the local community have traditionally attached to it. Though the local people respect the status of the invaders, they strongly opposed this invasion and have made every effort to reclaim the invaded land. However, the invaders were not ready to compromise, and the conflict becomes more intense population growth and poverty increase the rapid encroachment of the pastureland and forest to make them cultivated land. They start to destroy the jungle and pastureland to change into agriculture land. The protectors do not allow doing so. So the conflict is started between protectors and users.

### **Conflict between two village and two communities over a spring water source**

The sharing of a source of drinking water lay at the core of a conflict between two villagers and villagers. The households of both villages are of similar socio- economic condition and the same Brahmin/chhetri caste group. The existing users were not ready to share the water source with the people of the next village, arguing that there would not be enough water left for them to irrigate their fields. The potential users wanted to share the water source, because they suffering from a severe lack of drinking water. Several protest, oppositions, and complaints are filed with the local administration but these authorizes are not eager to resolve the conflict. They avoided taking sides and therefore the conflict continues.

### **Conflict between landlords and tenants**

Tenants have been cultivating the land for 25 to 35 years ago. They want to protect their tenants' right over the land. But landlords don't like to do so. Landlords reject it. That's way the tenants are strongly organized, they have discussed their problems with other people in the village, and they are able to win the support of all tenants and villagers but landlords reject it. So the conflict over land use system is rapidly growing.

### **Conflict between developers and local people**

Governmental and non-governmental organizations fund to the local development programme in the villages. World bank, Asian development bank, different local NGOs, Rural Municipality etc always want to fund to local people for drinking water, road, building construction, irrigation, electricity etc. But elite people for their facilitations have always taken these programmes. Poor, ethnic, low caste people are always exploited in development. So they like to protect their rights to catch the

development opportunities. So the conflict rises in resource using development projects.

### **Conflict between head-led and tail-end farmers in an irrigation system**

Balakhu khola is a main source of irrigation in Balakhu Village of Sunkoshi Rural Municipality ward No 1. Head –led people always use sufficient water in their canals but tail-end people do not get the chance to use water in their canals. Almost all the tail end farming fields seem dry by lacking irrigation. When the water scarcity occurs farmers have to share the water on a national basis, but head-led people reject it. So the conflict arises between head led people and tail-end people.

### **Conflict in grass and wooden things**

All the villagers are not innocent. They want to steal the grass, timber, firewood etc from grass field or private forest of neighboring people. They are also stealing such kind of materials from the protected forest. When the victims find the thieves, they punish them hardly. So the conflict between thieves and victims arise in the different cases.

### **Major factors affecting conflict over natural resources.**

Legislation policies and strategies, as well as changing power structures and social relations together with political changes, have provided fertile ground for natural resource conflict. Completion over access and control, the ineffective jurisdictional roles of the government agencies, and political and commercial interests has encouraged the growth of conflict. The major portion of natural resources related conflict cases are, in one control of natural resources. Different land and forest related conflicts are created, due mainly to the unsystematic and incomplete land registration and record-keeping process. Power structure, social relations in a community are one of the main determinants of natural resource conflict. Contradictions between formal laws and local practices, external development interventions are the causative factors of resource conflicts. Corruption of resources, exploitation of elites, etc also helps to arise the resource conflict.

## **Resource Conflict Management Process**

### **Informal process for conflict management**

In the study area people use to practice the informal conflict management system. It is a very traditional method of conflict management. They always use to apply the different informal methods to solve the problem of conflict,

#### **I. Dharma Bhakaune (sacred test)**

It is common method of conflict management. During the process the negotiators perform



activities such as taking contending parties to the local temples and asking them to undergo a test, and asking conflicting parties to take an oath of innocence while touching sacred materials such as shaligram, copper, pipal, dubo, books, children etc

## **II. Jhakri rakhne (exploration by shamans)**

This method is based on belief that shamans have received supernatural powers from a god to control particular problems and is applied most commonly to cases of witch allegation. In this method the shaman treats culprits mostly sitting fire to hair, pouring hot water onto the body, severally beating etc. This was the crudest method of conflict resolution in the study area.

## **III. Sagun garne (Reconciliation)**

This exchange function is performed after discussing the matter in a meeting attended by villagers, negotiators and the conflicting parties. When a settlement is reached they start sugan garne. The conflicting is declared to have been settled when both parties have accepted a gift, and this is followed by small celebration where all people drink jad<sup>2</sup>. It is most common among matwalis<sup>3</sup>.

## **IV. Jarimana and kshatipurti bharaune (fine and compensation)**

The negotiators hear the opinions of both parties and also seek the opinion of the villagers. Based on the hearing, they decide the level kshatipurti and jarimana. This practice involves a reimbursement of lose by those deemed guilty, and some extra punishment in the form a fine.

## **V. Mafi magne (public apology)**

As in other local methods, negotiators invite villagers and disputants to discuss the conflict issue and decide to make a public apology. This is some times also combined with an additional fine or other punishment. This is also used in formal conflict resolution processes.

## **Formal conflict management process**

Organizations that adopt formal conflict management practices fall into two main categories. The first includes the court system and the second includes the Village, the local government, government's natural resources-related offices, the police, and the district administration office. These all work within the government's regulatory framework. The district administration office and the police have a mandatory responsibility to address all types of category of organization: only those conflict cases, which could not be solved there, went to court.

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<sup>2</sup> Local Product Alcohol.

<sup>3</sup> Indigenous People who drink alcohol ritually.

## Conclusion

Socio-political system, power dynamics, and local politics affect conflict over natural resources tremendously. All in all, there appears to be little evidence of effectiveness in the existing linear top-down approach of government-instituted organization to resolve natural resources conflicts. In the current system only powerful people and the elite are benefiting. The existing conflict management system in Nepal is not responsive enough to address growing conflict, and deserves prompt action aimed at reformation. We can use formal and informal techniques to resolve the current problems of resource conflict. Pani kadne, Maphi dine, Jariwana tiraune, Jhankri rakhne, Sagun garne etc are the informal practices of conflicts resolution in Nepal by tradition. But court system, reconciliation, mediation of Chief Administration Office, local police, Rural Municipality, Ward office, mediation of different organization etc help to resolve the conflict in formal systems.

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