Facilitating deliberative governance: Innovations from Nepal's community forestry program – a case study in Karmapunya

by Mani Ram Banjade^{1,2} and Hemant Ojha¹

ABSTRACT

This paper discusses the use of a deliberative approach to governance of environmental resources at the local-level. Used in conjunction with external facilitation, a deliberative approach to governance at the local-level can be used to build dialogue between diverse perspectives, interests, knowledge, and ideas of different stakeholders. A case study of a community forest user group (CFUG) in the central hills of Nepal is used to analyse the application of deliberative processes for promoting deliberative governance. The findings indicate that there is great potential for deliberative processes to make local governance of community forests more democratic and inclusive. Effective governance at the local-level can contribute to the creation of social equity and to the sustainable management of community forests.

Key words: Nepal, deliberative democracy, community forestry, Participatory Action Research, external facilitation

RÉSUMÉ

Cet article discute de l'utilisation d'une approche délibérante pour gérer les ressources environnementales à l'échelle locale. Utilisée en conjonction avec de l'aide extérieure, une approche délibérante pour gestion locale peut être utilisée pour établir le dialogue à partir des perspectives, des intérêts, des connaissances et des idées diversifiées des différents intervenants. Une étude de cas d'un groupe d'utilisateurs d'une forêt communautaire (CFUG) des collines du centre du Népal est utilisée pour analyser l'utilisation de processus délibérants pour promouvoir la gouvernance par délibération. Les résultats indiquent qu'il existe un fort potentiel dans le cas des processus de délibération pour qu'ils rendent la gouvernance locale des forêts communautaires plus démocratique et plus inclusive. La gouvernance effective à l'échelle locale peut contribuer à la création d'une équité sociale et à l'aménagement durable des forêts communautaires.

Mots clés : Népal, démocratie par délibération, foresterie communautaire, recherche sur l'action participative, aide extérieure

Mani Ram Banjade

Hemant Ojha

Introduction

Providing for justice and sustainability in the governance of environmental resources is a crucial challenge in contemporary societies. In Nepal, the forestry sector has established an innovative approach to governance through its nation-wide community forestry program. This approach involves

the complete decentralization of the forest management authority to the local citizens who are dependent on the forest resources. Over 1.1 million ha of forest land have been handed over to over 13 000 Community Forest User Groups (CFUGs) (Kanel 2004) during the past 25 years of the community forestry program. The program was initiated after the government decided it could not adequately protect and manage Nepal's forest unless it empowered local forest communities.

The initial focus of the program was to form CFUGs prior to the transfer of forest management responsibilities from the government to the community. Due to this focus there was only limited concern for the quality of the governance and the institutional aspects within the CFUGs. Several studies have reported weak governance of CFUGs, unsustainable or passive management of forest, and inequitable sharing of benefits among the poor and the rich households within CFUGs (Maharjan 1998, Paudel 1999, Malla 2000, Ojha 2004). Despite existing policy and legislation, the contributions of community forestry to livelihoods, particularly those of the poor and marginalized, are questioned. These issues are being compounded as the system of community forestry becomes more complex due to the increased influence of external market forces, increased number and types of stakeholders, and conflict between local and scientific knowledge.

¹ForestAction, Nepal, Ekantakuna, Jawalakhel G. P. O. Box 12207, Kathmandu, Nepal.

²Corresponding author. mrb@forestaction.wlink.com.np

Conceptual Framework

Governance has different meanings, but in essence, it can be defined by how a social group is formed and how its rules are constituted and enforced. We take a deliberative perspective of governance following the theories of deliberative democracy (Chambers 1996, Forester 1999, Fisher 2003, Young 2003). From these perspectives, we argue that any use of coercion and power (such as group rules and constitution) is democratically legitimate when it is constituted through reasoned debate among concerned citizens, free from strategic manipulation and deception. The idea of deliberative governance is that rules or norms (which define relations of coercion and power) are created through open and reasoned debates among the concerned individuals. Within CFUGs, rules of membership, resource access, authority, responsibility, and benefit sharing are crucial dimensions of governance. From our perspective, the extent and quality of deliberation in these dimensions is significantly related to the livelihood and environmental outcomes at the local level.

If governance, through deliberation, can institutionalize democratically legitimate procedures and practices, then the question of how to facilitate an institution (in this case a CFUG) becomes important. Since CFUGs are normally formed by external agencies rather than forest users themselves, the extent and process of deliberation between external agencies and local people while developing CFUGs are also an issue. We hypothesize that there is a gap in the extent of deliberation among external agencies working with CFUGs in Nepal.

Our analysis is focused on two aspects of innovation: 1) how CFUGs are governed internally, and the potential to transform them to deliberative governance; and 2) how external agencies can better work with CFUGs to enable a shift to a more democratic and deliberative form of governance. The deliberative process was designed to promote active partnership and the participation of various stakeholders within CFUGs, particularly women, the poor, and marginalized groups. An emphasis on collective actions, experimentations, reflections, and learning was incorporated into the case study. This process is emancipatory, in the sense that it helps weaker individuals to raise their voice and exert pressure to get rid of unjust and discriminatory power relationships. This process can create conflict between elites and marginalized users; however, once conflict resolution mechanisms are agreed upon, opportunities for meaningful partnerships and effective collective action between stakeholders become possible.

Case Study

The Karmapunya CFUG, located in the central hills of Nepal (see Fig. 1), was used as a case study to analyse innovative approaches to reforming internal governance within a CFUG. These approaches were developed using Participatory Action Research (PAR) with the objective of improving understanding about how local-level governance works in the community forestry program and how it can be refined by deliberative practices.

The Karmapunya CFUG was selected as a case study for developing deliberative governance because it is part of a joint project between ForestAction, Nepal and the Nepal-Australia Community Resource Management and Livelihoods Project. The CFUG was also selected for its relatively large group size

Fig. 1. Kabhrepalanchowk District

and forest area (four times the national average) in addition to having economically important forest species. The community forest was formally handed over in 2001 to the users from Bhimkhori Village Development Committee (VDC) ward number 1, 2, 3, 4 and 5 and Mechchhe VDC ward number 5. The CFUG is comprised of 325 households and manages 321.4 ha of forest. The CFUG comprises households of both high and low social groups, known as castes. The forest has good potential for both timber, including the highly valuable Sal (*Shorea robusta*) and non-timber forest products (NTFPs), such as pine resin and edible plants (e.g., wild asparagus (*Asparagus recemosus*) and Amla (*Phyllanthus emblica*)). However, the economic potential has not been fully developed and the forest is used primarily for daily domestic use. After two years of local governance of the forest, there was no money collected in the CFUG fund, suggesting that income benefits from managing the community forest were not being received to the local CFUG.

Overview of Karmapunya CFUG: History and Conditions

At the beginning of the study, the forest user group committee (FUGC) that leads the CFUG had not held a single meeting for one year (FUGC meetings should have occurred every month). Since meetings had not occurred, no forest management activities had been undertaken. A lack of functional coordination and leadership within the CFUG were identified as the primary causes of this inactivity. In general, the CFUG was passive and unresponsive to the problems and concerns of the local communities. Only a few members were found to be handling the administrative and financial aspects of the CFUG and this raised the issue of transparency during tole³-level meetings, which were carried out as part of the PAR process.

³A tole (or hamlet) is a small geographical location usually comprised of 8-25 households who live together and have formal and informal interaction. Because of daily engagement with each other, people sharing a tole usually speak comfortably with each other.

Information on the activities of the CFUGs revealed that meetings organized in the upper part of the CFUG were not attended by the users living in the lower part and *vice versa*. Two reasons for poor attendance by people living in other locations were: 1) the long travel distances to meetings (up to four hours walking distance), and 2) political conflict among users who are culturally and geographically separated. In addition, women were usually not permitted by their male counterparts (husbands, fathers, fathers-in-law, sons-in-law or sons) to attend large meetings located outside the tole in which they resided. Low attendance by men at the meetings was attributed to local politics. The local political situation is responsible for a communal conflict that has existed between castes in the area, in particular between the Tamang and the Chhetris ethnic/caste groups. These castes are concentrated in the lower and upper part of the CFUG, respectively. For decades, the conflict between them has been tense and has occasionally resulted in violence. For these reasons, local leaders usually did not participate in meetings in which they felt that they were in the minority or in a weaker position than the other groups in attendance (Banjade *et al.* 2005).

Building a Deliberative Process

Five steps were followed to facilitate the deliberative process in the Karmapunya CFUG.

Step 1: Gain consent of CFUG leaders for intervention

A meeting was held with the CFUG executive committee. Executive members are usually from higher status groups, and in many cases they are the ones who control planning and decision-making processes for the entire CFUG. They can hinder any process of change if they feel they are not being adequately consulted. This highlights the importance of communication, sharing and learning within the CFUG. Educating the leaders about deliberative processes and getting their consent to undertake action was an important outcome of this step.

Step 2: Meet with geographically based subgroups (toles)

Although Nepal's community forestry policy clearly states that the whole forest user group is the social unit responsible for forest management, in practice, much of the authority and responsibility is limited to the executive committee. The majority of users are excluded from the planning and decision-making processes. The purpose of this step was to hold meetings with the geographically based subgroups within the CFUG to improve deliberative practices within CFUGs. The objectives of these meetings were to provide an opportunity for local forest users to express their issues, perspectives, ideas and interests regarding forest management and CFUG governance. Fifteen tole meetings were consequently organized. In these meetings, tole members identified the issues and critiqued the current form of CFUG management and governance. They also selected representatives that would act as liaisons between them and the FUGC. To achieve the objective of deliberation, women, the poor and marginalized groups were specifically included in discussions at the tole level. Games, stories and diagrams were also used to facilitate interaction with these groups.

Step 3: Reflective workshops with tole representatives

After completion of tole-level discussions, it was necessary to bring all the representatives together to share the principal issues emerging from the tole meetings. After discussing the interests of respective toles, the representatives formulated a common strategy to be used in the negotiating with the FUGC.

The next important step in the deliberative process was to hold a joint workshop between tole representatives and the FUGC. This step helped to identify the required directions for change in forest management and CFUG governance. Joint workshops also have the potential for developing consensus-based proposals to present to the assembly of CFUG members. Another important outcome was recognition of the issues requiring further inquiry and education. The outcomes of the joint workshop were shared with the toles in order to elicit their feedback in the form of suggestions, options, and opinions that could be used to refine the developed proposals.

Step 4: CFUG assembly finalizes new rules and policies

According to Nepal's Forest Act of 1993, the assembly of community forest users is the supreme body for decision-making within a CFUG. During the time period of this study, the assembly approved a new constitution and forest management plans and made changes to the structure of the executive committee. In addition, the assembly also established procedures for effective communication, deliberation, rule/decision enforcement, self-monitoring, and learning.

Step 5: Decisions, actions and ongoing reflection

Activity-wise action groups were formed and charged with the responsibility of coordinating and implementing new activities. Plans were developed to review current activities and to effectively monitor the success of actions and interactions and to facilitate learning and change resulting from these actions.

Outcomes

The deliberative processes developed through the PAR undertaken in the Karmapunya CFUG case study identified many gaps and a need for improvement in the current form of local governance. Local users identified that the tole should be institutionalised as the basic unit for CFUG governance and should be responsible for planning, reflections and deliberations. Local users suggested that under federal governance, the CFUG should be divided into three regions and independent regional committees should be formed, with governance coordinated by a federal committee. The user groups also identified the need to develop a self-monitoring system that would operate at both the CFUG and tole levels. Finally, the deliberative process concluded with the recommendation that the executive committee should be restructured to include women and users from poorer and marginalized castes.

The five steps of the deliberative process improved communication between user groups and castes and achieved important results regarding conflicts and awareness. Conflicts over forest product-sharing among users and authority-sharing, both between the executive committee and general users

and among users of different areas and toles, were resolved. Equitable mechanisms for forest product-sharing were developed that provided lower tax rates and higher quantities of forest products to the poorer members of the CFUG. The process led to the acknowledgment and need for the empowerment of women within the CFUG and the need to include women in planning activities. A major result was to increase the awareness of forest users about their roles, rights, group governance, and the importance of inclusive and deliberative processes in managing the community forest.

Existing spheres of deliberation were significantly expanded through the facilitation of the deliberative processes within the Karmapunya CFUG. Areas of expansion included: 1) the creation of subgroups within the CFUG, mainly tole and interest groups (women, ethnic groups, charcoal makers, geographically based subgroups, etc.); 2) election of tole representatives to enhance communication within and between toles and the executive committee; 3) development of federal structures to provide independence for regional committees; and 4) improvement of the quality and frequency of existing institutional forums (mainly the assembly and the executive committee meetings).

It was found that the development of subgroups allowed women and other less exposed individuals to participate more effectively in tole meetings, compared to other forums held outside the tole. Individuals generally felt comfortable talking to someone who belonged to their tole and more freely expressed themselves. Some, for instance, more openly criticized their tole's elite members. This is illustrated by the statement of one woman who was a discussion leader in her tole but rarely a contributor in meetings with the FUGC. Her logic was:

In our tole we know each other from the past and have informal relationships. We discuss regularly about road construction, irrigation canal construction, new vegetable seeds, new programs, and about future of our kids and many things. We tease each other, we learn from each other, in the evening, early in the morning, during agricultural works or during collection of fuel wood and fetching water. Here, nobody wants to hear us, so better not to talk much.

Discussion

The deliberative learning process itself is rooted in the conviction that understanding a system and its transformation does not occur on a linear and predictable path. A pathway used in one context and at a certain point in time can not necessarily be transferred to a new situation. External facilitation can help overcome such uncertainties and provide an appropriate environment for deliberative practices and collective learning, while leaving space for context-specific innovations to occur within the action learning process. In the Karmapunya CFUG case study, external facilitation was used to promote deliberative governance within the CFUG. This approach allowed the local forest users and their representatives to come up with innovative ideas and solutions to their problems. Through the participatory action process, local users

realized that the overall governance of their CFUG would not be improved until administrative powers of the executive committee were decentralized even further.

Identifying interest groups and encouraging regular interactions among these groups not only promoted access to information and knowledge, but incorporated the interest and views of these groups into the planning process. However, transaction costs of regular meetings would be significantly higher where interest groups, charcoal makers for example, live in distant toles within one CFUG. For these groups, organizing or attending a meeting represents a significant opportunity cost. Due to this limitation, tole-based discussions become more practical and transformative. Following a similar procedure, Malla *et al.* (2002) found that discriminatory power plays a small role at the tole level. Powerful people usually have a harmonious relation with the people of their own tole and instead use their power to exploit people from other toles. Promoting deliberative practices at the tole level is therefore a sensible course of action and may provide a solid basis for social transformation.

The election of tole representatives and the organization of frequent meetings provided an opportunity for different toles to interact with each other and share their different concerns, ideas, and knowledge. This approach provided an avenue for fostering effective linkages and communication among local forest users, as well as between toles and the CFUG executive committee.

Regional committees (versus one central executive committee) have become key components of effective deliberative governance within the CFUG and provide independence from higher levels of administration. As a result, users perceive forest management and group organization to be an effective forum for deliberation. In the Karmapunya CFUG case study, the quality and frequency of CFUG executive committee meetings has increased as a result of the deliberative governance approach. More importantly, the voices of previously neglected members within the executive committee are now incorporated into the decision-making process (Banjade *et al.* 2005). The higher-level assembly, which could not be organized during the initial CFUG formation process, has since been implemented successfully and established some mechanisms for communication, sharing, reflection and learning.

Role of External Facilitation in Deliberative Processes

While deliberation is essentially an internally driven process, this study has identified that there is a tremendous scope for manoeuvrability in the interface between external actors and the CFUGs. However, the issue of external dependency and expectation needs to be resolved first. Contemporary practices towards developing countries have raised the expectation of local people and increased their external dependency. Upon entering into the Karmapunya CFUG, it was quickly realized that the forest users were expecting material support from external donor agencies. It was difficult in the beginning to get local users to mobilise their resources and implement any new actions.

Another issue is related to the degree of control that external agencies and CFUGs exercise over the procedural and substantive aspects of deliberation. The use of external facili-

tators in the deliberative process requires the explicit transfer of ownership and control of the process and its outcomes to the CFUG itself. It is essential to encourage and capacitate local facilitators to take control of subsequent deliberative action meetings while the external facilitators should continue to provide feedback during joint reflections.

The involvement of external agencies has the potential to create a "cognitive crisis" within CFUGs. Underlying beliefs can create resistance to change within a society because challenging them is not an easy and straightforward task. Existing power relationships may also undermine the innovative ideas proposed by the local users within the CFUG. Support from external facilitators may trigger critical self-reflection over underlying assumptions and worldviews and create an environment for deliberative practice in a community (Ojha *et al.* 2005). External facilitators can provide additional opportunities for knowledge interface within CFUGs. Sharing of knowledge, information, ideas, and cultures can potentially lead to greater learning and change.

External facilitation of deliberative processes requires skills that can initiate dialogue and reflection. The degree of personal commitment and motivation of facilitators for social change may affect the process of deliberation, as facilitation itself is a learning process. For example, in the Siraha district, FUGC leaders were very powerful and frequently exercised their power to obstruct users' propositions and maintain the status quo. However, when external facilitators became involved, a dialogue was established that ultimately transformed the perspectives and sensitivity of influential leaders regarding the rights of the poor, women, and marginalized groups (Timsina *et al.* 2004).

The use of external facilitators in deliberative processes creates a new and/or neutral environment in which latent and chronic conflicts can be turned into collaborative relationships. In the Karmapunya CFUG, conflicts were observed both within the FUGC and between the FUGC and general users, over issues of misspent funds, roles, rules of enforcement, and communication. External facilitators mediated the conflict resolution process and enabled dialogic interaction between the tole representatives and the executive committee.

In order for third-party mediation to be successful, mechanisms for conflict resolution must be clearly established and agreed upon by the stakeholders in conflict. Externally mediated negotiation can provide an unbiased view within the process and lead to increased enthusiasm and commitment of the participants. In addition, leaders usually become increasingly aware of and accountable to the public's welfare.

In Karmapunya, one member of the FUGC who had been dissatisfied with the original functioning of the FUGC summarized the important role that external facilitation can play in the management of CFUGs

I never thought of drastic change in our CFUG since we tried for decades to challenge the leadership and to make some progress in our society. Our efforts went into the rubbish and we are disappointed by the current practices. You came, initiated discussions, raised the voices of women, the poor and, moreover, transformed these feudal leaders.

Conclusion

The findings from the Karmapunya CFUG case study indicate there is a great potential for deliberative and action-oriented learning processes to make CFUG governance more democratic and inclusive. Increased and active participation of local users and communities can contribute to social equity and environmental sustainability around and in the community forest. It was found that current practices of governance within the CFUG were operating with an acute deficit in deliberative process because the dominant groups and individuals preferred the status quo. Support agencies were found to be poorly equipped and lacking the appropriate strategies, processes and tools for effectively facilitating deliberation within the CFUG.

Two key conclusions identified in this study are: 1) there is a need to create and strengthen spaces for dialogue, deliberation, and experimental actions; and 2) the role of facilitators is crucial in creating procedural conditions for deliberation. The approach used in this study created a series of platforms and forums, such as tole-based meetings, representative workshops, and the adoption of the idea of federal governance (regional committees, regional assemblies and federal committee). These forums have allowed forest users to question, explore, and reflect upon the ongoing issues of CFUG governance and practices. While it is important for these deliberative processes to be facilitated and influenced by external facilitators, the outcomes need to be fully controlled by the CFUG members themselves. Since the process is political and essentially entails challenging the dominant relations of power in favour of the poor, women, and marginalized groups and individuals, it can create tensions and resistance on the part of the dominant stakeholders. The use of external facilitators can trigger critical self-reflections on the underlying dogmas and cultural premises of conflicts to create an environment for deliberative governance of resources within forest-based communities.

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