

History of partiality in use of Common pool resources in Nepal – were we failed?

Nepal is a country of amazing extremes and is home to the world's highest mountains, historic cities and the forested plains – full of common pool resources or natural resources. The bitter reality at the other end is Nepal is one of the poorest countries in the world regardless of the fact that it is rich in natural resources.

Straight away Nepal has failed in one major issue, planner's lack of wisdom to integrate sustainable utilization of vast pool of natural resources in answering poverty issues. Politicians or ruling elites have over politicized the subject and is often dumped into the interest of the influential elites of the society. Consequence - this has invited scores of problems in local and national level resulting in poverty leaving a space for donor agencies to make sarcastic relentless comments over poverty at home.

The grim reality of the poverty is such that almost half of the people in Nepal could be considered income-poor. Absolute poverty is more in rural areas, particularly in higher-altitude and remote regions and among lower castes and ethnic minorities. As said before Nepal is gifted with rich natural and cultural diversity. But the irony is we are poor? Why? Where did we fail? The question is simplistic and can be solved with one fundamental approach of integration of natural resources into mainstream with a pro poor participatory policy.

Common pool or Natural resource conservation comes as a second priority in Nepal, where hunger and subsistence comes first. However, history of natural resource conservation in Nepal is exhilarating - as to some ruler's conservation was a priority, while for other rulers who were mainly concentrated on expanding their armed forces, conservation was an ambiguous term.

To explore the collective weakness of the system we have to go back to the pre historic eras. Basically the root of the problem can be traced into caste system which has infested Nepalese society. The establishment of caste system facilitates uncontrolled access and extraction of natural resources. The ruler's used the impoverished lower caste and some ethnic minorities to create surplus for the state and elites often exciting rampant destruction of natural resources. Above all these groups of people were barred from their rights to use natural resources using states "indecisive" legal apparatus. These practices which were legalized during feudal rule are still continuing within modern Nepalese society challenging the attempts to promote social equity in natural resources by the modern government.

The first official recorded groups to have ruled over Nepal are Kirati. They were traditional tribal communal people who ruled in the Kathmandu valley as early as 700 BC. They were partially influenced by Hinduism and Buddhism and recognized conservation on the apex of their administrative policy. These tribal people used simple indigenous tools for the agriculture that suited the terrain. The social organization was simple with division of labor and status depending on the age, gender and the military performance.

Lichavi's came next. They allocated forest for the villagers by setting up community based groups. These groups were assigned to look and protect the forest. However, Lichavi rulers inevitably classified the caste of bulk of tribal population and gave them a low caste status. The tribal communities who were in minorities were subjected to paying taxes from the utilization of natural resources and were to provide free labors for the ruling and upper class. These very first impetuses demarcated the people and were forfeited from their traditional rights to use the resources. This practice continues till today and has infected Nepalese society in some cases instigating the issues of human rights.

Lichavis were defeated by the large scale Muslim forces. These new forces brought the better technology of wet rice cultivation and warfare. Along with the Lichavis they pushed the remaining local mongolo id population up in the hills and created inadvertent space for so called upper Hindus to flood into the fertile valley of Kathmandu and take control over the land of Kiratis.

During Malla dynasty religious endowments called *Guthi*, which allowed temples or *Vihara* lands to impart through generations of priest families were practiced. This practice of transforming the land to priest families reflected the paradigm of share of the power to certain powerful groups.

Outside of Kathmandu, Ram Shah, King of Gorkha, formulated a rule stipulating the plantation of trees along trail and around watershed. However these rules were not written for the favor of environment protection suggesting that environmental consideration was not a primary concern for him. They were merely written as administrative guidelines.

When Prithivi Narayan Shah annexed Kathmandu Valley in 1769 AD, the government faced the difficulty of feeding the increasing population, who migrated to Kathmandu in search of social security, various political and his growing army, his very first target was on land revenue. He used the burden amount of tax collected from the poor peasants to feed his army and improve coffers of the state. At the same time he transferred the ownership of public lands to government. In order to balance his power he categorized the public land and distributed to his exigent rivalry and other dominant individuals.

Worst of all Shah Rulers complicated land grants and established a system where the elites controlled large tracts of land, forest. Seizing over the control of land and other resources from poor and handing it to elites represented the typical alliance formed between the rulers and the elites. Due to the extreme levy, peasants turned into poor questioning their subsistence. State stood silent as they witnessed the deaths of peasants due to droughts and floods.

Janga Bahadur, who came through imparting the governance through a hazy equation on the occasion of Big Massacre, which is also known as *Kot Parba*, commissioned administrators and interpreters of texts on religion to codify the legal system of the nation

into a single body of laws called Muliki Ain in 1854. The Muliki Ain further left the tribal and lower castes vulnerable to extreme poverty. Further the Ain restricted the access to agricultural lands for the lower castes. This restriction left large tracts of agriculture land fallowed resulting in its loss of productivity.

Traditionally forests have been treated as a state or communal property. But with the Amanat System in 1858 the forest products were to be handled by both government employees and private contractors. These private contractors came from ruling elites. The *kut* system introduced during Shah Regime helped the control of landlord over the farmers, an act of repression. The 1951 democratic movement was largely limited to internal adjustments within the existing ruling classes, thus it failed to establish the environment governance in Nepal.

The government consistently followed policies that did not alarm this power structure and did not work out much on policies of land reforms that could have changed the social inequalities. The food shortage, occasional landslides in hills and flood of 1953 forced the government to find an alternative land in south. Government's desperation was supported by US in 1955 with initiation of Rapti Valley Multipurpose Development Project. Although the project's aim was to benefit the poverty stricken farmers, the objective of the project was detoured and benefit stood for well of land lord.

In 1962 Nepalese government collaborated with Israeli company to make feasibility study of entire Terai region. Of the few responsibilities the company was also accountable for providing agricultural extension services. However, the major objective of the resettlement project was to provide land to the poor, the political uphill of 1960 deposited the right of distribution of land as per the palace interest. The government continued its policy of political co-option by offering land grants to opposing politician and senior Panachayat Leaders as to balance the power.

Primarily pro poor natural resources have been victim of political disorder and have been used as to recompense to balance the power. Government policies on agriculture, forestry and water have tacitly encouraged over-use of the country's natural resources for certain class. The consequent exploitation of natural resources has had a negative impact on productivity by raising production and maintenance costs and aggravating the problem of biodiversity conservation.

As the system of governance gets more complex the survival strategies of the poor and vulnerable will be different under different environmental conditions. So the struggle of households to adapt to those strategies, which provide more livelihood security, is imperative. The level of poverty and institutional arrangements for resource management depends on nature of government's flexibility in its role as a risk-coping instrument for the poorer households.

With number of experimentations by the past feudal rulers the government after 1991 recognized people as centre of natural resource conservation. This has been expressed in number of legal apparatus like Forest Act of 1993. This Act was amended in 1998 with a

view of involving more participation of stakeholders. Similarly, in the past the conservation area, user group and buffer zone management concepts were introduced in the National Parks and Wildlife Conservation Act, 1973 in order to empower the local people in the management of protected areas. However, this act proved favorable to limited groups who had vested interest of ruining the country's protected areas system. Despite moving ahead in participatory policy of natural resource management we still have long way to go as there exists number of default values within the broader term of governing common pool. These have been substantiated lately as the administrators are becoming more and more totalitarian and pushing the policies down without acknowledging the local values and customs.

Bottom line - inevitably relationship with natural resources in alleviating poverty can not be undermined. History shows that state always marginalized the ethnic minorities, low caste people, and poor people from their traditional "copyright" to natural resources. Hence the government needs to change this attitude of despotism and come forward with progressive policies in natural resources. The government needs to collaborate more with locals to develop policies and strategies according to their niche. This method of devising the policy at the local level will help identify the local people their priorities of natural resources. And perhaps help politically to integrate ethnic groups, lower caste and poor people into mainstream.

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