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Conflict resilience among community forestry user groups: experiences in Nepal

Andrea Nightingale Associate Professor, School of Global Studies, University of Gothenburg, Gothenburg, Sweden, and Honorary Fellow, Centre for South Asian Studies, University of Edinburgh, and **Jeevan Raj Sharma** Lecturer, School of Social and Political Science, University of Edinburgh, UK.

Abstract

This article explores the impact of violent conflict in Nepal on the functioning of community forestry user-groups (CFUGs), particularly those supported by the DFID funded Livelihoods and Forestry Programme. The key questions are: what explains the resilience of CFUGs operating at the time of conflict? What institutional set up and strategies allowed them to continue working under conflict? What lessons can be drawn for donor supported development around the globe? The work contributes to other research on the everyday experience of living in conflict for residents of Nepal. The study suggests that CFUG resilience was due to the institutional set up of community forestry and the use of various tactics by CFUGs. The institutional design of community forestry (structure) was very important for resilience, but it was the ability of groups to support and use that structure effectively that was the determining factor in their resilience.

Keywords: violent conflict, community forestry, Nepal, resource governance, political ecology

Introduction

The Maoist insurgency in Nepal (1996-2006) had a significant impact on the ability of development projects to continue operating in rural areas of Nepal. Community forestry user-groups (CFUGs), however, proved to be surprisingly resilient and were able to function in many places. Previous studies have sought to understand whether CFUGs were resilient and the impact of the conflict on fear, mobility and development in a community forestry context. (Rechlin et al., 2007). Here we focus on *why* community forestry fared so differently from other kinds of development programmes and in doing so, we shed light on how rural residents displayed remarkable creativity, resilience and tenacity in the face of violence and intimidation by both conflicting parties. This offers insights for policy makers, aid agencies and practitioners involved in development work in conflict affected areas on the range of factors that help support people in these areas, including tactics employed by residents themselves. The article discusses the experiences of working in conflict by CFUGs supported through UK's Department for International

Development (DFID) under the Livelihoods and Forestry Programme (LFP).¹ The key questions engaged are: what explains the resilience of CFUGs operating at the time of conflict? What institutional set up and strategies used by CFUGs allowed them to continue working under conditions of conflict? What lessons can be drawn from this case for donor supported development work around the globe in a variety of conflict-ridden contexts? By exploring these questions we contribute to other research on the everyday experience of living in conflict by rural residents of Nepal (Shah, 2008, Shneiderman and Turin, 2004a, Lecomte-Tilouine, 2009, Pettigrew, 2008, Gersony, 2003) and help to probe the contributions and limitations in conflict situations of donor-supported modes of operation in natural resource management.

Nepal is well known for its successful community forestry programmes and indeed, it is seen as a global model for participatory natural resource governance. The Forest Act (1993) gave CFUGs the legal authority to manage their local forests for sustainable production. Since that time the programme has proliferated across the country and currently there are more than 15,000 CFUGs located in all districts (Ojha et al., 2008). The programme is largely supported by a number of bi-lateral donors including DFID, but there are a significant number of user-groups located in districts not supported by donors. CFUGs are local, self-governed institutions bound by written constitutions and operational plans that are developed in consultation with the government forestry office. Ideally, they make decisions by consensus, with members appointing executive committees to manage day-to-day issues, whilst annual or more frequent assemblies of members oversee the committees' work and endorse major decisions. In practice, decisions are often made by majority and issues of elite capture are significant (Arnold, 1998, Neupane, 2003, Nightingale, 2006, Nightingale, 2005, Khadka, 2010, Nightingale, 2003, Ojha, 2008, Ojha et al., 2008, Thoms, 2008, Timsina and Paudel, 2002). DFID has been one of the principal donors for Nepal's community forestry programme, and the second phase of support —LFP (2001–2011)—worked in 15 districts with about 4,600 user groups representing roughly half a million households. Most of the District level programme was delivered through service providers (local NGOs) who helped improve user group governance, develop the livelihoods and incomes of group members, and ensure access to resources and decision making by socially disadvantaged groups. This arrangement has meant community forestry is somewhat unique among donor-supported programmes in that it is simultaneously considered a government programme, donor supported *and* a community institution from the perspective of rural residents (Timsina and Paudel, 2002). As will be illustrated below, this liminal, or multiple, status contributed to the

¹ LFP was keen to explore why CFUGs were so resilient during the conflict in Nepal, something for which all the forestry donors and independent researchers already had anecdotal evidence. This study was commissioned by them, engaging independent researchers who worked with their field level staff to collect the data. As a result, the research was contained to LFP areas only. We have also triangulated the data here with evidence we have from other parts of Nepal where we have worked on community forestry for many years.

resilience of community forestry user-groups (CFUGs) during the conflict period in Nepal.

Fieldwork for the study was conducted in mid-2009 in 18 CFUGs from 6 districts where LFP worked—one each in the East and West, two each in the Terai and Mid-West regions of Nepal. We deliberately refer to these broad geographical areas rather than Districts to help maintain anonymity for all actors involved in our study. In each district, one case study was chosen from a ‘least sensitive’ (state controlled areas), ‘sensitive’ (disputed) and ‘highly sensitive’ (controlled by the Maoists) area based on the categorisations used by LFP during the conflict.² The goal was to capture differences in operation depending on the impact of the insurgency. Given the desire to gain insight into why CFUGs were resilient, qualitative interviews with CFUG members and other local key informants were conducted by a team of researchers following a semi-structured questionnaire. The questions were designed to elicit open ended answers and encouraged discussion in group interviews. The data was analyzed for emerging themes, issues already believed to be important based on anecdotal evidence, and convergence as well as divergence in the narratives provided by the groups. A remarkable amount of convergence was found in the data, indicating the results are widely applicable to the Nepal context, with enough divergence to feel confident the research design was robust (Erzberger and Prien, 1997). Given the diversity of Nepal and uneven impact of the conflict, we expected some divergence in the findings.

In the following sections, we first give a short sketch of the insurgency period in Nepal and its relationship with development. We then briefly discuss ‘resilience’ before presenting evidence from the field about how and why CFUGs were (or were not) resilient during the conflict. We have divided the analysis into three sections: structure, strategies and tactics and vulnerability. The first section explores how the structure of the groups contributed to resilience. This is important for project planners and managers globally to understand how the overall structure of a development intervention like community forestry can help ensure the programme will be able to continue operating in the face of violent conflict. The second section details the strategies and tactics used by CFUG members to ensure they could

² The categories of low, medium and high sensitivity were developed for Safe and Effective Development in Conflict (SEDC) protocols and reflect the perspective of donors and service providers. While this was the original intention of the categories, another logic might be appropriate to understand how CFUGs were affected and the best way to support them in the future. Our study clearly revealed that from the perspective of the CFUGs, the most sensitive groups in terms of resilience were those that were caught between the Maoists and the Army (‘sensitive’ under SEDC categorisation). They faced the biggest challenges in terms of operating and in many cases, displayed the most creativity in devising coping strategies. In this sense, we understand them to be ‘most sensitive’. The pressure they experienced put them at risk, but perhaps also offered them opportunities to develop from a governance, inclusion and income generation perspective. The ways the experience of the conflict impacted on groups therefore is a key issue when evaluating resilience as well as providing insights into the everyday experiences of conflict.

continue functioning. This contributes empirical evidence on how the conflict unfolded in different parts of Nepal and its impact on the everyday livelihood strategies of rural residents. The third section looks at vulnerability and gives evidence from groups who were not able to continue functioning sufficiently to be called 'resilient'. The findings in this latter section help to support some of the key messages emerging from the earlier sections, and also provide a richer picture of the everyday experiences of conflict.

Maoist Insurgency and donor-supported development work in Nepal

The insurgency (or so-called 'Maoist People's War') sought to overthrow the monarchy and entrenched feudal relationships across Nepal, taking inspiration from the Shining Path in Peru. The insurgency primarily engaged Nepal's security forces (police, and in the latter stages of the conflict, the army), but impacted upon nearly all people in the country. Initially, the insurgency began in western Nepal and by 2002 had spread across the country, controlling significant areas of the rural countryside and disrupting most development activities (Hutt, 2004, Thapa, 2004). Local governance in all conflict affected areas was transformed as political leaders fled in fear of their lives, or joined willingly (or unwillingly) the insurgents. Some places were completely Maoist controlled and in these places they operated a parallel state, or 'Peoples' Governments' (*jan sankar*), (Lund, 2006, Shneiderman and Turin, 2004b, Ogura, 2008) ; other areas saw the provision of services and governance by the local state collapse as government employees were unable to carry out their duties (Donini and Sharma, 2008). In this context, there is widespread evidence that community forestry user groups (CFUGs) took up the job of providing services in local areas and appeared to have been able to operate more effectively than any other kind of group (Pokharel, Ojha, & Paudel, 2005).

By any standard, the emergence and spread of the Maoist insurgency between 1996 and 2006 is spectacular (Bonino and Donini, 2009). Using the classical Maoist tactic of 'encircling the cities' and forcing the police and administration into district headquarters, the insurgents effectively resisted stable government access and operation of development programmes throughout Nepal. By mid-2006, over two thirds of the approximately four thousand secretaries of Village Development Committees (VDCs)—the lowest tier of elected government in rural areas—had been displaced to district headquarters (Donini and Sharma, 2008, International Crisis Group (ICG), 2010).

Although the Maoists were not able to completely block development programmes, they became an important force and gate keeper, disrupting the implementation of programmes they did not approve, or extracting funds from projects to allow the programmes to continue. As the conflict progressed, the Maoists moved from a position of opposing all development programmes to a more regulatory approach, forcing programmes to comply with certain criteria and demands rather than stopping their operation. The relationship between development programmes and

the insurgents also depended on the stance and personality of the local party commander, the funding agency supporting the programme, and the accountability and inclusiveness in the projects (Shneiderman and Turin, 2004a).

On the basis of our work and others, it appears that development was important for the Maoists in at least in three ways (Sharma and Donini, 2010). *First*, (and here the parallels with the Shining Path are striking (Bourque and Warren, 1989)), resisting development was a tactic to deny state presence in the rural areas of Nepal. *Second*, the resources that came with development programmes were often important sources of revenue for the Maoists. This is particularly true of the forestry sector. *Third*, the discourses of inclusion and equality used by many of the development programmes were compatible with the Maoist agenda of social transformation and therefore disrupting some programmes was politically and ideologically problematic for local commanders. By exploring how and why CFUGs were resilient in the conflict, we are able to illustrate some of the subtle and to date unpublished, aspects of the conflict. Namely, perspectives from rural residents on how the Maoists sought to both control but also negotiate and 'win over' the allegiance of the rural population.

Explaining resilience in conflict

We define resilience as the ability of CFUGs to respond to conflict conditions, negotiate difficulties and return to regular functioning after a period of pressure. More specifically, we explore whether groups retained a sense of identity, sufficient infrastructure and shared purpose to be able to resume 'regular' functioning after the conflict ended. The findings from the research showed four key reasons for resilience.

First, the ability to claim and demonstrate fairness was crucial for groups to resist demands by both the conflicting parties (Maoists and the Nepal Army). Fairness in CFUG practices helped keep all members committed to the group and to overcome problems they encountered. By ensuring their practices were just, CFUGs were able to claim the moral high ground and use that as a strong platform from which to negotiate operating space.

Second, community forestry is seen as community owned, neutral, equitable and pro-poor; thus benefiting all members and not a part of the state. Importantly, while CFUGs have support from both donors and the state, community forestry is not believed to be imposed by outsiders. CFUGs gave villagers an identity that was neutral and distinct from the other more politically problematic identities in rural areas such as caste, ethnicity, class or political party membership (Nightingale, 2011). This neutral identity helped to protect the group and its members in particular contexts.

Third, community forestry user-groups both own and control significant financial and physical (forestry) resources. These resources were needed by the Nepal Army

and the Maoists and to ensure they had access to them, both parties needed to negotiate with the CFUGs. Here the distinction made by political ecologists between *control over* and *access to* resources is crucial. Control over resources indicates legal rights and control over decision making in everyday practice, whereas access indicates the ability to gain access to and use forest resources (Ribot and Peluso, 2003, Peet and Watts, 2004). Our study found in some areas CFUGs lost control over their accounts or their forest resources or both, but were able to retain access to them.

Four, all the groups interviewed expressed a strong determination to continue actively operating. This commitment to the CFUG led to a number of creative strategies to cope with pressure from the conflicting parties. It also led to strategies to retain access to resources even when groups relinquished various elements of their control over them. While in some respects these groups seem to have lost control over their forest, it is important to recognise the extent to which their creative strategies contributed to the long term resilience of the group by maintaining access.

In order to illustrate and support these conclusions, we now turn to the structural features of community forestry as a programme and CFUGs as institutions that helped contribute to their resilience before exploring some of their creative strategies.

1. Structures of resilience

Community forestry as a programme, and CFUGs as institutions, have a number of structural or design features that contributed to their resilience during the conflict. It is important to stress, however, that these structural features are not adequate in themselves. The most important finding from this study is that CFUG members displayed remarkable creativity and commitment to operating and it was only through their daily practices and use of these institutional features that the structure itself was meaningful in promoting resilience (explored in the second section below). However, we also found that groups who were very weak in their structure—particularly in proper accounting procedures—lost resilience faster than those who were sound. We explore this more fully below under points of vulnerability (third section). On a positive note, many groups appear to have become stronger as a consequence of pressure from the conflict.

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 forest products. The forest land technically is owned by the state, but CFUGs have the right to control all resources and revenues generated from it (Khadka, 2010, Nightingale, 2005, Ojha et al., 2008, Thoms, 2008, Timsina and Paudel, 2002). Groups therefore feel a great deal of ownership over the forest and believe the CFUG is ‘their’ group. The autonomy given by the design of community forestry is thus a key reason why

CFUGs are perceived to be 'local' groups and not part of the state or a donor programme.

During the conflict the user groups thus asserted 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. 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 and foreigners intervened in our activities, the Maoists would have stopped the activities... (Western region, disputed)

The study also found examples where user groups were seen as belonging to the local people whereas the district forest office was not. For example,

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 region, Maoist-controlled area)

Here, the group was able to save the CFUG building, but a government forestry office building in the same compound was destroyed as it was considered part of the state. In the narrative, the group members said the Maoists wanted to blow up the building, but user-group members—who were also Maoists—convinced the commanders to leave their building alone. Overall, the structure of community forestry that gives CFUGs autonomy and control over resources, also allowed user-groups to assert that they 'own' the group and this characteristic helped to give them a platform from which to resist interference with their groups.

Inclusion, Livelihoods and pro-poor practices

Closely related to the above point, the community forestry programme is founded on principles of inclusion. LFP as a project has worked to ensure representation and to encourage participation on the part of marginalised community members. The structural commitment to 'pro-poor' policies including access to resources and the use of CFUG funds for pro-poor projects, was vital to the claims made by CFUGs that their goals were compatible with those of the Maoists. Thus, the core researcher from the Mid-West summarized the interview material from a sensitive group as follows:

The warring side [Maoists] were positive towards CFUGs as they found its rules, regulations, and inclusive structure relevant and justified, and quite similar to

that of theirs. This helped a lot in the management of the community forest and in initiating any dialogue with them (Mid-Western region, disputed area)

In many cases, the CFUGs were able to show that they provided all community members with equitable access to resources and CFUG assets. This was a claim that in most places the Maoists were unable to counter and ultimately respected. It was also difficult for the Army to block or argue against inclusive, pro-poor activities that support rural development in remote areas. These activities are a core part of the state's development agenda and for the Army to actively work against it would have been disastrous. In other words, the CFUGs had the moral high ground. In some places the Army did make the operation of CFUGs very difficult and members created a variety of strategies to overcome these problems, but as a centralised policy, the Army command could not be seen to halt activities that were so central to people's livelihoods.

Structures that encourage leadership and negotiation skills

Respect for community forestry, however, was not necessarily granted immediately or easily by the conflicting parties. Rather, CFUGs had to engage in dialogue with the Maoists and/or the Army in order to convince them that the CFUG was a legitimate local organisation, politically neutral and working for the needs of all community members. Such skills appear to be 'learned' through community forestry. Structurally, CFUGs encourage public participation by members and require group leaders to cultivate consensus in the group. CFUGs also have to negotiate with other nearby groups or District Forest Officers, all of which gives them significant experience in negotiation and consensus building with a variety of different stakeholders, even if some real exclusions continue to plague the programme as a whole (see Khadka, 2010, Neupane, 2003, Nightingale, 2006, Nightingale, 2005). User-group members expressed directly how these skills were useful to them during the conflict by giving them the confidence to stand up to the Army or the Maoists. For example one group said,

The Maoists opposed our system of pay for fuelwood and timber and told users that you don't need to pay ... we discussed this issue and all users said the rules are for us, for our own benefits we didn't need to be afraid from external threats.... We became strong on our decisions and implementation [of the fees]. The decisions were also favourable for Maoist families, their family members were also supportive on the decisions. (Western region, Maoist controlled area)

Inclusive practices that underpin LFP's approach to community forestry have clearly been internalized by CFUGs and as a consequence the group developed and maintained integrity and resilience.

The LFP and other donor programmes have been concerned about the tendency for elites to dominate CFUGs and have sought to counter balance that by encouraging groups to give leadership positions and a voice to women, the poor and other disadvantaged people within groups. During the conflict, however, we have

evidence that this so-called 'elite capture' often worked to their advantage. Elites CFUGs members often had social capital and networks within the Army or the Maoist commanders (or both) and were able to utilise these skills and networks to facilitate their negotiations. For example,

The chairperson was very good in negotiating with police, army and the Maoists. When approached by the Maoists he would show them our records to demonstrate that the decisions of the committee were transparent. (Mid-western region, disputed area)

Here we want to emphasize that the negotiating skills and networks of CFUG leaders in many places developed *from* community forestry (Kharel, 1993). There is therefore a mixed pattern of CFUGs being dominated by people who already have significant social power, as well as community forestry being a context wherein people gain social power by virtue of managing the groups.

Based on this evidence, we conclude that three main structural elements gave user groups bargaining power and thus resilience. First, community forestry has developed group members' abilities to negotiate with elites; much of this confidence to speak out has been learned from the functioning of their groups, which has in part been promoted by donors, and in part is integral to the structure of the programme. Second, the proper implementation of community forestry, including open and clear decision-making, transparent accounts and group consensus building, were vital for their ability to project a positive outward image. Third, the social networks of many user group office holders with key members of the conflicting parities gave them access to commanders on both sides.

Financial Transparency

Another key structural aspect was user groups' generally open and transparent financial systems. All groups have to present their annual accounts with a clear record of the transactions to their annual general assemblies wherein every household is expected to have at least one representative. 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 region, disputed area)

The transparent operation of user group accounts allowed CFUG leaders 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

FECOFUN³. In 2005, the Maoists had demanded 30% of user group funds. Individually the groups had been unable to resist these demands, whilst taking collective action had put them in a stronger position and enabled them to successfully negotiate.

The written nature of operational plans and constitutions, lists of members and records of decisions, activities and finances meant they could be shown to anyone who questioned their credibility. There are other power issues associated with the emphasis on written records within community forestry (Nightingale, 2005, Ojha, 2008), but during the conflict, such records proved to be vital for retaining operating space.

Group consensus building

Another important structural feature of user groups is that major decisions are supposed to be reached by consensus at public meetings in line with traditional village systems that are seen as 'informal' and 'just' (Gellner and Hachhethu, 2008). Indeed, the commitment to '*kurra miloune*' (compromise or consensus building) in Nepal is a pervasive cultural norm in any kind of negotiation. This kind of decision making strengthens group cohesion and in most cases people will abide by such decisions even if they disagree (Joshi et al., 1997).

Many user groups told how group cohesion was very important for enabling groups to continue working during the armed conflict. It was also clear that pressures from outside actually promoted user group cohesion. It was said that groups who failed to stick together during the conflict were forced to cease operating, whilst cohesive CFUGs were much stronger.

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... (Eastern region, disputed area)

All the groups made it quite clear that group cohesion, along with transparency, was vital and in the below section on tactical strategies, evidence of the various ways that CFUGs helped to promote group cohesion is clear. The structural commitment in community forestry to issues of transparency and inclusive participation thus contributed to resilience. Development programmes that seek to promote inclusion and transparency, therefore, are more likely to be able to operate in conflict. Indeed, in Nepal such principles were institutionalised as 'good practice' through Safe and Effective Development in Conflict guidelines.

³ FECOFUN is a national federation of community forestry user groups. It acts as a civil society association to lobby for user group rights and works through a network of regional and local branches.

Donor 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:

- a) 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
- b) 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 (freedom from threat or actual violence, no misdirection of project resources, freedom of movement).

While certainly there are anecdotal accounts of development workers paying 'taxes' to the Maoists, engaging in egregious corruption beyond this payment was considered hazardous for individuals. There is evidence that LFP's commitment to these ways of working along with other programme structural features were important for promoting user group resilience in the following three ways:

First, the use of a decentralised network of local actors (animators) as service providers (local NGOs and other organisations) to implement LFP programme activities meant that it was able to continue providing support even to remote groups throughout the conflict. Respondents from adjacent user groups in a disputed area in the West stressed the importance and skill of a local service provider.

[The Maoists] asked all user groups to pay 40% of their income... But the animator said that the programme was working for poor people, women and Dalits to help them increase their incomes... He said, "if you see something undesirable happening and it is 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 therefore the programme was able to continue] (Western region, disputed area)

Second, one of LFP's strategies was to build the confidence of service providers and their field staff to continue working by orienting them in conflict sensitive development and the BOGs. These approaches were then disseminated to the user groups by the service providers. Many user groups appear to have taken up conflict sensitive communication and impartiality strategies such as informing the conflicting parties of their meetings. They avoided "being 'for or against' any conflicting party and tried to maintain impartiality" (West, State-controlled area).

They also took any opportunity to emphasise their transparency, neutrality and openness to gain operating space and maintain 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, tackling social exclusion, perceived political neutrality, and engaging in dialogue with both conflicting parties helped promote a positive image for user groups in LFP's areas. 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 perceived neutral stance in the conflict⁴, combined with their promotion of 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 perceived political neutrality.

From this account it is clear that the structure of community forestry helped support CFUGs in a variety of ways but it is impossible to say which structural aspects were more important than others. In part this is because of the uneven nature of the conflict across the study sites—the groups were not facing the same pressures—but also because in many cases it appears that structural elements *combined* conferred resilience. Financial transparency was not sufficient without good leadership and consensus in the group, for example; and the political neutrality of DFID as well as the decentralised nature of their programme delivery were both required for local service providers to continue supporting CFUGs. We now turn to how CFUGs used these structural features to their advantage as part of a suite of creative tactics.

2. Strategies of Resilience

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 ... (Eastern region, disputed area)

In this section, we detail the creative, tactical strategies groups used to continue operating. Not all groups used all these strategies and many groups changed their strategies as the conflict progressed. But rather than looking for empirical consistency, we believe this illustrates more general conceptual points. To have resilience, groups need to have the capacity to learn and respond in a flexible manner to conditions that are changing and unpredictable. It also helps to add depth

⁴ The UK deliberately took a neutral political stance in Nepal, unlike the USA (via George Bush) which branded the Maoists terrorists. USAID was more or less forced to cease operating in rural areas as a result.

to the issue of *why* groups were resilient during the conflict, and gives insight into the everyday experience of living in conflict.

Political and social diversity

As mentioned, most user groups that retained high levels of resilience were careful to remain neutral, and perhaps most resourcefully, they used the different political affiliations of their members to claim their neutrality. For example, one Mid-West user group told how, if they needed to travel to the district centre, they brought with them people from different parties, and if stopped by the Maoists, their Maoist member could vouch for them and similarly, if stopped by the Nepal Army, members of the mainstream political parties would identify the others as 'CFUG members'.

Here, we see the way that CFUGs gave villagers a neutral, defensible identity. Maoist affiliated members can be simply 'CFUG members' when in the context of CFUG business. We want to be clear that we do not believe that CFUGs were 'harbouring' Maoists, rather, people in rural localities have multiple identities and at different moments in time and in different spaces they move between these identities (Nightingale, 2011). When doing CFUG business, the people in question were 'CFUG members' and nothing else at that particular moment. The groups also sought to demonstrate that they were socially inclusive. As explained above, most CFUGs and the donors supporting them have socially inclusive policies that target women, Dalits and the members of other traditionally marginalised groups to ensure their participation (Nightingale, 2002, Khadka, 2010, Gilmour and Fisher, 1991, Kharel, 1993, Hobley, 1996, Ojha et al., 2008). Given the Maoists agenda to overturn entrenched hierarchies in Nepalese society, the inclusiveness of CFUGs fit well with their agenda. It was almost impossible for local Maoist commanders to shut down groups that were considered 'equitable' by their members without risking undermining their political agenda.

Opportunities for dialogue

One of the most common strategies used by user groups was to engage in dialogue with the conflicting parties. They sought to negotiate operating space and in many instances this was successful, even if the user groups lost some degree of control over their resources. Yet by giving up some control, we argue that our findings suggest the groups' main concern was to maintain access to their forests and their funds, and where possible, to retain operating autonomy. Such strategies have strong antecedents in the cultural commitment to 'compromise' (*kurra miloune*) that runs across Nepalese society.

In almost all the study areas, the user groups engaged in dialogue with both the Maoists and the Nepal Army, with the extent to which they had contact with one side or the other depending on who controlled the area. 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 user group's work... we used our contact... we knew the person... so that helped. It is easy to negotiate with known people... (Western region, disputed area)

Many of the 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. (Western region, Maoist-controlled area)

In the Terai a number of strategies emerged in one group including: 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. Thus, this group made concessions on control by placing Maoists on its committee, but as the conflict progressed, the users took some control back by charging for fuelwood; compromises which helped retain access to their resources.

What is of interest here is that groups tried, with varying degrees of success, to negotiate and compromise with both conflict parties. In the above quotes, it is also crucial to note that the link between CFUG Maoist members and the rest of the group was vital for convincing the Maoists that the group should retain control over their management decisions. Such personal connections are the way business is usually achieved in Nepal. Having 'your own person' (*afno manche*) in an office or key position is vital to whether or not ordinary citizens are able to successfully negotiate with government offices or obtain jobs (Bista, 1991, Dahal, 2008, Gellner et al., 1997). The conflict period was no different in this regard, and people sought to create and mobilise personal connections to negotiate with the conflicting parties.

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 has always been 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 authority. 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 (see also Pettigrew and Shneiderman, 2004, Pettigrew, forthcoming). These moments at the hearth became 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. (Western region, 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. Several groups created negotiating space 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" (Western region, Maoist-controlled area)

The ways that the Maoists brought the conflict into the private spaces of people's everyday lives has been amply demonstrated by other studies (Nightingale, 2011, Shneiderman, 2003, Shneiderman and Turin, 2004b, Shneiderman, 2009, Pettigrew, 2008). They show not only how the Maoists insisted on access to such spaces, but also how villagers often felt more empowered to assert their own agendas literally at their hearth sides. But this account here shows how rural residents turned such tactics 'back' on the Maoists and actively invited the Maoists into the spaces of their homes in order to capitalise on the bargaining power such locations afforded them.

Holding meetings

The private spaces of homes provided one sort of space to negotiate, whereas many groups found public assemblies a much more difficult place to conduct the everyday business of forest governance. The Maoists and the Army placed demands on how, when or where local residents assembled, and as a result, many groups modified their functioning to ensure continued access to their resources. The most common modifications were shifting decision making to all users or 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. (Western region, State-controlled area)

More often, executive committees became more central, as the holding of large meetings was disapproved of by the Nepal Army. It seems that the most 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 the 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 region, disputed area)

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

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. These kinds of strategies give insight into how the conflict affected people's everyday lives in rural Nepal. The ability to gather, plan and hold assemblies of any kind became difficult if not dangerous in most places. In some of the Maoist controlled areas, such assemblies were welcomed, provided they were held as part of 'People's Governments' activities. What is most striking is the tenacity with which people sought a variety of creative strategies to maintain access to vital forest resources and continue with the business of everyday governance of the CFUG. We now turn to some of the more surprising and resourceful strategies employed.

Other creative strategies

During the conflict, many users found it difficult to go to their forest to collect forest products. They were scared of the Maoists and the Nepal Army and of being caught in the forest during a confrontation. 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, groups created ways of proving that they were CFUG members to avoid harassment or violence when entering forested areas, namely by issuing identity cards. This use of identity cards to prove people were group members seems to have been widespread. The kind of cards issued varied; but most often, it was a system negotiated with the local Maoist or, more often, Nepal Army commanders. One of the user groups in a Nepal Army 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, with one card per group of people.

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. (Western region, 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. In some respects, this group sacrificed some of its long-term forest management goals in order to alleviate the short term pressures of living under conflict. Yet, by engaging in this tactic, the group clearly felt their livelihoods would be best protected in both the short and long term.

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 have funds 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 '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 of 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 per person... 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 member (Eastern region, disputed area)

Although these groups did lose some control over their revenue, they managed to negotiate so that they ended up only giving a token amount. The group managed to retain some control over their *fund*, but lost more control over their *forests*.

In addition to negotiation, another 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. This finding is particularly important, as donors working with community forestry knew that expenditure increased during the conflict but did not understand why.

We had NR 90,000... this went for different activities including NR 8,000 to the Maoists... and also for benefiting poor people.... Basically, they controlled our finances... [Later in the conflict] we had NR 10,000 and decided to give it to the school rather than to the Maoists... We managed to use our money for local services like schools and for community benefit... We continued to work... and made our expenses public. (Western region, Maoist-controlled area)

Despite many similar examples, not all groups successfully protected their finances. Some tried keeping two sets of accounts — one to show the Maoists (with lesser

amounts) and another accurate one. But most said that this was too risky, and as the conflict progressed they stopped this practice. 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 up-to-date record for internal purposes and another to show the Government. But every household knew the status of our fund. (Western region, disputed area)

In the Terai, one group 'compromised' to retain control over their resources by allowing the Maoists to use their CFUG timber stamp to sell their timber in exchange for being left to operate. The Maoists were keen to sell timber from CFUGs to raise revenue but could not do so without an official stamp so they had to obtain one from somewhere. Allowing the Maoists to use their stamp was a very risky strategy, if caught, the group would have been in violation of the law, but it was a risk the group felt they had to take, or was worth taking.

These examples show the variety of strategies and tactics used by CFUGs to retain their ability to operate during the conflict. Through all these examples, the confidence group members gained through community forestry in promoting their own needs and agendas even to actors more powerful (and violent) than themselves becomes clear. Such insights show the resilience as well as some of the sufferings that the conflict brought to people's everyday lives.

3. Explaining vulnerability

In addition to the success stories recounted above, 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 the testimonies of people familiar with the groups, some of the disadvantaged members worked against their own groups because they felt the processes were unjust. Groups were also vulnerable when the compromises they were forced to make were too great.

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 over the committee. Experience from a Maoist controlled area in Terai showed that although all the political parties were represented in the user groups, the Maoists dominated everyone. They placed their cadres on the committees, promoted their party's decisions and expelled and punished committee members who did not agree with them.

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 embezzlement... We had to do whatever they said... (Western region, 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 caused many problems due to the continuous debates between a faction opting for the new order offered by the Maoists, and the other faction that opted for the old order. 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. Finally, some groups were not able to operate at all during the conflict and today are still struggling to re-start their committees.

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 during the conflict have since 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. These findings point to some important areas for further research. The funds and forest resources of CFUGs was not only desired by the conflicting parties, but was also an important focal point for the groups. If access to the forest and their cash funds was curtailed significantly, the group itself lost focus and an identity. As donors seek to support development in the face of conflict, attention to the structures and practices that will help local people to retain access to their *financial* as well as physical resources is vital for ensuring long-term livelihood continuity.

Conclusions

This study explored the factors that contributed to CFUGs resilience during the conflict in Nepal. The reasons were not the same for each group, but there are some common patterns. The design of community forestry as a national programme and the institutional structure supported by LFP specifically were clearly central for helping to generate an image of neutrality as well as pro-poor, inclusive and just processes of forest management. The decentralised nature of community forestry and its emphasis on public, transparent systems of governance, is the most important aspect of structure. This image was fundamental for groups to be able to claim the right to operate and in many instances, to claim a 'moral high ground' when negotiating with the conflict parties. The Maoists and the Army found it very difficult to contest a CFUG's right to access and control over their resources

provided the group could demonstrate they were operating correctly. Furthermore, good governance and capacity building in the group meant that individual members had well developed negotiating skills that they used confidently with the conflict parties.

Second, CFUGs were resilient because they had resources, both physical and financial. Financial resources in particular seem to have been extremely important as they made CFUGs both a target and gave them bargaining leverage. The Maoists sought to tax CFUGs to finance their war, but it was also an asset the CFUGs sought to retain control over. Perhaps in part because the funds were collective, rather than individual, it was difficult for the Maoists to try to seize all the funds as they did with many private individuals and landlords. And there is no doubt that in many places, CFUG members were also Maoist and they helped to convince local commanders not to take all the CFUG assets.

The control over resources also helped to give groups a reason for sticking together and to engage in dialogue with the conflict parties if their control and access to resources was threatened. In particular, they sought to maintain access to both their cash funds and their forestry resources, even if to do so required them to give up some control over them. As the conflict progressed, it seems that all parties changed their tactics somewhat. The Army and Maoists realised that they could not deny local people access to resources they required for their daily subsistence over extended periods of time, and that they could not control forest spaces without the assistance of CFUGs.

Third, CFUGs showed tremendous capacity for learning and adaptation which we at least in part attribute to the other two key reasons we have identified: the sound structure of community forestry and the desire to retain their resources. CFUGs employed a wide variety of creative strategies to maintain access to and control over their resources and CFUG committees, including: identity cards, changing the context or the timing of their meetings, negotiating with the conflict parties, and relinquishing some control over their processes in order to keep the group and its resources intact. This latter point is the most contentious and points to some of the vulnerabilities of CFUGs. Where the compromises to keep functioning were too great, groups lost resilience and many of these groups continue to struggle in the post-conflict setting. Nevertheless, we believe it is important to recognise that resilience implies an ability to respond flexibly to change and therefore many of the compromises made in terms of access and control do not mean the groups were not resilient. It is thus important to evaluate the consequences of their strategies to be able to say they were not resilient and to provide some clues as to how to maintain resilience.

CFUGs were most vulnerable when they did not have a sound structure, particularly when their use of funds was not transparent. In such cases, their own members worked were complicit in undermining their resilience due to a sense of exclusion from both decision making and resources. Groups were also vulnerable when the compromises they were forced to make were too great, particularly if they

relinquished large amounts of cash. All groups were accustomed to giving some informal taxes to government officials, so they did not object in principle to giving a tax to the Maoists, rather they objected if they believed the amounts demanded were too high. Most of the CFUGs interviewed successfully negotiated lower 'donations', but those groups who were forced to give large amounts found themselves foundering.

Finally, the question of justice returned again and again in our study in all the groups. The need for community forestry practices and decisions to be just in order to survive during the conflict was a theme that was repeated in a variety of different guises in the interviews. Importantly, such ideas of justice are strongly entrenched in rural Nepal (perhaps in part because of the Maoists' teachings which also focused on issues of distributive justice), and CFUGs used these ideas to claim the right to operate. They even used ideas of justice to argue *against* Maoist demands on them, and it helped them to retain an image of neutrality with the Army. In this sense, the agenda of community forestry was not incompatible with that of the Maoists. Such an agenda was also one that the Army could not easily deny and required them to make compromises with CFUGs over access to forests throughout the conflict. Thus, the conflicting parties and CFUGs learned throughout the insurgency period and most CFUGs were able to negotiate operating space for themselves on the basis that their activities were for the benefit of all, and necessarily for their survival.

These stories have helped to explain why (and how) CFUGs remained resilient during the conflict. Such lessons are crucial for development planners as they attempt to promote natural resource management regimes that can weather the challenges posed by climate change and violent conflict. The stories also give us another look into the everyday experience of conflict in Nepal and show how people used institutions, creativity and skills they learned through community forestry to create space for livelihood activities and maintain a commitment to long term forestry management. Not all groups were successful, of course, but nevertheless, the experience from Nepal helps to show the agency and power of rural residents in the face of conflict as a counter weight to narratives that frame them simply as victims or perpetrators of violence.

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