

ESSAY ON NATURAL RESOURCE CONFLICTS AND GOVERNANCE

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Abstract

Conflicts in natural resource governance arises due to factors such as ownership, sharing, intention to capitalize on them, commercialize them, detaching communities from place of habitation among many others. Governance pillars viz. Judiciary, Legislature, Executive and Civil Society play a critical role in establishing the balance between variables and the real time situations. There have been several instances when resources are exploited through governance, which then become a critical issue warranting action from international agencies, civil society and to a large extent by communities for bringing the state of affairs to the Government and assist in making holistic decisions with priority for nature and environment, its resources. This paper reflects few such complexities in managing natural resources and deriving a qualitative co-relation between governance and natural resources taking inspiration from the paper “To Have or Have not” by HBF along with suggestive paths such as enhancing trust and integrity among stakeholders, cultivating a value based political system, so on and so forth.

Key words: Natural Resources, conflicts, politics, community, mining, biodiversity, trust and integrity

Introduction

The issue of natural resource governance is ridden with complexities. The coupled interaction of humans and environment makes the process of managing and governing the resources very challenging and cumbersome. In the Ecology series of the Heinrich Boll Foundation’s (HBF) “To Have or Have Not”, by Christine Chemnitz and Lili Fuhr, the authors outlined various conflicting points on which the issues of resource sustainability and governance are based, and suggest methods that include resource politics to resolve key challenges. Based on a model developed by Robert Jungk in 1970 who coined Future Workshop, HBF designed these workshops with the objective to develop a Resource Memorandum for furthering the cause of resource politics.

In January, HBF collaborated with the Center for Science and Environment (CSE) for the Future Workshop: Resource Governance in 21st Century. The workshop engaged participants from India and Afghanistan. During workshop, these diverse minds pooled their personal experiences and creativity to discuss and propose possible solutions to key natural resource management problems.

Priority areas

The workshop was a journey, with both practical field visit as well as interactive sessions. It started with a real life experience at a sacred forest colloquially called “Bani”. Bani have been well protected and taken care of by locals, who strive to spread awareness about its ecological and sacred value in the community. The field visit was a first-hand experience about how resource conservation can be strengthened through deeply rooted faith and religion. It drew appreciation and acknowledgement for the role of community as the source for communicating the essence of place through historical facts, legends and stories. However, at the same time the field-visit also an exposure to the increased destruction of the forests in the name of development. The authors believe that culture, faith, religion, politics along with scientific temper in right direction coupled with a sense of belongingness and ownership are critical in building a strong and valued natural resource system.

Personally, throughout the workshop, the authors have consistently felt that conflicts arise in interpretation related to sustainability and rights of natural resources. While few participants strongly

felt that these should be governed by the community wherever they are involved, the rest felt that as natural resources are national properties, must be with the government with moderated rights to the people.

However, amongst all issues, the ones that received most attention were: **1. Biodiversity Conservation, 2. Water Governance, 3. Mining, and 4. Power** (see table 1). All these four topics generated extensive support from the participants enabling discussions for current status, systems conflicts, governance, suggestive remedial actions, were the focal point around which most part of the workshop revolved. This essay uncovers crucial points that were discussed at the workshop. It is a representation of ideas, observation and analysis of authors on the natural resource governance scenario both at national and international level.

Table 1

S.No	Resource Sector	Key Concerns which may lead to Conflicts
1.	Mining	Loss of biodiversity, loss of cultural heritage, pressure on resources, transportation, emissions, displacement of people, resettlements
2.	Water	unequal share in accessibility, over exploitation, legal matters, ecosystem services, social value, ownership and distribution
3.	Biodiversity	destruction of habitat, displacement of communities, ecological balance,
4.	Power	cost factors, heavy pressure on resources, health concerns, climate change, accessibility

Natural resource and its governance:

Natural resource governance involves interaction and decision-making regarding the resource use. The process is complicated because of the involvement of diverse stakeholders who are dependent on the resource in different capacities. Decision making in such an instance becomes very challenging, as it requires developing a solution that is equally acceptable by all. Allen and Gould (1986) and Shindler (1999) describe such a situation as ‘wicked problem’, where due to the involvement of diverse values of all the stakeholders partaking in the process of decision making process makes natural resource governance even more complicated. The values these individuals have influenced by religion, culture, faith, political view and scientific temper. It is these social values that attributes to the ‘wickedness’ of the problem. In other words, it is multiple-use along with involvement of social values that makes it very difficult to find a solution, hence, wicked problem. Allen and Gould (1986) further argue that in a society, values are always shifting therefore developing an effective resource management plan in such a pluralistic society becomes close to impossible.

On a different note, Garret Hardin in his seminal article, ‘Tragedy of the commons’ termed resource users as rational individuals who he believed would exploit the resource to maximize their own profits. Hardin predicts that in such a scenario overuse and degradation would befall natural resource and offers centralized government restrictions and/or privatization of resource as potential solution to the problem (Hardin, 1968). Hardin’s prescription of government restriction and private ownership was enacted by policymakers around the world, but his approach was challenged by Elinor Ostrom, who won Nobel Prize in 2009 in Economics for her work. Ostrom on the basis of analysis of several case studies from all over the world challenged Hardin’s argument; through her research she was able to establish that, management of natural resources is complex and that privatization and public ownership weren’t the only solution. She posited that apart from private or state regime, there were also cases where members of the community got together to manage resources they were dependent upon. She referred to such an arrangement of self-organized management of resources as local

institution, where individuals create their own rules, monitor its compliance in the community and subsequently sanction the rule breakers.

An example of such an institution is Van Panchayats (Forest Councils). In the state of Uttarakhand, Van Panchayats are traditional institution. They have been in existence since 1931. Van Panchayats exist in most of the villages in Uttarakhand, where villagers unanimously have been involved in managing forests, watersheds and water resources in their area. Despite the resources being a state property, the community members have a very strong sense of ownership because of their close affinity with the resources. The community clearly understands the crucial importance of forests for sustaining lives and livelihoods hence, they are selflessly involved in its management.

Ostrom and her colleagues highlighted the role of self-organized communities/ institutions in their work. At the same time there is also a large pool of research that underscores importance of bottom-up approach toward formation of natural resource management policies. All the previous research have successfully highlighted the importance of collaboration of stakeholders from grassroots local government level to agency level, where these stakeholders with diverse needs and values come into a consensus to develop a plan that best meets the needs of everyone.

Shifting paradigms in natural resource management in India: From agency control to collaborative management:

The history of natural resource management in India represents an interesting shift in management paradigms from strict agency control to collaborative management. However, this shift from centralized to more decentralized approach was very gradual. As India still follows the old administrative system established by the British, whose core objective back then was ‘command and control’, even after India got its independence in 1947, it was hard for the administrative system to break free of the old mentality. Therefore, eventually when the need for collaboration in managing resources arose the agencies weren’t adaptive enough to make fundamental shift in its attitude, policies, and procedures to respond to the changing needs of the natural resource management system.

1. Forestry

India might boast of being the one of first countries in the world to have a forest policy. But with the set up of forest department in 1864, passage of subsequent Forest Acts in 1865, 1878 and 1972, which are still in effect, large tracts of lands were transferred under government control. This process of Government taking up ownership of forests initiated a process through which the rights of locals to access and harvest were terminated. They continued to demarcate large stretches of forest land for commercial exploitation of timber, and traditional community rights to forest access and harvesting of products were steadily eroded (Poffenberger and McGean 1996). Commercial exploitation of forest continued, in fact, accelerated after India got its independence in 1947, in order to boost the Indian economy.

The Forest Policy Act of 1952 retained the forest lands under the exclusive control of state. Although the policy accepted ‘village forests’ to serve the needs of people in the village, it did not grant them rights to use or access forest areas.

Post 1980s there were several reforms made in the Forest Act keeping in mind needs and historical injustices to Scheduled tribes and other Traditional Forest dwellers. In 1988, the National Forest Policy was revised, and for the first time an important policy document was devised that emphasized on conservation and meeting of local needs, instead of industrial production (Ministry of Environment and Forests 1988). Reforms like Joint Forest Management (1990) and Forest Rights Act (2006) recognized the rights of locals. These were a step towards decentralization of large groups of people who were politically marginalized.

The 1990s was the era of political decentralization and rise of backward class, however, claims of participation made by these collaborative initiatives raised skepticism. Because government by nature have been always interested in accumulating more power over resources, scholars criticized these participatory policies to be 'sleigh of hand' carried out by the state to satisfy donors while retaining primary control over resources. Scholars have also argued that there are no platforms or spaces where different opinions or interest can be articulated; conflicts are suppressed by leaderships dominating the partnership as a result of which ground level needs are still unaddressed.

Studies have demonstrated that in most places the collaborative measures don't last long, or end up creating unequal partners. Such policies become dysfunctional either after initial enthusiasm dies down or after the monetary resources are exhausted (Arora 1994). In some cases the collaborative policies exist only on paper and are ineffective in protecting the resource (Ghate and Nagendra 2005). Due to the lack of faith of the community in the state, the communities by and large remain unconvinced about the benefits to be gained from accepting the state designed arrangements at considerable loss of autonomy. Since collaboration is an initiative of state/federal agency there still exist an imbalance of power as the locals cannot exercise initiative unless it is under terms dictated the overall framework of the targets and the activities prescribed by the government.

Downward accountability in the forest is still limited, as the decision making authority is not vested in the community, rather it rests with the agency, and the user groups are not allowed to make significant changes to the management policies. User groups have limited decision-making authority over their forests, and thus, this kind of management, although might be effective in the short term, is not very participatory. Studies have shown that, in situations where management framework is developed by State to fulfill national objectives, responsiveness to local requirements is limited, leading to a loss in flexibility and adaptation to local circumstances.

2. Mining

Just like forestry, mining operations have also caused considerable damage with irreversible effects. These have been mainly due to lack of sensitiveness towards forests and community, prioritizing business over social and ecological capital together with loose regulatory framework. These were also amplified by corporates and strongmen who cared little about the consequence of undertaking activities, even in sensitive locations. In addition, mining industry has been classified as: coal based mining, fuel based mining and non-coal, non-fuel based mining. Mining policies does not take into account the different types of mining as a separate entity. This has often led to conflicting policies due to generalization of mining policies for different mining operations.

Taking a cue of Planetary Boundaries from the article "To Have or Have Not", mining should serve as a classic example of the same. As there is unprecedented demand with scarce supply, there is a huge demand of technologies which aim to cross the threshold limit for reaching to the so called "last available extractable resource" without going through a logical thought process for having such a decision at the sacrifice of ecological balance. The mining industry has been operating with more power and ambitious plans which are at the best may be termed as "unsustainable".

India produces as many as 87 minerals, which includes 4 fuels, 10 metallic, 47 non-metallic, 3 atomic and 23 minor minerals (including building and other materials) along with more than 2600 mines operating in a year. In India, coal is looked after by the Ministry of Coal, while the others are under the jurisdiction of The Ministry of Mines. This ministry has come out with Sustainable Development Framework for the Mining Sector & Corporate Social Responsibility (CSR). However, it excludes many stakeholders and focuses mainly on Government based organizations and their CSR. The framework also excludes environmental evaluation methodologies, through which the life cycle analysis could be arrived at and a better understanding of these can be achieved. Secondly, the proposed framework, excludes off-shore mining. Thirdly, it could have been more inclusive if the two ministries would have come out with a common implementable and probably guidelines for do's and

don't's based on a vision for stakeholders including mining companies strengthening it with regulatory framework.

In many, if not most instances, decentralization reforms tend to be louder on the rhetoric and less developed on the ground (Nagendra 2005). Often, these purported reforms lead neither to the strengthening of local communities, nor to the betterment of status of resource. Lack of flexibility to make changes exposes lack of downward accountability, creating an additional responsibility on the local communities which now have an additional responsibility of managing the resources without being empowered to make their own changes to the management program. Local communities currently function under a situation of constraint, where they clearly require more than delegation of responsibilities, as is currently the case; to ensure their buy-in, the devolution of rights, assets, and power is a must (Sundar 2000; Nagendra 2005). The very aspect of decentralization of these policies raised skepticism, because in reality the government is incapable of completely breaking through the trend of 'command and control' and adapt to changing political reality.

Therefore, although on papers the reforms might seem as if they are inclusive, but in reality policies are very much top down. In addition, these policies are worded in a convoluted fashion and have lot of ambiguity in them, which makes implementation very challenging.

This leaves one to question the legitimacy of the system and raises some of the following questions:

- What can be done to make the system fairer and more effective?
- What is the most crucial step that needs to be taken to ensure equitable distribution of resource to all?
- Is 'old actually gold'? We are still following the old administrative system, the very foundation of which was 'command and control'. Is it OK to still continue to follow the old administrative system or is it about time to haul the entire system and establish one that is more adaptive and well suited to the political reality?

3. Biodiversity Conservation:

Biodiversity conservation is also a complex issue. Again the complexity is appended by the **interplay of ecological and the social system** (overarching problem in all the topics). It is this interplay that generates uncertainties in the system thereby making it difficult for the managers to develop appropriate solutions to the problem. Decision making/policy making in biodiversity conversation becomes challenging due to conflicting viewpoints of people involved in the decision making process- biocentric vs. anthropocentric. People with biocentric viewpoint base their arguments on an assumption that human-use of resource will always have negative impact on the health of the resource and in that process they completely ignore the role of locals in management of resource; whereas people with anthropocentric viewpoint are biased towards protection of rights of locals.

There is also problem of certain species getting an over-attention, such species are charismatic species. In the process of conserving charismatic species, other species that are important part of ecosystem get ignored. For example, in India, Tigers have been receiving a lot of attention in the past decade. It is claimed that since Tigers are an umbrella species, its conservation will lead to establishment of habitat will restore the habitat for other species too. Scientists have raised concerns about tigers or other charismatic species being given an over-importance and have argued that due attention to other languishing species for eg. Gangetic Dolphin, should also be given to ensure a more unbiased, effective and a holistic conservation of biodiversity.

For harmonious co-existence of man-wildlife there needs to be a balance between anthropocentric and biocentric viewpoints where relationship between human use and biodiversity needs can be fully understood and incorporated in the decision making system. There needs to be a growing appreciation and understanding of each and every species, the role that every species plays, the role of human-

wildlife interaction. An increased awareness and education is need of the hour that will sensitize the population and in turn will lead to transformation of values and attitudes of people.

Integrating values: Looking beyond GDP

Natural resource governance policies are ridden with challenges like: corruption, nepotism, inadequate and ambiguous policies, lack/improper policy implementation and unequal resource distribution and utilization. People working in developing policies for environment need a broader awareness of the diverse and multidimensional values associated with natural resources. Increased awareness is vital not just for the community, but for the media, private sectors and other key actors involved in natural resource governance.

By mindlessly continuing on the current economic trajectory, we risk undermining earth's support systems-food supplies, clean water, and stable climate-necessary for human health and even survival in some places. We've come of age where material benefits alone will not fulfill our deepest needs. Material life must be harnessed to meet human needs, most importantly to promote the end of suffering, social justice, and the attainment of happiness. There is a need to develop an index which could provide benchmarks for sustainability of resources. There needs to be a strong value based system supported by trust and integrity at every level of engagement. The importance of involving communities in achieving resource sustainability goes beyond doubt. However, mechanism needs to be established that work towards truly integrating values of people and assist in developing effecting management plans.

Planet under Pressure, 2012 (London), a major international conference leading upto Rio +20, focused on solutions to the global sustainability challenge. During the conference it was highlighted that issues of environmental/natural resource degradation requires our urgent attention, especially at this juncture in human history. For we have entered a new phase of the world, where humanity's impact on the Earth system has become comparable to planetary-scale in which many Earth-system processes are now dominated by human activities.

Conclusion:

Natural resources are available for all. Governance could be a very strong mechanism in providing the necessary platform for ensuring sustainable consumption. A better governance system is one that encourages multi-stakeholder dialogue system in development of policy especially for mining and water resources. Such interaction deems participation of potential stakeholders associated with resources from grassroots level to top agency level.

Conflicts are integral to "commons" such as natural resources due to the control of one system within multiple stakeholders. However, peace can be achieved through facilitating deep dialogues, forgiveness, going beyond religion, inculcating a strong motivation for sustaining resources, making it available for present and future generations along with appreciating culture and values system of each other associated with the natural resource.

There is a need for establishing a multi-stakeholder dialogue system in development of policy especially for mining and water resources. Such interactions and team must include environmentalist, community representatives as well as people who would be affected by the development

Facilitation of dialogue based on "trust and integrity" through innovative approach within community, between individuals at core conflict levels, among political systems. There should be a strong Value based system supported by trust and integrity at every level of engagement.

There needs to be a shift of focus of resource governance from increasing GDP to a more inclusive approach that takes into account collaboration, social capital, social and mental well being and aspiration of people, for example of GNH (Gross National Happiness) approach of policy making in Bhutan.

The needs and interpretation of resource sustainability is different in different countries, states, communities. Hence, sustainability could be based on consumption of resources rather than allocation of resources. There is a need to develop an index which could provide benchmarks for sustainability, very similar to the economic parameters. This could be based on existing models developed by scientists and multidisciplinary team

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