

CSO CASE STUDY 6

Title: Local struggle towards grass root democracy: A case of Terai dalit movement for right to community forestry in Eastern Nepal

Country: Nepal

Author: Arjun Thapaliya, Sudeep Jana and Somat Ghimire

Introduction to the case

This case examines the grass roots struggle of a socially excluded low caste group in eastern Nepal to establish its right to the management and use of community forests. The Government brought the concept of community forestry with its realization that conservation of forest resource is not possible without popular participation and it should be linked to the livelihood of poor and marginalized groups. Hence Community Forest Users Groups (CFUGs) thrived as institutions with empowering potentials entrusted with the rights of local management and use of forest. But due to the unjust social structure and power relations that permeate Nepali society, marginalized social groups were excluded from CFUGs.

The Saptari district located in the eastern Terai region has the highest number of dalits - low caste population in Nepal. There was a significant impact in the conservation of natural resources after the handing over of 139 hectares of the Bhaluwahi forest, located in the Hardiya Village Development Committee (VDC) in 1997. The CFUG of the Bhaluwahi community forest consists of 182 households, the majority of which are tharus, locally powerful indigenous group; with chamars and musahars (dalit communities) - minorities. Chamar is - economically, socially and politically- the most backward community amongst dalits in Nepal. Hence, the leadership of the CFUG was dominated by tharus.

Fifteen chamar households had been residing on the periphery of the forest since 1990, prior to the formation of the community forest. Since 1996, there had been several attempts to inflict violence and evict chamars by the local tharus and the District Forest Office (DFO)³ (See Annex). But chamars kept resisting threats and acts of eviction. On October 2002 the high caste tharus of Bhaluwahi CFUG, with the moral support of the local police, Chief District Office and DFO destroyed chamar houses. Chamars could not seek justice from the court and authorities concerned. This was possible in a time when there was state of emergency in Nepal and not even non-violent resistance or movements were possible. Hence local chamars were displaced for 3 months.

Eventually, Dalit Chetana Sangam (DCS), a people's organization of dalits, organized local chamars, and launched a year long struggle against tharus. This non violent struggle changed the leadership of CFUG. Chamar habitation was restored and they gained unrestrained access to the management and use of community forest.

The type and extent of policy change

The struggle finally restored the original habitation of local chamars and prevented future evictions. They brought changes in the leadership of local CFUG: there after there was a significant impact on the local policy and practices. The key policy changes were:

³ District level government forest bureaucracy in Nepal.

- Special consideration to be given to the existing poor households while deciding the physical boundary of community forest.
- Unrestrained access of forest to poor and marginalized social groups whose livelihood is dependant on the forest.
- Information of general assembly to be disseminated one month in advance to all the members of CFUG.

It became an exemplary case and influenced Dalits in CFUGs in other parts of the district to demand participation in community forests. It also improved social status and dignity of chamars in the society. The case brought significant changes in the actual practice of legal provisions concerning the participation of marginalized groups in management and use of community forest.

Some thoughts on the explanation of the policy change

a) The political context:

After the restoration of democracy in 1990, marginalized communities in Nepal began to organize in a newly found democratic space. Local tharus affiliated to the Nepali Congress often used to pressurize chamars, affiliated to the Communist Party of Nepal (CPN), to change their political party position, if they want to continue living at their original habitation. The destruction of chamar houses took place when there was state of emergency in the Nepal, at a time when most of the fundamental rights guaranteed by the constitution were curtailed. It is surprising that FECOFUN one of the fore advocates of social inclusions in community forestry was unaware of this case. The key policy actors such as DFO and executive committee of CFUG were always reluctant to award justice to the chamars. While DCS' intervention was crucial in this case, some locals believe tharus were also cautioned by the Maoists not to harass and victimize chamars.

b) The ways CSOs tried to affect policy change (strategy and activities)

Conflict between local chamars and dominant tharus and the DFO had been going on for decades. In this context DCS conducted a study on the inclusion of Dalits into community forestry which discovered the case of chamars being victimized by tharus. Followed by the study, DCS organized a people's centered advocacy training with the local chamars. The training was focused on livelihood and leadership issues of community forestry, one of the key themes of the study. Discussions on the research findings became an entry point to trigger the critical dialogue among 50 chamar participants. There was a consensus that change in the leadership of the CFUG was the only way out of the chamar crisis. Hence, there was an intensive discussion on the following three strategies:

1. Local level organization building and dialogues with the local communities;
2. Organizing dialogues with CFUG, local government, DFO, political parties, media and other local NGOs; and
3. Demanding general assembly of CFUG towards changing the leadership.

Chamars decided to launch a non violent struggle against local tharus. DCS established a village level unit consisting of local chamar activists. They organized village level meetings on the case of chamars and their lack of internal democracy in the CFUG. Dialogues with local NGOs also began to organize collective struggle. But local NGOs were reluctant to

engage in the struggle and rather stayed neutral. Batawaran Samrakchyan Kodne, a tharu dominated NGO having a nexus with CFUG opposed the actions of chamars.

They took out delegations and initiated dialogues with the DFO and the local government. But these authorities regarded the case as being the internal matter of CFUG. The executive members of CFUG, however, also disregarded the demands of the chamars. Chamars were told that policies of CFUG could not be altered without general assembly, which was in the distant future. However, well documented incidences of human rights violations against chamars drew attention of local journalists. The local media gave these issues important coverage, thus helping sensitize the leaders of political parties who felt pressured to take a position in favor of chamars.

After seeking moral support from the parties and the media, chamars decided to launch other actions and apply pressure tactics. They carried out mass rallies, demonstrations and sittings, and surrounded the office of the CFUG and the DFO. While the struggle of the chamars was taking off, there were several attempts to change the CFUG committee. Yet, it could not address the real concerns of chamars, firstly, due to lack of chamar representation in the newly formed committee and secondly, because the tharus were not renouncing to their power. On September 2003, chamars finally succeeded in organizing a general assembly of CFUG and finally changed its leadership. Hence local chamars gained unrestrained access to the management and use of the Bhaluwahi community forest.

c) The nature of research-based evidence and the mechanisms they used to get the evidence into the policy process

DCS conducted a case study on the 'inclusion of dalits in community forestry'. The focuses of the study were the representation of dalits in leadership, management, functioning of CFUGs; equitable benefit sharing of forest products; and the impact of community forest on the dalit community. DCS unraveled the case of local chamars who were denied access to community forest and facing threats of displacement, during the study. The research findings, particularly on the component of leadership in the CFUG and livelihood impact upon chamars, supported future actions of DCS and chamars, such as organizing and mobilizing local chamars, lobbying in the media and executing dialogues with various stakeholders.

d) International factors

The study conducted by DCS was supported by GTZ, which was influential in raising issues of social inclusion in the larger discourse of local management of natural resources in Nepal, since the mid 1990s. Among others were the Australian Community Forestry Project and the Swiss Development Cooperation (SDC). They saw it necessary to incorporate community forestry viz a viz the poor, dalits and indigenous communities, in the projects they were supporting.

Lessons learned

Policy context:

Best practices in community forestry of Nepal coupled with democratic pro poor policies are popular in South Asia. Policy change and institutional mechanisms are necessary

conditions for participation of marginalized groups in the management and use of natural resources. But the existing social structures and relations determine to a large extent how much they could participate. Hence, democratic policy alone does not ensure its successful practice. The dynamics of local contexts and asymmetrical power relations have important bearings upon its practice.

Evidence:

Research has immense value in generating knowledge. This case exemplifies that research based evidence if engaged in a popular dialogue and linked with the grassroots realities of people can contribute in the process of collective actions and enhancing grassroots democracy.

Research, if conducted by the grassroots themselves on an issue that affects them, as in the case of DCS, can unravel issues otherwise left unnoticed. In this case research based evidence helped the dalits win the argument over the problem. Demonstrations, media and political support helped them win the argument over the solution.

Links:

This case shows the significance of local struggles of right holders through alternative processes to legal actions. In this case, the dalits' movement created new spaces of engagement between them and the authorities. The synergy of research evidence and grassroots actions of chamars localized the benefits of community forestry policy.

Sources of documentation to support the case (and written permission to use and publish the material if it is not the work of the author of the case study)

The study report and the annual report of DCS, local newspapers, in-depth interviews with general secretary of DCS and a local chamar activist are relevant sources of documentation. The unpublished article and first hand experience of one of the authors, Arjun Thapaliya who was directly engaged in the struggle has also supported the documentation of this case.

Basic information on the authors

- Arjun Thapaliya is a prominent (non-dalit) dalit activist of Nepal and an expert in right based social campaigns and advocacy. He was a movement facilitator of DCS during Chamar movement.
- Somat Ghimire is an expert on people centered advocacy and writes on environmental justice, democracy, social movements, right-based advocacy and campaigns. He is a director of Community Development Organization, an NGO that works towards people right to natural resource.
- Sudeep Jana is a post-graduate in Social Work, working as a program coordinator at Nepal South Asia Centre (NESAC), a public policy research and dialogue organization. He is engaged in the study of works on right to sustainable livelihood and social campaigns in the field of natural resources.

Annex: Time line of events and actions

Date	Events/Actions	Remarks
1990	Forest Development Master Plan	It became an impetus to community forestry movement in Nepal.
1993	Forest Act, 2049	CFUG as autonomous institution for management of community forests. It has a provision of the participation of poor and marginalized groups in CFUG.
1990	Beginning of 15 chamar households on the periphery of Bhaluwahi forest.	
1995	Bhaluwahi forest handed over to the community	
1995-2003	Dictatorship of Tharu leadership in CFUG	
1990	Chamars arrested by DFO	Appellate court issued a notice for eviction
1996	Tharus attempted to destroy chamar houses	Failed due to local resistance
1996-2003	Continued threats from tharus and resistance from chamars	
2002	Tharus proposed to construct a commercially viable fishing ponds on the land occupied by chamars	With the support of a local NGO but it failed due to chamar resistance and the backings of CPN (UML), CPN (Maoists)
October, 2002	State of Emergency in Nepal	King dissolved the parliament
October, 2002	Tharus destroyed the houses of chamars	Strong backing of DFO, District Police Office and District Administrative Office
Dec, 2002	Chamars displaced for three months	
Dec, 2002	Complaint lodged by chamars before District Administrative Office	Case was dissolved when DFO declared chamars as illegal settlers
Dec, 2002	Case study research conducted by DCS	
Jan, 2003	DCS organized right based and people's centered training	
Jan, 2003	Beginning of local organizing, dialogues and mass actions	
April , 2003	Formation of new CFUG committee	No representation of chamars
May, 2003	Old CFUG committed continued to dominate	New CFUG committee failed to gain legitimacy
Sep, 2003	General Assembly of CFUG	Chamars' access in the leadership of CFUG