

Natural Resource Governance Conflicts in Nepal

About GMC Nepal

Governance Monitoring Centre Nepal (GMC Nepal) is a research initiative launched by the Kathmandu-based non-profit social think-tank Centre for Social Change (CSC). The initiative envisions an enabling environment to foster state-society relationships in young federal Nepal through the accountable transfer of accurate and up-to-date governance-relevant information among all stakeholders. GMC Nepal supports this engagement by shedding light on the Government's policies, laws, and execution of plans within four areas of governance- i.e., Natural resources, Development, Ethnocultural, and Political governance. This document summarizes GMC Nepal's key findings relevant to Natural resource governance conflicts in Nepal and their corresponding policy recommendations, thus establishing the scope for future research in the area.

Background and context

Following the promulgation of the 2015 constitution, Nepal became a Federal Democratic nation. Establishing central, provincial, and local tiers of governance across all functional and sectoral jurisdictions required major restructuring at both policy and institutional levels. However, in the years that followed the enactment, Nepal faced multi-layered challenges in institutional rearrangement, policy materialization, and designation of roles and responsibilities, especially concerning power devolution in a decentralized governance model.

This transformation has posed challenges in achieving effective governance of natural resources in Nepal, stimulating natural resources governance conflicts. Amid the vertical and horizontal realms of the three government tiers and between the government and other actors like civilians, civil society, and private companies, these governance conflicts sanction prospects of systemic corruption, and exploitation of natural resources, exacerbating the recurrence and impacts of human-nature conflicts. In relevance to this pertinent issue, GMC Nepal presents its key findings and corresponding recommendations to address Nepal's natural resource governance conflicts.

Methodology

This policy brief is based on information gathered through real-time monitoring of governance conflicts in Nepal, as exhibited by nine periodic reports published by GMC Nepal (1658 news and events throughout October 2022 to April 2024). These reports analyzed the changing dynamics of governance conflicts and associated elements, recognizing the crucial role of media to reflect where the latest developments and interests are focused. Thus, the key methods in the study included desk policy and legal review, real-time governance monitoring, real-time media monitoring, data scraping and analysis, and expert consultations.

Key challenges

1. High recurrence of human-wildlife conflicts resulting in injuries, displacement, deaths, and other forms of distress and injustices are endured by both humans and wildlife. In such cases, grievances and demands from civilians were persistently made towards the local government, situating civilians, wild animals, and the government as major actors in natural resources governance conflict, both as instigators of conflict and the victims.
2. Ambiguous jurisdiction between the federal, provincial, and local levels of government, lack of clarity in the division of roles and responsibilities, and weak compliance with legal and policy frameworks among the three tiers of government have slackened true decentralization of governance, triggering natural resource conflicts in Nepal.
3. Concurrent jurisdiction of the three government tiers over access and management of natural resources makes equitable resources, revenue, and benefits sharing challenging by creating pressure among the three government tiers to overuse or exploit resources for maximum revenue generation, especially in cases of river-based material extraction and use of timber and forest products.
4. Poor implementation of response mechanisms, compensation policies, and mitigation strategies in cases of displacements instigated by conservation projects has resulted in loss of livelihoods, exacerbating poverty, and increased grievances among people. Also, the absence of strict and functional monitoring authorities has led to systemic corruption and illicit activities.
5. Suppressed grievances of victims of natural resource conflicts that were neglected for a long time without real-time and pragmatic solutions from the government or private companies have the potential to result in larger civil resistance, in the form of violent and nonviolent protests and demonstrations.

Key recommendations

1. The concurrent and exclusive powers of the three tiers of government over access, use, and management of natural resources in Nepal need clarification. For this, the role of institutional bodies like the National Natural Resources and Fiscal Commission (NNRFC) must be strengthened to collaborate with three government tiers and ensure balanced allocation of funds, financial harmonization, and just distribution of natural resources, benefitting the people and uplifting the sustenance of natural resources.
2. Relevant authorities must adhere to a precise chain of reactive and preventive responses to tackle human-wildlife conflict events, minimize their impact and recurrence, and enable human-wildlife coexistence. Authorities must ensure strict measures to control illicit activities like hunting, poaching, and the illegal trade of wildlife. Simultaneously, community-led initiatives like community patrols, and wildlife-friendly farming practices, must be encouraged with active roles of conservation practitioners, community leaders, researchers, elected representatives, local and Indigenous groups, and government officials.
3. Addressing natural resource conflicts needs an integrated approach, involving technical expertise, policy coherence, and a precise understanding of the social, economic, and political dynamics surrounding these resources. For this, access to prospects of local-level dialogue is essential to deescalate the impacts of the conflict.