Prejudice and participation: claiming rights to community forests in Nepal

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Introduction

The Kamaiya are a former bonded-labour group in Nepal, who have excelled in managing community forests while improving their livelihoods through community agro-forestry initiatives. Following their formal liberation by the Nepalese government in 2000, each household received Nepali Rupees 10,000 along with forestry land. Yet until recently, the Kamaiya were accused of being the 'architects of deforestation' by powerful local landlords – who were themselves involved in illegal logging and attempting to deflect attention from their activities.

In reality, the united Kamaiya understand very well the pros and cons of deforestation. Despite this local opposition, more than eleven thousand Kamaiya have become members of local community forest groups, even managing around 40 community forests on their own. In this article, we examine how the Kamaiya have campaigned to uphold their rights to access, use and control community forests and how they have used participatory methods to analyse their situation and converge on consensus within their groups.

Background

The Kamaiya live mainly in five districts of western Nepal: Dang, Banke, Bardiya, Kailali and Kanchanpur. In this article, we describe how the freed Kamaiya have gained access, usage and control over community forests, based on the experiences of the Kamaiya from Shivnagar in Tikapur municipality, Kailali. This settlement consists of 520 households built by the Kamaiya after their formal liberation and with a population of 3300 it covers 700 *katta* of community forest.[1] We highlight the constructive and innovative forest management techniques used by the freed Kamaiya and how they have improved their livelihoods as a result.

We also discuss how a variety of local and international organisations established

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[1] 1 katta = 3645 square feet.

Photo: Devendra Pratap Singh

Members of the community at the Freed Kamaiya of Shivnagar settlement drying turmeric.

Reflect circles to create an enabling environment where the Kamaiya could discuss their issues locally (see Box 1).[2][3] At the same time, NGOs and government established informal education classes to empower and sensitize the Kamaiya people to their rights of access to resources and information. A strong sense of solidarity amongst the majority of the Kamaiya and their institutions, collaborating with local civil society organisations (CSOs) and forming networks such as the Freed Kamaiya Society (FKS) helped in mass conscientization and formed the basis for their success.[4]

Combined with advocacy for pro-poor policy and governance, and with the support of local CSOs, the Kamaiya were able to claim their rights.

Liberation and rehabilitation

The bonded-labour system existed in western Nepal for many years. Under the Kamaiya system, people without land or work were given loans by landowners. In exchange, they were bonded by indebtedness and had to work for the landowner to pay off their debts. Exorbitant interest rates were charged, and whole families were

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[2] Organisations included ActionAid, MS Nepal, GIZ and the UK Department for International Development (DfID) through its local partners Radha Krishna Jana Sewa Nepal (RKJS), Forum for Awareness and Youth Activity Nepal (FAYA Nepal), Backward Society Education (BASE), Nepal National Social Welfare Association (NNSWA), Samudaykolagi Ban Batbaran Manch (SBBM), Society for Participatory Cultural Education (SPACE), Informal Sector Service Center (INSEC) and Group for International Solidarity (GRINSO).
[3] Reflect is an approach to adult learning and social change and forms the backbone of ActionAid's reflection-action process. ActionAid has a new strategic approach to change. It integrates approaches such as Reflect, Participatory Vulnerability Analysis (PVA), Societies Tackling Aids Through Rights (STAR), Economic Literacy And Budget Accountability for Governance (ELBAG) and other participatory methods into a single, coherent rights-based process for conscientization and empowerment (ActionAid, 2012).
[4] According to Paulo Freire, conscientization is 'the process of developing a critical awareness of one's social reality through reflection and action'. Freire developed an approach to education that links the identification of issues to positive action for change and development. See more at: www.freire.org/conscientization/#sthash.hm3UzwWB.dpuf

forced to provide slave labour for years – sometimes for generations.

Following pressure from Kamaiya organisations like Freed Kamaiya Samaj, Kamasu, Kamaiya Mahila Jagaran Samaj, NGOs (including ActionAid International Nepal and its local partners), human rights organisations, some political parties and the media, the government of Nepal finally abolished bonded-labour and the Kamaiya system in 2000.

Under the Kamaiya Labour Prohibition Act (2001), each family was supposed to be given 5 *katta* of land and Nepali Rupees 10,000 (around 70 GBP) following liberation. But in practice, the former Kamaiya are still awaiting these allocations and fundamental services such as health and education are lacking.[5] Many Kamaiyas were also forced out of their homes by their ex-landlords to live as squatters, with no access to shelter or any means of making their livelihoods.

Gaining access to community forests

The majority of the freed Kamaiya belong to the Tharu community, who depend heavily on the forest for their livelihoods. Before liberation, the Kamaiya were permitted access to the forest on their landlord's behalf. At the same time, they were able to make a small living from the few forest resources they were able to access for themselves. But following liberation, they found that access to community forests was restricted to members of forest user groups, from which the Kamaiya were excluded.[6]

Because they had not previously been given access to the forest for their own purposes, the Kamaiya were unaware of these community forestry policies which denied them access to essential forest resources. Community forests, access and control were discussed in the Reflect circles established in the settlement, including forest-related policies, and how they affected the Kamaiyas' livelihoods. Reflect members shared their problems and used a resource map to identify forest resources and seek possible ways to gain access to community forests. During discussions, they became familiar with the Forest Act and the concept of community forests, which aims to ensure that forest resources remain sustainable and are available for the benefit of local people (Yadav, 2004).

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[5] In 2004, frustrated by the lack of government support, the Kamaiya began a land-grab campaign, capturing 700 *katta* of land in Kailali district. It was following this that local landlords began to blame the Kamaiya for deforestation. To combat these claims, the Kamaiya began a new campaign in a neighbouring community forest, using roadblocks to waylay illegal timber smugglers.

[6] Introduced by the Nepalese government, a community forest is an area of national forest handed over to user groups for the development, protection and utilization in the interest of the community.

Photo: Man Bahadur Dangi

Focus group discussion with ex-Kamaiya in Shivnagar.

Community Forest User Groups (CFUGs) are groups of people residing around forest vicinities that are entrusted to manage, conserve and develop forest resources and utilise forest products. The CFUGs are actively and decisively involved in whole range of community forestry processes. They are responsible for preparing the constitution and management plans for the community forests, and handle all issues arising from managing the forest. Members consist of forest users from nearby settlements and the groups elect an executive committee, with elections typically held every one to three years. It is also mandatory that there are equal numbers of male and female members in CFUG groups.

Learning about community forests motivated the Kamaiya to understand policy provisions and demand their forest rights by becoming CFUG members. But in practice, they found that they had almost no influence on major decisions about the forest, such as where to fell timber or selling wood. They understood that without representation on the executive committees, they would be unable to influence planning and decision-making processes around forest use. This would ultimately hinder claiming their rights to the forest.

Demanding representation on user group committees

This second phase of their struggle for forest rights brought great changes to the lives of the Kamaiya. They began discussions in settlement and group meetings about the importance of having representation on forest user group committees. They tabled their demands and also discussed them with influential local individuals such as teachers, political party representatives and members of the Federation of Community Forestry Users Nepal (FECOFUN).[7]

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[7] FECOFUN is a formal network of CFUGs dedicated to promoting users' rights. Its rationale is to strengthen the role of users in policy-making processes. Since 1995, it has grown into a social movement with about 8.5 million forest users. Any CFUGs organised under the 1993 Forest Act of Nepal can become general members and any other grassroots forest user groups (such as leasehold forestry groups, religious forestry groups, buffer zone and traditional forest management groups) can become elementary members. Of more than 15,000 CFUGs and other community-based forest management groups in Nepal, approximately 13,000 are affiliated with FECOFUN.

Meanwhile, Reflect group members were supported by development partners (including ActionAid) to visit the district forest officer (DFO). The DFO has the authority to register community forest user groups. The Kamaiya tabled a demand for forest ownership near their settlement, referring to the provision of community forest user groups under the 1994 Forest Regulations and their reliance on the forests for their livelihoods. As a result, the DFO surveyed the forest near to the Kamaiya settlement, the Janahit Mahakali Community Forest in Kailali, and registered it in the Kamaiyas' name.

Following this success, the Reflect members were inspired to register other community forests, and an advocacy group was formed at community level. The group consisted of Kamaiya, Valamansa (traditional Tharu community leaders) and female community health volunteers. The advocacy group registered another 16 community forests on their own, using the knowledge they had developed through the Reflect process on forest policies and rights. The advocacy groups also organised an application registration campaign. The idea was for individual Kamaiya to write a formal letter to CFUGs requesting that the groups consider them as potential new members. Now the Kamaiya are members of 449 community forest user groups from five districts, including 26,378 households. There are over a thousand freed Kamaiya (nearly half of whom are female) on the boards of 189 CFUG groups.

The campaign succeeded not only in increasing the membership of Kamaiya in community forest user groups. It also resulted in Kamaiya individuals being voted onto community user group committees by dozens of CFUGs during their individual general assemblies. This was because the Kamaiya had shown that they were strongly committed to preserving the forests, by demonstrating model management practices in their own community

Photo: Sher Bahadur Basnet

Selling agro-forestry products made by the Shivnagar Agriculture Cooperative.

Members of the community at the Freed Kamaiya Settlement of Shivnagar collecting turmeric.

forests (for example through agroforestry, forest conservation and combatting illegal smuggling).

Taking on leadership roles

The next step for the Kamaiya was to advocate for election to leadership roles on the executive committees, since people in these positions are responsible for the overall management and decision-making related to the use of forest resources, distribution, benefit-sharing and pro-poor target plans and programmes. The Kamaiya began by lobbying at CFUG group meetings and general assemblies, and have since put forward nominations for proportional representation on CFUG committees close to Kamaiya settlements.

To date, a total of 1073 hectares of forest have been handed over to 43 community forest groups led by the freed Kamaiya. Nearly 7000 freed Kamaiya have become forest users in these community forest groups and are now benefiting from the resources, earning approximately 8 million Nepali Rupees (just over US$83,000) to date. They also cultivate vegetables, herbs, turmeric and maize on the open land inside the forest and in 2008, the inhabitants of the Shivnagar Freed Kamaiya Settlement established its agriculture cooperative to support savings and credit, community farming and market management for agroforestry products (Box 2).

By the end of 2012, a total of 317 freed Kamaiya in five districts had been elected to leadership positions. Among them were 73 chairpersons, 89 vice-chairs, 61 secretaries and 69 treasurers. These elections have played a vital role in ensuring the

Photo: Sher Bahadur Basnet

meaningful participation of the freed Kamaiya (see also Box 3).

Lessons learnt

Undoubtedly, an enabling state policy environment is a prerequisite for social transformation. It helps citizens to amplify their voices, bring their issues to the mainstream development arena and systematically claim their rights. However, to translate policy into practice, there is strong need for understanding, ownership and collective action. Rights holders must make a conscious effort to claim their rights over resources otherwise policy will not be implemented effectively.

Similarly, in this neoliberal age, the role of civil society organisations and the need for clear social accountability is also very important. Here, CSOs supported the Kamaiya not only in demanding their

Box 3: A personal reflection on the successes of the Kamaiya

The government failed to provide us with land for a long time after liberation and the resettlement declaration, so we were compelled to capture the land. Generally, we settled on open land near the jungle. The forest smugglers blamed us as architects of deforestation, as forest capturers, smugglers, and destroyers to displace us from there. That created great problems, so we became a united raised voice against the blame put upon us. We also coordinated with forest user groups and requested a share in the responsibility of caring for the forest. Some groups accepted our request [...] After getting authority we [were] able to catch the smugglers and handed them over to the committee many times. We had whole night duty in a rotation. It's provided plenty of evidence that the persons who blamed us are the ones who carry out such illegal activities [...] We are now registered and are conserving forests in five districts. We are also represented on the [CFUG] board at decision-making level.

Shyam Prasad Dagaura, district member of Freed Kamaiya Samaj, Kailali and Chairperson of Shivnagar Agriculture Cooperative Limited

liberty, but also in helping to empower them to claim their rights. The popular Reflect approach was an important participatory tool in this respect, helping the Kamaiya to understand the context of current forest policy in Nepal. It helped to facilitate mass conscientization and solidarity and to form advocacy campaigns for pro-poor policy and good governance.

Conclusion

For the Kamaiya, the forests are inextricably linked with their livelihoods, income generation and employment. Having access to forests has given the Kamaiya formal power: both economic empowerment and political participation in decision-making bodies.

Transformation is not easy, but it is possible. Although unjust power relations exist in every community, true transformation can occur when this imbalance is addressed through conscious effort. Organisation, mobilisation, empowerment, solidarity and continuous effort led to the liberation of the Kamaiya and enabled them to claim their rights to access the forests on which they depend.

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