Natural resource conflict management case studies: an analysis of power, participation and protected areas

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edited by **A. Peter Castro** and **Erik Nielsen**

ACKNOWLEDGEMENTS

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Elisabeth Grinspoon began studying China's forestry policy as an undergraduate at Middlebury College. After working for three years in China, she returned to the United States to undertake a Master of Forestry degree at the Yale School of Forestry and Environmental Studies. She is currently finishing her doctorate in the Department of Environmental Science, Policy and Management at the University of California at Berkeley. Her chapter is based on two years of research in Sichuan Province focusing on emerging property rights to collective forest land in China's transitional economy.

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Jim Hafner has a Ph.D. in Natural Resources (policy and management) from Cornell University, having written his dissertation on the political economy of watershed management policy in Metro Cebu, the Philippines. Field research was completed at the end of 1999 with support from the Cornell International Institute for Food, Agriculture, and Development (CIIFAD) and a Fulbright-Hays Doctoral Dissertation Fellowship. He has previously conducted research on rural development and farming systems in Southeast Asia and has worked for United States–based agricultural trade and development NGOs. He has a BA in Development Studies from Brown University and an M.Sc. in International Agricultural Development (agro-ecology) from the University of California, Davis.

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Erik Nielsen

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Liberty Pinili

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Cornelis Prins has long and varied working experience in Latin America. Before coming to Costa Rica, he was field director of Dutch Technical Cooperation (SNV) in Peru. He has been working for almost five years with CATIE, doing postgraduate lecturing in environmental sociology, rural development and extension, and research on technological and institutional innovation in rural areas. He is also involved in outreach activities in Central American countries through CATIE projects. He studied law and sociology in the Netherlands.

Mary Schlarb

Mary Schlarb is Associate Director of the Work and Environment Initiative of Cornell University's Center for the Environment. She conducted research in 1997 on participatory watershed management in Metro Cebu, with the support of CIIFAD and the Mario Einaudi Center for International Studies. She has worked on community development programmes in Indonesia and has been a consultant on environmental management for the German Agency for Technical Cooperation (GTZ) and the Asian Productivity Organization. She has a BA in International Relations from Stanford University and a Master of Professional Studies in International Agriculture and Rural Development from Cornell University.

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Peter Walpole is associated with ESSC, a research institute based in the Philippines that seeks improved conditions in society through the use of science. He has been involved in research and dialogue on different concerns relating to cultures and ecosystems over the last 25 years. He has directed ESSC in developing the monograph *Mining revisited: can an understanding of perspectives help?* and the accompanying map on mining claims and applications, ancestral domain claims and protected areas in the Philippines.

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Stefan Wodicka is the Area Representative for World Neighbors, Inc. in Southeast Asia. He works with local partners (farmers, communities, NGOs, government agencies and academe) to elaborate uplands development programmes in Indonesia, the Philippines, Viet Nam and China, integrating community resource management, tenure rights, sustainable livelihoods and women's empowerment. Key elements of the strategy adopted include strengthening grassroots organizations and multicommunity networks, catalysing multistakeholder coalitions, facilitating action research and convening processes, and documenting the lessons learned for broadening programme impact and influencing development policies.

ACRONYMS AND ABBREVIATIONS

ANRS	Amhara National Regional State (Ethiopia)
BASIS	Broadening Access and Strengthening Input Market Systems programme (United States)
BASIS CRSP	BASIS Collaborative Research Support Programme
BC	British Columbia (Canada)
BFAR	Bureau of Fisheries and Aquatic Resources (Philippines)
BINP	Bwindi Impenetrable National Park (Uganda)
BKSDA	Agency for the Conservation of Natural Resources (Indonesia)
CAMPFIRE	Communal Areas Management Programme for Indigenous Resources
CARE	Cooperative for Assistance and Relief Everywhere
CATIE	Tropical Agriculture Research and Higher Education Center
CBCRMP	Community-Based Coastal Resource Management Program (Philippines)
CBNRCM	community-based natural resource conflict management
CBNRM	community-based natural resource management
CBT	Clayoquot Biosphere Trust (Canada)
CCLUC	Cebu City Land Use Committee (Philippines)
CFMA	Community Forestry Management Agreement (The Gambia)
CIFOR	Center for International Forestry Research
CIIFAD	Cornell International Institute for Food, Agriculture and Development (United States)
CIO	Central Intelligence Organization (Zimbabwe)
COATLAH	Regional Agroforestry Cooperative of Atlantic Honduras
COHDEFOR	National Honduran Corporation for Forestry Development
CORE	Commission on Resources and the Environment (British Columbia, Canada)
CRB	Central Region Board (Canada)
CSSDSSC	Clayoquot Sound Sustainable Development Strategy Steering Committee (Canada)

CSSDTF	Clayoquot Sound Sustainable Development Task Force (Canada)
CUSW	Cebu Uniting for Sustainable Water Foundation (Philippines)
DA	District Administrator (Zimbabwe)
DENR	Department of Environment and Natural Resources (Philippines)
DFID	Department for International Development (United Kingdom)
DFO	Divisional Forestry Officer (The Gambia)
DILG	Department of Interior and Local Government (Philippines)
DNPWLM	Department of National Parks and Wildlife Management (Zimbabwe)
DRL	People's Council of Lampung (Indonesia)
DTC	Development Through Conservation (CARE project)
EIA	environmental impact assessment
ENGO	environmental non-governmental organization
EPRDF	Ethiopian People's Revolutionary Democratic Front
ESSC	Environmental Science for Social Change
FAO	Food and Agriculture Organization of the United Nations
FCC	Fuelwood Crisis Consortium
FEEDER	Foundation for Economic Empowerment, Development and Environmental Recovery (Philippines)
FFW	food for work
FONP	Forestry Policy and Institutions Branch (FAO)
FTPP	Forest, Trees and People Programme (FAO)
GGFP	Gambian–German Forestry Project
GMP	General Management Plan
GTZ	German Agency for Technical Cooperation
ICRAF	International Centre for Research in Agroforestry
IGAD	Intergovernmental Authority on Development
IGCP	International Gorilla Conservation Project
IKADIN	Advocacy Association of Indonesia
IMA	Interim Measures Agreement (Canada)
IPAP	Initial Protected Area Plan (Philippines)

ITFC	Institute for Tropical Forest Conservation
IUCN	World Conservation Union
KCMU	Karya Canggih Mandiri Utama (Indonesian private corporation)
KOPPESDA	Natural Resources Research and Coordination Team (Indonesia)
LATIN	Indonesian Tropical Institute
LBH	Legal Aid Institute (Indonesia)
LGU	local government unit
MARENA	Natural Resource Management Institutions project (United Kingdom)
masl	metres above sea level
MB	Macmillan-Bloedel (Canadian timber company)
MBIFCT	Mgahinga and Bwindi Impenetrable Forest Conservation Trust (Uganda)
MCWD	Metro Cebu Water District (Philippines)
MGNP	Mgahinga Gorilla National Park (Uganda)
MOU	Memorandum of Understanding
MWDA	Mananga Watershed Development Authority (Philippines)
NACO	National Consultancy on Forestry Extension and Training (The Gambia)
NEMA	National Environment Management Authority (Uganda)
NES	Nucleus Estates Smallholder Development Projects (Indonesia)
NGO	non-governmental organization
NIPAP	National Integrated Protected Areas Programme (Philippines)
NIPAS	National Integrated Protected Area System Act (Philippines)
NORAD	Norwegian Agency for International Development
NTCDC	Nusu Tenggara Community Development Consortium (Indonesia)
OLAFO	a CATIE project in Honduras
PA	protected area
PAC	Public Accounts Committee (Uganda)
PAMB	Protected Area Management Board (Philippines)

PAR	participatory action research
PCFMA	Preliminary Community Forestry Management Agreement (The Gambia)
PCSD	Palawan Council for Sustainable Development (Philippines)
PDIP	a political party in Indonesia
PEC	Programme on Environment and Community (Cornell University, United States)
PPL	Panji Padma Lestari (an Indonesia private corporation)
PRA	participatory rural appraisal
PRAP	participatory rural appraisal and planning
PWG	Philippine Working Group
RDC	Rural District Council (Zimbabwe)
SAFIRE	Southern Alliance for Indigenous Resources
SEP	Strategic Environmental Plan (Philippines)
SNV	Dutch Technical Cooperation
TWG	Technical Working Group
UIA	Uganda Investment Authority
ULC	Uganda Land Commission
UMA	Uganda Manufacturers' Association
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
USAID	United States Agency for International Development
UWA	Uganda Wildlife Authority
UWFA	Uganda Woodfarmers' Association
WASDAL	a task force for resolving the dispute in Indonesia
WATALA	Family of Nature and Environmental Clubs (Indonesia)
WFP	World Food Programme
ZANU (PF)	Zimbabwe African National Union (Patriotic Front)
ZIMTRUST	Zimbabwe Trust
ZRP	Zimbabwe Republic Police

Natural resource conflict management case studies: an analysis of power, participation and protected areas

OVERVIEW

by **A. Peter Castro and Erik Nielsen**

Syracuse University and FAO

INTRODUCTION

Natural resource management is in many ways a form of conflict management. Traditions, customs, rules, laws and policies dealing with issues of access to, and use and management of, natural resources all aim to bring order and predictability to situations where competition and conflicting interests – even in the smallest communities – are present. Such institutions and practices can be termed "proactive" responses seeking to manage the potential for tension and conflict. Although resource management and conflict management are closely linked, only recently have policy-makers, State resource managers, practitioners, academics and others attempted to address the connection.

This recent attention may reflect a growing awareness of the scope, magnitude and implications of natural resource conflicts. Increased competition for natural resources among multiple stakeholders with diverse interests is occurring worldwide within the current trends of globalization, democratization, decentralization and urbanization. Given this new situation, communities often have a greater need and opportunity to participate in sustainable resource management. Along with these new needs and opportunities there are often tensions and conflicts, including disagreement over access rights and lack of consensus on management objectives. Policy and economic changes affecting natural resource management can set in motion new conflicts or cause old ones to escalate.

Conflict situations present a significant challenge to achieving participatory resource management and sustainable livelihoods. Rising tensions and disputes can undermine the formal and informal institutions and rules that govern resource use, resulting in environmental degradation and economic decline. Poor households are especially vulnerable to these shocks, but the entire fabric of society can unravel if conflicts escalate and violence erupts. The merging of resource conflicts into wider, destructive social conflicts can end in collapsed production systems, uprooted communities and chronic insecurity.

The ability to manage and resolve conflicts in a peaceful, participatory and equitable manner allows for more secure access to, and better management of, natural resources. The capacity of communities, resource managers and policy-makers to address resource conflicts can be enhanced by developing and implementing effective approaches, methods and tools for their management and resolution. Training in conflict management processes offers an important opportunity for the development of human and social capital in this regard. However, it should be noted that training alone is not likely to address all societal needs regarding natural resource conflicts. Socio-economic and political factors that constrain local participation in conflict management processes may require attention as well, through appropriate reform of policy, legislation, institutions and other realms of the policy environment.

The purpose

Natural resource conflict management and resolution is a priority area of the Forestry Policy and Institutions Branch (FONP) of the Food and Agriculture Organization of the United Nations (FAO). FONP has been actively involved in this area for more than eight years, including issuing working papers, conducting an electronic conference, devising training materials and holding international, national and regional workshops on the topic. All these activities aim to support diverse and multiple stakeholders in managing conflicts that will inevitably arise in the protection, use and control of forests and other natural resources. A related goal is to strengthen the role and recognition of local resource users, particularly among disadvantaged groups, by building up their capacity to participate in resource management.

FONP continues with these capacity building goals in presenting this collection of case studies focusing on natural resource conflict management and resolution. FONP's experience in addressing natural resource conflict issues suggests that much can be learned through comparison of diverse situations. The 12 cases presented here deal with a range of intervention strategies, methods and tools used to address community-based natural resource conflicts in a variety of social, environmental and regional settings. The collection includes cases from Africa, Asia

and the Americas. The cases were selected by FONP as representative of general trends in the field of natural resource conflict management and resolution as identified in its previous publications, including *The role of alternative conflict management in community forestry* and the proceedings from its electronic conference and the XI World Forestry Congress satellite meeting on natural resource conflict management.

Each case guides readers through an in-depth analysis of the strategies, processes and tools utilized by different stakeholders and interested parties to address the conflict(s). The studies are focused and concise, and include guiding questions and discussion prompts for use by trainers and educators in the field of community-based natural resource management and conflict management.

These case studies complement FONP's Community-based Forest Resource Conflict Management Training Package, developed in collaboration with the Regional Community Forestry Training Centre, based in Bangkok, Thailand. The training package is prepared primarily for trainers who work with organizations and individuals on participatory and collaborative resource management.

Target audience

The case studies are intended for specialists, educators and trainers in the field of conflict management who seek analytical materials based on real-life cases for training purposes. However, the cases will also be of strong interest to a broader audience that includes policy-makers, project and programme managers and staff, extension officers, researchers and others concerned with the interface between community-based natural resource management and conflict issues.

WHY CASE STUDIES?

The case studies aim at building skills on how to address conflicts in a participatory and equitable way by presenting readers, in a concise manner, with the context, interests, problems and options of resource managers and other stakeholders in diverse situations. The case method offers a learning tool that stimulates the reader in:

discovery: to examine key issues in natural resource conflicts as manifested in the selected case, identify primary and secondary stakeholders, explore the historical background, analyse contemporary causes, review the role of local and wider institutions and markets in the conflicts, assess past and present attempts at conflict management and resolution;

probing: to explore stakeholder agendas, analyse social and power relations among the interested parties, evaluate the benefits and costs of conflict management and resolution options for each stakeholder, examine social variables that influence the implementation of conflict management and resolution processes, consider the outcomes from different stakeholders' viewpoints;

practice: to help readers build knowledge by providing real-life examples in a clear and concise form, which can serve to sharpen analytical and technical skills (such as negotiation and mediation) through discussion, role playing and other forms of learning;

contrast and comparison: to provide a range of situations allowing for reflection on key issues regarding how and why people engage in conflict management and resolution processes, what happens when they do so and whether things learned in cases can be adapted to readers' situations.

Each study includes a brief guideline that provides questions and discussion prompts aimed at exploring broad themes in addition to specific aspects of each case.

A focus on processes of conflict management and resolution

The cases focus on processes of conflict management and resolution: the different ways and means that interested parties seek to address natural resource conflicts. They examine not only the intervention strategies, methods and tools employed by the different actors, but also their underlying interests and their assessment of options.

The case studies also explore the outcomes of the conflict management and resolution processes: What happened? Why? Who benefited? Who did not benefit? What are the criteria for evaluating the outcomes? The editors have avoided labelling individual case studies as "successes" or "failures". Instead, the authors and the readers have been invited to make their own assessments.

Although all cases have their unique aspects, the intention is to stimulate analysis of conflict management and resolution strategy and practice through a global exchange of experience. The intent is for readers to analyse what is occurring in other circumstances, both similar to and different from their own, and to consider the specific and general lessons from each case. Through analysis of successful and unsuccessful cases, the reader is stimulated to reflect: Why did this particular strategy work while others did not? How can approach X be modified to my situation? It will also offer readers the opportunity of comparison: What sort of conflict can be anticipated in our project if we do not consider factor Y? What should be done to avoid this? The case studies can help sharpen analytical skills that can be used to anticipate conflicts as well as to deal with existing ones.

Diverse settings, approaches, actors and themes

This collection covers cases involving conflicts and conflict management processes in a wide range of sectoral, ecological and regional settings. The studies include conflicts between urban and rural residents over the management of watersheds, between large- and small-scale agricultural producers over land, between members of different communities over use of forests, and between villagers and state officials over access to, and use of, protected areas. The ecological settings range from equatorial Africa to the northern latitudes of Canada, from tropical beaches of Pacific islands to mountains in the interior of China. Overall, the set consists of five case studies selected from Africa, five from Asia and two from the Americas.

The studies deal with a number of strategies, methods and tools used in natural resource conflict management and resolution, including indigenous/local practices, legal systems and alternative conflict management approaches. In most of the cases more than one approach is used in addressing conflict, as the stakeholders and other interested parties pursue their concerns in a dynamic manner, attempting to explore the options offered by their particular situation. Although the focus is on community-based natural resource management regimes, the case studies themselves often involve a wide variety of interested parties or actors, including governments, corporations, non-governmental organizations (NGOs) and technical assistance agencies.

THE 12 CASE STUDIES

The Table on p. 11 lists the authors of the case studies and the countries where the conflicts described take place. It also presents a concise summary of the conflict setting, the key theme and the conflict management processes featured in each of the case studies.

Despite their diverse locations and themes, all the cases share a concern with issues of participation, power and policy in conflict management processes. Lack of participation in decision-making is often a major source of conflict, while fostering widespread participation in conflict management processes offers a major avenue for attaining equitable agreements. Yet widespread and effective participation is not easily achieved in situations where enormous power differentials exist among different stakeholders. Even within small, seemingly homogeneous communities, access to conflict management processes can be constrained by differences in gender roles, age, class, caste, political affiliation or other variables.

All of the case studies also highlight the importance of the wider political and economic setting in which conflict occurs. The policy environment – the complex of state institutions, policies, legal structures and their connections, from the global to the local level – casts a broad influence on the nature, incidence and intensity of natural resource conflicts and on the operation of conflict management processes. For example, several authors mention top-down government decision-making as a major source of conflict, since policy is made and implemented with little involvement of the affected populations. The conflicts covered in this collection arose directly or indirectly from policies promoting decentralization, conservation or economic development.

Conflict management considerations cannot be divorced from considerations of participation, power and policy. These central elements need to be assessed and addressed in all situations, as they strongly shape the motivations of stakeholders and their ability to act. Indeed, the likelihood that a conflict can be "resolved" or "managed" will be highly influenced by the complex interplay of participation, power and policy.

Sequence of chapters

The sequence of cases is based on the conflict settings. It starts with those focusing on the urban-rural interface, where the expansion of the cities of Cebu in the Philippines (Hafner, Schlarb and Pinili) and of Kampala in Uganda (Kazoora) poses a challenge for the management and use of natural resources, including forests, watersheds and agricultural land. Other cases in the collection mention the pervasive role of urban areas in stimulating rural commercial activities. Rapid urban, suburban and peri-urban growth is one of the major social changes occurring worldwide, and urban-rural conflicts over natural resources are likely to increase in the future.

The next two case studies analyse multiple land-use conflicts in largely agricultural areas. Pankhurst describes tensions and disputes arising out of competition over forests, pasture and water for irrigation in South Wello, Ethiopia. Suporahardjo and Wodicka examine land conflicts between smallholders and the state (including a government-supported private plantation) in southern Sumatra, Indonesia. Both case studies underscore the fact that in any area a number of conflicts are likely to be taking place simultaneously, whether they be between the local population and "external" agents (such as government agencies or outside businesses) or within the community itself.

The case studies then shift to conflicts among forest users in Honduras (Prins, Castillo and Almendares), China (Grinspoon), The Gambia (Sonko and Beck) and Canada (Parai and Esakin). Although these cases cover very different types of populations, forests and policy environments, they all confront the issue of try-

ing to reconcile the diverse interests of different resource user groups. This is a very common situation. The world's forests have long been the source and site of conflicts within communities, and between local and "outside" interests, including the nation state, corporations and conservation organizations.

The final four case studies in the collection deal with conflicts arising from the declaration of protected areas. Whether in Zimbabwe (Chidhakwa), Indonesia (Moeliono and Fisher), Uganda (Blomley) or the Philippines (Pilien and Walpole), rural people have resisted having their lands taken without consultation for conservation purposes. Such policies are generally made in ignorance of the role that local populations have played in maintaining biodiversity through their resource management and user patterns. Outside conservation agents often learn quickly that it is impossible to protect resources without community cooperation, yet that can be difficult to achieve because of local hostility and conflict. Resolving or managing conflict becomes a prerequisite for sustained resource management.

Organization of the cases

Each case study includes guiding questions and prompts for discussion about its key issues, concepts and themes prepared by the author in collaboration with the case study editors. FONP selected individuals and organizations with experience in natural resource conflict management and resolution to participate as case study authors.

Each case study focuses on the following six areas:

1. Key issues: What are the principal issues, concepts and themes to be addressed in the proposed case study? What is the relevance of the case study to other community-based natural resource conflict situations?

2. Context: Where does the case study take place? What is its environmental and social setting? What resources are involved? Who are the stakeholders and other interested parties? What is the role of local, regional, national and global institutions and markets?
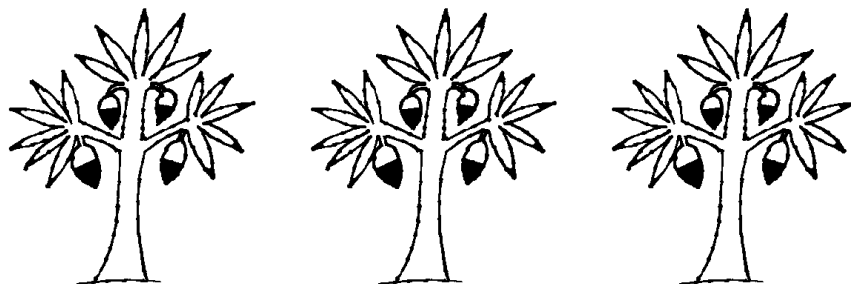
3. Conflict background or history: What is the history of the conflict? How did it manifest itself? What seem to be its causes?

4. Conflict management and resolution processes: How have people tried to address the conflict? What strategies, methods and tools have different groups used? Why? Did they seek to manage the conflict or to resolve it?

5. Conflict management and resolution outcomes: What was accomplished by the efforts at conflict management or resolution? Was an agreement reached? If so, what sort? How was it to be enforced? How did the various stakeholders and other interested parties feel about the outcome? Has the conflict continued (or have related conflicts surfaced)?

6. Lessons learned: What specific lessons are to be learned from this case? What are the implications for initiating conflict management and resolution processes? What are the lessons learned regarding policy, legal frameworks and institutional structures? What does the case reveal about the roles of gender, of power relations and of intracultural and intercultural variation in conflict management and resolution processes? Are there lessons about the ability to manage versus resolve conflicts?

CONFLICTS AND CONFLICT MANAGEMENT CONCEPTS[1]

People often have different values and priorities regarding the management and use of a natural resource. Disagreements and disputes over natural resources are common. Such conflicts exist to some degree in every society, whether publicly acknowledged or not. The existence of conflicts over natural resources is not necessarily negative; such conflicts can be useful in defining the competing needs for resources within communities and society.

The form and intensity of natural resource conflicts vary widely by place and over time within any location. The ways in which communities and their members respond to conflict also vary considerably, often reflecting local diversity in terms of material wealth, social status and power. Sometimes people may decide not to address a grievance publicly because of fear, distrust, peer pressure, financial constraints, exclusion from certain conflict resolution procedures, or for strategic reasons. A lack of public disputes does not mean there is no conflict.
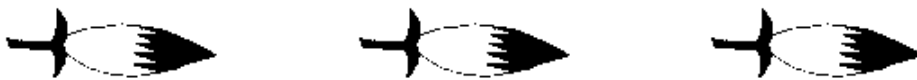
1. Adapted from Castro and Ettenger, 1997; and FAO, 2000.

Submerged conflicts may be ready to erupt at any time. Similarly, "resolved" disputes may resurface long after their "resolution" because the underlying conflicts remain.

All communities possess ways of resolving or managing natural resource conflicts. These means may be violent or peaceful, formal or informal, participatory or restrictive, equitable or not. While the specific mechanisms may vary, people generally rely on the same fundamental procedural modes to handle conflicts: avoidance, coercion, negotiation, mediation, arbitration and adjudication.

Avoidance: acting to keep a conflict from becoming publicly acknowledged.

Coercion: trying to impose one's will through the threat or use of force, including violence, protests, exertion of economic dominance and political contacts.

Negotiation: following a voluntary process in which parties reach agreement through consensus.

Mediation: using a third party to facilitate the negotiation process.

Arbitration: submitting a conflict to a mutually agreeable third party, who renders a decision.

Adjudication: relying on a judge or administrator to make a binding decision.

All of these mechanisms are used in at least one of the case studies. Most of the cases involve the use of more than one mechanism by its participants.

People may seek to *resolve* a conflict, reaching a decision that removes the cause of the disagreement or dispute. However, sometimes the goal of resolving a conflict may prove challenging. The source of a conflict may be too complex, too deeply rooted in the local culture or history, for a final settlement to be attainable. Instead, people may seek to *manage* a conflict, finding ways to address it and its causes in both the short and the long terms.

Conflicts can also be anticipated, and sometimes people try to deal with them *proactively*, taking preventive measures. Proactive conflict measures can range from policy reforms, to development interventions, to training in conflict management techniques.

The approach that people take to address conflict may depend on a number of considerations: their knowledge of available options; their assessment of possible support from allies and strategic contacts; their evaluation of the costs; and their relationship with the opponent. Access to conflict management processes may be restricted because of gender, class, caste and age. The nature of the conflict itself may exclude the use of certain legal procedures. People may attempt to address conflicts as individuals or as members of a group. *Coalition building* – the collaboration of several groups or associations – has emerged as an important strategy for dealing with resource conflicts.

In seeking to resolve or manage conflicts, people will use other techniques and tools to further the process of negotiation, mediation, arbitration or adjudication.

Facilitation: a third party assists in organizing or moderating meetings, or in making other logistical arrangements.

Fact-finding or research: the parties, or appointed neutrals, gather information pertaining to the conflict, its background and possible agreements.

Conciliation: a third party meets individually with the conflicting parties, attempting to help them focus on addressing the conflict through negotiation.

All three techniques appear in the collection, with the cases varying in their usage.

Effective prevention and management of natural resource management conflicts requires skills and tools often lacking in many communities, organizations, institutions and agencies. It is hoped that this collection of case studies, along with other training materials produced by FONP, will contribute to capacity building in conflict management. Yet having such information by itself will not result in the management or resolution of conflicts. People need to apply this knowledge, but they also need policy environments that enable all stakeholders to be able to negotiate or pursue other strategies in an open and equitable manner.

REFERENCES

Castro, A.P. & Ettenger, K. 1997. Indigenous knowledge and conflict management. In *Vol. 1: Compilation of Discussion Papers Made to the Electronic Conference on Addressing Natural Resource Conflicts through Community Forestry*, pp. 141–164. Rome, FAO.

FAO. 2000. *Conflict and natural resource management*, by V. Matiru. Rome, FAO.
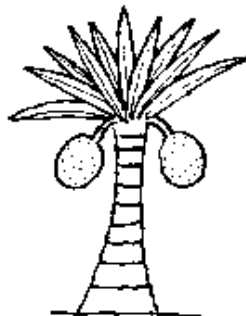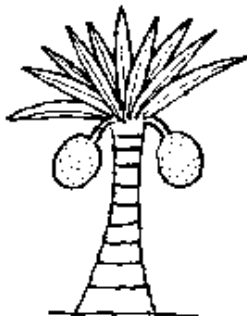
TABLE	SUMMARY OF THE CASE STUDIES			
Authors	**Country**	**Conflict setting**	**Key theme**	**Conflict management processes**
Hafner, Schlarb & Pinili	The Philippines	Expanding city seeks to manage land use in its surrounding watersheds despite rural and other opposition	Coalition-building facilitates the convening of stakeholders for participatory land-use planning as a means of mediating conflicts. Power imbalances and diversity of interests limit collaboration	Proactive engagement of stakeholders by coalition and capacity building, facilitation, mediation, negotiation, legislation, long-term approach
Kazoora	Uganda	New industrial park displaces a state peri-urban forest consisting of individually held woodlots	Farmers organize an association to pursue their compensation claim through administrative, political and legal remedies	Negotiation, mediation, political process and adjudication, including the use of courts
Pankhurst	Ethiopia	Policies and market forces contribute to conflicts within communities and between local and external agents over water for irrigation, pasture and forests	Local, informal dispute settlement fora still operate but state institutions increasingly control conflict management processes. Outcomes depend on type of conflict, the identity of the stakeholders and the power relations between them	Avoidance, peer pressure, mediation by elders and religious leaders, supernatural sanctions, coercion, appeals to authorities, adjudication
Suporahardjo & Wodicka	Indonesia	As a result of top-down government policies, small farmers face competition for land from plantations and the Forest Department	Communities with weak organizational capacity and poor access to information are unable to negotiate with powerful stakeholders. But those engaged in coalition building can effectively address conflicts	Coercion, appeals to authorities, coalitions, mediation by a task force, mediation and adjudication by a multistakeholder team, policy advocacy

Table continued

Authors	Country	Conflict setting	Key theme	Conflict management processes
Prins, Castillo & Almendares	Honduras	Members of three communities compete over access to, and use of, a communal forest	A project of the Center of Investigation, Education and Outreach in Tropical Agriculture and Natural Resource Management uses a participatory, multistakeholder approach to help build local capacity to address conflicts	Development activities to build trust, facilitation, mediation, negotiation, collaborative planning, monitoring, addressing policy environment
Grinspoon	China	In implementing decentralization, local leaders sold the use rights to a communal forest without informing the community about the transaction	Community members pursue several strategies, eventually relying on personal connections among township authorities, to remedy the situation	Appeals to authorities, threat of litigation, police investigation, strategic use of personal connections to reach authorities
Sonko & Beck	The Gambia	With rising market pressures, and in the midst of decentralization, members of three communities have conflicts over the use and control of local forests	Local and state authorities attempt to address the forest conflicts through mediation, arbitration and adjudication, but the issues have been difficult to resolve. Much misunderstanding among the parties remains	Coercion by villagers, mediation and arbitration by local elders and authorities, negotiation and adjudication by appointed committee and by an administrator
Parai & Esakin	Canada	Indigenous groups, local residents and conservationists oppose state-approved timber harvesting by a multinational corporation	Active, balanced and cooperative participation of multiple stakeholders in land-use planning and resource decision-making helps resolve conflicts. Innovative policies and institutions can allow more equitable power sharing, facilitating collaboration	Activism, coercion, public consultations, litigation, ombudsman, consultative panels, engagement of media, coalition building, negotiations, co-management agreements and joint ventures

Table continued

Authors	Country	Conflict setting	Key theme	Conflict management processes
Chidhakwa	Zimbabwe	Forests managed by rural people for religious and economic purposes were declared botanical reserves by the government, restricting local access and use	Conflict management processes need to take into account differences in power and in management objectives among the stakeholders. Use of participatory data collection methods can facilitate local engagement in negotiations	Adjudication by local authorities (in the past), coercion, public dialogues, facilitation, adjudication by officials, needs assessment, local development committee, participatory rapid appraisal workshops, stakeholder meetings and negotiations
Moeliono & Fisher	Indonesia	Forced relocation of upland peoples is followed a few years later by the declaration of large areas as protected forest and marine reserves	Officials, stakeholders and local, national and international groups develop a collaborative conflict management design based on participatory action research, mediation processes, public meetings and workshops to empower local communities to participate more effectively in defining issues and negotiating key positions	Coercion, participatory action research, public dialogues, workshops, interagency meeting, activist mediation, negotiation and planning meetings
Blomley	Uganda	Conversion of forest reserves into national parks restricts local access to and use of forest resources	An international NGO facilitates a negotiated conflict mitigation process with officials and communities to re-establish limited local access to forest resources	Rapid vulnerability assessments, participatory research, facilitation, meetings and other fora, negotiations, multiple use resource programme, participatory monitoring
Pilien & Walpole	The Philippines	Conflicts arise from intense competition among diverse resource users and the declaration of the Malampaya Sound as a protected area	Conflict management requires local participation in a collaborative process involving public dialogues, consultation, networking, planning and techniques such as community mapping	Consultation, negotiations, community mapping, strategic planning workshops, task forces, coordination among agencies and communities

ANNEX

Using the conflict management case studies: some guidelines for facilitators

INTRODUCTION

A case study is a training tool to develop analytical skills by drawing examples from real life. Case study exercises concentrate on probing and understanding the complexities of particular situations. The cases can be treated separately, but they can also be compared and contrasted. It is important to understand more than just *what* happened or *how* it happened in each case. You need to consider *why* it happened: What led people to select particular options? What motivated them? What constraints did they perceive or encounter? As you and other participants discuss the cases, it will become clear that multiple interpretations are possible for most situations. The clearest understanding often emerges through the weaving together of multiple views.

EXERCISE DIRECTIONS

The goal of case study exercises is to encourage the participants to discuss the cases in a thoughtful and thorough manner. Participants must have the opportunity to read the entire case and time to reflect on it. Given the length of the studies, it is advisable to ask participants to read them before attending the discussion session. A rushed reading of the cases will undermine participants' ability to understand and analyse the materials thoughtfully.

The cases are best discussed in small groups where all participants have plenty of opportunity to share their views. Thus, it may be necessary to split large gatherings into smaller groups to facilitate discussion. The trainer or facilitator should provide direction and guidance for the discussion, but in a way that allows sufficient time for participants to discuss their views about the materials. Each case study includes a series of guiding questions to serve as the focal points for discussion.

Facilitators can follow the following procedures in carrying out the case study exercises. These are not the only way to conduct such exercises; they are simply provided as potentially useful techniques. Again, what is important is to foster a

setting where participants have the opportunity to reflect thoughtfully and exchange ideas about the cases.

Step one

Introduce the case study as an active learning method. A key point is that each case is only a piece of a story, an interpretation of what occurred and not a full history. The purpose of engaging in case study analysis is to sharpen problem-solving skills. One gains an appreciation of the need to assess probable causes and determine what additional knowledge is needed to design a conflict management strategy. One also recognizes the importance of evaluating different options in deciding what strategy to pursue.

Step two

When opening the discussion of a particular case, reviewing the content helps determine whether all the participants understood the materials (and how well they did their reading!).

Rather than simply opening with the broad question of "what happened?", provide a series of guiding questions:

- What was the conflict about?
- How did the conflict manifest itself?
- Who were the other stakeholders or interested parties?
- Why, and how, did the parties seek to resolve the conflict?
- Did the community members seek help from outsiders? (Or did outsiders intervene?)
- What resources were expended in the conflict management/resolution process?
- What was the outcome of the conflict management/resolution process?
- Did any information seem to be missing that might have helped you understand the case study better?

Step three

Having reviewed what happened, the bulk of the discussion time should next be opened to the more important consideration of why it happened, and what alternative actions and processes were possible. In addition, participants should explore the broad lessons learned from the case study and how these relate to (or contrast with) the circumstances and situations they themselves have faced.

The following questions can be useful in encouraging discussions analysing why it happened:

- Why did the conflict arise?
- Did it have a single cause or multiple causes (and how does one determine that)?
- Could the conflict have been anticipated?
- What was the role of power or power relationships in the conflict?
- Is a level playing field necessary to resolve conflicts?
- What was the role of gender in the conflict?
- What other socio-economic considerations influenced the conflict management process?
- Why did the conflict parties seek to resolve their conflict?
- Why did the conflict parties pursue their particular conflict resolution strategy?
- What other conflict resolution options were (or might have been) available?
- Were sufficient resources available for addressing the conflict?
- If you had been consulted by the parties in the conflict, what conflict resolution strategy would you have recommended?
- If the parties used negotiation, what factors contributed to their success or failure?
- How would you have conducted negotiations in the case?
- Was the conflict adequately addressed by the selected conflict management/resolution processes?
- Was the conflict resolved or simply managed?
- What are the three main lessons to be learned from this case study?
- In your experience, have you met with a similar conflict or conflict management/resolution process?
- Comparing the case with other cases you are familiar with, what conflict management or resolution processes seem to work best?

These questions can also be given to subgroups of the participants to discuss on their own. After a specified time all the subgroups can reconvene and exchange their views. Then it might be possible for the group as a whole to reach consensus about the answers.

ALTERNATIVE USES OF THE CASE STUDY ACTIVE LEARNING APPROACH

Role-playing

An alternative method for exploring the cases is to generate group findings through role playing. In this method the trainer asks each group to assign the character roles from the case study and develop a script that addresses its conclusions.

Provide 15 minutes per group presentation. Guiding points to the script development include:

◆ Identify the individual characters and their involvement in the conflict.

◆ Develop a scene where the characters interact, either in discussion or in a conflict situation, highlighting their interests and underlying concerns.

◆ Include a summary scene that explains the group's findings or proposed outcome.

Resolution design and application tool

Any conflict situation can be developed as a case and used as an analysis exercise, or as a resolution component. If stakeholders are to develop a conflict case as part of a facilitated resolution meeting, a Case Study Development Forum can be initiated to develop the ideas and provide a structure.

The purpose of the meeting is to provide time for the various participants to weave their various stories together in a single version representing all the issues that led to the conflict. A basic format for guiding the Case Study Development Forum includes the following steps:

◆ An introduction to the background information on the conflict, such as the social and physical environments, and the wider institutional, political and economic setting.

◆ A summary of the conflict, including the stakeholders, basic issues and any underlying needs and concerns.

◆ Identifying conflict management or resolution strategies, including communication and negotiation practices.

◆ Documenting the results to date and any recent or outstanding issues.

Community-based natural resource conflict management: the case of watershed planning in Metro Cebu, the Philippines

by **Jim Hafner, Mary Schlarb and Liberty Pinili***

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SUMMARY

Hafner, Schlarb and Pinili focus on resource and policy conflicts over the
management of watersheds and water supply in metropolitan Cebu in the
Philippines. As the city rapidly grows, managing its water supplies has
emerged as an urgent issue. Conflicts have arisen over the city's attempt
to control land use in three nearby watersheds. The case study explores
the efforts of the Cebu Uniting for Sustainable Water Foundation (CUSW),
Inc., a local civil society coalition seeking to address this conflict through
participatory planning by multiple stakeholders.

GUIDING QUESTIONS

KEY ISSUES

- What are the unique challenges to expanding stakeholder participation when both urban and rural interests are involved in conflicts over shared natural resources, such as in the Metro Cebu case?
- How can a conflict management process bridge wide geographical, cultural, political and socio-economic divisions among key stakeholders?

CONTEXT

- How are the benefits and costs of watershed management in Metro Cebu currently distributed between watershed residents and the main consumers of water - urban residents and businesses?
- What role have overlapping jurisdictions and policy disputes among regulatory agencies played in Metro Cebu's watershed planning conflicts?

CONFLICT BACKGROUND OR HISTORY

- Why is there a need for more reliable data on ecological change?
- Is it possible for stakeholders with a wide range of knowledge to arrive at an acceptable database for planning?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- What were the advantages and limitations of coalition building and water resource planning as conflict management strategies?
- How can local movements create a balanced role for themselves as strong advocates for political and policy changes, while also seeking to manage conflict?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- How can a conflict management process bridge wide geographical, cultural, political and socio-economic divisions?
- How can a coalition such as CUSW engage government agencies to improve an unfavourable regulatory climate?
- What are potential alternatives in Metro Cebu for moving past the deadlock in planning for watershed management?

LESSONS LEARNED
- How can CUSW rebuild strained relationships and overcome policy obstacles?
- Given the criticisms of CUSW and its connections to political elites, how might it better position itself to play a facilitator role?

KEY ISSUES

Introduction and themes

This case study focuses on resource and policy conflicts over the management of watersheds and water supply in metropolitan Cebu, the Philippines, or "Metro Cebu".[1] Located on the island of Cebu in the central Philippines, Metro Cebu is fast approaching the limits of its land and water resource base as a result of economic growth, population influx and industrial development. Rapid urban growth and persistent rural poverty have further increased the complexity and intensity of natural resource conflicts. After the detection in 1974 of saltwater intrusion into coastal aquifers, Metro Cebu's main water source, fears of a water crisis escalated. Many policy-makers and sectors of the public consider water supply to be the most urgent resource issue facing the metropolis.

This case study explores the community-based natural resource conflict management (CBNRCM) strategies of Cebu Uniting for Sustainable Water Foundation (CUSW), Inc., a local civil society coalition (see Box). In its brochure, CUSW describes itself as a "citizen's initiative and a multisectoral movement for water resources management and watershed protection". CUSW has been uniquely successful in the Philippine context at getting multiple stakeholders together to address complicated natural resource conflicts substantively. However, as a CBNRCM effort its approach may have serious limitations over the long term.

CUSW's approach to CBNRCM combines two thrusts: coalition-building and land-use planning. Its experience to date highlights several themes: (1) the facilitating role in convening stakeholders and mediating conflicts; (2) effective stakeholder participation in collaborative processes; and (3) the challenges of implementing inclusive resource planning on a large scale.

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1. Metro Cebu is not an official administrative unit, but is generally understood to include Cebu City, two adjacent cities and nine municipalities.

MAP	PROTECTED WATERSHEDS OF METRO CEBU

The Philippines

Cebu Province

Mananga, Kotkot and
Lusaran watersheds
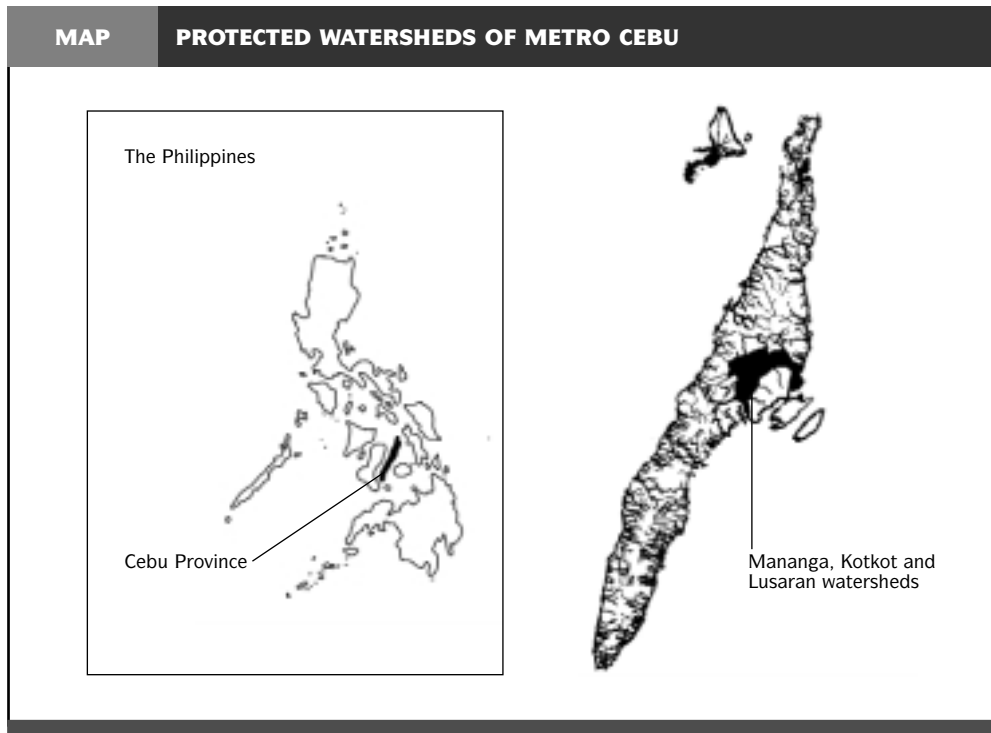
CUSW plays a dual role of facilitating public participation in, and lobbying for, integrated resources planning as a mechanism for mediating conflicts. As an "insider facilitator", CUSW creates a forum, convenes stakeholders and attempts to mediate resource conflicts (Nacario-Castro, 1997: p. 30). CUSW builds a coalition by convening many interest groups around water resources issues and demanding greater public participation in official policy making. The CUSW role of insider facilitator contrasts with other approaches that rely on a neutral, third-party facilitator or mediator.

CUSW also has clear advocacy goals around water resources management. It seeks a secure, safe and adequate water supply for all sectors and stakeholders in Metro Cebu without privileging the interests of specific groups. Since it was founded, CUSW has openly called for an integrated water resources planning process as the best means to achieve "sustainable water". Its members believe that an integrated resource and land-use planning process will "help rationalize different interests and serve as a mediation-conflict resolution mechanism" (Nacario-Castro, 1997: p. 16). However, CUSW's involvement in advocacy has also significantly limited its ability to resolve natural resource conflicts.

BOX	CEBU UNITING FOR SUSTAINABLE WATER
Founded	25 January 1995 by the non-governmental organization (NGO) coalition *Kaabag sa Sugbu*
Mission	The achievement of a holistic approach towards the protection, management and development of Cebu's water resources including, but not limited to, central Cebu's watersheds and coastal aquifers
Membership (2001)	138 organizations and 82 individuals, in 23 sectoral groups
Organizational structure	General Assembly, Water Resources Management Coordinating Council (sectoral representatives), Board of Trustees, Working Committees and Executive Staff (Executive Director and seven paid staff)
Committees	Education, Advocacy and Media Liaison; Special Projects; Development Administration; Monitoring and Evaluation; Research and Planning
Core operating budget (2000)	Approximately US$70 000, not including contracts and project funds
Funding sources	Foreign foundations, government grants and contracts, membership dues

The consequences of a dual facilitator-advocate role for conflict management are highlighted by CUSW's first major effort to integrate conflict management into a formal process of land-use planning: the Cebu City Land Use Committee (CCLUC). As a direct result of CUSW lobbying and collaboration, the Cebu City Mayor established CCLUC to develop an interim plan for land use and development in the 34 rural *barangays,* or villages, of Cebu City. The two-year planning process (1997–1999) involved CUSW, the Cebu City Government, national government agencies and civic groups. The planning area covered most of the three watersheds that are protected under national legislation.

CONTEXT

The context of watershed conflict

Rapid urban growth on a limited resource base characterizes the context of water resources management in Metro Cebu. Since conditions on the island do not favour agriculture, Cebu City developed as a regional trading hub around its central location and sheltered port. The densely populated urban area of Metro Cebu is currently confined to a narrow strip of coastline that quickly gives way to mountainous, inland areas. The upland areas have thin soils, minimal forest cover and heavy and irregular rainfall (see Table).

TABLE	STATISTICS FOR CEBU CITY, THE PHILIPPINES
Average annual temperature	24 °C
Average annual precipitation	1 600 mm (lowland), 1 800 mm (upland)
Average annual humidity	76 percent
Temperature and elevation	-0.6 °C for each 100 m elevation
Hottest average temperatures	Approx. 28.3 °C (April to June)
Highest average rainfall	Approx. 200 mm/month (July and Sept.)
Highly sloped area*	70 percent
Population in highly sloped areas	25 percent of total (1995)
Rural population growth rate	4.4 percent per annum (1990–1995)
*Based on *barangays* at least partially above 500 m in elevation and with at least 40 percent of their area covered in slopes above 17 percent.	

Sources: CCLUC-TWG, 1998; Flieger and Cusi, 1998.

Although the martial law period in the Philippines from 1972 to 1981 suffocated economic development in Metro Cebu, the local economy has boomed since the early 1990s. Cebu's political and business leaders have successfully attracted trade and investment to support industrial growth. At approximately 1.4 million people, Metro Cebu is currently the most populous and fastest-growing urban

area outside of the Philippine capital, Manila. Despite this rapid growth, long-standing problems associated with urbanization and rural poverty persist.

Business, political and civic leaders widely agree that addressing future shortages in the supply of potable water is critical to future economic development. Currently, groundwater pumped from coastal aquifers is Metro Cebu's main water source. Because the local water utility, the Metro Cebu Water District (MCWD), can only meet 30 percent of total water demand, groundwater from private wells supplies the balance of total urban water demand. Unregulated groundwater pumping and reduced recharge resulting from urbanization have caused saltwater intrusion into coastal aquifers. If growing demand cannot be met by other water sources, the aquifer faces irreversible harm. Recent estimates point to a water deficit in 2020, even if all planned water supply projects are operational by 2015 (David *et al.*, 1998). Local water shortages seem inevitable unless MCWD regulates coastal wells and upgrades distribution systems. A water shortage in the near future remains the main motive for calls to protect the three inland watersheds – the Mananga, Kotkot and Lusaran – that could provide future sources of water for Metro Cebu.

Water supply, water quality and distribution issues vary widely among populations in Metro Cebu. Rural households get water primarily from undeveloped, seasonal springs that have high levels of biological contamination.[2] In urban areas, private wells serve commercial and industrial establishments and wealthier residential subdivisions. Poor, urban neighbourhoods are typically served by a communal water tap or by water vendors. Consequently, poorer households pay three to ten times more for water than residential customers using MCWD or private wells (Largo, Inocencio and David, 1998). CUSW addresses water quality and distribution issues through an active "urban poor" sectoral group and plans for rural water supply projects. The disparities in water quality and water access remain issues that are secondary to CUSW's main emphasis on watershed protection.

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2. MCWD serves only portions of three of Cebu City's 24 rural *barangays* (CCLUC-TWG, 1998).

Cebu watershed (Photo by J. Hafner)

Opposing positions on the development of watershed resources are highly polarized and each position is supported by a national policy. The 1992 National Integrated Protected Area System (NIPAS) Act is biodiversity conservation legislation that provides the basis for watershed protection policies that local experts believe could maximize the quality and quantity of water for future dams. Despite innovative provisions for local management, early NIPAS implementation by the Department of Environment and Natural Resources (DENR) retains aspects of the Philippines' past centralized natural resource policy. Local governments, landowners, farmers and business interests oppose the emphasis on watershed protection and its effects on livelihoods and property claims. They oppose NIPAS coverage of the watersheds based on a 1991 Local Government Code that devolved many government responsibilities to the local level. Conflicting administrative boundaries, property claims and resource access rights further complicate the local policy context for water resources management. CUSW believes resource planning can resolve many conflicts between policies and basic interests.

CONFLICT BACKGROUND OR HISTORY

The Mananga, Kotkot and Lusaran watersheds have been legally protected since they were first declared "critical" to water supply in the early 1990s.[3] By that time, urban expansion and road improvement had transformed the uplands of Metro Cebu. The construction of the Transcentral Highway along the island's mountainous spine intensified migration, settlement, land speculation and commercial development in the uplands. Overall, these developments are welcome and encouraged by most local governments, rural residents and landowners. Groups allied with CUSW fear that farming practices and continued development degrades the watersheds and endangers current and future water supplies. Localized evidence to support these fears is visible in soil erosion on agricultural fields, landslides, tree cutting and contaminated springs. However, local officials have disputed many of these claims. There remains a need for more reliable data on ecological change, especially regarding the landscape-scale effects of different land uses on water yields, stream sedimentation, toxic contamination and hydrological processes.

Against a national backdrop of water crisis and approaching El Niño droughts, tensions over watershed and water-related conflicts in Metro Cebu boiled over in 1994. The media and parts of civil society attacked local officials for complacency about the water situation. Controversies related to the protected watersheds also erupted, such as controversial real estate projects, inaccurate watershed maps and the dismantling of a semi-official watershed agency. CUSW was formed during this turbulent period of public controversy.
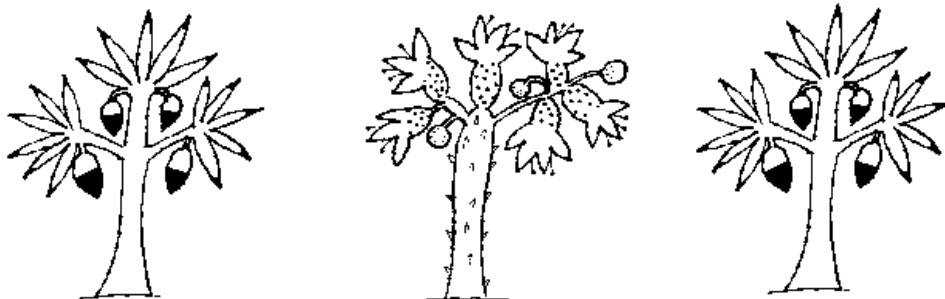
3. Administratively, central Cebu's three watersheds are classified as two protected areas: the Mananga Watershed Forest Reserve and the Kotkot-Lusaran Watershed Forest Reserve. In addition, there are two protected national parks.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

CUSW organizers did not originally found the organization to resolve resource conflicts, but in retrospect they consider the establishment of the coalition itself a conflict management method. The empowerment goals and participatory tools developed within the Philippines' community development field are consistent with existing CBNRCM approaches. Therefore, as key members of CUSW learned of CBNRCM principles and tools, the organization integrated them into coalition building and water resources planning.

Focus group (Photo by M. Schlarb)

Coalition building

In December 1994, a Cebuano non-governmental organization (NGO) network, *Kaabag sa Sugbu* (Support of Cebu), met to address interrelated concerns over water scarcity, development in the watersheds and the displacement of upland residents. *Kaabag sa Sugbu* was especially alarmed by the dismantling of the Mananga Watershed Development Authority (MWDA), a multisectoral body established in 1989 to coordinate development in the Mananga watershed. Participants created CUSW as a mechanism for establishing a technically sound and socially equitable plan for managing water resources. Its immediate goals were the formulation and institutionalization of an integrated resource management and land-use master plan (referred to as the master plan hereafter) for Metro Cebu, focusing particularly on the inland watersheds and coastal aquifers.

Kaabag sa Sugbu launched CUSW on 25 January 1995 at the first of several public consultations. The organizers identified 22 sectors or stakeholder groups around which to incorporate diverse positions and interests. Each sector elected representatives and prepared a position paper on watershed protection. A 12-point framework for watershed management was drawn up and ratified, based on the position papers and additional consultations in upland villages. CUSW viewed the framework as a guide for its activities and the master plan.

Three events prompted CUSW to develop a plan for better integrating upland stakeholder groups early on. First, at one of CUSW's initial general assembly meetings, elected *barangay* leaders staged a walkout to express frustration at what they felt was a lack of consultation and commitment to address the concerns of their communities. Second, the local media reported accusations that CUSW was involved in advancing the economic interests of its key backers in real estate development. Finally, after organizing further discussions CUSW recognized that the interests and positions of the upland residents were not as uniform as first assumed (Nacario-Castro, 1997).

Consequently, the CUSW leadership actively sought to engage watershed communities through identifying and involving representatives from many stakeholder groups. They sought broad public involvement at the outset to reach decisions taking diverse viewpoints into account, gathering support for policies and educating the public about watershed issues. As one CUSW member stated, "they will not create a successful, effective, high-impact proposal without considering the interests and needs of the community." The move to involve systematically a broad cross-section of stakeholders in resource policy formulation on this scale was new in the Philippines, and contributed to the coalition's rapid expansion.

Personal relationships with local and national politicians also strengthened the coalition. CUSW gains access to many policy-makers and politicians through social and professional networks. Its leaders regularly meet influential politicians and staff of government agencies, such as DENR, to coordinate watershed management policies and projects. At times, CUSW operates behind the scenes to shape compromises that avoid public disagreements. Through these efforts, key members of the political establishment remain supportive of resource planning and watershed conservation.

Beyond water resources planning, CUSW aimed to play a mediating role. It attempts to occupy the "middle" ground between the extremes of NGOs and grassroots groups that seek radical structural reforms such as land reform, and the political and business establishment that supports the status quo regarding economic growth and policy. Described by one CUSW member as "pluralist", this approach is thought to provide a stable, multisectoral coalition within which

to develop resource management and conflict resolution strategies relevant to particular sectors. The coalition's position in the political centre has also limited its ability to broaden public involvement. Groups unconvinced that it is wise to collaborate with national government criticize CUSW for focusing more on policy and planning than on grassroots organizing and strong political advocacy. In response, the CUSW leadership has reached out to former allies, but opposes taking actions that are thought to deviate from a focus on water.

Planning focus

CUSW 's immediate planning objective is to formulate a master plan that deals explicitly with Metro Cebu's water resources and related resource conflicts. Recognizing that compromises will be necessary, CUSW envisages a master plan that reduces conflicts by identifying and addressing, to the greatest extent possible, the concerns of all stakeholders.

The CUSW emphasis on planning stems in part from a belief that more knowledge about resource uses and their ecological effects will lead to an "equitable and objective solution". A belief exists that the scientific facts will persuade the public – but primarily government and political leaders – of the need for watershed protection. A main activity of CUSW has been the consolidation and expansion of ecological and socio-economic data. Members with specific expertise have collected relevant data for CUSW and through government contracts. A related goal is to institutionalize the master plan under the jurisdiction of one official body that would coordinate all concerned agencies, ensure implementation and monitor and evaluate compliance with the plan. In cooperation with the staff of the sponsoring lawmakers, CUSW's legislative committee drafted two bills to create a water resources development authority for Metro Cebu.

A land-use planning experiment

Early on, CUSW utilized its cooperative relationship with the Cebu City Mayor to advance resource planning by urging the creation of an official multistakeholder body: CCLUC. This 17-member ad hoc advisory committee included representatives from national government agencies (five), NGOs (two), universities (three), businesses (two), city government (three) and *barangay* government (two). The CCLUC goal was to draft land-use guidelines for the rural areas of Cebu City, an area covering more than 62 percent of the protected watersheds, and for the upland *barangays* outside of the protected areas. The CCLUC process was to facilitate working agreements between government agencies at all levels around land-use planning alternatives. Its responsibilities included formulating interim land-use guidelines, evaluating the consistency among existing policies, and recommending resource management and rural development guidelines to

the appropriate government bodies. While the entire CCLUC did not see conflict management as part of its mandate, CUSW allies on the committee sought to integrate conflict management into the resource planning process.

The mayoral order establishing CCLUC stipulated the formation of an 11-member Technical Working Group (TWG) to help the committee formulate the interim land-use plan. Composed of land-use planners, hydrologists, social scientists and development professionals, the TWG compiled a vast quantity of data relevant to the planning area. It analysed existing and new data to formulate guidelines for sustainable land use and assist CCLUC in drawing up appropriate policies and plans.

CUSW urged and facilitated the direct representation of upland residents on CCLUC through participatory rural appraisal and planning (PRAP). The TWG orchestrated the PRAPs to gather input from upland and urban residents on social, economic and ecological concerns. The PRAP included both spatial and programmatic planning for community resource management, land use and zoning. The TWG staff did not directly include any upland residents, but *barangay* leaders participated in PRAP training and selected the PRAP participants in their respective communities.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

CUSW is a politically influential coalition. However, its efforts have not yet resolved the major water-related resource conflicts in Metro Cebu. The CUSW approach to CBNRCM remains challenged by traditional and emerging social divisions defined by class, wealth, language and economic alliances, which block access to formulating policy agendas and objectives. Representatives of many sectors, including upland stakeholders, are actively involved with CUSW, but the coalition is still composed primarily of urban-based professionals, civic leaders, NGOs and government agencies. With a few exceptions, the participation – and influence – of more marginalized groups such as tenant farmers, the landless and the urban poor remains largely indirect. Initial attempts at resource planning have not substantially eased the major conflicts over watershed management.

Coalition building: status and analysis

Power relationships are highly unequal in Metro Cebu. Widespread rural poverty, a divisive political climate and strained relationships between groups and agencies provide an unfavourable backdrop for building trust. A main challenge to expanding the CUSW coalition is rural residents' mistrust. CUSW has had to confront this legacy of rural mistrust of urban dwellers, government agencies and other "outsider" groups. Against this backdrop, emphasizing watershed protection and technical planning with the goal of defending less powerful social groups has generated suspicion and maintained certain inequalities.

As an "insider facilitator" CUSW is not considered a credible convenor by all parties. Some CUSW members feel they have not been informed about important decisions and positions taken by the coalition. The public accusations that its advocacy for watershed protection has hidden motives, such as in real estate development, have coloured public support of CUSW. The validity of these accusations remains contested; however, since the suspicions remain so firmly entrenched in the public eye, CUSW may not be considered a fair mediator in the future.

Whatever its technical merits, the emphasis on watershed protection in CUSW positions and activities remains the primary obstacle to its facilitator role in planning, mediating conflicts and expanding the coalition. The CUSW policy agenda has included specific policies for watershed protection as the primary solution to Cebu's water supply problems. This alienates many people, both poor and wealthy, who have direct interests in the watershed areas. Since upland political leaders walked out of the inaugural CUSW meeting in 1995, their frustration over being excluded from agenda setting has persisted. *Barangay* officials tend to ally with city politicians, who have interests in large landholdings, real estate development or commerce. CUSW seeks to weaken the control of a well-established alliance of political and business elites on policy actions or inactions. This has shaped its views of what constitutes the "common good" *vis-à-vis* the water supply and watershed management. At the same time, several environmental NGOs and peasant organizations have criticized CUSW for what they see as a "non-confrontational" approach towards government officials and policies.

The CUSW agenda for watershed protection has yet to address convincingly and concretely the principal concerns of upland communities. In CCLUC focus groups and CUSW assessment workshops, upland participants identified livelihoods, land tenure security and resource degradation as their primary concerns. Watershed protection is seen as a threat to resource tenure and livelihoods by landowners and farmers, despite the assurances of CUSW to the contrary. Its close connections to politicians and government raise fears that CUSW's activities and agenda differ little from past policies and practices benefiting elites at the

expense of rural communities. For example, several peasant groups who oppose the expansion of public land classification and demand radical change in resource policy do not participate in CUSW. These grassroots organizations see rural poverty, land tenure and resource conservation as part of an exploitative and elitist system that includes CUSW. Unless they are brought into the dialogue, they will certainly oppose watershed management policies that fail to increase resource security and meet basic needs.

Representatives of several rural development NGOs and farmer groups do participate in CUSW, but they have little direct role in agenda setting and the design of decision-making processes. Upland stakeholders have not become involved because of communication barriers (i.e. the use of English and technical terms), formal meeting formats and high opportunity costs for participating (i.e. time, lost income). The role of sectoral representatives to CUSW and to CCLUC has also been problematic. *Barangay* officials have difficulty attending meetings in the urban centre and participating continuously because of electoral turnover.

To address these issues, CUSW and CCLUC formulated strategies for making the planning process more accessible to upland communities, including moving meetings to upland venues, holding debriefing sessions to raise awareness, and holding meetings in the local dialect. Nevertheless, the emphasis on planning retains many top-down aspects familiar to rural communities. Unequal access to information, agenda setting and decision-making power maintain existing power imbalances among social groups within the existing planning approaches.

These outcomes appear predictable in retrospect and may ultimately undermine CUSW's short-term success at managing many resource conflicts. Yet CUSW has created political space for dialogue where none existed before. Its organization of stakeholder groups and engagement of government and politicians have provided a forum for managing specific conflicts, such as those related to real estate development in the protected areas. The project and educational work of CUSW members has also eased tensions between DENR and watershed residents so that dialogue can occur.

Planning focus: status and analysis

The outcome of the CCLUC participatory planning process has been mixed. The process encountered challenges common to most large-scale planning processes: budget and time limits, inadequacy of data and lack of cooperation from government agencies. Some TWG staff and CCLUC members expressed concerns about inaccurate, insufficient and invalid data. Land-use maps, for example, were unverified and borders were unmarked. More conclusive data on the impacts of reforestation, pesticides and land uses are still lacking. Major questions remain

about how the information can be consolidated, whether the data are acceptable to all stakeholders and how they will be used. Most critically, a clear official mandate or process to initiate a comprehensive planning process remains absent.[4] The tight budget, short time frame and limited government agency cooperation placed further constraints on data collection. Overall data limitations still hamper the development of a watershed plan.

The primary obstacle to the PRAP's implementation was a lack of consensus on the need for greater participation. The TWG coordinator and other staff with community organizing backgrounds favoured greater stakeholder participation. However, other TWG staff remained unconvinced of the value, validity and accuracy of participatory tools. Scepticism towards participatory planning and conflict resolution arose from concern that the average citizen lacked the expertise to participate effectively in decision-making. Budgetary constraints and political considerations also limited stakeholder participation.

In the final stages of drafting the interim plan and land-use maps, the CCLUC process broke down. The committee officially dissolved amid controversy after eight committee members opposed the draft guidelines. Some committee members made public accusations about manipulated maps, fabricated data and violations of committee processes. In response, the mayor appointed a five-person task force to salvage the process. Composed of four CCLUC members and one facilitator, the task force submitted joint suggestions regarding changes of wording in the document. However, task force members remained divided over commercial and residential development in the uplands, and DENR jurisdiction over private lands and local government zoning.

The Cebu City Government issued the interim land-use guidelines bit by bit in May 1999, and blamed the delay in producing the four-volume report on a heavy workload. CUSW members accused the CCLUC chairperson, an influential Cebu City councillor and landowner, of manipulating the report. The CCLUC process ultimately ended amid public controversy, leaving the basic questions about watershed management policies and the relationship between local and national policy jurisdictions unresolved.[5]

Lobbying for a watershed authority to oversee a master plan has involved CUSW in additional political struggles and has created tension with some members.

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4. Former President Estrada pledged 10 million pesos (P) for the master plan, in addition to the P3 million each pledged by the Cebu Provincial Government and the Cebu City Government. The Cebu City Government has released the first tranche of P500 000, but the Provincial Government and the national government have yet to fulfil their promise. It is not clear if and when CUSW will get the P10 million pledged by ex-president Estrada.

5. DENR recently filed a court case challenging Cebu City's jurisdiction over zoning ordinances within the protected watersheds. Although CUSW decided not to join the lawsuit, some of its members did sign on.

Existing regulatory agencies and local municipalities view another legal body as a threat to their authority. MCWD, for example, opposed the first watershed authority bill because it transferred MCWD assets and responsibilities to the proposed watershed authority. MCWD also believes that the scope of water distribution and regulation is too broad for a centralized authority. Institutionalization of a master plan has led to a jurisdictional struggle with some of CUSW's key supporters.

From the outside, CUSW's approach to managing resource conflicts appears questionable. The emphasis on a master plan and the protected watersheds may turn out to be both politically and technically misguided. To have an impact on the water supply problem, the proposed framework for watershed protection requires many other complementary policies that are equally controversial. Moreover, CUSW's emphasis on watershed protection under NIPAS and DENR allows little room for compromise. This position and specific policies that CUSW has proposed hampers its ability to convene and directly involve the broadest cross-section.

LESSONS LEARNED

The CUSW approach highlights several lessons common to large-scale resource conflicts and important to the broader field of CBNRCM. As rural areas of Southeast Asia become increasingly integrated into growing urban centres, these lessons will become progressively more relevant to the theory and practice of CBNRCM in the region.

Conflict management and large-scale resource-planning. CUSW has approached conflict within a planning framework. A watershed management framework can help disentangle and manage interrelated natural resource issues and conflicts. But CUSW's approach to watershed management so far has accentuated the divisions in interests and political strategies between some traditional social alliances and emerging coalitions within civil society. The challenges of facilitating greater grassroots participation in lengthy and highly technical planning processes have also been great. At an operational level, facilitators held different perspectives on how to approach conflict management, such as mediation, litigation, legislation, capacity building, stakeholder involvement or scientific studies. However, the subordination of conflict management to watershed protection and planning goals left little opportunity for compromise, and ultimately led to deadlock in resolving conflicts. Building support and commitment for a larger planning effort is a slow process that is not appropriate for what many feel is an urgent environmental situation. From this perspective, CUSW's political strategy to support national legislation on watershed protection is understandable.

The role of scientific information. CUSW approached the land-use planning process believing that gathering technical data on water and the watersheds would lead committee members to make decisions independent of their personal and political interests. Despite the CCLUC outcome, CUSW and its allies still expect that the scientific information will support their position on watershed protection. Although technical knowledge may be crucial to managing some resource conflicts, the experience of CCLUC highlights its often indecisive role in reaching decisions through consensus.

Advocacy and facilitation. Many stakeholders do not see CUSW as a fair facilitator because of its advocacy for resource planning. Its strategy of defining water resource issues in terms of watershed protection limited the range of "valid" issues. As a result, the issue of water supply has dominated the policy agenda, overshadowing the interests and needs of upland communities. This has marginalized some groups and limited their ability to participate in agenda setting later on. Although they are a general concern, water-related conflicts are universally divisive.

CUSW's advocacy for watershed protection has limited its ability to facilitate dialogue that leads to compromise. Advocates of watershed protection argue that the availability and accessibility of potable water is directly tied to the possibilities for continued economic development in Metro Cebu. Thus, CUSW believes deeply that its position is "right" because it is supported by laws, valid technical information and a broad coalition. Within the Philippine context, generating a citizen's voice to hold politicians accountable and address environmental issues also gives CUSW's mission a moral tone. The strong ideological commitment of CUSW's core membership to watershed protection leads to a conflict management approach that fundamentally alienates some stakeholder groups and does not allow compromise. Without mechanisms for building trust and agreements on mutually acceptable processes, the compromises needed for managing resource conflicts are extremely hard to find.

Legacies of mistrust. Resource conflicts in Metro Cebu are strongly influenced by longstanding relationships between social classes, rural and urban groups and social alliances. The history of rural Cebu, and social and institutional biases against upland people in the Philippines, create mistrust of government and outside initiatives among upland residents. Consequently, CUSW's emphasis on cooperation with government agencies and policies undermines its efforts at conflict management. The emphasis on watershed protection policies is viewed with suspicion by rural residents and seen as another "resource grab" by the government, wealthy people who live in urban areas and politically influential families. A recognition is growing in Metro Cebu that sincerity, projects and more participatory approaches cannot overcome the mistrust and inbuilt power relationships among groups and rooted in societal inequalities. These power imbalances are a universal feature of natural resource conflicts. However, personal and institutional differences in power are likely to be greater and more complex where local resource conflicts span large areas undergoing rapid change.

Evaluating and adapting CBNRCM. Finally, this case study illustrates the need to assess and adapt conflict management approaches in a way that is appropriate for a local setting. The consequences of the CUSW planning strategy and its use of stakeholder participation, in particular, highlight the potential dangers of translating general principles and "best practices" of CBNRCM into specific strategies. The resource and political complexities of Metro Cebu suggest that stakeholder participation and consensus-based decision-making will not occur simply through awareness raising, education and good facilitation. Even if more powerful players give up power, cultural and institutional barriers will still block the stakeholder participation considered necessary to manage resource conflicts.

However, developing "best local practices" for conflict management requires a reassessment of the relevance of many assumptions behind specific, often widely accepted, CBNRCM practices. For example, the perceived weaknesses of CUSW's approach to conflict management can only be evaluated usefully in light of the local political context. Full and timely participation in a large-scale planning process by upland and other disenfranchised groups may be impossible in Metro Cebu's current political and policy context. With complementary policy reforms, a watershed management body might provide an institutionalized mechanism for greater local control and public participation. CUSW is one of several initiatives in Metro Cebu whose approach is based on the principles of conflict management (Nacario-Castro, 1997). However, local norms of participatory democracy and the mechanisms for decentralized decision-making are still taking shape in the Philippines. Consequently, creating an incentive for collaborative policy dialogue requires political force that constructively opposes traditional political alliances and raises their public accountability. The mix of political power, confrontation and facilitation may have been necessary to create political space to express stakeholder interests and address resource conflicts. Local conflict management efforts can never strictly conform to external models of conflict management and political organizing. Their norms and principles are best used critically to inspire local CBNRCM efforts.

CONCLUSION

CUSW's approach to facilitation and advocacy is problematic for short-term conflict management. A central role for watershed protection in water resources planning is justified. But specific aspects of CUSW's agenda for watershed protection and its alliance with DENR limits its effectiveness as a convenor, facilitator and mediator among all stakeholders. In addition, key groups of stakeholders, some of whom oppose many watershed protection policies, have little ability to influence the agenda of the coalition, and therefore little incentive to partic-

ipate directly in decision-making. Despite greater stakeholder involvement in policy-making, personal and institutional differences in power remain important obstacles to CBNRCM in Metro Cebu.

CUSW activities remain consistent with its original goal: holding government and politicians accountable for responding to the water situation with foresight, technical competence and public input. In five years it has rallied an impressive group of supporters and successfully challenged well-established interests for influence over the policy agenda. Despite its setbacks, CCLUC was a ground-breaking effort in land-use planning in the Philippines because of its scale and local government support. Even reluctant collaboration among political, government and NGO sectors on local policy is rare. It is very possible that CUSW's approach may eventually create the conditions in which other complementary approaches to conflict management could be introduced and adapted.[6]

REFERENCES

CCLUC-TWG. 1998. *Interim Land Use Plan and Resource Management Guidelines of the Hillyland Barangays of Cebu City (1998-2003), Vol. I.* Cebu City, Philippines.

David, C.C., Inocencio, A.B., Largo, F.M. & Walag, E.L. 1998. The case for policy and institutional reforms in Metro Cebu. Paper presented at the Workshop on Urban Water Issues in Metro Cebu (PIDS/WRC-USC/RAFI), 17 June 1998. Cebu City, Philippines.

Flieger, F. & Cusi, A.B. 1998. *The mountains of Cebu and their inhabitants.* Honolulu and Cebu City, Program on Population, East-West Center and Office of Population Studies, University of San Carlos, Philippines.

Largo, F., Inocencio, A. & David, C. 1998. Understanding household water demand for Metro Cebu. Paper presented at the Workshop on Urban Water Issues in Metro Cebu (PIDS/WRC-USC/RAFI), 17 June 1998. Cebu City, Philippines.

Nacario-Castro, E. 1997. *When the well runs dry: a civil initiative in watershed planning and management in the Philippines.* Cebu City, Philippines, Ramon Aboitiz Foundation Inc. and CUSW.

6. In 1998 a five-year bilateral assistance project started with the objective of establishing a stakeholder board for environmental management in Metro Cebu. The project adapts its approach and processes directly from a North American experience with large-scale river basin management. At present, CUSW participates as a stakeholder in this project.

Conflict resolution in the Namanve Peri-Urban Reforestation Project in Uganda

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SUMMARY

Kazoora's case study deals with Namanve Central Forest Reserve on the outskirts of Kampala, Uganda. In the mid-1990s, the Ugandan Government made the land available for industrial development. Conflict arose over the issue of compensating farmers (largely retired civil servants) who had planted trees in the reserve as part of a peri-urban plantation project. The farmers organized themselves into an association to pursue their grievance through administrative, political and legal remedies. The study illustrates the importance of formal legal mechanisms in natural resource conflict resolution, including in the process of determining resource valuation for purposes of compensation.

GUIDING QUESTIONS

KEY ISSUES
- What are the differences between negotiation, mediation and adjudication?
- Who are the stakeholders or interested parties?

CONTEXT
- Do conflicts over natural resources in urban areas differ from those occurring in the countryside?
- Did the conflict over compensation involve all parties with an interest in the forest?

CONFLICT BACKGROUND OR HISTORY
- What role did formal political institutions play in the development of the conflict?
- Why did the farmers take their case to court?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES
- Why did the policies and practices associated with forest permits end up contributing to the conflict?
- What role did the Solicitor General play in the conflict management process?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES
- What was the basis for the judge's decision?
- Were all issues in the conflict resolved?

LESSONS LEARNED
- What are the advantages and disadvantages of negotiation, mediation and adjudication as approaches to natural resource conflict management?
- How could forestry policies and practices be altered to promote increased local participation?

KEY ISSUES

Owing to the diverse interests of stakeholders in the use of forest resources, conflict is often inevitable. However, one can assume that those who are largely dependent on forest resources for their livelihoods or who have property rights will either have compelling reasons to seek to resolve conflict or a moral responsibility to do so. The central issue in this case study was to resolve conflict between the farmers and the Uganda Investment Authority (UIA), a government agency responsible for granting licences and land to investors, before the Uganda Land Commission (ULC) could effect a transfer of land title to UIA. The farmers had planted woodlots in Namanve Central Forest Reserve under a permit issued under the Forest Act of 1964. The permit outlined the conditions with which the farmers had to comply.

In January 1997, the government degazetted 1 006 ha of the reserve to create an industrial park to be managed by UIA. Of that land, 260 ha were used by farmers who had been granted authorization to plant eucalyptus woodlots.

The remaining part had been planted by the Forest Department. The case was settled through adjudication after the parties failed to agree on the amount for compensation. Although the farmers were not entitled to own land in the reserve, they nonetheless lost the use rights they had acquired under the permits.

In presenting the case study, the intention is to show policy-makers, conservationists and trainers that effective conflict resolution in the use of forest resources starts with integrating conflict management in the forest law, and in other laws and regulations. The case study is valuable in highlighting how community-based natural resource conflict management processes can occur within the domains of administrative and civil law.

The author's objectives are to:

1. illuminate the interplay between negotiation and adjudication processes in conflict resolution;

2. examine the relevance of standard "boilerplate" contracts used by the Forest Department, and official procedures for addressing specific resource conflict situations;

3. demonstrate the role financial and social resources controlled by individuals or groups of individuals can play in influencing conflict management strategies; and

4. highlight the importance of proper resource valuation in conflict resolution.

The key concepts are adjudication, negotiation, mediation and political processes for conflict management. These concepts are important in the case because each one could be employed to resolve conflict without necessarily being linked

to another. However, when all of them are used, as they were in this case, it is interesting to examine the relationship between them, and how they can link together in conflict resolution. By virtue of the key concepts mentioned previously, this case will be of interest to politicians, lawyers, administrators, academics and resource economists.

The case study shows that when the use of a resource that hitherto was accessed by many stakeholders is changed without exercising the principle of equity, conflict will result. It also shows that conflicting parties can follow a process that begins with avoidance and moves on to negotiation before resorting to other methods, such as adjudication or coercion. Finally, it shows that by pooling their resources, farmers found it cheaper than it would otherwise have been to pursue the case. Their collective action was also strengthened by the fact that their aims were the same. They agreed on the methodology for valuing their trees. Had there been great differences between them on valuation procedures, conflict management strategies would probably have differed.

The fresh insight offered by the case is that it should not be assumed that institutions responsible for the implementation of forest policies and laws understand them and have the capacity to handle conflict when it arises.

This particular case will be of interest to a wide audience because the strategy of adjudication is universal in conflict resolution situations, although the laws under which it is administered differ from one country to another. This in itself could be an object of study. Many societies resort to the rule of law when other processes and strategies fail to resolve a conflict situation.

The time line indicating milestones, key events and actors is given in the Box. This time line is referred to throughout the case study.

BOX	TIME LINE FOR CONFLICT RESOLUTION PROCESS	
Date	**Key events**	**Milestones**
December 1996	Parliament debates the degazettement of Namanve	Minister for Natural Resources gives a degazettement order on 30 December 1996
January 1997	Statutory Instrument No. 1 released by government	1 006 ha cease to be a forest reserve with effect from the date of the order

Box continued

Date	Key events	Milestones
February 1997	Farmers form UWFA and elect Mr Kagoolo as chairperson	Farmers form an association, a legal entity that can sue and be sued
February 1997	Mr Kagoolo writes to UIA asking for negotiation No response received	
June 1997	Mr Kagoolo writes to UIA again, seeking negotiation	No response received
October 1997	UIA makes application for a lease over the degazetted area	ULC offers the lease on 10 February
April 1998	UWFA secures the services of a lawyer, Mr Muhanguzi	Mr Muhanguzi establishes that UIA is in the process of getting a land title before paying compensation to farmers
July 1998	Farmers sue UIA (Mr Twijukye and others versus UIA)	The conflict moves from avoidance to adjudication
July 1998	Farmers seek injunction on the planned development by UIA	UWFA puts a caveat on the degazetted land
August 1998	UIA agrees to compensation in principle, and appoints the Chief Government Valuer to calculate it	Valuation is done in September and October 1998, and a valuation report is released in March 1999
August 1998	Chief Judge summons the Chief Government Valuer to give evidence	The valuer defends the methods used for valuation and the proposed compensation amount of USh2 021 513
September 1999	Chief Judge makes the court ruling	Compensation of USh2 021 513 is awarded, with interest at 25 percent
September to November 1999	UIA asks High Court to review judgment,	High Court upholds judgment over principal and allows UIA to appeal over interest
March 2000	UIA pays the farmers principal of compensation	UIA secures the land title and authorizes EIA to develop an industrial park

CONTEXT

The conflict took place over Namanve Central Forest Reserve, located 10 km east of Kampala City. It was gazetted, i.e. listed as a publicly owned area, in 1930, with land use restricted to supplying poles and fuelwood to the poorer areas of the city. In total, it covers 2 018 ha, a third of which is inundated and is an extension of a swamp that stretches from Lake Victoria. The rest is raised, well-drained land on which eucalyptus has been planted to replace the luxuriant vegetation that once existed. Environmentally, part of the reserve is a wetland that purifies water before it enters Lake Victoria (an international body of water), which supplies the urban population with water. Another resource within the reserve is sand, which is mined for building. The Map shows Namanve Central Forest Reserve and its location.

MAP	LOCATION OF NAMANVE CENTRAL FOREST RESERVE

Map legend:
- Tarmac road
- Murram road
- Railway
- Original Forest Reserve boundary
- Wetland
- Built area
- Open water
- Degazetted
- Remnants of the Forest Reserve

Locations: Namugongo, Seta, Mukono, Bweyogerere, Kyambogo, Kireka, Namilyango, Kyobe Swamp, Luzira, Port Bell, Lake Victoria
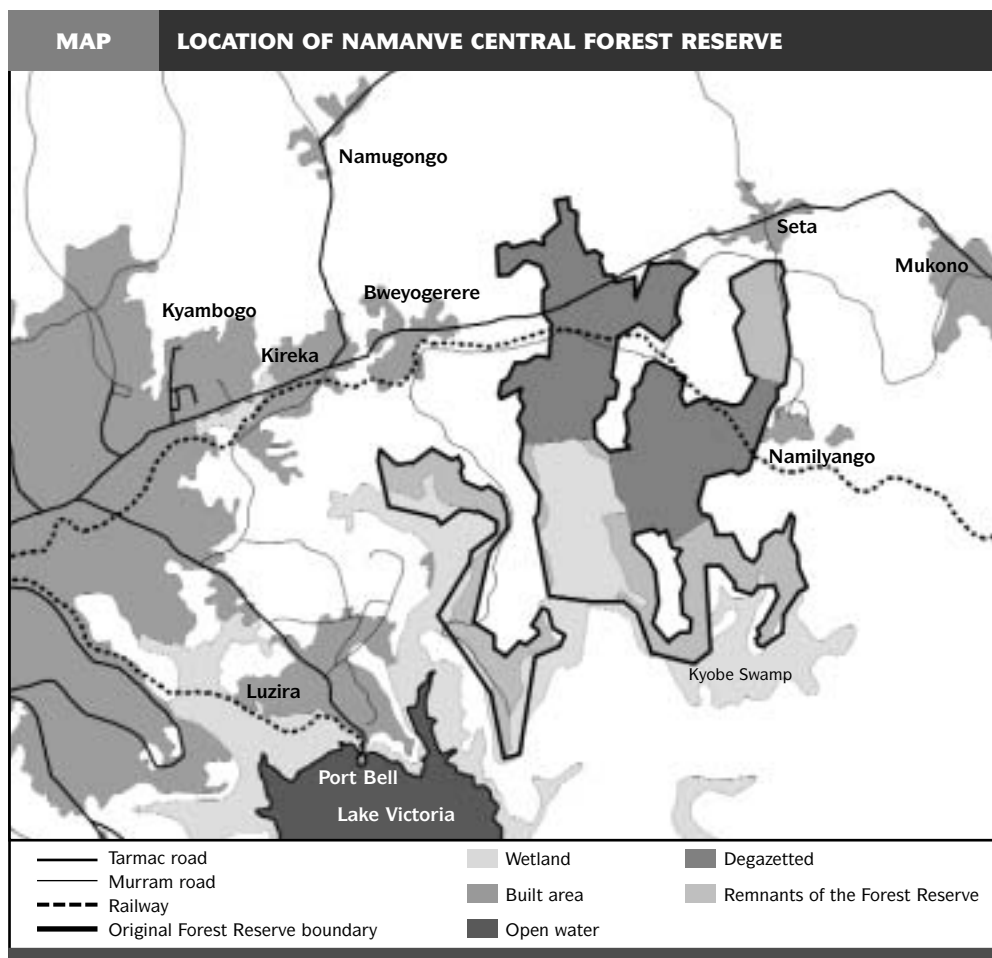
Mainly peasant farmers, especially from the Baganda tribe, surround Namanve, which is predominantly planted to eucalyptus trees. Before 1989, only the Forest Department planted trees there. However, the area is peri-urban and other tribes have settled there.

A large section of the local population depended on the forest for employment and sometimes for cultivation of food crops in clear-felled areas. The small towns of Bweyogerere and Seta share boundaries with the reserve, and their populations depend on it for building poles and fuelwood. Some residents from these areas were dependent on trade in poles, fuelwood and sand. Occasionally, the Forest Department found some people undertaking illegal activities, such as construction, settlement and grazing, without permits. Exercising its powers under the law, it would evict them.

Politically, the government wanted to maintain its credibility with investors it had wooed to the country, and it therefore had to prove that the environment was favourable for them by providing land, among other things. However, it is government policy to promote ecologically sound investment, and this is why the government formulated the National Environment Statute of 1995. Under the terms of the statute, certain listed projects, such as those concerned with industrial development, are subjected to environmental impact assessment (EIA). The guidelines and regulations for EIA have been developed by the National Environment Management Authority (NEMA), which has a mandate to supervise, monitor and coordinate environmental management in the country. In short, industrial or any other kind of economic expansion should be harmonized with the desire for sustainable environmental protection.

Thus it was that, in its attempt to provide land for investors, the government degazetted 1 006 ha of the reserve in 1997, for the purpose of establishing an industrial park, to be managed by UIA. The key stakeholders in this conflict are shown in the Table.
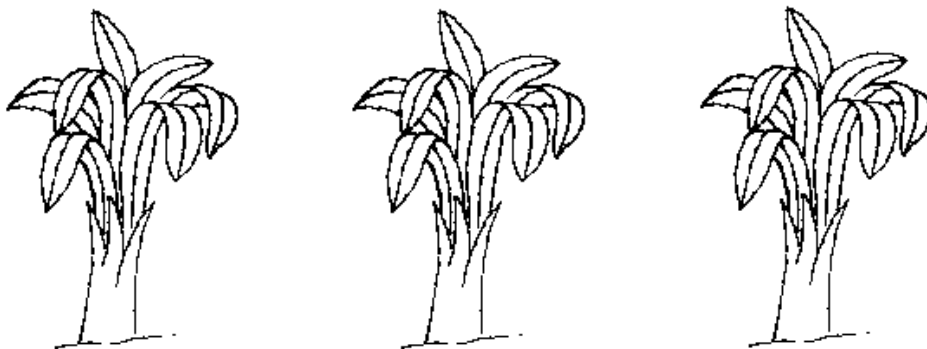
TABLE	STAKEHOLDERS IN THE NAMANVE CONFLICT AND THEIR RESPECTIVE INTERESTS	
Stakeholder	**Interests**	
UWFA	Compensation for their trees	
UIA	Land for an industrial park, free of any encumbrances and claim by other parties	
Ministry of Finance and Economic Planning	The amount of compensation farmers would demand	
Forest Department	Namanve to remain a forest	
Kampala City Council	Industrial area expansion	
Veterinary Department	Holding ground for cattle in quarantine	
Environmentalists	Namanve to remain a "green belt" in the capital city	
Natural Wetlands Programme	Conservation of wetlands	
The President	Land for investors	
Uganda Railways Corporation	Railway line passing through Namanve forest	

The primary stakeholders in the dispute were UIA, a government agency for processing and granting licences to investors, and the wood farmers. The farmers consisted of a wide range of people and institutions, including retired civil servants (some of whom had once served as foresters), well-to-do individuals, non-governmental organizations (NGOs) and institutions such as the army. The farmers were not poor peasants, but well-to-do individuals, since the conditions that had to be satisfied before a farmer (or a group) could apply for a minimum of 5 ha from the reserve under the peri-urban plantation project eliminated poor farmers. They could not afford to invest in such a big piece of land over a long period of time.

Serving civil servants who could hire labour to work for them were also allowed to participate in the project, and indeed some of them were foresters from the Forest Department.

It should be noted that this project was not confined only to Namanve Central Forest Reserve. It also included other peri-urban reserves in the towns of Mbarara, Arua, Jinja, Tororo, Mbale, Kasese and Soroti. It was a project aimed at alleviating fuel shortages where a biomass study had highlighted potential energy shortages. The project was funded by the Norwegian Agency for International Development (NORAD) under a broad World Bank Forest Rehabilitation Programme that started in 1988. It sought to involve local communities surrounding the forests, individuals, NGOs, etc. in replanting and managing the forest. This introduced a new concept: managing forests with the people.

It was not usual for well-to-do farmers, or even very poor peasants, to engage in such forestry. The project brought with it an innovation – working with the people in forest management – and provided two types of incentive for this. These were access to the use of government land and a nominal charge of USh25 000 (equivalent to about US$25) for 5 ha for five years, subject to renewal. But the way the project was designed did not allow poor peasants to participate, and the relationship between the well-to-do farmers in the conflict and the poor peasants was sometimes a "master-servant" relationship (where the latter agreed to work for the former). When there was no contractual relationship, the two groups simply observed each other.

There were two kinds of resources involved in this conflict, namely eucalyptus trees in the case of well-to-do farmers, and land (which accommodated the farmers' trees) in the case of UIA. UIA falls under the Ministry of Finance and Economic Development, but is an autonomous body.

No regional or global institutions were directly involved in the conflict. However, of the national and foreign investors who wanted land, some wished to take advantage of a liberalized trade regime to penetrate a global market, while others wanted to be located near the largest market in Uganda, Kampala City.

CONFLICT BACKGROUND OR HISTORY

By 1995, it had become clear that, as more and more investors responded to the government's call for investment, land around Kampala, the capital city, was becoming scarce. Complaints were raised by would-be investors about land scarcity. The President, Mr Kaguta Y. Museveni, came to know about this when the Chairperson of the Uganda Manufacturers' Association (UMA), Mr Mulwana, referred to the problem in a speech at a trade fair organized by the association in October 1995. UMA is an umbrella organization for manufacturers and other investors.

The President asked the then Ministry of Natural Resources[1] where land could be secured. The Ministry gave him a report in early 1996: according to land-use zoning by the Physical Planning Unit of the same Ministry, part of Namanve Central Forest Reserve had been earmarked for industrial expansion under the Greater Kampala Development Plan.

One may wonder whether the farmers anticipated the land-use change, and whether their planting was speculative. Given that they had started plantations back in 1989 and increased gradually over time (see Figure on p. 53), following standards that had been set for all eight peri-urban areas, it is difficult to argue that the motive was speculation. Besides, they were scattered in different compartments within the reserve (compartments 1, 2, 10, 13, 15 and 16). Others were not affected by the degazettement (see Map on p. 44) and they maintained their plantations.

Based on the report from the Physical Planning Unit, the government went through the process of degazetting the reserve. Because gazettement is authorized by Parliament, degazettement is also effected by the same institution. So, degazettement had to be tabled and discussed in Parliament. Some members of Parliament, especially members of the sectoral committee on natural resources, challenged the decision because they had not been consulted before the matter was brought to Parliament. They felt that the Executive (Cabinet) was undermining their authority. Their Chairperson was the Late Hon. David Mageezi. They sought to defer degazettement and as a compromise demanded that a compensatory area be found for a plantation.

A meeting was also held between the President and the Parliament's sectoral committee on natural resources. The President wished to secure land for an industrial park after consultation with technical departments of the government. He argued that, being under a monoculture of eucalyptus, Namanve did not have a high biodiversity value. Environmentalists argued that it would deny Kampala the only forest ecosystem whose services were needed. Journalists followed developments and the matter received extensive coverage in the local media.

After several other consultations and meetings, Parliament, including the sectoral committee on natural resources, agreed to degazette only a part of Namanve (1 006 ha). The Minister for Natural Resources gave the order for degazettement on 30 December 1996. This was effected under Statutory Instrument No. 1 of 1997. The instrument amended the Forest Reserve (Declaration) Order of 1968. The effect was that the 1 006 ha (consisting of compartments 1, 2, 10, 13, 15 and 16 in Namanve Central Forest Reserve) ceased to be a forest reserve with effect from 30 December 1996, the date of the order.

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1. The Ministry has since been renamed the Ministry of Water, Lands and Environment.

The farmers started panicking, fearful that they were about to lose their investments. Mindful of the threat, they started to hold informal meetings among themselves to discuss what to do. Eventually, they decided to form an association and register it with the Registrar of Companies, which they did in February 1997. The name of the association was the Uganda Woodfarmers' Association (UWFA).

By being registered, the association became recognized in law as an entity, with the powers to sue and be sued in its own name. The members also elected an executive committee. The total membership of the association was about 70 people. In law, a legal entity is recognized as an artificial person entitled to certain rights in accordance with the law under which it is formed.

In February 1997, Mr S. Kagoolo, Chairperson of UWFA, wrote to the Executive Director of UIA, asking to negotiate compensation on behalf of the members for their trees only. They were not asking for compensation for land since they had only been given permits to *use* the land to grow trees, not to *own* it. UIA did not respond. In June 1997, Mr Kagoolo wrote once more, but again he did not receive a reply. The panic and fear among the farmers intensified.

In the meantime, UIA had begun the process of taking possession of the degazetted area. On 10 February 1998, ULC offered a lease to UIA for the degazetted land (1 006 ha). A lease is conveyed in the form of a legal document prescribing the lessee, the land area, its location, and the terms and conditions for leasing it.

When UWFA's members learned of this development, they realized that unless they lodged their complaints quickly, UIA would acquire title to the land.

In that event, there was a risk that UIA would remove the farmers' trees before any compensation was paid. Even with the likelihood of compensation in retrospect, once the evidence (trees) was removed, the farmers' chances of negotiating fair compensation would be reduced. Accordingly, they acquired the services of a lawyer, Mr Muhanguzi. There was one major requirement concerning the choice of lawyer: the person chosen had to be convinced that the farmers had a good case, for he/she had to be willing to be paid his/her professional fees after the court ruling.

Mr Muhanguzi conducted a search with ULC and established that UIA had applied for a land title. ULC is the only agency in Uganda mandated to issue and transfer land titles. It has a central registry for all such titles. The lawyer advised UWFA that the only way to prevent UIA from acquiring a land title was to lodge a caveat with the Registrar of Titles in ULC. A caveat is a form of complaint or warning stopping someone from doing something unless the person raising the complaint withdraws it or his/her consent is sought in effecting a transaction. The caveat was lodged with ULC on behalf of farmers in July 1998. Lodging

caveats with ULC until the grievances of the aggrieved party are listened to and resolved is normal practice under Ugandan law.

In addition the farmers, represented by Mr K Twijukye and others, filed a case in the High Court in July 1998 (Case No.761 of 1998). The legal process in Uganda follows a long vertical structure in the following order: Local Council 1 (LC1) Court (village level), LC2 Court (parish level), LC3 Court (subcounty level) and LC4 Court (county level). Then follow Grade 3 Court, Grade 2 Court, Grade 1 Court and the Chief Magistrate's Court. Higher still there is the High Court. Above this are Courts of Appeal and the Constitutional Court of Appeal, at the same level. Above them all is the Supreme Court.

Case No. 761 of 1998, Kabbs Twijukye and others (plaintiffs) versus UIA (defendant), was lodged in the High Court. This was because it was the lowest court in the legal system structure with unlimited jurisdiction over the case. The lower court (Chief Magistrate's Court) could not hear the case because, when compensation is claimed, it can only handle cases where the amount involved is less than USh5 million.

Realizing that it could not get a land title without removing the caveat, and with a pending court case, UIA finally responded to the letters that UWFA had sent it in February and June 1997. It agreed to the issue of compensation in principle, and stated that it had appointed the Chief Government Valuer, Mr Eddy Nsamba Gayiiya, to value the woodlots. The role of the valuer was to inform the conflict resolution process about the value of the trees.

To both UIA and the farmers, the valuer was like a mediator who was only facilitating negotiations without imposing his valuation on either party in the conflict resolution processes.

The valuer arrived at a valuation of the woodlots in September and October 1998. During the valuation process, he held several meetings that were attended by staff from the Forest Department and UIA. He also collected data and information in writing from them and interviewed several people. He produced his report in March 1999.

However, UIA disregarded the valuation report for two reasons, namely that the value of USh2 021 513 was too high, and that the Forest Rules, which constituted part of the permits to farmers, did not allow for compensation.

For their part, the farmers were satisfied with the valuation report and the amount of compensation. Because UIA was not willing to pay compensation, the farmers requested their lawyer to pursue legal action further through the High Court.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

Overall, this conflict could have been avoided if the two opposing parties had interpreted the conditions attached to the farmers' permits in the same way. The permit (Form E) under the Forest Act of 1964 has six standard conditions.

However, these were not the focus of interpretation in the conflict. The permit has space on which the Issuing Officer (Commission for Forestry) states additional special conditions. Two out of ten additional conditions state:

1. *The renewal of the permit after 5 years shall depend on the adherence to the conditions of the same by the holder.*
2. *The Issuing Officer may at any time terminate this permit by giving the permit holder one year's notice.*

In addition, the permit is governed by the Forest Rules, under the same act. These are standard rules, and one of them provides that:

14(3) On expiration or determination of a permit, unless there is an agreement to the contrary, the holder shall not be entitled to compensation for any improvements made by him to any land to which the permit relates or for any crops planted by him in any such land and all fixtures on any such land shall become the property of the government.

The Forest Department, perhaps fearing political pressure, tried to cancel all the permits it had given to farmers. This action was based on the above provision in the permits stating that one year's notice would be given if the permit had to be cancelled by the Issuing Officer.

There was no provision for arbitration if the other party were affected negatively (see Forest Rule 14(3) above). This rule was clearly one-sided and potentially explosive. Being a group composed of individuals of generally high social, economic and academic standing, the farmers held consultations with other people who have some status in society and established good grounds to pursue their case with the government for fair compensation.

The reaction by the Forest Department exposed its weakness in still having permits with standard rules, as it had since 1964. Equally exposed were its inertia and failure to design contract-specific terms, in agreement with other national laws and culture, for building partnerships with the private sector and communities in forest management. It is true that in the past, as a party to the permits, the Forest Department had resolved some form of conflict it had had with its contracting parties. This case, however, exposed it to the wider public and brought new dimensions in interpreting the very Forest Rules of which it was a custodian.

There is another side to this story. The farmers, too, who agreed to invest in trees under the relevant conditions and rules, did so without seriously examining those rules, which were certainly one-sided and a potential source of discomfort.

For its part, UIA argued that the land leased to it was government land free of any encumbrances or claims from other parties, and stated that it was not willing to pay compensation. It cited a precedent whereby the government (the Forest Department) had given land to a private company (a well-known soft drinks manufacturer) in the mid-1990s for industrial development, and no compensation was requested by the Forest Department for its trees.

The farmers argued that the Constitution of Uganda guaranteed them the right to own property (in this case trees), and that in the event of compulsory seizure of their property they were entitled to compensation before it was removed. It is important to note that the farmers, in their reasoning, quoted constitutional provisions. The Constitution was promulgated in 1995, after the farmers had acquired and used the permits.

They also argued that they had responded to the government's policy of private sector participation in economic development by taking up permits, a form of property right to plant trees. In natural resources management, property rights are an important concept because they give the owner incentives to manage the resource sustainably. Resources not subject to any property rights, e.g. open-access resources, have been vulnerable to overexploitation and degradation. The permit, as an example of a property right, gives access to the use of a resource under certain rules. The rules are important because they define the rights and obligations of the contracting parties and are helpful in situations where arbitration is sought.

Generally, despite its limitations, the permit system in forestry has been found to be an effective economic instrument to encourage private sector participation in reforestation of forest reserves (Kazoora, 2000).

The Figure is illustrative of the private sector participation *vis-à-vis* the Forest Department in the eight reserves in which this type of economic instrument has been employed. The trend is that the private farmers in all eight reserves are planting more land area than the Forest Department, and using their own savings to do it. So, if the farmers in Namanve Central Forest Reserve lost the case, it would send out a message to other farmers in the rest of Namanve Central Forest Reserve (which was not degazetted) and other reserves countrywide that the permits provided little protection for the farmers' efforts in reforestation. They would also have little incentive to carry on. This case therefore needed to be handled extremely carefully because of its likely effects on private incentives in reforestation in Uganda.

| FIGURE | CUMULATIVE HECTARES PLANTED BY PRIVATE FARMERS AND THE FOREST DEPARTMENT IN NAMANVE CENTRAL FOREST RESERVE, 1990–1999 |
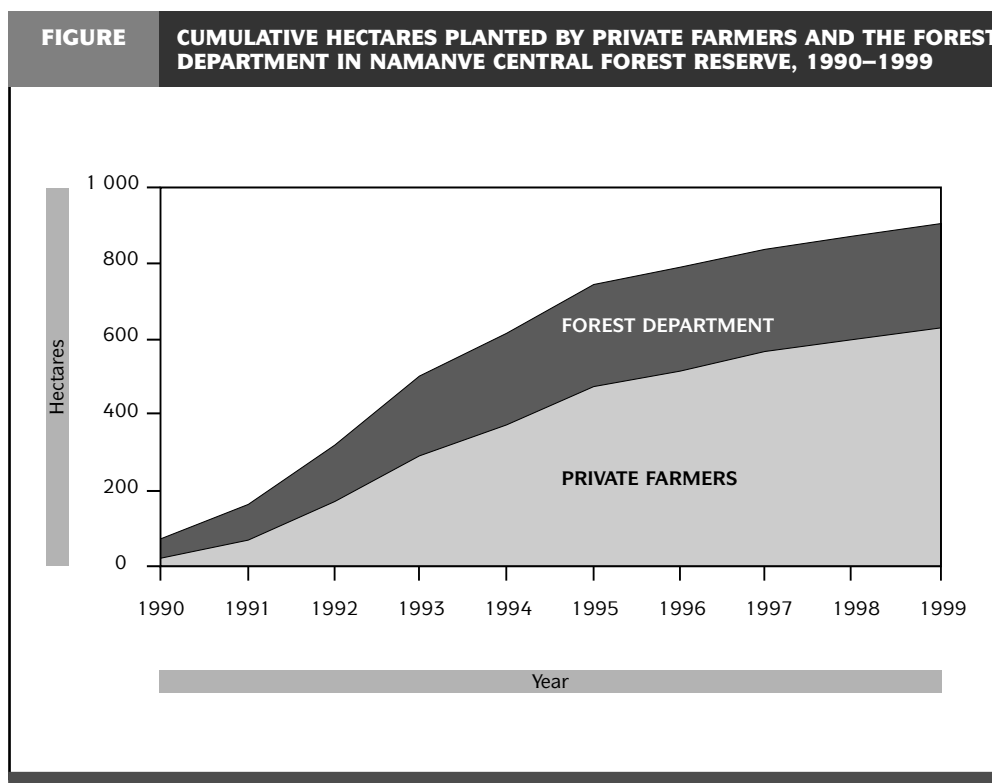
Source: Peri-Urban Project, Forest Department.

UIA sought legal opinion from the Solicitor General once it had refused to pay compensation to the farmers. The Solicitor General is employed by the government and, as a government agency, UIA was entitled to his legal advice. There were two reasons for this step. First, UIA is open to audit by the government's Auditor General, and second, its accounts are also open to the scrutiny of the Public Accounts Committee (PAC) of Parliament. PAC scrutinizes accountability in the use of public funds. Perhaps to protect itself against likely accusations of corruption or negligence in paying out such a large sum of money in compensation, UIA consulted the Solicitor General.

The Solicitor General argued that the degazetting of Namanve amounted to a termination of the permits of the farmers, who should be compensated for the value surviving the permits that had been cancelled (i.e. five years). At this point, UIA realized it would have to pay compensation. However, according to the Solicitor General's opinion, compensation could be for the standing trees, which had been planted for the initial period of five years.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

On 26 August 1999, the Chief Government Valuer was asked to give guidance to the High Court, based on the valuation report he had produced. The valuer submitted that the economic life of the plaintiffs' crops was determined on the basis that the permits would normally be extended unless breach occurred. The valuer stated that additional expert advice received was that trees took four or five years to mature for cropping.

However the original plant could have a life of 16 years. Using this as a basis, he used market prices to determine the value of the trees. But he further testified that there was an element of discounting, i.e. calculating future flows of income at current values. No other witness was called to the High Court in this case.

In his submission, the counsel for the plaintiffs (UWFA) contended that it was disappointing that UIA could not agree with the Government Valuer's assessment. His view was that the main point of contention was the interpretation of the Forest Act and Rules. The counsel argued that the acquisition of the land that the farmers had used was in conformity with Article 26 of the Constitution. This article stresses the right to own property, and to compensation.

The article reads:

26 (1) *Every person has a right to own property either individually or in association with others.*

(2) *No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied:*

(a) *the taking of possession or acquisition is necessary for public use in the interest of defence, public safety, public order, public morality or public health; and*

(b) *the compulsory taking or acquisition of property is made under a law which makes provision for:*

(i) *prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and*

(ii) *a right to access to a court of law by any person who has an interest or right over the property.*

In the Namanve case, the farmers did not have ownership rights over land, they only had use rights. With these use rights, they had acquired property in the form of woodlots. They wanted compensation for these before transferring the degazetted land to UIA.

The counsel for the defendant (UIA), on the other hand, argued that the Government Valuer had overlooked the provisions of the Forest Act when he val-

ued the trees. One provision stated: "the permits are given for a period of five years subject to renewal if the permit holder fulfils the stated conditions." The other important provisions are those of Forest Rule 14(3), set out earlier.

According to the counsel for the defendant, degazetting of the disputed land terminated the plaintiffs' permits and there was no written agreement to the contrary, as required by Forest Rule 14(3). He argued that renewal of the permits was not automatic and that the farmers had not entered into agreement to the contrary after the expiry of the first five years. The counsel said that the permit holders were entitled to compensation equivalent to the value that would survive the permits (i.e. five years) and that the 16-year period advanced by the Chief Government Valuer was quite unreasonable.

The counsel also cited the opinion of the Solicitor General, who recommended that compensation for the trees be based on a five-year period. He concluded that the law that applied was the Forest Act and asked for an order or revaluation and the removal of the plaintiffs' caveat from the land.

In his judgment, Justice Richard O. Okumu Wengi (adjudicator) ruled that the degazettement of Namanve Central Forest Reserve was not an ordinary termination of the permits. Degazettement had changed part of Namanve from a forest reserve to public land. Had it been ordinary termination, then the area used by the farmers would have reverted to the Forest Department, which originally managed it. The judge argued that the order of the Minister for Natural Resources to degazette Namanve appropriated the farmers' permits and the value of their investment by removing the legal basis on which it was founded. He ruled that denial of compensation would be contrary to Article 26 of the Constitution of Uganda (1995), whose provisions have been listed previously.

The judge cited several law cases to show that the "right to property is one of the very fundamental ones in all societies". It cannot just be taken away even if the taking involves what he termed "legal engineering, such as the one adopted of degazetting the Forest Reserve". The cases he cited were:

◆ Davies versus Minister of Land, Agriculture and Water Development [1996] 22 CLB 138;

◆ Mahboob versus Government of Mauritius [1983] 9 CLB 8;

◆ Blomquist versus Attorney General of Dominica [1987] 13 CLB 799;

◆ Akonaay and Another versus Attorney General [1994] 2 Law Reports of the Commonwealth 399.

In legal proceedings, citing from case law is as good as statutory law provided the case law does not conflict with statutory law. However, citing cases from other countries is persuasive. But if the cited case is from a High Court of Uganda whose ruling is based on the country's statutory laws, then it strengthens the ruling.

The judge ruled that the compensation of USh2 021 513 determined by the Chief Government Valuer should be paid. In addition, the judge ruled that UIA should pay interest on this amount, fixed at 25 percent, until it paid compensation. Judgment was given in September 1999.

After the judgment, UIA did not pay promptly. Neither did it indicate that it would appeal against the judgment. Instead, it went to the same High Court between September and November 1999 to have judgment reviewed, but the Court ruled that no review was necessary. The farmers were declared judgment creditors (owed money) and UIA was declared judgment debtor (owing money).

Subsequently, the counsel for the plaintiff (the farmers) was allowed by the High Court to attach (seize) the property of UIA to recover compensation. UIA's vehicles, for instance, could not be moved as they were pending auction. In the meantime, UIA stated that it would not pay compensation as directed by the court unless it obtained the land title first. It made another effort to appeal. It was not until March 2000 that the High Court of Appeal ruled that the farmers be paid. But it allowed UIA to appeal over the amount of interest.

Through adjudication, the conflict between the woodfarmers and UIA was finally resolved. However, it passed through several processes before resolution, namely: avoidance, negotiation, mediation and finally adjudication.

Subsequent to the ruling in March 2000, UIA obtained a title to the land and has since commissioned an EIA study, as required under National Environment Statute 1995 for industrial projects.

LESSONS LEARNED

In this case the processes that led to final conflict resolution were avoidance, negotiation, mediation and adjudication, in that order. Consultations were also held by UIA with the Solicitor General. Within each phase of the conflict new lessons were learned.

For example, during the consultations, the Solicitor General relied on the provisions of the Forest Act and Rules to give his opinion on the amount for compensation. On the other hand, at the adjudication level, the judge stated that the provisions of the Constitution were supreme.

All in all, the case highlights the important lesson that conflict resolution begins with providing for, and integrating, conflict management in the forest law or other laws.

The strategies adopted by the farmers are also of interest in this case. First, the farmers formed an association to have a more powerful voice in negotiations. Second, they registered it with the Registrar of Companies to allow it to draw up contracts, and to sue and be sued. Third, they sought the services of a lawyer when negotiations failed to resolve the conflict. Finally, they threatened UIA by attaching its property for auction after the court ruled in their favour.

There is another lesson to add to the above. If these had not been well-to-do farmers of high socio-economic and academic standing in society, they would have lacked either the confidence (empowerment) to pursue the case in the face of government hostility or the financial resources to hire the services of a lawyer. They would probably have failed to reach the adjudication level, and therefore would not have received full compensation. Thus, there may be many situations in society and elsewhere where communities' rights are violated in forest management.

The case also emphasizes the importance of property rights and property rules. The permits given in accordance with the Forest Act of 1964 constituted a contract. The farmers' case would not have been listened to if they had not had the permits because they would have been called illegal encroachers. The case also underlines the weaknesses of the Forest Rules that formed the conditions under the permits. They were one-sided, favouring the government. The Forest Act of 1964 and Rules need to be changed to reflect the current conservation philosophies, which emphasize empowerment, participation and collaboration.

The kind of language used in the Forest Act (which could be described as "command and control" language) is no longer acceptable. The government is currently revising the Forest Act of 1964, and the Namanve case will influence the way the new law will be framed.

The case is unique and interesting. It shows the Forest Department to be very conservative in its approach to contracting, relying on old, standard permit rules and Forest Rules without taking into account the specific nature of transactions and without making reference to this in contractual relations. Such a culture in the Forest Department is not conducive to building sustainable partnerships for forest management with communities and the private sector.

The case also shows the inability of the farmers, some of whom were retired senior civil servants (including foresters), to interpret the conditions under which they obtained the permits. Perhaps many areas of potential risk would have been identified if an open and participatory process had been gone through before granting the permits. It may be worthwhile having future agreements for community involvement in forestry management reviewed independently, and assessed for their feasibility in conflict management situations.

One benefit of the case is that it was a warning to those who were planning to plant trees in similar reserves. The author has been involved in a consultancy to

establish the feasibility of creating a forest fund for use by the private sector to plant long-rotation trees (for periods of more than 20 years).

The reaction of the would-be beneficiaries of the fund is that the terms for using forest reserves to plant such trees must be clear from the beginning, and the basis for compensation must be set out in the permits. They all cite the Namanve case.

There was a possibility that the judge could have rejected the valuation of the Government Valuer and requested an independent valuation instead. But in most government undertakings, it is common practice to refer technical issues to their own technical departments. It is also likely that if UIA and the farmers had used a valuer acceptable to both sides (other than the Government Valuer), the Government Valuer would in any case have been called upon to give his opinion.

It is also likely that if the country had not returned to the rule of law, the government would have used coercion to impose its will. Most forest reserves in Uganda were heavily encroached during the years of bad governance (1971–1985).

The analysis in the case study raises some interesting practical policy questions and issues. One of them relates to the involvement of poor and illiterate communities. The question that arises is: What mechanisms or institutions can protect such people in the event of conflict, when they may have no power to organize themselves?

The second issue relates to policy formulation. Forest resources have different attributes, e.g. growth rate, use values, location. In drawing up good policy instruments, one of the questions that must be answered is: What is the nature and what are the attributes of the forest resource in which many potential stakeholders are being invited to participate?

The final question is: What should be the design considerations in the property rights regimes for forest management?

REFERENCES

Bromley, D.W. 1991. *Environment and economy: property rights and public policy.* Oxford, UK, Basil Blackwell.

Kazoora, C. 2000. Opportunities for using economic instruments in sustainable use of forests in Uganda. A research report to the World Conservation Union (IUCN).

Conflict management over contested natural resources: a case study of pasture, forest and irrigation in South Wello, Ethiopia

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SUMMARY

Pankhurst explores natural resource conflict management processes during the past century in South Wello, Ethiopia. The study examines how local groups and external agents, including officials and landowners, managed conflicts over communal pasture, forests and water for irrigation. Local, informal dispute settlement fora still operate. However, state institutions increasingly control conflict management processes and make attempts to take over the dispute resolution role of religious leaders. During times of political instability or changes in regimes, local populations reassert their priorities and challenge unpopular interventions. Overall, the outcomes of conflict management processes depend on the type of conflict and the power relations among stakeholders.

GUIDING QUESTIONS

KEY ISSUES

- What are the major causes of conflict over natural resource management?
- How do conflict resolution mechanisms and outcomes differ according to the types of conflict and resources involved?

CONTEXT

- How are natural resource management conflicts affected by priorities of different political regimes?
- What are the differences between the interests of local and external stakeholders?
- How does the involvement of formal and informal institutions vary by type of dispute and resource?

CONFLICT BACKGROUND OR HISTORY

- What have been the major conflicts under different regimes?
- What elements of continuity exist in conflicts over different regimes?
- How are natural resource management and conflict resolution affected by times of transition?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- What factors explain differences in how stakeholders handle conflicts?
- What are the characteristics of each kind of conflict resolution process?
- How (and why) are conflict management processes selected?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- What explains the success or failure of different conflict resolution processes?
- How do power relations affect the outcome of conflict resolution?

LESSONS LEARNED

- What is the significance of considering conflicts relating to different resources?
- What benefits can be gained from viewing conflicts spatially and temporally?
- What are the prerequisites for participatory conflict management?

KEY ISSUES

This case study illustrates the complexities of natural resource management conflicts and resolution processes concerning several resources in northern Ethiopia during the past century under three regimes with contrasting political orientations: the imperial monarchy until 1973; the socialist Derg Government from 1974 to 1991; and, since 1991, the federal government led by the Ethiopian People's Revolutionary Democratic Front (EPRDF).

By comparing how three common resources – pasture, forest and irrigation – are perceived by various stakeholders, and how conflicts between them over such resources are managed, the case study shows contrasting and often conflicting interests within communities and between local groups and external agents, including government officials, landowners and outside investors. The communities studied are divided internally along lines of generation, gender, wealth, religion, whether or not members have been displaced, and according to their involvement in different state regimes. These divisions are manifested in conflicts over overlapping resource entitlements, which were made worse by government policies affecting agriculture and natural resources during the Derg. Intra-community differentiation has created some room for alliances between internal and external interests under successive regimes, although the specific interest groups have varied in different periods.

Looking at conflicts from a historical perspective reveals changes and continuities in dispute settlement processes, and changes in relations between informal and formal institutions. Institutions created by the state and accountable to it have become increasingly intrusive in local affairs over successive regimes and have tended to marginalize or co-opt local informal institutions such as groups of elders, religious leaders and burial associations. The history of resource management reveals, overall, an increasing trend towards state control, and participatory resource management largely remains something that is talked about rather than implemented.

The case study considers different conflict resolution processes, which vary according to the kind of dispute and the actors involved. In cases of internal conflict the main forms of pressure used by local institutions rely on threats of social exclusion and the fear of curses believed to harm offenders who refuse to confess. In cases of conflict between communities and external agents the main strategies include appeals to higher authorities, avoidance and boycotts, and direct action in opposing changes in ownership of common resources. Where there are divided interests within communities, external agents are less likely to be frustrated in pursuit of their objectives. Boycotts and direct opposition are often costly for community members, but united resistance is sometimes successful.

The study offers insights into what explains which conflict management strategies are most effective under different circumstances. Overall, power relations between local communities and external interests tend to favour the latter, despite various resistance strategies by local populations. At times of transition between national regimes, when state power has declined, peasants have reasserted their priorities and challenged unpopular interventions. Conversely, at times of famine, peasant resistance is weakened and state intervention in natural resource management increases.

A more constructive approach to resolving contradictions between local and external interests would require the recognition of local communities' primary rights to management of common resources and the involvement of informal institutions in joint management and benefit sharing with formal institutions. The concept of participatory management needs to be mainstreamed and institutionalized within government structures and should not remain largely a concern of donors and international organizations. However, this requires a change of attitude regarding power relations between state and peasantry, which runs counter to long-lasting traditions of governance in Ethiopia.

CONTEXT

This case study is concerned with conflicts over three types of natural resources – communal pasture, forests and irrigation – in three *weredas* or districts of South Wello Zone within the Amhara National Regional State (ANRS) in northern Ethiopia. The study focuses on the Yegof State Forest (Pankhurst, 2001) and surrounding irrigation, and two communal pasture areas: Alansha in Kutaber *Wereda* and Gimba in Legambo *Wereda* (see Map). A multisite approach within South Wello illustrates specific conflicts over three different resources and shows how conflicts over these resources are interrelated. The approach also reveals how conflict management processes concerning different resources are similar and are addressed largely by the same institutions.

CONFLICT MANAGEMENT OVER CONTESTED NATURAL RESOURCES: A CASE STUDY OF PASTURE, FOREST AND IRRIGATION IN SOUTH WELLO, ETHIOPIA

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MAP   **STUDY SITES IN SOUTH WELLO ZONE, AMHARA REGION**
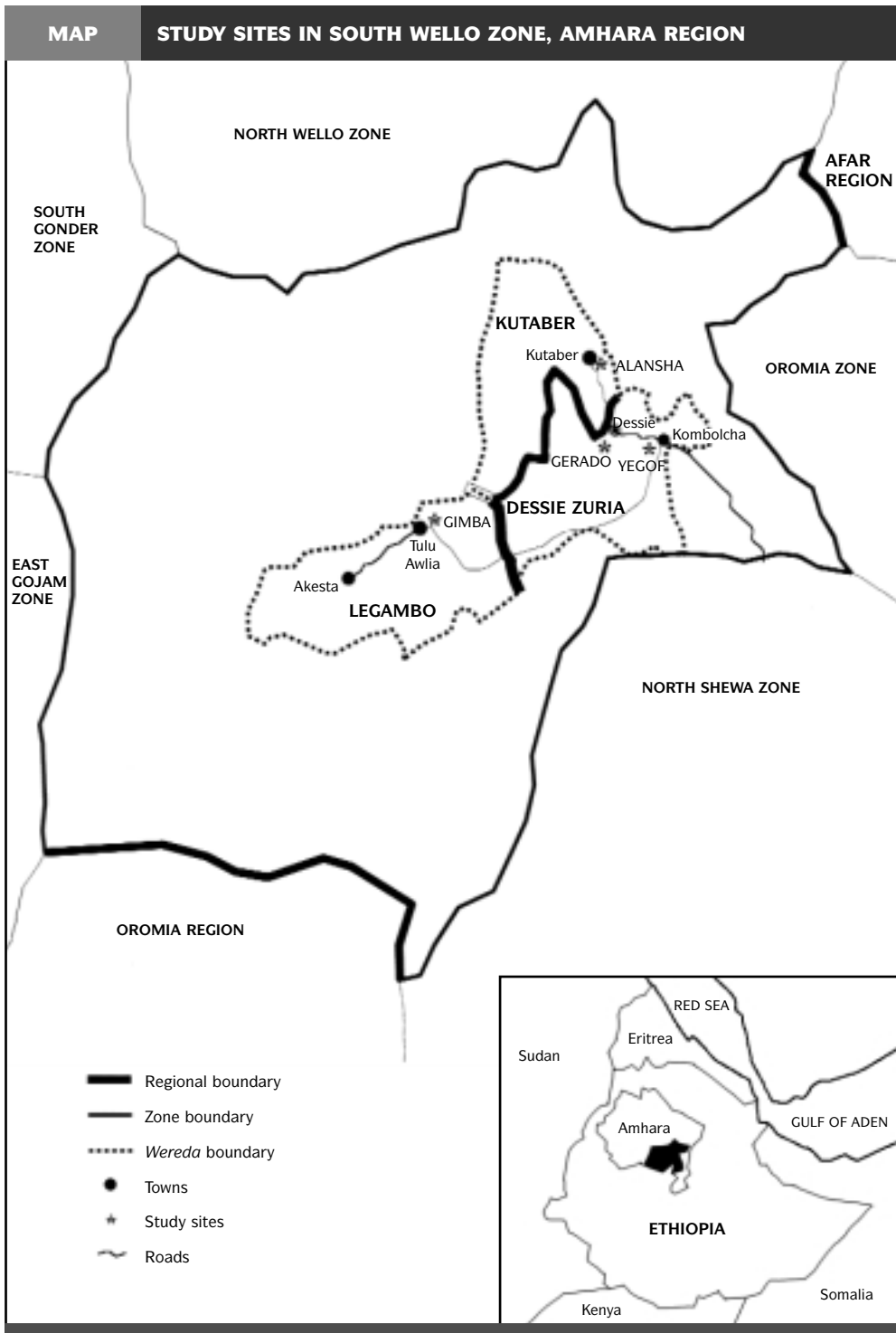
The centre of Tulu Awlia town in Gimba pasture area

South Wello is located in the drought-prone Ethiopian Highlands at more than 2 000 m above sea level (masl). The area is characterized by a rugged topography of mountains, plateaus and narrow valleys. Environmental degradation and famine have been crucial concerns over the past quarter of a century, leading to the implementation of massive rehabilitation programmes on the basis of food for work provided by donors, notably the World Food Programme (WFP).

The primary stakeholders in local natural resource management are peasant households which mainly rely on rainfed plots, although some river valleys have gravity-fed irrigation. Households depend on oxen for cultivation and graze live-stock on steep slopes and wetlands located in valleys. Differences in landholdings have been minimized by successive redistributions of farmland by the Derg and the current government aimed at promoting more equitable rural development. However, the rural society is far from homogenous. Communities are divided along the lines of generation and gender, wealth and poverty, and religion. They are also divided according to whether or not members have been displaced or are returnees and, especially, according to their involvement in different political regimes. There are overlapping and conflicting rights over communal natural resources. Community members generally pursue courses of action in disputes based on their individual circumstances and perceived interests.

The vast majority of South Wello inhabitants are rural dwellers, but urban and peri-urban areas have expanded in recent years owing to road development and increased market opportunities. Different religious groups seeking to build churches

and mosques, often with foreign funding, have contributed to urbanization. The rise of urban markets has had a significant yet complex impact on the rural areas. Urban demand for wood has led to deforestation in state forests, but it has also stimulated tree planting by individual households. The growth of towns and peri-urban centres has occurred at the expense of pasture and farms, generating conflicts over land use in places such as Gimba. Local households with livestock bitterly opposed enclosure of pastures for the peri-urban centre. In contrast, households headed by women, landless youth and returnees were more favourable towards the urban area, since it offered opportunities for wage labour and petty trade.

External agents have also been important stakeholders, generally in opposition to the interests of peasant communities. In the past, outsiders included landowners and, since the 1974 Revolution, Ministry of Agriculture professionals and cadres. Recently, private investors have joined the list. State representation now strongly extends to the local level.

Informal local institutions include Muslim religious leaders in an area where most inhabitants are followers of Islam, groups of elders who are respected in communities for their dispute settlement skills, and burial associations established for mutual assistance when a family member dies. State institutions have become increasingly powerful during the past 25 years, and since the 1975 land reform all matters relating to natural resources have been treated by the government as being within its domain.

Regional institutions such as local governors in imperial times, regional administrations under the Derg, and zonal administrations under EPRDF have been the main bodies dealing with appeals by peasant communities complaining against external interventions. National and regional policies regarding issues such as land redistribution, environmental management and private investment also have a bearing on local resource use. National policies were particularly intrusive on peasant communities under the Derg, especially with respect to forestry, but have had less impact under the federal EPRDF system.

Government policies themselves need to be seen in the context of shifting global ideologies. The Derg's interventionism in natural resource management stemmed from an allegiance to socialist policies advocated by the Eastern Block. At the same time, Western aid after the 1985 famine and global views among donors about linkages between drought and deforestation prompted massive environmental rehabilitation initiatives through terracing and eucalyptus planting. These conservation campaigns in effect reinforced state power and undermined community management by taking control of large tracts of local pasture and farmland (Yeraswork, 2000). The current Western donor promotion of privatization and market-focused development is reflected in Amhara Region's policy of dividing hillsides for private forestry enclosures, often ignoring conflicting tenure claims and peasants' grazing needs.

CONFLICT BACKGROUND OR HISTORY

Tensions between local and external natural resource management priorities have escalated over the past few decades. However, the way conflicts have been played out and the parties concerned have changed with different priorities of successive regimes. The time line (see Box) summarizes key conflicts and their outcomes.

BOX	EVENTS AND CONFLICTS IN NATURAL RESOURCE MANAGEMENT BY PERIOD IN SOUTH WELLO SITES		
Time	Event/conflict	Consequence	Outcome
Imperial			
Nineteenth century	Communal grazing areas defined A regional ruler takes an interest in Yegof Forest as a political stronghold Irrigation established at Gimba Famine strikes, 1888–1892	Pasture areas deforested Peasants forbidden to graze animals in state forest Those with irrigation survive famine better	Common pasture with open access introduced Conflict starts between state and peasants over forest versus pasture Famine provides stimulus for development of irrigation
Early twentieth century	Local rulers exploit communal grazing areas	Pressure on, and reduction of, communal grazing area	Clashes between state and peasant interests begin
Italian occupation 1936–1941	Sawmills and irrigation schemes set up and farming in grazing areas	Deforestation pasture converted into farmland	Conflict between occupiers and local resource users
1941–1973	Development projects planned on communal pasture by governors and investors Foreign missionaries enter the area Government interest in establishing state forests	Peasant opposition through appeals to governors and/or imperial family or direct action State interventionism in forestry sector begins	Resistance successful through appeals or direct action in some cases but fails in others Conflicts over demarcation of state forests
Transition 1973–1974	Famine, loss of central authority, fighting, banditry Dispute over delimitation of Yegof Forest	Farming encroaches on pasture Peasants uproot seedlings, destroy roads and chase away labourers	Pasture redistributed as farmland Detention of state forest opposition leaders

Box continued

Time	Event/conflict	Consequence	Outcome
Derg			
1974–1991	Land redistributed from landowners to tenants Expansion of state forests, hillside afforestation, cooperatives enclose commons for agriculture and livestock development Famine, 1984–1985, "villagization" and resettlement	Conflicts over trees planted by landowners Peasant resistance to state forest demarcation and tree planting on grazing land Conflict between peasants joining and resisting cooperatives Famine used by the state to impose natural resource management interventions Tenure insecurity, evictions and victimization	Tenure conflicts develop Relations between state and peasantry worsen Leaders of opposition imprisoned Increasing conflicts between government supporters and opponents Conflicts worsen within communities Competing claims over resources intensify
Transition 1990–1991	Cooperatives' land redistributed, livestock looted Tree cutting in state and community forests Large numbers of returnees from resettlement schemes	Grazing land returned to commons Government concern over deforestation increases Conflicts over tenure claims become more intense	Communal grazing re-established New attempts at hillside enclosures Pressure for redistribution increases
Ethiopian People's Revolutionary Democratic Front (EPRDF)			
1991–2001	Further land redistributions Attempts to enclose or cultivate commons Growth of urban and religious interests in commons State institutions established at a lower level Investors granted land on commons	Farm sizes reduced Burial associations oppose enclosures Peasant resistance to enclosures Conflict with burial associations United community opposition	Increase of agricultural pressure on communal grazing In some cases opposition leaders imprisoned, in others appeals succeed Burial associations quietly overlook encroachments Some investors succeed, others withdraw

In imperial times conflicts between local landowners and the peasantry emerged mainly over pasture areas. Peasant communities resisted by appealing to authorities and, if this failed, resorted to direct actions such as removing boundary markers or challenging enclosures by driving cattle into them. Under the Italian occupation land expropriation continued as the occupiers established irrigation and agricultural schemes. The Italians also cleared extensive areas for sawmills (Bahru, 1998). As one elderly man commented: "The Italians used the forest to cook pasta." In the late imperial period external agents attempted to carry out enclosures on communal grazing grounds for various projects, including an airport, a hospital and a school, and a few state forests were established.

In the Derg period conflicts occurred over tree tenure between former landowners and tenants who obtained their land through redistribution. Serious conflict also arose when state agents and international organizations proposed addressing famine by converting hillside pasture into eucalyptus plantations through food-for-work (FFW) projects. As one peasant in Alansha recalled: "We only saw the grain, not the consequences of the trees, which ended up evicting us from our residences." Peasants were compelled to move from areas designated for forestry into valleys that had been agricultural land or pastureland (Alemayehu, 1990). Urban expansion also reduced rural landholdings. One peasant near Kombolcha town complained: "The forest from above and the town from below are pressing hard on us" (Bahru, 1998).

From the mid-1980s the Derg's agricultural policies resulted in intense conflicts over natural resources. State-run farm cooperatives (essentially collectives) monopolized access to irrigation (Dessalegn, 1999) and enclosed pasture areas, and peasants were moved off hillsides into villages in the plains. Agricultural and grazing lands in valleys were taken over by village settlements established by the government, and hillside pastures were converted to forests. As one peasant put it: "We live on what we used to cultivate and left our residence to wild animals."

During the early EPRDF period the main internal conflict occurred between the former and new leaderships. The demands of the landless younger generation and returnees from resettlement schemes were partly accommodated by additional land redistributions. Externally generated conflicts emerged between communities and market forces in the form of investors and urban interests, and heightened religious competition over resources. For example, a large-scale commercial sheep enterprise recently enclosed a large part of Gimba pasture area, generating widespread local opposition. Men who have taken jobs as guards or agents for the firm have been excluded from the community burial association. Enclosure of hillsides for individual forests also generated conflict given overlapping and competing tenure claims.

Periods of transition between regimes were characterized by peasant resistance and a reduction in state interventionism. During the transition between the imperial and Derg governments in 1973–1974, peasants encroached on grazing areas, cut trees from landowners' holdings, uprooted seedlings from state forests and raided irrigation plantations. In the transition between the Derg and EPRDF governments in 1990–1991, poor peasants and returnees encroached on forests and grazing areas, cutting wood for sale to urban areas.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

Ways in which the primary stakeholders, peasant households and communities try to handle different conflicts depend on several factors: 1) whether the conflict is "internal" or "external"; 2) whether the conflict is dealt with by informal indigenous institutions or formal state-sponsored institutions; 3) relations between formal and informal institutions over different regimes and in transition periods; and 4) types of resources and their importance for peasant subsistence and survival strategies.

Internal conflicts

Generally, if conflicts are internal, communities attempt to solve them using indigenous informal institutions and avoiding letting the matter reach formal state institutions. For instance, disputes over irrigation tend to be solved by elders, with the threat of sanctions by burial associations in recent years. Only if the matter cannot be resolved informally, or if the dispute becomes serious, will the case be taken to government institutions. For example, attempts at limiting cultivation of communal grazing areas may be dealt with by burial associations threatening peasants who encroach with exclusion, but if individuals become violent, cases will be taken to state authorities. However, as matters to do with land have been seen as a state prerogative since the Derg land reform, encroachments into forests and pasture areas are most likely to be dealt with by formal structures.

External conflicts

Three types of peasant response to external threats have been common: 1) appeals to higher authority; 2) avoidance and boycotts; and 3) direct action.

Appeals to higher authority were common in imperial times. Representatives of local communities went to local governors and sometimes to members of the royal family or the emperor himself. Under the Derg, since most threats originated from measures carried out by the state through the peasant associations, appealing was generally no longer an option. Under EPRDF, people have appealed to district and zonal authorities about enclosures of grazing areas by private investors or communities.

Avoidance and boycotts have been common strategies during all three regimes, especially where state interests have been synonymous with external threats and appeals are impossible or fail. However, the ability to resist through non-compliance was often limited by prevailing power relations. With greater state control at the local level, avoidance seems less of an option than previously, although boycotts may sometimes succeed, as when religious institutions proposed building on grazing lands in Alansha.

Direct action against land appropriation by external agents has been a common, although risky strategy. Under the imperial government, attempts to enclose pasture areas for development ventures were resisted by voicing opposition at meetings and removing boundary marks. Likewise, under the Derg, afforestation projects on grazing areas were resisted by uprooting seedlings, which was perceived by outsiders as sabotage. During the transition, with the breakdown of state control, direct action was the main form of protest. Large areas of forest were destroyed, cooperatives' holdings were divided and enclosures returned to the commons. Under EPRDF, opposition to the development of a town on Gimba pasture area involved destroying houses and a church by night, despite the danger of imprisonment of opposition leaders and threats to withhold food aid from the communities involved.

Types of institution involved in conflict resolution

When formal and informal conflict resolution institutions are compared, it can be seen that the former have the backing of state power to enforce their decisions, are mainly concerned with externally generated agendas and may lack local legitimacy. Informal institutions, on the other hand, have limited ability to impose their views, rely on threats of social exclusion and cursing to achieve reconciliation, are often grounded in local knowledge and are considered more legitimate by local people. This is summarized in the Table.

TABLE	STRENGTHS AND WEAKNESSES OF FORMAL AND INFORMAL INSTITUTIONS			
Name	**Description**	**Dispute settlement role**	**Strengths**	**Limitations**
Type of institution : FORMAL				
Chiqashum	Tax collector under imperial regime	Serious conflicts	Enables appeal Ability to enforce decisions	Represents landowners Little regard for interests of tenants
Peasant association	Local administrative unit under Derg	Serious cases not resolved by informal institutions	Ability to enforce deci-sions through its court and militia	Limited local accountability Danger of power abuse Imposition of leaders' views and repressive state policies
Kebele administration	Local administrative unit under EPRDF	Serious cases unresolved at lower level	Ability to carry out decisions through its structures	Large unit Limited local accountability Danger of power abuse
Mengistawi Budin	Hamlet-level unit under EPRDF	Lowest local-level disputes	Responsive to local needs	Power to make decisions affecting livelihoods
Type of institution : INFORMAL				
Abagar and sheikhs	Muslim religious leaders	Mainly homicide	Considered legitimate Curse feared	May not represent all interest groups
Qire	Burial association	Interpersonal within association	Wide representation Sanction ostracism	Limited ability to enforce decisions Lack of transparency
Sheni	Group of elders	Interpersonal local	Local knowledge of social relations	Dominated by elders and men
Yewuha abbat	Irrigation leader	Concerning irrigation	Local legitimacy	Deals only with irrigation issues

Camels carrying hay and sorghum stalks to Kombolcha market

Formal conflict resolution institutions have been linked to state interests. During the imperial period, local tax collectors were the main government representatives, and serious disputes were brought to them. Under the Derg, peasant associations soon became a powerful instrument of state interventionism. They had their own judicial committee to oversee conflicts and had the power to impose decisions through fines and imprisonment. Under EPRDF, *Kebele* administrations were set up, bringing together two or three of the former peasant associations, with similar judicial powers to the latter. In addition, governmental teams were established to represent a maximum of 50 households, thus bringing state institutions to an even more local level. Conflicts relating to natural resource management are nowadays often reported to the governmental teams and, through them, to the *Kebele* administrations.

Informal conflict resolution institutions are of two types: religious and secular, although there is much overlap. Muslim leaders who are dominant in the area, notably the *Abagar* and sheikhs, are involved in conflict resolution relating to interpersonal disputes. The former, who are also referred to as "blood dryers", play an important role in reconciliation, especially in homicide cases, and their curse is much feared. Their role in natural resource management is indirect, since they conduct ceremonies at shrines under trees and in pasture areas, especially in times of hardship, notably famine. *Abagar* are also involved in propitiatory ritu-

Elders from a burial association involved in conflict resolution

als for the first ploughing of each season and are said to have occasionally censured people ploughing communal grazing areas.

Secular institutions consist mainly of local elders and burial associations. Local elders, known as *sheni,* specialized in identifying offenders when no one had been caught in the act of committing an offence. Their main strategies consisted of cursing and threatening social exclusion. These were combined in the *bele* institution, where community members were called to a public forum and were expected to walk over a stick or rope. Each person would have to swear that they were not guilty and did not know who was. If a person lied the curse was believed to fall not just on the individual, who would become sick and die, but on successive generations of descendants. One individual commented ironically: "*Bele* is our AIDS." Elders often try to resolve disputes without recourse to cursing by interrogating individuals separately to seek information. They then call those involved and try to obtain confessions. Compensation is often in the form of food and drink served at a reconciliation session. Generally, elders seek to minimize punishments because the main aim is not to attribute blame but to ensure that people who live together can be reconciled.

The second group of social institutions involved in dispute settlement is burial associations, known as *qire.* These associations became formalized relatively

recently as a result of urban influences. They mainly offer mutual aid when family members or relatives die. Nowadays they have a list of members, a leadership with differentiated functions, and sets of rules and sanctions. They collect monthly payments and own property such as tents and equipment used at funerals. *Qire* is the only widespread informal organization with membership based on locality and cross-cutting differences of interest by wealth, social position and, in Wello, even religion. Almost all community members take part in such associations, which provide a vital forum for expression of belonging. Although the associations are formed largely for burial purposes, they are involved in dispute settlement and have recently become more concerned with development issues. The main form of pressure that burial associations can use relies on social ostracism (Pankhurst, 1992b). Households offending the community could be socially excluded. This is symbolized by threats not to bury their family members. Other common expressions of this exclusion are refusing to offer fire when the offending household's fire goes out and withholding help should its ox fall off a cliff. As this sanction is extreme it is rarely used and warnings are more common.

Changing relations between formal and informal institutions in dispute settlement

The role of informal institutions in dispute settlement has changed over different regimes. In imperial times, because there was less pressure on resources and land was controlled by landowners the involvement of informal institutions in managing common resources was mainly limited to settling interpersonal disputes. Serious cases of murder and theft would be taken to the state representative, the *Chiqashum*. Under the Derg, with the land reform and the establishment of local state structures, informal institutions were excluded from involvement in land-related issues, but continued to deal with minor disputes. During the early EPRDF years informal institutions played a role in trying to control encroachments into common pastures and in solving disputes over irrigation. State institutions also sought to involve religious leaders in preventive cursing of tree cutting, as well as burial associations in identifying offenders. However, this collaboration could reduce the legitimacy of local institutions. In Alansha the "cultural committee" established for this purpose was viewed by many as lacking moral authority, and the elders themselves were reluctant to hold confession sessions. After a few years, EPRDF extended its formal structure down to the hamlet level and the role of burial associations was much reduced. In Gimba, the associations then became a vehicle for protest against external threats such as urbanization and private investment, and condoned encroachment of common grazing lands by local peasants. With the banning of the burial associations' cultural sanctioning mechanism, a new informal dispute settlement institution run by a migrant religious leader emerged a few years ago.

The importance of different resources

The kind of resource and its significance for peasant subsistence and survival have also been crucial in conflict management. Given the mixed economy based on plough agriculture, the most important resource for peasants has been pasture. In imperial times, irrigation was limited and largely externally generated and controlled, and the value of forests was not greatly appreciated. Under the Derg, conflicts between forestry and pasture became particularly pronounced with hillside reforestation campaigns. Irrigation expanded and its value became more evident in famine years and as a result of expanding markets. Private tree planting became an important source of income and a survival strategy in drought years. Cutting trees from state or community forests was limited by guarding and checkpoints. In the final year of the Derg and during the transition period, with the lack of restrictions, sale of wood from state/community forests became a major survival strategy. Under EPRDF, wood sales have continued and irrigation has further expanded. Communal pastures, however, remain vital and conflicts over them have become more pronounced, especially with urban expansion, concessions to private investors and individual hillside plantation enclosures.

Resolution processes

Internal conflict settlement is usually initiated by the person who considers him/herself to be the victim. He/she approaches leaders of local institutions, who seek to persuade the offender to apologize or pay compensation, since the objective is to achieve reconciliation among people living within the same community. For a minor case the offender may be pardoned, but if the offence is repeated the guilty party may be requested to provide food and drink, generally bread and beer, and in more serious cases a sheep, to be consumed at a ceremony aimed at peace-making.

External conflict resolution generally involves appeals to higher authorities by community representatives. The major actors in such appeals used to be elders and more wealthy individuals with community backing, although more recently younger literate representatives have also been selected. However, leading opposition, especially where external interventions have state backing, has been dangerous and has often resulted in imprisonment and/or fines.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

Outcomes of conflict management depend on types of conflict, who the stakeholders are and the power relations between them.

Types of conflict

Internal conflicts are initially handled by informal dispute settlement institutions. The threat of social exclusion retains its power. However, the repeated use of the *bele* institution in seeking out individuals involved in tree cutting seems to reduce the effectiveness of the curse. Poor peasants may have little option but to cut trees from forests to survive; as one such person put it: "If *bele* kills you tomorrow, hunger may kill you today!" However, the ability of informal institutions to manage conflict over common resources depends on their relations with formal institutions. If informal institutions are excluded from playing a role they may work behind the scenes on minor interpersonal conflicts, they may become a means of expression for peasant opposition to land appropriation, or other informal institutions may emerge, as in the Gimba case.

External conflicts with local communities have often been resolved through appeals to higher authorities, especially in imperial times. What explains whether such appeals are successful? A major factor seems to be the position and power of external agents against whom peasant groups appeal. In imperial times direct appeals to the emperor or royal family were often successful. However, in one case the Crown Prince was said to have been involved in allowing external agents to make use of Alansha grazing land, and peasants only succeeded in avoiding this by appealing to his mother, the Empress. The success or failure of appeals to governors may have depended on the importance and "connections" of landowners against whom local communities appealed. During the Derg period there was little room for appeals, but this option has again become somewhat more common.

The recent cases of Alansha and Gimba can be contrasted. In the former, local opposition to enclosures was successful, but in the latter it failed. In Alansha, seasonal enclosures were carried out by local communities. Opponents included an outlying community that had been excluded from the commons under the Derg, richer peasants with more livestock to herd, older peasants who believed in the sanctity of open access, and residents of Kuta town whose livestock was herded on the commons. Opponents appealed against the enclosures, which they likened to the Derg cooperative enclosures, and argued that the pasture was a refuge for the poor and was government land on which tax had not been paid. In Gimba, the main enclosure was by an external investor with the backing of the district authorities, with whom he had personal connections, and the government stood to benefit from taxes. Community opposition was more united than it was in Alansha.

Private wood-cutting at Alansha

Strategies

Avoidance and refusal to be involved are strategies incurring costs and became increasingly difficult with growing state interventionism. Under the imperial regime, tenants were not in a position to boycott initiatives by landowners. During the Derg, peasants opting not to join cooperatives retained independence but lost access to the best land. Under EPRDF, involvement in conservation work has been compulsory; participation in individual hillside enclosures is voluntary, but the limited success of this initiative may be related to lack of enthusiasm as a result of conflicting rights and community needs for hillside grazing.

Direct resistance can succeed, as in the case of numerous projects seeking to enclose the Alansha pastureland. As one elder put it: "This area has constantly been sought after, but solutions have always been found." But resistance can be dangerous for leaders, especially in cases of state-supported interventions, and can lead to imprisonment or fines. Nonetheless, sustained resistance can have some effect. In Gimba, after houses were repeatedly pulled down, the district authorities set up a committee and further building was temporarily halted. However, the committee, which included individuals who had built houses on the commons, in effect legitimized existing buildings and the town later continued to expand. As for conflict with investors, opposition leaders were imprisoned and burial association leaders threatened with loss of food aid. It therefore seemed that opposition failed. However, a second investor, who had permission from the state officials, desisted and did not go ahead. Presumably peasant opposition to the first investor's plans affected his decision to withdraw.

LESSONS LEARNED

This study has shown the importance of understanding conflict resolution through comparisons in terms of space and time within a local context. By considering conflicts and institutions involved in their resolution over several sites and different regimes, the study has revealed continuities and changes in dispute processes, and changing relations between formal and informal institutions. The study identifies limited involvement of local informal institutions as a key constraint on participatory natural resource management. However, attempts by formal institutions to involve informal ones may result in the latter being co-opted, with the consequent danger that they will lose their legitimacy.

Resolving internal conflicts over resource management requires an understanding that communities are divided along lines of wealth, generation and gender, and according to whether or not members have been displaced and their involvement in different political regimes. These differences can affect actors' positions over natural resource management and outcomes of resulting conflicts. Exclusion of informal institutions may deprive certain sections of the community of their rights. A more constructive approach needs to consider means of addressing priorities of various societal categories and to promote a more genuine collaboration between formal and informal institutions.

Conflicts between local and external interests over natural resources are based on different values. Peasants in South Wello are most concerned about sustaining their livelihoods through strategies in which livestock, and therefore pasture, play a key role, whereas external actors have perceived communal pasturelands as wasted, empty or undeveloped. External actors have been concerned primarily with bare hillsides, which peasants view as vital grazing resources. These conflicts can only be addressed if the state recognizes local communities' rights to traditional management of common resources. Although this is acknowledged in the Ethiopian Forestry Action Program (1994) and in the Conservation Strategy of Ethiopia (1997), there is limited evidence of such an approach in practice.

Relations between informal institutions and formal state organizations have been characterized by mutual suspicion. Apart from a brief period of transition at the end of the Derg period and in the early EPRDF years, when local institutions were given some authority to manage resources, state institutions have tended to control access to resources. Attempts by donors to promote participatory natural resource management by involving local institutions have been viewed with mistrust by government bodies. State collaboration with burial associations and religious leaders in forest management limits their involvement to cursing tree cutting and identifying offenders, a role that can threaten their legitimacy with local populations. What has tended to occur is either the exclusion or the co-optation of local informal leadership.

Children collecting dung from Gimba grazing area

A more conciliatory approach towards informal institutions requires formulating joint management practices, involving local communities in benefit and revenue sharing. However, this assumes a change of government attitudes and a commitment to participatory resource management that needs to go beyond public statements. Ironically, the government is promoting decentralization, but this is occurring in ways that bypass local informal institutions. What might be required is a new recognition of the existence and significance of such institutions. Given the prevailing scepticism among many government professionals, a participatory approach would need emphasis in training programmes.

The vital importance of pasture resources to peasant communities needs to be recognized by external agents, and hillside reforestation should not be seen as an overriding end in itself. Outsiders have often misread the landscape, assuming that treeless hills were wastelands in ecological distress. Instead, they are heavily used local pastures. Potential threats of private investment and urban expansion to peasant livelihoods and survival strategies need to be acknowledged, and local communities should stand to benefit directly from external investment, which should include specific advantages for them.

In conclusion, current realities in the study area provide little evidence that participatory natural resource management is being implemented. A shift in state views on community involvement through informal institutions would be required to give natural resource management conflict resolution better chances of success.

REFERENCES

Alemayehu, L. 1990. Villagization: policies and prospects. *In* S. Pausewang *et al.,* eds. *Ethiopia: options for rural development*, pp. 135–143. London and New Jersey, USA, Zed Books.

Bahru, Z. 1998. Forests and forest management in Wello in historical perspective. *J. Ethiopian Studies*, 31(1): 87–122.

Dessalegn, R. 1999. *Water resource development in Ethiopia: issues of sustainability and participation.* FSS Discussion Paper No. 1. Addis Ababa, Forum for Social Studies, Addis Ababa University.

Federal Democratic Republic of Ethiopia. 1997. *The Conservation Strategy of Ethiopia. Executive Summary.* Addis Ababa, Environmental Protection Authority in collaboration with the Ministry of Economic Development and Cooperation.

Pankhurst, A. 1992a. *Resettlement and famine in Ethiopia: the villagers' experience.* Manchester, UK, Manchester University Press.

Pankhurst, A. 1992b. Settling strife in a resettlement setting: symbolic sanctions. *Sociology Ethnology Bull.*, 1(2): 73–79.

Pankhurst, A. 2001. Resource management institutions in post-conflict situations: lessons from Yegof State Forest, South Wello Zone, Amhara Region, Ethiopia. *In* A. Pankhurst, ed. *Natural Resource Management in Ethiopia. Proceedings of the Workshop Organized by the Forum for Social Studies in Collaboration with the University of Sussex, Addis Ababa, 9 February 2001*, pp. 85–104. Addis Ababa, Forum for Social Studies.

Transitional Government of Ethiopia. 1994. *Ethiopian Forestry Action Program (EFAP). Final Report.* Addis Ababa, Ministry of Natural Resources Development and Environmental Protection.

Yeraswork, A. 2000. *Twenty years to nowhere: property rights, land management and conservation in Ethiopia.* Lawrenceville, NJ, USA, Red Sea Press.

Conflicts over community-based "Repong" resource management in Pesisir Krui Region, Lampung Province, Indonesia

by **Suporahardjo and Stefan Wodicka***

Indonesian Tropical Institute (LATIN) and World Neighbors

SUMMARY

Suporahardjo and Wodicka describe three land-use disputes involving government officials and other parties in southern Sumatra, Indonesia. The case study compares the effectiveness of various community strategies in addressing these conflicts in the face of top-down policies and official use of coercion. Communities lacking access to information and having weak organizational capacity were unable to negotiate with more powerful stakeholders, or to enforce the implementation of agreements. Other communities turned to coalition building to increase their organizational strength and access to information, thus improving their ability to deal with other stakeholders.

GUIDING QUESTIONS

KEY ISSUES
- How and why did the use of coercion by the government prolong conflicts with local communities?
- What role does the collection and analysis of information play in conflict resolution?
- How can coalition building contribute to conflict resolution?

CONTEXT
- What are Damar gardens?
- Why are they so valued by rural people?

CONFLICT BACKGROUND OR HISTORY
- How was official coercion manifested?
- What was the cause of conflict – different values or different interests?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES
- How were conflict management options selected?
- Why was the task force ineffective?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES
- How do you detect a mediator with a hidden agenda?
- Why has conflict management occurred so slowly?

LESSONS LEARNED
- Why are power relations important in conflict management?
- What role can social capital play in conflict management?

KEY ISSUES

Indonesia is the largest archipelago in the world, with more than 17 000 islands extending 5 000 km across the equator, and is situated between the Asian and Australian continents. Three-quarters of the country consists of ocean water, while its land surface covers 193 million ha. Of this land area, 74 percent is classified as state forest lands. Deforestation rates in Indonesia are among the highest in the region, and much of these lands have been converted to commercial plantations, such as oil-palm plantations. Forest conversion has often been carried out at the expense of existing traditional rights and land-use systems, thus sparking many conflicts.[1]

Since Indonesia gained independence in 1945, it has had five different government administrations. Of these, that of Suharto and his New Order Government, which stayed in power from 1966 to 1998, lasted the longest. During Suharto's rule, land-use policies largely favoured private sector interests over those of local communities (Kasim and Suhendar, 1997). These land-use policies were often implemented to take control over strategic areas, and oriented towards industrial development. During this period, collusion between the military, the civil government and large corporations was pervasive. Together they formed large-scale coalitions or cartels aimed at reaping maximum economic rent. Brutal measures were often taken to deprive local communities of their rights to their land in the name of national economic development (Arief, 1997).

Conflicts over access to, and management of, natural resources became an inherent part of the implementation of development policies during Suharto's rule. National development has brought about inequitable distribution of wealth and resources, especially of land. Disparities in access to natural resources catalysed opposition in the form of demonstrations, resistance and sometimes outright conflicts between local communities, the state and private corporations (Suporahardjo, 2000). During Suharto's 32-year rule, the New Order Government of Indonesia made extensive use of physical coercion to eradicate open and latent conflicts, which emerged largely as a result of top-down natural resource management policies.

When Suharto stepped down in 1998, government legitimacy started to wane and, as freedom of speech gained pace, local communities throughout Indonesia began to challenge government use of coercive measures and openly to demand

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1. From 1967 to 1997, oil-palm was one of the fastest-growing subsectors of the Indonesian economy, increasing twentyfold in planted area and showing 12 percent average annual increases in crude palm oil production. While the growth of the oil-palm subsector has conferred important economic benefits, it has posed an increasing threat to Indonesia's natural forest cover. Local communities have also been displaced by the large-scale oil-palm plantations, and social conflict has resulted (Casson, 2000).

government accountability over unresolved conflicts. While alternative approaches to the resolution of conflicts (which focus on convening stakeholders and consensus building processes) are gaining ground in more established democracies, in Indonesia – a developing nation where the military continues to wield substantial political power – the tendency to resort to coercive measures is still strong and widespread.

This case study analyses the effectiveness of various community-based strategies to address land-use conflicts in the face of top-down policies and the extensive use of force in the Pesisir Krui region of Lampung Province. The use of coercion in this case only served to alienate local communities and prolong the confrontation with government agencies and private investors. Local communities without access to information and with weak organizational capacity were unable to negotiate with more powerful stakeholders, and both formal and informal agreements between local communities, government agencies and the private sector were usually ignored. But the case study also demonstrates that when neighbouring communities gained access to information on policies and started to organize, they were better able to defend their interests and challenge government policies. The study, however, shows that coalition building was by far the most effective strategy for dealing with land-use policy conflicts in a context of pervasive coercion.

The case study describes three land-use disputes in the Pesisir Krui region of southern Sumatra, Indonesia. The first two disputes involve small farmers struggling to save their traditional agroforestry systems from becoming part of government-supported and privately managed oil-palm plantations. The third conflict is between farming communities and the Department of Forestry over the boundary of a limited production forest, which overlaps with agroforestry gardens. The case study attempts to address several important issues including: a) stakeholder strategies in promoting their interests over the common natural resource base; b) stakeholder strategies used in dealing with the conflicts; c) the effectiveness of strategies used in resolving these conflicts; and d) the role of outside players in influencing the conflict resolution process.

CONTEXT

Pesisir Krui lies along the west coast of southern Sumatra and is located in West Lampung District, Lampung Province (see Map).[2] It covers an area of 85 742 ha, which is divided into three subdistricts: Pesisir Selatan (South Pesisir), Pesisir Tengah (Central Pesisir) and Pesisir Utara (North Pesisir). This area is famous for its forest-based agroforestry systems, locally known as Repong Damar (*Shorea javanica* garden). These agroforestry gardens cover an area of some 49 400 ha; part of this area (32 775 ha) is located within an alternative land-use zone, while the rest (16 625 ha) lies within a limited production forest zone.[3]

Ecologists who have spent much time researching these agroforestry gardens describe Pesisir farmers as having "succeeded in doing what most foresters dream of: establishing, maintaining and reproducing, at low cost and on huge areas, a healthy dipterocarp plantation. This is still a unique example in the whole forestry world. The best part of the story is that this success is inextricably linked to shifting cultivation, the agriculture system held in contempt by foresters" (Michon *et al.*, 2000).

Damar gardens represent the mature stage of these intensified swidden agricultural systems. Repong farmers in Pesisir have sustainably managed the natural resource in a way that does not destroy biodiversity, but instead enhances the stratification structure, which is modelled on a virgin forest ecosystem. Damar trees are clearly dominant in mature gardens, representing about 65 percent of the tree community and constituting the major canopy ensemble. Plant inventories in mature Damar agroforests have recorded around 40 common tree species and several more associated species, including large trees, treelets and shrubs, liana, herbs and epiphytes. Important economic species commonly associated with Damar are mostly fruit-trees, which represent 20 to 25 percent of the tree community. Damar gardens represent the main source of income for the majority of the population in Pesisir Krui. Of the 70 villages along the coast of Pesisir Krui, only 13 do not possess Damar gardens (Michon *et al.*, 2000).

Repong farmers are able to harvest resin from the Damar gardens on a regular basis throughout the year. Resin from one tree can be tapped at least once a month and sometimes every two weeks. On average, a family from Pesisir Tengah can harvest 70 to 100 kg of resin per month. Hence, with only five days' work per month a family can meet its subsistence needs from the Damar garden alone (Michon *et al.*, 2000).

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2. Special thanks go to Nana, who has provided maps for this case study.

3. Data on the land area of Repong Damar gardens are based on the analysis of Ahmaliadi and de Foresta (1997), which prompted the Minister of Forestry to issue a decree recognizing Repong Damar gardens in Pesisir Krui.

MAP	THE CASE STUDY AREA

INDONESIA

Sumatera island

SUMATERA ISLAND

Western coast of Lampung

WESTERN COAST OF LAMPUNG

0   25 km

South Bukit Barisan Selatan National Park
KDTI
Lake
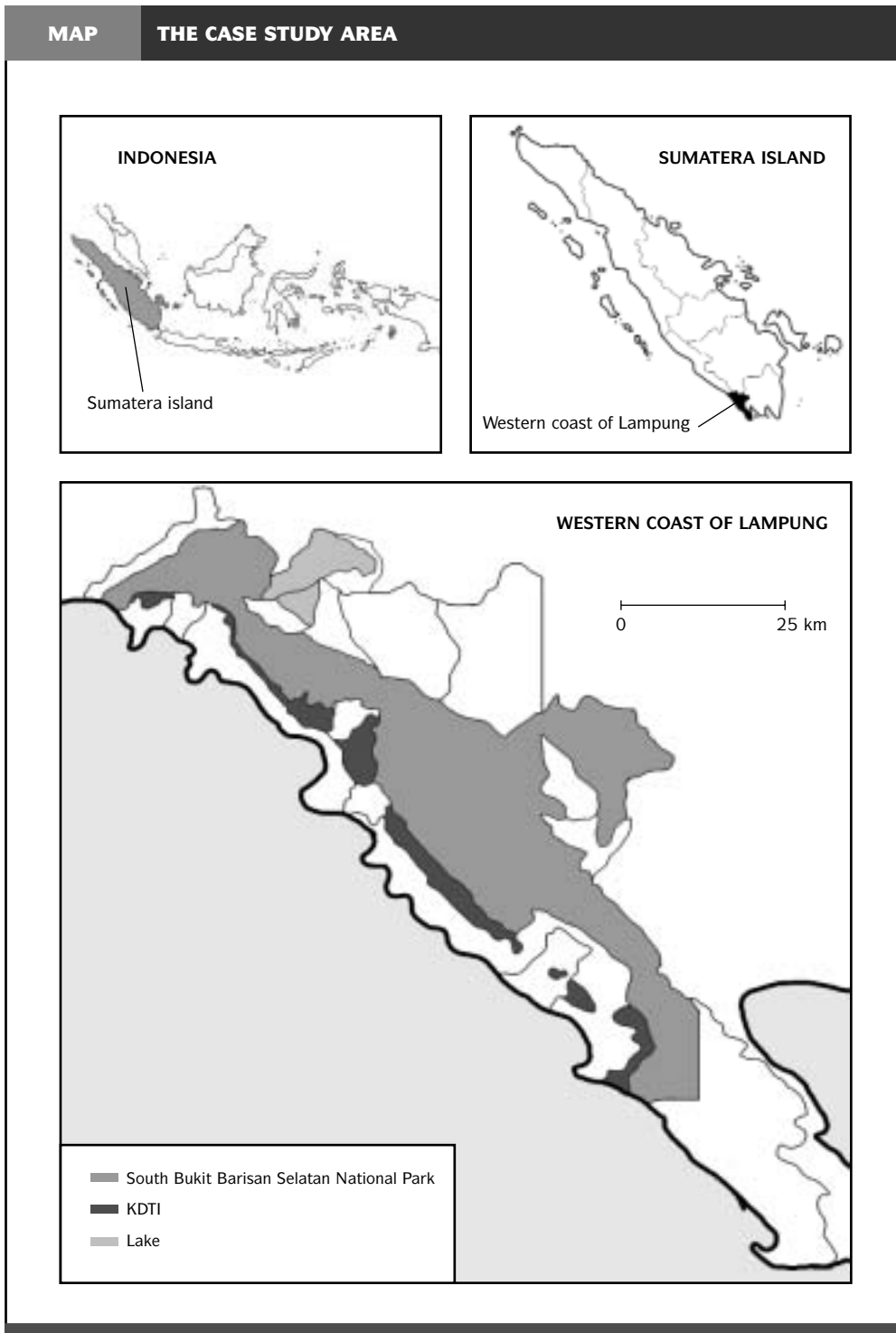
Damar gardens in Pesisir Krui also represent the principal resin-producing area in Indonesia. In fact, more than 80 percent of national resin production originates from Pesisir Krui. This resin is used as raw material for the production of paints, ink and varnish in many industrial countries. The global demand for resins has remained high and Repong farmers have been able to market the product with relative ease. Even during the recent economic crisis affecting most Southeast Asian nations, the price of Damar resin stayed up. As long as Repong farmers continue to receive good economic returns from their Damar gardens, this agro-forestry system is likely to remain sustainable in the Pesisir Krui area.

There are three phases in the management of Damar gardens in Pesisir Krui: the first is swidden cultivation of food crops (known as *ladang* or *darak*), followed by the planting of estate crops (such as coffee and pepper) and finally the establishment of Damar trees. Through this strategy of crop succession and combination, Repong farmers are able to meet the majority of their daily needs. The *ladang* supplies staple and other food crops, the estate crops provide significant seasonal income and the Damar trees supplement the daily cash needs of families. A family typically possesses several pieces of land at a combination of two or three of these succession phases (Lubis, 2000).

The management of Repong Damar as practised by Pesisir Krui farmers represents an effective model of community-based natural resource management. However, the sustainability of this natural resource management system is being threatened by both internal and external factors. Internal threats include more intensive harvesting of Damar (a result of the growing economic needs of Repong farmers), a growing population (employment opportunities within the Damar production system are limited) and the gradual weakening of community cohesiveness.

External threats include the spread of diseases that attack Damar trees, unpredictable market fluctuations and changing government policies, which have gradually taken lands away from farmers for protection and commercial development purposes. In the early 1990s, the provincial government of Lampung began making plans for the conversion of Pesisir Krui into a commercially managed oil-palm plantation. In addition, the central government, through the Department of Forestry, established boundaries for a limited production forest that overlaps with much of the community-managed Damar gardens in Pesisir Tengah and Utara.[4] These two policy changes have triggered a pervasive feeling of insecure land tenure among Repong farmers throughout Pesisir Krui. In Pesisir Selatan, the majority of Damar gardens have already been converted to oil-palm plantations through coercive measures. More than 100 households have lost access to their Damar gardens and this has led to a prolonged conflict between the local government, the palm oil company and local communities.

4. Over the past two decades the area of Pesisir Selatan has been transformed by logging concessions and transmigration programmes. Hence, the establishment of a limited production forest is less controversial in this particular area.

CONFLICT BACKGROUND OR HISTORY

Land-use dispute between Pesisir Selatan communities and PT KCMU

Beginning in the early 1980s, the central government launched Nucleus Estate and Smallholder Development Projects (NES)[5] throughout Indonesia to increase the production of agricultural commodities such as palm oil. These projects have been primarily managed by either state-owned or privately owned corporations. By 1998, oil-palm plantations in Indonesia covered an area of some 2 779 882 ha (Casson, 2000).

In 1994, the Ministry of Agriculture issued a permit to Perseroan Terbatas (PT) Karya Canggih Mandiri Utama (KCMU) to develop an oil-palm plantation in Pesisir Selatan covering an area of 8 500 ha. However, the local government decided to expand this to 25 000 ha for the development of an NES project (10 000 ha for the plantation and 15 000 ha of oil-palm gardens to be managed by small farmers). The land set aside for the plantation overlapped with traditional land rights of Repong farmers in 15 villages within Pesisir Selatan.[6]

The process of converting farmers' lands to palm oil production was conducted through the use of coercion and intimidation. In the early phases of the project, KCMU did not try to identify consenting and non-consenting farmers; instead, traditional lands were taken by force with the help of the military and many Damar gardens were destroyed to scare away farmers. A total of 128 families were reported to have had their Damar gardens expropriated, amounting to an economic loss of approximately US$250 000. Hundreds of other farmers lost access to their land. In revenge, farmers began to destroy hundreds of hectares of the oil-palm plantation. The conflict between KCMU and farmers in Pesisir Selatan continues to this day.

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5. Conceptually, NES projects are large-scale estate crop plantations (mainly oil-palm), managed by state or private corporations, which are designed to provide guidance and support to smaller farmers with gardens surrounding the large-scale plantation. Cooperation between large-scale and small-scale cultivators in the areas of production, processing and marketing are supposedly mutually beneficial and sustainable (Sutrisno and Winahyu, 1991).

6. These include the villages of Way Jambu, Marang, Sumber Agung, Negeri Ratu Ngambur, Pekonmin, Gedong Cahya Kuningan, Mulang Maya, Rajanasa, Negeri Ratu Ngaras, Pardasuka, Pagar Bukit, Tanjung Kemala, Suka Marga and Kota Jawa.

Land-use dispute between Pesisir Tengah and Utara communities with PPL

In 1996, at the height of the conflict in Pesisir Selatan, the local government decided to invite another private corporation (PT Panji Padma Lestari or PPL) to develop plantations in Pesisir Tengah and Utara (central and north Pesisir). More than 12 000 ha were set aside in this area, including 5 040 ha in Pesisir Selatan (Kusworo, 1997). PPL attempted to employ similar tactics in taking over the land. However, learning from the experience of their neighbours in Pesisir Selatan, communities in Pesisir Tengah and Utara openly rejected the PPL project. When the district government tried to convince farmers to join the project, they turned it down unanimously. Farmers from the village of Pugung Malaya even sent a letter protesting about the project to the Governor of Lampung Province and to the then Minister of Forestry.

Coercion and intimidation were not employed in Pesisir Tengah and Utara, perhaps because the private company, the military and the local government recognized that these communities were ready to fight back. Instead, the government continues to try to push the project by seeking support from community leaders. To this day, the project has not taken off.

Farmers rejected the oil-palm plantation because, under the scheme, they have to relinquish their traditional land rights to the corporation in return for a 2-ha plot of oil-palm. Although farmers receive management rights, they are also obliged to pay back an investment loan of about US$3 000 per hectare. In the long term, they become dependent on the plantation owners.

Boundary dispute between Pesisir Krui communities and the Department of Forestry

The third dispute involves communities of Pesisir Krui and the Department of Forestry over the boundary of a limited production forest, which overlaps with many Damar gardens. The forest was established without public input. In 1971 and 1981, the then Minister of Agriculture set aside an area of 52 000 ha at the base of the Bukit Barisan Selatan National Park along the coast of Pesisir Krui, for a logging concession. This concession first appeared in forestry maps in 1991 (Kusworo, 1997). Between 1992 and 1996, the Forest Service began to demarcate the limited production forest with boundary markers. During this period, Damar farmers began to suspect that their lands were also being claimed by the state (Michon *et al.*, 2000).

Local communities have long recognized older boundaries established during colonial times in 1937 (known as Bosch Weesen) separating traditional clan terri-

tories from the forest reserve now known as the Bukit Barisan Selatan National Park, established in 1991. Pesisir Krui communities continue to recognize and respect this boundary to this day.

From these descriptions of the three cases, it appears that conflicts in Pesisir Krui have emerged mainly as a result of top-down development policies that do not incorporate public participation or consider local natural resource management systems. Furthermore, the bias of the government and the military towards commercial development interests has only served to undermine further the interests of local communities.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

In the first case, the private corporation KCMU attempted to ease the conflict by offering compensation to the 128 farmers whose land had been taken away and whose Damar gardens had been destroyed. However, only 52 families agreed to this offer while the rest refused to accept compensation. Farmers who accepted compensation received approximately US$100 per hectare, and in some cases traded their land for a motorcycle. They argued that it was better than getting nothing, even though they felt the offer was unfair. Farmers who refused compensation did so because they felt the offer did not reflect the true value of their loss. Other tactics used by KCMU included hiring a few key individuals from protesting villages to appease their opposition to the company and paying local farmers to purchase disputed lands on behalf of the company.

In August 1995, the families refusing compensation approached the Governor of the Province to seek his support for their cause, and he promised to intervene. In February 1996, opposing families also sought assistance from a legal aid foundation (LBH Bandar Lampung) to resolve the conflict with KCMU. Subsequently, LBH sent a letter to all stakeholders supporting the plantation project (including the Governor, the development bank, the National Land Bureau of the province and the Minister of Agriculture) requesting that they make efforts to resolve the dispute.

LBH asked its head office in Jakarta to take the case to the National Commission on Human Rights, which it did in September 1996. (The National Commission on Human Rights is a government institution established by presidential decree to monitor and help resolve human rights' violations.) Two months later, in December 1996, the commission attempted to mediate in the dispute for the first time by convening all key stakeholders in a hotel in the capital city of Lampung

Province. The commission identified key stakeholders with input from LBH and from the local government. Stakeholders attending this meeting included the Governor's staff, the Head of Horticulture Extension Services, the vice District Head, KCMU representatives and community representatives. The mediation was considered a success because a special task force (called the team of 17) was formed to resolve the dispute between local communities and KCMU, and all stakeholders agreed to implement the task force recommendations.[7]

The task force was able to identify the two principal sources of the conflict between the local communities and KCMU: a) the oil-palm plantation had expropriated unregistered community lands; and b) farmers still opposed the District Head Decree to implement the 40:60 management scheme.[8]

Initially, it was reported that 128 families had been dispossessed of their lands. Following a field investigation, the task force determined that only 72 families had in fact been deprived of their lands. The task force also discovered that the private company had mistakenly taken over lands that were not registered to the oil-palm plantation. In an effort to resolve this issue, the task force recommended that an enclave be set aside for the 72 families whose land had been expropriated. However, the task force never ensured that its own recommendations were implemented.

The task force was ineffective for several reasons. First, the appointed chairperson of the task force did not take the task seriously since he only held the position of District Head on an interim basis and could not issue ordinances before the appointment of the new District Head. Second, a dispute erupted between the private company and the local government over the terms of compensation, which resulted in an impasse.

This inaction ignited people's anger, which led them to burn down buildings at a KCMU campsite. As a result, several farmers were held for questioning. This act of protest prompted the private corporation and local government to form a new task force (WASDAL) composed of the local government apparatus, the police and the military, to try to resolve the dispute gradually with the opposing families. The district government established WASDAL in an effort to mediate in land conflicts in the area. In practice, however, it also sided with the investors and failed to resolve the land dispute.

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7. The task force consisted of 17 individuals (thus its name) representing the local government, the private company and the local communities. The interim District Head chaired the task force, which was mandated to analyse the dispute and make recommendations to help resolve it.

8. Under this scheme, 40 percent of the land was to be a nucleus estate controlled by KCMU and 60 percent would be under smallholder tenure.

By mid–1997, frustrated with this impasse, the Ngambur clan[9] (representing the opposing families) decided to join a province-wide farmer forum known as the People's Council of Lampung (DRL)[10] to stage a mass demonstration at the Governor's office. They decided to join forces with this forum because it possessed significant political influence and strong leadership. Farmers demanded the resolution of land disputes throughout the province. The government responded by forming a team of 13 representatives, five from the government and eight from DRL – the latter coming from the legal aid foundation, the Advocacy Association of Indonesia (IKADIN), political parties (PDIP/Pudi), farmers and students – to resolve pending land disputes.[11]

The team of 13 agreed on the following mechanisms for handling cases:

◆ The team is an independent body and prioritizes land disputes brought before it by the DRL.
◆ The team has the authority to summon government officials and community members for questioning.
◆ The team meets once a week.
◆ Funding comes from the government.
◆ No other cases will be taken on before the case currently receiving attention is resolved.

The team of 13 is mandated to analyse cases, facilitate and monitor agreements on the ground and make recommendations to the Governor to help resolve priority land disputes. The team of 13 has a list of 158 land disputes, of which 42 have so far been resolved. These land disputes can be classified as follows:

a) conflicts between local communities and private companies;

b) conflicts between local communities and the military;

c) conflicts between local communities and the Department of Forestry;

d) conflicts between local communities and transmigrants;

e) conflicts between local communities and local government.

The team of 13 has made considerable progress in resolving several cases and is in the process of handling the dispute between Ngambur farmers and KCMU.

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9. Pesisir Krui consists of 16 clans, of which Ngambur is one. Farmers whose land became part of the oil-palm plantation all belong to this clan.

10. The Lampung Legal Aid Foundation observes that the government was never serious about resolving land disputes in the province. In 1997, people's organizations were established in each area with land disputes in the province. By 1998, there were 198 people's organizations and DRL was formed as an umbrella group. DRL also formed alliances with the Farmers' Council of Lampung, the Artimoro Labour Council, student councils and urban poor associations. DRL is composed of 26 fora, which are supported by academic institutions, political parties and professional associations.

11. The team of 13 was established on the basis of an agreement between the provincial government of Lampung and DRL, and was mandated to resolve pending land disputes in the province.

The preferred approach to conflict management has been through mediation or alternative dispute resolution processes. The team has avoided reverting to litigation because the legal system in Indonesia is considered to favour the interests of the private sector and of the government.

In October 1998, the team of 13 organized a meeting in Pesisir Selatan to convene the key stakeholders: the affected farmers, KCMU, the local government, key agencies and the local development council. This meeting resulted in several important agreements: first, that the land belonging to farmers be returned to them and that farmers agree to participate in the NES project, once given adequate training; second, that the team of 13 and the local government make a recommendation to the Governor of Lampung and the Minister of Forestry to the effect that land within the limited production forest be converted for the purpose of the plantation project; and third, that land belonging to the opposing families be surveyed and titled.

In the handling of the dispute between Pesisir Selatan communities and KCMU, the team of 13 implemented the recommendations of the initial task force (team of 17), and thus was able to help resolve two key problems. KCMU finally issued compensation to 72 families for the loss of their crops and land certificates for the return of their land. However, during the transaction, new conflicts emerged when the appointed mediator from the team of 13 misused his power for political ends.[12] As a result, the dispute remains unresolved.

Attempts to resolve the second problem, which involved 600 smallholder families, have resulted in the lifting of the 40:60 management scheme in practice, but not in legal terms. Farmers continue to disagree over several issues including:

a) the redistribution of the 60 percent smallholder scheme through a lottery system;

b) farmer membership in the smallholder scheme;

c) the credit system;

d) promised financial compensation, which has not yet been allocated;

e) the amount of financial support to be given to each family annually.

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12. The appointed coordinator from the team of 13 held on to the land certificates issued to the 72 families, and is asking each family to pay 500 000 rupiah for them. He is also forcing farmer leaders to change their legal defence from LBH to a lawyer from the Pudi political party. In addition, the appointed mediator offered 5 million rupiah to one of the farmer leaders and promised him the post of Secretary of the Pudi Party in Lampung in the hope of recruiting more party members. None of the 72 families has yet received compensation and only 15 of the families continue to demand their land rights. The other 57 families have already sold their land to the company. The appointed mediator has now been banned from the team of 13 and his own organization, and the bribed farmer leader is no longer trusted in his community.

At the time of writing, no significant progress has been made towards the resolution of the problem. The team of 13 has recommended that:

a) the 40:60 management scheme be revoked;

b) new agreements be formulated;

c) membership be clarified;

d) loans be allocated;

e) financial support be provided;

f) farmers be allowed to work their own land.

These recommendations were to be implemented by the end of August 2001, otherwise the team of 13 would recommend to the Governor of Lampung that KCMU's business permit be revoked.[13]

In the second dispute, the private corporation PPL tried to use tactics similar to those employed by KCMU in convincing farmers to surrender their Damar gardens to the oil-palm plantation project. However, farmers in Pesisir Tengah and Utara were more informed of development policies regarding the project and thus were able to resist these plans. Repeated efforts by the local government to promote the benefits of the project grew less and less effective as farmers realized what had happened to their neighbours.

In an effort to reject the proposed project, community leaders gathered hundreds of signatures from farmers in Pesisir Tengah and Utara in a petition that was sent to the Governor, the Minister of Forestry, related agencies, international research institutes including the Center for International Forestry Research (CIFOR), and several NGOs. As a result of the petition, the Governor ordered an indefinite injunction on the PPL plantation project. The pressure and opposition exercised by communities in Pesisir Tengah and Utara and the fact that the dispute in Pesisir Selatan remained unresolved probably persuaded the Governor not to push the PPL project any further.

In the dispute over the establishment of the limited production forest boundaries, several community actions have helped bring about significant policy changes. In 1996, communities from Pesisir Selatan, Tengah and Utara wrote a letter to the Department of Forestry requesting that the boundary markers be removed and that the original boundary set during colonial times be recognized as the official forest boundary. Repong farmers also voiced their disagreement over forest boundaries at a seminar on the future of Damar agroforestry systems in Pesisir Krui. The seminar, which was well attended by key government agencies, NGOs and universities, also took participants on a field visit to look at the Damar agroforestry systems and see the results of the conflict over the boundary, which cuts

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13. The team of 13 received its mandate from the Governor of Lampung and thus has the power to make such recommendations to the Governor.

right across the Damar gardens area (Sirait *et al.*, 1999). In June 1997, the results of the seminar were presented to the then Minister of Forestry with a list of community demands, including:

a) that the forest boundary be redrawn in accordance with the Bukit Barisan Selatan National Park;

b) that resin harvests not be taxed as forestry products;

c) that farmers be given the right to continue to manage Damar gardens;

d) that farmers be given the right to cut timber from their gardens;

e) that farmers be given the right to hand their gardens down to their children and grandchildren;

f) that the government formally recognize Damar gardens as a legitimate agro-forestry management system.

By the end of 1998, the Minister of Forestry finally issued a decree designating Pesisir Krui as a "Special Purpose Area" and recognizing the rights of farmers to manage Damar gardens within the limited production forest. The formulation of this decree received much input from several international and local organizations including the International Centre for Research in Agroforestry (ICRAF), the Indonesian Tropical Institute (LATIN) and the Family of Nature and Environmental Clubs (WATALA). However, farmers have formally rejected this new decree because they feel it does not provide a full guarantee of tenure rights over their gardens. These disagreements still remain unresolved.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

The conflict between KCMU and Pesisir Selatan farmers has been partly resolved with assistance from LBH and the team of 13. However, it has taken more than five years to achieve this. There are three main reasons for the slowness of progress towards resolving the conflict:

1. the top-down policy-making process;

2. the bias shown by the military and the government towards private investors;

3. the limited negotiating power of local communities.

From the very beginning, the policy-making process concerning the development of oil-palm plantations was very top-down and excluded any consultation with local communities. The local government manipulated information concerning field conditions, claiming that Damar gardens were degraded secondary forest suitable for oil-palm plantations.

The strong bias of the local government and the military in favour of private investors led the former to ignore numerous complaints brought by local communities concerning the abuses committed by the company. The company enjoyed unlimited support from the government and often abused its authority. The injunctions issued by the Governor were often ignored, and without reprimand. Hence, local communities were often left powerless in the face of conflict, and agreements reached between the private company, the government and the communities were mostly ignored.

The lack of community power in the negotiation process also contributed to the slow resolution of the conflict. Communities were ill prepared to deal with external threats and were not able to anticipate the negative consequences of such a development project. When farmers realized that their lands were being taken away to be converted into oil-palm plantations, it was already too late to fight back. They could only resort to sabotage of the plantation.

In summary, the factors contributing to what is, for the most part, a failure to resolve the conflict in Pesisir Selatan include:

a) the complete disregard for local farmers' rights to the land demonstrated by oil-palm plantation development policies;

b) divided farming communities: some opposed the plantation while others supported it;

c) the private company's use of unorthodox methods to achieve its aims: "buying" local leaders' support for the development of the plantation;

d) the bias shown by the government bureaucracy (both civil and military) in favour of private investors;

e) the rigid positions held by each side;

f) the declining economic power of opposing farmers as a result of the loss of their income base;

g) the prevailing attitude of government and parliamentary members that the current demands of opposing farmers represent only a minority view;

h) the hidden agenda of the mediator concerning political interests.
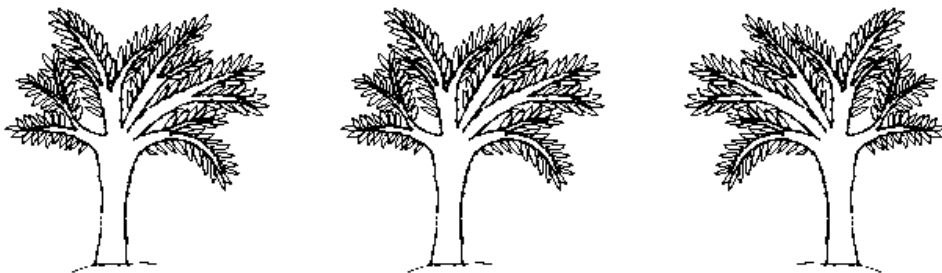
The combination of these factors, more than any single factor, induced the power disparity among stakeholders that made it so difficult to resolve this prolonged conflict.

Farmers were only able to improve their negotiating power when they sought assistance from LBH, which appealed to the National Commission on Human Rights. However, the real turning point for the Pesisir Selatan communities came through coalition building efforts with other farmers at the provincial level, and the mediation efforts of a multistakeholder team (the team of 13). Because of this mediation process, farmers now feel more confident that the conflict will be resolved. They have witnessed efforts to distribute the oil-palm harvest among farmers, and the government has become more open about funds generated from the sale of the harvest.

In the second dispute, farmers were successful in stopping the establishment of the oil-palm plantation because they knew what their neighbours had experienced and were able to organize themselves to oppose the plans before they were implemented. Better access to information and greater community cohesion were important factors in limiting a potential conflict.

The third dispute remains unresolved to this day, even though the Department of Forestry attempted in good faith to establish a Special Purpose Area, which would have benefited local farmers. The policy advocacy approach used by various local and international agencies in support of local communities seems to have failed in the eyes of local communities who are seeking greater security over the land. The lack of community participation in the development of the Special Purpose Area policy instrument demonstrates the weakness of advocacy approaches, which do not always enable local communities to have a voice in defining policies.

LESSONS LEARNED

◆ The most effective strategies for resolving land-use conflicts in a context of top-down government policies and extensive coercive measures were coalition building efforts and the establishment of multistakeholder mediation teams.

◆ Mediators with hidden agendas tend to delay rather than assist the resolution process.

◆ Access to information and community cohesion are important factors in helping communities resist external threats, but may not be sufficient in resolving conflicts where coercive measures are used.

◆ The use of coercion usually results in prolonged conflicts with losers on every side.

◆ National-level mediators can be effective in convening stakeholders and helping them reach agreements; however, they are less effective in ensuring the implementation of these agreements at the local level.

◆ Policy advocacy without public participation is just another form of top-down policy-making that can lead to new conflicts.

◆ The most important elements for the successful resolution of land-use conflicts in a context of extensive coercive measures would include a combination of: access to information, community organizing, coalition building, the ability to put one's case to higher levels of bureaucracy, multistakeholder mediation teams, effective implementation and monitoring of agreements and public participation throughout the process.

REFERENCES

Anonymous. 1997. Kasus Tanah Marga Ngambur, Lampung [Nagmbur Clan Land Case]. *In* Supriatna AMT, eds. *1996: Tahun Kekerasan (Potret Pelanggaran HAM di Indonesia) [1996: year of violence (a snapshot of human rights violations in Indonesia)]* . Jakarta, YLBHI.

Arief, S. 1997. Kebijakan Pertanahan dalam Pemerintahan Orde Baru: Telaah Ekonomi Politik [Land use policies during the New Order Government: political economic study]. *In* S. Arief, ed. *Pembangunanisme dan Ekonomi Indonesia: Pemberdayaan Rakyat dalam Globalisasi [Developmentalism and economy in Indonesia: people's empowerment and globalization].* CPSM dan Zaman Wacana Mulia. Bandung. Hal 251.

Carpenter, L.S. & Kennedy, W.J.D. 1988. *Managing public dispute: a practical guide to handling conflict and reaching agreements.* San Francisco, CA., USA, Jossey-Bass.

Casson, A. 2000. *The hesitant boom: Indonesia's oil palm sub-sector in an era of economic crisis and political change.* Occasional paper No. 29. Bogor, CIFOR.

Fakih, M. 1995. Tanah Sebagai Sumber Krisis Sosial Dimasa Mendatang: Sebuah Pengantar [Land as a source of social crisis in the future: an introduction]. *In* Untoro Hariadi and Masruchah, eds. *Tanah, Rakyat dan Demokrasi [Land, people and democracy].* Yogyakarta, Forum LSM-LPSM DIY.

Foresta de, H., Michon, G. and Kusworo, A. 2000. Complex Agroforests. Lecture Notes. ICRAF. Bogor.

Kasim & Suhendar. 1997. Kebijakan Pertanahan Orde Baru: Mengabaikan Keadilan demi Pertumbuhan Ekonomi [Land use policy of the New Order: favoring economic development over justice]. *In* Noer Fauzi, ed. *Tanah dan Pembangunan [Land and development].* Jakarta, Sinar Harapan.

Kusworo, A. 1997. *Kajian Beberapa Kebijakan pemerintah Menyangkut repong Damar di pesisir Krui, Lampung Barat [Analysis of several government policies regarding Repong Damar in Pesisir Krui, West Lampung]*. Bogor, ICRAF.

Lubis, B. Zulkifli. 2000. Menyelaraskan Pola dan Ruang Pengelolaan sumber-daya Milik Komunal [Developing sound spatial management of communally owned natural resources management]. *Seri Kajian Komuniti Forestri, seri 3 tahun kedua Februari 2000 [Community Forestry Analysis Series, No. 3 Year 2, February 2000]*. Bogor, Lembaga Alam Tropika Indonesia.

Michon, G., Foresta de, H., Kusworo, A. & Levang, P. 2000. The Damar Agroforest of Krui, Indonesia: justice for forest farmers. *In* C. Zerner, ed. *People, plants and justice: the politic of nature conservation*. New York, Columbia University Press.

Nasikun. 1996. Industrialisasi, Kapitalisme, dan perkembangan Konflik per-tanahn di Indonesia [Industrialization, capitalism, and land conflict development in Indonesia]. *In* Endang Suhendar and Ifdal Kasim, eds. *Tanah Sebagai Komoditas: Kajian Kritis Atas Kebijakan Pertanahan Orde Baru [Land as commodity: critical analy-sis land use policies of the New Order]*. Jakarta, ELSAM.

ODI. 1998. *A manual on alternative conflict management for community-based natural resource projects in the south Pacific: context, principles, tools and training materials*. Prepared by ODI for United Kingdom Foundation for South Pacific, London.

Sirait, M., Chip Fay, Foresta de, H., Suwito, Achmaliadi, R. & Dirman. 1999. Proses Kebijkan KDTI untuk Repong Damar di Krui dan Sekitarnya [Policy process of the Special Purpose Area for Repong Damar in Krui and surround-ings]. Paper presented at ICRAF-LATIN Collaboration Reflection Workshop, 4–5 September 1999. Cisarua, Bogor.

Suporahardjo. 2000. Lampung, Potret Keruwetan Sengketa Kawasan Hutan di Indonesia [Lampung, a snapshot of the complexity of conflicts in forest areas of Indonesia]. *In* A. Kusworo, ed. *Perambah Hutan atau Kambing Hitam?: Potret Sengketa Kawasan Hutan di Lampung [Forest squatters or scapegoat?: A snapshot of conflicts in forest areas of Lampung]*. Bogor, Pustaka Latin.

Sutrisno, L. & Winahyu, R. 1991. *Kelapa Sawit: Kajian Sosial Ekonomi [Palm oil: socio-economic analysis]*. Yogyakarta, Aditya Media.

From conflict to co-management: the case of the Blue Forest

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SUMMARY

Prins, Castillo and Almendares analyse the conflict between legal and illegal forest users from three communities near the Blue Forest, Honduras. Some villagers received the right to exploit the reserve, but legal and institutional requirements made their timber clearing less profitable than illegal harvesting. A project sponsored by the Tropical Agriculture Research and Higher Education Center engaged in a multistakeholder strategy for managing the conflict, using development activities, facilitation, mediation and collaborative planning. The rates of illegal logging have dropped considerably as a result. Nevertheless, further change in the policy environment is needed to enhance the profitability of legal logging.

GUIDING QUESTIONS

KEY ISSUES
- Why is it important to have broad-based participation in conflict management processes?
- How can conflict management be a good social investment?

CONTEXT
- What influences the ways in which villagers from the three communities define their interests in the Blue Forest?
- How did the designation of forest user groups affect the management and use of the Blue Forest?

CONFLICT BACKGROUND OR HISTORY
- Why was the *Piedras Amarillas* group unable to prevent illegal logging?
- How did the OLAFO project get involved in the forest conflict?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES
- What were OLAFO's initial steps in conflict management? Why did they prove difficult?
- How did the communities become more motivated and able to discuss the conflict openly?
- How can trust be built and maintained among conflicting parties?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES
- How has conflict management altered forest management and use in the three communities?
- How can conflict management outcomes be sustained?

LESSONS LEARNED
- What are the advantages and limitations of having outside parties involved as facilitators and mediators in conflict management processes?
- How could forestry policies, institutions and practices be altered to promote increased local participation?

KEY ISSUES

This case study describes and analyses how a conflict between three communities over access to, and use of, a communal forest in Honduras, known as the Blue Forest (*Bosque Azulera)*, was handled so as to enable the co-management, conservation and sustainable use of the forest by those communities. The study was carried out in the Atlantic coastal region of Honduras and addresses the following key issues:

◆ The step-by-step, multistakeholder strategy applied in this case effectively addressed the conflict of interests and viewpoints related to the access to, and use of, natural resources, creating a solid social base for their sustainable use and conservation.

◆ Conflict management must be seen as an opportunity to shape fruitful social relations allowing for joint management of natural resources.

◆ Without all users and stakeholders agreeing to clearly defined rights, rules and objectives for resource and conflict management, precious natural resources may face severe destruction.

The first issue relates to the literature on how to tackle, in a collaborative way, conflicts between groups in society that are divided over the use of scarce natural resources. This includes: analysis of the origin and development of the conflict; defining the stakeholders, their positions and interests; and the design of ways and means to bring parties together and create common ground and a vision for a negotiated outcome.

The second issue expresses a central idea in the literature on conflict management and its practice, which is evident in this case: resolving conflict consumes time and energy but may also be an opportunity to create more just and productive social and institutional relations, which is a good social investment. Natural resource conflict management is not just a matter of solving a conflict but also of creating, in the process, a solid basis of cooperation for long-lasting conservation and the sustainable use of scarce natural resources. This implies an enabling environment, in the broadest sense of the term: to conserve and make better use of natural, human and institutional resources through concerted action, geared at an effective trade-off between conservation, production and a sustainable livelihood for the local population.

The third issue is in line with the literature on the conservation of common property resources such as communal forests, irrigation water, pastures and aquatic resources. These resources can be conserved over time if their conservation is vital for the group's survival and if the group is able to develop fair, effective and socially accepted rules that apply to the access to, and use of, those resources. If the latter is not the case, the probability is that that everybody will exploit the resources as quickly as possible and they will eventually be lost. Hence, there is a

close link between conflict management and the democratic regulation of access to, and use of, common natural resources, in accordance with the characteristics of the ecosystem and the livelihood needs of its users, as will be shown in this case.

The case study provides an insight into the multiple dimensions and processes of (conflict) management and conservation of scarce and common natural resources, and makes this accessible to development facilitators and the public at large.

Natural resource conflict management is not just a matter of resolving a conflict about access to, and use of, scarce natural resources. It is also about shaping, in the process, more equitable and productive relations among the different stakeholders and generating a solid social, institutional and policy environment for enduring conservation and sustainable use of those resources.

CONTEXT

The area on which this case study focuses is a rural area of the Atlantic coastal region of Honduras, in the Municipality of Jutiapa, Department of Atlantida (see Map below).

MAP	LOCATION OF JUTIAPA MUNICIPALITY
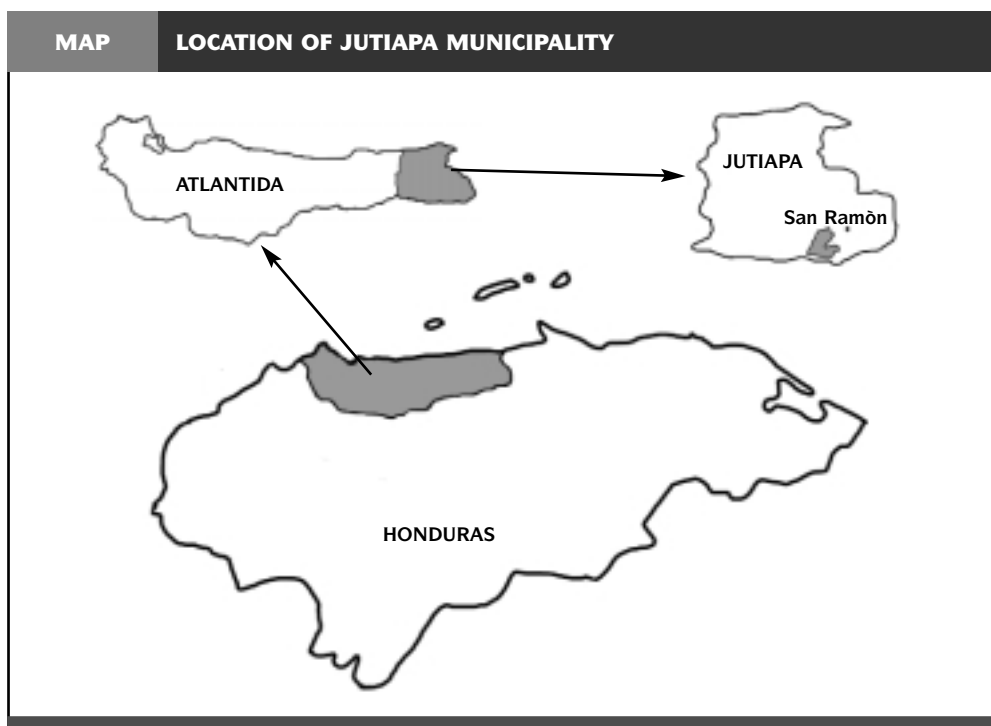
Characteristics of the disputed area and the services it provides

Until five years ago, the Blue Forest covered 1 200 ha. Currently (in 2000), just 804 ha of forest remain, of which 124 ha are designated for watershed protection (see Map below). A total of 680 ha may be used for the production of timber and other forest goods. During the last five years, 400 ha of the forest have been illegally converted into agricultural land. If no concerted action is taken, it is anticipated that the forest will be completely destroyed within ten years.

Various rivers spring from the mountainous forest. The water resources protected by the forest ecosystem provide drinking-water for 30 communities in Jutiapa, and groundwater for irrigating part of the lower terrain on which banana plantations have been established.

| MAP | LOCATION OF THE BLUE FOREST |
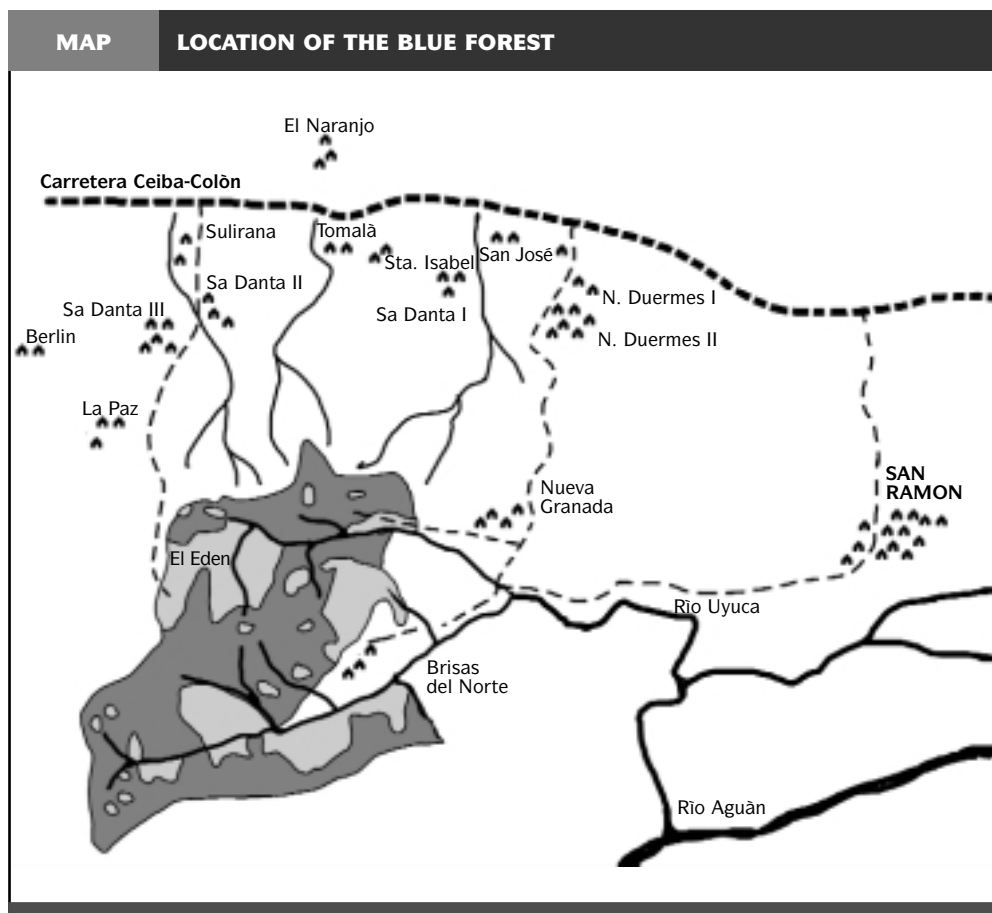
Location of the communities and reasons for the conflict

The three communities involved in the conflict over the Blue Forest are: San Ramon, Nueva Granada and Brisas del Norte. San Ramon has the formal right of forest access, but it is three hours' walking distance away, which makes it difficult for the community to exercise its rights. Nueva Granada is one-and-a-half hours away, and Brisas del Norte is located on the forest border (see Map on p. 105). These two communities illegally exploit timber and have converted parts of the forest into agricultural land. Half of the land possessed by the peasants of Brisas del Norte was originally part of the area set aside as the Blue Forest. The conflict is detrimental to the conservation and sustainable use of the forest.

Because of poor road conditions, all goods and timber harvested are transported on mules and horses to points accessible by large trucks. The road used for smuggling timber from the Blue Forest passes the community of Nueva Granada and continues on to the community of Ni Duermes (see Map on p. 105). There, during the night, trucks enter and take away the timber illegally, to be sold at the local market.

Goods and timber are transported by mules and horses

Some aspects of the communities

The community of Brisas del Norte is between 750 and 900 m above sea level (masl), far from modern infrastructure. It is the youngest and poorest of the three communities with regard to income, employment and access to social services. San Ramon is between 300 and 400 masl. It is the oldest of the three communities and is the least poor. It has a road to the highway, which connects the towns along the Atlantic Coast. Nueva Granada lies halfway between Brisas del Norte and San Ramon. Its poverty level is about midway between that of the two other communities.

The area is mountainous. Agriculture is carried out on steep, erosion-prone hillsides, and mainly staple goods such as maize, rice and beans are grown. Slash and burn agriculture is still widespread and is usually carried out before the first planting of maize during the month of May. Efforts are being made by extension workers to convince farmers to adopt new practices such as applying mulch. For many members of the communities located near the forest, harvesting timber is an additional source of income.

Slash and burn agriculture is widespread

Small plots of tropical forest remain, although they are threatened by continuous migration from other regions of Honduras. The region can be characterized as "agricultural frontier". The inhabitants of the three communities originate from other regions of Honduras where there was limited access to land as a result of population concentration. The main incentive for emigration was to obtain land and make a living from it. At that time, the prevailing perception in society was that forests were a hindrance to rural progress; official policy was geared towards forest conversion for agricultural purposes, and forest clearance resulted in entitlement to tenancy.

Since the 1980s, national policy has gradually changed in favour of forest conservation. In 1994, forestry groups in the communities obtained the legal right to exploit state-owned forest through a contract with the National Honduran Corporation for Forestry Development (COHDEFOR). To effectuate the right, a group must ensure sustainable exploitation of the forest through a long-term management plan and annual operational plans.

A weak aspect of this arrangement is that COHDEFOR signs the contract with a particular group within the community that is engaged in forestry, and not with the community as a whole through its representative local organization, known as *el patronato*. This does not necessarily mean a conflict between the forestry group and the rest of the community, as not everybody is interested and engaged in timber exploitation, but it often lowers community involvement in forest conservation and protection.

Various forestry groups in the zone are members of the Regional Agroforesty Cooperative of Atlantic Honduras (COATLAH), a cooperative timber service organization located in the city of La Ceiba, which often acts as an intermediary for other groups to obtain a forest use right from COHDEFOR.

The economic, political and institutional environment is not yet conducive to sustainable forest management and legal logging. Legal loggers must comply with many formal obligations: they must adhere to sustainable harvesting guidelines, follow bureaucratic procedures, pay taxes and tolerate complicated payment schemes. The slightly better price for legally produced timber is offset by these barriers. Furthermore, certification of sustainably produced timber and payment for environmental services is just beginning in Honduras.

Legal and institutional flaws combined with a weakly developed incentive system contribute to the wide-scale illegal exploitation of timber promoted by some traders. In addition, the control of illegal traffic through confiscation of the timber and incarceration of those responsible is not very effective. Hence, many members of legal forestry groups are eventually induced to leave them and become involved in illegal timber extraction. For a list of the main stakeholders in the conflict see the Box.

BOX	MAIN STAKEHOLDERS IN THE CONFLICT

◆ Three communities located near the Blue Forest: San Ramon, Nueva Granada and Brisas del Norte, represented through their *patronatos.*

◆ A forestry group with forest use rights in the Blue Forest: *Piedras Amarillas*, associated with the community of San Ramon and COATLAH.

◆ COHDEFOR, the government agency in charge of policy-making, and orientation and control of forest conservation and harvesting.

◆ The Municipality of Jutiapa: responsible for certain environmental matters (i.e. watershed management with COHDEFOR), drinking-water supply and public sanitation (with the Ministry of Health).

◆ OLAFO, a project of the Tropical Agriculture Research and Higher Education Center (CATIE).[1] The project carries out activities in agroforestry and social forestry, and others aimed at strengthening communal and intercommunal organization in the area.

CONFLICT BACKGROUND OR HISTORY

In 1994, a forestry group known as *Piedras Amarillas* (Yellow Stones) received forest use rights for the Blue Forest from COHDEFOR. At that time, the group was composed of members of all three communities described in this study. Later, discontent arose within the group over the management of funds, the decision-making process and the way timber quotas were allotted. The trees to be harvested, selected in the annual operation plan, were assigned to two-person teams. The members of the group originating from Brisas del Norte and Nueva Granada complained that this allotment was not equitable. They then deserted the group and started to harvest timber illegally and unsustainably in the Blue Forest, seeking the highest prices for the most precious species (see Box on p. 111).

The *Piedras Amarillas* group kept the forest use rights, but it was not able to prevent the illegal logging and was prevented from making full use of its rights by the distance between the community and the forest (see Map on p. 105). When

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1. CATIE is located in Turrialba, Costa Rica. Its efforts are concentrated in Central American countries and some other Latin American countries with links to Central American government agencies.

the group entered the forest to inventory tree species for harvesting, as specified in the general management plan, it found that the precious timber species had already been felled by members of the neighbouring communities.

In 1996, a CATIE project called OLAFO began working in the community of San Ramon. The project helped the community obtain a number of social services (such as drinking-water), promoted sustainable hillside land-use practices and helped strengthen the local organization. The drinking-water project created awareness among the people of San Ramon about the importance of tree conservation close to water sources, and established a link between conservation measures and public health. A local health committee was formed, together with an agroforestry committee to carry out activities such as establishing a nursery for fruit- and timber trees, live fences, and other practices associated with soil conservation and income generation.

El patronato was revived and became the encompassing local organization for previously existing (i.e. the *Piedras Amarillas* group) and newly formed groups. In this way the local organization in San Ramon became more unified in its goal setting.

Progress in social forestry was hindered by the lack of effective control over the forest use rights. Frustration, associated with failing to meet its objective of social forest management, motivated the local OLAFO team to think about a collaborative and negotiated way to resolve the conflict among the three communities.

As will be shown in the next section, strengthening the local organization in San Ramon around development activities and, later, initiating a similar process in the communities of Brisas del Norte and Nueva Granada contributed to the willingness and capacity of the communities to find a negotiated solution to the conflict over the forest.
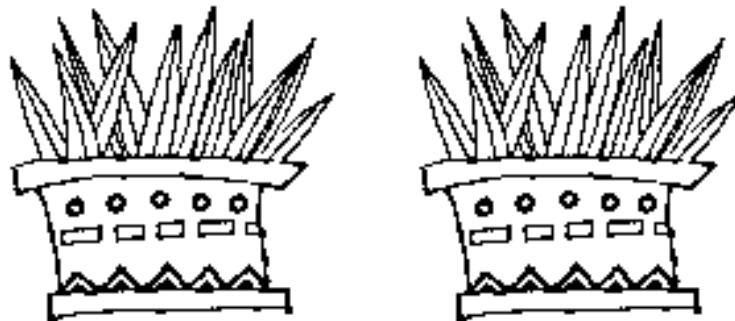
BOX	HISTORY OF THE BLUE FOREST CONFLICT
1994	The *Piedras Amarillas* group, composed of members of three communities, receives the right to exploit the Blue Forest from COHDEFOR
1995	A conflict arises within the *Piedras Amarillas* group concerning fund management and the partition of the timber quota; the foresters of Brisas del Norte and Nueva Granada start illegal timber exploitation; more conversion of forest into agricultural land
1996	OLAFO starts rural development activities and strengthening local organizations in San Ramon
1998	Mediation of the conflict begins

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

The first steps

In June 1998, the OLAFO team started to approach the communities and other stakeholders in the conflict.

A first step was to establish a rapport with the communities of Brisas del Norte and Nueva Granada. Exploratory visits were made to, and conversations held with, the authorities of the *patronatos* and ordinary families, and some needed services were provided. Examples of these were helping Brisas del Norte to build a school, since the lack of primary education was a major concern of the community. These contacts and services helped OLAFO to gain a minimum level of acceptance, since it would be needed to act as a mediator among the three communities. Still, a considerable amount of distrust remained and conflict resolution was still a long way off.

While approaching the communities, the OLAFO team tried to generate interest among the development agencies present in the region to support a negotiated resolution to the conflict. The first agencies addressed were COHDEFOR and the Municipality of Jutiapa. COHDEFOR's support was sought because it was its task to guide the conservation and sustainable harvesting of the national forests. The municipality had the additional responsibility of ensuring the protection of the natural resources within its jurisdiction, and of guaranteeing the provision of social services, such as the supply of drinking-water.

Contacts were also established with other agencies that it was hoped would play a role in the resolution of the conflict, including a regional organization for protection of human rights and an agency associated with the Ministry of the Interior, in charge of overseeing compliance with environmental protection laws. The latter two agencies were to observe and certify the overall process and procedures.

After establishing some common ground with these agencies (e.g. the importance of avoiding violence at any cost and of providing incentives instead of just punishing smugglers), the OLAFO team put the idea of a conflict settlement to the local authorities. First the leaders of San Ramon were approached, because of the trust that already existed there, then those of Nueva Granada and, finally, those of Brisas del Norte, which was the most confrontational of the three communities.

After this preparatory groundwork, a joint meeting of the three communities was held in Nueva Granada, which was attended by the Lord Mayor of Jutiapa and representatives of other agencies. At this meeting it was agreed to settle the conflict in a peaceful way and to establish a conciliatory committee for that purpose.

However, as later events showed, the agreement was fragile and the idea of a negotiated solution had not yet really taken root among the communities.

In February 1999, the conciliatory committee began its activities, with the task of discussing the issues at stake, discovering ways of resolving them and finding equitable rules for all. The committee was composed of representatives elected by the communities and members nominated by COHDEFOR and the municipality. COHDEFOR took on the role of chairperson and the municipality became secretary of the committee. OLAFO was not a member of the committee, but attended the meetings in the role of initiator and facilitator of the process. At the beginning, representatives of the human rights organization and the environmental protection agency also attended the meetings.

The difficult start

In spite of the efforts undertaken to ensure a smooth process that would lead to an agreement, reconciliation and conflict resolution were far from easy to obtain, especially at the beginning.

There was no solid basis of trust: COHDEFOR was considered by the smuggling communities to be an adversary, associated with confiscating illegally harvested timber. OLAFO was not completely trusted either, because of its long-term relationship with the people of San Ramon. The team had to prove to the smuggling communities that it was impartial, and it had to learn, by trial and error, to act as an effective mediator.

The community representatives did not show a strong will, nor the necessary openness, to analyse and discuss the issues. The earlier attitude towards the conflict had been avoidance, and this attitude prevailed in the first committee meetings. Representatives exhibited a certain rigidity and did not feel free to modify formerly held positions.

In time, the communities became more motivated and were able to discuss the conflict in a more open and flexible way. This was a result of various interacting factors:

◆ At one point a physical clash occurred between a group of foresters from the *Piedras Amarillas* group and inhabitants of Brisas del Norte, when the latter group tried to prevent the former from walking on what had previously been forest land. This land had been converted into agricultural land and had subsequently been claimed by inhabitants of Brisas del Norte. The clash aroused strong emotions, but it also convinced the authorities and people of San Ramon that negotiation was really necessary.

◆ Two months later, timber smugglers from Brisas del Norte were captured by forestry inspectors and police while illegally transporting timber. OLAFO, the municipality and the human rights organization mediated to obtain their freedom. Fear of imprisonment, the confiscation of their timber and loss of income, combined with the goodwill shown by the mediators, began to convince the people of Brisas del Norte that negotiation might be necessary and might offer an opportunity to advance their interests.

◆ Common reflection in the committee on these events contributed to enhancing the willingness of the communities to seek a peaceful solution. Balancing rights and obligations, the human rights organization stressed the need to respect the social rights of poor people, while representatives from the environmental protection agency stressed the need for *all* people to abide by the established laws.[2]

2. The observers from these two organizations chose to retire from the committee, not wishing to mix their official responsibilities with the negotiation process by simultaneously acting as judge and participant. Nevertheless, their presence had created a positive effect by convincing the communities of the vital importance of settling their dispute in a negotiated and peaceful way. The observers remained available for consultation.

The importance of communication, adequate procedures and language

To make progress in uniting the three communities, it was of utmost importance to implement adequate and equitable procedures, promote dialogue among the communities and their committee representatives, and provide proper follow-up to the agreements reached.

For instance, it became clear that the first elected committee representative from Brisas del Norte did not openly communicate the agreements discussed in the committee to his community. Apparently he had a hidden agenda and particular interests – he was a leader of the smugglers – and attempted to sabotage the process by giving erroneous information and speaking out against the committee, which obstructed its progress. It was then decided that community representation on the committee be increased to include at least two members of each community, so that decisions did not rest with one community representative. As the process advanced and the committee became more and more connected with the communities, the aforementioned representative was eventually isolated and lost the support of the community.

A sensitive issue in the process was the language to be used. At the start, the communities were completely opposed to the use of the word *ilegales* (illegals), which was clearly a defence mechanism as long as there was little trust of the other participants. When a foundation of mutual trust was later established, and the communities involved in illegal harvesting desired legal alternatives, the term was no longer found objectionable.

 When negotiations reached a possible solution and activities were undertaken to investigate the state of the forest resources, the term "inventory" was rejected by the communities of Brisas del Norte and Nueva Granada, since it reminded them of the former, disputed activities of the *Piedras Amarillas* group. This impeded the progress of planned activities; the term "diagnosis" was accepted and used instead.

The process accelerates

With flexible strategies, tactics and language to fit the evolving circumstances and moods of the participants, trust among the communities gradually grew. This enhanced their willingness and capacity to analyse the problems in an open and just manner, and to seek a mutually agreeable outcome. In time, the committee became firmly rooted and broadly accepted in the three communities.

A meeting of community members

This positive change was stimulated by parallel development activities in Brisas del Norte and Nueva Granada. Some extension workers were contracted to assist farmers to improve agroforestry practices aimed at sustainable production of maize, beans, fruit and vegetables. As part of the extension methodology, excursions were organized to visit communities in other areas, which broadened the participants' thinking and created a genuine interest in shaping better relations with other communities and development agencies. It also improved their capacity to interact and negotiate with outside agents.

It became clear to the other two communities that OLAFO was not just a friend and supporting agency of San Ramon, that it was not acting as a "spy" and that its aim was not simply to suppress illegal harvesting. It also became obvious to them that legalizing their timber activities might lead to better and more productive relations with outside development agents.

Another factor that helped to gain the trust and support of the communities of Brisas del Norte and Nueva Granada was the provision of medical aid in cases of illness or accidents associated with illegal timber extraction. On one occasion a forester cut his leg with a chain saw and, as a result of prompt medical attention, he was able to save it.

A fact-finding excursion into the forest

The growing interest expressed by the outside agencies in finding a fair and sustainable outcome to the conflict was also important. Their motivation increased when they realized that the process of conflict resolution helped them to fulfil their own institutional mission and achieve unity in vision and action (see section on the outcome of the conflict).

From the start of 2000, the committee began to seek and examine practical solutions to the conflict that were acceptable to the three communities. It became possible to discuss former "hot" topics, such as management of funds and timber quotas, and seek solutions to problems arising from these.

A crucial point of discussion during the last stage of the process was the use of the Blue Forest. As the process advanced, the smuggler communities became aware of the overriding importance of conserving the forest and were prepared to commit themselves to it. At the same time, they wanted to ensure that this would not involve the loss of the land obtained by converting parcels of the forest into agricultural land. Hence, a trade-off had to be found between conserving the remaining forest and retaining those agricultural parcels.

To help people form opinions and make decisions, a number of participatory fact-finding excursions were organized to gather information on the state, use and possession of the forest resources. (For details, see the section on the outcome of the conflict.)

In a complex and long-lasting conflict, a long time span, a clear strategy and high-quality process guidance are required in order to find and implement adequate and appropriate solutions, with a solid base of support in society.

BOX	ACTIVITIES AND MILESTONES IN THE CONFLICT RESOLUTION PROCESS
June 1998 to February 1999	• Initiation of mediation process and preparatory groundwork. Initiation of development activities in Brisas del Norte and Nueva Granada
February 1999	• Establishment of conciliatory committee. Initiation of difficult negotiations; lack of trust; positions inflexible
April to July 1999	• Physical clash between communities around access to the Blue Forest • Timber smugglers from Brisas del Norte are captured and released through intervention of committee
July to December 1999	• Increased technical assistance in Brisas del Norte and Nueva Granada • Increased mutual trust; positions in committee open up; more support in communities for committee
January to July 2000	• Open and serious negotiations to find practical solutions to the conflict
June 2000	• Reunification of the three communities and the *Piedras Amarillas* group in meeting at the municipality
June 2000 to June 2001	• Conciliatory committee keeps functioning • Planning and execution of activities of sustainable exploitation of Blue Forest by reunited *Piedras Amarillas* group • Participatory territorial "diagnosis" of Blue Forest • Establishment of municipal guards in the communities

The meeting at the Jutiapa Municipal Town Hall, June 2000

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

◆ On 19 June 2000, the three communities and members of the *Piedras Amarillas* group were reunited in a meeting at the Jutiapa Municipal Town Hall.

◆ The majority of the group members are now from the two communities previously associated with illegal harvesting, and the chairperson is from Nueva Granada. This expresses a change in power relations between the communities and an even-handed outcome to the conflict. Nueva Granada lies midway between Brisas del Norte and San Ramon and played a mitigating and reconciliatory role while the other two communities often displayed impassioned and confrontational behaviour.

◆ The forestry group is now rooted in the three communities and the *patronato* organization, and backed by regional development agencies. Previous isolation from tri-community organizations and development agencies was an important group weakness.

◆ The reunited group obtains assistance from an OLAFO forest engineer and was involved in drawing up a sustainable harvest plan for early 2001.

◆ Former illegal harvesters from Nueva Granada and Brisas del Norte are eager to acquire the knowledge and skills necessary for sustainable forest management and to receive orientation and assistance regarding sustainable agriculture. To demonstrate that they have become respected citizens, they have become very legal-minded. They operate in close association with the munici-

pality and COHDEFOR to control illegal timber logging and transportation, and to assist in protecting the forest from trespassing by outsiders. COHDEFOR has been asked to provide more technical assistance to the communities in forestry practices and to monitor the sustainability of the forest harvest in accordance with the forest use rights contract.

◆ The rates of illegal logging and transport have dropped considerably, although not to zero. Some members of Brisas del Norte continue to harvest and sell timber illegally; however, these people are now under strong social pressure from the community to stop this conduct. The three communities are now very much on their guard against illegal timber exploitation by people from inside and outside the communities, conversion of the remaining forest land for other uses, and the occurrence of fires and other dangers.

◆ The former gap between legal rights over, and actual control of, the forest has greatly decreased, although it has not closed completely, owing to persistent intruders from outside the communities. How to restrict such intrusion is the next agenda point to be addressed by the conciliation committee, which continues to operate with the strong support of communities and development agencies.

◆ A number of excursions have been organized to gather information on the state of the forest resources, their potential and limitations and the current tenancy along the borders, and to produce an agreed plan for the area. The results of these fact-finding missions have been used as input to determine, in a workshop, how the forest area should be used: of the remaining 1 300 ha, 800 ha are still considered appropriate for timber exploitation. In all, 150 ha will be protected because of their proximity to water resources, and part of this area will be reforested. The 450 ha that have already been converted to agricultural land will continue to be used for that purpose, although now in a sustainable manner. This implies planting fruit-trees, live fences and employing other agroforestry and conservation-related practices. The intensification of land use in the areas around the forest is considered to be a strategic means to lower the pressure on the forest.

◆ Members of Brisas del Norte who have converted parts of the forest into agricultural land will receive rights of possession for those lands, in exchange for protecting the inner forest. Hence, the area assigned to forestry and pure protection has been reduced; however, this has been done in order to conserve the remaining forest through increased control and guarantees concerning illegal harvesting, with the cooperation of neighbouring communities and agricultural producers.

◆ This process of drawing up a participatory territorial plan and regulating the use of the common forest resources is an essential and complementary part of resolving the conflict, and makes the outcome more viable and sustainable.

◆ The office of the Municipality of Jutiapa, responsible for natural resource protection in the area under its jurisdiction, has been empowered through the establishment of committees on environmental protection, education and health. The local population participates in these committees, which have begun to function dynamically. *Auxiliares municipales* (community members who function as a liaison between the municipality and the communities) of all communities of Jutiapa are currently being trained to act as guardians of the forest and other natural resources. This does not mean that they merely act as inspectors. They promote the sustainable use of the resources for the benefit of the local population.

◆ The municipality and COHDEFOR have developed, in the process of analysis and negotiation, a common vision on conservation matters and now coordinate and complement their activities better than before. For instance, they promote watershed protection in a concerted way, through workshops with the water boards in the communities of Jutiapa. OLAFO acts as a facilitator.

◆ On the whole, the social and institutional environment has been enabled for conservation and sustainable use of the forest and water resources that provide water for drinking and for irrigation purposes.

The overall results are quite promising, although it is still early days. The results need to be consolidated in order to guarantee their long-term sustainability. A number of questions still need to be resolved.

Consolidating and building on the outcome of the conflict

An important issue to resolve in order to consolidate the outcome of the conflict relates to the profitability of the forestry activities. As stated earlier in the section on context, the lack of profitability of legal logging is one of the main reasons for illegal timber harvesting and related conflicts about access to, and use of, the forest resources.

A short-term concern is to tighten up and streamline the economic and administrative aspects of the current harvest plan by the *Piedras Amarillas* group. Members who were accustomed to receiving direct payment from dealers for illegally harvested timber may be tempted to start harvesting illegally again if they have to wait too long for their money.

A broad issue to resolve is how to improve the economic and political environment for legal and sustainable logging. Some concrete action has already been taken: in line with a Forestry Law currently being prepared, an agreement has been implemented that allows 50 percent of the taxes paid by legal loggers to be assigned to finance infrastructure (reforestation, road improvements, etc.) in their

own communities. This encourages legal logging and support for it by the local population and the *patronato* organization.

Another crucial step in consolidating the gains of the process is to widen the scope of public and private support for conservation. The importance of the forest is not only based on timber harvesting, but also on the provision of other goods and services such as drinking- and irrigation water. The forest provides drinking-water for 30 communities in Jutiapa and the groundwater for the banana plantation in the lower parts of the area. Groups and enterprises that benefit from these services should be involved and should contribute to forest protection and to those who are making an effort to protect the forest. In this case, these are the three neighbouring communities. This implies allocating economic value to the environmental services of the forest and payment for those services. Lessons from some pilot projects may point towards the course of action to be taken.[3]

LESSONS LEARNED

Lessons learned about the management of the conflict

◆ There is often a need for an outside agent with proven analytical and social skills to initiate and facilitate a process of conflict resolution. This outside agent must be a group or organization that is accepted by the groups involved in a conflict. External mediation is necessary if traditional institutions that manage conflict within or among communities have been weakened, and if the communities are not yet able to begin to resolve conflict.

◆ It takes time to build trust, since this is the major ingredient of any solution. It is necessary to create the conditions and means for well-thought-out and agreed-upon solutions and arrangements, with a clear and shared vision. In this particular case, the combination of development activities in the communities and conflict mediation proved to be an important asset in building the necessary trust. Once their subsistence needs were met, the smuggling communities became solid allies of conservation.

3. For instance, a pilot project involves San Pedro Sula, a city of 1 million inhabitants on the Atlantic coast of Honduras, and a number of communities around the mountainous area of Merendon, a natural park, where the water for San Pedro Sula is generated. This project provides compensation to the communities for their efforts to protect the park and its water resources.

◆ Engaging in struggles with several different parties at the same time must be avoided: a coalition should be built step by step. This should start with the groups with which there are greater affinities. It is necessary to gain consensus for the goals of the conflict management. Achievements depend on the consolidation of social forces. At the same time, in a collaborative conflict management strategy, defeating the adversary is not the aim. It is better (if possible) to create a winning situation for all and to look for an outcome that is acceptable to all parties. An outcome that is not seen as fair is neither viable nor sustainable.

◆ It is important to look for some initial common ground between parties in conflict, in spite of differences in interests and outlook. During the process a common vision will be developed, which will be an outcome rather than the start of the process.

◆ The initial strategy should be modified according to the interests, priorities and behaviour of the stakeholders: in the end all actors need to interact positively, but in order to get everyone on the same track, it is first necessary to reach the stakeholders with procedures and tactics adapted to each. Development agents and communities need different types of stimuli. Moreover, the peculiarities of each community should be taken into account. For instance, at the beginning of the conflict, the people of Brisas del Norte were much more aggressive than the people of Nueva Granada, although the perspectives and interests of both communities contrasted greatly with those of the people of San Ramon. The community of Nueva Granada served as a bridge to reach the people of Brisas del Norte.

◆ During the process, the roles and capacities of all stakeholders should be strengthened in accordance with their functions and interests, and complementarity within a common vision should be sought. In this particular case, the different members of the conciliatory committee developed a shared vision concerning the value of conservation of the Blue Forest and established concrete mechanisms and tools to achieve it. In addition, the role that each actor had to play was clearly defined.

◆ Conflict management is not just a matter of resolving a given conflict, but also of creating new and fruitful social and institutional relationships. In an acute conflict situation, people are no longer on speaking terms. However, if the conflict is properly handled, those people may eventually work together on many other questions of common interest.

◆ Past weaknesses must be analysed and overcome and new experiences generated in order to consolidate gains and be able to handle more complicated matters in the future.

◆ Careful monitoring of the implementation of the agreements and of the proper functioning of the initially fragile institutional and organizational frameworks is needed.

◆ Decisive action should be combined with careful reflection in order to learn what works and what does not. Then strategies can be modified to make them more effective so that they can move the process closer to its final objectives.

To make progress in resolving a conflict, it is necessary to reflect regularly upon the intermediate products of the process and to "feed" the outcome of this reflection into the planning of new activities and mechanisms of conflict resolution. This will increase the effectiveness of the actions and methods, and build a strong and lasting social coalition to support the final outcome of the conflict.

Lessons learned about the institutional and policy environment

◆ Mediators should conduct a comprehensive analysis of the factors that hamper the sustainable use of forests and that are at the root of socio-environmental conflicts. This does not mean that all these factors must be tackled at the same time, but it will provide an overall picture of which factors should be addressed sooner or later.

◆ In this case, it proved very useful to combine agroforestry with forestry activities; the intensified use of the surrounding agricultural areas helped to lower the pressure on the remaining forest resources, made local people more inclined to consider conservation, and facilitated the resolution of the conflict.

◆ Plans for areas must be made in a participatory way; if not, they will not be rooted in civil society and government institutions, and are therefore unlikely to be effective.

◆ Collaborative natural resource conflict management and participatory territorial planning must go hand in hand with the making of equitable and effective rules of access and use for scarce natural (common pool) resources.

◆ Drawing up a proper plan for the area must be accompanied by organizational planning, since it is necessary to define not just the limits and use of natural resources, but also the roles, responsibilities and abilities of the users and supervisors.

◆ The economic, political and institutional framework must be made more attractive for legal logging and the sustainable use of natural resources.

◆ This implies, among other things, creating mechanisms to compensate those who are making efforts to conserve the forests and the environmental services they provide, starting with the generation of water supplies. In this respect, it should be possible to capitalize on some good practice that already exists in the region.

◆ A trade-off between conservation and poverty alleviation should be aimed for, since this is a vital strategic matter. Poor people may become strong allies of conservation as soon as their basic living needs are met; thus, conservation of natural resources and sustainable livelihood strategies should be closely linked.

◆ Institution building and social networking are needed to form a critical mass and to carry out the aforementioned concerted actions successfully; the wider and more complex the proposed goals, the greater the mass and the more time needed to achieve them.

◆ It is necessary to "**think big, but act small".** To achieve change at higher levels of society, a long-term vision is needed; but to attain this vision, a step-by-step approach must be followed.

Contesting rights
to forest land in China

by **Elisabeth Grinspoon**

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SUMMARY

Grinspoon examines a conflict in rural China that took place as the government implemented new policies of decentralization and privatization. Local leaders leased the logging rights to a community forest without the knowledge of their constituents. After the lease was discovered, many community members sought to have it cancelled by appealing to authorities at various administrative levels. The aggrieved community members had limited success until they found officials with whom they had better *guanxi* – personal relations or connections which are central to success in all facets of life, including conflict management, in China.

GUIDING QUESTIONS

KEY ISSUES

- What roles do personal relationships among community members play in this conflict and its resolution process?
- What happens when those who are responsible for upholding the laws do not support them?

CONTEXT

- What were the goals of decentralization and privatization?
- What risks were unanticipated by policy-makers?

CONFLICT BACKGROUND OR HISTORY

- Why did the team leader ignore the interests of the majority of the team members?
- How did the team members find out about the situation?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- What options were available for conflict management?
- What were the advantages and disadvantages of relying on the forestry police?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- What was the basis for the decision by the forestry police?
- How did knowledge of officials and official procedures influence the action of Wu and other team members?

LESSONS LEARNED

- When can a conflict be considered as resolved?
- What is the role of social capital in conflict resolution?

KEY ISSUES

This case study examines a conflict in rural China in which local leaders leased the logging rights to a community forest without the knowledge of community members. After the lease was discovered, community members sought to have it cancelled by appealing to authorities at various levels. The authorities initially contacted, however, were more interested in preserving their own access to income from logging activities and frustrated these efforts. Finally, the community members found a level of authority to which they had better *guanxi* – personal relations or connections which are central to success in all facets of life in China, including conflict management. These authorities forced the local leader who negotiated the lease to leave his post and denied the entrepreneur use of the forest he had leased.

This conflict arose from local implementation of state decentralization and privatization policies. Legalization of land leases underscores a fundamental shift in the Chinese Government's vision of property. Prior to the initiation of economic reforms (1978) in communist China, land was owned either by collective organizations or by the state, which did not attach a monetary value to land, and there were few land transactions. Over the past decade, however, state and local Chinese officials have promoted land leases on the premise that these will stimulate economic growth. In rural China, the problem is that the rights to non-agricultural land, including forests, are unclear, and attempts to privatize the rights through leases often revive old, unresolved conflicts or generate new ones. The case study also illustrates conflicts that arise when officials try to manipulate implementation of such policy shifts to their own personal advantage.

This case study demonstrates how and why several stakeholder groups used different strategies at various points in time as they sought resolution to a conflict. It aims to raise awareness of the ways in which powerful elites attempt to control the conflict management process in a situation where access to political fora and dispute resolution is unequal. It also shows how communities can prevail in difficult situations by successfully exploiting their personal and political connections. While the situation described here is in many respects peculiarly Chinese, similar situations do exist elsewhere, with sometimes overlapping levels of authority extending over natural resources. Through perseverance and political expertise, communities can, in such instances, sometimes find a solution to their grievances when this seems unlikely.

Key questions raised in this case study

1. What happens when those who are responsible for upholding the laws do not support them?
2. How do stakeholder groups address conflicts in a social and political atmosphere of favouritism?

CONTEXT

This case study focuses on a poor, rural township called White Rock[1] lying along a major tributary to the Yangtze River in Sichuan Province to the north of the Sichuan basin. The region is officially classified as the "Micang Mountain deciduous broadleaf forest with evergreen oaks". The case study's particular focus is a hamlet located within White Rock Township called Team Number One (see Box), one of five hamlets that make up Red Lion Village.

BOX	UNITS OF ORGANIZATION IN CHINA

The term "team" is left over from an earlier period of communist rule (1958–1978) when communes were the primary unit of organization in China. Communes were made up of brigades, and brigades were made up of production teams. After 1978, the state initiated economic reforms that changed the communes to townships and the brigades to villages. Although the production teams officially became work groups, locals continued to use the term team to describe them. Teams and villages are local institutions; the lowest units of the official state government in rural China are the townships.

1958–1978	1978 to present
Commune (Gongshe)	Township (Xiang)
Brigade (Dadui)	Village (Cun)
Production team (Shengchandui)	Work Group (Zu)

1. Because the conflict is a politicized issue, the author has used pseudonyms for the names of the people and places in this case study.

Team Number One, like most of the hamlets in the region, has almost no primary forest left. In 1957, the State Government sent workers to the region to harvest as many trees as possible for the production of charcoal to smelt iron and steel. During that era, hamlets were organized by officials into communes as a means of promoting agrarian development. From 1958 to 1963, the government instructed local commune members to clear large strips of forested hillsides for agricultural production to meet huge grain production targets. When the government discontinued these campaigns, the communes no longer had incentives to produce large quantities of grain for the state, so farmers abandoned the hillside fields. The soil was generally good, but the slopes were steep. The farmers stopped planting grain on them because they had little incentive to farm such steep land under the planned economic system without the government's high grain production quotas. Secondary forests containing ring-scale oaks, maple and deciduous oaks grew back naturally on the abandoned agricultural land. Farmers, local leaders and foresters called these secondary forests "waste mountains" (*huangshan*).

In 1978, the state disbanded the communes and implemented a "production responsibility" system, basically a return to family-based agricultural production. A similar production system was instituted for forestry. With the implementation of this system for forestry, township officials ordered local leaders to allocate the use rights to waste mountains – a category of forest land – to individual households. However, the teams as collective organizations still retained the ownership rights to the mountain land.

In 1984, the County Government, the next administrative level above the township, called for quickening the pace of economic reform, urging teams to lease their use rights to entrepreneurs. Although the leases involved maximum 50-year contract periods, not outright transfers of ownership, local leaders and farmers used the phrases "buy mountains" and "sell mountains" to describe them. Team leaders were required to hold a meeting at which the team members agreed to the sale, and the buyers were required to replant harvested areas. Policy-makers reasoned that entrepreneurs with the necessary capital would buy the rights to waste mountains and plant tree farms on them, stimulating the rural economy and conserving the soil.

The policy, however, created conflicts among team members, between team leaders and team members, and between entrepreneurs and team members. In some cases, the teams had already allocated the use rights to the waste mountain to individual households; when these same rights were later sold to entrepreneurs, conflict was inevitable. The different stakeholders in the following conflict included an entrepreneur, team members, team and village leaders, township government officials, and County Forestry Bureau officials.

CONFLICT BACKGROUND OR HISTORY

For several years in the 1990s, the leaders of Team Number One sought to sell the use rights to the waste mountain above River Dragon Cave for 7 000 yuan.[2] The 20-ha plot was covered with a 30-year-old oak forest that had regenerated naturally. Potential buyers believed that the asking price was too high for a forest located in a remote area with no road access.

Early in 1997, local Communist Party members met with the leader of Team Number One, named Tan, to discuss efforts to sell the team's forests in order to raise money for building a Communist Party members' activity room (a room that Party members might use for playing cards in, for instance). They set the selling price for the forests at 5 000 yuan for a buyer from the local village or 6 000 yuan for a buyer from another village. Consequently, a farmer named Gou from the local village bought the forests for 5 000 yuan – a low price by local standards, but not unreasonably so. The brief, handwritten contract signed by Gou, Team Leader Tan, and the Village Leader allowed Gou to log the forests until the end of 1999. Gou claimed that he paid the agreed upon 5 000 yuan and then resold the forests for 8 000 yuan to Wang, his brother-in-law, a relatively wealthy doctor from a nearby village. That winter, Wang hired two other relatives to dig four kilns on the mountainside for charcoal production.

Some team members only found out about the sale when they saw smoke rising from the kilns on the mountainside. Most did not learn about it until Team Leader Tan held a special meeting to announce that the team had sold the forest and that team members were no longer allowed to collect fuelwood and cultivate edible mushrooms on oak logs there. The local team leader was responsible for enforcing the sanction, which would have been a fine of several times the value of the wood collected.

The team members were furious. They said they were angry because Team Leader Tan had not discussed the sale with them beforehand, and because they thought that the sale price was too low. They also objected to the team and village leaders using the proceeds from the sale to build a Communist Party members' activity room.

The team members' grievances were also linked to an earlier conflict over rights to the same forests. In the early 1980s, township officials had told village and team leaders to allocate the responsibility for managing the forests to individual households. Because of the area's remoteness, the Team Leader decided that dividing the forests into 35 plots – one for each household – was not practical.

Instead, the Team Leader divided the mountain into five plots for five small groups (*xiaozu*), each made up of seven or eight households. Three of the five

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2. The yuan's value has fluctuated over the past two decades between US$0.66 and US$0.12.

groups harvested the timber on their plots, dividing the profits among them-selves, but not sharing with the other two groups. The two groups that did not harvest timber complained to the Team Leader that every household in Team Number One should receive a portion of the proceeds from the forests, but they never got it.

In the early 1990s, the Township Forestry Stationmaster told the Team Leader to retract all five groups' management rights to forests so that the township could conduct an experimental reforestation project there. The Team Leader did so, but the reforestation project was never implemented. Several years later, Team Leader Tan sold what forests remained to Gou. The chronology of events is set out in the Box.

BOX	CHRONOLOGY OF EVENTS
January 1997	Team Leader Tan and Gou sign contact for forest lease
February to March 1997	Wang produces charcoal on the mountain Team members discover the sale Team members complain first to local leaders and then to higher-level authorities
June to July 1997	County Forestry Bureau police conduct interviews as part of an investigation
February to May 1998	Team Leader Tan loses his position as team leader Former Team Leader Tan writes self-criticism Gou agrees to pay fine
June 1998	Wu sends letter of complaint to County Committee
July 1998	County Forestry Bureau police conduct another set of interviews
August 1998	Letter from County Forestry Bureau to County Government
January 1999	Team holds a meeting at which they cancel the lease

CONFLICT MANAGEMENT
AND RESOLUTION PROCESSES

Team Leader Tan's announcement of the sale of the forests to Gou stirred the old grievances of the two groups of households that had never received monetary benefits from the forests above River Dragon Cave. One team member grumbled that the unfair part about the sale is that "the 14 households did not use the land and the other households did".

Several angry team members from the two groups of households began to check the Team Leader's explanation of the sale. The information that they uncovered led them to believe that the local leaders had actually sold the forests directly to Wang for 8 000 yuan, and that the three signatories to the contract – Gou, Team Leader Tan and the Village Leader – had an extra 3 000 yuan to split among themselves as kickbacks.

The information about the kickbacks was shared with the members of the other groups. Most of the team members were furious when they heard that Team Leader Tan had hidden some of the proceeds from them. The households that had logged and those that had not were united in their objections to the sale. One man explained that he understood that it was standard practice for leaders to take kickbacks for their roles in facilitating private business deals, but that it was unfair in this case because the deal involved collectively owned property, from which the team members should receive all of the profits.

As is customary in rural China, the team members first voiced objections to their Team Leader about the sale. Team leaders are usually responsible for resolving conflicts among team members. If they are unsatisfied with their team leader's decision, team members may appeal to the village leader. Both team and village leaders resolve conflicts using an informal process of "mediation" (*tiaojie*). The mediation process, however, is usually similar to an arbitration in which the leader acts as the judge and the jury.
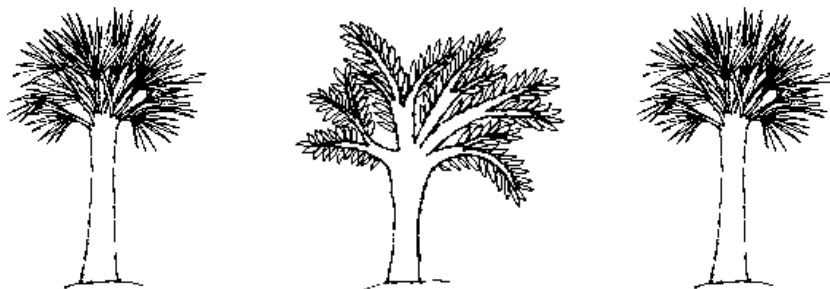
After a fight between two team members, for example, they may go to the team leader's house together or separately to argue their case. The team leader listens to the case and then makes a decision, which he may enforce by refusing to apply the team's official stamp to a household's applications for quotas, such as those required for legally giving birth to a child or felling trees to build a new house. For disputes involving violations of state law, village leaders may report the crime, such as felling trees without a permit, to the township or county police for adjudication. A village leader's decision to file a report often depends on his personal relationship with the villager.

In this case, Team Leader Tan ignored the protests of the members of his team. According to a man from a household that had not logged, named Wu, Tan ignored the protests because he had received a kickback as part of the forest deal. Wu told Team Leader Tan that he would sue the person responsible for the forest sale. In order to file suit, Wu would have needed to take the dispute to a law firm in the township about 15 km from Red Lion Village. The law firm, like most in China, is actually an arm of the government administered by the county judicial system. Wu never did file the suit, probably because suing is prohibitively expensive for most rural farmers. Not only is the plaintiff responsible for paying all the court fees if he loses the case, but customs require bribing and giving banquets for lawyers and judges.

When Wu threatened Team Leader Tan with a lawsuit, he allegedly replied: "I sold the mountain, if you are not satisfied then sue me. I am not afraid… If I hear that someone has sued me, I will kill him. That person will be responsible for the results of his own actions." Team Leader Tan's threat failed to intimidate Wu. He and some other team members voiced their disapproval to the County Forestry Bureau. As in many developing countries, China's forestry bureaus possess their own judicial mechanisms. In June 1997, the County Forestry Bureau police launched an investigation interviewing dozens of team members, local leaders and township officials.

The Village Leader testified that the deal had been negotiated in the village where Wang lived, which is several hours' walk from Red Lion Village. Gou and Team Leader Tan had gone there for two days of meetings about the forest sale. Wang's first cousin said that there they negotiated a deal in which Wang paid 8 000 yuan for the forests. Other area residents added that Wang also bribed the White Rock Assistant Township Leader, who was in charge of forestry in the locality, to facilitate the approval of Wang's application for felling permits. The bribe brought Wang's total expenses to 10 000 yuan.

In her interview, Wang's first cousin told the forestry police that the main reasons that the team members were so angry was because the selling price of 5 000 yuan reported by the Team Leader was too low and that there was no clause in the con-

tract requiring the buyer to replant the forests on the mountain. She said that Wang told her twice that he bought the mountain for 8 000 yuan. Even if the mountain had been sold for 5 000 yuan, she said, the money should be divided among the 14 households, including her own. She then proposed solving the conflict by buying the forests back from Wang. If all of the 14 households were willing to pay 300 yuan, she would pay 300 yuan immediately to buy the forests back.

A crucial point in the investigation was finding out whether or not the team leaders had held a mass meeting (*qunzhong dahui*) to discuss the sale before making the deal, a required step in the process of selling the use rights to mountains. The team and the village leaders testified in signed statements (marked with their fingerprints) that they did not hold the mass meeting before the sale. According to the Village Leader, the Team Leader only asked for the instruction of the Village Committee, which is a local organization made up of a village's Party leaders. The Team Leader also ignored two other important steps in the procedures for leasing forest land: he did not require the entrepreneur to replant the logged area, nor did he have a notary sign the contract.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

At the end of July 1998, the County Forestry Bureau finished its investigation, but did not resolve the case. Members of Team Number One continued to complain to township officials, who eventually removed Team Leader Tan from his elected post, replacing him without even going through the motions of an election. The township officials' action was illegal, but township officials are far more powerful than village and team leaders and often use their power to exert control over local politics. Team Leader Tan's removal probably pleased some angry team members; however, it did not satisfy the team members' desire to get back their forests and the team leader's replacement without an election also weakened the legitimacy of the new team leader in the eyes of others.

Team members not only persisted in their complaints to township officials, but also in their protests to county officials. In February 1998, the County Forestry Bureau police punished Gou and the now former Team Leader Tan. They imposed a heavy fine on Gou for logging and producing charcoal on the mountain without a felling permit from the bureau. Even though it was Gou's brother-in-law, Wang, who did the logging, the bureau fined Gou a total of 2 750 yuan: 750 yuan for the value of the charcoal, plus 2 000 yuan, equal to three times the value of the timber cut on the mountain.

The bureau ordered Tan to write a self-criticism, which is a form of punishment that the Chinese Communist Party has used since the 1940s, but especially as a form of harassment during the Cultural Revolution (1966–1976). In his self-criticism, addressed to the Policy and Laws Section of the County Forestry Bureau, Tan admitted that he had failed to apply for bureau approval of the sale. He pleaded that his failures were a result of his ignorance of forestry law, and said that he regretted not stopping the buyer from logging without a permit.

The bureau punished Gou and Tan only for their failure to undertake those procedures that the bureau uses to control the forestry sector: for failing to pay fees to the County Forestry Bureau (and, perhaps, bribes to bureau officers). The bureau did not punish Tan for his failure to hold the required mass meeting prior to the sale, however, nor did it cancel the forest sale. The punishments did not satisfy the members of Team Number One because they still wanted their forests back.

In June 1998, team member Wu wrote to the County Congress. While many farmers probably would not know about this means of filing a complaint, Wu was more educated than most, being a representative to the county branch of the People's Consultative Congress. His letter to the Congress stated the team members' grievances regarding the sale of the mountainside, and had a title that officials could not ignore: "Support the execution of the anti-corruption struggle, then the public revenues will increase". With this title, Wu raised two issues at the forefront of government policy during the past two decades of China's economic reform – reducing corruption and increasing income.

In his letter, Wu wrote:

> I represent the opinion of the people of [the] Township, the anti-corruption struggle should continue. In Team Number One… a gang including the Team Leader, Gou and the Village Leader, sold several hundred hectares of collectively owned forest worth tens of thousands of yuan. They did not go through any formalities, did not pay taxes, and did not inform the masses. They sold the mountain for a price of 8 000 yuan. Only after several months did they tell the masses that the mountain had been sold. They said that it was sold for 5 000 yuan.
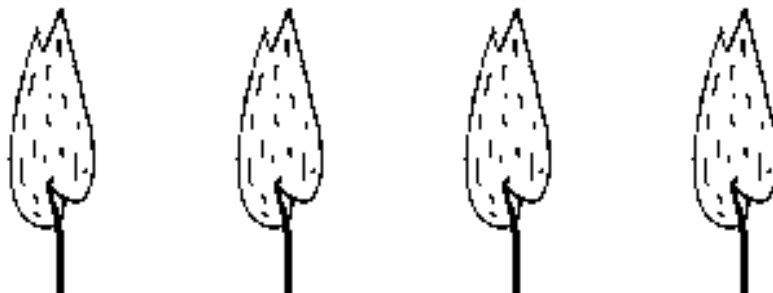
Wu ended his letter saying: "In the past few years, there have been serious problems with respect to forestry in [the] Township. Of course, these problems are related to forestry officials." Because Wu made an objection to the sale of forests, the County Government turned the matter over to the County Forestry Bureau.

In August of 1998, the County Forestry Bureau responded by conducting a few more interviews and then by sending a report on the case to the County People's Consultative Congress. Although forestry police had uncovered ample evidence demonstrating that Team Leader Tan had failed to comply with forestry procedures in selling forests to Gou, their report to the Congress, dated August 1998, stated that the sale *was* legal. This is a key point, which is explored in more detail below.

The report, written by one of the county forestry police officers who participated in the investigation, refuted all of the charges Wu made in his letter to the Congress. The bureau's reply stated that: "Through investigation and verification, we have come to believe that the problem present in [Wu's] letter does not square with the facts." The letter maintained that the community members had agreed to transfer the mountain forests. It said that the forests were only 13 ha in size and worth several thousand yuan. According to the police officer's letter, the Team Leader's lease of the forest land was permitted by forestry policy, and Gou's resale of the forests, and his profit, were legal. The only problem was the Team Leader's failure to carry out the procedures for selling the forests in the proper order, but this did not constitute an illegality; the Team Leader and the entrepreneur just needed to complete the procedures.

The County Forestry Bureau denied all of Wu's allegations because admitting foul play in the sale would have opened the bureau to Wu's serious charges of corruption within its ranks. In order to avoid these charges and give a positive account of forestry activities to the Congress, the County Forestry Bureau officer reported that the sale was legal. Once again, community objections were blocked.

Wu's letter failed to achieve its goal, but angry community members still persisted in their efforts to get their mountain back. Wu and some other members of Team Number One used personal connections to apply pressure to the township officials to refuse to give Wang the felling permits he needed to log the forests legally. Wang never resumed his charcoal production on the mountain; he claimed that he lost a total of 10 000 yuan in the deal.

In January 1999, the new Team Leader held a meeting at his house, attended by all of the team's household heads, who are mostly men, to discuss the problem of the forest lease. The men, led by Wu, convinced the new Team Leader to cancel the lease and to return a portion of the 5 000-yuan fee noted in the contract. Before returning the money, the new Team Leader subtracted more than 1 000 yuan for the 18 m^3 of wet (green) oak that Wang had logged for production of about 700 kg of charcoal. Finally, the team members got their mountain back.

LESSONS LEARNED

◆ Failure to involve local communities in forest management may lead to conflicts and to destruction of forest resources.
◆ Privatization may revive latent conflicts over forest land.
◆ Even in the absence of ideal institutional mechanisms, determined and inventive communities can have their grievances addressed.
◆ Personal connections are key to moving the political processes, including the management and resolution of conflicts.

Failure to involve local communities in forest management may lead to conflicts and to destruction of forest resources. A broad lesson presented in this case study is the importance of involving local communities in forest management decisions. In Team Number One, failure to involve the community members in the decision to lease the forest land generated a widespread and protracted conflict, costing the Team Leader his position and leading to the destruction of more than 18 m^3 of oak forests, about five truckloads of logs. Had the Team Leader held a meeting to discuss the lease beforehand, the villagers would have been spared the time and effort of seeking redress, and the damage to the forests might have been avoided.

Privatization may revive latent conflicts over forest land. Chinese officials have promoted land leases on a premise similar to that underlying Western capitalism: that individualized property rights create incentives that produce economic growth. The land-use certificates that government institutions are required to issue along with the leases supposedly strengthen tenure security by creating clear and secure individual rights. These "secure" individualized rights are aimed at encouraging long-term investments in land.

The findings presented in this case study, however, are in striking contrast to this idealized view of individualized property rights as providing secure and uncontested title to resources. The attempt to implement privatization in this case did not take fully into account pre-existing group claims to, and conflicts over, forest resources. The study demonstrates the ways in which privatization revives unresolved conflicts rather than settles them, and fails even to strengthen tenure secu-

rity. Neither the private nor the common property systems *per se* cause the conflicts; rather, the source of these conflicts is the unclear property rights that lie in between the two systems, together with the lack of a participatory and transparent process for negotiating the transition between the two.

Even in the absence of ideal institutional mechanisms, determined and inventive communities can have their grievances addressed. On the one hand, China is unlike many other developing nations in that much of its forest land is collectively owned and the collective's rights are written into the nation's legal framework. On the other hand, the Chinese legal system is similar to systems in many other countries because, in practice, it favours the interests of political and economic elites over forest-dependent communities.

Despite the favouritism in the Chinese legal system, the case of Team Number One illustrates how community members in conflict situations can persevere through multiple setbacks and probe the institutional structure until they discover a point of contact favourable to the pursuit of their interests. Here community members employed such personal connections as were available – sufficient, in this case, to produce the desired result. The lesson here is that small openings can be exploited to produce justice from the perspective of the vast number of community members. However, the larger lesson is that transparent institutional reforms are needed to make the openings available even to those without personal connections. China needs to develop clear and transparent procedures for addressing conflicts as important first steps in remedying this problem.

Personal connections are key to moving the political processes, including the management and resolution of conflicts. The members of Team Number One have better connections to White Rock Township than the members of other teams in the area. The team is somewhat unique in the region. From imperial times, it has been a market town – a place where farmers from hamlets scattered in the hillsides went to trade and exchange information. For the first four decades of communist rule, Team Number One was also the administrative seat of what was then called Red Lion Township, and many of its local officials came from Team Number One.

In the 1990s, as part of China's decentralization programme, Red Lion merged with White Rock Township. What had been the Red Lion market and township seat moved to White Rock. Many of the former Red Lion Township officials went to White Rock to serve the government. Thus, Team Number One established strong personal connections to White Rock Township. Without these strong connections to the township government and knowledge of the government's inner workings, members of Team Number One may not have been able to negotiate a settlement to the conflict.

Not all farmers and communities, however, have the same access to options for resolving conflicts. For example, farmers from Parting Rivers Village, who live next door to Red Lion but have no personal connections with White Rock Township, have been writing letters of complaint to the township for years about several forest leases made without the consent of the team members. Despite the letters filled with excellent evidence documenting their numerous cases, the County Government has never formally investigated the cases, nor adjudicated them.

The importance of personal connections is not peculiar to China. However, other factors make the phenomenon comparatively important there: unclear property rights resulting from policy shifts promoting privatization, the rudimentary legal systems and pervasive corruption.

REFERENCES

FAO. 1998. *Analysis of E-Conference Discussion.* Proceedings of an Electronic Conference on Addressing Natural Resource Conflicts through Community Forestry, January–May 1996, pp. 46–52. Forests, Trees and People Programme (FTPP), Community Forestry Unit, Forestry Department. Rome.

FAO. 1998. *Integrating Conflict Management Considerations into National Policy Framework.* Proceedings of a Satellite Meeting to the XI World Forestry Congress, 10–13 October 1997, Antalya, Turkey. Forests, Trees and People Programme (FTPP), Community Forestry Unit, Forestry Department. Rome.

Forest user conflict management in The Gambia

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SUMMARY

Sonko and Beck examine conflicts arising as The Gambia promotes the decentralization of forestry management. Opportunities exist for communities to obtain control over forests located on their customary lands. Widening the scope of local participation has generated increased conflicts, however, as different stakeholders try to secure their interests in specific forest resources. This case study looks at the role of local authorities, including the Peace Committees convened by local chiefs, in trying to negotiate and adjudicate two conflicts involving three adjacent villages. The authors reveal the difficulties and disagreements that can arise in trying to address conflicts in a participatory manner.

GUIDING QUESTIONS

KEY ISSUES

- How has the introduction of community forestry affected the incidence of natural resource conflicts?
- What role can local institutions play in natural resource conflict management?

CONTEXT

- How do the socio-economic characteristics of the communities affect local natural resource conflicts?
- How have changes in land use affected local claims to forest resources?
- Who are the stakeholders in the conflict?

CONFLICT BACKGROUND OR HISTORY

- What historical trends exist in the local natural resource conflicts involving Niji, Omortoh and Sohm?
- How does historical analysis help us understand and manage contemporary conflicts?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- What indigenous conflict management mechanisms exist?
- How did the Peace Committee attempt to resolve the conflicts?
- What role did the Divisional Commissioner play in conflict management?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- Why was there no single outcome to the conflict resolution attempts?
- How do local stakeholders feel about the effectiveness of the conflict management measures?

LESSONS LEARNED

- Have the conflicts been resolved or managed?
- What has been most effective – mediation, arbitration or adjudication?
- What risks are involved in seeking to resolve conflicts?

KEY ISSUES

This case study offers a critical account of conflict resolution mechanisms used in and between rural communities in the context of sustainable natural resource management principles. In the study, the different values that stakeholders attach to the control of natural resources can be seen clearly. The purpose of the study is to reveal mechanisms of conflict management and how they attempt to resolve conflicts that are related to:

◆ competing land uses;
◆ traditional and codified ownership rights;
◆ access to wood and non-wood forest resources;
◆ regulation of the exploitation of forest resources;
◆ equity of access to forest resources between concerned stakeholders.

In a subsistence economy of the kind that is prevalent in rural Gambia, the livelihoods of rural communities depend largely on land for agricultural production and the utilization of forest resources. With the ever-increasing pressure on scarce agricultural and forest lands, conflicts over this resource base become more and more common.

Before the introduction of community forestry in The Gambia in 1990, local communities had very little influence on the management of the country's forest resources. Forests were government owned, and managerial costs were largely borne by the national government, while the Department of Forestry decided and implemented forest management activities in a centralized manner. With the introduction of the community forestry concept, participating communities can now have access to, and control over, forests located within their traditional lands.

In the process of transferring ownership of forest lands, conflicts can spring up between communities and between different forest user groups as the various stakeholders try to secure their interests. Conflicts can be an indication of the degree of pressure on the forest resource as well as of underlying local socio-economic tensions. When participation in collective decisions about land use is broadened, conflicts are likely to increase as the concerned individuals and communities set out their different objectives and negotiate to achieve them. Through conflicts, communities or individuals implicitly seek recognition of their rights to participate in the utilization of the common resource base.

In this case study, the various efforts of local institutions involved in inter-community conflict management and resolution as a participatory process are outlined. The case highlights some innovative approaches to local resource conflict management, which are nevertheless based on traditional institutions and

authorities. The factors that contributed to the futility of all efforts at conflict resolution will be examined.

The case is relevant to the wider context of community-based natural resource conflict management for several reasons:

◆ Conflicts can be a result of inadequate policy instruments that cannot address a conflict-prone situation effectively. This study therefore offers an opportunity to identify the shortcomings of institutional and policy frameworks.

◆ The attempts of various institutions to resolve the dispute reflect the competition between traditional and modern authorities at the local level, impeding effective conflict resolution processes.

◆ The case draws attention to the level of experience needed by extension staff for managing conflict situations in the field.

CONTEXT

The study centres around two interrelated conflicts involving the villages of Niji, Omortoh and Sohm in the Kombo East District in Western Division of The Gambia (see the Table on p. 146 and the Map on p. 162).

Kombo East District is relatively well endowed with forest resources, but is at the same time prone to deforestation. This is because of the closeness of markets for horticultural and forest products, especially vegetables, fuelwood and timber. Illegal timber harvesting – e.g. to produce charcoal and fuelwood – is increasing, driven by the heavy demand for wood and wood-related products for energy and building materials in the nearby urban areas. The profits for those who engage in such activities are increasingly attractive and can be greater than the costs associated with prosecution by the Forestry Department for illegal production and trade.

One important factor has an indirect effect on the conflicts: the land-use pattern in the area is changing fast as many large commercial and export-oriented enterprises buy huge expanses of land for agricultural purposes, mainly for vegetable and fruit production. These enterprises provide employment for a sizeable part of the local population. They have gained momentum because of the economic policy of the government, which is geared towards diversifying the agricultural sector of the economy.

Kombo East District lies between the urban centres and rural "up-country" areas. To the west, it borders the country's urban and peri-urban economic hub, which stretches from Brikama to the capital, Banjul. This region, which accounts for 5 percent of the area of The Gambia, is home to around 50 percent of its population.

Over the ten-year period from 1983 to 1993, the number of people living there was found to have grown by almost 80 percent to more than 500 000, as a result of rural–urban migration (The Gambia Social Studies Atlas, 1995: pp. 6, 18).

Omortoh, Niji and Sohm are situated about 15 km east of Brikama. This proximity has resulted in high land prices in the area, creating the impetus for individual ownership of land. Illicitly acquired forest products are easily smuggled into the insatiable markets of the nearby urban area of Kombo St Mary and Banjul.

In the study area, the potential for conflict created by growing pressure on the land is aggravated by the fact that landownership patterns are complex and are related to overlapping and at times contradictory legitimacies. Collective land ownership based on historical rights of local communities competes with private property and state law, which governs state-owned lands such as forests. While traditional ownership is officially recognized by the state, in cases of conflict the local administration can make decisions that do not uphold customary land-use patterns. Customary user rights can themselves be the subject of dispute between local communities or the local authorities representing them. They depend heavily on the interpretation of local – orally transmitted – history by traditional authorities, village elders or members of founding families (those who first settled a particular area).

As long as enough land is available for settlement and farming purposes, these different property regimes can coexist. When there are conflicts of interest over land use, however, it is not only different interest groups that clash, but also different ways of legitimizing access to, and use of, land. This can further complicate conflict resolution processes.

In the area in question, private landownership had an economic impact when a commercial farmer acquired land near Omortoh and Sohm to establish orchards for commercial fruit and vegetable production, which were later expanded to more than 600 ha. Some families in Sohm gained from the sale of their traditional farmlands and employment opportunities were created, providing income for more than 50 families in the locality.
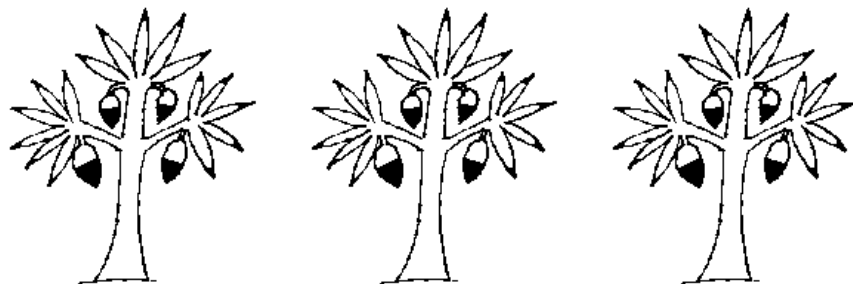
TABLE	BASIC SOCIO-ECONOMIC DATA ON THE THREE VILLAGES IN THE STUDY		
	Omortoh	**Niji**	**Sohm**
Predominant ethnic group	Jola Fula	Jola Mandinka	Fula, Jola, Mandinka
Religious affiliation	Muslim	Muslim	Muslim: 99% Christian: 1%
Inhabitants	500	250	1 200
Workforce (population 15 to 60 years old)	200	90	440
Number of cattle	60	480	350

Source: village files, calculations, extension workers. *Note:* figures are rounded.

Omortoh, Niji and Sohm participate in the Gambian Forestry Department's community forestry programme, which was drawn up and has been continuously refined in collaboration with the Gambian–German Forestry Project (GGFP). The community forestry programme started with three communities in 1990, and by December 2000 the number of community forests established in all five divisions of The Gambia (Western, North Bank, Lower River, Central River and Upper River Division) (see the Map on p. 162) had increased to 233, covering an area of more than 23 000 ha.

Under this programme, local communities are assigned exclusive forest ownership rights over a certain forest area when their traditional ownership of the local state forests is formalized after a three-year probation period. During this initial period, the rights and responsibilities of the community are set out in the Preliminary Community Forest Management Agreement (PCFMA) with the Forestry Department. At the end of this period the forest is officially demarcated and permanently gazetted as the community's property, under a Community Forest Management Agreement (CFMA).

Important conditions are that the concerned villages and individuals state that no competing claims are held with regard to the area ("Village Resolution") and that the community proves its ability to manage the community forest in a sustainable manner and according to the regulations set out in the Forest Act. The institutional body responsible at the village level is the community's Forest Committee,

which is formed by representatives of the village population and fulfils the functions outlined in the Forestry Department's *Community forestry implementation guidelines* (Forestry Department, 1998).

In the case described, the fact that the written consent of the neighbouring villages (Statement of Neighbouring Village Heads) was not a formal requirement when community forestry was first being implemented in the area turned out to be particularly problematic. However, after various cases similar to the one described here, the Statement of Neighbouring Village Heads has become a legal prerequisite for acquiring a PCFMA.

The interested parties in the conflict were:

◆ the Community Forestry Unit of the Forestry Department, with two collaborators: GGFP on policy development and community forestry implementation, and The Gambia-based National Consultancy on Forestry Extension and Training (NACO) for extension work;

◆ the representatives of local government, i.e. the Divisional Commissioner, the District Chief and the village heads (*Alkalos*);

◆ forest user groups such as livestock owners and herders, fuelwood vendors and fruit collectors.

CONFLICT BACKGROUND OR HISTORY

Sensitization activities for community forestry in the area began at the end of 1995. The Forestry Department's activities with the communities came to a temporary halt in 1998, when Niji's conflict with the neighbouring villages of Omortoh and Sohm surfaced (see Overview of events compiled from forestry on p. 160).

The conflict between Niji and Omortoh

Niji's conflict with Omortoh gathered momentum in February 1998 after villagers from Omortoh had illegally harvested timber for commercial purposes from Gifinding (Niji's community forest). Niji villagers reported the matter to Kafuta Forest Station, which confiscated the logs, to the annoyance of the inhabitants of Omortoh. They were angry that Niji had reported them for collecting timber from a forest that they traditionally regarded as theirs. To the annoyance of the inhabitants of Niji, however, the Forestry Department handed back the seized logs to Omortoh inhabitants without taking any legal proceedings against the offenders.

Subsequently, Omortoh used the timber in the construction of its village mosque. The people of Niji regarded the decision to use the timber for this purpose as a way of ensuring they were not asked to return it, and felt humiliated by the Forestry Department's failure to act against their law-breaking neighbours.

A few months later, the conflict intensified. This time, Niji's Forest Committee seized fuelwood that women from Omortoh had collected in Gifinding. Encouraged by the women of Omortoh, the men of that village decided to take up arms and attack Niji. Violent conflict was only avoided by the intervention of some Omortoh elders.

The inhabitants of Omortoh, having twice been intercepted by Niji community members in a forest they regarded as their own, now demanded that Niji move their community forest (Gifinding) to another site. In short, the Omortoh community was attempting to demonstrate the power of traditional ownership, saying: "We gave you the land; now you must quit the forest." However, this proposition was not acceptable to the people of Niji.

The conflict between Niji and Sohm

The conflict between the villages of Niji and Sohm stems from the fact that the Sohm community had to approach that of Niji to sign the Statement of Neighbouring Village Heads when it became necessary to obtain such a document before a community forest could be established. In a village meeting, however, the people of Niji decided not to sign such a statement. Their argument was that the proposed area for Kagitach (Sohm's community forest) encroached too far on Niji's land, limiting the future development of Niji's settlement and the projected expansion of Gifinding. Furthermore, Niji's cattle owners contended that traditional cattle tracks were blocked by the seedlings that Sohm's Forest Committee had planted as a green firebelt around Kagitach. Consequently, the Niji community insisted that Sohm shift the boundary of its community forest away from Niji before it would give its written consent in the Statement of Neighbouring Village Heads.

Here also the conflict reached a point where some Niji villagers took guns, axes and other weapons to attack Sohm villagers in the disputed forest area, but they were held back by fellow community members.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

Indigenous conflict resolution mechanisms

The first attempt to settle the conflict between Omortoh and Niji was made by an elder of one of the founding families of Omortoh, who was still residing in his village of origin in nearby Casamance. His historical knowledge of local settlement patterns and his authority as a family elder allowed him to give a judgement in the dispute. Travelling to Omortoh on his own initiative, he instructed the community to abandon the dispute and accept Niji's community forest where it was. However, the villagers of Omortoh did not comply with his instruction and his advice was not subsequently called for during the course of the conflict.

Another important traditional authority in relation to the conflict was the head of Faraba Soto, the oldest community in the area. Omortoh, Niji and Sohm, as more recently established communities, had all been granted permission to settle by the *Alkalo* of Faraba Soto. The *Alkalo's* historical knowledge of land allocation among the three communities gave him the authority to arbitrate on traditional boundaries between the villages. However, he was not consulted by any of the communities, nor by the local authorities, although the question of traditional boundaries gained some importance over the course of the conflict.

Conflict resolution mechanisms at the district level

To try to settle the conflict between Omortoh and Niji, the elders of Omortoh suggested reporting the dispute to the Chief of Kombo East District for arbitration.

Once the conflict was reported, the Chief was under pressure to resolve it. If he did not, his authority could be undermined, since any member of the communities involved could have referred the dispute to the next level up in the administration, the Divisional Commissioner. The conflict management procedure regarding community forestry issues is set out in the Forest Act of 1998.[1]

The Chief called a meeting at the district level involving *Alkalos* of the villages concerned and the Divisional Forestry Officer (DFO) of the Forestry Department.

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1. Article 84, Section 1 of the Forest Act 1998 reads: "Any dispute arising between two or more communities about the management of a community forest shall be arbitrated by the District Chief if all communities belong to the same District or by the Commissioner if the communities belong to different Districts or by the Secretary of State for Local Government if the villages belong to different Divisions and the decision of such arbitration shall be forwarded to the Director."

The meeting served as a forum for all the concerned parties to state their points of view and to clarify their positions.

The DFO of Western Division observed that it was sometimes the signing of the Statement of Neighbouring Village Heads that was regarded as problematic by the communities involved, although in principle the community forest in question was not disputed. He reminded the Chief of his responsibility to take action regarding these disputes, especially by making use of his Peace Committee, which was formed to resolve such problems.

Concluding the meeting, the Chief proposed the following settlement:
◆ The forest products confiscated by Niji should be returned to Omortoh.
◆ The Statement of Neighbouring Village Heads for Kagitach should be signed by Niji.

After intense pressure from the District Chief, Niji gave way and agreed to sign the Statement of Neighbouring Village Heads for Sohm. The deputy *Alkalo* of Niji declared that he was willing to sign the statement on condition that the Peace Committee (see following section) make an on-site inspection of Kagitach to demarcate the border between Niji and Sohm.

Conflict resolution attempts of the Peace Committee

The Peace Committee was charged with adjudicating on conflicts ranging from family quarrels to land disputes in the district. Land-related conflicts similar to the one described here had been one of the main motives for its foundation in 1997. In fact, disagreements arising from the implementation of community forestry formed the majority of cases administered by the committee. In these cases, the Forestry Department funds the Peace Committee meetings by supplying food and transport facilities.

The Chief has given the committee authority, not only to investigate conflicts, listen to the parties involved and suggest solutions, but also to come up with judgements that are to be regarded as binding. However, the institution of the Peace Committee has no legal basis in the codified public law of The Gambia.

To form the Peace Committee, the Chief had called upon the *Alkalos* of the district to select who among them should sit on this committee. It was composed of seven *Alkalos* and was chaired by the oldest and most experienced of them.

Out of the three villages involved in the conflicts, only Niji was formally represented by its *Alkalo* on the Peace Committee. Because of the age of this village head, his youngest son usually deputized for him at meetings concerning village affairs.

The Peace Committee held two meetings on the conflicts. Six representatives of the three villages concerned were present and the deliberations of the committee members were open.

No conclusion was reached at the first meeting, which ended prematurely. No date was set for a subsequent meeting, as the representatives of each party angrily left the venue.

The second Peace Committee meeting took place one week after the district meeting, which had been held under the Chief's auspices.

After the adjudication of the Chief, it was left to the Peace Committee to find a solution regarding:

◆ Omortoh's request that Niji move its community forest (Gifinding) to another site;

◆ Niji's request that Sohm shift the boundary of its community forest (Kagitach) away from Niji's settlement.

The second meeting of the Peace Committee was severely burdened with the expectations of the different stakeholders. Before the Peace Committee went to the meeting site, the Chief strongly advised it to find a settlement and proposed the solution that all the disputed community forests should be allowed to remain on their present sites.

The Deputy *Alkalo* of Niji had made clear what he expected of the Peace Committee in the divisional meeting: he was only willing to sign the Statement of Neighbouring Village Heads if the Peace Committee made an on-site inspection of Kagitach. His position was that a just solution could only be found after the Peace Committee had defined the border between Niji and Sohm and indicated Niji's rightful share of the forest area.

Technically, he could – as his father's deputy – take his place as a Peace Committee member, but since the community of Niji was a party to the conflict, he was now to represent Niji.

On the meeting day, four representatives of each of the three villages were requested to take part in the Peace Committee sitting, to be held in Kailanjang, Omortoh's community forest, which was not involved in the trilateral dispute. A large number of villagers from Niji and Sohm attempted to gather at the meeting place and had to be ordered to leave by the committee members. Village elders and the members of the Forest Committee representing the communities were allowed to remain.

The verdict of the Peace Committee was anxiously awaited, especially by the villagers of Niji. During their deliberations, the committee members noticed that the Niji representatives had hidden guns in the sand at the site of the meeting.

Obviously, they would be ready to use them if they disagreed with the judgement of the committee.[2] However, the meeting continued undisturbed, without any violence.

The *Alkalo* of Omortoh said that his community thought that Gifinding should be moved, and he proposed a new site. The Ormortoh community envisaged that in future Niji would be left to continue its community forestry activities and that Omortoh would cooperate when it came to signing the Statement of Neighbouring Village Heads.

However, Niji's reaction to this proposition was negative. Its Deputy *Alkalo* asserted that Omortoh would eventually claim any site used by Niji. He reasoned that Omortoh had been invited to the initial demarcation of Gifinding, but had declined to participate, telling Niji villagers to "select any site you want".

Regarding the site of Sohm's community forest, Niji's *Alkalo* demanded that Kagitach be "pushed backwards" because it overlapped Niji's village boundary. He declared that the conditional signing of the Statement of Neighbouring Village Heads in front of the Chief had been involuntary. The Peace Committee did not react to this statement. It also declined to comply with Niji's request "to show us our share of the forest area", maintaining that it was not part of its mandate to define boundaries.

As a settlement, the committee members proposed that Gifinding as well as Kagitach should stay on their present sites. Although Niji's demands concerning its own community forest had now been met, Niji's representatives were not ready to accept this outcome because it left Kagitach on the same disputed site. Niji accused the Peace Committee of favouring Sohm. Its representatives repeated their objection that Sohm's community forest encroached too much on their village, leaving them with too little room for village development.

They demanded that the adjudication efforts be turned over to the Chief, "to apply a different strategy".[3]

This uncompromising reaction by Niji's representatives caused Omortoh to withdraw its consent to the Peace Committee proposition to leave Gifinding where it was. Seeing Niji's inflexible stance on Sohm's community forest, Omortoh representatives now demanded that Niji's community forest be moved farther away from their community. They argued that part of Gifinding was a sacred forest for their community since it was used for female circumcision ceremonies.

However, the *Alkalo* of Niji insisted that Niji community members had the same right as those of Omortoh to use Gifinding because they had been allowed to set-

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2. Interview with Peace Committee President, 24 February 2001.
3. All quotations from minutes in Kagitach CF file, Kafuta AC.

tle there by the community of Faraba Soto. He insisted that the forest area had not been settled by the later settlers of Sohm or Omortoh. This gave Niji inhabitants an equal right to that of their neighbours to claim the area.

Furthermore, Niji claimed to have put much effort into the development of its present community forest, establishing a firebelt several hundred metres long. In addition, the alternative site was said to be in a poorer forest area and farther away from Niji. A compromise solution proved impossible because the entire community of Niji was unwilling to agree to an on-site visit of the alternative community forest area proposed by Omortoh.

Conflict resolution mechanisms at the divisional level

After the Chief and the Peace Committee had failed to propose a settlement acceptable to all parties, the Divisional Commissioner became involved in the conflict resolution process. In March 2000, more than one year after the final Peace Committee session, the Chief made another attempt to settle the matter by calling a conflict resolution meeting with the Commissioner and his assistant, *Alkalos* and elders. The Forestry Department was also represented, by the Head of the Community Forestry Unit.

Again, the representatives of the different communities stated their positions:
◆ Niji's representative made it clear that the Peace Committee's proposal to leave each community forest where it was was unacceptable. Niji could not agree to the present boundaries of Kagitach.
◆ Sohm's position was that moving the boundary of its community forest back would entail foregoing its adjacent rice fields, which were situated between Kagitach and Niji.
◆ Omortoh's representatives insisted that Niji must give back the site of Gifinding, because Omortoh regarded it as its own property.

Once all the positions had been made clear, the Assistant Commissioner made the results of the deliberations known. These began with the statement that "the problem [of the conflicts] is with Niji".[4] He defended the position of the Sohm inhabitants whom, as the first settlers on the site, could not be asked by Niji representatives to restrict the size of its community forest. On the other hand, Niji should agree to the request of Omortoh inhabitants and move its community forest to another site.

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4. Assistant Commissioner's statement, according to Kagitach CF file, Kafuta AC.

Consequently, the verdict of the Commissioner was that:

◆ Niji must accept that Sohm's community forest (Kagitach) can remain where it is;

◆ Niji's community forest should be moved from the present area of Gifinding, based on the proposition of Omortoh to offer the village a replacement site.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

Even after the verdicts of three different individuals/institutions at different administrative levels (the Chief, the Peace Committee and the Commissioner) had been delivered, there was no indication that the conflicts had been resolved. The outcome is unclear because neither of the two attempts to adjudicate had the agreement of all parties to the conflict. In the absence of a mutually accepted outcome, the compliance of all parties – notably Niji – could only have been ensured through coercion by the responsible district authority, the Chief. This step would have been necessary to implement the decisions of the Peace Committee, which had been mandated by the Chief himself to render binding decisions.

Positions of stakeholders

There is no single outcome of the conflict resolution attempts. Rather, the state of the conflicts is to a certain extent shaped by the perceptions of the various parties and stakeholders involved. Their view of the process determines their actions, which in turn shape further developments.

For the Chief of Kombo East District, the conflicts are still "pending", although he would rather they were not discussed: "As the saying goes: 'Let sleeping dogs lie'." For him, it is most important that he has not "heard any complaints from the villagers", and he expects the conflicts to resolve themselves as time goes by.[5]

According to the Chairperson of the Peace Committee, the senior *Alkalo* of the district, the conflicts are settled "because no one has come to me to complain". He (wrongly) assumes that the matter was settled when the committee announced its decisions under his chairship: "Niji was advised to calm down and accept the advice of the Peace Committee."[6]

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5. Interview with Chief of Kombo East District, Faraba Banta, 24 February 2001.
6. Interview with *Alkalo* of Kuloro, 24 February 2001.

The perceptions of the conflicting parties themselves differ depending on their positions in the dispute. Those who were comfortable with the situation from the outset see the disagreement as resolved, because no real changes have occurred. This is especially true for Sohm, whose representatives see their position as confirmed by virtually all the proposed settlements. They assume that the efforts to adjudicate have resolved the conflict, despite the continued objections from Niji: "There is no problem between Sohm and Niji."[7]

For Omortoh community members, the situation is different. Their demand to have Gifinding moved away from their neighbourhood has been accepted by the verdict of the Commissioner. Therefore, they cannot say that the conflict has been resolved until Niji takes action to move its community forest. If it refuses, the threat of violence is very real: "The conflict was settled provided Niji resettles. Unless everybody dies when they insist to stay."[8]

For Niji, which is party to both conflicts, the outcome of the resolution efforts has various implications. Concerning the location of Kagitach, the perception persists that the adjudicators unjustly favoured its rival Sohm: "Sohm was at an advantage, so [in Sohm], they welcomed the decision. We were not given a chance to explain our position in detail. We did not agree, but we do not want conflicts."[9]

Concerning the dispute with Omortoh over Gifinding, Niji's acting *Alkalo* sees the conflict as having been resolved by bilateral negotiations: "Omortoh and Niji agreed that Omortoh should not fetch fuelwood and Niji should not confiscate [forest products] from Omortoh. This gives us a settlement of our problem with Omortoh in the forest."[10]

7. Interview with Forest Committee President, Peace Committee representative and community forestry patrolman, Sohm, 25 February 2001.
8. Interview with *Alkalo* of Omortoh, 25 February 2001.
9. Interview with Deputy *Alkalo* of Niji, 25 February 2001.
10. Interview with Deputy *Alkalo* of Niji, 25 February 2001.

State of the conflicts and effects on natural resource management

At present, the conflicts can hardly be regarded as resolved. Although the dispute does not manifest itself in outright clashes, the perceptions of the conflicting parties about the issues at stake differ as much as before the conflict settlement efforts were initiated. What is more, there is not even a common perception about the conflict management outcome, neither among the parties nor among the institutions involved in the attempts at conflict resolution. A common understanding of the procedures is lacking. Instead, each stakeholder perceives the results to be to its own advantage.

Some actors misinterpret the absence of outright clashes as proof of a successful resolution. This applies to the Chairperson of the Peace Committee and to the Deputy *Alkalo* of Niji with regard to the dispute about Gifinding. The settlement between Niji and Omortoh (as interpreted by Niji) involving a mutual agreement not to use the disputed community forest will not solve the competing claims of the communities on this area.

The diverging interpretations of the outcome of the conflict resolution attempts are reflected in the state of the management of the disputed natural resources, i.e. the community forests of Sohm and Niji (Kagitach and Gifinding respectively). In Kagitach, the villagers of Sohm continue to carry out forestry activities, based on their perception that the Peace Committee's adjudication has resolved the disagreement with Niji. The villagers of Niji, however, feel uncertain about the present state of affairs. They stopped working in Gifinding two years ago "because no forester has come to support us". However, they are not satisfied with the present situation and are hoping to receive backing from the Forestry Department: "We will form a delegation to Forestry [to enquire] why they still do not want to support us."[11]

11. Interview with Deputy *Alkalo* of Niji, 25 February 2001

The Forestry Department's position regarding Niji and Sohm is that its staff should not work with these communities until an official statement by the Chief declares the conflicts solved. As no such declaration has been made, the Forestry Department cancelled all activities to support planting on the firebreak in Gifinding in the summer of 1999. The evaluation of Gifinding's performance in the preliminary forest management phase (PCFMA), which was to have been carried out in September 1999 by the Forestry Department as a precondition for permanent ownership by the community, was also suspended.[12]

Although Sohm was awarded preliminary ownership (PCFMA) over Kagitach in August 1999, a subsequent evaluation has also been suspended and forestry staff stopped implementing the community forestry process with the community. Of the three community forests concerned, only Omortoh's Kailanjang remains undisputed. It was positively evaluated in January 2001, and the community applied for permanent ownership.

LESSONS LEARNED

Intercommunity border disputes were known to the actors involved (in particular, forestry field staff) long before they developed into an actual conflict.[13] Had these disagreements been addressed at the earliest possible stage, the probability of a successful resolution of the conflict would have been much greater and could have been achieved with much less effort than was actually made.

Important actors who could have proposed a mutually acceptable settlement – such as the *Alkalo* of the original settler community – were not actively integrated in the conflict resolution process. It is imperative for institutions dealing with conflict resolution to be broadly based in order to create room for the participation of all conflicting parties and of the authorities they respect.

The conflict erupted after the intervention of the Forestry Department in local (unsustainable) land utilization patterns. Instead of extension workers simply pulling out of conflicts such as this, guidelines defining the role of forestry extension staff in conflict prevention, management and resolution need to be developed and put in place.

The arbitration attempt of the Peace Committee was not accepted by all the conflicting parties because an authoritative statement on forest boundaries was expected from it. Mandates of conflict management institutions need to be clear

12. Gifinding CF file, Kafuta AC.
13. See Overview of events, Annex, August 1996.

to all parties involved. Otherwise, unrealistic expectations can be raised among the conflicting parties, and will be followed by disappointment in the management process. This can undermine the credibility of the concerned institutions.

In many instances arbitrators and adjudicators, such as the Peace Committee and the commissioners, reach their judgements quickly without giving due consideration to conducting thorough investigations with the conflicting parties. Conflict resolution procedures are doomed to failure if the background of the conflict is not fully known to those charged with facilitating the process.

Several actors in the conflict management process perceive that the conflict is solved because no complaints are voiced and no outright clashes are occurring. It is therefore important for stakeholders to be aware of the differences between management and resolution of a conflict in order not to abort the process before the conflict has been resolved.

In the process, virtually all arbitrators and adjudicators, after delivering their verdicts, took no part in implementing their decisions or monitoring further developments. In conflict resolution, decisions that have been agreed must be implemented. An actor or a set of actors needs to be identified as responsible for follow-up.

If actors who have the mandate to enforce arbitration or adjudication do not use their authority, they and the conflict resolution institutions concerned will lose credibility with the actual parties to the conflict and with potential parties in future conflicts.

Risks and implications

While trying to follow the course of conflict management, there is a risk that positions will become polarized. This tends to make the protagonists stick to their positions fanatically, unwilling to make any gesture of compromise necessary for an amicable resolution of the conflict.

Interested parties have to conduct their conflict management efforts with much caution, otherwise they could be accused of sympathizing with one stakeholder and could lose credibility with others.
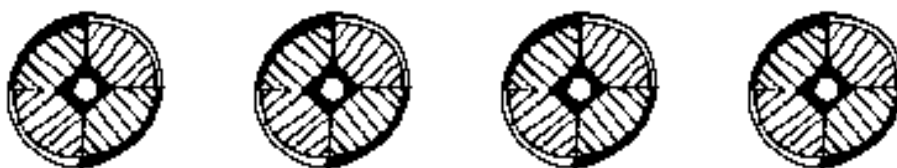
This risk is equally high for the local authorities. If conflicts are prolonged, political issues are likely to be dragged in and this may undermine the security of the local leaders. A village that has better political connections than others may exploit the circumstances to its own advantage.

Established villages may use their traditional land use rights as a means of exerting power over younger communities.

Lengthy conflict management and resolution processes can cause a situation of uncertainty about the state of the natural resources at issue. This can encourage uncontrolled exploitation by conflicting parties or by stakeholders not previously involved in the conflict.

CONCLUSION

The management of conflicts and their resolution should address the concerns of all parties involved. It should avoid satisfying the interest of the arbitrators at the expense of the claimants.

In the case described, the Chief and the Peace Committee only seemed to be interested in maintaining a superficial state of peace within and between the communities. This eased the situation only temporarily, without solving the problems or needs of the communities involved in the conflict. The conflict still remains unsettled and can erupt at any time to the detriment of all parties and the community forestry process as a whole.

The attitude expressed by the Chief and some community members – "let sleeping dogs lie and allow the villagers to decide what to do, since they are not currently fighting" – leaves the conflict under ad hoc management, yet unresolved. The Chief and the Commissioner should be in a position to decide whether they can handle the case or whether they should refer it to the highest level as defined by the Forest Act – the local government minister.

Finally, much depends on the willingness of the communities to forgo some of their claims in order to arrive at a conclusion that would benefit all parties in the conflict.

REFERENCES

Forestry Department. 1998. *Community forestry implementation guidelines.* Community Forestry Unit. Reference No. FD/CF.

The Gambia Social Studies Atlas. 1995. London, Macmillan.

ANNEX

BOX	OVERVIEW OF EVENTS COMPILED FROM FORESTRY		
Year and month	Omortoh Kailanjang CF 127 ha	Niji Gifinding CF 26 ha	Sohm Kagitach CF 72 ha
1995			
Nov.			First sensitization
1996			
Aug.	Letter of interest to participate in CF	Letter of interest to participate in CF	Forest resource map
		Forest Committee formed	
	Extension staff advise Niji Forest Committee to clarify boundary with Omortoh		
Sept.	Forest Committee formed		
Oct.	Forest demarcation	Forest demarcation	
Nov.	Forest assessment	Forest assessment	
1997			
Feb.	Forest resource map		
Dec.	PCFMA awarded	PCFMA awarded	
1998			
Feb.	20 logs confiscated in Gifinding by Kafuta Forest Station		
March	Extension staff advise Niji villagers to settle conflict with Omortoh bilaterally		
April			Forest resource map
			Forest assessment
			Forest demarcation
May	Alkalo of Omortoh asks Kafuta Forest Station for permit to use logs for mosque		

Box continued

Oct.			Statement of Neighbouring Village Heads introduced by Forestry Department
1999			
Jan.		Statement of Neighbouring Village Heads for Sohm signed conditionally by Niji. Peace Committee requested to arbitrate on CF boundary	
	Niji villagers confiscate fuelwood collected by Omortoh villagers partly in Gifinding		
Feb.	7: District meeting with village representatives and Alkalos 14: Peace Committee meeting decides: Niji and Sohm CFs to stay where they are		
July		Planting activities in Gifinding stopped	
Aug.			PCFMA awarded
Sept.		Evaluation of Gifinding suspended	
Nov.	PCFMA evaluation/ final survey of CF		
2000			
March	Conflict resolution meeting organized by the District Chief, with the Commissioner, decides: Niji must move its CF; Sohm's can remain		
May	Omortoh suggests new site for Niji's CF and calls on Niji to move from Gifinding. Alkalo declares case closed		
Nov.		Sohm stops CF activities. Evaluation of Kagitach suspended	
2001			
Jan.	PCFMA re-evaluation/ CFMA application		

CF = community forest.

MAP	THE GAMBIA

WEST AFRICA
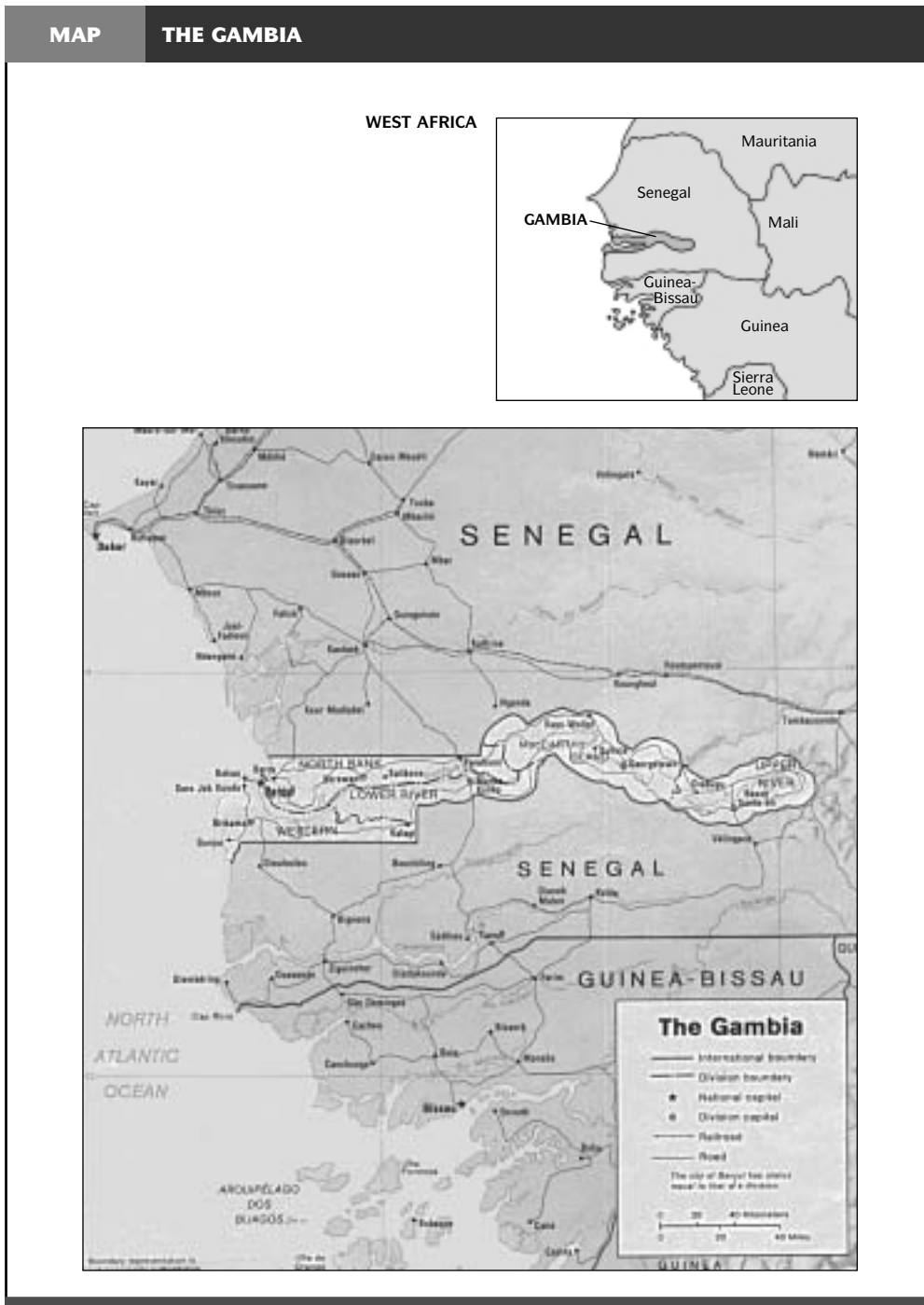
Source: www.lib.utexas.edu/Libs/PCL/Map_collection/africa.html
Note: MacCarthy Island Division has been renamed to Central River Division

Beyond conflict in Clayoquot Sound: the future of sustainable forestry*

by **Brian J. Parai and Thomas C. Esakin**

Canadian Foreign Service and Clayoquot Biosphere Trust (CBT)

SUMMARY

Parai and Esakin describe how the multiple stakeholders concerned with the forest resources around Clayoquot Sound, Canada, moved from conflict to collaboration in land-use planning. State-sanctioned plans for timber harvesting by a multinational corporation provoked protests from indigenous peoples, local residents and environmentalists, who challenged this policy through coalition building and other strategies. As the power imbalance declined among the disputants, the government and the corporation were drawn into collaborative arrangements with the other stakeholders.

GUIDING QUESTIONS

KEY ISSUES

- How did the stakeholders shift from conflict to participation in natural resource management?
- What can governments do to facilitate an enabling environment for conflict resolution?
- Ideally, how long should it take to resolve or manage conflicts?

CONTEXT

- Who were the primary stakeholders?
- What role did the market play in the conflict and in conflict management processes?

CONFLICT BACKGROUND OR HISTORY

- Why were the conflicting parties initially unwilling to compromise?
- Why did the conflict develop into a volatile situation?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- How were the various interested parties brought together?
- How did "power balancing" come about?
- Did coalition building help or hinder conflict resolution?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- Are all the issues in the conflict resolved completely?
- Do you think that the agreements are sustainable?

LESSONS LEARNED

- Is the approach to conflict management in Clayoquot Sound applicable to conflict situations that you are familiar with? Why or why not?

KEY ISSUES

This case shows how ensuring the active, balanced and cooperative participation of multiple stakeholders in land-use planning and resource management decision-making processes can help to resolve environmental conflicts. In Clayoquot Sound, Canada, the setting for the multiparty conflict explored here, the community of stakeholders – from local residents and Nuu-chah-nulth Central Region First Nations (indigenous) peoples[1] to logging corporations, governments and environmental organizations – experimented with numerous public consultation processes. These had varying degrees of success over the course of a conflict that lasted for nearly 20 years. Despite ongoing efforts to maximize stakeholder participation, the parties were continuously challenged to work together to design and implement solution-oriented plans in a context within which stakeholder powers were seriously imbalanced, as they remained until the final few years of the conflict. As this case demonstrates, once such imbalances had been remedied, the various disputants voluntarily entered into coalition building activities that subsequently led to a constructive resolution of the conflict (for a historical overview see Box).

The various consultative and participatory processes used during the first 15 years of this dispute enabled the principal stakeholders to communicate their interests. But it was not until a formal change in the land-use and resource management decision-making process in Clayoquot Sound took place that power began to be shared more equitably and the negotiating table became more balanced. Through the creation of an institutional mechanism that guaranteed previously disempowered stakeholders a role in a resource-based decision-making process, these same stakeholders and their allies came to be able to spend more of their energy developing solutions to the conflict rather than searching for ways to disrupt their opponents. Before long, the power had balanced to a point where even the least represented parties had managed to protect themselves from their worst-case scenarios. Thereafter, conflict management processes transformed into conflict resolution processes, and the stakeholders began to seek reasonable compromise solutions that satisfied all principal interests.

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1. The use of the term "Nuu-chah-nulth" in this document relates solely to the Central Region Bands of the Nuu-chah-nulth First Nations of Vancouver Island as Clayoquot Sound is not located within the traditional territory of either the North or the South Region Bands of the Nuu-chah-nulth.

BOX	HISTORICAL OVERVIEW OF THE CONFLICT
Year	**Event**
1979	Conflict begins over proposed logging on Meares Island in Clayoquot Sound
1985	British Columbia (BC) Supreme Court grants Nuu-chah-nulth an injunction prohibiting logging on Meares until outstanding land claims are resolved
1993	BC Government announces its Clayoquot Land Use Decision authorizing two-thirds of the area's forest to be logged Conflict reaches its peak with mass blockades and arrests in Clayoquot Sound Media coverage of conflict increases and environmentalists join together to dissuade international buyers from purchasing MacMillan-Bloedel (MB) products BC Government establishes Scientific Panel for Clayoquot Sound Nuu-chah-nulth appeal to BC Ombudsman who recommends that provincial government redo Land Use Decision with greater First Nations involvement in decision-making process
1994	Nuu-chah-nulth and provincial government sign Interim Measures Agreement (IMA), creating Central Region Board (CRB) to oversee all resource-use and management decisions in Clayoquot Sound
1995	Scientific Panel calls for ecosystem-based approach to logging in Clayoquot Sound, and BC Government accepts all of its recommendations
1997	With the environmental coalition's international marketing campaign against MB continuing and the important Japanese timber market bottoming out, the company permanently closes its operations in Clayoquot Sound
1998	MB and Nuu-chah-nulth establish Iisaak, a joint-venture sustainably focused old-growth logging company that receives active support from environmental non-governmental organizations (ENGOs)
2000	United Nations Educational, Scientific and Cultural Organization (UNESCO) designates Clayoquot Sound a World Biosphere Reserve

As a result of the productive transformation of this conflict, unique models for public land and resource management, and also for old-growth logging and marketing, have been established. The process through which the conflict went from being intractable to becoming constructive merits consideration by parties seeking to find rewarding ways around seemingly impassable blockages. Likewise, dispute resolution professionals and those who focus more specifically on facilitating public relations or environmental sustainability may benefit from learning more about the methods of enhancing stakeholder participation, power balancing and coalition building presented in this case study.

CONTEXT

The future status of the forest of Clayoquot Sound – whether or not it would be logged and, if so, how much and in what manner – was the principal issue and point of contention dividing the stakeholders involved in this conflict. While the stakeholders were from many parts of civil society and government (see Table), only a representative assortment of these played principal roles in the management and resolution of the conflict.

Clayoquot Sound is characterized by an old-growth coastal temperate rain forest encompassing an area of nearly 300 000 ha and trees of up to 1 200 years of age. The region has been inhabited for millennia by the peoples of the Nuu-chah-nulth First Nations and, since the late 1800s, by immigrants from Europe, Asia, Eastern Canada and elsewhere. Located on the west coast of Vancouver Island, the area is inhabited by seven principal communities, with a total of 5 000 permanent residents: five Nuu-chah-nulth First Nations communities (the Ahousaht, Hesquiaht, Tla-o-qui-aht, Toquaht and Ucluelet) totalling 2 500 people and two non-First Nations communities (Tofino and Ucluelet) totalling 2 500 people. Traditionally, fishing (primarily the salmon fishery and whaling) and gathering activities provided the main sources of food for the Nuu-chah-nulth people. Today, aquaculture, tourism and, to a much lesser degree, forestry drive the local economy.

A number of political factors have affected the conflict. One such factor stems from the British Columbia (BC) Government's intimate relationship with the timber industry. When the conflict began over planned logging on Meares Island in 1979, the forest industry in BC was largely self-regulating. As the province has always been highly dependent on its timber revenues, this arrangement has served both the government, which collects stumpage fees from logging activi-

TABLE	LIST OF STAKEHOLDERS
Group	**Members**
Local residents	Local inhabitants and property owners
Logging companies	Weyerhaeuser (formerly MacMillan-Bloedel Ltd) Interfor (International Forest Products Ltd) Iisaak (a joint-venture logging company owned by MAMOOK, a Nuu-chah-nulth corporation, and Weyerhaeuser)
Local, national and international ENGOs	Including the Friends of Clayoquot Sound, Western Canada Wilderness Committee, Sierra Club of Western Canada, Greenpeace Canada and the Natural Resources Defense Council
The peoples of the Nuu-chah-nulth First Nations	The Ahousaht First Nation The Hesquiaht First Nation The Tla-o-qui-aht First Nation The Toquaht First Nation The Ucluelet First Nation
The Government of the Province of British Columbia	The Ministry of Environment, Lands and Parks; the Ministry of Forests; the Ministry of Aboriginal Affairs; the Clayoquot Sound Scientific Panel on Sustainable Forestry Practices
Local governmental bodies	The Regional District of Alberni-Clayoquot; the District Municipalities of both Tofino and Ucluelet; the Clayoquot Sound CRB
Organized labour	Forest workers represented by the International Woodworkers' Association
The Government of Canada	Departments of: Heritage, responsible for National Parks; Environment; Fisheries and Oceans; Indian and Northern Affairs
The ecotourism industry	Ecotourists and service companies ranging from nature expeditions and guided tours to beachcombing, surfing and sea kayaking
UNESCO	UNESCO's Clayoquot Sound World Biosphere Reserve, established in 2000, is locally represented by the Clayoquot Biosphere Trust (CBT)

ties, and companies, which are awarded logging permits.[2] Another factor that had an important influence on the conflict was the increase in environmental awareness – both locally and globally – that accompanied the growth of the conflict over the course of the 1980s and 1990s.

In BC, as in much of the rest of Canada, this growing environmental consciousness occurred at a time in which people were increasingly exerting their right to a greater say in public matters. In Canada, a liberal democracy where citizens traditionally defer to political elites in decision-making processes, the growth in civil society activism also corresponded with the 1982 constitutional entrenchment of the county's Charter of Rights and Freedoms. Thus, when the conflict in Clayoquot Sound was developing in the early 1980s, the federal and provincial governments in Canada were just beginning to adjust to the Canadians' call for increasingly direct involvement in public policy decision-making.

Major drops in international timber and pulp markets in 1997 also influenced the context within which the conflict took place in Clayoquot Sound. The fall in the international markets coincided with both an international campaign to boycott the products of MacMillan-Bloedel (MB), at the time the largest timber harvester in the Sound, and the company's decision to discontinue logging the old-growth forest of the politically, environmentally and socially sensitive area.

CONFLICT BACKGROUND OR HISTORY

The conflict in Clayoquot Sound began in 1979 when area residents learned of provincial plans to allow Meares Island to be logged (clear-cut).[3] This announcement raised concerns among the Nuu-chah-nulth and the non-aboriginal residents of Tofino. The primary concerns of Tofino's residents were ensuring the integrity of the village's Meares-based water supply and maintaining the local viewscape. Since Meares is part of Nuu-chah-nulth traditional territory and home to the more than 1 000-year-old Tla-o-qui-aht village of Opitsaht, local First Nations were also opposed to the logging.

The following year, as local residents became more active on the issue, a round-table consultation process – the Meares Island Planning Team – was formed by

2. Evidence of the BC Government's close relationship with the forest industry is provided by Magnusson and Shaw (1997), which indicates that in 1995 the provincial government purchased shares in MacMillan-Bloedel, making it "the largest known shareholder in the company". For more on the BC Government's relationship with the forest industry see Drushka (1999).

3. While the modern form of this conflict began taking shape in the late 1970s and early 1980s, from the perspective of the First Nations peoples the conflict began more than a century earlier when their land was taken over by Euro-Canadians and they ceased to be independent.

the provincial government to enable citizens, the government, local logging companies and other stakeholders to meet to discuss the future of the island's forests. The planning team was facilitated by the province and offered stakeholders interested in the issue a chance to have their voice heard. In 1983, after three years of discourse, MB discontinued its involvement in the planning process in opposition to the revenue implications of the principal proposal being considered by the team: that only limited logging be allowed on parts of the island for the following 25 years. MB was not the only participant to reject this proposal. Hard-line environmentalists seeking to block all logging on the island were also unwilling to support such a compromise solution.

In 1984, upon termination of the consultative process, the BC Government announced that 90 percent of Meares Island would be logged – an option that had not been favoured by the planning team. The first anti-logging blockades in Canadian history occurred in response. Facing a climate of confrontation and uncertainty, MB chose not to move ahead immediately with its Meares operation, despite its legal permit to do so. Subsequently, in 1985, the issue over logging on Meares was made indefinitely undecided when a Nuu-chah-nulth legal application filed earlier that year resulted in the imposition of an injunction legally to prohibit MB from logging on Meares until the First Nations' land claim had been resolved. The rationale for the injunction granted by the BC Supreme Court was that if the logging was allowed to go ahead before the conclusion of the treaty process, the First Nations would lose much of the cultural and economic value of the land for generations to come, even if they were to win legal title to it. There was no appeal against the injunction, which remains in place to this day.

With the forests of Meares representing only a portion of the old-growth forests in Clayoquot Sound, the injunction merely prompted logging tenure holders to focus their attention on cutting timber elsewhere in the region. The focus of environmental opposition also shifted from being rooted in local residents' concerns for their water supplies and viewscapes to a more international focus on protecting some of the planet's last remaining tracts of old-growth coastal temperate rain forest. Likewise, the Nuu-chah-nulth took further issue with additional logging that had been planned by MB and permitted by the BC Government within other traditional Nuu-chah-nulth territories affected by unsettled land claims.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

In the years that followed the conflict on Meares, environmental challenges came to confront all logging activities in Clayoquot Sound. These challenges arose in a dynamic context that was being continuously shaped and reshaped by the key stakeholders and, to some extent, by the international market for forest products. As the conflict played out and new situations and dynamics arose, the stakeholders responded by following or developing methods that would best serve their interests. Three of the principal methods or techniques used by the parties between the mid-1980s and 2000 deserve closer attention: enhancing stakeholder participation, power balancing and coalition building.

Enhancing stakeholder participation

Between 1985 and 1993, a number of consensus-based public consultation processes were initiated. Following the example of the previously unsuccessful Meares Island Planning Team, none of these subsequent multiparty planning processes was ever able to satisfy all of the participating stakeholders and, therefore, none of them ever reached the necessary level of consensus. Although the immediate effects of these processes may be difficult to pinpoint, the debate and engagement they fostered probably helped lay the foundation for the eventually cooperative outcome of the conflict.

The first significant participatory consultation process established after 1983 was the Tofino Steering Committee on Sustainable Development. The committee was established in 1988 by local residents in order to begin to articulate a community vision for logging in the region. Tofino residents were strongly supportive of the process and their level of participation in its work was high. The following year the BC Government expressed its willingness to provide financial support to the committee. However, the province felt that the existing process was not sufficiently representative of the interested stakeholders, and thus decided to replace the committee with the Clayoquot Sound Sustainable Development Task Force (CSSDTF).

The task force, which was initiated in 1990, was terminated in 1991 after reaching an impasse over short-term conservation issues and because of continued logging. During its period of operation, CSSDTF attempted to determine how much and where logging should take place in Clayoquot Sound. Participants found the far-reaching goals of this process to be overwhelming and the industry and environmental stakeholders proved unable to reach a consensus. The task force con-

cluded its work by recommending that a new process with a more restricted mandate be created. Accordingly, later in 1991, the province responded by establishing the Clayoquot Sound Sustainable Development Strategy Steering Committee (CSSDSSC).

While the BC Government gave CSSDSSC the task of working out future plans for logging in the area, the provincial Cabinet assumed responsibility for short-term forestry planning in Clayoquot Sound, in an attempt to reduce the ongoing forestry controversy by undertaking top-level decision-making and responsibility for the matter. Shortly thereafter, and despite the new steering committee's preference for across-the-board conservation during its planning phase, the provincial Cabinet announced a decision that strongly favoured short-term logging activities, to the benefit of both industry and provincial forest revenues. This decision evoked strong criticism from conservationists and prompted all environmental representatives and one tourism representative to walk away from the consensus-based CSSDSSC process.

CSSDSSC was still struggling to reunite the parties in 1992 when the recently elected, relatively socialist New Democrat Party Government decided to tackle a growing number of provincial environmental challenges by initiating a province-wide public consultation process. Because of the existing CSSDSSC process, Clayoquot Sound was the only area in BC that was excluded from the new process. Established in 1992, the British Columbia Commission on Resources and the Environment (CORE) was mandated to conduct broad-based and extensive public consultations on land-use and resource management policy issues across the rest of the province. The following year the CSSDSSC process collapsed, having been as unable to achieve consensus as its predecessors.

Power balancing

Despite the BC Government's efforts to enhance public involvement and establish an environment conducive to initiating solution-oriented stakeholder discussions, all of the failed participatory processes had been created with unrealistic objectives. First, at a stage of the conflict when some of the parties were categorically opposed to the positions of their opponents, the chances of arriving at a consensus-based decision were at best limited. Second, as the forest industry (with its government-issued logging permits) and the provincial government (with its legislative authority) could both satisfy their interests in logging without the consent of the consultation processes, the rest of the parties entered into these processes at a critical disadvantage. Thus, the First Nations and environmental non-governmental organizations (ENGOs), in particular, spent much of the earlier stages of the conflict seeking to gain power and to level the playing field.

The most significant period of power balancing took place in the months leading up to and following the peak of the conflict in July 1993, which was reached immediately after the BC Government announced the Clayoquot Land Use Decision. The recommendation of the province – that one-third of the Sound's old-growth forests be protected and the remaining two-thirds be logged – met with great opposition, despite the fact that the decision had been intended to represent a compromise between industry and environmental interests. The Land Use Decision marked a turning point in the conflict, both in terms of power distribution and in terms of the methods being used by the stakeholders to deal with the conflict. Feeling that the government's latest decision catered overwhelmingly to the forest industry and ignored many of the arguments put forward throughout the preceding six years of consultations, the First Nations and ENGOs began to seek new ways to influence both the province and MB. In so doing, these two stakeholders found a way to influence the outcome of the conflict and to be recognized as indispensable components of any eventual resolution.

The ENGOs responded to the Land Use Decision first by organizing road blockades in an attempt physically to prevent the logging. In a massive display of civil disobedience, more than 10 000 people from around the world converged on Clayoquot Sound in the summer of 1993 to demonstrate their opposition to the planned clear-cut logging. Capitalizing upon the international public exposure brought by the protesters and their blockades to the conflict, active ENGOs gained additional support from Greenpeace (Europe) and the Rainforest Action Network (the United States). Before long, the ENGOs had established an international marketing campaign aimed at shutting down MB's Clayoquot Sound operations by persuading international buyers of MB products to boycott the company because of its environmentally insensitive logging of the old-growth rain forests of Clayoquot Sound. Threatened with both the possibility of being branded with a negative corporate image and the potential of losing customers, as well as (after 1995) being affected by a falling Japanese timber market, MB's power dominance in the conflict began to diminish.
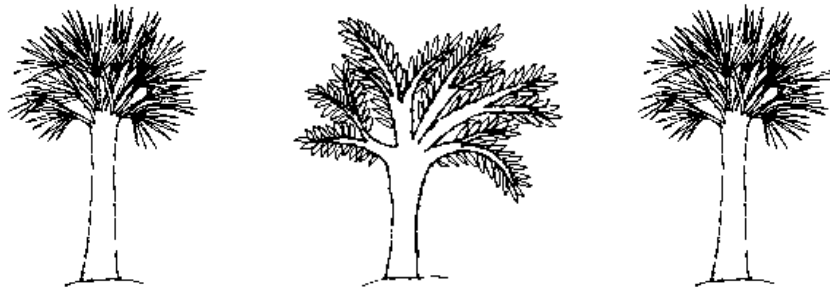
At the same time as ENGOs were working on pressuring MB to reconsider its logging plans, the Nuu-chah-nulth were striving to affect a similar response from the BC Government. As the area's traditional occupants, the First Nations were not categorically opposed to logging in Clayoquot Sound. They did, however, seek to establish a more environmentally sustainable approach to logging in the area, over which they would have greater control of planning and logging activities, as well as of the profits thereof. A key move made by the Nuu-chah-nulth First Nations in the period following the Clayoquot Land Use Decision was to file a complaint with the Ombudsman of British Columbia on the grounds that the BC Government had overlooked their interests in making the decision. The Ombudsman reviewed the complaint and quickly agreed with the Nuu-chah-nulth peoples that their traditional territory within Clayoquot Sound was put at risk as a result of the Land Use Decision. Given their historical connection to the land and the developing treaty negotiations, the Ombudsman reported that the First Nations had had a right to be consulted prior to the Land Use Decision and recommended that the decision be reformulated accordingly.

By late 1993, although the BC Government was not legally required to implement the Ombudsman's recommendations, it began negotiations with the Nuu-chah-nulth over a new role for the First Nations in future (pre-treaty) land-use planning and resource management initiatives. In March 1994, the negotiations concluded with the signing of an Interim Measures Agreement (IMA) that created a Clayoquot Sound Central Region Board (CRB), thereby establishing a system of First Nations and provincial co-management of the area. CRB is composed of an equal number of BC Government and First Nations representatives, but First Nations have the right to final approval of all board decisions. The BC Government retains the right to approve all activity performed on Crown (public) land in the region. But the IMA (and its renewals in 1996 and 2000) authorizes CRB to review all of the province's land-use and resource management decisions on Crown land in Clayoquot Sound prior to their implementation. Through the creation of CRB, which has also helped facilitate community dialogue over land and resource planning in Clayoquot Sound, the First Nations were guaranteed the power to participate in all future Crown land-use decisions in the area.

Further affecting the highly dynamic context within which the conflict was being managed, and the ability of the logging industry to be largely self-regulating, were the 1994–1995 recommendations of the Scientific Panel for Sustainable Forest Practices in Clayoquot Sound. Established by the province in 1993 (at the extra-jurisdictional recommendation of the Commission on Resources and the Environment), the Scientific Panel was charged with mapping out sustainable forest management and practices in the Sound by combining traditional and scientific knowledge. The BC Government accepted the panel's more than 170 rec-

ommendations in 1995, agreeing that an ecosystem-based approach would apply to all future land and resource planning and management decisions in Clayoquot Sound and that the CRB would be responsible for overseeing the implementation of the panel's recommendations.

A final turning point in the conflict, which provoked a fundamental change in the balance of power between the stakeholders, occurred in 1996. MB was influenced to varying degrees by the Scientific Panel recommendations, the years of environmental protests and the ENGOs' international campaign to have the company's products boycotted, as well as the First Nations' negotiations with the provincial government and the major fall in the international pulp and timber markets. In 1996, the company announced a one-year closure of its Clayoquot Sound operations. The following year, in 1997, it closed down its operations in Clayoquot Sound permanently. While many environmentalists from around the world considered the closure a victory at the end of a long, hard-fought battle, laid-off local loggers and their families faced the beginning of a difficult period of economic and social readjustment.

Coalition building

Four years before MB shut down its Clayoquot Sound operations permanently, the original steps towards a productive solution to this conflict were taken. In the immediate aftermath of the BC Government's 1993 Land Use Decision, which immediately preceded the climax of the conflict, the Nuu-chah-nulth initiated a series of meetings with ENGO stakeholders. This move facilitated the coordination of efforts between the ENGOs and the First Nations at a time when both sides were working independently to ensure that Clayoquot Sound's forest would not be clear-cut. This early coalition building effort eventually came to serve as the basis for a new model of cooperation between all the parties.

The most pronounced coalition building phase began tentatively once the balance of power had begun to shift in favour of the First Nations and the ENGOs. In July 1996, with the aim of persuading the ENGOs to end their international campaign against the company, MB expressed an interest in meeting its environmental opponents. Not long after, the ENGOs' liaison person to the Nuu-chah-nulth approached and met MB's Vice President for Environmental Affairs. MB wanted to see the ENGOs' international campaign against the company stopped and the ENGOs wanted to see Clayoquot Sound's forests protected. Accordingly, the two sides were able to agree that establishing a common vision between the company and the ENGOs might well represent the best chance for a future resolution of the conflict. Thus, the possibility of working together to help create a United Nations Educational, Scientific and Cultural Organization (UNESCO) biosphere reserve in the region was discussed and subsequently presented to the Central Region Chiefs, who agreed to support the initiative.

Further discussions were pursued, and by 1997 MB, the ENGOs and the First Nations had reached some degree of consensus on the development of a biosphere reserve. However, to fulfil a clause in the 1996 Interim Measures Extension Agreement between the BC Government and the First Nations, an additional component to the plan was proposed. This addition entailed establishing a First Nations–MB joint-venture logging company. With all the key stakeholders on side for the biosphere reserve, a local facilitator was contracted, with money provided by the provincial and federal governments, to lead the community in putting together an application for a UNESCO World Biosphere Reserve. At the same time, the Nuu-chah-nulth and MB began carefully negotiating the establishment of Iisaak Forest Resources, an environmentally sensitive, joint-venture, old-growth logging company. The biosphere reserve and the joint-venture company that were subsequently established represent the final outcome of this 20-year-long multiparty conflict.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

While much has been achieved by all of the stakeholders throughout the course of the conflict in Clayoquot Sound, the First Nations–MB joint-venture company, Iisaak, and the Clayoquot Sound UNESCO World Biosphere Reserve, designated in 2000, represent the two most significant outcomes.

Iisaak

The well-supported development of Iisaak after all the controversy over logging in Clayoquot Sound probably owes part of its existence to the fact that the First Nations peoples and other local residents (who fill the province's seats on CRB) had been granted an institutionalized high-level opportunity to participate in public policy decision-making in the region through CRB. In addition, the creation of this new company seemed to be facilitated by the improvements that were occurring in the once extremely adversarial relationship between MB and the ENGOs at the time that the joint venture was proposed.

Iisaak was created as a First Nations–MB (now Weyerhaeuser) logging corporation. The company, which is not yet well known by local First Nations residents, was founded to maximize the economic and social benefits of the forest in a manner consistent with two Nuu-chah-nulth principles: "Iisaak", which means respect and humility; and "Hishuk-ish ts'awalk", which means recognition of the interconnectedness of all things.

The debate over logging in Clayoquot Sound had long been a highly charged issue pursued by disputants with strongly entrenched positions. However, within one year of MB's shutting down of its operations in the region, major environmental opponents of MB were offering their support to the new joint-venture company. In return for Iisaak's commitment not to log pristine valleys, the Western Canada Wilderness Committee, the Sierra Club of Western Canada, Greenpeace Canada and the Natural Resources Defense Council all signed (and have since renewed) a Memorandum of Understanding (MOU), in which they not only agree to support Iisaak tacitly, but also to help market the high-value specialty timber logged by the company. To date, the only active ENGO that has chosen not to sign the MOU is Friends of Clayoquot Sound, which has elected, for the time being, neither to oppose nor to support Iisaak.

While efforts are continuing to develop a suitable international market for rare 400 to 1 000-year-old timber, Iisaak is working on developing cost-effective ways to log the non-pristine areas of its Clayoquot Sound permit in accordance with the stringent local industry standards established by the Scientific Panel. In 2000, a new

joint-venture logging company was established by Interfor, the other (and minor) forest tenure holder in Clayoquot Sound. This partnership was founded by Interfor, local First Nations and the community of Ucluelet, and is in competition with Iisaak. Bound environmentally by the same strict standards, the ability of both these companies to maintain community support may ultimately depend upon their ability to establish themselves as durable economic forces in the community.

UNESCO World Biosphere Reserve

In 2000, the same year that Iisaak began its logging operations, Clayoquot Sound was designated as a biosphere reserve under the UNESCO Man and the Biosphere programme. The establishment of the Clayoquot Sound UNESCO World Biosphere Reserve was made possible by more than a decade of related local public consultation and community building activities. At the ground level, the reserve was created to help foster constructive dialogue between stakeholders, including residents, locally elected councils, local First Nations band councils, ENGOs, industry and the provincial and federal governments.

The same year, a community-based, not-for-profit organization – the Clayoquot Biosphere Trust (CBT) – was established as the administrative cornerstone of the biosphere reserve. Authorized to manage a Can$12 million endowment fund granted by the Government of Canada, CBT is mandated to promote and support environmentally focused research, education and training initiatives. Consequently, CBT's work will encourage activities related both to the development of healthy and sustainable communities in the biosphere reserve region and to the provision of support for the reserve's "twin pillars" of conservation and sustainable development. Observers, stakeholders and neutral process facilitators alike have agreed that the establishment of the biosphere reserve has helped entrench direct community involvement in creating a shared vision for the social and ecological integrity of Clayoquot Sound. If the reserve had not been established, current and future logging efforts in the area, including those of Iisaak, would probably face strong opposition.
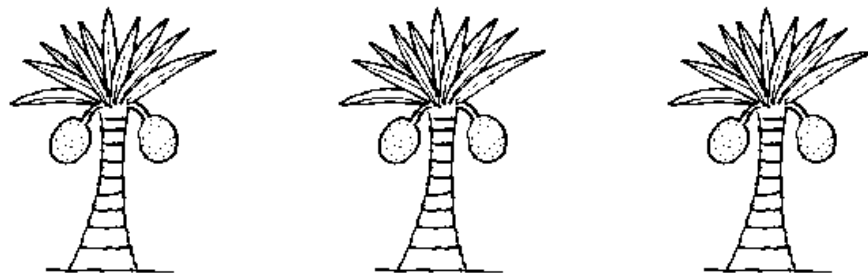
LESSONS LEARNED

Specific lessons were learned about each of the principal methods employed throughout the management and resolution phases of the conflict.

Enhancing stakeholder participation

This case teaches how important it can be for a government not only to create an enabling environment in which stakeholders can convene to discuss public policy decisions before they are made, but to incorporate the advice such consultations offer in subsequent policy pronouncements. If sufficiently inclusive, appropriately mandated and linked to responsible decision-making processes, public consultation processes can help to gain the support and partnership of those stakeholders who have the potential to produce the best policy decisions possible and to enhance their chances for successful implementation.

In Clayoquot Sound, the BC Government initiated a number of public consultation processes to determine better the views of its constituents and of the various stakeholder groups with whom they affiliated after it became obvious that its policies were facing significant opposition. However, despite the fact that broadbased public consultations can foster the development of more effective and appropriate policy responses, there appears to have been one key weakness in the processes that took place in Clayoquot Sound between 1980 and 1993. This limitation was manifested in the government demonstration – particularly through the logging-related decisions it made in both 1983 (allowing 90 percent of Meares Island to be clear-cut) and 1993 (authorizing two-thirds of Clayoquot Sound to be logged) – that it did not feel obliged to respond to major issues considered by the consultation processes it had initiated.

Such policy decisions, taken on highly controversial matters without due consideration of the public interest – particularly when it has been actively solicited – can lead to opposition and demonstrations that can disrupt or even prevent policy implementation. In Clayoquot Sound, it took the establishment of a high-level review board (CRB), which institutionalized the participation of one key stakeholder (the First Nations), before previously disempowered stakeholders could begin to trust that the value of their participation was recognized and that their views would be both heard and listened to.

Power balancing

When the original public consultation process established in 1980 to deal with the Meares Island controversy folded, the province responded by making a decision that ignored the more moderate compromise proposals that the consultation

process had been discussing. This highlighted the power imbalance that existed between the government and the logging industry on the one hand and the local residents, environmental organizations and the First Nations on the other. The ENGOs and the First Nations made an application for a court injunction, appealed for Ombudsman support, and road blockades and protests followed, together with an international market-based boycotting campaign. These events show that disempowered groups that are committed to participating in a meaningful way in a decision-making process may focus their efforts on obstructing their opponents until the power imbalance is remedied. A key lesson that disputants in conflicts with similar power issues can learn from this case is that early efforts to engage and empower relatively weak stakeholders can facilitate the building of relations that may serve to prevent destructive confrontations and to bring about, instead, cooperative and solution-oriented efforts.

Coalition building

In this case, once all the key stakeholders were represented at the negotiating table and had an equitable amount of power, the disputing parties were able to begin dealing with each other, although uncertainly at first, as partners rather than opponents. As the disputants began to realize that they all had shared interests, new options for progress began to open up. Examples of these shared interests were: i) the environmentalists came to accept that local residents needed to work and that no logging at all was not a tenable option; and ii) MB came to realize that there was an advantage to working in harmony with the interests of local residents and environmentalists. In the increasingly cooperative climate that developed, the parties became more flexible in dealing with the conflict. Hard-set positions were no longer heavily guarded, allowing creative proposals to be put forward more freely than when the highly confrontational environment prevailed. Within this developing dynamic, all of the parties were better disposed to take responsibility for sharing the leadership of the conflict resolution process. Accordingly, when an opportunity for progress became evident, it was set out and advanced by whichever party was most disposed to do so at the time. In this way, all parties were able to provide to the overall process what was most needed from them.

Thereafter, parties began to work together voluntarily, and potential ways beyond the conflict came to be discussed. When it became clear that two of the most promising options had broad-based support, cooperative efforts were made to develop and implement them. What proved to be essential ingredients throughout this stage were the maintenance of clear lines of communication between the parties. For example, when MB and the ENGOs were working to develop ideas around what later came to be the biosphere reserve, they con-

stantly checked back with the First Nations. These open lines of communication facilitated a set of informal checks and balances that kept the ongoing activities within the acceptable limits of all parties and enhanced the growth of the developing coalition.

CONCLUSION

Above all, this case teaches the importance of ensuring active and balanced stakeholder participation and cooperation at all stages of public policy decision-making processes. The community of involved stakeholders – from local residents and indigenous peoples to logging corporations and environmental organizations – learned that by working together to design and implement solution-oriented plans, each stakeholder could avoid undesirable outcomes while making constructive progress towards a sustainable resolution. In this manner, the stakeholders to the conflict in Clayoquot Sound succeeded in transforming their situation from an intractable and volatile battle at its worst to an internationally unique example of environmental, community and corporate partnership at its end.

REFERENCES

Drushka, K. 1999. *In the Bight: the BC forest industry today.* Madiera Park, BC, Canada, Harbour.

Iisaak Forest Resources. 2000. *Conservation-based forestry in Clayoquot Sound – social and environmental investment opportunity in coastal old-growth rainforest.* Vancouver, BC, Canada.

Magnusson, W. & Shaw, K. 1997. *Clayoquot Documents.*

Magnusson, W. & Shaw, K. 2000. *Clayoquot documents: volume 1.* University of Victoria. Prepared for the Politics of Clayoquot Sound Workshop, Tofino, BC, 8–12 May 2000.

Nuu-chah-nulth Central Region First Nations & Government of British Columbia. 1994. *Clayoquot Interim Measures Agreement.* Ahousaht, BC, Canada.

Nuu-chah-nulth Central Region First Nations & Government of British Columbia. 1996. *Clayoquot Interim Measures Extension Agreement.* Victoria, BC, Canada.

Nuu-chah-nulth Central Region First Nations & Government of British Columbia. 2000. *Clayoquot Interim Measures Extension Agreement – A Bridge to Treaty.* Victoria, BC, Canada.

Ombudsman of British Columbia. 1993. Public Report No. 31: Administrative Fairness of the Process Leading to the Clayoquot Sound Land Use Decision.

Scientific Panel for Sustainable Forest Practices in Clayoquot Sound. 1995. Sustainable Ecosystem Management in Clayoquot Sound: Planning and Practices, Report No. 5.

Scientific Panel for Sustainable Forest Practices in Clayoquot Sound. 1995. First Nations' Perspectives Relating to Forest Practices Standards in Clayoquot Sound, Report No. 3.

Stern, A. & Hicks, T. 2000. *The process of business/environmental collaborations: partnering for sustainability*. Westport, Connecticut, United States, Quorum Books.

Managing conflict around contested natural resources: a case study of Rusitu Valley area, Chimanimani, Zimbabwe

by **Zvidzai Chidhakwa**

Southern Alliance For Indigenous Resources (SAFIRE)

SUMMARY

Chidhakwa focuses on three villages adjacent to Haroni and Rusitu forests in Zimbabwe. Conflict started when the government set aside the forests as protected areas in the mid-1970s without taking local forest resource rights into account. The study highlights the use of third parties, participatory rural appraisal, coalition building and economic development projects in facilitating negotiations among different stakeholders. It also explores the problem of unequal power relations in conflict management processes. Although the rural communities living near the forest are key stakeholders, they lack the power and resources of the other parties engaged in negotiations.

GUIDING QUESTIONS

KEY ISSUES
- What is the source of conflict?
- Who are the stakeholders or interested parties?

CONTEXT
- Are local institutions for managing natural resources also used for conflict management?
- How does one distinguish primary and secondary stakeholders?

CONFLICT BACKGROUND OR HISTORY
- How does historical analysis help us to understand and manage contemporary conflicts?
- How does the perception of a conflict influence attitudes regarding its solution?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES
- How do you generate information for conflict management?
- What tools can be applied in conflict management?
- How can parties to a conflict be brought together?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES
- Are all issues in a conflict always resolved completely?
- Do conflict management processes always satisfy all parties?

LESSONS LEARNED
- Why should we talk of conflict management rather than resolution?
- Why are power relations important in conflict management?

KEY ISSUES

The case study presented here summarizes conflict management processes around contested forests in Rusitu Valley in Zimbabwe. It illustrates how governments and outside agencies ignore local management systems and institutions and try to impose new ones with the support of national legislation. External actors, both government and non-governmental, are all agreed on the need to save two unique forest patches from destruction by the local people. There is no agreement, however, on how best to do it. For a long period of time (between 1974 and 1993) there was no effective communication between external agencies and the local community. This resulted in a conflict situation that manifested itself in various ways, including arrests and fines being imposed on local people, and local people in turn causing bush fires and cultivating crops on the fringes of the forests.

The case study presented here helps us understand conflict management processes around protected areas or other contested resources, particularly woodlands. In order to manage such conflict situations, there is need to open up channels of communication between the conflicting parties. In this particular case, participatory methods were adopted in order to initiate dialogue with the local communities and establish the key areas of conflict. This was done mainly through a series of participatory rural appraisal (PRA) sessions facilitated by a non-governmental organization (NGO). These exercises were later complemented by the efforts of a third neutral party, the District Administrator for Chimanimani District, who brought all the parties together for discussions and to plan the way forward.

Conflict in natural resources management is inevitable, granted that there are different uses of resources, different users, interests and value systems. Ashby (1998) identifies a number of causes of conflict which include, *inter alia*: stakeholders with livelihood use for natural resources being excluded from use and/or from decisions about the use of the resources; inequitable access to scarce or degrading resources; unprecedented increase in the rates of extraction; interventions at inappropriate scales; traditional ways of sharing resources being undermined by governments; and lack of clarity about boundaries, access, use rights and responsibilities. In the case of the Rusitu Valley conflict, we can also add differences in values, beliefs and interests among different actors. This list of causes of conflict is not exhaustive and the causes are dynamic.

Conflicts in natural resources management can be categorized in various ways, depending on how they occur and manifest themselves. Warner and Jones (1998) categorize conflicts broadly in terms of whether they occur at the micro-micro or the micro-macro level, i.e. among community groups or between community groups and outsiders. The Rusitu Valley conflict was largely of the latter type and pitted the community against outsiders, but conflict among the outsiders also

took place. There were also various interest groups at the local level. Most people in the area are farmers, producing mainly bananas and other fruits and crops. The conversion of the Rusitu forests to agricultural land made more sense to them, as shown by the gradual reduction in the sizes of the forests. There were also traditional leaders and spirit mediums interested more in the preservation of the core areas of the forests (for ritual purposes) and limiting access and harvest of products. The harvest of various forest products by different local groups also cannot be ignored, for example thatching grass, medicines, indigenous fruits and fuelwood.

Although "conflict" has negative connotations and is usually viewed negatively, it is a potential force for positive social change, as was the case in Rusitu Valley. A compromise was struck between conserving the forests and community benefits through community-based tourism. Conflict management processes might not have satisfied all community interests, granted that there are various interest groups at the community level, but it is apparent that management of the forests might improve through community contribution.

Pendzich (1993) suggests that conflict management should seek to bring all actors together so that they come to an agreement on the contentious issues. This can be done through various conflict management processes, listed in the Box.

BOX	CONFLICT MANAGEMENT PROCESSES

Conciliation: a third neutral party attempts to communicate separately with disputing parties for the purposes of reducing tensions and agreeing on a process for resolving conflict.

Facilitation: a third neutral party assists in running a productive meeting.

Negotiation: involves a voluntary process in which parties to a conflict meet face to face to reach a mutually acceptable resolution, mostly through consensus.

Fact finding: a third neutral party gathers information from all sides and prepares a summary of key issues.

Mediation: involves the assistance of a neutral third party to a negotiation process.

Source: Based on Pendzich, 1993.

We may also add avoidance (keeping conflict from becoming publicly acknowledged), coercion (threatening or actually using force to impose one's will), arbitration (where a conflict is submitted to a mutually agreeable third party) and adjudication (where a judge or administrator is relied upon to make a binding decision).

In the case of Rusitu, it was apparent that power relations were very important in conflict management. Power was not evenly distributed among all the actors and the local people were faced with various constraints, for example access to information and decision-making power. The final agreement on the utilization of the forests was shaped according to the interests of external bodies, mainly NGOs. The local community was also operating from an inferior position, considering that some partner meetings were held outside the community, at the district centre. Only a few representatives could attend.

Conflict management processes are not mutually exclusive and one can lead to another, as occurred in the Rusitu case. The major strategy adopted in Rusitu was to initiate dialogue with the community through participatory approaches. The bringing together of all parties to the conflict followed later. Issues were then discussed openly and some solutions sought for some of the key issues identified.

The case study is relevant to community-based natural resources management because it illustrates that conflict management calls for communication among all parties and facilitation of discussion. However, it is difficult to resolve conflicts in situations of unequal power and different value systems. Demarcating areas for protection is not necessarily the best way to conserve resources since resource management should be done within a certain context – historical, political or otherwise. Indigenous knowledge systems and practices should be accorded equal importance. The management of natural resources should be done in a participatory manner and all stakeholders should understand the objectives.

Conflicts in natural resources management are also dynamic and can be prominent for long periods of time. In Rusitu, the conflict spanned several years and the contemporary situation could not be treated in isolation from the historical processes in the area. For conflict management to be successful there is need to conduct a historical analysis (with the participation of local people) so that the major issues can be identified, analysed and discussed.

CONTEXT

The case study is centred on three villages around forests officially known as the Haroni and Rusitu forests. These are small patches of forest located in Rusitu Valley, in Chimanimani District, on the border with Mozambique (see Map below). They are now part of the 15 botanical reserves in Zimbabwe (see Map on p. 191). The two forests are unique from an ecological point of view and present the only remaining lowland tropical moist forest in Zimbabwe. They contain unique (to Zimbabwe) species of flora and fauna, e.g. birds, amphibians, trees, shrubs and butterflies. The area attracts low volumes of tourists, mainly nature enthusiasts.

MAP	LOCATION OF RUSITU VALLEY IN ZIMBABWE
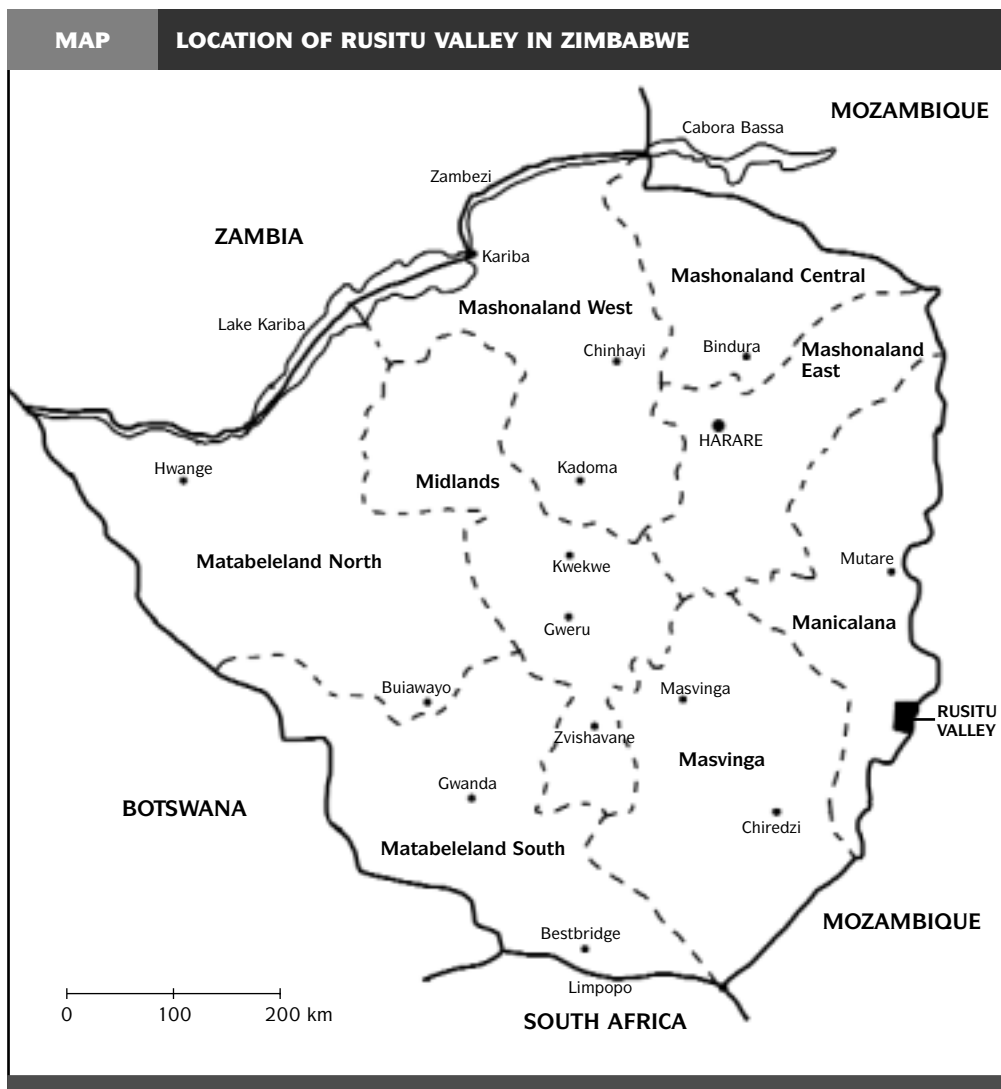
These two patches of forest have been the subject of contested management between the local people, government institutions and outside agencies, especially NGOs. The inhabitants of Rusitu Valley have constantly been forced to migrate to make way for new developments such as plantations and national parks. They settled in the lower Rusitu Valley in the early 1900s and declared the Haroni and Rusitu forests sacred forests managed through local institutions, norms and values.

The forests are managed through (informal) rules and regulations, i.e. instituted and executed by the community with no support or recognition from the government. Local institutions (chiefs and headmen) were not recognized as formal local authorities until about a year ago. There was a deliberate attempt after independence in 1980 to strip them of their powers. New institutions created in their place (Village and Ward Development Committees) did not receive the expected respect and recognition from the local people, and the government has recently resuscitated traditional institutions. Local rules and regulations include a ban on utilizing certain plant and animal species prescribed as sacred, on harvesting any products from the core of the forests deemed as the most sacred, and on cutting indigenous fruit-trees. A local system for punishment and sanctioning is also in place, for example one might be asked to brew local beer for free consumption by all the villagers and/or to slaughter a goat or other livestock. The level of punishment depends on the gravity of the offence.

The Haroni and Rusitu forests have historically been managed by the local people, who view them as sacred forests and as the abode of their ancestral spirits. The forests are managed through a hierarchical system of *de facto* local institutions and spirit mediums as represented in the Figure. The chief is the ultimate local authority with regard to management of resources and conflict resolution. The local village head deals with a dispute first, and if he/she fails to resolve it, he/she refers it to the headman, who may in turn refer it to the chief if there are problems. At all three levels, spirit mediums play an important advisory role in the local institutions. Spirit mediums are taken to be the link between the spiritual, human and natural worlds and their advice is widely respected.

FIGURE	THE HIERARCHY OF LOCAL INSTITUTIONS IN RUSITU

The Chief (*Mambo* or *Mutape*) has a council called the *dare* whose role is to advise in conflict resolution

Spirit mediums
Makosi – these are not formal police officers but local ones

Headman (*Sadunhu*)

Is below the chief and also has a *dare*

Spirit mediums

Village head (*Sabhuku*)

Also has a *dare* at the village level

Spirit mediums

Makosi – these are not formal police officers but local ones

The two forests were declared as botanical reserves and gazetted as such in 1974 by the then colonial Rhodesian Government. Legally speaking (i.e. in terms of the National Parks and Wildlife Act), botanical reserves are intended to preserve and protect rare or endangered plants, or representative plant communities growing naturally in the wild, for the enjoyment, education and benefit of the public. No form of consumptive utilization (e.g. harvesting fruits, bark or fuelwood) is allowed without permission of the director of national parks and wildlife management. Since the declaration of the forests as botanical reserves, local people have defied these regulations and have continued to utilize products and conduct their rituals. The locals do not even recognize the official names of the forests and prefer to use their local names, which are Nyakwaa and Chizire for Rusitu and Haroni forests respectively.

| MAP | THE BOTANICAL RESERVE OF ZIMBABWE |
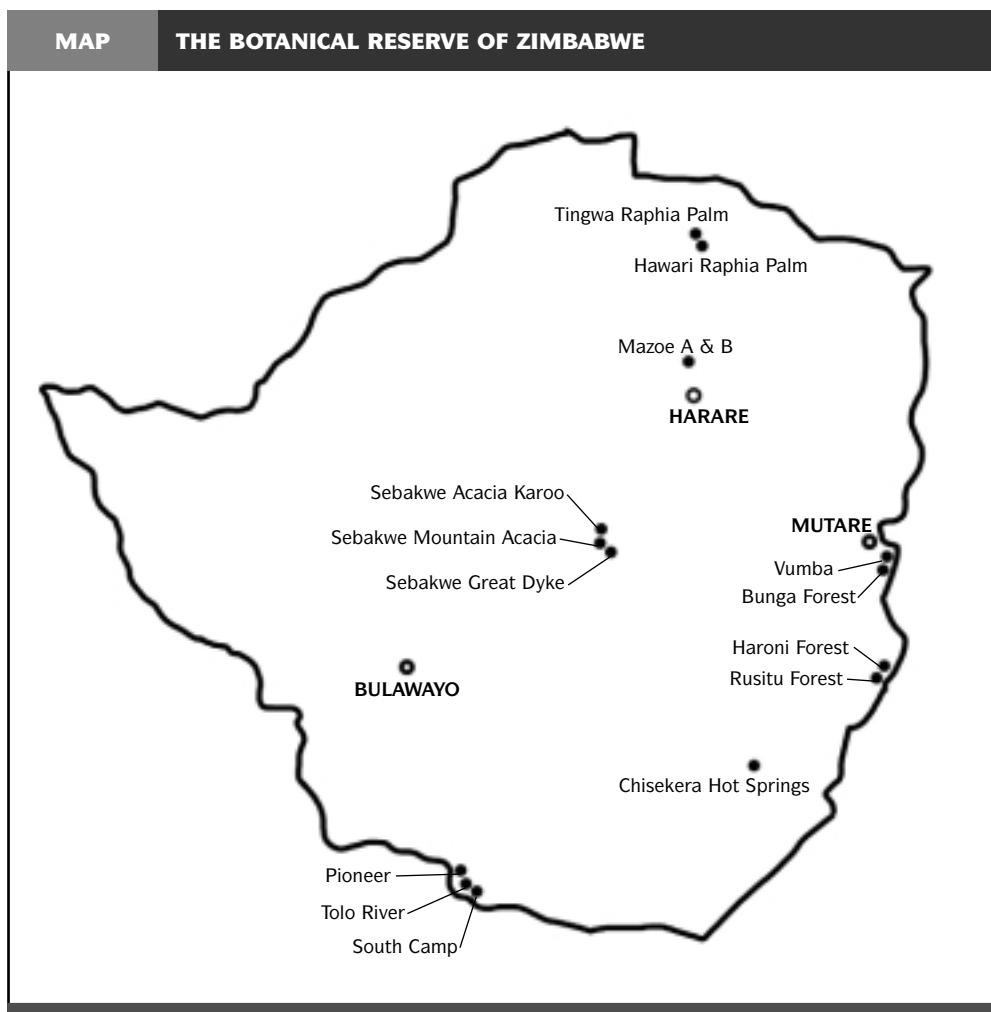
The declaration of the forests as reserves brought with it several major changes with respect to the institutional basis for the management of the forests. Several of the traditional and cultural functions of the forests were ignored and the local decision-making and control processes were abolished.

CONFLICT BACKGROUND OR HISTORY

The conflict in Rusitu Valley cannot be understood outside the context of land appropriation and subsequent struggles that have characterized the area. Hughes (1996a) identifies three distinct phases in the struggles for land and natural resources in Chimanimani. The first phase began with the arrival of white colonial settlers from South Africa between 1892 and 1893. This phase saw the seizure of land and eviction of inhabitants from their original places of residence on the Chimanimani Highlands (see Map opposite). By 1895, settlers had claimed most of the eastern (Chimanimani-Chipinge) highlands. Africans were left to occupy areas unsuitable for white settlement and agriculture, including the Haroni-Rusitu river valleys.

The second phase saw the acquisition of land by private companies and the government for plantation forestry. In the 1950s, the Anglo-American Corporation established Border Timbers Pvt. Ltd and acquired Tilbury Estates, the state Forestry Commission established Tarka Forestry Estate and the London Rhodesia Company (Lonrho) established the Rhodesia Wattle Company. Communities were evicted from their land to make way for plantation forestry. Most of the land was cleared and planted with wattle, pines and eucalyptus. People were thus eventually crammed into native reserves that included the Haroni-Rusitu river valleys in Vhimba.

The third phase in the appropriation of land was related to the establishment and expansion of the Chimanimani National Park, in the early 1960s, and encroachment of the park into Rusitu Valley. In the 1950s, government-sponsored aerial photography revealed the existence of small patches of evergreen forest in the Haroni-Rusitu river valleys in Ngorima, including the Haroni and Rusitu forests (Whitlow, 1988). The patchiness of these forests was attributed to slash-and-burn smallholder agriculture and subsequently, in 1973, the forests were declared protected areas (Hughes, 1996b). During this period, the war of liberation in Zimbabwe was escalating in the area and the reserves could neither be demarcated nor surveyed. In addition, the local community was not aware that "its" forests had been designated as protected areas.

MAP **FORESTS OF THE LOWER RUSITU VALLEY**

TARKA FOREST AREA

HAYFIELD B.

CHIMANIMANI NAT. PARK

Chisongu R.

MAKURUPINI FOREST

Makurupini Falls

Haroni R.

Site for drift

Proposed campsite

Haron Bot. Reserve

MOZAMBIQUE

Bluff overlooking confluence

Old Store

NGORIMA COMMUNAL LAND

RUSITU BOT. RESERVE

Rusitu R.

Clorted Island

Steep track almost impossible

Vimba School

MOZAMBIQUE

Shopping centre

0   1   2 km

Extent of forest

International boundary

Land boundary

Road/track

Homestead

After independence in 1980, the new government did not change the status quo. Backed by (and recognizing) colonial legislation and policies, the government revalidated both the national parks' and the botanical reserves' boundaries. The major problem was that the boundaries of the reserves were neither surveyed nor marked. Attempts to exclude local people from the reserves were met with resistance and were largely ignored.

The conflict around the management of the Rusitu forests was characterized by differences in the way different people and organizations perceived the way that the forests could be conserved. Several actors (both internal and external), all claiming to be interested in saving the forests from destruction by the local people, were involved. This claim was being advanced, despite the fact that the forests had survived without interference from external actors for a long time. At play in the Rusitu conflict were differences in values and belief systems. Among the actors, some were conservation- and preservation-oriented (government institutions, mainly the Department of National Parks and Wildlife Management – DNPWLM), some were forest-dependent (the local people and private tourism companies), some were development-oriented (the NGOs) and some were profit-oriented (individuals and private business), as shown in the Table.

TABLE	MAIN ACTORS IN THE RUSITU CONFLICT	
Main actor	**Perception of problem**	**Proposed solution**
Local community (including various subgroups)	External agencies claiming their forests and blaming them for forest destruction	Total control by the local people and no external intervention in forest management issues
Department of National Parks and Wildlife Management (DNPWLM)	Forests were facing certain destruction by the local people	Fence off the forests Enforce non-consumptive uses Demarcate boundaries and evict squatters from designated areas
Forestry Commission	Forests were being destroyed by cultivation, deliberate bush fires, cutting of poles and trapping of small game	Surveying and demarcation of reserve boundaries and de-gazetting degraded areas Eviction of squatters

Wildlife Society of Zimbabwe, Chipinge Branch	Destruction of forests caused by lack of knowledge of the local people and intense harvesting for poles and bush fires	Support school to raise indigenous seedlings to sell for reforestation Support law enforcement and provide resources for scouts Erect perimeter fences around the forest areas Market the area as a tourist destination
Rural District Council (RDC)	Forests were being destroyed owing to lack of opportunities and development	Attract more tourists to Rusitu and bring overall development to the area
Southern Alliance for Indigenous Resources (SAFIRE)	Forests would not be completely destroyed but were reduced owing to poverty and lack of options outside agriculture	Integrated development strategy that links forest management to overall development of the area Conduct participatory problem analysis and solution
Communal Areas Management Programme for Indigenous Resources (CAMPFIRE Association) and the Zimbabwe Trust (ZIMTRUST)	There was no appreciation of the value of the resources and no linkage between conservation of forests and community benefits	Support non-consumptive utilization and community-based ecotourism
Zimbabwe African National Union (Patriotic Front) – ZANU (PF), Central Intelligence Organization (CIO) and Zimbabwe Republic Police (ZRP)	The ruling party and two state security bodies were all interested in security issues on the border with Mozambique and were keenly following all issues regarding development of the community (and maybe later would claim responsibility for positive outcomes)	Any proposed development to take place in a secure environment and all partners to be open to each other
Private business (Mentrick Enterprises, Pamwechete Safaris, Rory Duncan Trading and Chimanimani Tourist Association)	Blamed the local people for causing destruction of the forests through cultivation	Proposed that private developers could be given the opportunity to invest in tourism and, in the process, develop the local area

Among the community, there are also various subgroups, such as traditional medical practitioners, carpenters, crafts makers and cultivators, all paying allegiance to traditional institutions. There were no distinct intracommunity conflicts over the forests and their resources or over the handling of the conflict with external actors. Historically, the community has its own rules and regulations controlling the use and management of the forests. The forest is managed both for traditional cultural reasons and for the harvest of products, both timber and non-timber (see photo). Community interests centre on the preservation of the sacred areas and on conducting its annual traditional rituals.

The conflict in Rusitu manifested itself in various ways, ranging from avoidance initially, to open confrontation later. Since the gazetting of the forests in 1974, they had neither been surveyed nor fenced off. Among the local community, no one knew where the exact boundaries of the proposed reserves were. The liberation war in Zimbabwe between 1975 and 1980 made it impossible for any government personnel (either surveyors or DNPWLM staff) to visit the area. It was only after independence in 1980 that DNPWLM and other players renewed their interest in the conservation of the Rusitu forests.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

The most recurrent argument voiced by the various actors in the Rusitu conflict was the blame placed on the local communities for the destruction of the Haroni and Rusitu forests. However, the actors proposed different solutions, all in the name of saving the forests from certain destruction by the local people (see Table). The first phase in the management of the Rusitu conflict involved initiation of dialogue with the local community. This was followed by the efforts of the Chimanimani District Administrator (DA) who, as an adjudicator, facilitated communication among all conflicting parties. The DA's role at the district level is to coordinate all development activities as the representative of government. The DA initially communicated with all parties separately and later brought them together to discuss the major problems and plan for the future. These processes are discussed in the following.

From the early 1980s to the early 1990s there were isolated incidents of harassment of local people by staff from DNPWLM. The major points of contention were the harvest of minor forest products and cultivation on the fringes of the two forests. Local people were arrested by parks staff and their fishing lines, axes and other implements confiscated. Fines were also imposed on them.

Harvest of bark for medicine

In 1992, the government contracted a chartered surveyor to mark the boundaries of the two reserves. The surveyor did so without any consultation with the local community and, after this exercise, about 15 homesteads were incorporated within the boundaries of the reserves. According to DNPWLM, these people had to be evicted from the park estate (Kawadza and Rogers, 1993). In the same year, members of the Chipinge branch of the Wildlife Society of Zimbabwe also resolved to save the Rusitu forests from what they assumed to be total destruction by the local people. With the agreement of the parks warden for Chimanimani, they sponsored (financially) the sending of eight scouts to Rusitu with the mandate to stop the cutting of understorey and poles and generally to "educate the local people to preserve the reserves". There was open confrontation between the local people and the scouts and physical abuse occurred, together with arrests of local people, which served no purpose.

The first serious effort to engage the local community in dialogue began in 1993. The Fuelwood Crisis Consortium (FCC), the Southern Alliance for Indigenous Resources' (SAFIRE's) predecessor organization, commissioned a needs assessment survey of the community adjacent to the reserves. A consultant facilitated the assessment. This survey was also to focus on some participatory problem analysis of issues surrounding the management of the Rusitu and Haroni botanical reserves. This was done in an attempt to identify a potential strategy for the sustainable development of the area, holding the interests of the community as

The completed village boundary map

paramount and, at the same time, attempting to preserve the integrity of the reserves (FCC, 1993). The survey incorporated a socio-economic study, appraised existing development projects within the area, assessed current literature on the area and also involved discussions with various local stakeholders.

The major findings of the FCC (1993) survey were that the reserves had been created without adequate consultation and reference to the needs of the local community, that there was no dialogue between the various players, that the area needed development and that local management practices were in place.

One outcome of the FCC survey and initial consultations was a set of recommendations made by the local community. These recommendations were drawn from discussions with various local people and institutions. It was proposed that surveying and demarcation of the forests be done in conjunction with the local people; local land shortage problems be taken into account in proposed solutions; a local development committee comprising local people and external agencies be established; a detailed PRA exercise be conducted; and channels of communication be opened up.

There were attempts by DNPWLM, the Rural District Council (RDC) and the DA's office in 1994 to organize meetings between the national parks department

A sacred pool along Haroni river (within Haroni forest)

and the local people to resolve their differences. These meetings were largely boycotted by the local people and were not conclusive. The meetings were also not productive because already there was mistrust between the local people, DNPWLM and the Wildlife Society of Zimbabwe, mainly the Chipinge branch.

A series of PRA workshops was conducted by SAFIRE between late 1994 and early 1995. Participatory tools were used to generate discussion. These tools included participatory mapping, transect walks, livelihood analysis, activity calendars and product flow diagrams. The exercises were aimed at identifying community priorities and encouraging discussion of the issues relating to the management of the forests, e.g. the contentious boundary issue and utilization of forest products. SAFIRE eventually stationed a project officer in the area. Gradually the local community became a willing partner in discussions on the management of the Rusitu forests.

After the major issues had been identified through participatory exercises and workshops, the DA for Chimanimani, playing the role of an adjudicator, decided to communicate with all actors separately. This was done to establish their positions. Later, all actors in the conflict were brought together at the district centre in April 1995. The DA is the chief civil servant at the district level and ensures that development efforts are effectively coordinated and conflicts at that level

resolved. The office of the DA was not directly involved in the Rusitu conflict, but whether the parties to the conflict viewed it as neutral is doubtful.

All the actors were asked to present their views and how this affected the conservation of the forests. The local people were not happy that external actors were accorded the same status as them. Many contentious issues were raised, mainly related to the role of the community, the boundaries of the forests and what to do with the so-called squatters. It was wrongly assumed that the local community was homogeneous and could be represented by a few people. There were different interest groups, e.g. cultivators interested in opening up land for agriculture, traditional institutions interested in preserving the core of the forests, local people interested in harvesting various products including fruits, medicines and thatching grass, and some who were interested in new job opportunities that the proposed ecotourism venture would bring.

The first stakeholder meeting marked the birth of what later became known as the Vhimba Consultative Group, a loose coalition of all actors concerned with "saving" the Rusitu/Haroni botanical reserves. This group brought together all actors, including the local community, and they agreed to hold regular meetings and consultations. Represented at the meeting were RDC, the DA's office, the local chief, SAFIRE, the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE), Chipinge Wildlife Society, DNPWLM, the Central Intelligence Organization (CIO), Chimanimani Tourist Association, the Zimbabwe Republic Police (ZRP) and the ZANU (PF) party. The DA facilitated the meeting. Stakeholders were asked to present their views separately and this was followed by a general discussion.

A series of problem solving meetings was held, adopting participatory approaches to conflict management, whereby all parties would present their positions for discussion. An increase in understanding and trust enabled the parties to settle their differences on substantive issues, mainly related to saving the Rusitu forests.

The most positive aspect of these meetings was that all parties to the conflict could sit down together and discuss the issues openly. The only major point of agreement was the issue of community benefits through an ecotourism project. However, this idea originated from external actors. Local people were contesting the gazetting of the forests as botanical reserves and preferred total control through local institutions. Other aspects remained contentious and are yet to be resolved, e.g. the boundary issues and the proposed eviction of the so-called squatters. On the ground, in Rusitu, small measures were being taken to replace mistrust gradually. Small projects were initiated, e.g. a maize-grinding mill was donated to the community in late 1995 by SAFIRE. In addition, DNPWLM scouts were removed from the area. The Box illustrates the major events and processes in the Rusitu conflict.

BOX	HISTORY OF EVENTS IN RUSITU
1974	The Rusitu and Haroni forests are declared botanical reserves
1975–1980	Period of war. The reserves can neither be demarcated nor protected by parks staff
1980	Independence. The government reaffirms the gazetting of the forests as protected areas
1980 to early 1990s	Isolated incidents of harassment of local people who are trying to harvest both timber and non-timber forest products. Local people are arrested, fined or beaten by staff from DNPWLM
1992	A chartered surveyor is contracted to mark the boundaries of the protected areas. Local people complain about lack of consultation. DNPWLM scouts are sent to Rusitu to police the area and arrests and beatings escalate
1993	FCC needs assessment study. Need for further analysis identified
1994	More participatory exercises conducted by SAFIRE. Major issues are identified and the idea of an ecotourism project is discussed. Meetings between DNPWLM and the local people prove futile
1995	The DA brings together all parties to the conflict for a meeting. A series of meetings is held and key issues identified. Agreement is reached on the ecotourism project but not on other issues such as "squatters" and the boundary
1996	Ecotourism project proposals completed
1997 to date	The ecotourism project is being developed. Other issues are still outstanding and conflict is largely latent. DNPWLM clears firebreak following surveyed boundaries and slashes bananas and other fruit-trees. Conflict remains largely unresolved

CONFLICT MANAGEMENT
AND RESOLUTION OUTCOMES

The Rusitu Valley conflict has not been completely resolved. Some positive developments can, however, be noted. All actors were in agreement about the central role that the local community should play in the management of the forests. DNPWLM could not sideline the community but had to take its views on forest management into account. The issue of benefits to the local community was also addressed. The idea of encouraging ecotourism was put forward and plans drawn up to start a tourism venture involving the local community and outside investors as partners.

Plans for establishing community-based tourism facilities are already advanced and DNPWLM has agreed to allow communities to benefit from the proceeds, through a long-term lease (granted by DNPWLM through RDC) that allows them to utilize the forests in a non-consumptive way. NGOs such as SAFIRE, the Zimbabwe Trust (ZIMTRUST) and the CAMPFIRE Association are involved in providing services, including the training of local people in enterprise skills, tour operation and guiding of tourists and marketing, for example. The CAMPFIRE Association will offer financial support for the setting up of the tourist facilities.

RDC will also benefit directly from a percentage of the proceeds, up to a maximum of 20 percent of the revenue, for providing administrative support. It is still unclear whether the benefits from this tourism venture will filter through to the communities and whether there will be other conflicts related to the distribution of the benefits and utilization of both timber and non-timber forest products. The success of the tourism venture is directly linked with non-consumptive use of the forest, and the local community is effectively prohibited from harvesting products. However, in practice local people continue to harvest various timber and non-timber forest products.

However some aspects of the Rusitu conflict have not been resolved. Contentious issues concern the extent of the boundaries of the forests, and also ownership and control of the forests. The local people recognize their own boundaries and insist on "social fencing" rather than a physical barrier. They prefer to manage the forests through local rules and institutions, with no perimeter fences. Government institutions, mainly DNPWLM, recognize different boundaries (which are wider) and still want to evict the so-called squatters from within the surveyed areas. Firebreaks have already been cleared around the forests, although they have not been fenced yet. This issue has not been resolved, first because there is no agreement on where the boundary should be and, second, because no one wants to take responsibility for evicting and resettling the affected people.

The other issue is whether communities can be allowed to harvest products from the forests, both timber and non-timber. At the moment, the community is not (officially) allowed to harvest any products from the forest. However, local people continue to harvest both timber and non-timber products. DNPWLM largely turns a blind eye to the harvest of products in the interest of mutual trust. Perhaps one major weakness of the conflict management process in Rusitu is that there is no clearly defined management mechanism. It has not, for instance, been decided whether there will be co-management between DNPWLM and the local people. As things currently stand, the local people will receive benefits through non-consumptive tourism and they are, in turn, expected to police the forest areas and continue limiting harvest of products. The issue of consumptive use of forest resources might create new conflicts in future, if not discussed now.

The initial agreement on the need to involve local people has affected the management of the forests positively. The local community has realized that it can benefit financially and materially by protecting the forests. There is no evidence of clearing of new land for agriculture close to the forests. A local trust has also been elected to oversee the management of the forests and the tourism venture. This local body is legally recognized by RDC and in law. There are also local resource monitors in place. Their role is to monitor harvest of products and help DNPWLM in patrolling the forests. Facilities for the ecotourism project are being put in place. A campsite and some chalets are being built close to the forests to accommodate tourists. The road to Rusitu is currently being upgraded to facilitate the smooth flow of traffic and tourists to the area.

LESSONS LEARNED

The conflict around the forests in Rusitu Valley presents important lessons for conflict management in natural resources conservation. The following issues can be drawn from the Rusitu case.

Power relations play an important part in conflict management. In the Rusitu case, the local community is relegated to the same status as the other players, mainly NGOs. Its primary interest of total control of the forests is disregarded and the views of other players take centre stage. The community was contesting the gazetting of the Rusitu forests as botanical reserves and might not have been interested in just benefiting from non-consumptive uses. A good deal of importance is attached to outsiders' views, mainly that the community can benefit from ecotourism, and this is considered "the" solution to the conflict.

It is difficult, therefore, to resolve conflicts in situations of unequal power. In this case the community is less powerful than the government and non-governmental

institutions. Government institutions (e.g. DNPWLM) were backed by strong national legislation, allowing them to map the course of action. Some meetings to resolve the conflict were also held at the district centre, more than 50 km away. In some cases no members of the community attended and decisions were taken in their absence.

It is difficult to try and completely resolve conflicts around natural resources management. Rather, we should promote conflict management. In the case of Rusitu, there has been agreement on certain aspects of the conflict, for example the central role of the local community. There are still some unresolved issues, such as those regarding the forest boundaries and the eviction of people from within surveyed boundaries.

It was shown that conflict around natural resources involves actors with different values, capacity and resources. Classical conflict resolution processes call for the bringing together of all stakeholders, discussing all the issues at stake and reaching a consensus. Bringing actors together is, however, not an end. In the Rusitu case, it was apparent that the various actors had their own interests, some of which were probably not publicly pronounced. It is difficult to reconcile the views of various actors. Conflicts are not only between outsiders and local people but also between different groups of outsiders. Conflict management processes should seek to identify all stakeholders and provide them with an opportunity to present their views. This should be followed by discussion or sharing of the various positions with the stakeholders.

 The Rusitu case also showed that conflicts should not be addressed outside their broader historical and political context. There is a need to consult widely with the local people in order to understand the history and context of conflicts. In the Rusitu case, the people had been dispossessed of their land before and viewed the Rusitu forests as their sacred groves, to be protected by them at all costs. Participatory exercises help in identifying all these issues and facilitate community involvement in planning.

Conflict management processes call for participation of all stakeholders, including local communities. Experience in participatory methodologies is needed in order to be able to identify the key issues. In Rusitu, participatory methods were applied in order to engage the community in debate and also to build its trust. These exercises provided the community with an opportunity to air its previously ignored views. PRA should, however, not be viewed as an end but as a means to facilitate communication and dialogue.

REFERENCES

Ashby, J. 1998. Alternative approaches to conflict management. International workshop on Community-Based Natural Resource Management. Washington, DC, 10–14 May.

Chidhakwa, Z. 1997. Understanding the African worldview: spirituality, tradition and the management of tree resources in Rusitu Valley. Harare, SAFIRE internal paper. (Unpublished)

Chidhakwa, Z. 1999. Management of sacred forest groves and its relevance for social forestry policy: a case study of Chibuwe and Rusitu Valley, Zimbabwe. Wageningen, the Netherlands, Wageningen Agricultural University. (M.Sc. thesis)

Chipinge Branch Wildlife Society of Zimbabwe. 1992. Report on the Haroni Rusitu Botanic Reserves 91–92. (Unpublished)

Child, B. 1993. Haroni-Rusitu. Department of National Parks and Wildlife Management internal memo to Chief Ecologist (Terrestrial). Harare, CAMPFIRE Coordination Unit.

Doucet, I. 1996. *Resource pack for conflict transformation.* London, International Alert.

Duncan, R.G. 1993. *A proposal for the conservation of the Haroni/Rusitu botanic reserves through the promotion of eco-tourism and local community development.* Chimanimani, Zimbabwe, Rory Duncan Trading Pvt. Ltd.

FCC (Fuelwood Crisis Consortium). 1993. A needs assessment study of the communities adjacent to the Haroni and Rusitu botanical reserves, Chimanimani District, Zimbabwe – incorporating recommendations for the future protection of the botanical reserves. Fuelwood Crisis Consortium internal paper, Harare. (Unpublished)

Hobane, P. 1993. A socio-economic report on Haroni and Rusitu reserves. (Unpublished)

Hughes, D.M. 1996a. When parks encroach upon people: expanding national parks in the Rusitu Valley, Zimbabwe. *Cultural Survival Quarterly*, 20(1): 36–40.

Hughes, D.M. 1996b. Frontier dynamics: struggles for land and clients on the Zimbabwe–Mozambique border. Berkeley, USA, University of California. (Ph.D. dissertation)

Kawadza, E. & Rogers, C. 1993. A report on the Haroni-Rusitu botanical reserves. Internal memo, DNPWLM, Harare. (Unpublished)

Le Breton, G. 1995. Use and access rights to state resources by local communities: the Vhimba community and the Haroni and Rusitu botanical reserves. Paper presented at the National Seminar on Management of Common Property Resources in Zimbabwe, Rio Hotel, Bulawayo, Zimbabwe, 30 March.

Matikinyidze, L. 1995. Report on a preliminary study to assess the potential of developing a CAMPFIRE type project in Chimanimani rural district council with specific reference to Nyakwaa forest area (Rusitu/Haroni Botanical Reserves). Student Field Report. School of Social Work, Harare.

Nduku, W.K. 1995. The Haroni Rusitu botanical reserves. Letter by the Director, DNPWLM, to the Chairperson, Chimanimani Rural District Council. (Unpublished)

Pendzich, C. 1993. Conflict management and forest disputes – a path out of the woods? *Forests, Trees and People Newsletter*, (20): 4–9.

Rhodesia Government. 1969. *Rhodesia African population density.* Salisbury.

Robertson, F. 1986. A study of the conservation status of botanical reserves in Zimbabwe. *Zimbabwe Science News*, 20(7/8): 102–106.

SAFIRE. 1994. Trees and People: A project proposal for the preparation of an integrated rural development strategy for Mutemanerangu village, Vhimba ward. Prepared for the Australian International Development Assistance Bureau (AIDAB), Harare.

Timberlake, J. 1992. The status and conservation of the Haroni, Rusitu and Makurupini Forests. Internal memo, TCO Forest Ecologist, Forest Research Centre, Harare. (Unpublished)

Timberlake, J. 1993. Report on education and tourist potential of the forests in the lower Rusitu Valley. Internal memo, TCO Forest Ecologist, Forest Research Centre, Harare. (Unpublished)

Turyaho, M. & Infield, M. Undated. *Pastoralists, fishermen and farmers in and around Lake Mburo National Park: changing conflict into awareness and responsibility.* African Wildlife Foundation Discussion Paper Series, Community Conservation Discussion Paper No. 6, Nairobi.

Warner, M. & Jones, P. 1998. *Assessing the need to manage conflict in community-based natural resource projects.* Natural Resource Perspectives No. 35, ODI.

Whitlow, J.R. 1988. Aerial photography in Zimbabwe, 1935–1986. *Zambezia*, 15(2): 137–165.

Zimbabwe Government. 1982. *Zimbabwe rural population density 1982.*

Research as mediation: linking participatory action research to environmental conflict management in East Nusa Tenggara, Indonesia

by **Ilya Moeliono and Larry Fisher**

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SUMMARY

Moeliono and Fisher highlight a research and mediation process conducted over eight months in the Riung Conservation Area on the island of Flores in Indonesia. Numerous conflicts have erupted over the use and management of the marine and terrestrial reserves. The process described by the authors is designed to identify the sources of conflict, gather sufficient information for negotiation and planning, organize the parties in preparation for negotiation, and bring the parties together to seek mutually acceptable agreements. In this case participatory action research techniques were especially useful in empowering local communities to participate more effectively in defining issues and negotiating key positions.

GUIDING QUESTIONS

KEY ISSUES
- What is the connection between conflict resolution and participatory action research?
- How does obtaining access to information affect conflict management processes?

CONTEXT
- Why is Riung an arena of conflict?

CONFLICT BACKGROUND OR HISTORY
- How does historical analysis help us understand and manage contemporary conflicts?
- Can you distinguish primary and secondary stakeholders in the Riung conflicts?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES
- What were the chief steps in organizing and implementing conflict management?
- Who took responsibility for facilitating the conflict management process?
- What were potential sources of bias in the selection and composition of the research and mediation teams?
- How can participatory processes ensure and maintain trustworthy results?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES
- What were the tangible and less tangible outcomes of the conflict management process?
- Why have few of the agreements been implemented? What could be done to ensure a greater degree of completion?

LESSONS LEARNED
- What do you regard as the most important lesson learned from this case study?
- How can participatory research affect power relations in conflict management?

KEY ISSUES

Protected conservation areas are being created throughout the world to conserve biological diversity, protect critical watersheds, prevent overexploitation of forest resources and preserve scenic natural areas. The establishment of these protected areas has often overlooked the presence of local people, and the gazetting of protected areas is in direct conflict with local people's livelihoods. These conflicts have challenged practitioners to seek new methods for reconciling the trade-offs between conservation and poverty.

This case is a brief description of a research and mediation process conducted over eight months in the Riung Conservation Area, a collection of marine and terrestrial reserves on the island of Flores in Indonesia. The process described here was designed to identify the sources of these conflicts, gather sufficient information for negotiation and planning, organize and empower the parties in preparation for negotiation, and bring the conflicting parties together to seek acceptable and sustainable solutions.

This case highlights the integration of two effective approaches for dealing with complex public policy decision-making: conflict resolution, and participatory action research (PAR). While conflict resolution strategies provide a general framework for convening parties over contentious issues, PAR can be used to facilitate the important information gathering and analysis phases. In the Riung Conservation Area, PAR techniques were found to be especially useful in empowering local communities to participate more effectively in defining issues and negotiating key positions. In addition, as a structure for dialogue and analysis of issues, PAR offered a more objective and neutral context than conventional mediation in which to develop stakeholder awareness about the conflicts and the perspectives of other constituent groups, and for the preparation of stakeholders for subsequent analysis and negotiation.
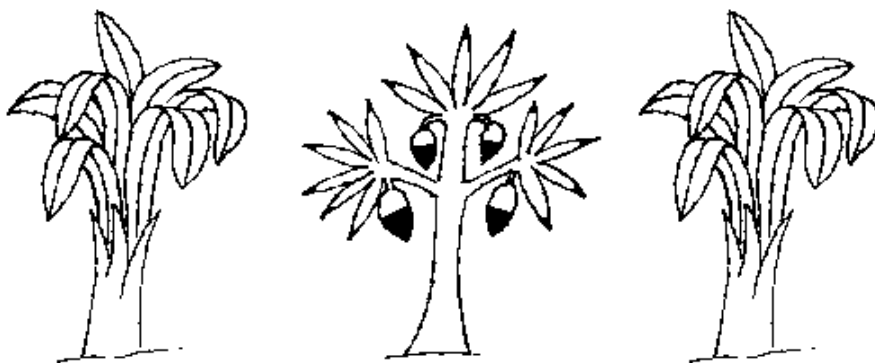
CONTEXT

The Riung Conservation Area, Flores, East Nusa Tenggara, Indonesia

Nusa Tenggara comprises the southeastern arc of islands of Indonesia (see the two Maps). The region is divided into two provinces, West Nusa Tenggara and East Nusa Tenggara. Nusa Tenggara's rugged topography, poor soils, semi-arid climate and erratic rainfall severely limit agricultural productivity. The island of Flores, however, presents a largely volcanic geology with more fertile soils, more regulated rainfall and cooler upland temperatures.

A view of Riung and the Seventeen Islands

The subdistrict of Riung (in Ngada District) is located on the northern coast of Flores, in the west-central portion of the island. The area consists of rolling hills that slope downwards to the sea, and the land is covered with forests interspersed with open grassland and a patchwork of small farms. The sea facing the coast of Riung is dotted with a number of small islands called the Seventeen Islands – it is an important fishing area for the local population.

Riung's unique geography is the reason that conservationists are eager to preserve its important ecosystems and biodiversity. In addition, public officials are interested in developing the area as a tourist destination. For these reasons, since the early 1980s several protected areas have been designated in the Riung subdistrict.

| MAP | INDONESIA |

◆ In 1983 an area of approximately 1 670 ha around the town of Riung (within the administrative boundaries of five villages) was declared a protected forest.

◆ In 1987 the coastline and the sea around most of the small islands off the coast was declared the Seventeen Islands Marine Nature Reserve. Given its potential as a tourist destination, the government subsequently divided the reserve into two distinct units: i) the Seventeen Islands Marine Recreation Park, covering an area of approximately 9 900 ha; and ii) the Riung Marine Reserve, covering approximately 2 000 ha.

◆ Further inland, the terrestrial Wolotadho Nature Reserve, established in 1992, covers an area of 4 016 ha and completely surrounds the Riung subdistrict capital.

◆ Finally, a 200-m-wide strip along the coastline was declared a green belt conservation area.

MAP   NUSA TENGGARA

CONFLICT BACKGROUND OR HISTORY

Several "original" tribal/ethnic groups currently inhabit the area. The Bar, Tadho, Terong, Riung-Tiwumeze and Ria-Latung tribes initially settled in the hills and they are primarily farming communities. The immigrant Bugis and Bajo tribes from Sulawesi settled on some of the small islands off the coast, and mostly make their living from the sea. People from Selayar, an island south of Sulawesi, established settlements along the coast.

In the early 1970s, ignoring all existing local land rights, the subdistrict government resettled all upland people on the coastal plain. The government's stated intent was to improve these communities' access to government services, including the government-built schools and a health centre in the subdistrict capital. However, there was strong resistance to this relocation of traditional communities, and the government resorted to force, with assistance from local police and military units.

For a while the communities were largely compliant, and they stayed in the coastal areas, establishing gardens and fishing. As already mentioned, the forested area in the hills was subsequently declared a nature reserve and the area around it defined as a protected forest. Similarly, the sea around the islands was gazetted as a nature reserve and a marine recreation park. The regulations pertaining to protected areas effectively restricted local people's access to all forest and marine resources. While they disagreed with these policies, most people initially respected the regulations, and the government was able to enforce the rules.

However, in the early 1980s an extended drought resulted in widespread crop failures. People pointed to the sandy soils and lower rainfall of the coastal area, and many decided to return to their old gardens in the uplands. This was not legally possible, however, as those upland areas were within the protected forest. As the food situation became precarious, some of the tribal leaders requested permission to open gardens within the forest zone. Recognizing their concerns, and with the approval of the District Head, the Chief of the District Forest Service gave his consent – on condition that as well as planting food crops the people would use recommended soil and water conservation measures and plant tree crops.

In farming this first land clearing, the people kept their promise and planted a variety of trees among their food crops. Soon after the first clearing had been established, other groups returned to the uplands and opened additional land clearings. However, for these subsequent land clearings no permission was requested and none of the guidelines were followed. As new members joined the groups, the land clearings were expanded.

Worried by the expansion and the lack of soil and forest conservation measures, the District Forest Service moved to control the land clearings and threatened to evict farmers from the area. Having de facto control of the land, the people maintained their access rights by virtue of their ancestral history in the area. They claimed that they had farmed the land before they were forcibly removed – an action to which they had never agreed. In addition, they pointed to the verbal agreement with the District Forest Service, and to the fact that they had paid taxes on the land. The district government, referring to various decrees regarding the protected areas, insisted on its authority to control this public land.
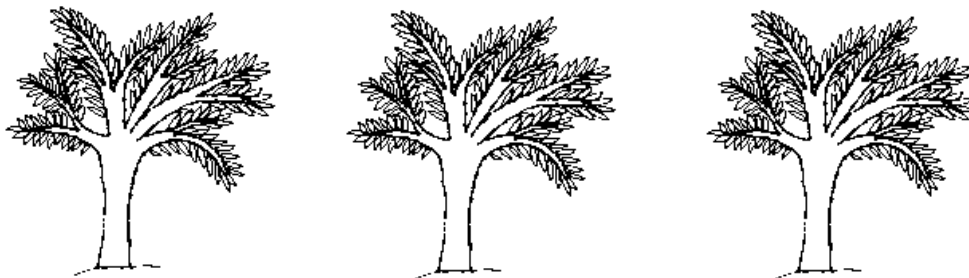
A newly opened farm within the protected forest zone

In addition to these conflicts over land use within the upland protected areas, related disputes developed over access to the Wolotadho Nature Reserve and fishing areas within the Riung Marine Reserve. The Agency for the Conservation of Natural Resources (BKSDA) tried repeatedly to prevent people from extracting timber from the nature reserve. BKSDA staff also patrolled the marine reserve to prevent fishing, particularly the use of explosives on the coastal reefs.

In 1995, Yayasan Nurani Desa (Sannusa), a local non-governmental organization (NGO), started to work in Riung. Unaware of the land-use conflicts, it focused its work primarily on agroforestry extension and the formation of savings and loan groups. As Sannusa staff became aware of conflicts over the protected areas, they considered organizing a larger dispute resolution effort. Sannusa requested the assistance of the Nusa Tenggara Community Development Consortium (NTCDC).[1] In response, NTCDC included the area, generically referred to as the Riung Conservation Area, as one of its priority sites in the region. Sannusa col-

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1. NTCDC is a network of various agencies and stakeholder groups in the Nusa Tenggara area. It seeks to address regional development policies through regular convening, action research and capacity building.

laborated with several NTCDC partners in convening an initial participatory research effort focused on conflict analysis. Through village dialogues and discussions with public officials, it became apparent that these conflicts over access to forest and marine resources were linked to other related disputes caused by top-down, inconsistent and conflicting government policies that largely ignored local conditions and interests.

At the same time, however, additional conflicts emerged that involved more traditional rivalries and disagreements – both between local tribal and ethnic groups, and those involving competing jurisdictions among government agencies. These more latent, less obvious conflicts demanded a more comprehensive conflict resolution approach, one that also addressed the horizontal tensions among local communities and tribal groups, and the jurisdictional disputes among government agencies.

The stakeholder groupings in these disputes are outlined in the Table.

TABLE	MAIN STAKEHOLDERS IN THE RIUNG CONSERVATION AREA		
Government agencies	**Communities**		**Local NGOs**
	Villages	**Tribes/ethnic groupings**	
Bupati's Office Bureau for Tourism Development Forest and Soil Conservation Service Natural Resource Conservation Agency Agricultural Service Village Development Bureau Agency for Estate Crops Development Office for Public Works Land Administration Bureau District Planning Board Subdistrict Government Local police	Benteng Tengah Lengkosambi Nangameze Sambinasi Tadho Taen Terong Wangka	Bar Terong Riung-Tiwumeze Ria-Latung Tadho Bajo Bugis Selayar	Sannusa Yayasan Cinta Daerah
	Outside agencies		**Other**
	Provincial Department of Forestry Provincial Forest Service Other NTCDC member agencies: Koppesda, Cornell University		Local Parliament - Riung Area Representative

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

Over a period of two years, Sannusa and NTCDC partners made several attempts to gain the attention of the District Government and initiate a formal conflict resolution process. In October 1995, Sannusa organized a participatory rural appraisal and conflict analysis exercise in the village of Sambinasi; the exercise included a workshop and presentations to the District Government. In February 1998, NTCDC's Conservation Working Group held its regional meeting in Riung to raise the profile and awareness of the conflicts over the protected areas. These attempts were largely unsuccessful for several reasons: i) Sannusa did not pursue the matter intensively; ii) it focused its analysis on a single village; and iii) it dealt only with the District Forest and Soil Conservation Service. Consequently, the District Government viewed the effort as relatively unimportant and localized, and solely within the jurisdiction of the Forest and Soil Conservation Service.

As Sannusa expanded its effort to address all the communities affected and assigned a full-time staff person to work directly on this effort, government officials began to take notice. At the same time, the replacement of key government personnel brought into office younger and more responsive officials. The increasing profile of the case, Sannusa's greater commitment to working at a larger scale and engaging communities and local public officials, the presence of more responsive leaders, and the broader process of government reform taking place in Indonesia combined to offer the right moment for organizing a comprehensive and inclusive conflict resolution effort.

Ilya Moeliono (Cornell, gesturing, in white shirt) and Ronny So (Sannusa, in blue shirt) discuss issues with local farmers

Preparatory activities

After the initial unsuccessful attempts already described, in 1999 Sannusa began to work more closely with the NTCDC-based Natural Resources Research and Coordination Team (KOPPESDA). Together, they approached the various stakeholders, especially the District Government, to introduce and promote the idea of conflict resolution and develop support for a comprehensive process. Six months of discussion and relationship building resulted in the District Head issuing a decree formalizing the effort within the government bureaucracy. The decree was critical in legitimizing support within the various technical service agencies; it was also important in convincing local communities of the government's commitment.

Formation of a core team and issuance of a formal decree

The District Head's decree called for the formation of a team consisting of representatives from the principal government agencies, KOPPESDA, Sannusa and Cornell University.[2] The team was given the mandate to take any necessary steps to resolve existing natural resource and socio-cultural conflicts in Riung. Proposed actions included the design of an overall conflict management process, the formation of a research team and the accomplishment of general agreements reconciling these conflicts. The decree also acknowledged the importance of full participation of all stakeholder groups.

General process design

A critical step in convening the process was the development of a map and schedule to guide the conflict management effort. This process design, presented in the Figure on the next page, was developed considering the need for sufficient information gathering, internal community and government-level discussion and analysis, collective dialogues to assess information, and extensive opportunities for negotiation. The design incorporated strategies to address concerns over the power imbalances between urban-based public officials and rural community residents (e.g. education, access to relevant information, level of organization and experience in negotiating).

The cost of all activities included in the process, excluding preparatory work and in-kind contributions from government agencies and communities, was approximately US$26 500. Funding was obtained from three different donor agencies.[3]

2. Cornell University (United States), through its Program on Environment and Community (PEC), Center for the Environment, is an active member of NTCDC and has been supporting similar efforts in other areas in the region. Its participation was coordinated by PEC. Additional Cornell support was provided by the Cornell International Institute for Food, Agriculture, and Development (CIIFAD) and the Department of Natural Resources.
3. Ford Foundation, World Neighbors and Cornell University.

FIGURE	SCHEMATIC OVERVIEW OF THE RESEARCH AND CONFLICT MANAGEMENT PROCESS IN RIUNG

Formal decree of District Head ← Agreement of the stakeholders to engage in the process ← Meetings with the stakeholders – introduce the idea of conflict resolution ← Preparatory activities

Oct. 1995 ↕ June 1999

Recruitment and training of integrated research and mediation team → Development of collaborative research design → Participatory village research from hamlet to hamlet → Common problems

Aug. 1999

Village-level independent follow-up plans to work on the problems internally ← Village-level problems ← Village plenary meetings

Follow-up plans to work on the problems with outside assistance (proposals)

Area-wide common problems

Oct. 1999

Follow-up plans: implementation of agreements / process to resolve remaining conflicts ← Problems/ conflicts between villages/tribes ← Area-wide plenary meeting

Problems/conflicts between the people of Riung and outside stakeholders/the government

Nov. 21–25 1999

Negotiation and planning workshop

Agreements in principle on solutions to resolve the conflicts → Follow-up plans to implement the agreements/process to resolve remaining conflicts

Feb. 17–22 2000

Collaborative implementation, monitoring and evaluation of follow-up plans

Second negotiation and planning meeting: renegotiation/replanning ← To be planned

Mar. 2000

Recruitment, formation and training of the research and mediation team

The decree also endorsed the plan to create a fact finding (research) team. The core group recruited 16 researchers from relevant district government agencies and local NGOs. Participants from these agencies were appointed by their agency's director, and were mostly drawn from junior staff.

As preparation, team members underwent two weeks of training that included an overview of the Riung subdistrict and the conflicts in the area, along with basic concepts and skills related to community-based natural resource management (CBNRM), PAR and conflict resolution. Team members developed the research design during the training, identifying the research goals, specific objectives, basic research questions and the various techniques for collecting and analysing information.

Field-level participatory research and village plenary meetings

The research focused on identifying conflicts and gathering baseline information about the context of the disputes. This information was then used as input for the problem solving and planning process. The research was also viewed as a means for building a common awareness among stakeholders about the nature of the conflicts and potential paths towards resolution.

The research was conducted as a series of individual village-level studies. Team members were divided into several groups, each working in two villages in sequence. A number of interrelated conflicts were identified through the village studies, and these disputes were discussed during village plenary meetings organized at the end of each village study. Those conflicts that were considered internal matters of the individual village were discussed at the village level, with residents determining plans and actions for resolving these local disputes. Those problems that were considered to be common among all villages were highlighted for later discussion during an area-wide plenary meeting.

Policy analysis

Since many of the conflicts identified during the research were related to (if not actually caused by) inappropriate or conflicting government policies, analysis of relevant government policies was included in the overall process design. The policy analysis was also conducted as a participatory effort, in that officials from each of the government agencies identified and assessed how their agencies' policies related to the conflicts in Riung. This policy review was designed to help

public officials understand the origins of the conflicts, the implications of the policies, inconsistencies between policies and implementation, and also the need for a coordinated response to the emerging conflicts.

Unfortunately, as a result of various constraints (primarily other commitments and lack of time), the policy analysis was never fully completed.

Area-wide plenary meeting

The area-wide plenary meeting offered a chance to consolidate the village research findings, as well as an opportunity for local community representatives and tribal leaders to negotiate. During this meeting, hosted in one of the villages, representatives from each of the villages presented a summary of the problems and conflicts identified in the village studies. The principal conflicts common to all villages were grouped into six categories and discussed separately (see Table).

During this area-wide plenary meeting, community-level participants reached agreement on a process for settling historical boundary and land disputes. They also reached agreement on those conflicts with the government that were to be discussed and resolved in subsequent meetings with the District Government. To this end, each village selected six representatives (the formal village head and five other members) to negotiate directly with the government.

Government officials meet with communities for initial discussions on forest management issues

TABLE CONFLICTS IDENTIFIED IN THE RIUNG CONSERVATION AREA⁴

Land rights and tribal issues	Wolotadho Nature Reserve	Land clearings within the protected forests	Seventeen Islands Marine Recreation Park, Riung Marine Reserve	Development of tourism and green belt area	Economics, agriculture, livestock and plantations
Tribal area boundary disputes among tribes/clans Administrative boundaries cutting across tribal boundaries Leadership disputes among clans/factions within the tribes Certification, sale and donation of tribal land to outsiders without consent from the tribes Construction of public buildings on tribal lands without the consent of the tribes	Wolotadho is not recognized by local people – Wewotadho is proposed Boundary markers deviating from official government map Reserve boundaries include agricultural land and residential areas Construction of public infrastructure projects within the nature reserve Illegal logging and hunting	Protected forest declared state land by the government, claimed as tribal land by the people of Riung Gardens do not follow agreed soil and water conservation practices Expansion of existing land clearings and opening of new ones Competition among different tribes in the opening of new land clearings Burning of grasslands by the people	Illegal fishing in the nature reserve; use of explosives and poisons Declining fish catch; competition among fishers Use of fish traps promoted by the Fisheries Service, but forbidden by the Conservation Service Harvesting coral and mangrove for natural dyes Unfair competition of boat owners and local guides	Local residents not informed about tourism development plans; concerns about limited local benefits, fear of displacement Temporary markers for area planning placed without people's consent or understanding Residential areas included in the green belt area where no permanent buildings are allowed Land certification in the green belt officially not allowed, but exceptions made	Loose cattle destroying gardens Distribution of irrigation water during dry season Imposition and failure of various government projects Lack of agricultural extension services Dysfunctional farmer groups and cooperatives Unfair distribution of agricultural credit Outstanding agricultural loans No veterinary assistance from the Livestock Service during disease outbreaks

4. Problems are not listed in any particular order or priority.

Internal meetings

After the communities' negotiation team was formed, internal discussions were held to examine emerging issues, define positions and interests, consider alternatives to negotiated agreements and generally prepare to face the government. On the government's side, the District Planning Board organized similar meetings to prepare the delegation from the District Government. Unfortunately, the governmental meetings were not well attended. Many agency directors were represented by junior staff members who were not in a position to negotiate.

Negotiation and planning workshop

The preparatory process described above culminated in a six-day negotiation and planning workshop attended by representatives from all government agencies and communities. The workshop opened with a full day's report of the research findings. Following discussion of the research, community leaders presented their initial demands. To achieve a common understanding on key conceptual issues, the first day also included an introduction to CBNRM, as well as an introduction to basic principles of conflict resolution and negotiation.

The second part of the workshop was divided according to the six thematic issues identified by the research; these discussions were facilitated by members of the research team. In between the group discussions each side (i.e. government, community) met separately to discuss the issues and coordinate its responses. These discussions led to general agreements on most of the conflicts identified; the sole exception was continuing disagreement over land clearings within the protected forest.

The final phase of the workshop was structured to enable participants to translate their general agreements into concrete implementation plans. Unfortunately, time became a limiting factor. At the end of the workshop, many of the implementation agreements still lacked sufficient detail. The workshop was closed by a brief ceremony during which the agency and village representatives signed a document outlining all agreements reached.

Documentation

The various events, processes and results were documented in several forms, including: a) reports on the findings of the field research from each of the seven villages; b) a general report on the area-wide plenary meeting; c) thematic discussion papers for issues identified during the area-wide plenary meeting (see Figure on p. 218); and d) a general report on the negotiation and planning meeting. Although disagreements continued over portions of the reports, all documents were made available to the parties for reference during discussions.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

The main outcome of the negotiation process was a 62-point agreement, including operational plans for implementation. Some examples of these agreements are presented in the Table.

TABLE	SUMMARY OF KEY AGREEMENTS REACHED				
Land rights and tribal issues	The Wolotadho Nature Reserve	Land clearings in the protected forests	17 Island Marine Recreation Park, Riung Marine Reserve	Development of tourism and green belt area	Economics, agriculture, animal husbandry and plantations
Agreed to implement further collaborative research on tribal history, institutions and land tenure as a starting point to settle internal disputes Rebuild tribal institutions and prepare for negotiations with District Government	Name changed to Wewotadho A participatory mapping process to determine new boundaries; residential areas, gardens and infrastructure will be excluded New bypass road to be built around the nature reserve; present road to be closed except to limited local traffic Local residents given free access to sacred sites; allowed to build shrines, but should maintain the environment	No substantive agreement reached Agreed to continue the negotiation process after wider consultation with village elders	Fishing allowed in the protected areas using only traditional equipment Local groups will assist the Conservation Agency and the police in protecting the reserves Government will designate specific locations where limited harvesting of coral and mangrove will be allowed	Existing plans to be revised based on alternative ecotourism plans to be proposed by the people of Riung Participatory mapping of the green belt area; residential areas and gardens will be excluded Local people can negotiate directly with outside investors who are interested in Riung	All government projects will be discussed with local people before implementation Government will establish an animal health post Government will assign a fisheries extension agent in the Riung sub-district Government will explore the potential to establish new irrigated rice fields

Other less tangible outcomes included empowerment of village-level and government participants and increased awareness of the conflicts and their causes. Specific new skills gained by the participants included research and data analysis, documentation and presentation of findings, facilitation, mediation and negotiation, and an increased awareness of the need for better coordination among parties to achieve more effective programmes.

While evaluations following the workshop indicated that people were satisfied with the agreements, at the time of writing (nine months after the workshop), few preliminary elements of the agreement have actually been implemented. It appears that each party is waiting for the other side to take the initiative. The lack of progress on implementation may also be partly due to the fact that many of the plans were not worked out in sufficient detail and thus people have been hesitant to take the initiative. Another factor is the absence of a formal mechanism to enforce and monitor implementation of the agreements. Nevertheless, some of the points of the agreement have been incorporated into the government's official development planning process for the coming fiscal year (2001–2002), and thus may be delayed only by formal approval and budget allocation.

Sannusa is currently attempting to move this process forwards and create stronger accountability mechanisms with village and tribal leadership. However, it may still be some time before results can be seen in sustainable management practices in the area.

A group of farmers within the protection forest

LESSONS LEARNED

After the negotiation and planning workshop, the research and mediation team met to reflect on the process. Some of the lessons identified include:

◆ **The importance of preparatory activities.** Significant advance work is decisive in convincing groups of the value of participating in the process. Given the importance of this preparatory phase, the presence of a capable and committed initiating agency cannot be overestimated – this agency must allocate time and resources (and considerable patience) to these initial "diplomatic" activities.

◆ **Research as mediation.** Research can provide an acceptable framework to clarify the issues and bring together parties that might otherwise reject more formal or more obvious dispute resolution processes. Research is generally recognized as a logical first step; it is perceived as a far less threatening and somewhat neutral forum by parties unfamiliar with formal mediation. Research, with its notion of objectivity, also helps the parties distance themselves somewhat from the conflicts and start to perceive them as common problems to be solved in collaboration.

◆ **Decentralization and CBNRM.** Recent changes in national policies pertaining to natural resources management and to more decentralized decision-making processes created important opportunities to accommodate diverse interests within the introduced concepts of sustainable development and CBNRM. This provided a common framework within which the parties could meet and negotiate.

◆ **Ecoregion as the unit of analysis.** Conservation of protected areas suggests that resource management should be addressed at the ecoregional level. This approach helped mitigate many of the individual village-level disputes, providing a unifying theme to bring together a broader set of stakeholders. This larger unit of analysis, however, required special adjustments in approach:

  ◆ *Scaling up of PAR.* This effort showed how a PAR process, through the application of participatory techniques and broader convening strategies, could be scaled up to an area much wider than individual village units. The use of carefully sequenced convening methods and the participation of democratically elected representatives were critical elements of this strategy.

  ◆ *Engaging multiple stakeholders.* Working at this larger scale suggests the need to work simultaneously with many different stakeholders who have many different interests. This requires a process where internal differences within each of the stakeholder groups must be expressed and addressed before individual stakeholder groups participate in larger fora.

A traditional leader, holding a chicken to signify unity, opens one of the community discussions

◆ *Dealing with multiple, interrelated issues.* Another consequence of the large area and involvement of multiple stakeholder groups is the great number of issues and conflicts the process must accommodate. A clustering and pri
itization of issues becomes necessary, together with a phased process for analysing and addressing these issues.

◆ **Representative research and mediation team.** One of the unique features of this effort was the establishment of an integrated research and mediation team whose members were recruited from among key agencies. Such an approach may be questioned on the assumption that researchers and mediators should be outside, neutral (i.e. disinterested) parties. However, this case demonstrated that recruiting members of a mediation team from among the conflicting parties is not only possible, but also preferable, as the mediators possessed significant knowledge of the issues and were well known to the parties.

◆ **The need for empowerment and balance of power.** Negotiations are often determined by the balance of power and are frequently skewed in favour of the stronger party. In an attempt to help parties manage factors influencing the balance of power – information, organization, legitimacy and numbers – the process design included many separate meetings. It is interesting to note that the aborted policy analysis event actually shifted the balance of power in favour of the communities. During the negotiations the village representatives presented a more or less united front while government representatives acted quite parochially on behalf of each of their respective agencies. Consequently, some suboptimal decisions were made as government participants made early concessions without sufficient coordination with other agencies.

◆ **The importance of distinguishing "power at the table" from "power away from the table".** Power gained through the preparatory research and convening process gave community representatives the upper hand during final negotiations. However, this fact did not enhance the implementation of agreements, since the parties have been largely unable to move the process along. It appears, therefore, that empowerment should not only be directed at gaining power in the negotiation process but also at finding more effective means of implementing agreements.

◆ **The need for activist mediation.** The research and mediation process is an intervention in a political process and therefore has to deal with issues of power and policy. During the process, the research and mediation team gained power from the stakeholders and actively used this power to move the process forwards. The team not only warned participants when they were entering into less than optimal agreements, but even prevented them from doing so by manipulating the process. Such "activist mediation" was considered necessary as a balancing factor – to move the process along and to achieve optimal solutions beneficial to all the parties.

◆ **The use of PAR in the context of conflict resolution.** The use of PAR within the conflict resolution process served many purposes. It:

  ◆ educated the parties about the issues and about each other;

  ◆ helped participants learn to appreciate each other's viewpoints and interests and to develop a common focus;

  ◆ offered sufficient information on the issues needed for negotiation, decision-making, planning and subsequent monitoring and evaluation;

  ◆ provided opportunities for parties to become better organized and develop internal consistency, resolve internal differences, solidify power, strengthen their negotiating positions and balance power at the negotiation table;

  ◆ created a climate of cooperation necessary for later stages of negotiation and collaborative planning;

  ◆ prepared the researchers for their roles as mediators. Team members gained new understanding about the issues and the parties; in turn, the stakeholders also became familiar with the team, and as a consequence accepted them as mediators.

While arguments for the use of PAR within the conflict resolution process are certainly convincing, several problems must also be considered in applying this methodology:

  ◆ *Information bias.* Many participants, anticipating that the research findings might either strengthen or weaken their bargaining position, attempted to influence the outcome of the research by providing false or misleading infor-

mation. Careful triangulation and the use of multiple methods are needed to validate information.

◆ *Confidentiality*. Not all information can be obtained in public fora – a main feature of PRA techniques. Individual interviews are helpful in gaining information considered personal and confidential. In conflict situations, people often have unspoken motives; others may be reluctant to disagree publicly, especially with powerful opponents.

◆ *Group dynamics*. In all groups there are less outspoken people who nevertheless have valuable information to share. This information can be more effectively obtained through personal or small group interviews.

◆ **Agreements as mid-points.** Many participants in dispute resolution processes regard the agreement as the ultimate goal. Follow-up visits eight months after the formal signing of the 62-point agreement in Riung suggest that there are important elements to be included in the agreement that go beyond substantive matters. Clustering agreements into operational plans is an important step in ensuring implementation, as is the creation of an institutional mechanism (and criteria) for enforcement and for accountability.

Other lessons learned in crafting the Riung agreement:

◆ Agreements must incorporate adequate knowledge and skills in planning methods and techniques, including familiarity with formal government planning and budget allocation procedures.

◆ Agreements must allow enough time to develop detailed plans, including the assignment of specific and clear responsibilities to each of the parties. These plans must be reviewed and updated regularly to accommodate important changes.

Finally, it is important to recognize some of the basic constraints in pursuing this approach to conflict resolution. Some of the more obvious limitations included:

◆ **Time and funding constraints.** A formal project proposal was requested before sufficient knowledge about the situation was available. At a later stage, the process design had to be developed and implemented within a predetermined time frame and within strict funding limits, compromising flexibility and adaptability. Even though some additional time and funding were found during the process, the participants ran out of time during the final stage of negotiation and the operational plans for the implementation of the agreements were not prioritized or worked out in sufficient detail.

◆ **Human resources.** There was also limited time to train the members of the research and mediation team. Ten days' training was not adequate to provide them with the tools and understanding to conduct the process. In addition to "learning by doing", many of the team's meetings became informal in-service training sessions.

◆ **Insufficient information.** The effort suffered from limited ecological and biological baseline information. Such information could not be gathered during the process owing to lack of time, technical limitations of available staff and obvious limitations of the more socio-economic-oriented research methodology. For this reason, some of the agreements will necessarily remain conditional and temporary; they will need to be revised when relevant information becomes available.

◆ **Bureaucratic constraints.** Beyond the common cultural problems within a large public bureaucracy, the effort suffered from many practical problems of dealing with busy and otherwise occupied public officials. Despite the official decree from the District Head, the research and mediation team experienced numerous problems in seeking support and coordination from their government colleagues.

In closing it can be said that the effort in Riung was indeed a rather ambitious initiative at conflict resolution. While many have applauded the innovative procedural aspects, the broad historic agreements reached and the model this offers to local government decision-making, the conflict resolution effort in Riung remains a work in progress. Recent visits to the region have highlighted the importance of institutionalizing these agreements, prioritizing actions, outlining accountability mechanisms and establishing regular monitoring procedures. It is clear that the process described here was merely the beginning of a longer-term effort to achieve both the attitudinal and structural changes necessary to resolve long-standing, complex, natural resource-related conflicts.
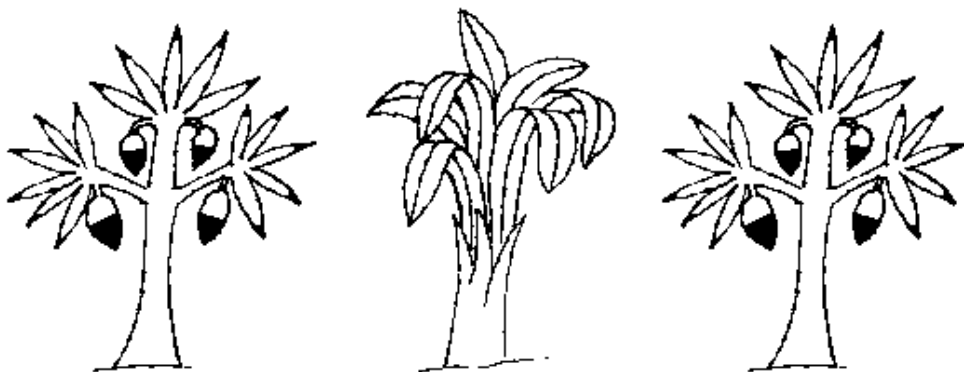
Natural resource conflict management: the case of Bwindi Impenetrable and Mgahinga Gorilla National Parks, southwestern Uganda

by **Tom Blomley**

CARE International (Uganda)

SUMMARY

Blomley analyses a conflict management process involving communities near two protected areas in southwestern Uganda. Cooperative for Assistance and Relief Everywhere (CARE), an international non-governmental organization (NGO), facilitated negotiations about re-establishing local resource use rights in forests that had been incorporated into national parks. The conflict management process included initiatives to address both livelihood and conservation priorities as a means of defusing conflict between the communities and state resource managers. The paper concludes with reflections on the changing roles of the international NGO in the process of conflict resolution.

GUIDING QUESTIONS

KEY ISSUES

- What is the relationship between livelihoods and conflict management?
- Who are the stakeholders or interested parties in this conflict?

CONTEXT

- How have shifts in official policy influenced the conflict?

CONFLICT BACKGROUND OR HISTORY

- What are the differences between the interests of local and external stakeholders?
- Have differences in power affected the relationship among stakeholders?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- How has CARE attempted to bring the stakeholders together?
- What is the relationship between conflict management and economic development?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- How has CARE monitored the outcome of its conflict management efforts?

LESSONS LEARNED

- Has this conflict been resolved or managed?
- If you were a villager or a member of the park staff, do you think that you would agree with the author's conclusions about CARE's role as a mediator?

KEY ISSUES

This study provides a detailed account of a long-term initiative to reduce and manage conflict between the local development interests of resource-poor households and the national and international interests of biodiversity conservation around two critical ecosystems in southwestern Uganda.

Bwindi Impenetrable Forest represents one of the oldest (50 million years), most complex and biologically rich systems on earth. In addition to its biodiversity value, Bwindi also has a significant regulatory function on local climate and acts as an important water catchment area. Previously designated as a forest reserve, with relatively liberal (and rarely enforced) regulations regarding access rights, it was accorded higher protection status in 1991 as a national park, in recognition of its high levels of biodiversity and the perceived threats to its long-term integrity. The new national park was renamed Bwindi Impenetrable National Park (BINP). This had the immediate effect of closing all access to the forest for adjacent communities, resulting in huge amounts of conflict and resentment.

Mgahinga Gorilla National Park (MGNP) is contiguous with the *Parc National des Virunga* in the Democratic Republic of the Congo, and with the *Parc National des Volcans* in Rwanda, which together comprise the Virunga Conservation Area. The creation of MGNP in 1991 was followed by the eviction of more than 2 400 people in 1992, with minimal compensation, and the closure of the area to local access of any kind. Around the same time as the creation of the two parks, there was heavy investment by international conservation agencies in the protection and policing of the two parks. This increased local antagonism still further.

This case describes a negotiated conflict mitigation process, facilitated by an international non-governmental organization (NGO), Cooperative for Assistance and Relief Everywhere (CARE) International, to re-establish the rights of access to, and use of, key biodiversity products and services by resource users living around the two protected areas (PAs). This is followed by observations on the degree to which these initiatives have been able to address both livelihood and conservation priorities, and thereby diffuse conflict between local communities and PA managers. The paper concludes with reflections on the changing role of CARE in the process of conflict resolution, from one which purported to represent the interests of marginalized local interests, through one of "honest broker" and convenor of conflict resolution fora, to a more conscious recognition of internal organizational interests and a more explicit statement of its position within the conflict resolution process.
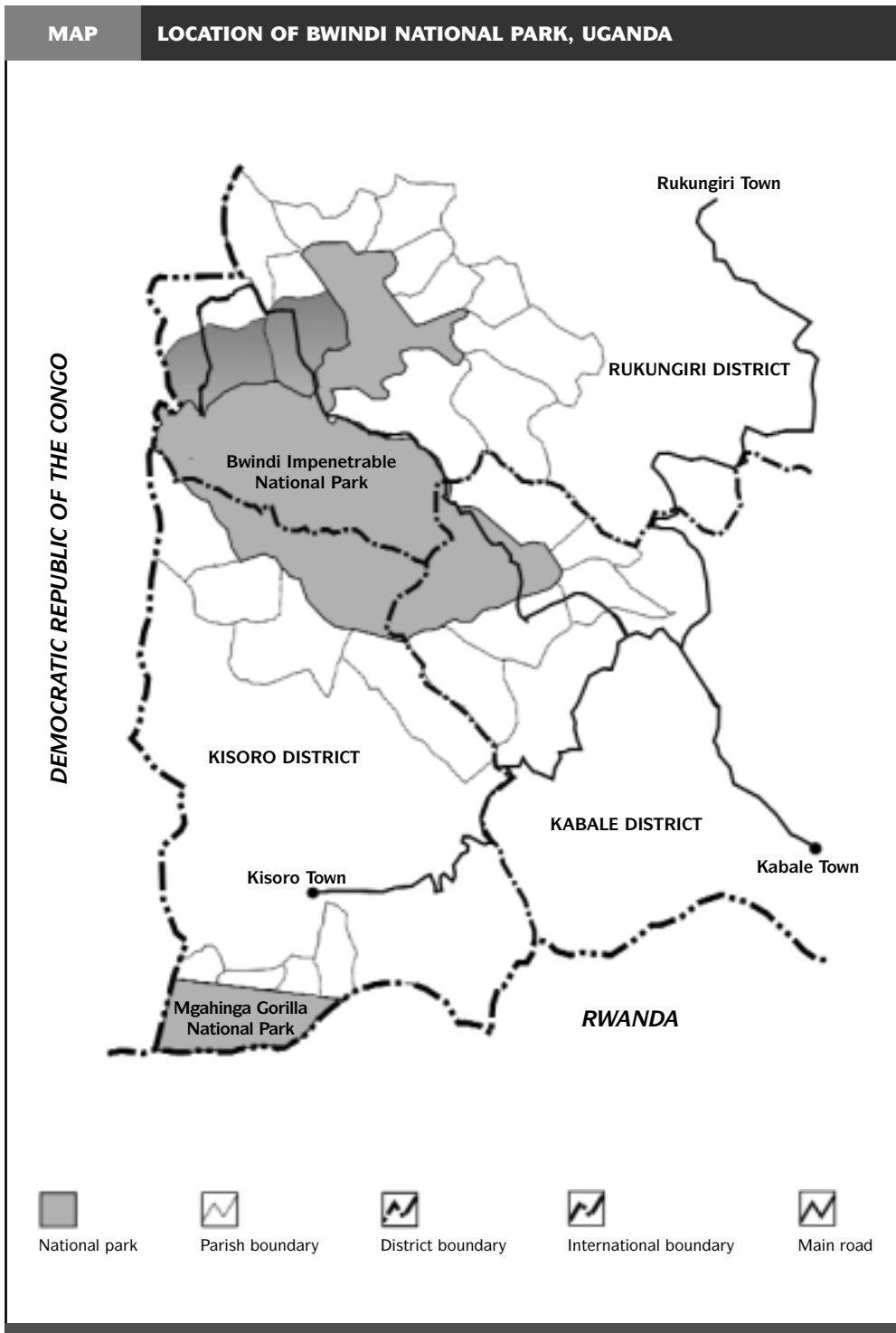
CONTEXT

BINP, designated a World Heritage Site in 1994, is a diverse natural forest area with a continuum of low-to high-altitude forest types. The national park also possesses a diverse primate population, with just less than half of the world's population of mountain gorilla. Gorilla trekking in Bwindi is a major tourist attraction, generating substantial revenue for Uganda Wildlife Authority (UWA). Under the park revenue sharing scheme, 20 percent of park entry fees (a small proportion of total revenue, generated by gorilla tourism), is shared with local governments. MGNP is located in Kisoro district in the very southwestern corner of Uganda on the borders of Rwanda and the Democratic Republic of the Congo (see Map). Like BINP, MGNP contains rare afromontane forest vegetation, but owing to the elevations of three volcanoes, Muhavura (4 127 m), Sabinyo (3 645 m) and Gahinga (3 475 m), it offers a particularly rich diversity of habitat that includes montane, bamboo and alpine fauna, and extensive marshes lying between the volcanoes.

Surrounding the two PAs is the steeply sloping terrain of the Kigezi Highlands, supporting one of the highest human population densities in Africa. Rapid population growth in the southwest of Uganda has placed acute demands on the region's natural resource base. With an average population density of 246 people/km^2 (exceeding 350 people/km^2 in some areas), and with a high population growth rate of 2.8 percent per year (MFEP, 1992), cultivation extends to and covers most hilltops, wetlands are being drained and very little of the original forest cover remains. Despite these trends, the rate and extent of environmental degradation have been contested, and recent work suggests that in the last 50 years, there have actually been increases in fallow, woodlots and a relocation of grazing land from sensitive areas (Lindblade, Carswell and Tumuhairwe, 1998).

Throughout the Kigezi Highlands of southwestern Uganda, population densities are some of the highest in Africa, and agricultural land is farmed intensively

| MAP | LOCATION OF BWINDI NATIONAL PARK, UGANDA |

DEMOCRATIC REPUBLIC OF THE CONGO

Rukungiri Town

RUKUNGIRI DISTRICT

Bwindi Impenetrable
National Park

KISORO DISTRICT

KABALE DISTRICT

Kabale Town

Kisoro Town

Mgahinga Gorilla
National Park

RWANDA

| National park | Parish boundary | District boundary | International boundary | Main road |

The southwestern boundary of BINP near Nteko, showing the "hard edge" between privately owned farmland and government-owned national park

The people who live adjacent to the two parks have a variety of interests regarding their use and management. Within the communities are specialist user groups with interests such as beekeeping, traditional medicines, basketry, pit-sawing, game hunting, fishing and gold mining. Of particular note are the Batwa, a marginalized ethnic group of hunter-gatherers, with their roots in the pigmy population of the eastern Democratic Republic of the Congo and central Africa. Today, no Batwa are known to be permanently living in Bwindi, having been evicted in 1961 when the forest became a game sanctuary. Many of them now squat near the perimeter of the two parks, in very primitive conditions, eking out a living from illegal hunting and honey gathering, and selling their labour to farming communities. Livelihood analyses undertaken around the two national parks over the last ten years have also revealed wide variations in socio-economic status among local communities, together with indications that forest dependency appears to be inversely related to wealth. This may be explained by the fact that poorer households have fewer livelihood opportunities and therefore are most likely to engage in potentially risky activities such as (illegal) resource use and extraction.

The three districts of Kabale, Kisoro and Rukungiri surround BINP and MGNP. Directly adjacent to the park edge are 25 parishes, the lowest administrative level of local government. The local government structure in Uganda is a five-level system starting at the village and, in order of geographical area, rising up from this level through the parish, subcounty and county levels to the district level. Following the passing of the Local Government Act in Uganda in 1997, tax raising and government spending responsibilities have been largely decentralized from the national to the district level. Through a system of locally elected council representatives, supported by civil servant technical staff appointed by, and reporting to, the districts, district and subcounty governments have become important institutions of development and local governance.

The two national parks are managed by UWA, a semi-autonomous institution formed in 1996 through the merging of Uganda National Parks and the Game Department. Despite severe limitations imposed by lack of resources and low staffing capacity, UWA has made deliberate moves in recent years to engage more meaningfully with local stakeholders, and working with local communities now forms a central part of its overall strategy.

Conservation and development initiatives in this area are being supported by four principal external organizations, summarized in the Table.

TABLE	KEY NON-GOVERNMENTAL ACTORS SUPPORTING CONSERVATION AND DEVELOPMENT INITIATIVES IN AND AROUND BINP AND MGNP
Institution	**Primary focus and duration**
Institute for Tropical Forest Conservation (ITFC)	Ecological monitoring, monitoring of resource use, biodiversity assessments and inventories, applied ecological and socio-economic research (since 1991)
Mgahinga and Bwindi Impenetrable Forest Conservation Trust (MBIFCT)	Community development projects (rural infrastructure and income-generating projects), park management and research (operational since 1996)
International Gorilla Conservation Project (IGCP)	Gorilla tourism and conservation, community tourism, revenue sharing (since 1984)
CARE International's Development Through Conservation (DTC) Project	Community conservation, park planning and management, institutional development, sustainable agricultural intensification, income-generating projects (since 1988)

CONFLICT BACKGROUND OR HISTORY

Prior to the designation of Bwindi Forest Reserve as a national park in 1991, local people had ready access to forest resources, such as fuelwood, timber, medicinal plants, fibres and game meat, although access to timber and game products was nominally controlled by the Forest and Game Departments. The upgrading of the forest reserve to a national park put an end to any form of legal resource use, leading to massive increases in prices for forest products, declining incomes for forest-dependent households and a reduction in local levels of food security (Wild and Mutebi, 1996).

The closure of resource use in both BINP and MGNP resulted in a heavy escalation in the conflict between local communities and park staff. This manifested itself in a number of very concrete ways. Sixteen fires were started in or around the park during a drought in 1992 following the establishment of BINP, and it was later established that a third of these fires had been started by local residents with the deliberate intent of destroying government property. Relationships with park staff (many of whom were recruited locally) reached an all-time low at about this time. In many cases, they were refused the sale of food, but most critically, they were refused membership of traditional "stretcher" groups (locally called *engozi*). These widespread traditional institutions are in effect local ambulance and burial societies, providing physical and financial support to members in times of sickness or death. Expulsion from these institutions is almost unheard of, leaving the individual exposed and "uninsured" in times of crisis (Wild and Mutebi, 1996).

In 1989, growing international pressure from the conservation lobby led to the establishment of the Gorilla Game Reserve Conservation Project (supported by a German Gorilla Conservation NGO called BRD) and the enforcement of strict protectionist policies in what is now MGNP. The establishment of the park in 1991 led to the eviction of 1 773 people who had been living permanently within this area since about 1970 (following the breakdown of law and order in Uganda at about this time) and of 680 people who were cultivating land but lived elsewhere (Adams and Infield, 1998). This eviction (and the closure of the area to any form of consumptive use) fuelled huge resentment and alienation among the local population, much of which is still felt today, ten years later.

Crop raiding by wildlife has also been (and continues to be) a further issue that contributes to hostility between the park and local communities. Around Bwindi, the problem is caused mainly by baboons in northern areas and bush pigs in the south. The frustration of local communities is heightened by somewhat unclear provisions within the Wildlife Statute and Local Government Act, leading to uncertainty over who should deal with the problem (UWA or the districts) and some reluctance on the part of UWA to consider the option of culling animals.

Furthermore, UWA's revenue sharing scheme remains hotly contested, in particular by local government. Before the passing of the Uganda Wildlife Statute in 1996, parks were required to share 12 percent of their total revenue. This changed in 1996 to 20 percent of gate fees. For many parks in Uganda this represented a net increase, as most parks made the greatest share of their revenue from entry fees. For the gorilla parks, however, it meant a dramatic decrease, as gorilla trekking permits (currently at US$250 per person per day) far exceed the US$15 entry fee. Not only has the net amount disbursed decreased dramatically, but on occasions payments have not been forthcoming (or they have been delayed), creating greater distrust and resentment.

In summary, conflict over forest resources in BINP and MGNP is ultimately an expression of divergent interests between different stakeholder groups at various levels and unequal power relationships between the stakeholders. National and international concerns for biodiversity conservation, watershed catchment functions and generation of foreign exchange earnings through tourism appear to have superseded and significantly displaced local interests in increased agricultural production, utilization of biodiversity resources and securing sustainable livelihoods. This is illustrated in the Table.

TABLE	CAUSES OF CONFLICT: AN ANALYSIS OF COSTS AND BENEFITS OF BINP AND MGNP AS REALIZED AT DIFFERENT LEVELS	
Stakeholder group	**Conservation benefits**	**Conservation costs**
International conservation interests	*High (existence value):* Presence of rare afromontane forests and endangered mountain gorilla population	*Negligible:* Ability to absorb financial expenses associated with conservation efforts without difficulty Lack of accountability to lower-level (community) stakeholders
National government	*Medium (economic value):* Foreign revenue from gorilla tourism subsidizing other protected area running costs Water catchment and local climatic regulatory functions Taxes from salaries and small businesses dependent on tourism	*Medium:* Costs of maintaining and protecting the national parks Costs associated with revenue sharing and other interventions designed to compensate local communities for loss of resources
Local communities	*Variable (depends on location and stakeholder group):* Limited access to forest produce, and water in some locations Revenue sharing from UWA (20 percent of revenue from entry fees paid through local governments to local community projects) Some employment opportunities from park and tourism Support to local development from MBIFCT	*High (depends on location and stakeholder group):* Crop raiding and damage to property by wildlife Opportunity costs of alternative productive land use (such as planting potatoes, tea) and forgone benefits (such as forest products) Lack of financial compensation for lost benefits created by the establishment of the two parks (material and cultural assets)

In other words, there appears to be an inequitable sharing of conservation costs and benefits between stakeholders at different levels. Conservation costs tend to be borne mostly by those least able to do so (marginalized poor households at the periphery of their districts and adjacent to the parks), and benefits tend to be enjoyed by wealthy nature lovers in the global community and stakeholders at the national level. The situation is summarized by one community member in Kitojo parish as follows:

A long time ago before the forest department came in to manage this forest, it was ours because we could get all the resources we needed. The forest belonged to the people. During the forest reserve era, the forest belonged to the government because it regulated our access to the trees and the land. But now we are forbidden to get the resources we want because we have to preserve the trees and animals for the Bazungu *(white people). We are told that we should not disturb the animals in the forest, and that we should leave them to feed wherever they want, even in our gardens.* Mariiro Sadayo, Kitojo Parish. (Namara, 1999).

As in many conflict scenarios, the situation is compounded by a lack of communication, and as a result no forum exists to resolve or address problems. Until recently problems have, therefore, largely been addressed in a reactive manner (such as arresting pit sawyers after trees have been felled, or visiting farms after crops have been damaged by wildlife).

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

CARE's Development Through Conservation (DTC) project operates around BINP and MGNP by seeking to reconcile the two objectives of biodiversity conservation and local socio-economic development. Since its inception in 1988, DTC has undergone many changes in direction, in line with any other site-based integrated conservation and development project. Focusing initially on resource substitution, compensation and environmental education, the project is now adopting a more holistic approach to natural resource conflict, through the development of collaborative management and benefit sharing agreements between the parks and local communities, building the capacity of community and local government institutions and addressing the wider livelihood concerns of local people.

Drawing on experiences and lessons learned from this project and its partners, this section describes one of the key strategies that has been employed to reduce and mitigate conflict in recent years: developing negotiated agreements for the use and management of park resources by local communities.

The multiple-use programme

Recognizing the rising and acute levels of conflict caused by the establishment of the two parks, UWA developed and initiated a pilot programme in 1993 to re-establish and renegotiate the user rights of park-edge communities to key resources within both parks. Support to the process was offered by CARE, in the form of technical assistance and facilitation. Described in detail in Wild and Mutebi (1996), this was the first attempt within the Ugandan PA system to develop collaborative management agreements with local communities. The key stages of the process are set out in the following.

Resource assessments

Using a method known as rapid vulnerability assessments, developed by Cunningham (1996), which combines social and ecological data from a number of sources, information was generated concerning growth rates, abundance, response to harvesting, demand and traditional conservation practices of particular species that are important to local communities. A heavy emphasis was placed on the use of local indigenous knowledge gathered from resource users and specialists. This process assisted park management and community members to develop a comprehensive picture of levels of demand, high-value species and their status (or vulnerability), and the various options for their management.

The negotiation process and its outcomes

Through a series of meetings, workshops and discussion fora, facilitated by CARE project staff, park management and communities entered protracted negotiations concerning the types and amounts of resources to which community groups could have access. The resource assessments had revealed the range of forest products for which people had an interest, as well as a "social map" of local interest/user groups within the pilot communities, which included beekeepers, traditional healers, basket and stretcher makers, pit sawyers, hunters, fishers and gold panners. A series of meetings was held by park staff to discuss interests further, agree on allowable products and propose management and monitoring procedures. These started at the user group level and moved up to the village level. In all meetings with new groups of resource users, a number of tools were deployed to allow people to explain the cause of the conflict in ways that did not prevent further moderated discussion. This included allowing people to introduce themselves and their interests:

My names are Ndemeye Matayo. I used to get enshuli from the forest when it was ours and then it was taken away from us and now I am starving. You ask me to introduce myself, but I don't know what to say because the chimpanzees are chasing me out. I used to survive on herbs and honey. First you stop me getting the herbs and now the chimps steal my honey. (Quoted in Wild and Mutebi, 1996)

Other tools included asking people to describe forest history time lines and key events in this (such as evictions, loss of entitlements and so on). This was followed by stick graphs to represent the availability of forest products over time. Within small meetings of interest groups (user groups as well as different groups of young and old, women and men) people then listed and ranked valuable resources from within the forest. In some cases, high-value resources, such as gold, timber and game meat, were removed from the list of favoured products by community members themselves because, as one person said, "these will never be allowed by the park so why bother wasting time discussing them?" (Wild and Mutebi, 1996).

What was clear from these meetings, though, was that despite efforts to make them participatory, a wide range of products was "disallowed" (i.e. non-negotiable) by park staff, because of national policy restrictions on the consumptive use of game, timber and other high-value products within national parks.[1] A final list of products and requests (which admittedly fell short of local expectations) was developed, and included fibres, medicinal plants, honey, footpath access and drinking-water. A second provisional list of products and requests was agreed, which included stock watering points, mushrooms, wild fruit and fish, but which required further study to assess abundance and potential negative impacts. Following these negotiations and an agreement in principle, further discussions were held concerning the nomination of resource users, harvesting methods, resource management institutions and the roles and responsibilities of resource users with respect to the policing and reporting of illegal activities. For those resources identified as "under consideration" or "not suitable" for harvesting within the park, agreements were reached concerning the development of alternative (or substitute) supplies on-farm.

The output of the parish workshops, discussions and meetings was formal agreements setting out the rights, roles and responsibilities of each party. In these pilot agreements, 36 species of medicinal plants and 21 basketry species were agreed on for community use in three pilot areas.

Monitoring programme

Following the establishment of the pilot scheme, resource use monitoring began on a number of fronts. First, as specified in the agreements, resource user groups were required to monitor the levels of illegal activities within their respective multiple-use areas voluntarily. This has not been without its problems, as an increase in reported illegal activities does not necessarily imply the failure of the agreement, but could be due to increased vigilance leading to higher levels of

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1. Following the re-establishment of user rights in BINP and other national parks, user rights by local communities were legally recognized in the Uganda Wildlife Statute of 1995.

Katambara Sarapio, a resource user living around BINP, weaving a basket from fibres gathered in the park

detection. Opponents of the programme have cited increased illegal activities in multiple-use zones, while resource users insist that their increased patrol efforts simply inflate the reported incidences with respect to areas monitored by regular ranger patrols (Worah, 2000). However, despite this, evidence from a number of fronts continues to suggest the effectiveness of the programme. Since the re-establishment of regulated beekeeping in Bwindi there have been no reported incidences of fires started within multiple-use zones in the park. This contrasts with the situation prior to the re-establishment of beekeeping, when fires were either deliberately or accidentally started by honey gatherers every year during the dry season. Second, resource users are required by the agreements to keep records of their own offtake, along with proxy indicators related to effort (time) in an attempt to track potential threats, such as increasing scarcity. These reports are triangulated by ranger-based monitoring to assess any impact on ecosystem health, through the use of permanent monitoring plots.

The Kabiranyuma Gravity Flow Water Scheme

The soils adjacent to MGNP are extremely porous as the area has seen recent volcanic activity, and surface water is therefore very scarce. As a result, in the dry season, women from this area spend many hours collecting water from places up to 8 km away from their homes. The water shortage, coupled with poor standards of hygiene, results in very high incidences of dysentery and diarrhoea, often fatal in young children.

In 1997, CARE, in collaboration with the Directorate of Water Development and UWA, initiated a scheme to provide drinking-water to 35 000 people living in nine parishes at the base of MGNP by rehabilitating a gravity flow system built in the 1950s. Water is drawn from a large, permanent swamp lying in a saddle between Muhavura and Gahinga volcanoes, and flows down the main pipeline to a total of 41 tap stands managed by local water and sanitation committees. Monitoring of the outflow is recorded, as are regular assessments of any recorded ecological changes in and around the wetland within the park.

Conclusions and emerging issues

The multiple-use programme was originally designed as a "high-value, low-impact" strategy in which limited amounts of useful forest products are harvested by a small number of people. In addition, it was intended to establish channels of dialogue and negotiation between park staff and local communities at a time of deep-seated mistrust and conflict. This objective appears to have been achieved, and at the time of formulating the agreements the process was heralded as innovative and forward-looking.

More recent reviews of the programme, however, have highlighted a number of problems (Worah, 2000). For example, there are still problems concerning the real numbers of direct beneficiaries (currently no more than 350 people); the degree to which the programme can be said to contribute to providing tangible benefits to a broad cross-section of park-edge households; and finally whether the benefits gained are sufficient to match the agreed responsibilities among beneficiaries for patrolling, monitoring and cooperation with law-enforcement efforts.

Perhaps a deeper and more fundamental question needs to be asked about the entitlements of local people to park resources. Section 24 of the Uganda Wildlife Statute (1996) states that the Executive Director of UWA "may issue a permit to any person for the use of resources in wildlife protected areas", and that the Executive Director "shall be responsible for regulating and controlling harvesting in wildlife areas and shall ensure that the annual harvest does not exceed the sustainable yield". Is resource use, therefore, a "right" that local people can exercise

and demand, or a "privilege" offered to certain communities under certain conditions? At a recent workshop convened by UWA to discuss issues relating to the utilization of resources from PAs, it was concluded that resource use and collaborative management are a "management tool which may be more applicable in some protected areas than others, and in some parts of a protected area than others" (Nyiramahoro and Blomley, 2000).

The role of CARE as an intermediary institution at a time of deep-seated conflict appears to have been important. However, this role has not been an easy one to maintain. One major problem has been the balance of power in the negotiation process, which appears to have favoured park staff, who adopted a stance of negotiating from a position of strength. Rather than entering into open-ended negotiations with compromises made on both sides, the quality of this process was limited by the unwillingness of park management to concede (or even discuss) access to resources of any significant value. This restricted the value of the agreements and meant that in some instances responsibilities appear to have outweighed benefits. This does call into question the feasibility and real value of developing negotiated co-management agreements in "flagship" biodiversity sites, where conservation interests dominate in power relationships with local stakeholders. A second and perhaps more worrying problem has been the park authorities' perception that CARE was not neutral, but was "siding with the communities". This sentiment may have been reinforced by CARE's known objectives of rural development and poverty alleviation, and its somewhat limited track record in conservation.

More recent and complementary efforts by the project to respond to high-priority development needs (such as providing access to water sources within the park through a gravity flow scheme) appear to have been highly effective in instilling positive attitudes towards conservation among a wider range of local stakeholders. Perhaps more than any other single intervention supported by the project, this simple scheme has been able to respond to one of the highest development needs of the area, and provide park-edge households with a very tangible benefit, attributable entirely to the existence of the park. Conservation interests are also served by the scheme, as the risk of disease transmission to gorillas has now substantially decreased as a result of reduced human presence within the park.

CONFLICT MANAGEMENT
AND RESOLUTION OUTCOMES

If the dual objectives of biodiversity conservation and sustainable development are to be achieved, there must be substantial progress towards the resolution of the underlying sources of conflict described in the section Conflict background or history (p. 237). Indicators of changing perception of conflict can be captured in the associated changes in the perceptions, attitudes and "conservation behaviour" of park-edge communities towards the PAs, and have been used elsewhere on the continent for similar assessments (Abbot, Neba and Mbony Khen, 1999).

Changes in perception and attitude are being monitored jointly by CARE and the Mgahinga and Bwindi Conservation Trust. The first survey was conducted in December 1997 and sought to gauge the knowledge and attitudes of a random sample of people living near the two parks. A series of questions was posed that sought to reveal the extent, trends and causes of conflict, together with local perceptions of conservation costs and benefits (see Table on p. 239). Data were aggregated by wealth and gender to investigate whether conservation costs and benefits were equally shared by men and women, and by richer and poorer members of the community. A second random survey was conducted in December 1999 and further surveys are planned at two-yearly intervals. It is clear that in 1997, a large majority of respondents felt that the problems associated with living next to the parks outweighed the benefits and that, all things being equal, they would be better off living further away (CARE Uganda, 1998). By 1999, the results show a positive change over the two-year period, as illustrated in the Table opposite.

It is interesting to note that, while it appears that attitudes have changed substantially in recent years, women continue to view the parks in a more negative light than men, with over half of respondents still feeling that conservation costs exceed any positive conservation benefits. Further analysis of wealth-ranked data also reveals that for both years, poorer households express a more negative attitude towards the parks, compared with richer households. Possible explanations for this might be that the initiatives carried out by CARE, UWA and other organizations to resolve conflict may have inadvertently been subject to gender bias, or have favoured richer members of the community. An alternative theory is that poorer and female members of the community were traditionally more reliant on the parks as a source of livelihood or for subsistence uses, and that restrictions placed on use over the last decade are still being felt by these groups.

Overall, however, the studies appear to demonstrate strong and positive changes in attitude, but the degree to which this translates into changed behaviour (and therefore positive conservation impact) remains unproven. A similar study undertaken around another Ugandan national park was able to show clearly that

TABLE	CHANGING ATTITUDES AMONG PARK-EDGE HOUSEHOLDS AROUND BINP AND MGNP BETWEEN 1997 AND 1999					
	Overall (%)		Men (%)		Women (%)	
	1997	1999	1997	1999	1997	1999
Costs exceed benefits	68	44	66	36	71	56
Benefits exceed costs	32	56	34	64	29	44

Sources: CARE Uganda, 1998, and CARE Uganda, 1999.

despite huge shifts in local attitude, the conservation value of the park had decreased significantly as a result of encroachment, loss of wildlife through poaching and heavy pressure from pastoralists (Infield and Namara, 2001).

While the information in these two surveys appears to be encouraging, the sample size remains fairly small (144 respondents selected from all 24 parishes in 1997 and 122 respondents in 1999); consequently the results presented above may not stand up to more rigorous statistical analyses. However, plans are currently being made to develop a broader, inter-agency assessment of changes in attitudes (and any associated behavioural responses) among park-edge communities, using a wider range of quantitative and qualitative techniques. This study will attempt to verify the changes and, more importantly, to indicate which of the strategies being implemented by UWA and its partners – such as multiple use, institutional development, alternative livelihoods, revenue sharing (from the two parks and the Bwindi Trust) – have been most effective in reducing conflict.

However, beyond the assessments and questionnaires two observations would tend to confirm the shifting positive attitudes among local populations. First, there is the widely reported response from local communities to a number of fires that spread inadvertently into BINP at the end of the long dry season of 1999, as farmers cleared their land for planting. On at least three occasions, community members were quick to respond to fire outbreaks and assisted park management by swift reporting as well as active (and voluntary) assistance in extinguishing

the fires before more serious damage was caused. This positive situation was reported to have continued in 2000 as well (Kasangaki *et al.*, 2001). Second, since the establishment of the two national parks in 1991, there have been no recorded incidences of encroachment, despite the huge demand for land. This contrasts with previous decades, when large swathes of forested areas were lost to encroaching cultivators.

LESSONS LEARNED

Changing roles

This case has described a number of successful interventions that, combined with the work of other partners, appear to have resulted in positive shifts in attitudes among park-edge communities. The role of the DTC project in this process has also changed over time.

Early on in the project, DTC sought to represent the interests of the poor and marginalized, perhaps as a reflection of CARE's wider institutional mission of working with these groups. Staff spoke loudly and at length at local meetings and national fora on the importance of achieving social justice around the two parks. This approach quickly put the project into direct opposition with the park authorities, who in some cases saw CARE as a threat.

In the examples given in the previous section on the multiple-use programme, project staff led the process of conflict management through convening meetings, opening up and maintaining lines of communication and, ultimately, facilitating the development of negotiated management agreements on matters such as use of park resources (non-timber forest products and drinking-water). The project

staff assumed the role of convenors, facilitators and "honest brokers", and CARE's role as a mediator was central to the whole process. In the conflict-prone situation described in this case, the project saw itself as "disinterested" (or at minimum, as holding less polarized views than either the park or local communities). However, this position proved difficult to maintain, and more often than not the project found itself in the untenable position of being seen as being too pro-community by park management, and viewed as too conservation-minded by local communities.

More recent work by the project has emphasized the development of linkages between forest user groups and local government structures, and the establishment of local associations called Community Protected Area Committees, which have a mandate to resolve issues with the park management, and represent local community interests in this process. Described in detail in Blomley and Kubagenda (2001), the CARE project has become a convenor and facilitator of a process of developing conflict resolution fora. By supporting the establishment and growth of institutions such as these, the project has moved away from representing interests towards supporting processes and structures that allow local stakeholders, and in particular marginalized communities, to represent themselves more effectively. It is anticipated that a process that assists forest-dependent households to articulate their interests more clearly at higher levels will lead to the negotiation and development of lasting solutions, independently of project staff and beyond the life of the project.

REFERENCES

Abbot, J., Neba, S.E. & Mbony Khen. 1999. *Turning our eyes from the forest: the role of the livelihoods programme at Kilim Ijim Forest Project, Cameroon, in changing attitudes and behaviour towards forest use and conservation.* London, IIED and Birdlife International.

Adams, B. & Infield, M. 1998. *Community conservation at Mgahinga Gorilla National Park, Uganda.* Manchester, UK, Institute for Development Policy and Management, University of Manchester.

Blomley, T. & Kubagenda, A. 2001. Decentralisation and protected area management. The case of Bwindi Impenetrable National Park. *Proceedings of the Uganda Participatory Development Network Annual Conference on Sustaining participation – What are the challenges?* Kampala, Uganda, Community Development Resource Network.

CARE Uganda. 1998. First knowledge and attitudes survey (1997). Development Through Conservation Project. (Unpublished report)

CARE Uganda. 1999. Second knowledge and attitudes survey (1999). Development Through Conservation Project. (Unpublished report)

Cunningham, A.B. 1996. *People, park and plant use. Recommendations for multiple use zones and development alternatives around Bwindi Impenetrable National Park, Uganda.* People and Plants Working Paper No. 4. Paris, UNESCO.

Infield, M. & Namara, A. 2001. Community attitudes towards conservation: an assessment of a community conservation programme around Lake Mburo National Park, Uganda. *Oryx*, 35(1): 48–60.

Kasangaki, A., Babaasa, D., Bitariho, R. & Mugiri, G. 2001. *A survey of recently burnt areas in Bwindi Impenetrable and Mgahinga Gorilla National Parks, SW Uganda.* Mbarara, Uganda, Institute of Tropical Forest Conservation, University of Mbarara.

Lindblade, K.A., Carswell, G. & Tumuhairwe, J.K. 1998. Mitigating the relationship between population growth and land degradation: land use change and farm management in southwestern Uganda. *Ambio*, 27(7): 565–571.

MFEP (Ministry of Finance and Economic Planning). 1992. *The 1991 Population and Housing Census.* Entebbe, Uganda, Statistics Department.

Namara, A. 1999. People and Bwindi forest: A historical account as given by local community members. Institute of Tropical Forest Conservation, University of Mbarara, Uganda. (Unpublished)

Nyiramahoro, E. & Blomley, T. 2000. *Proceedings of a national workshop on the sustainable utilisation of natural resources from protected areas.* Kampala, Uganda, Uganda Wildlife Authority.

Wild, R. & Mutebi, J. 1996. *Conservation through community use of plant resources. Establishing collaborative management at Bwindi Impenetrable and Mgahinga Gorilla National Parks, Uganda.* People and Plants Working Paper No. 5. Paris, UNESCO.

Worah, S. 2000. Report of the participatory mid-term review of CARE's Development Through Conservation Project. CARE Uganda. (Unpublished)

Moving from open access extraction to new participatory levels of accountable management Malampaya Sound, Palawan, the Philippines

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SUMMARY

Pilien and Walpole observe that conflicts over the use of Malampaya Sound in northern Palawan began decades ago when commercial logging and fishing got under way. Intense resource competition continued for decades, depleting fisheries by the 1970s. Commercial fishing restrictions were imposed periodically. Officials often proposed conflicting policies and programmes for commercial development and resource conservation, usually with little community support. The case study describes recent efforts to incorporate community participation in plans for making the zone part of the National Integrated Protected Area Programme. Efforts have been made to establish links between stakeholders through facilitated public dialogues, community mapping, public hearings and a strategic planning workshop.

GUIDING QUESTIONS

KEY ISSUES
- How can local communities be participants in conflict management?
- Why do planners and policy-makers often overlook local stakeholders?

CONTEXT
- Who are the local stakeholders?
- What other stakeholders are involved in the Malampaya Sound?

CONFLICT BACKGROUND OR HISTORY
- What historical trends exist concerning local natural resource conflicts?
- How does historical analysis help us understand and manage contemporary conflicts?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES
- How can conflicting parties to a conflict be brought together?
- What role can outsiders play in addressing conflicts?
- What sort of information is helpful in resolving conflicts?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES
- What did the conflict management process accomplish?
- How has natural resource management changed?

LESSONS LEARNED
- Have the conflicts been resolved or managed?
- Does increasing local participation increase or decrease the incidence of conflicts?

KEY ISSUES

The story of Malampaya Sound and its people spans over 100 years and revolves around the resources of the land and sea. From the time the first visitors entered the area and saw the richness of its forests and waters, its natural resources have been continuously exploited, despite the area's isolation. It is a story that continues today as Malampaya Sound's aquatic resources, mangrove ecosystem and fragile upland forest all show signs of strain. Fish stock depletion, water quality deterioration, sustained commercial interest in the area, pressure on small fisherfolk to clear the surrounding uplands and small-scale illegal removal of forest products all pose threats to the area's natural resources.

Malampaya Sound is a historic fishing ground, which provides a source of livelihood for small-scale fisherfolk, and the basis for a major business enterprise for large-scale entrepreneurs. Yet, it is also identified as a priority area for protection and conservation because of its unique ecosystem, which serves as a habitat for many endangered species.

Conservation of a protected area and community subsistence

In a natural resource conflict management process, it is important to understand that however pressing conservation may be, it cannot be achieved at the price of the physical, cultural and socio-economic exclusion of the people in the area. Conservation has to be a basic human principle: a value that needs to be factored in at the start of a programme that will be implemented properly. A programmed conservation design that may have worked in other areas of the Philippines or in other parts of the world cannot simply be applied and assumed to be workable in another context.

Relearning the need for community participation in programme implementation

No particularly fresh insights are presented here, as previous conflict management experiences and the literature amply illustrate the importance of involving people in any conservation programme at the very start. Yet what is surprising and interesting in this case is that these lessons had to be learned afresh by people responsible for the national programme, local government units (LGUs) and communities. They came to an awareness that the bottom-up social process in conflict management is crucial; basic concerns of communities were articulated, considered and addressed before the programme design was fully implemented.

Critical role of assisting organizations

Malampaya Sound Protected Land and Seascape is only one of eight areas in the Philippines on which the protected area (PA) programme focuses. It is the largest of these, covering roughly 200 000 ha of land and sea, and may be one of very few sites where the communities provided the basis for the management plan. No external consultants were involved in drawing up the plan, only an assisting group that facilitated the process. Since the area has a long history of conflict over resource access and use, the challenge was to acknowledge the existing conflicts at the outset in a manner that would also recognize and pre-empt any emerging ones. At the same time, there was a need to translate into action the growing knowledge that the resources were dwindling; if not, this object of conflict would soon be gone.

Working with existing conflicts

Conflicts abounded because communities and local government did not know who to give their information to and whose job it was to process it. The remoteness of the area and poor communications also created logistical problems. There was an inability to sequence the designed activities properly and the communities rescheduled them. Zoning was designed by communities in great detail to make it more acceptable, but many found the concept of zoning threatening. In addition, the government programme had its own internal conflicts, both in principles and application. The primary problem was that people did not want a PA, as this was perceived as threatening their survival. For funding agencies and those implementing the programme, the size of the area created too many logistical problems. Given this problem, it fell to the assisting organization, Environmental Science for Social Change (ESSC) to manage the situation. ESSC's basic approach was different from that of those implementing the programme and from that adopted in other PAs. The approach entails going back to the different communities on the ground and establishing the context in which they live, identifying the uncertainties they face and the issues that affect them before finding out how they view the degradation of the environment and how they might try to deal with this situation. This gave the communities an opportunity to establish a process of give and take.

A step backwards to move forwards

Overall, the strategy had been to keep the conservation programme away from local communities and not to let them interfere. This was because, as defined and designed, the programme was more appealing to society in general: it was socially acceptable, yet it was not made clear how the programme would directly affect communities struggling to survive using the area's resources. The primary diffi-

culty was social acceptability and the primary concern was protection of resources. This case study is a clear example of where protection was defined in a way that was in conflict with local resource use, in an area that has for so long been an open access area. However, protection can also be defined as building people's capacities and their ability to be their own guardians in different situations.

CONTEXT

A history of conflict

Malampaya Sound, located at the northern end of the province of Palawan, is a natural inlet with an approximate area of 24 500 ha surrounded by forest land. It is an area with a small indigenous population, rich natural resources, high biodiversity and unusual ecological features, which contribute to the Sound's national importance as a source of fish and other marine resources.

The Sound has been a stage upon which countless conflicts have developed and been played out, resulting in overextraction, underdeclaration of resource extraction and the irrelevance of government as primary stakeholder and absentee landowner. These conflicts came to a head through the latest intervention, that of the European Union-funded National Integrated Protected Areas Programme (NIPAP), developed in response to the National Integrated Protected Area System (NIPAS) Act of 1992.

People and livelihoods

Most of the 18 000 people in the 12 surrounding coastal *barangays* (villages) around Malampaya Sound migrated from Panay Island and the Bicol region in the 1950s, attracted by livelihood opportunities and the relative peacefulness of the area. The main sources of income are fishing and farming. The Tagbanwa, early inhabitants of the area, depend on swidden farming for their livelihood. About 70 percent of the population is dependent on fishing – which is a year-round activity – 25 percent on farming, and 5 percent is engaged in other types of livelihood activities.

Fisherfolk employ traditional methods of fishing, such as hook and line, pots, fish corrals and gillnets. Illegal methods, such as those based on cyanide and dynamite, are also used in the area. Of the 160 or so species of fish in the area, 60 are of high commercial value. About 90 percent of the fish catch is sold to intermediaries. These may be local traders or visiting traders from Manila or Puerto Princesa City, the provincial capital, and they determine the prices of traded commodities. There is limited monitoring or recording of products and volumes traded.

In the face of dwindling fish stocks and stiff competition over marine resources, some communities invested in fish pens to rear *lapu-lapu* (groupers). As these businesses proliferated in the Sound, some communities resorted to the use of cyanide to catch live groupers, which were then sold to fish pen owners.

The mangroves in Malampaya Sound are among the finest in the country and are considered one of the Sound's most important resources. They are being cut for charcoal production, fuelwood, fish pen construction and housing materials. Some areas have been cleared and converted to fish ponds or put to agricultural use. In 1985, satellite images showed that mangroves covered 2 500 ha. By 1998, there were fewer than 1 500 ha left. Fisherfolk recognize the association between declining fish populations and shrinking mangrove areas.

Communities in Malampaya Sound are also socially and economically dependent on forest resources and non-timber forest products for building materials and traditional fishing gear. Some of these are bamboo, wood, rattan, *pandan*, unprocessed rattan poles, *nipa* and timber, and the exploitation of many of these materials does not respect government regulations, because no levies are paid.

Government programmes and policies

Conflicts over the use of, right of access to and management of the resources in the Sound can be traced back to 1900, when a United States businessman with a group of migrants from Negros and a logging concessionaire established a sawmill in Barangay Liminangcong and started to log the surrounding uplands. In 1920, the waters of the Sound were leased to a fishing and lumber company. This lease eventually became the basis of other leasing agreements and policies on fishing and logging activities in the area.

Between 1935 and 1940, fishing activities began to escalate when fisherfolk from different parts of the country and Japanese fisherfolk using 80-tonne capacity fishing vessels operated in the Sound. By the 1940s, "Pescador" vessels, large commercial vessels that engaged in fish trading, had entered the area. After the Second World War, fisherfolk from Malabon and Navotas in Manila and from the Visayas re–established fishing activities. Again, the right to the fishing ground was leased to one individual for several years.

In 1950, San Diego Fishing Enterprises started buying fish and shrimps from local fisherfolk and introduced the fishing method known as *baklad* (fish corrals). Logging concessions were also increasing. By the late 1950s, migrants mainly from Bicol, Ilocos and the Visayas started to settle. It was also during this time that dynamite fishing started in Malampaya Sound. *Basnig*, a large-scale commercial type of fishing method, was also introduced. Communities began to notice that aquatic resources were dwindling and this led to the abolition of concession permits in 1956 by presidential proclamation.

In 1960, the influx of intermediaries bartering with communities for their fish catch led to higher prices but also to more intensive extraction of aquatic resources. After the declaration of martial law in 1972, resources in the area continued to decline at an alarming rate. In 1974, Malampaya Sound was closed to commercial fishing activities. However, local officials allowed the Sound to be trawled. Traditional fishing activities using gear such as hook and line and spears were allowed, but use of gillnets and fish corrals was prohibited. Communities, badly affected by the policy, petitioned for it to be amended and the ban on gillnets and fish corrals was lifted.

In 1979, the period of closure expired. However, even though there was a ban on commercial fishing, the use of *basnig* and traditional gear was permitted. From 1986 to 1991, another closure was imposed on commercial operations. In 1992, Congress enacted the Strategic Environmental Plan (SEP) into a law (RA 7611) to promote the sustainable management and conservation of resources in Palawan, the province being among the few remaining places in the country with significant biodiversity. In the same year a ban was imposed on commercial logging activities in the area.

In 1997, the local government presented a proposal for zoning the marine waters of the Sound. The plan was to allocate certain sections of the Sound for large-scale business ventures such as sea ranching. These lease agreements would effectively restrict access to communities on the basis of financial investment, again exemplifying the problem of primary access rights. In contradiction, also in 1997, the Bureau of Fisheries and Aquatic Resources (BFAR) asked a non-governmental organization (NGO), the Foundation for Economic Empowerment, Development and Environmental Recovery (FEEDER), to implement the government's Community-Based Coastal Resource Management Program (CBCRMP). In the same year NIPAP, jointly managed by the Department of Environment and Natural Resources (DENR) and the European Union, identified Malampaya Sound as an area that should be protected under the programme. In 2000, Malampaya Sound was proclaimed a PA.

Ensuing concerns

Conflicting policies and programmes that provided no real support to communities, and the coming together of many other factors pressured small fisherfolk to begin clearing the uplands to grow maize. Several families are engaged in small-scale illegal felling, and this has led to erosion and siltation. Silted river beds, coupled with the use of agricultural chemicals, pollution from fish pens and unregulated dumping of solid waste and sewage, contribute to the deterioration of the Sound's water quality and the occurrence of "red tide".

BOX	TIME LINE OF RESOURCE CONFLICTS IN MALAMPAYA SOUND
1900	United States businessman and migrants from Negros arrive and a logging concession establishes a sawmill
1920	Malampaya Sound leased to a fishing company and logging operations established
1930	Conflicts and stiff competition in fishing activities begin as fisherfolk from other areas and Japanese fishing vessels arrive
1940	Fewer Pescador fishing vessels and fishing activities owing to Second World War
1960	Influx of intermediaries bartering for fish for higher prices
1970	Martial law and closed season declared; commercial fishing, use of gillnets and fish corrals prohibited Affected communities file a petition – ban on gillnets and fish corrals lifted Closed season lifted in 1979 but commercial fishing still banned
1980	1986–1991, second closed season imposed
1990	1992 SEP law enacted and Palawan Council for Sustainable Development (PCSD) declares Malampaya a priority area 1992 NIPAS law enacted and DENR declares Malampaya a priority area 1994 NGOs start research and community organizing activities 1997 DENR entry, LGU Zone Map 1998 Entry of ESSC, public hearings about Zone Map 1999 Initial Protected Area Plan (IPAP) drafted, interim Protected Area Management Board (PAMB) formed
2000	Draft General Management Plan public hearings. Strategic planning workshop. Municipal ordinance approved. PA proclaimed

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

A rich, fragile environment, dwindling resources and communities' demands for immediate management and protection caused the Palawan Council for Sustainable Development (PCSD) to identify Malampaya Sound as a priority area for protection in the late 1980s. By 1997, NIPAP had initiated the process of declaring the Sound a PA and started developing a management plan for the area, which required the establishment of different management zones. In the same year, the local government of Taytay was also preparing its own zoning plan for the Sound, to be approved by PCSD. There was little coordination among the agencies or with communities. Poor relations on all fronts caused NIPAP to plan a withdrawal. In mid-1998, however, despite all the conflicts over the preparation of an integrated plan for the area through management zoning, NIPAP requested ESSC to assist in the process of drawing up a management plan. The PA programme therefore became the circumstance in which the importance of communities, their stake and their role in planning and management were made clear.

Creating opportunities to clarify government agency roles

A visit by the Philippine Working Group (PWG) for Community-Based Forest Management to the area in February 1999 helped gain the support of the local government for ESSC activities in the area. (The PWG is an informal association of professionals from different agencies and organizations in the country that seeks to promote community-based resource management.) The visit was undertaken to develop an understanding of the resource management concerns of fishing communities and LGUs in Malampaya Sound, and to look at the capacity of the NIPAS planning process to integrate different concerns. During the visit, PWG members gathered community and LGU perceptions of NIPAP. Based on this experience, they suggested strategies that could enhance the programme's impact on the area. These focused on the need for communication, conflict management processes, the institutional sustainability of the Protected Area Management Board (PAMB), and sustainability in project design.

Involving communities

The NIPAP approach acknowledged the importance of local communities, but was unable to translate this into effective action. Activities were brought to a new level of participation through a process of community involvement that was organized into a series of step-by-step interventions based on community mapping.

The activities were undertaken by a team of three that travelled to communities in dispersed areas around the Sound. The team worked intensively for two years, often travelling on foot or by boat for several hours to reach remote *barangays*. They moved from *barangay* to *barangay*, facilitating dialogues and activities for long stretches of time, leaving only to digitize maps and organize field notes and documentation.

Participants in the process included fisherfolk, farmers, indigenous people, *barangay* officials, *sitio* (settlement) leaders, businesspeople and professionals in the area. The activities were also supported by the Park Superintendent and his staff, *barangay* officials in each village, the cooperatives of small fisherfolk in Malampaya Sound, and an indigenous people's organization in the area. Community members and other stakeholders participated against a backdrop of real conflict, where illegal fishing activities such as those based on the use of dynamite and cyanide were frequently employed and large fishing vessels were a common sight in the Sound. Conflicting interests among, and even within, *barangays* were, and continue to be, the norm. These concerns provided the background to most discussions and were a common thread throughout.

Networking and initial discussions

This series of activities helped to establish links between different stakeholders. Initial dialogues were held informally to help participants understand the different points of view held by groups and individuals. Through these dialogues, gaps, conflicts and options for change were identified and discussed by the stakeholders.

One source of the gaps and conflicts stemmed from the different understanding of the programmes. The dialogues therefore became the occasion for NIPAP, ESSC and the LGU representatives to introduce and explain the context and extent of the programmes and to clarify some points that had been misunderstood.

The dialogues were generally conducted at the *barangay* level with local officials, and when possible other members of the communities were also invited. They were open to everyone who wanted to attend and participate. Community members were invited to participate so that they could understand the issues and conflicts, not just as explained by LGU and government officials, NGOs, other line agencies working in the area and *barangay* officials, but, most important, from the point of view of the *sitio* (the smallest outlying subunit of a *barangay*).

Data preparation

Data gathering was also an important part of the process of understanding the history of the issues and conflicts in the area. Through the data collected, an over-

all view was formed of past initiatives. This process also provided an understanding of how past programmes and projects had addressed the issues and conflicts and whether or not they had been successful. Data gathered from written documents, maps and the initial dialogue were collated and eventually presented to the communities. This openness and transparency helped to gain communities' trust.

Consultations with communities and site analysis

There were open fora that encouraged communities to express their opinions freely without fear of being misunderstood. The meetings were flexible with no formal programme of activities and there was sufficient time for all concerns to be addressed. These were primarily opportunities to discuss the programmes in terms of their effects and consequences. Concerns were clarified through question-and-answer discussions. These dialogues followed the whole process of developing a management strategy.

LGUs, government agencies and NGOs were invited to participate in the dialogue as observers and to give opportunities to community members to ask questions. Other opportunities were provided that allowed views to be presented and discussed in the latter part of the process when all stakeholders had expressed their points of view. The communities then decided to set schedules for the community mapping activity, and accepted that they had a responsibility to participate and make decisions for themselves.

Community mapping activities

Community mapping, carried out in the 22 *barangays* around Malampaya Sound, initiated and strengthened the communities' participation in the preparation of an integrated resource management plan for this large and diverse area. Communities were initially apprehensive that the information might be used against them. Clear and repeated explanations and discussions of the activity's purpose, however, put that fear to rest.

Community mapping, a process-oriented activity, was conducted in order to understand the communities' perspective on their environment through their experiences and relationships within the area. Participants were encouraged to illustrate their environment within the context of their own understanding and use of resources. Communities also described the management strategies, zones and activities in each zone through sketches. These were discussed and documented. At the same time, communities illustrated the issues, conflicts and concerns that affected them and the resources. Mapping gave the communities a new language in which to express themselves. In addition, communities gained a clearer understanding of planning and their own role in the process.

Community map validation

The community maps were digitized and brought back to communities for validation. During the validation, all comments and suggestions generated from the communities were presented to the 22 *barangays*, particularly to those *sitios* that may have been seriously affected by a suggested action. Again, dialogue and consultation were vital to generate consensus among communities.

Public hearings

Nine public hearings were held in strategic areas within the Sound, where the *barangays* were clustered into groups. All the different stakeholders (communities, people's organizations, youth organizations, women's organizations, NGOs, indigenous people, the business sector, traders, academic institutions, religious institutions, LGUs, national and line agencies) were invited to participate. Community members, including those involved in illegal activities, were asked to attend. National and line agencies – the Philippine Coast Guard, BFAR, the Department of Agriculture, DENR, the Department of Interior and Local Government (DILG) and PCSD – sent representatives.

The community maps and the technical maps (developed during previous activities) showing the proposed management zones for both marine and terrestrial resources, together with resource management issues and concerns, were presented. Stakeholders saw the interrelationships and interdependencies, and how cooperation could benefit everyone. The Initial Protected Area Plan (IPAP), a document containing the entire output of the previous dialogues, discussions and consultations, the different management activities (allowable and non-allowable) in each zone and the management strategies, was also presented.

The public hearings became occasions for multisectoral discussions and deliberations of all the proposed management actions. Each management option, together with existing and new policies, was discussed *vis-à-vis* its impact on communities and their activities.

There were agreements and disagreements among communities over some of the points raised. The disagreements were given a great deal of attention and were discussed not with the intention of resolving them immediately, but to make everyone aware of the various perspectives. Although government agencies also had a stake in the management, the resolution of these disagreements was fully entrusted to communities, particularly those who would be most affected.

Decisions were made based on policies (whether applicable or not), activities by communities (whether legal or not), suggestions and comments, issues and concerns and the situation (past and present). Through the increasing understanding that had been achieved, a plan that was workable and acceptable was formed.

Strategic planning workshop

After all changes and decisions made at the public hearings had been incorporated in the maps and documents, representatives of the different stakeholders were invited to a strategic planning workshop. Communities chose the persons they thought would best represent them. The workshop was designed as an opportunity to put together all comments and suggestions for a General Management Plan (GMP). The three-day workshop was facilitated by a Palawan-based NGO.

In the workshop, stakeholders focused their attention not so much on the conflicts over management zones, activities and management strategies, but on the conflicts over priority actions and activities necessary to implement the GMP. Conflicts over what actions and activities should be prioritized were identified and resolved through sustained discussions.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

The process in which stakeholders came together, listened to each other and articulated their interests and concerns led to a greater understanding of the area as a resource base, of varying perspectives and of the basis for decision-making held by each interest group (community, government agency or NGO). This wider perspective allowed communities to be acknowledged as stakeholders and strengthened their position so that they could propose management zones and activities and become involved in negotiations. Such recognition in turn prompted local and national government agencies to understand the importance of coordinating with communities over laws, ordinances and regulations.

The process of participatory conflict management also allowed the NIPAP team to bridge initial differences with other agencies and groups (PCSD, LGUs) in the area, while incorporating the provisions of the SEP law and the municipal ordinances within the NIPAS Act framework. In essence, the process allowed stakeholders to develop a meaningful dialogue that led to the fulfilment of requirements for the proclamation of the PA.
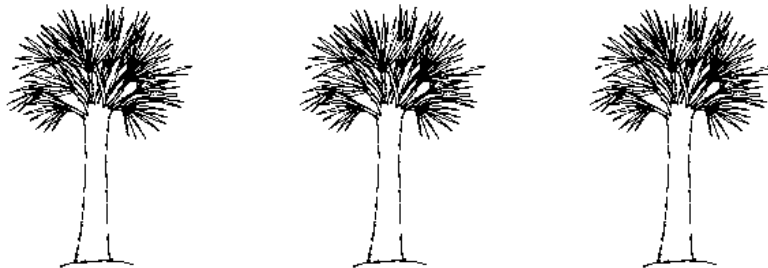
Acknowledging communities as stakeholders

The involvement of communities in laying out management initiatives in the Sound allowed them a greater role and more responsibility regarding the sustainable management of the Sound's resources. The participation of communities was crucial not only in terms of their recognition as stakeholders but also because their involvement allowed for balance in decision-making and in the formulation and implementation of policies, management strategies, programmes and projects in the area. Their participation throughout the process eased the historic conflict arising from a lack of consultation and involvement in any aspect of management. Through this process, government agencies became aware of the importance of the community in all planning and management initiatives.

Recognizing the need for coordination among agencies and communities

The process adopted in Malampaya Sound made clear the need for agencies and communities to collaborate closely in the management and resolution of conflict. Bridging the initial discord between NIPAP, other agencies and communities helped to set the tone for further dialogue and gave rise to hopes that management strategies that acknowledged the concerns of all stakeholders could be developed. Within this context, it is hoped that stakeholders also accept responsibility for the implementation of such strategies.

Reaffirming the need for action

During the long process of planning, communities and government agencies reaffirmed the need to implement policies that will prohibit large vessels from fishing in the area. Additionally, there is a recognition that, even among communities, there needs to be a shift in small-scale fishing towards more sustainable methods.

GMP and PAMB: accomplishments and moving forwards

Of the outcomes, the most significant has been the inclusion of communities in the planning process, leading to the satisfaction of the requirements of the NIPAS Act in a meaningful way, including the development of a GMP in which all stakeholders have had a voice. The establishment of the multisectoral PAMB is an important accomplishment and it is hoped that it remains a relevant structure to participatory management. PAMB is composed of captains of the 22 *barangays*, mayors of the two municipalities, four additional local government representatives, representatives from each of the seven people's organizations, a representative from the indigenous people's organization and representatives from two NGOs. DENR and PCSD are co-chairs of PAMB.

The role of PAMB is crucial as this is the key management institution, responsible for implementing GMP and ensuring the coherence of all stakeholders as a group. It has a powerful yet accountable position, approving activities and disbursing funds for them, as outlined in GMP. Its structural evolution has been starkly different from that of some PAMBs that have emerged in other PAs, as the community groundwork was the starting point, rather than the appointment of the PAMB members. Another crucial point is the fact that members have to be representative of all the stakeholders in the area. Other PAs opted for more business representation, owing to the ecotourism potential offered by the PA. In the case of the Sound, ecotourism is not a significant management option, and this is evident in the composition of the PAMB members. However, it is vital that traders involved in the fishing industry be part of PAMB.

Recognizing how far to go

While the area has been declared a Protected Land and Seascape, its management as a collective effort has just begun because there is now an agreement. PAMB has the basis for management. What has been managed is the incoherence of activities. Initial general distrust was dealt with so that issues were clearer and responsibilities defined. Communities and other stakeholders recognize that the road to sustainability is a long one, and that more, and perhaps greater, conflicts are yet to come.

LESSONS LEARNED

The following are key elements that can be drawn from this case study with ESSC's intervention as the entry point.

Environmental brokering

The dialogue initiated through the PWG site visit in December 1998 brought about a local forum whereby conflicts between two local governments over a disputed boundary were discussed and worked out. Subsequently, with the intervention of other national government agencies in the area, the dispute was resolved when agreement was reached on a designation for a reserve area that incorporated the names of the two local governments (the El Nido Marine Reserve became the El Nido-Taytay Marine Reserve). This agreement also helped to prepare the ground for further discussions with the Taytay local government on the national PA programme planned for implementation in Malampaya. New options also emerged for dealing with the protracted conflict, and key working relationships were rebuilt between local government and assisting organizations. When the parties worked together to improve the relationship, a better understanding of the situation and of each other was developed, and creative yet realistic suggestions for moving forwards on issues of both substance and process emerged.

Assisted community mediation

The community mapping activities provided the opportunity for communities to articulate their concerns and questions about the implications of the PA programme and, in particular, how it would affect their livelihoods. They expressed their vulnerability and they were listened to. The mapping activities were used by the communities to present their situation and their own perspectives and to move forwards, recognizing that the resources they depend on are dwindling. It was acknowledged and accepted that if management proposals originate from the communities, they stand a better chance of negotiating successfully with local and national government.

Community strengthening of problem solving capacity

The community mapping activities also became informal sessions where the communities made a sustained effort to tackle the conflict and the problems involved, and discussed pragmatic options and possible solutions among themselves. A level of capacity was built to improve the ability of communities and other organizations in the area to negotiate productively and manage conflict effectively, and this was manifested in their definitions of the various zones in the PAs. Their practical knowledge guided them into assigning some zones for core protection, others for seasonal fishing, others as buffer zones, others for multiple use, etc.

Public hearings as public dialogues

Public hearings were part of the programme design, and although there was an initial recommendation to limit these to three – as was the case in the other priority PA sites – the number of hearings was increased to accommodate more communities because the area was extensive. Again, these public hearings were another opportunity for dialogues to take place and for management ideas to be negotiated.

Improving channels of communication

At the outset, the situation was characterized by very low levels of communication, and by people in various situations taking different positions on difficult and sometimes emotional issues, with no opportunities for common discussion. The different processes that communities, local government and programme implementers went through presented opportunities for people to talk and listen to each other, thereby enhancing communication, at the very least among primary stakeholders.

Conflict management and the participatory process

The broader realization was that conflict management focuses on discord and reducing levels of conflict, while the participatory process is directed towards mechanisms for establishing a functioning system of management. The latter can have greater breadth but is necessary for the meaningful resolution of conflict. In areas such as Malampaya Sound, the more focused process of conflict management, facilitated with transparency and clarity, is necessary so that stakeholders can think within a participatory framework before collaborative planning and implementation can be achieved.

Participation and conflict

Generally speaking, increasing participation may increase points of conflict. If not managed properly, participation can lead to further conflict. However, if participation is a managed process, the expectation is that, with greater clarity and transparency, there will be a reduction of conflict. On another level of participation, communities have agreed to become involved in monitoring water quality, confiscation and data gathering. At any level, what the programme had to stress was participation, because traditional fishing practices were exploitative of people and were secretive. When access to resources is open, as it is in the Sound, this can lead to exploitation of people and resources if there is a failure of all stakeholders to get together and exercise appropriate control. Implementation of PAs can quickly persuade people to leave an area and, in this case, they were somewhat confused and fearful of what to expect. There would be no more competition for resources, because people were going to be excluded. There was no understanding of general management and design. A common knowledge was built so that there was a basis for a common understanding of equity, sustainability, access to resources, and socio-economic and political accountability.

New levels of accountable resource management

Local people have agreed to an assessment of catches, rationalization of fishing gear, methods and practices, and water quality sampling and analysis. There is a recognition that at this stage, since some conflicts have been managed, events need not lead to a deteriorating situation, as they did in the past. There is also a willingness to push for greater involvement of the Coast Guard, the Philippine National Police and the Philippine Navy in controlling certain activities that are beyond the scope of local government.