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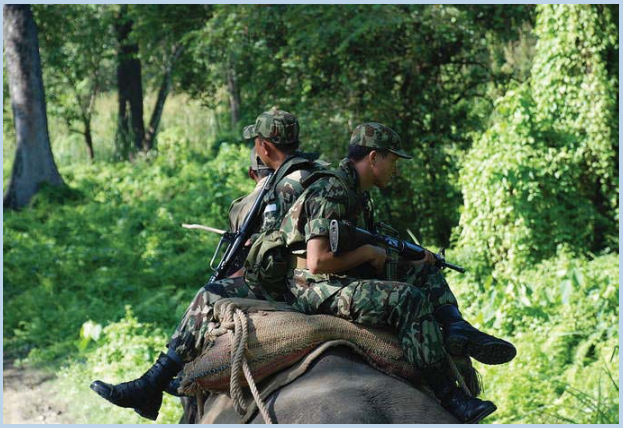
The Resilience of Community Forestry User Groups in Conflict:

Lessons from Nepal



Findings of a study on the impact on forest user groups of Nepal's Maoist insurgency (1996-2006)

LFP Livelihoods & Forestry Programme

Livelihoods and Forestry Programme (LFP), 2010

Photo credit. Top left; Top right: Sanjiv Chaudhary, WWF Nepal

Citation: LFP (2010). The Resilience of Community Forestry User Groups in Conflict: Lessons from Nepal. Livelihoods and Forestry Programme, Kathmandu

Foreword

The main focus of the Livelihoods and Forestry Programme (LFP) is to support rural communities to develop their local areas, alleviate poverty and conserve forests through their own efforts and their local resources. The programme has focused on building up community forestry user groups as well-governed democratic institutions that work for the benefit of all their members. The future of community forestry in Nepal depends on such organisations.

The years of violent conflict between the Maoists and the Nepali State were a severe test for many user groups as their forests were encroached upon, they came under all sorts of pressure and were caught between conflicting parties. In spite of these difficulties we observed that many groups withstood much of the pressure and continued to operate effectively. In 2009 we commissioned a study to explore how they had been so resilient. The study findings are contained in this report and show that it was the fundamental institutional strengths of community forestry and most user groups combined with the ability of user groups to adapt to the difficult circumstances that had enabled them to continue functioning so well.

With a new phase of DFID support for community forestry due to start in 2011, and the many repercussions of the armed conflict continuing, it is important that we continue to build on the strengths and overcome the weaknesses of the user groups we support. These study findings provide many pointers to what kinds of support are needed, in particular for those user groups that were less resilient during the conflict.

We thank Dr Andrea Nightingale of the University of Edinburgh, UK and Dr Jeevan Sharma of Tufts University, USA for designing and carrying out this important study. We also thank the LFP field staff who carried out the interviews and the members of the 18 user groups who gave up their valuable time to answer the researchers' questions. Stephen J Keeling produced this summary report in consultation with the study authors and based on the main study report.

Vijay Shrestha
LFP Programme Manager

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1. Resilience in Conflict: Executive Summary

1.1 Background

During Nepal's Maoist Insurgency (1996–2006), many community forestry user groups were able to continue functioning effectively in spite of the many difficulties they faced. Community forests were valued by both the Maoists and the State as represented by the Nepal Army. They were valued as cover for hiding their movements, as a valuable resource and as a focus for community mobilisation. User groups therefore found themselves caught up in the conflict resulting in them suffering from restrictions on access to their forests, extortion, a loss of control over decision-making and other negative impacts.

In mid-2009 a study was carried out to investigate how 18 community forestry user groups had managed to continue operating during the armed conflict. These groups are from all four of the working areas of the Livelihoods and Forestry Programme (LFP).

1.2 The features of user group resilience

The study found it was a combination of the sound institutional setup of community forestry and user groups and the creative responses of the user groups that enabled them to continue functioning so well. Whilst the institutional strengths predated the conflict, it was the ability of user groups to support and use the structures effectively that mostly determined their resilience.

Resilient institutions

The main institutional features of community forestry and user groups that underpinned their resilience were:

- the strong sense of ownership that users felt for their forests as valuable and well-managed resources;
- the inclusive and pro-poor management of community forests, which gave users the moral high ground when negotiating with the conflicting parties;
- the strong bargaining power of many user groups due to their good negotiating skills, their proper implementation of community forestry backed up by clear written records, and the good personal contacts many office holders had with Maoist and Nepal Army personnel;
- the generally open and transparent financial systems they maintained that meant they could not be accused of misusing their funds;
- the consensual decision-making that promoted group cohesion and solidarity; and
- the adoption by most user groups of conflict sensitive working practices.

The participatory processes used by forest user groups creates a strong sense of ownership

Ways of working

It was the creative responses and commitment of user groups that promoting their resilience as they:

- demonstrated a neutrality in their operations that saw them avoiding any overt affiliations with any particular political or social grouping;
- took any opportunity to engage in dialogue with the Maoists and the Nepal Army to enable them to maintain the maximum amount of control over their resources and to minise their acquiescence to the demands of the conflicting parties;
- shifted decision making to all users and changed where and when decision makers met to avoid interference by the conflicting parties; and
- demonstrated that funds were being properly used to maintain maximum control over them and to reduce the scale of forced donations to the Maoists, and
- spent funds rapidly on community development before the Maoists could 'claim' them.

Groups that failed to demonstrate these strengths were less resilient and less able to withstand the demands of the conflicting parties.

1.3 The reasons for their resilience

From these institutional and functional strengths the study identified the following overall reasons for the resilience of the study's 18 user groups:

- **Adherence to locally accepted notions of justice** — It was the putting into practice by user groups of the ideals of community forestry of equal participation, the equitable sharing of resources, shared group ownership and transparency and fairness in the use of funds and resources that was the most important factor. By ensuring they acted justly, user groups could claim the moral high ground thus restricting the extent to which the Maoists and the Nepal Army could restrict their control over their resources and decision-making.
- **Image as neutral non-State entities** — The perception (and the reality) of user groups as locally-owned groups operating independently of the State gave them much resilience. Importantly, in comparison to other types of community groups, forest user groups are more independent of the State as their autonomy is enshrined in legislation — the Forest Act (1993). Also, community forestry is not seen as imposed or owned by either the State or development partners and thus gives villagers an identity that is neutral and separate from other more problematic identities such as caste, ethnicity, class and political party membership.
- **Control over valuable resources** — Their ownership and control of valuable physical and financial resources (their forests and their funds) encouraged user groups to work together to continue functioning. Whilst their resources made user groups a target for extortion, they also gave them bargaining leverage in negotiations with the conflicting parties. And in many places user group members were also Maoists who convinced local commanders not to take user group assets.
- **Ability to adapt to the difficult and changing circumstances** — The user groups showed a great capacity to learn and adaptat, which this study attributes to the sound structure of the community forestry programme and the desire of user groups to retain access to their resources. They proactively devised and employed a variety of tactics to overcome the difficulties they faced, including the use of identity cards, changing the place or timing of meetings, negotiating with the conflicting parties and relinquishing some control over their governance processes.

1.4 Summary recommendations

These study findings provide valuable lessons for agencies supporting community development in areas affected by armed conflict and in countries such as Nepal where the repercussions of armed conflict continue. This report concludes with recommendations that call for future support to build on the strengths of user groups identified in this study. The recommendations call for:

- building up user groups as autonomous institutions for socially inclusive development based around resources that are indispensable for the livelihoods of poor people;
- building up the governance, record keeping, and negotiating skills of user groups and their knowledge of their legal rights;
- encouraging more financial autonomy and inter-group networking;
- building up support mechanisms through local NGOs to compliment government support;
- creating wider awareness in society about the strengths and potentials of user groups; and
- providing extra support to user groups adversely affected by conflict to resume good governance practices.

2. Background

2.1 The Maoist insurgency

Nepal's Maoist insurgency began in 1996 and by 2003 had spread throughout Nepal seriously disrupting all aspects of everyday life and resulting in the deaths of more than 13,000 people. The Government was forced to withdraw from many of the Maoist-controlled areas and in particular from the many areas where the insurgents ran a parallel state. The destruction by the insurgents of many local government and line agency offices, telecommunications towers, bridges and other infrastructure, alongside the security threats to Government employees, led to a large reduction in the provision of local services in rural areas. The conflict ended in April 2006 and was brought to a formal end in November/December 2006.

This study of the resilience of Nepal's community forest user groups is set in the context of this armed conflict between the Communist Party of Nepal (Maoist) and the Nepalese Government. In this study the Government of Nepal, also commonly referred to as 'the State', is represented by its army — the Nepal Army.

Although the armed conflict formally ended more than three years ago, its aftermath has been marked by continued political conflict, the emergence of new violent conflicts — the Limbuwan Movement in the eastern middle hills and the Madhes Movement in the Terai — and the limited implementation of the peace agreements. This means that the armed conflict is very much a current issue and its repercussions continue across much of Nepalese society.

2.2 Community forest user groups

Nepal's more than 15,000 community forest user groups are self-governing local institutions with the legal authority under the Forest Act (1993) to manage their local forests for conservation and sustainable production. The day-to-day functioning of these user groups (CFUGs) is governed by written constitutions and operational plans. Their operational plans are approved by district forest offices and usually specify how user groups can sustainably harvest and gather firewood, timber, fodder, medicinal herbs and other forest products. Users usually do not, however, have the rights to extract sand, gravel, rocks and other such resources. The resources they have rights to are often commercially valuable and essential for supplying basic household needs.

User groups are democratic institutions with their members appointing executive committees to make the day-to-day decisions whilst annual or more frequent assemblies of members oversee committees' work and endorse major decisions.

The UK Government has been one of the principal development partners (bilateral donors) for Nepal's community forestry programme. The current phase of support — the Livelihoods and Forestry Programme (LFP: 2001–2011), is working in 15 districts with about 4,600 user groups representing about half a million households. LFP works with service providers (local NGOs) and animators employed by the service providers to improve user group governance and help user group members develop their livelihoods and incomes. The programme targets the most disadvantaged community members.

2.3 The impact of the conflict on user groups

The armed conflict had a large impact on Nepal's rural communities. One study[1] lists 17 major negative consequences in rural areas ranging from human rights abuses to the closure of schools and the "disruption of local collective action, including community forestry." Many community forests were seriously affected (see Box 1) largely as a consequence of the importance of these forests to both the Maoists and the Nepal Army (see Box 2).

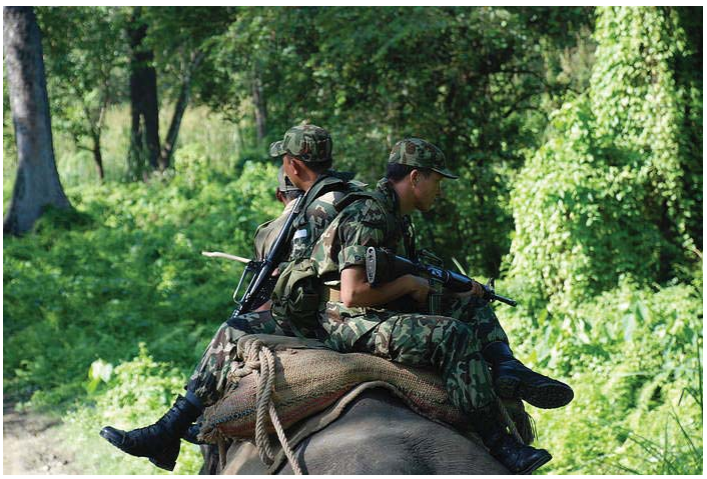


Photo Credit: Sanjiv Chaudhary, WWF Nepal

Nepal Army movements in community forests put users at risk

1. Pokharel, BK; HR Ojha, D Paudel (2005). Assessing Development Space and Outcomes in Conflict Situation: A Reflection from Nepal Swiss Community Forestry Project. Kathmandu.

Box 1: Negative impacts of the armed conflict on community forest user groups

User groups and their users, to a greater or lesser extent, suffered from the following:

- In Maoist-controlled areas, being forced to register with the Maoists and follow their dictates.
- Losing control of their democratically elected committees as the Maoists imposed their supporters on them.
- Having to provide 'forced donations' to the Maoists to be allowed to continue operating (this in turn led to user groups being accused of collusion by the State forces).
- Having their meetings captured by the Maoists to deliver their speeches.
- Being less able to go to the forest for fear of being subject to harassment from and of being caught in crossfire between the Maoists and the Nepal Army. (Harassment from the Nepal Army was often due to user groups, with their pro-poor orientation, being viewed as Maoist sympathisers).
- The frequent strikes and bandhs called by the Maoists that disrupted movement, supplies and meetings.
- The breakdown of law and order that led to more illegal harvesting, forest encroachment and corruption.
- Restrictions imposed by the Nepal Army on going to community forests and holding mass meetings.
- Restrictions from leaving their home areas imposed by the conflicting parties that prevented attendance at training courses, workshops and other user group business.
- Restrictions on movement that prevented partner agency support staff (especially district forest office staff) from going to user groups.
- Serious disruptions in the collection and marketing of forest products.

Source: Pokharel *et al* 2005, NSCFP 2007[2] and the current study

Box 2: The importance of community forests in the armed conflict

- **Cover** — The Maoists used forests for covering their movements, to hide their camps in and as staging areas to launch raids from. The Nepal Army thus sought to control forested areas nearby district headquarters and other key targets.
- **Resources** — The Nepal Army and the Maoists needed forest products to maintain their presence in rural areas. They needed fuelwood and grazing for animals and timber for construction, whilst the Maoists needed timber to sell as a source of revenue.
- **Community organisations** — All forms of group activity came under heavy surveillance and in many places were banned by the conflicting parties. The control of group processes was central to strategies for controlling local populations. Many user groups therefore found themselves caught in the crossfire and in many cases had access to their forests restricted.

The current and other studies also found that the armed conflict had some positive consequences. LFP staff, who worked with user groups in eastern Nepal during the armed conflict,[3] report that: "the conflict… helped to empower the voices of marginalized groups, improved their access to community forest resources, and advocated and brought about changes in local policies and institutions of the CFUGs [user groups] in favour of equitable resource management."

2.4 The study and its rationale

Rationale — In spite of the many unavoidable impacts the armed conflict had on community forest user groups, staff from two of Nepal's community forestry programmes (LFP and the Nepal Swiss Community Forestry Project) reported that community forestry user groups had shown considerably more resilience during the conflict than other types of community groups. They had seen that most user groups had been resilient in that they had managed to withstand or adapt to the adverse circumstances. However, it was unclear exactly how they had been so conflict-resilient.

The goal of the current study was therefore to identify what features of community forestry user groups had enabled them to continue operating under conditions of conflict. This report on the study findings aims to communicate to other development agencies working in conflict-affected areas how grassroots organisations can continue functioning amidst conflict. It also aims to guide future support needs for Nepal's community forestry user groups.

2. NSCFP (2007). *Community Forestry and Beyond: NSCFP and the Enabling Environment.* Issue Paper No. 2. Kathmandu: Nepal Swiss Community Forestry Project.
3. BK, Nirmal K; RK Shrestha; SGI Acharya; AS Ansari (2009) Maoist Conflict, Community Forestry and Livelihoods: Pro-poor Innovations in Forest Management in Nepal. *Journal of Forest and Livelihood* (August 2009) Vol. 8(2) pp 93-100. Kathmandu.

The study — A small-scale study was carried out in July 2009 on the experiences during the armed conflict of 18 user groups from the areas where LFP works. The study selected three user groups from each of two Terai districts (Kapilvastu and Rupandehi), two hill districts in the Mid-Western Development Region (Rolpa and Pyuthan) and one hill district from the western and eastern development regions (Baglung and Tehrathum).

Three user groups were selected from each of these six districts to represent the range of conflict conditions — as categorised by Nepal's development partners during the armed conflict. One user group per district was selected from:

- Maoist-controlled areas — often remoter rural areas;
- State-controlled areas — often more accessible areas adjacent to district centres and roads; and
- disputed areas — areas either in flux changing between Maoist and State domination or areas with roughly equal levels of control between the conflicting parties.

The study involved LFP staff and service provider partners interviewing former and current committee members of the 18 groups and other key informants about what impact the armed conflict had on their groups and what differences these impacts made to group functioning. The goal was to identify the structures and tactics of the user groups that had contributed to their resilience. Most of the quotes given below are therefore from user group committee members.

The Maoist Army used community forests as cover for their movements

3. Study Findings

The study found that user group resilience during the armed conflict was due both to the strengths of the institutional setup of community forestry and its user groups and also to the tactics — the ways of working — employed by user groups to retain access to and control over their groups and resources. Indeed, one key finding was that many groups seem to have become stronger as a they faced up to the difficult circumstances.

3.1 Resilient institutions

Community forestry as a programme and user groups as institutions had (and still have) a number of structural features that enabled many of them to continue operating amidst the many difficulties they faced during the conflict. It was the strong sense of ownership, the pro-poor orientation, the strong bargaining power, the transparent management of funds and the consensual decision-making by user groups as well as development partner strategies that provided the framework within which they continued their work.

Strong sense of ownership

Community forestry operational plans and constitutions give user groups a large measure of autonomy in decision making and in regulating the harvesting of their forests' products. User groups have rights over all forest products and revenues generated. The study found that users therefore strongly identify with their forests and feel a strong sense of ownership over them. The results of this study show that this autonomy and the resulting sense of ownership were vital to user groups' ability to continue operating during the conflict.

During the conflict the user groups were able to claim and prove that they were local groups that had emerged from the grassroots and that they worked for the needs of everyone in their communities. They were said to be: "run by local people [and not] by government employees" (respondent from a user group in a disputed part of the Terai). This was a very difficult claim for either the Maoists or the Nepal Army to counter and was a key part of many groups' negotiating strategies. Many groups were aware that this characteristic was important for their ability to operate in conflict:

> *It was easier for us to work because we feel that it [the community forest] is ours; it belongs to us… The situation might be different where user groups are extremely rich, but I am talking about our area (where user groups are not so rich), where people directly implement the activities. Had external NGOs, INGOs [international non-government organisations] and foreigners intervened in our activities, the Maoists would have stopped the activities… (West, disputed area [informant from a user group in a Maoist-controlled area in the Western Development Region])*

The study found examples, such as in the following quote, where user groups were seen as belonging to the local people whereas representations of the State, such as buildings, clearly were not.

> *The community forestry building… [was] in the same compound as the district forest office's range post. The Maoists [who included user group members] blew up the range post but not the community forestry building… (Terai, Maoist-controlled area)*

Inclusive and pro-poor

A second strength of user groups was found to be their adherence to principles of inclusion, democracy and social equity. Many of Nepal's user groups, with support from programmes such as LFP, have adopted inclusive and representative governance that encourages the participation of marginalised community members. Many user group constitutions are pro-poor and call for positive discrimination that directly benefits disadvantaged members. This includes preferential access to loans from user group funds and special programmes for sub-groups of poorer user group members and women. As the following three quotes show, these pro-poor commitments were vital to the claims that user group goals were compatible with the Maoists' own agenda of redistributing resources and giving more equitable access to power to Nepal's marginalised groups:

> *The warring side [the Maoists] were positive towards user groups as they found their rules, regulations, and inclusive structures… [to be] similar to theirs. This helped a lot in managing the community forest and in initiating dialogue with them. (Mid-West, disputed area — researcher's summary)*

We were inclusive… had we not been… they [excluded groups from within the user group] would have gone with the Maoists… (West, Maoist-controlled area)

The 32 women of this village formed a group to cultivate grass on the forest land for buffalo fodder. The members contributed 1,000 Nepali rupees (NR 1,000)[4]… and carried out fencing and raised fodder species. All our fund flows were transparent and decisions were made on a consensual basis… Later the Maoists came and through the landless people broke the fences, uprooted seedlings and threatened us… Later we explained [to the Maoists] that it was not only our forest but the forest of everyone including the landless, Dalits [ex-untouchables], women and all its users. Then they became convinced [of our right to manage it]. (Terai, State-controlled area).

The user groups were able to show that they provided all community members with equitable access to their forests' resources and other assets. In most places the Maoists were unable to counter this claim and ultimately respected it. It should be noted, however, that in some places in the Terai, the Maoists continued their campaign to resettle landless people on community forestry land. What is important is the way the group in the previous quote sought to negotiate with the Maoists. Similarly, another group stressed the importance of the diversity of user group membership by saying:

We felt easier with [the Maoists] compared to other clubs or NGOs, because we were in groups where people from all parties and castes were together. So, we had a better position than other institutions. (West, Maoist-controlled area)

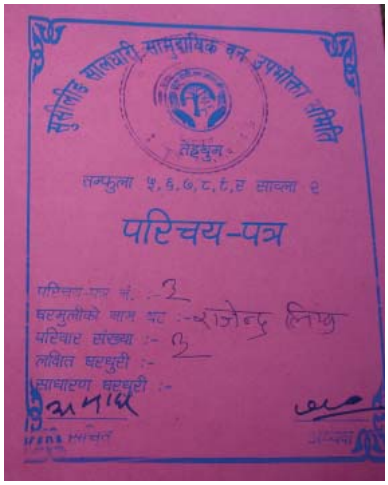
It was also difficult for the Nepal Army to block or argue against the inclusive, pro-poor approach of user groups working for rural development in remote areas. This represents a core part of the State's development agenda and for the Nepal Army to work against them would have been disastrous for its image. In other words, the user groups held the moral high ground.

Bargaining power, networks and elites

However, respect for community forestry was not granted immediately or easily by the conflicting parties. Rather, user groups had to convince them that their user groups were legitimate politically neutral organisations that worked for all community members.

User groups require their leaders to reach decisions by cultivating consensus among members. User groups also often have to negotiate with nearby user groups and district forest offices and this appears to have led to members developing crucial negotiating skills. Many group members told the researchers that this, together with the knowledge that their decisions were sound, had given them the confidence to stand up to the Nepal Army and the Maoists. For example, one group said:

The Maoists opposed our system of having to pay for fuelwood and timber and told users that they shouldn't have to pay… We discussed this [and] all our users said the rules were for our own benefit… [and] we didn't need to be afraid of external threats … We became strong on our decisions and their implementation. The decisions were also favourable for Maoist families and their family members were also supportive… (West, Maoist-controlled area)



An identity card of the type that forest user group members used to demonstrate their neutrality

Another group used their resources to protect their control over their forest as they did not want the Maoists deciding which trees to cut:

Once, the Maoists camped near the forest... and a group started cutting trees for wood for cooking their food. I and the community forestry watcher went to them without fear. We said that we would give them fuelwood, but that they shouldn't cut our [timber] trees... We placed the felled trees in the user group's collection point and gave them fuelwood. (Terai, disputed area)

4. Exchange rate of £1: NR 120 (January 2010)

There is evidence from across the study districts that many user groups sought to negotiate with the conflicting parties. Many, especially in the disputed and Maoist-controlled areas said that the Maoists were easier to negotiate with because they would sit and talk, whereas the Nepal Army would usually respond with force and only ask questions later:

> *It was relatively easier negotiating with the Maoists as they used to stay in our village and mix with local people. And also some local persons actively supported the Maoists. So, it was easy to sit with them and discuss openly about our user groups… It was extremely difficult with the Nepal Army. They used to visit… and never tried to understand about our user group activities… We feared that if we tried to discuss, they would beat us. But, there were exceptions as a captain once participated in one of our community forestry activities [probably referring to a meeting]. (West, disputed area)*

A significant point here is that many community forest user groups will have had Maoist sympathisers amongst their members as support for the Maoists was widespread across Nepal's rural areas during the conflict.

In summary, the three main things that gave the user groups bargaining power were:

- User group members' abilities to negotiate with elites — with much of this confidence to speak out being learned from the functioning of their groups.
- The 'proper' implementation of community forestry — with open and clear decision-making, transparent accounts and group consensus building. This made it difficult for anyone to contest groups' right to operate provided they could demonstrate they were following the rules.
- The networks of user group office holders — Many user groups elect relatively elite community people as their chairpersons, secretaries and treasurers. LFP and other programmes have been concerned about this and have encouraged groups to give such posts to women and disadvantaged group members. However, the study found that during the armed conflict this so-called 'elite capture' worked to the advantage of many groups. These elites often had the social capital and the networks within the Nepal Army and the Maoists that enabled them to facilitate negotiations. For example:

> *The chairperson was… very good at negotiating with the police, the army and the Maoists. He was not afraid... When approached by the Maoists he would show them our records to demonstrate that the committee's decisions were made transparently. (Mid-West, disputed area)*

The personal abilities and networks of key user group members were vital for negotiating operational space. In some places, however, it appears that elite capture was problematic and led to the Maoists not allowing groups to function or by new Maoist-dominated committees being imposed. Note that this also happened regardless of elite capture problems and so should not be interpreted as a direct consequence of elite capture.

Financial transparency

Another key aspect was user groups' generally open and transparent financial systems. All user groups have to present their annual accounts, with a clear record of all transactions, to their annual general assemblies where all user group members can attend. The importance of transparent functioning and in particular financial transparency was consistently mentioned by respondents as a key reason for user groups' resilience:

> *The Maoists did not suspect us due to the transparency of our accounts. We used our funds to build culverts, gravel our road, plant seedlings, erect fences… for our revolving fund and to fund goat raising by poor households. Seeing this, they did not obstruct us... (Terai, disputed area)*

> *Our accounting was correct… the forest programme was done properly… we discussed how to involve the people from disadvantaged groups… [the Maoists] didn't get any opportunity to disturb us… everything was in our records… they came, sat… and they went. (West, Maoist-controlled area)*

A crucial point is that the user groups had written and clear proofs in the shape of their operational plans and constitutions, their lists of members and records of their decisions, activities and finances to show to anyone who questioned their credibility.

One group told how it used notions of fairness and transparency to argue back accusing the Maoists of fund misuse:

> *We did not feel that the Maoists' demands were fair… they were not transparent in the way they used their funds and we told them so. (East, disputed area)*

The transparent operation of user group accounts allowed groups to back up their claims that they were engaged in pro-poor activities and were using their revenues for appropriate local development activities. In many places this appeased the Maoists, although most user groups still had to give forced donations. Groups from all the different regions gave examples of contesting these donations (locally known as 'taxes'). For example, user groups in the east of the country managed to negotiate a lower rate of forced donation by negotiating collectively through FECOFUN.[5] In 2005, the Maoists had demanded 30% of user group funds. Individually the groups had been unable to resist the demands, whilst taking collective action had put them in a stronger position and enabled them to successfully negotiate a lower rate.

Group consensus building

Another important feature of user groups was (and is) that important decisions are usually reached by consensus at public meetings in line with traditional systems that are seen as 'informal' and 'just'. This kind of decision-making strengthens group cohesion and in most cases people will abide by such decisions even if they disagree.

Consensual decision-making strengthened user groups negotiating power

Many user groups told how group cohesion was very important for enabling groups to continue working during the conflict. Respondents were asked what advice they would give to people in other countries facing conflict situations. Almost all pointed to the crucial importance of transparent processes, good negotiating skills and cohesive groups. It was also clear that pressures from outside actually promoted user group cohesion. It was said that those that failed to stick together during the conflict were forced to cease operating, whilst cohesive groups were much stronger. Thus:

> *Decisions need to be taken by consulting [with the group] and on the basis of the advice of all members, and every person needs to be on board. (Terai, Maoist-controlled area)*

> *Although the group's members were from different political ideologies, they stood united against any odds. (Mid-West, disputed area — researcher's summary)*

> *They [Maoists] came to us for 30% of our fund... We called a general assembly… and decided that we could not give 30%… there were some threats… but we were not afraid as we were united... (East, disputed area)*

Section 3.2 on the strategies employed by user groups shows how they promoted group cohesion.

Development partner strategies

As the intensity of the armed conflict heightened, many development programmes promoted ways of working that mitigated conflict and minimised risks. Programmes supported by the UK's Department for International Development (DFID), including LFP, encouraged their staff and partners to work according to:

- the Safe and Effective Development in Conflict (SEDC) protocols, which call for engaging in dialogue with the conflicting parties, maintaining neutrality, and working in ways that direct more resources to the local and grassroots levels; and
- the basic operating guidelines (BOGs) of Nepal's development partners that set out the standards expected of their projects and staff (including transparency and accountability in the use of resources, zero tolerance of corruption and respect for all people), and the minimum conditions required from political and military forces including freedom from threat and violence, no misdirection of project resources and freedom of movement.

5. FECOFUN is a national federation of community forestry user groups. It lobbies for user group rights through a network of regional and local branches.

There is evidence that LFP's commitment to these ways of working was important for promoting user group resilience in the following three ways:

- First, the use of service providers (local NGOs and other organisations) to implement programme activities meant that LFP was able to continue providing support even to remote groups throughout the conflict. The use of a decentralised network of mostly local actors (animators) to implement activities appears to have contributed to the resilience of development partner-supported community forestry during the conflict. Respondents from adjacent user groups in a disputed area stressed the importance and skills of a local animator:

> *[The Maoists] asked all user groups to pay 40% of their income… But the animator said that the programme was working to help poor people, women and Dalits to increase their incomes... He said, "if you see something undesirable supported by us, then you can stop our work and we will send the programme away." Afterwards, the Maoists put no more pressure on the animator [and on the groups, and therefore the programme was able to continue] (West, disputed area)*

- Second, one of LFP's strategies was to build the confidence of service providers and their field staff to continue working. LFP's partners and service providers were oriented in conflict sensitive development and the BOGs. These approaches were then disseminated to the user groups. As a result many user groups took up conflict sensitive communication and impartiality strategies. Many started to informing the conflicting parties of their meetings and took any opportunity to emphasise their transparency, neutrality and openness so as to gain operating space. They also avoided "being for or against any conflicting party and tried to maintain impartiality" (West, State-controlled area). The user groups used these and other strategies to ensure their continued access to their resources. Importantly, neutrality was a claim successfully made by user groups, though it did not necessarily mean they were politically neutral.
- Third, LFP and DFID's commitment to poverty reduction, political neutrality, addressing social exclusion, and engaging in dialogue with both of the parties to the conflict helped promote a positive image for user groups. The Maoists viewed the activities of international development partners as acceptable as long as their reasons for operating were consistent with the Maoist agenda. DFID's neutral stance that promoted grassroots and appropriate local institutions was vital to the image user groups were able to project. This was in contrast to some development partners who did not maintain political neutrality.

3.2 Ways of working

In and of themselves the above structural elements did not promote resilience. More important was the great creativity and commitment (the agency) that user groups brought into play to continue their groups' operations. It was only through their practice and use of the institutional features that the structure itself promoted resilience. The following quote demonstrates how one group sought to keep its programmes running:

> *… we said that as a community forestry user group we needed to be active… We spoke to the district chapter of FECOFUN… and we were encouraged… Had we gone inactive because of the conflict… we would not have been able to maintain our saving and credit fund… and maybe people would have destroyed the forest ... (East, disputed area)*

Not all groups used the following strategies and many changed and adapted their strategies as the conflict progressed to respond to the changing and often unpredictable conditions.

Political and social diversity

Most user groups that retained high levels of resilience were careful to remain neutral. They used the different political affiliations of their members to claim their neutrality. For example, one Mid-West user group told how, whilst travelling to the district centre, they would take members from different political parties, and if stopped by the Maoists a Maoist member would vouch for them whilst, if stopped by the Nepal Army, members of the mainstream political parties, such as the Nepali Congress, would identify the others as user group members. Here, the user groups gave villagers a neutral, defensible identity. Maoist affiliated members could simply be 'user groups members' in the context of user group business. In addition, they made full use of their personal networks as already indicated by, for example using their Maoist members to talk with visiting Maoists.

The groups also sought to demonstrate that they were socially inclusive. As explained above (in Section 3.1 under the heading 'Inclusive and pro-poor'), most groups work in a socially inclusive way targeting benefits to women, Dalits and the members of other traditionally marginalised groups and ensuring the representation of these groups on their committees.

Opportunities for dialogue

In general

One of the most common strategies used by user groups was to engage in dialogue with the conflicting parties, whether or not group members had connections. They sought to negotiate operating space and in many instances this was successful. Many of these negotiations saw the user groups losing some degree of control over their resources. But the groups' main concern was to maintain access to their forests and their funds. Many groups were able to continue operating autonomously.

In almost all the study areas, the user groups engaged in dialogue with both the Maoists and the Nepal Army. The extent to which they had contact with one side or the other depended on who controlled the area:

> *Since we had frequently to visit the office of the Nepal Army to inform them about our user group's activities, we became familiar with the army personnel and they started dealing with us well. (West, State-controlled area)*

Importantly, user groups used their connections with the conflicting parties to help them negotiate, and they often built relationships as the conflict progressed:

> *We told them that they should not disturb our group's work… we used our contact… we knew the person… so that helped. It is easy to negotiate with known people… (West, disputed area)*

Many of the user groups reported that the Maoists were easier to negotiate with, although the study found evidence pointing to difficult negotiations with both sides:

> *We also had a discussion with [the Maoists]… and told them that we, and not them, would decide what was to be done with fund allocation, etc, That was the decision we made by consensus. Instead of being affected by them and their decisions, we impressed them with our community development activities. (West, Maoist-controlled area)*

It appears that user groups in the Maoist-controlled areas tended to have more negotiating and operating space than the groups in the disputed areas. For example:

> *It was difficult to go to the forests; the Maoists were relatively easier to deal with [because some of our members were Maoists]. We also spoke with the Nepal Army and took advice from them too. They told us to conserve the forest… but told us not to go there. (East, disputed area)*

The study found the strategies of a user group in an intermediate area in the Terai to be:

- holding meetings and dialogue with both sides to keep them informed about user group activities;
- placing Maoist members on committees and in special interest sub-groups; and
- allowing the Maoists to collect fuelwood free of cost in the beginning and at 50% of the standard rate later.

This group made concessions on group control by placing Maoists on its committee; but as the conflict progressed, the users took some control back by charging for fuelwood. And, as mentioned above, negotiations with the Maoists and the Nepal Army helped user groups retain access to their resources, whilst entailing some loss of control.

The above examples show how one group compromised by allowing Maoists on to their committee whilst another compromised by limiting their visits to the forest in the face of the Nepal Army's demands. Importantly, all these groups tried to negotiate with both sides, and in disputed areas almost all respondents said that the Maoists were easier to negotiate with for their willingness to 'sit and talk'.

Eating together

One of the reasons that the user groups found it easier to negotiate with the Maoists was the opportunities they had to sit and talk with them. Eating together is an important symbolic activity in rural Nepal. The Maoists demanded food and hospitality to break down historical caste, gender and ethnicity hierarchies, to support their movement and to assert their dominance. Yet these demands were not necessarily straightforward acts of dominance as once the visitors were seated and given food, many villagers were able to reassert their power. The study found that user group members used eating times as an opportunity to speak to the Maoists about their activities:

The Maoists came regularly to eat... We used to discuss about the benefits of our forest and how we were supporting the poor. As poor communities are their target to expand their party membership… so they did not interfere or try to close down our activities. (West, disputed area)

Meal times and the private spaces of homes therefore became opportunities for user group members to expound on the positive aspects of community forestry. The following and other groups created negotiating spaces by inviting the Maoists to come and eat with them.

We said to them… "why send us letters… stating the amount you need?… You can come and eat… and we can discuss" (West, Maoist-controlled area)

Holding meetings

In addition, many groups modified their functioning to ensure continued access to their resources. The most common modifications were shifting decision-making to all users and changing where and when decision makers met.

Some groups moved decision-making from their executive committees to the entire group to demonstrate the cohesion of members and ensure that no member could contest a decision:

We emphasized group consensus rather than the committee's decisions… all the decisions were made through assemblies or by consensus. (West, State-controlled area)

More often, executive committees became more central, as the holding of large meetings was disapproved of by the Nepal Army. A common strategy was to find sheltered, private spaces to hold meetings to provide some measure of safety:

[At that time] it could be dangerous to gather outside for group meetings. But we used to sit in a small hut. In spite of fear, user groups operated. Both conflicting parties knew the role of community forestry in protecting our village from the danger of the river changing course. (Terai, disputed area)

Meetings were held... Immediate decisions were also made while meeting in [people's homes] and the decisions were conveyed through municipality representatives. (Mid-West, disputed area)

Another strategy was to change the dates of meetings so that the Maoists (or less often, the Nepal Army) were less likely to disrupt them.

We used to meet on 13th Mangsir (Nepali month), but during that period we met on the 9th, 17th or 18th. Once they visited on the 13th, but we had held our meeting on the 9th. We told them we had met on the 9th and about the key decisions we had taken. (West, Maoist-controlled area)

Importantly, all the above groups found ways to maintain control over their decision-making thus keeping access to their resources. They navigated their way through the demands and constraints of the conflicting parties with significant degrees of success. As the conflict progressed, many groups adopted SEDC-type strategies and sought to keep their activities as open as possible, while still trying to maintain some privacy to debate their affairs. As one group in the West said:

It was difficult to hold public meetings. We needed to negotiate with the Maoists and the Royal [Nepal] Army to hold such meetings. We used to pre-inform them. In addition, they usually patrolled our area until 1 pm and then returned to their barracks. So, we held our meetings afterwards. We held discussions with the Maoists about the user group when they stayed with us, and they did not impose many restrictions on our activities as we showed them [our work]. (West, disputed area)

Other creative strategies

Many users found it difficult to go to their forests to collect forest products. They were scared of the Maoists and the Nepal Army and of being caught in the forest during a shootout. However, as forest products were (and are) essential for most users' livelihoods, negotiating access to their forests was very important. In addition to the strategies already mentioned, the groups created ways of proving that they were user group members.

This use of identity cards to prove people were group members seems to have been widespread. The kind of cards varied; but most often, it was a system negotiated with the local Maoist or Nepal Army commanders. One of the user groups in a State-controlled area agreed on making a fixed number of cards that the army kept. Members requested a card when they planned to go to the forest.

Another strategy used by a group in an area where the Maoists and the Nepal Army often clashed was to thin out their forest:

> *We carried out heavy thinning and pruning in one block as the Nepal Army used to pass through un-noticed and we wished to see if they were passing through. Also, this made it difficult for the Maoists to ambush the Nepal Army as they could not hide in the forest. Previously… the Maoists had ambushed [an army patrol] and killed an officer and in retaliation the army had killed six villagers. (West, disputed area)*

By thinning the forest, this group regained control over their forest and presumably their resources since they had stockpiled the trees they cut down for later use. This response represents one of the strategies groups used to protect themselves.

Use of funds

One of the issues raised most frequently by respondents was the control of user group funds. The Maoists imposed forced donations on any person or group perceived to be wealthy (and even those that were not) in order to finance their 'People's War'. Nearly all the groups interviewed told how they had to compromise with the Maoists to resist handing over large forced donations and to retain some control over how their funds were spent. For example:

> *They initially asked for NR 20,000… We called together all the ten local user groups… and decided not to register… Then the Maoists came back with a demand to register with a NR 1,000 fine plus NR 100… We called a general assembly… and decided not to pay… In the end, we thought we should 'survive' [protect ourselves] ….and so decided to collect NR 50 per user group… We wrote an application…. from 10 user groups… One person was deputed to go and register… We were not allowed to cut trees without their permission… There was a pressure to register and contribute 30% of our fund... They cut trees and didn't inform us … (East, disputed area)*

Although these groups did lose some control over their forest they had managed to negotiate so that they ended up only giving a token amount. These and many other groups faced significant demands from the Maoists and sought to negotiate lower rates. Importantly, in the eastern case above, the group managed to retain some control over their fund, but lost more control over their forests. This occurred more often in places where the forest resources were valuable and the Maoists could sell timber for cash. In most middle hills areas, where there is less saleable timber, the opposite occurred, as one of the Maoists' key needs was for cash rather than forest products.

User group funds are often used on pro-poor income generating activities

A common strategy was for user groups to spend their cash reserves quickly on projects that would be deemed 'pro-poor' or appropriate in the eyes of the Maoists. The study found that a key reason for this was for user groups to retain control over their funds, as for example:

> *Our budget was not under our control… the Maoists managed it… and there was hinamina [corruption and mismanagement] under them… We had NR 90,000 in our fund and they wanted it all… but finally they took only NR 8,000… after we had spent the rest as per their wishes… on the school, community building, rotating credit, etc… (West, Maoist-controlled area)*

Most groups were forced to donate money to the Maoists; but many told how they had successfully kept such amounts to a minimum. Some groups in Maoist-controlled areas told how they used the amounts they had previously reserved for the regular illicit payments expected by district forest office staff and gave them to the Maoists.

It is important to recognise that not all groups successfully protected their finances. Some tried keeping two sets of accounts — one to show the Maoists with lesser amounts and another true one. But most said that this was too risky and as the conflict progressed they stopped this. One exception was a group that found itself under potentially high demands from the State.

> *After the Government made the policy [in the year 2000] that each user group had to pay 40% of its revenues to the Government, we kept two sets of accounts to hide our income... [We kept one record for internal purposes and another to show the Government.] But every household knew the status of our fund. (West, disputed area)*

More often, groups kept their accounting open and accurate to provide the Maoists with evidence of how their funds were being used.

> *We used to not only let the Maoists check our accounts, but also provided them with a photocopy. As they did not find any embezzlement, so they did not close our operations. Also, our group spoke with one voice. We provided them with some financial support. (Terai, disputed area)*

Another group decided to give money but demanded a receipt so that they could try to claim it back later.

> *We took everything to the full group/general members… we decided to give… but it was not clear how much?… The Maoists wanted more … but we bargained… and decided we would give NR 8,000 [and told them they needed to] give us a receipt. (West, Maoist-controlled area)*

These are examples of successful negotiations that reduced the amount of forced donations. But in some places, the Maoist's demands led to a significant loss of resilience. In one user group:

> *The Maoists took about NR 92,000 and punished the secretary with a fine of NR 7,000 for divulging this. Then no one wanted to take on the responsibility of the community forest. Nonetheless, when the leadership of three user groups was given to one [strong] person, all the members came together to protect the forest (Mid-West, disputed area)*

The large loss caused a significant crisis. However, the response of combining the management of three user groups under one strong leader united the groups and enabled them to retain access to and control over their resources in a way that individual groups had been unable to accomplish.

Another example of how groups retained control over their resources happened in one of the Terai groups where the Maoists were keen to sell their timber. One group allowed the Maoists to use their official harvesting stamp whilst selling timber in exchange for being left to operate. The group had felt it worth taking this recognisably risky strategy.

Strategies as the conflict progressed

As perhaps one of the most important indicators of resilience, the strategies of many groups developed as the conflict progressed and they learned from and adapted to the difficult circumstances:

> *The Maoists did not know much about community forestry. Initially they saw user groups as having large amounts of money. However, after it was made clear to them what community forestry was… this removed the obstruction… It was very difficult for another user group to operate. The Maoists threatened and prevented user groups from receiving any support from outside… They closely watched the flow of funds to user groups, but as they did not find any misuse… they were not able to do anything [against us]. (Terai, disputed area)*

Becoming more transparent including by keeping clear written records was one of the most important strategies that enabled user groups to continue operating. Other groups learned to negotiate more and to inform the conflicting parties of their activities.

The study asked each user group whether they had become better able to handle conflict situations. They all responded positively and pointed out the strategies they had learned. Many of these echoed the SEDC strategies, which is probably more indicative of the extent to which these protocols were disseminated to user groups than of 'discoveries' on the part of user groups. Nevertheless, it does appear that many groups learned survival tactics that allowed them to be resilient and this will likely contribute to their future resilience.

3.3 Points of vulnerability

The study found that a number of groups were less resilient during the conflict. It was user groups who lacked a sound structure who were most vulnerable — in particular those whose use of funds was not transparent or was corrupt. These groups were unable to claim the moral high ground and according to some testimonies, disadvantaged members of other user groups had worked against their own groups where they felt their group's processes had been unjust.

Groups were also vulnerable when the compromises they were forced to make were too great, particularly if they were forced to donate large amounts of money. Also, groups where the Maoists forcibly took control of executive committees seemed to have lost more control of decision-making than in places where they were able to retain more control:

> *Although, all the political parties were represented in the user groups, the Maoists dominated everyone. They used to place their cadre on the committees, promote their party's decisions and expel and punish committee members who did not agree with them. (Animator's report, Terai, Maoist-controlled area)*

Many groups, and especially those in disputed areas, had stories of major struggles, of fear and of being unable to operate, including the following group, which had to give up control over how its funds were spent:

> *Our budget was not under our control… the Maoists managed it … And there was mismanagement (Nepali: hinamina] … We had to do whatever they said… (West, Maoist-controlled area)*

One group from a disputed area in the Mid-West said that a lack of group cohesion resulting from the politicisation of group activities had caused many problems due to the continuous debates between the group opting for the new order [after the Maoists] and the other group opting for the old order. These problems persist today. Another group from the same area told how the resumption of open grazing by cattle during the conflict had led to a decline in the forest's condition. This had come about as people were hesitant to speak out against things they disagreed with for fear of 'retaliation'. A respondent told how, "Till today, this open grazing continues and the forest condition has not improved."

And some groups were not able to operate at all during the conflict and some such groups are still struggling to re-start their committees. In the Terai, one group claimed that nearby user groups had been unable to operate 'due to corruption'. The conflict seems to have thrown into relief any problems with corruption or domination of decision-making by elite members.

It seems that user groups that lost large parts of their funds to the Maoists lost the most resilience. Many of the groups that lost control over their forests re-established control once the fear of going to the forest was removed. But groups who had to relinquish large amounts of money or were unable to retain control over how their funds were spent suffered more. The members of such groups lost a sense of working for a common goal and stopped following user groups rules such as prohibitions on open grazing.

4. Conclusions and Recommendations

4.1 How were groups resilient?

The following conclusions are based on what the study learnt from its interviews with the members of the 18 user groups in LFP's working areas.

During the armed conflict Nepal's community forestry user groups experienced many shocks that challenged their resilience. The study found that most user groups kept functioning pretty well for a variety of reasons to do with the inherent structures of community forestry and user groups and the strategies they devised and employed. Although some of these reasons were common, many only applied to one or more of the groups studied with significant variations in the tactics they adopted.

Overall the study identified four main reasons for the conflict-resilience of these user groups:

- their adherence to locally accepted notions of justice;
- their image as neutral non-State entities;
- the valuable resources they control; and
- their ability to creatively adapt to the difficult and changing circumstances.

Justice

Equal participation, the equitable sharing of resources, shared group ownership and transparency and fairness in the use of funds and resources are the ideals of community forestry. The respondents repeatedly said that it was the putting into practice of these ideals of good governance and justice that was the most important factor in making their user groups resilient. The ability of groups to claim and demonstrate fairness was crucial for them to unite to resist pressure and demands from the conflicting parties. Such ideas of justice are strongly entrenched in rural Nepal (perhaps in part because of the Maoists' teachings, which also focus on issues of justice). By ensuring they acted justly, user groups could claim the moral high ground as a platform for negotiating operating space and they sometimes used this to argue back against Maoist demands. As these ideals in many ways matched those of the Maoists, many groups were able to convince the Maoists of the importance of community forestry. This agenda of fairness was also one the Nepal Army could not easily deny and meant that it was usually ready to allow user groups access to their forests.

Neutral image

Another major strength was the perception (and the reality) of user groups as locally-owned groups operating independently of the State. This is in contrast to the image of other types of community groups, such as agriculture and community development groups, which tend to be more closely tied to State institutions and have less autonomy. One crucial difference here is that the rights and status of community forestry user groups are enshrined in legislation — the Forest Act (1993). This has greatly enhanced their autonomy. Whilst community forestry is indeed a State programme and receives support from foreign development partners, it is not seen as imposed or owned by either the State or development partners. During the conflict, user groups gave villagers an identity that was neutral and separate from the other more problematic identities such as caste, ethnicity, class and political party membership.

Valuable resources

Community forestry user groups own and control valuable physical and financial resources. This gave the groups an important reason for sticking together to retain control and access to these resources. During the conflict the Maoists and the Nepal Army needed these forest resources and the Maoists also sought to seize user group funds. Whilst their resources made user groups a target for extortion they also gave them bargaining leverage in negotiations. Perhaps in part because the funds were collectively held it was difficult for the Maoists to seize all of them as they did with many private individuals. And in many places user group members were also Maoists who convinced local commanders not to take user group assets.

As the conflict progressed, the Nepal Army and Maoists realised that they could not deny local people access to the firewood, fodder and timber communities needed for their daily subsistence and that they could not control forest areas without the assistance of user groups.

Although pressure often led to the study's user groups losing some control over their forests' resources, most have since regained control. However, the compromises required to retain access during the conflict did have a negative impact on some groups' governance processes, which had led to them becoming inactive.

Adapting to change

The study found that its user groups had shown a great capacity for learning and adaptation, which this study attributes in part to the sound structure of the community forestry programme and the desire of its user groups to retain access to their resources. All respondents said that they felt a strong sense of commitment to keep their groups active during the conflict. This led to them proactively devising and employing a variety of tactics to overcome the difficulties they faced. These included the use of identity cards, changing the place or timing of meetings, negotiating with the conflicting parties and relinquishing some control over their governance processes. Thus, while many groups lost a good deal of control over their forests, their creative agency contributed to their long-term resilience by retaining access.

4.2 Recommendations

The findings of this study provide valuable lessons for agencies that support community development in areas affected by armed conflict. These lessons are particularly important in Nepal where the repercussions of the armed conflict continue. The following recommendations also provide valuable pointers for the type of support that LFP and other community forestry programmes need to provide.

Establishing user-groups

- Ensure that groups are established with a legal basis that allows them to operate as autonomous bodies.
- Provide a legal mandate and build up the capacity of groups to move beyond narrow sectoral areas of activity to enable them to respond to changing local conditions.
- Create wide group membership that cuts across social, ethnic and political divisions (groups should be broad and heterogeneous rather than having narrow memberships).
- Establish groups around resources that are indispensable for the livelihoods of poor people to enhance the relevance of groups.

Building user-group capacity

- Build up the capacity of groups and their members on good governance including for inclusive representation, transparency, social inclusion and pro-poor approaches.
- Ensure that groups employ just and fair decision-making by building processes of consultation and representation such that during times of conflict committees fully consult with group members and have the legitimacy to act on their behalf.
- Support groups to keep clear written records including of accounts and meetings.
- Create more awareness amongst group members about their legal autonomy and their rights under the forest legislation.
- Build up the negotiating skills of groups and their members and leaders.
- Encourage groups to engage in inter-group networking and federations for mutual support and learning.
- Encourage groups to become more autonomous in acquiring funds and in using them to try out innovative approaches and for pro-poor targeting.
- Create wider awareness in society about group strengths and capacities to improve external acceptance and understanding of their roles and potentials.
- Support groups through a diversity of partnerships whilst focusing on building up the capacity of local NGOs to compliment government support mechanisms.

After conflict

- Identify groups adversely affected by conflict and focus post-conflict support on them, especially to help them resume good governance practices.
- Create wider awareness of the value and achievements of groups during conflict in order to generate future support and understanding across society — in Nepal's case amongst political parties, the armed forces, development partners and the various sectoral agencies of the Government — in case conflict resumes.

About this report

The Livelihoods and Forestry Programme (LFP) promotes community forestry for poverty alleviation. Since it began in 2001 it has supported thousands of community forest user groups across 15 of Nepal's districts to improve their incomes, their living standards and their livelihoods. An important part of this support has been to build up user groups as independent and well-governed local institutions. One indicator of how effective this support has been was the notable resilience of many user groups throughout the very difficult circumstances of the Maoist-Government armed conflict (1996–2006).

A study was carried out in 2009 to investigate user groups' resilience to the negative effects of the armed conflict. The study found that this resilience was due to the strengths of the institutional setup of community forestry as a whole and the user groups as self-governing institutions and also to the tactics that the groups used to withstand the pressures from both sides to the conflict — the Maoists and the Nepal Army. This report explains these institutional strengths and gives examples of the tactics employed by the user groups. With the repercussions of the conflict continuing in Nepal and the negative impact that armed conflict has on grassroots organisations worldwide, these study findings are important for demonstrating how such groups can continue serving their communities in even the most difficult circumstances.

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