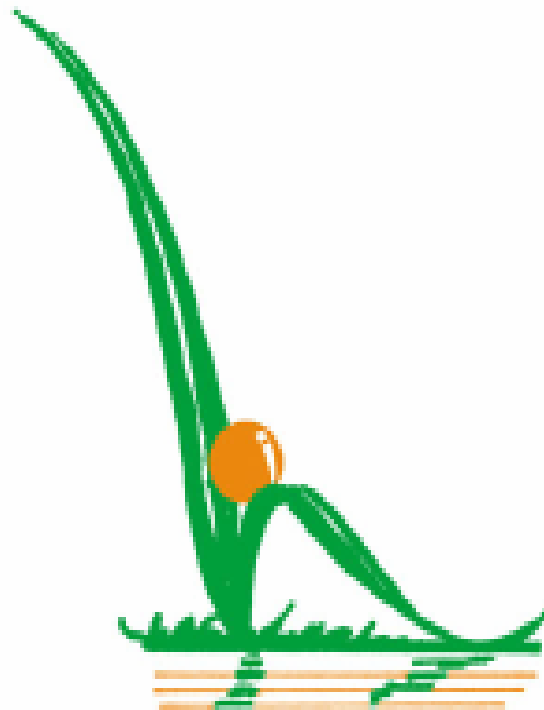


**National People's Conference  
On  
Sustainable Livelihood and  
People's Access to Natural Resources in Nepal**



**Kathmandu, June 24-25, 2005**

## 1. Introduction

Nepal South Asia Centre (NESAC), MS Nepal, ICIMOD, IUCN, SNV Nepal, Care Nepal, Winrock International, Community Development Organization (CDO), Community Self Reliance Centre (CSRC), [Rural Self-reliance Development Centre \(RSDC\)](#), [Human Rights and Democratic Forum-FOHRID](#), Federation of Community Forestry User's Group in Nepal (FECOFUN) and many other civil society organizations collectively organized a historic national dialogue entitled "*A National Conference on Sustainable Livelihood and People's Access to Natural Resources*" on Ashad 10-11, 2062 B.S (June 24-25, 2005), with the participation of around 500 people from around 35 districts of Nepal. The main aim of the people's conference was to provide a space for exchange of past learning and proposals for future among citizens and various other actors involved in the area of natural resources in Nepal. [This conference will be an initial mass platform and an impetus to realize the concept of community protection network\(CPN\) and National Protection Working Group\(NPWG\)](#). This report captures the content, process and outcome of this conference.

## 2. Back ground and context

Natural resources such as land, water and forest are central to various socio-political and ecological conflicts locally, nationally as well as globally. Various schools of thought have emerged that resulted debates in the field of natural resources. The conservationists say that natural resource should be conserved, thus, it should continue to exist without external disturbances and interventions. While others emphasize that it is the potential source of revenue for the state its economic value should be extracted to its fullest. Similarly, focusing on warring concerns over environmental degradation and ecological crisis, environmentalists advocate for the environmental value of natural resources. However, an emerging school links natural resources with the livelihood of the people. Local communities have inalienable right to natural resources. It also suggests that the sustainable management and use of natural resources can be realized if the harmony between nature and people whose livelihood is dependant on it, is acknowledge and promoted.

The influence of economic and capitalist perspectives, particularly, with the rise of liberalization, privatization and globalization (LPG), has significant implications on the dominant paradigm that governs the discourse and practice of natural resources. Natural resources are often linked either with technical and scientific perspective of conservation and economic perspective of wealth generation. Erosion of customary practices in natural resources management replaced by modern technologies and knowledge base and thereby displacement of indigenous poor communities is one of such indications. There is an increasing tendency that prioritizes nature or environment over people. Thus it dilutes the social and human components. Natural resources have both aesthetic as well as economic values. But delimiting those popular notions, it is imperative to acknowledge that natural resource is a matter of livelihood and survival for poor. There are popular arguments that portray 'poor' against 'conservation'; 'bio-diversity'; 'ecology' etc. These have rather contributed in developing myths and stereotypes against poor vis-à-vis natural resources. Likewise, issues of social exclusion, marginalization, poverty, vulnerability, livelihood crisis, local people's right and access over natural resources etc are often undervalued in the discourse of natural resources in Nepal.

Nepal is rich in natural resources. State that has the maximum control and ownership over natural resources in Nepal. Persistence of exclusionary state policies, dominance of bureaucracy, concentration of ownership to small minority, unequal power relations and unjust socio-economic-political structure of the Nepali society etc are some of the crucial factors which raise critical concerns regarding unequal and inequitable access and distribution of natural resources vis-à-vis poor and marginalized social groups. Thus the political economy of natural resources that operate and getting reinforced in a hierarchical society like Nepal need critical examinations through citizens' dialogue.

## **2.1 Civil society engaging in right to natural resources in Nepal**

Popular initiatives in challenging the exclusionary state policies, dominance of alien bureaucracy, and unequal distribution of productive resources were not possible before the restoration of democracy in 1990. In a newly found open democratic and political space, various initiatives emerged that began to articulate the need for greater popular control over land, forest and water. Experiences of tenant farmers' struggle in Sindhupalchowk district, Terai dalits in eastern Nepal, *halliyas* in Dadeldhura, and freed *kamaiyas* in mid and far western Nepal are some of the reflections of ongoing land rights struggles and campaigns in Nepal.

Similarly, struggle of indigenous fishing communities in Chitwan valley for their right to fish and other natural resources, struggle against the privatization of Bara forest led by Federation of Community Forest Users Groups (FECOFUN), its ongoing campaigns towards community forestry movement, grass roots movements of women's groups towards active participation of women in forest management and use of community forests, are some other examples. These initiatives have raised issues of access and representation of marginalized social groups in community forestry, equitable distribution, management and use of forest.

Likewise, organized backlashes against Melamchi drinking water project, Arun III and Kali Gandaki A hydro power projects and others have raised issues concerning local people's control over water resource. Poor people's access to safe and adequate drinking water, equitable share of water for irrigation between communities, regions and countries, big dams and displacement of locals, its environmental and social impacts, small hydro power projects, sustainable water management etc are some of the water related issues being raised by various civil society groups.

## **3. Why this conference?**

A workshop entitled '*Local people's participation in natural resources of Sindhupalchowk*' organized by group of civil society organizations in Chautara, Sindhupalchowk district, on August 8, 9 and 10, 2004 and its subsequent outcome in the form of '*Chautara Declaration and plan of action*', was a historic initiative to discuss issues concerning local people's right to natural resources, jointly in one common platform. Unfortunately, this initiative could not gain continuity as well as expand beyond the district.

Discourse of social inclusion and people's participation in natural resources has meaningful repercussion in national building as well as national integration as well. However, civil society

initiatives so far have been sporadic failing to build constructive linkages among themselves and at multiple layers, thus restricting the potentials of collective campaigns. The topic of natural resources and people is gaining compartmentalizing tendencies. A serious lacuna with the whim of dominant development orientation, the topic was never linked with resource politics as well as the macro politics. Critical citizen's dialogues and public debates on people's right and access to natural resources are still very limited. The limited initiatives in the past have been restricted to narrow space of experts and professionals. Concerns, claims and clamor of right holders and experiences of grass roots activists have not received adequate space and recognition. A people's forum to envision future collective initiatives is still lacking.

As all of these initiatives mentioned above are trying to address issues that require actions beyond the local, it is also necessary that they have a process of collective sharing, learning and envisioning. Especially, at a time when democratic institutions are dysfunctional, infringement of the rights of the ordinary masses, popular dialogues have huge relevance towards protecting and expanding democratic spaces. The proposed dialogue on 'sustainable livelihood and people' access to natural resources' thus addresses these concerns and gaps. The concept of this initiative is guided by a broad unifying understanding that access to resources is an essential component of right to sustainable livelihood.

#### **4. Values of the conference**

- People's access to resources is an essential component of right to sustainable livelihood.
- This conference has been envisioned as a people's conference as well as people's forum. Hence, majority of the participants/contributors should be grass root people; especially the right holders and those engaged in real grass root campaigns. They deserve, if not demand, adequate spaces to share their experiences of struggles.
- NGOs workers and activists alone can not represent people and right holders.
- This conference should not be organized exclusively by one organization. It should be a collective initiative. It is the cause and the process of collective endeavours that brings all organizations and groups engaged in right to natural resources.
- The conference shall be executed internalizing the values of participation and transparency.
- Contribution for this conference should be sought from the organizations sensitive to the cause of people's right to natural resources.
- Other than financial contribution, the collective spirit of volunteerism and activism is crucial to organizing this mass event.
- Representation on the basis of region, ethnicity, caste, class, and gender and issue involvement is a key criterion while inviting participants.

## 5. Objectives

1. To share past experiences, learning and engage in a dialogue to envision future initiatives.
2. To expand the scope of public debate and discourse on people's right to natural resources.
3. To identify necessary policy changes for people's right to natural resources.

## 6. Process and Methodology

### 6.1 *From an idea to a reality*

The necessity and the idea of this kind of collective initiative on the topic of people right to natural resources emerged during a workshop on *Natural resources, Conflict and Peace Initiatives in Nepal*, on November 6-7, 2004, in Kathmandu. The workshop was one of the 35 parallel workshops, as a part of the national conference "People's Initiative for future", organized by Nepal South Asia Centre (NESAC) jointly with many other civil society organizations of Nepal. The idea was further developed by NESAC, a Kathmandu based research and dialogue organization and Community Development Organization (CDO), a right based NGO engaged in campaigns towards people's right to natural resources, initiating informal dialogues and consultations with individuals and various civil society organizations for couple of months.

NESAC and CDO began formal consultations with various people's organizations, networks, federations, NGOs, international NGOs at various levels. Firstly, series of meetings on a one to one level, secondly, thematic wise separately on land, water and forest, thirdly, jointly. These processes were consciously followed with several specific objectives such as:

1. To bring as many organizations and groups as possible having a stake on natural resources into the process of collective organizing of the conference, to discuss and develop technicalities ( structures, content, methodology ) related to the conference collectively,
2. To identify specific roles and responsibilities of co-organizing organizations,
3. To explore possibilities of generating financial contribution,
4. To orient everyone with values and concept of the conference.

The consultative meetings lead to shared responsibilities and collective ownership amongst all the funding and non-funding partners/organizations. As a result, NESAC and CDO undertook the role of conference secretariat, that is, conference coordination, management and

administration. FECOFUN took lead in the coordination of a thematic workshop on forest, Community Self Reliance Centre (CSRC) on land and Conscious Media Forum (CMF) on water. While the other organizations contributed either in cash or kind.

Series of meetings jointly and theme wise proposed facilitators and coordinators, contributed in developing the sub-themes and session plans. They agreed to contribute voluntarily for the conference. Similarly, the secretariat also organized meetings with rapporteurs, key to the documentation and reporting, separately. At least two rapporteurs for each parallel session were decided. Around 25 active young men and women, volunteering at Collective Campaign for Peace (COCAP) and NESAC also found space to contribute in preliminary tasks as well as the management of the conference, from month in advance, which added to the human resource of the secretariat. Participation in the conference as volunteers was an empowering experience for them.

*“I gained an opportunity to learn and experience so many things. Students like us who are unaware of the realities beyond our limited life experiences, became knowledgeable about Nepalese society and the problems faced by these people”*  
- Srijana Roka

(Statement by a volunteer experiencing the people's conference for the first time in her life time)

## 6.2 Participation

This dialogue is an outcome of collective efforts of around 25 civil society organizations (funding and non-funding). The conference for the first time in Nepal, became a common platform for around 500 participants from all over the country (from around 35 districts) to engage in a dialogue and open discussions on matters concerning people's right to land, water and forest. Representation on the basis of region, ethnicity, caste, class, and gender and issue involvement became primary criteria for selecting participants of the conference. This was an underlying value during consultative meetings. Participants primarily constituted, right holders from various communities, grass roots activists engaged in various struggles, representatives of grass roots people's organizations and forums. Among other were activists and representatives of NGOs and international NGOs, media, experts and development professionals.

## 6.3 Conference execution

A National dialogue on sustainable livelihood and people's access to natural resources was executed following the session plans mentioned below:

<b>Day One</b> Opening Session <i>Thematic Workshop 1: Water</i> <i>Thematic Workshop 2: Forest</i> <i>Thematic Workshop 3: Land</i>	<b>Day Two</b> <i>Continuation of thematic workshops</i> <i>Culmination of the three workshops</i> Closing Session
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### *A symbolic opening*

The conference began with a symbolic and unconventional opening. There were no plenary and

speeches. The conference was commenced by grass root activists and leaders. Leader of indigenous fishing community from *Nawalparasi*; land right activist and a leader from *Sindhupalchowk*; a Muslim women from *Rupendehi* struggling with Ukhada land; an activist from Jumla collectively undertook an opening session by planting a medicinal plant in a soil brought from *Bardiya*, together with seeds and organic fertilizers from *Dadeldhura* brought by a Halliya, pouring water from *Narayani*, *Rapti* and *Rehu* river brought by fishing communities. Participants forcefully chanted the slogan –

***“Jal, Jangal, Jamin !***

***Hunuparcha Janta ko adhin, garib ko adhin !!***

*(Water, forest, land!! Should be under people's control, under Poor's control!!)*

#### ***Parallel Thematic Workshops***

The opening session was followed by three parallel workshops on land, water and forest, that continued for one and half day. The venue of three workshops was kept within a single premise, in a close distance. This was done to encourage cross theme interactions during informal spaces of the conference. Each workshop consisted of various sub-themes, accordingly, was facilitated by couple of facilitators, who encouraged people to share their sufferings and experiences of struggles. The roles of facilitators was more of triggering and channeling the discussion and contribute, reinforce the voices of the people and throwing insights into the larger theoretical and policy debates based on the experiences of the grass roots.

#### ***Culmination of the three workshops***

Conclusions and consensus evolved during each workshop were shared before the larger group. One facilitator from each thematic workshop presented the issues raised and consensus built in each workshop. Prior to that, there was an intensive discussion and brainstorming among coordinators and facilitators of each workshop to come up with a concise and comprehensive summary of each workshop. This session provided a space for participants of each workshop to acquaint themselves with the issues, discussions and debates concerning the other two, and develop an understanding that goal of all the struggles concerning land, water and forest, is common. Hence this triggered an understanding that these three areas are meaningfully intertwined and thus requires a collective action.

#### ***Closing***

Before concluding the conference, the account officer of NESAC, made a presentation of financial details involved with the conference (*See Annex*). This was consciously made to actualize the conference value of transparency and accountability. Copies of financial report were distributed in the conference venue.

A dalit leader / activist, from Dhangadi, far western Nepal, extended a concluding remark by summarising the two days conference and throwing some insights into potential future initiatives. Participants celebrated the closing of the conference by enchanting appealing sloganeering, and participating in the songs concerning people's rights and dances.

***Pani Kashko? Janta Ko!*** (Who does water belong to? People)

***Bhumi Bank Kharej Gar!*** (Dissolve Land Bank)

## Jungle" / FOREST

*Unraveling best practices hidden:* Dukha Ram Tharu, Freed Kamaiya

Dhukha Ram Tharu, a freed kamaiya activist raised a pertinent issue of participation and right of freed Kamaiyas in community forestry. He said "kamaiyas are freed but they are still deprived from resources. We are compelled to pay if we have to get involved in community forest. We have right to the forest and right to participate in the management and use of it freely. Why should we pay money for it? Kamaiyas are not the enemy of forest; in fact we want to manage forest in a sustainable way. We are not willing to stay in forest forever. We are saying this because the government freed us but it didn't take care of our food, shelter and clothing needs. We need support from everybody to cope with shelter needs. We all freed kamaiyas are hopeful that you all will help us". Continuing his saying, he further added "If you want to see an example of active participation of freed kamaiyas in the management of community forest, you can see four community forests of Bardiya. Effective management of community forest is taking place from us. For our livelihood, we need community forest. We are aware and capable of managing forest. This is our responsibility to protect our means of livelihood. In spite of that, to get unrestrained access in such resources, I want to strongly raise our voice. I want to draw your attention".

The participants of the workshop expressed their commitments to launch campaigns on following issues:

*"Where there is an issue, there is a movement: Leadership of the concerned who own issue"*

With the sustainable management of national forests of Nepal, right of local ethnic groups, tribal, dalit, poor, forest dependant communities such as coal makers, grazers, chepang, bhote, majhi, musahar, freed kamaiyas, halliya, women etc to the forest should be guaranteed for their sustainable livelihood. This was intensively discussed and debated among 136 participants (101 men and 31 women) in the workshop on "Sustainable livelihood and forest", during a two days 'national people's conference on sustainable livelihood and people's access to natural resources in Nepal', organized in Lalitpur on June 24-24, 2005. They positions and commitment on various issues were presented during the workshop.

### **Major issues that rose during the workshop:**

#### *1. Towards autonomy and management of forest*

- Un-necessary taxation on terai community forests
- Difficulties due to dual systems and procedures of acquiring permission

- Imposition of complications in the name of 'Inventory' while formulating and amending action plans.
- Regional administrative authorities intervening in the affairs of community forests in spite of their lack of understanding of legal provisions of community forests
- Constraints created by the administration and underground political parties in smooth functioning of community forests
- Encroachment of community forests by police and army administrations
- Illegal export of logs and non timber forest products taking place due to the illegal nexuses existing among District Forest Office, Community Forest Users Groups (CFUGs), Political parties ( underground), contractors

**2. *Toward forest management and participation***

- While there is a presence of various groups such as dalits, ethnic groups, women etc in CFUGs, their participation in decision making process, is still lacking.
- On the lines of forest management, representation of dalits, women, janajatis in large number is still lacking in Terai, Chure, upper hills, himalayas and in some parts of mid hills.

**3. *Towards policy making process***

- Policy making process is still guided by the concept of centralized state. Thus, effectiveness of forest polices have not been effective yet. Effective implementation of policies formulated without mass debates, dialogue and consultations is always questionable.

**4. *Towards national parks, protected and conservation areas***

- The issue of those displaced during the establishment of these areas is still unresolved. They have not received any compensation so far.

**Positions:**

1. The practice of bio-diversity conservation should be sensitive to the livelihood of the people.
2. Autonomy of CFUG can not infringed by authorities.

3. Participation and representation of poor and marginalized social groups should be of outmost priority in community forestry.
4. Regulation of community forests in Buffer Zone should be democratized.
5. Expansion of National Parks, Protected and conservation areas displacing the local communities should be stopped.
6. Opposing Collaborative Forest Management as a move to impinge upon the citizens' right to community forestry.
7. Nexuses between DFO, CFUG, contractors and others should be exposed.
8. The handing over process of community forests still underway should be immediately completed.

### **"Bhumi"/ LAND**

#### **Ventilation of sufferings: "Is wild life more important than people?"**

(Based on the speech of Daman Kumari Chepang, Chepand activist)

I want to share our sufferings here. The government has announced that we chepang have to register the land. We are also determined to register even it is too small. We have been living on the edge of jungles. We are struggling to fulfill our subsistence for livelihood. The government expanded wildlife conservation areas in the plains. We chepang are forced to live in *khuriya*, hill slopes, where the land is not fertile. Even our hard labor is not sufficient to provide us enough food grains. Fertility of the land has been washed away. The government is preserving wildlife in the fertile plain, how logical is this? For the government is the wild life more important than people? If the government thinks so then they should better declare it.

#### **"We shall protest, agitate and struggle till we get our rights"**

- Dukhi Ram, Terai Dalit Leader

We are talking about terai dalits. In the year 2057 B.S., we gathered to discuss our pressing issues like daily wages, labor and others. But, the landlords and non-dalits imposed a blockade against us. Dalits from Saptari decided to organize a mass program. On Bhadra 21, about 40 people from various organizations and well wishers gathered. Many Kathmandu based organizations had also participated. We have successfully organized *Dharna* (picketing), rallies, strikes. On the day of gathering, Bhadra 21, some disputes arose. After that gathering, all the supporting partners withdrew their support and fled away. All organizations and leaders were vanished, thereafter. No one had shown their face ever since. Landlords looted our rice and food grains. All the women, children supported our protest although we are neglected by political parties and leaders. On the Margh 29, we achieved some thing. It raised the morale of exploited and victimized dalits. All the exploited, landless dalit supported our campaigns and movement.

At that time, government, after forming landless (squatters) commission, promised to allocate land to landless dalits. In the year 2057 B.S, squatter commission was formed. Officials were assigned district to districts, villages to villages. At village, they promised to give land. But all of them after getting luring hospitalities from the landlords took bribes. Oppressors and landlords got the land certificates for non-registered landse. We were all betrayed by squatter commission officers. We were not given information on time. Rather officials declared the time for filing applications was over. We appealed at the Appellate Court. Squatter commission itself later on was dissolved.


Then, during Sate of Emergency, there were many incidences of injustices, brutality, and exploitation against us. Chief District Officer (CDO), Police, Army created a list which included the names of Dukhi Ram, Asarfi Sada, Shankar Ram are Maoist. But the CDO knew Dhuki Ram is not a Maoist but a rights activist. Security forces arrested us. We were freed after the pressure imposed by member of Parliamentary from Saptari District.

Dalit who possess a few plots of land at the banks of river is being washed away by the flood in the river. We have safely preserved all the proofs of landless dalits and squatters. We don't have a piece of land, not even a citizenship certificate. The landlords used to rape our women, ill treat us and impose blockade on us. They destroyed houses of dalit built upon the disserted lands. How much can they oppress us? We are organizing ourselves and making our protests stronger. The landlords looted the 60 households of landless dalit. About 2025 people have been injured by their violence. We have to collect donation for their treatment. We shall protest, agitate and struggle until we get our rights. We request human rights organizations, journalists, activists to help our struggle.

#### Positions:

1. We demand the dissolution of landlord centered land act, 2021, formulation of new tenant centered act that captures the sentiment of 'land to the tillers', protect the tenancy right, encourages re-distribution of land and improve the productivity of land.
2. Establishment of constitutional provision by amending barriers to the tillers centered land reform, existing in the present constitution, make tillers the actual owners of land and impose land ceiling without compensation to those unjustly occupying land.
3. Dissolution of all the debts in the name of halliyas; unconditional registration of habitations and lands used since generations in their own names; and entail tenancy right to the lands they are tilling.
4. Availability of agricultural land sufficient to earn living to freed Kamaiyas and their just rehabilitation making provisions of 'one family, one employment'.
5. Provision of land (*for basic minimum housing 2 ana 2 paisa in urban areas, 1 kattha in terai, 2 ropani in hills and for agriculture 1 bigha in terai, 10 ropanis in hills*) adequate for agriculture, to actual landless *Sukumbasis* on the basis of their housing and agriculture; registration of land currently on use by unorganized settlers.
6. Conversion of Guthi land into *Raikar* on the basis of its current use and waive the

- remaining payable amount.
7. Distribution of tenancy right registration certificate and half of the land after the field study of all the tenants unregistered, on the basis of recommendation of local authority, *Sargibini* and statements of witness.
  8. End to all forms of land related unjust practices such as *halliya*, *kamalari*, *bhaligharey*, *doli*, *ghuharey*, *haruwa*, *charuwa* etc.
  9. Issuing of single asset possession certificate number to one person or one family applicable for all over the country and such certificate to be distributed jointly in the name of husband and wife.
  10. Land Bank should be an integral part of tenant centered land reform rather than an isolated concept to compensate landlords. There should be massive debates among landless prior to the implementation of such program.
  11. Registration of *Ukhada* land to tillers on the basis of land use. Waiving the remaining payable amount, the farmers holding *Angikrit* citizenship should not be barred from their rights.
  12. Immediate resolution of citizenship problem and distribution of land and citizenship certificates to Sukumbasis (Squatters) and tenant farmers.
  13. Formulation of appropriate laws that guarantee collective ownership of tribal and indigenous nationalities over the common property resources (grazing, *Khuriya*, hill slopes etc) which they had been traditionally using and protecting.
  14. To completely prohibit multi national companies to acquire autonomy over land in Nepal or investment in sector of agricultural production, encourage the cooperatives of farmers and forbid purely profit making investors who are disengaged from agriculture to enter in this sector.

 **“Jal” / WATER**

**“Either unrestrained access to fishing or alternative ways of earning livelihood”**

- Amar Bahadur Maji, Founder of Bhote Majhi Kalyan Sewa Samiti, Nawalparasi

We Bhote Majhi, indigenous fishing communities of Nawalparasi and Chitwan are affected by floods in Narayani River. Since the time of our fore fathers we have been living in harmony with the water and fish of Narayani. In 2029 B.S. government declared formation of Royal Chitwan National Park. Had the government taken care of our livelihood then, things would have been different with us. But they neglected the impact on our livelihood. We were never consulted. Since 2040 B.S security personnel of national park, royal Nepal army had been pressurizing to restrict our right to fish in the river. They captured our fishing net and arrested some of us as well.

All of us, Bhote and Majhi, formed a committee, which got registered in 2052 B.S started to demand and struggle for our right to fish and water. National Park authorities blamed us for the decreasing crocodile and fish. Do you all believe bhote majhi are responsible for that? How can the government be so ignorant? If the government really wants to preserve these species they should open the Triveni Dam. Can crocodile preserved in the pond survive in the river? No! All the crocodiles get swept away during the season of flood across Triveni dam when it is open; none of them remain in river of Nepal. The dam is shut in the month of Kartik, when monsoon is over. In my experience there is hardly any water in the canals of Nepal, but on the other side, in India there are two or three big canals. Our government is helps us or support India?

If the government does not listen to us, Bhote Majhi from Kailali, Banke, Bardiya, Nawalparasi, Chitwan, Siraha and Koshi will be forced to raise our voice collectively. Many of us have been displaced to the river that swept away our habitation. Some of us have been living in huts occupying few plots of land after struggling with village development committee. In various villages of Nawalparasi fishing communities have not fought for land. We have linked water, fish and bhote majhi. There is a practice of contracting in Kali Gandaki. We fore fathers have acquired the land certificates. We have preserved those safely.

Our major demand before the government is either Royal Chitwan National Park give us free access to fish in the river or manage alternative ways of earning our livelihood. We need land which is not flood affected.

**“For those displaced due to hydro power projects there are no benefits other than miseries”** - Dhan Bahadur Majhi

The statistics of electricity generated, shared and distributed in Nepal has come out. But the real core issue is still hidden. Many people have been displaced from the place where electricity is generated. What is the use of distributing electricity, whether it is less or more? How is it going to benefit the district? Who is going to benefit ultimately? The lives of local communities displaced have

been seriously disrupted. It is painful for those who are reminded of electricity generation at their original place where they were displaced earlier. For those displaced due to hydro power projects there are no benefits other than miseries.

While constructing irrigation canals also habitats of poor are occupied or encroached. That way it destroys agricultural lands of the poor. It is the rich who are benefited the most from such canals, even if such canals pass across the land of poor. What did poor get out of it? Since poor have no access to it, it does not matter to poor, whether it exists or not.

If the irrigation facility reaches the non-irrigated lands, it certainly improves the production. But the crucial issue is where such canals are constructed. While the poor people possess small plot of lands, the irrigation canals are built encroaching their fertile lands. Then how are they going to benefit? In fact they lose their fertile land; rest of the lands gets battered by the river, and then the left over plot of land turns into a marsh land. It is said that poor benefit from it, they will get jobs etc. are all faulty. Hence this kind of work widens the gap between rich and poor further. How does it alleviate poverty? So we talk and harp upon superficial affairs rather than intervening on the core issues.

#### Final statements of the workshop on water:

- **Water is a fundamental HUMAN RIGHTS.** The **existing water distribution** practice hasn't been able to eliminate social, economic and gender inequality. So the agencies in the distribution of water should formulate more inclusive programs and implement them. Different **organizational rules** that provide guidelines for the management and distribution of water exist in Nepal. The aforementioned inequalities will increase if water is privatized without evaluating the alternatives.
- Clean water is a human right. **One shouldn't PRIVATIZE water** in a way that compromises people's right to clean water. Industrial effluents and ... are increasingly polluting water resources. This is infringed on the right to clean water of the poor and marginalized. The state should formulate effective laws and implement them to curb pollution and provide clean water.
- **Water is the source of LIVELIHOOD.** The prevalent concept of water development has overlooked the local community's dependence on water for livelihood. So while formulating any new laws related to water distribution one has to be cautious that the laws don't go against the local community's access to water. But at times water laws that affects the people's right to water cannot be avoided. In that case, the state or the investors has to compensate the people or guarantee the alternative livelihoods for the people. Based on the agreed (international) scale of minimum current flow of the river has to be maintained.

- **IRRIGATION** is an important part of food security. Until now the irrigation system hasn't been able to benefit the poor in a real sense. The existing or future irrigation system has to ensure that water and benefits are equally distributed among stakeholders. The alternative methods of irrigation such as rain water harvesting, ponds, sprinklers have to be explored in areas where irrigation cannot be done technically.
- **The people DISPLACED by the water projects** have been given small compensations, but the long term effects the displacement will have on the people, don't come into the equation of compensation. People should get well compensated for the long term effects of displacement. Unless there is no alternative, the project which displaces people should not be implemented. If displacement is seen unavoidable after the analysis of alternatives, the livelihoods of the people thus displaced should be guaranteed. And one should give attention to social rehabilitation.
- The provision to give the 50 percent **ROYALTY of the project** to the affected people is positive. The royalty money has to be distributed equally and in a transparent and responsible manner. The money should also be utilized to promote the sustainable livelihood of the affected people and the community.
- The projects which have been implemented as per the existing **treaties and agreements** haven't had positive impacts on the locals of the related countries. The past treaties and agreements haven't yielded expected benefits to Nepal. Instead, they have brought about social, political and economic disintegration. The building of dams and other structures on the border unitarily, has flooded Nepali territories and slowed down the natural current of the rivers flowing in Nepal.  

The dams and other structure built on border areas should not block the flow of rivers and affect in any way the people living in border areas. The treaties and agreements that have made until and the projects implemented those treaties and agreements have to be evaluated bilaterally. Representatives of both the countries, academicians, affected communities and social observers should be involved in the evaluation process. On the basis of this evaluation a new method of distribution of water, which is more equitable and beneficial to the two countries, has to be found out.
- The **flood, landside** affected families are increasingly being marginalized because alternative livelihoods for them haven't been guaranteed. Disaster management and mitigation measures have to be taken and alternative livelihood opportunities have to be

provided to those affected.

### **Culmination of the three workshops ( land, water and forest)**

- **Summarization of the workshop on forest :** Workshop coordinator, Bhola Bhattarai

Bhola Bhattarai pointed out the need of a strong movement for increasing the control and access of poor, women, dalit, ethnic groups, freed *kamaiyas*, *chepang*, *bhote*, *majhi*, *musahar*, *kumal* etc. People right to natural resource is an inalienable right. The existing forest policies and laws have also emphasized the role of local communities for conservation, promotion and use of forest. Yet due to irresponsibility and role of state authorities concerned, citizens of Nepal are still barred from their inalienable right.

He expressed his strong discontent with the fact that in spite of the formation of thousands of community forest users' groups and registration of some groups, terai forest has not been handed over. "His majesty the government has discouraged terai inhabitants engaged in the management of terai forest for decades have. All district forest should be prepared to hand over all proposed community forests". He emphasized users' groups both distant and close, should organize themselves to engage in the management of forest and pressurize for hand over of terai forests.

Raising the issue of political and administrative interventions upon community forests, he further added that illegal nexus towards smuggle of forest products is growing, and that should be condemned and stopped. "Likewise, this conference has given a clear direction towards increasing the participation of various ethnic groups, class, gender in community forest and sharing its benefits".

The process of formulating forest polices and programs in is centralized. Hence, since forest policies, laws and programs are not effective, he pointed out that dialogues, debates and consultations should begin from the bottom. National parks, wild life conservation and protected areas occupy 18.33 per cent of forest cover. "Forest in Nepal should be managed according to the wish of Nepali people, not by money and violence. Communities are capable of managing bio-diversity". So, he emphasized upon a practice of managing bio-diversity by local communities. "Expansion of such areas and the current working system of buffer zones, stand as a threat to the livelihood of inhabitants therein. Communities displaced should be compensated and expansion of such areas should be stopped immediately".

The process of community based forest management encourages the practice of democracy, decentralization and promotion of human rights. At present, in the name of management of terai forest, there are attempts to contravene practices of democracy. The participatory approach to forest management has already proven its success. Yet by creating representative mechanisms, there are attempts to impose collaborative forest management program. Hence users' group all over the country should organize against such a move.

- **Summarization of workshop on land:** Workshop coordinator, Jagat Deuja

The current feudal land system has marginalized farmers who have been tilling the land for livelihood since generations. In Nepal around 7 lakh such tenant farmers are deprived of land rights, particularly since they lack citizenships.

Those deprived from land rights are also deprived from their right to information due to exclusionary process of formulating land related policies. The Landless Commission as further added complications rather than resolving the issue of landlessness in Nepal. Dalits are barred from their land rights. Lands occupied by Chepangs, ethnic group are still unregistered. Rather in the name of community forestry, *Khuriya* (hill slope) they are residing is also being taken away. Bonded laborers are being evicted. Bonded labor system still exists in Kapilvastu. Block land are still unregistered in the name of those using it..

Current land administration has become an agent of sustaining feudal land system. The present system in fact impinges upon the productive forces from prospering. Hence, unless the intervention is not addressed to the power relations in totality, social and economic transformation is impossible. The exploitative landlords and rulers who are benefiting at present are silent about the loopholes of the current land system in Nepal. Rather they find problems with the agricultural technologies. However it is imperative to understand that unless land system is changed it is futile to expect improvement in agro-technologies.

A linear growth in the production alone can not bring about social transformation. Equitable distribution is equally important to this end. At present there is a huge disparity in landownership and land holding.

There is single ownership of land in Nepal. The constitution and law still accords sole proprietorship to landlord though apparently tenant farmers are entitled to one fourth or half of the land. The autonomy rested upon the grace of landlords is meaningless. In land system we are still stagnant at 2016 B.S. Practices such as *birta*, *ukhada* etc were dissolved then. Yet the loopholes in the act concerning abolition of *birta* system, have given rise to *benami*, nameless ownership.

The effectiveness of land use in Nepal is still bleak. It is through mass movement of those deprived of rights; transformation in land system is possible. Putting an end to the situation of absentee landlordism is essential to bring about changes in land system. Land should not be owned by those not engaged in agriculture. The land should be owned by those tilling it. Beyond this, the system of cooperative farming or other forms of collective practices should be explored. People other than those depended on land for livelihood, should be diverted towards industries. Various land related unjust and exploitative practices such as bonded labor, *halliya* (ploughers), *Ukhada* etc should be abolished from its roots and the lands they are occupying should be registered unconditionally.

Around 10 lakh, 20 thousand landless populations is not a small number. There should a strong step towards land ceiling to realize their access to land. We believe if land is distributed to actual tillers and landless farmers, then it actually reaches the productive human resource. This

increases the productivity of the country. In our country one fourth of total agricultural land is barren. Absentee landlordism is a chief reason to this. Hence, there should be a strict law that prevents land from keeping barren. All these steps should be taken under the leadership of elected people's representatives. Land system and land administration should be decentralized till the local level.

Hence, in order to change the present situation, it is essential that those deprived from land rights should associate with the mass democratic movement and make our movement organized and powerful further.

**Wrapping up the conference** - Based on the speech of Ganesh B.K

*“Social movements should be linked with the movement for democracy”.*

In spite of the difficult circumstance at present, people from various parts of Nepal, various remote districts have participated in this conference, with great enthusiasm and spirit. This demonstrates that people are committed to democracy and rights irrespective in any situation. All of us should relate ourselves to the movement for democracy in Nepal.

The management and use of forest, land and water should be participatory is one of the major conclusions of the conference. This should have a linkage with the restructuring of the state. The conference has hinted at the restructuring of the state by accommodating the voices of poor, women, dalits, madheshi, indigenous, ethnic groups and other marginalized and oppressed communities. Hence, we discussed issue of communities and marginalized social groups struggling for their right to natural resources. We have discussed issues concerning inclusive state, restructuring of the state, role of political parties. These issues should not be limited to the declaration.

There is no representation of marginalized social groups in central committee, leadership and other decision making structures of political parties. As per the suggestions of the participants, It equally important to correct the anti landless, feudal and high caste mindsets of those ruling the state. Likewise, their issues still do not get adequate attention in the media. Media is still unrepresentative so far these groups are concerned. For example the opening of this conference was unique that gave importance to the people. Had there been a popular politician opening the event and giving speech there would have been enough media coverage. This has taught us that unless the sector of media makes Bhote, Majhi, Kamaiya, Halliya, Landless, Madhesi one of the important agenda, we have to view it as a part of larger unjust structure. During the conference participants demanded that INGOs and NGOs should go close to the people and villages. But it was not raised strongly that in fact the state and the government should go to the people. Hence it is important to acknowledge that role of NGOs and INGOs is facilitation rather than being points of give justice, unlike the state. Movements launched by political parties usually ends with out achievements. Their movements have always halted at certain point of compromise after reaching a decisive phase.

This is a best example to understand how movements fail to achieve. We can take an example of struggle in protected areas of Kanchanpur. Many poor, farmers and dalits were displaced when

Royal Nepal Army expanded protected area there. We were told that one person lost his life during the struggle. This incident was unknown to rest of the country. The incident was resolved with a compromise. Issues of freed kamaiya in Rupandehi and Kapilvastu, Halliya are still lingering. Our experiences show that issues have been raised, even if it becomes a movement, it has not become decisive. Thus, movements hence forth should be decisive. He highlighted the need of people's organization, organization represented by right holders and exploited by referring to the absence of their representation in existing structures of political parties as well as civil society. For example feudal landlords, neo dalit feudal, neo feudal elite women are taking leadership of farmers, dalit and women respectively. However, all the democratic political parties of Nepal have emphasized formation of organization of marginalized and exploited groups. We have realized that that it is equally important to include agenda of peace and democracy in various ongoing social movements and campaigns.

Debates raised during this conference should be discussed further at various levels including the grass roots. These issues should be politicized, in other words these agenda should be incorporated in the planning and agenda of National Planning Commission, political parties, INGOs and others. Otherwise we are going to deny their agenda. Social movements should be linked with the movement for democracy. Struggles toward right to land, water and forest scattered so far, should be unified toward collective movement. Constitution is the only mechanism towards this. Though there is an understanding of moving forward based on the present constitution, we believe, the present constitution is not favour of landless dalits. Hence "I believe we should explore ways towards new constitution through constituent assembly with out positive social interventions. Participation and ownership of dalits, women, ethnic groups, poor and other marginalized social groups is a must in the process of drafting a new constitution.

Initiatives like these should be continued at district level. If democracy prevails with unjust and discriminating practices such as untouchability, landlessness, halliya, bonded labour and unequal access and control of natural resources etc can not bring lasting peace, such a democracy is not acceptable to us.

## **7. Critical assessment**

On behalf of the conference secretariat, we believe that the journey beginning from cultivating idea of the people's conference on natural resources to executing it was a challenging affair, yet a stimulating and learning experience. A mere fact that the conference was organized and national dialogue amidst 500 people all over Nepal could take place is an encouraging achievement for all of us. For the first time in the history of civil society engaging in the field of natural resources (land, water and forest) indulged in a citizens' dialogue in a common space. The concept of collective organizing i.e. collaborating with people's organizations, grass roots groups and NGOs, INGOs on an equal footing, in one common platform, irrespective of financial contributions, was a positive indication. This has broken the conventional practice of undertaking events exclusively by one organization. Contribution and roles played by volunteers was a component that made a difference in execution of this mass event. While the methodology of thematic workshops was more of dialogue mode rather than formal paper presentations, consciously avoiding use of sophisticated technologies.

How ever, we believe that the space provided for cross thematic discussions on land, water and

forest was not adequate. The final session on culmination of the three parallel workshops could not accommodate wide discussion on the common understandings on each theme. As a result of this, a concrete collective future campaign and action, the conference had envisaged earlier could not emerge. This has been the main set back of this conference, but, this could be a point to envisage future initiatives that gives continuity to this people's conference. Likewise, the participation of current representatives of political parties was very less; expect couple of them during the final session who were given space to listen to the voices of the people. While there are many other factors to this, the conference secretariat and the co-organizers failed to inform and convince the party representatives to attend the conference in advance. However this does not mean the conference undervalued the role of political parties to the goal and cause the conference is concerned with. We are also deeply surprised by the media attention and extent of their coverage to this historic conference of the people, in spite of few conscious attempts to mobilize media. However we were pre occupied with the assumption that media is also one of the major development actors, it also has a stake on the issue of people's access to natural resources in Nepal. Hence journalists were invited not for reporting but to participate in the conference. We consciously avoided the practice of pleasing media to publicize the news of the conference. Lastly, in spite of the execution of this conference we all are confronted by the concern of not limiting this popular conference to a national event and challenge of sustaining it.

## 8. Future Initiatives proposed

- Documentary based on this conference
- A comprehensive book on sustainable livelihood and people's right to natural resources.
- Continuation of this conference at five development region.
- Dialogues with political parties on the agenda of people's right to natural resources.

### Annex 1: Mapping of participants, district wise

S.no	District	S.no	District
1	Kathmandu	21	Morang
2	Kanchanpur	22	Parbat
3	Makwanpur	23	Pokhara
4	Gorkha	24	Daduldhura
5	Sarlahi	25	Dolakha
6	Chitwan	26	Banke
7	Rupandehi	27	Baglung
8	Kailali	28	Myagdi
9	Doti	29	Nawalparasi
10	Dang	30	Bajura
11	Bardia	31	Mohattari
12	Dhading	32	Okhuldhunga
13	Saptari	33	Mugu
14	Siraha	34	Bara
15	Udayapur	35	Makwanpur
16	Kapilvastu	36	Ramechhap

17	Nepalgunj	37	Achham
18	Baitadi	38	Palpa
19	Sindhupalchok	39	Humla

**Annex 2: Funding and non-funding partners**

**Funding partners**

1. Nepal South Asia Center (NESAC)
2. Community Self-Reliance Center (CSRC)
3. Action Aid Nepal (AAN)
4. Community Development Organization (CDO)
5. Winrock International
6. International Union for Conservation of Nature (IUCN)
7. MS Nepal
8. SNV Nepal
9. Care Nepal
10. [Human Rights and Democratic Forum \(FOHRID\)](#)
11. Rural Self Reliance Development Center (RSDC)

**Non-Funding partners**

1. Federation of Community Forest User's Network (FECOFUN)
2. RDN (Regional Dalit Network)
3. Conscious Media Forum (CMF)
4. N-Himawanti
5. NORMS
6. Collective Campaign for Peace (COCAP)
7. Forest Action
8. Sustainable Livelihood Forum (SLF)
9. National Land Rights Concern Group Nepal
10. National Land Rights Peoples Forum
11. Freed Kamaiya Society, Kailali
12. Nepal Chepang Association, Kathmandu
13. Bote-Majhi-Mushahar Welfare Service Committee, Nawalparasi
14. Haliya Jagaran Samiti, Dadeldhura

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१९६/१४, राधेमार्ग, डिल्लीबजार, काठमाडौं

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