The role of the state in modes of resource governance is increasingly becoming a source of conflict over natural resources. Based on studies of resource governance practices in South Asia, this contribution argues that conflict or collaboration in natural resource management depends upon the legitimacy of the state and its interaction and cooperation with resource users. When the state shows a controlling attitude towards managing natural resources, conflict and tension are unavoidable. On the other hand, challenges arise in resource management if the state is too weak to provide a conducive policy framework, institutional arrangements, and a facilitating environment. This article concludes that expanding the horizontal and vertical legitimacy of the state is essential to promote sustainable governance of natural resources and to resolve associated conflicts.

Keywords: Conflict; governance; institution; legitimacy; natural resource; power; state.
19.1 The state, participation, and natural resource use

Poor governance of natural resources (NR) in different parts of the world is resulting in communal disharmony, social tension, and even armed conflict. Consequently, it causes extensive loss of life, damage to property, and harm to the environment. In many instances, mismanagement and poor governance of NR are caused by non-participatory, centralised and exclusive resource-management policies and practices. ‘Controlled’ forms of resource governance have had adverse effects on sustainable management of natural resources and have made already precarious social, economic and environmental conditions worse, particularly in local communities.

The issue of proper management of NR has long been debated among practitioners and scholars. In the present article, we understand governance as a tool to achieve proper management of natural resources. Decentralised resource governance is expected to enhance management efficiency and result in greater equity for local people. But this is not easy to attain, and conflict has resulted in some cases where decentralised resource governance was not effectively practised. There are several reasons for this. One of the major reasons is said to be the lack of democratic decentralisation. It has been observed that decentralisation accompanied by the participation of local communities is not enough; the quality of decentralisation in terms of institutional arrangements, monitoring mechanisms, ownership and accountability is of fundamental importance. Ribot (2004) and Agrawal and Ribot (1999) have documented that most ongoing decentralisation efforts are characterised by insufficient transfer of power to local institutions, taking place under tight central government oversight, with local institutions often being neither representative of nor accountable to local communities. They further argue that transferring power without accountable representation is dangerous, while establishing accountable representation without power is an empty gesture.

Thus conflict and/or cooperation in natural resource management are related to the characteristics of the governing policy and practices of the state, as well as the public legitimacy of the state. Table 1 illustrates the relationship between a state and its population, and the impacts of this relationship on governance of NR.
A state with high vertical and horizontal public legitimacy provides a strong basis for sustainable management and governance of NR, as it incorporates democratic decentralisation, distribution of power, local accountability, and ownership.

In a ‘controlling state’, capture of management processes and resources by elites at the local level strengthens or maintains unequal power relations. By contrast, a ‘facilitating state’ promotes better distribution of power, applies principles of subsidiarity, fosters accountable and representative institutions, and accommodates the collective concerns of all actors who depend on NR (Castro and Nielsen 2001).
19.2 Reading empirical evidence

The present contribution addresses these concerns about the respective roles of the state and local bodies. It analyses whether conflicts over resource use in selected localities of South Asia can be explained by variations in horizontal and/or vertical governance relations. It is based on three case studies (Figure 1):

– Forest management in Pakistan
– Conservation area management in Nepal
– Joint forest management in India.

More specifically, the following questions were asked in reviewing these cases:

– To what extent do the characteristics of the state and its legitimacy affect resource governance and resolution of associated conflicts?
– What role should the state play in governing NR and addressing related conflicts?
– What is the relationship between democratic decentralisation of resource governance and the legitimacy of the state?
– What factors determine the state’s ability to mediate?
– What are the prerequisites for successful decentralised governance of resources?

Methodologically, the case studies followed a livelihood approach, with reviews and analyses of different studies conducted in South Asia.
19.3 Empirical results and findings

19.3.1 Forest governance in North-West Frontier Province, Pakistan

Prior to British colonial rule, forests in the North-West Frontier Province (NWFP) of Pakistan were managed by customarily defined by-laws and traditional institutions. Forests were traditionally owned by landlords, while the landless enjoyed certain privileges in the use of forests (Sultan-i-Rome 2005). There were fewer conflicts and minimal pressure on forests due to a low population and a subsistence economy. After 1850, when most parts of the province came under British rule, forest management was assumed by the state, and existing local rights to forest resources were restricted. Following the independence of Pakistan in 1947, the state perpetuated its controlling role through various forest policies promulgated from time to time.

Several studies (e.g. Geiser 2005; Sultan-i-Rome 2005) have shown that local people who once had access to forest resources through traditional institutions and regulations have always resisted state authority over forest resources. In fact, non-participatory approaches failed to stop forest depletion, and the deforestation rate in Pakistan became one of the highest in the world. At the same time, conflict and confrontation between the state (represented by the Forest Department) and local people increased (Geiser 2005). The state was perceived to be playing a controlling role and to be in competition with the interests of local people.

In response, a system of participatory forest management was introduced in some parts of the province around 1996, through donor-funded projects. Under this system, the state was to perform a facilitating role. Village-level committees were instituted and authorised to join Forest Department officials in the preparation and implementation of local resource use plans, the execution of development activities, and other tasks.

However, studies by Steimann (2003) and Shahbaz (2007) indicate a significant lack of trust and interaction between local people and the state Forest Department, even after the implementation of joint forest management systems in some areas. Historically rooted mistrust between local people and the state, on the one hand, and the unwillingness of actors with great bargaining power – such as officers from the Forest Department – to devolve power, on the other hand, contributed to the failure of the participatory approach.
State-initiated decentralisation of forest management has not overcome these tensions. For one thing, it does not take account of traditional forest use practices (*rivaj*) but maintains state authority. Moreover, it has not overcome traditional access discrimination among local people. One of the main reasons for the failure of participatory forest management projects, therefore, is the Forest Department’s lack of sensitivity to customary local practices.

Political will is indispensable for successful decentralised forest governance (Agrawal and Ribot 1999; Ribot 2002, 2004); without it, state control over resources will simply be strengthened. In the case of the NWFP, basic reality suggests that the state, represented by the provincial Forest Department, is reluctant to change its top-down form of governance and attitude, and is thus unwilling to give local people more say in forestry-related issues. Trust between the state and local actors can only be strengthened if a genuine participatory approach is taken in such a way that local institutions are given the right to manage the forests through locally defined by-laws and customary regulations. The state needs to change its role from controller to facilitator.

### 19.3.2 Governance of conservation areas in Nepal

Governance of conservation areas in Nepal is a vivid example of interaction between horizontal and vertical public legitimacy. Empirical studies by Upreti (2004, 2009) on the management of the Koshi Tappu Wildlife Reserve (KTWR), situated on the eastern terai plains near the border with India, and the findings of Gurung (2006) on the Kangchenjunga Conservation Area Project (KCAP) in Taplejung District illustrate the distinct character of the controlling state and the facilitating state, respectively.

In the KTWR, the reserve authority took an authoritarian approach characterised by force and rigid legal control. The role played by the state exacerbated livelihood insecurity and vulnerability among poor people residing in or around the protected areas. Local people had earned livelihoods from fishing, driftwood collection, harvesting of thatch grasses, hunting, and other forms of use in the KTWR area prior to the establishment of the KTWR. After the establishment of the KTWR, the National Parks and Wildlife Conservation Act prohibited the following activities: poaching of wildlife; construction of houses, huts, shelters or any other structure from any material; occupying any part of the land; uprooting plants; cultivating or planting and cutting of plantations; access to drinking water or grazing for domestic animals or birds; chopping, lopping, dismantling and blocking trees, plants and
bushes; arson or damage of any kind to forest products; mining, stone exca-
vation, or displacement of mining resources, stones, boulders, soil or other
similar resources; carrying or using arms, ammunition or poison; transport-
ing domestic animals and dead or live wildlife or wildlife body parts, except
by regular wayfarers or government officers; and blocking, diverting, or
placing hazardous or explosive materials in rivers, streams or water foun-
tains. Section 4 of the Act prohibits entry into the national parks and reserves
without prior approval in writing from the authorities concerned. Similarly,
the Act empowers the authorities concerned to inspect, search and arrest vi-
olators of the Act even without a warrant. The reserve authority used a heavily
top-down and coercive approach in executing these provisions. This has not
only caused severe livelihood insecurity but has also become a perennial
source of conflict between the reserve authority and local people.

Many people in Nepal live within the boundaries of protected areas. In light
of the increasing number and size of protected areas and changing societal
needs, Gurung (2006), in the case of the Kangchenjunga Conservation Area
Project, examined how the livelihoods of local people could be enhanced
without compromising protection of biological diversity. The results of his
study show that people-orientated participatory conservation projects can
successfully reconcile conservation with the livelihood needs of local peo-
ple, through long-term interventions that carefully integrate development
issues into conservation strategies and can be implemented in a transparent
manner and facilitated skilfully through local institutions.

The participatory management approach adopted in the Kangchenjunga
Conservation Area, integrating the livelihood needs of local people, was
successful (Gurung 2006) mainly because it made special provisions to
include people in project planning, implementation, monitoring, and benefit
sharing. By contrast, the KTWR, managed by the government through con-
trolling mechanisms (laws, use of force), led to long-term conflict between
the park and the people (Upreti 2009).

It is apparent from the above discussion that the approaches used by repren-
tatives of the state (conservation management authorities) largely deter-
mine whether there is conflict or cooperation between local people and the
state. If state representatives have an open attitude and promote both vertical
and horizontal engagement in managing natural resources, there is less con-
flict and problems are solved through dialogue, collaboration and coopera-
tion, as in the case of the KCAP. Tension, conflict and mistrust are high when
state representatives use coercive, top-down and exclusionary approaches, as in the case of the KTWR.

19.3.3 Indigenous people and their relations with the state and forest resources in Kerala, India

The Paniyan are the largest community among the marginalised Adivasi (tribal) segment of the population of Kerala. They reside in and around the Wayanad region, a place known historically for coexistence of Adivasi populations and the forest. All Adivasi groups in the region used to be traditional forest users. They enjoyed open access to forests until the onset of the colonial regime, which brought the forest under the ownership of the state and local elite families, thus initiating ‘systematic’ control and use of forest resources (Logan 1992; Nair 2000).

Tribal populations and their subsistence-based relationship with the forest were not given priority in successive laws, even after the formation of the State of Kerala in 1956. The state’s conservative policy regime perpetuated control through a hierarchically ordered departmental structure. Furthermore, large-scale migration of small-scale farmers from the Kerala plains to the Wayanad region in the 1950s and their clearing large tracts of forestland to cultivate commercial crops severely constrained relations between the Adivasi and the forest. A strong nexus was developed between the migrants, the dominant political and religious forces, and government officials, who disregarded the interests of the marginalised Adivasi.

In 1990 the central government initiated the policy of Joint Forest Management (JFM), which was implemented by the government of Kerala in 1998, coinciding with the People’s Plan Campaign launched by the leftist democratic front government (Issac and Franke 2002). The primary unit of local level participation in JFM was the Vanasamrakshana Samithi (Forest Protection Committee), an association of people dependent on forests, NGOs, individuals interested in the conservation of forests, a forester or guard from the Forest Department, and a member of the local Panchayat (local unit of self-government). The expansion of modern governance and a market economy based on commercialisation of the forests and cultivation of plantation crops have forced further changes in the livelihoods of many forest-dependent Adivasi (Nair et al 2007).
Our research looked into local practices of decentralised resource governance and management in relation to the livelihood experiences of Adivasi, mainly forest-dependent members of the Paniyan community. We found that local governance practices do not include the Adivasi in natural resource management and decision-making processes. Present failures in decentralised resource management can be explained in terms of poor representation and participation of Paniyan in democratic bodies, along with a low level of accountability in governance. Participation by Paniyan in public decision-making is virtually nil.

Lack of trust in public administration and alienation from forest resources has resulted in conflict among the Paniyan. A Paniyan explained, “Government has no land when we demand […] why don’t they see this forest? […] they had given it to nattukar [settlers]. Why don’t they give it to us? If they give us this forest land, we will also clear it and do cultivation as they have done […] we can cultivate coffee, pepper and all […]” At present, the Paniyan are seeking greater access to forest resources and participation in governance processes.

19.4 Analysis and discussion of empirical results

The three cases discussed above raise several issues related to resource governance and associated conflict that are summarised in the following sections.

Effects of state characteristics and legitimacy on resource governance and conflict resolution: The cases of the KTWR (Nepal), Kerala (India) and the NWFP (Pakistan) demonstrate that social tensions and conflicts are inevitable when states opt for centrally controlled governance of NR and treat local people merely as resource users rather than as managers and owners. Governance of natural resources is largely shaped by the degree and intensity of interactions between resource users and the state. Examination of the two cases of protected-area management (KTWR and KCAP) shows that when the state opts for a controlling approach to resource governance through imposition of law and the use of force, the vertical legitimacy of the state diminishes and conflict escalates (in the case of KTWR). But when the state interacts with resource users and serves as a facilitator, it promotes both horizontal and vertical legitimacy, thereby making resource governance effective. Hence it was concluded in all three cases that the characteristics of
the state have a direct relation to effective governance of NR and resolution of associated conflicts.

**Role of the state in managing NR and addressing related conflicts:** The cases of the NWFP, Kerala and the KTWR show that high vertical and low horizontal public legitimacy result in deep-seated conflict and tension, whereas the case of the KCAP (Nepal) illustrates that balancing horizontal and vertical public legitimacy in governing protected areas minimises conflict and supports the livelihoods of users. Hence it can be generalised that the state has a fundamentally important role in achieving sustainable management of NR and resolving associated conflicts. The study by Matthew and Upreti (2005) also demonstrates that environmental stresses created by poor environmental governance on the part of the state were one of the fundamental causes of the armed insurgency in Nepal.

**Relationship between legitimacy of the state and decentralised democratic resource governance:** The case of the KCAP in Nepal demonstrates that decentralised democratic resource governance is directly related to the legitimacy of the state. If the state plays the role of a facilitator rather than a controller, resource governance is more democratic and decentralised. In contrast, the cases of the NWFP and Kerala show that if people do not trust the state, decentralisation does not work. Protected-area management in the KCAP illustrates that decentralisation, democratic governance practices and democratic processes function well together and are closely interrelated.

**Factors determining the ability of the state to mediate:** People’s sense of belonging to the state, and trust in the state on the part of resource users, are crucial factors that enhance the state’s ability to mediate. The other factors are the willingness of the state to empower resource users by providing a decentralised legal framework, conducive policies, and responsive institutional arrangements. State engagement with resource users in terms of interaction and collaboration are important factors that determine the state’s ability to mediate. In examining the relationships between resource governance and resource conflict in Nepal, Upreti (2004) found that strengthening people’s access to decision-making processes also strengthens the state’s ability to mediate and vice-versa.
19.5 Conclusions

Our research illustrates that the state has an important role to play in effective community participation in natural resource management. In this context, the concept of vertical and horizontal public legitimacy is a powerful approach for analysing livelihood-based resource governance and resolving associated conflicts. The strengths of this approach are that it closely represents people’s perspectives on resource governance and also provides a conceptual framework for examining state characteristics (controlling or facilitating) and performance (functioning of state institutions, use of laws and regulations, erosion of people’s trust in the state, etc.). However, this approach also has some weaknesses. One is its silence about the technical aspects of resource governance. Forest management and protection are highly technical processes, and sustainable governance of NR depends upon combining social and technical aspects.

From a comparison of cases of resource governance in Nepal, Pakistan and India, we conclude that decentralisation of resource governance should be democratic, and that decentralisation alone is not enough. Conducive policies, responsive institutions and appropriate operational mechanisms are equally important to make decentralised resource governance successful (Figure 2).
When analysing cases in South Asian countries, it is not appropriate to generalise with regard to the standard characteristics of a state. The same nation-state can be found to have controlling and facilitating governing characteristics. For example, the government of Nepal demonstrated a facilitating quality in managing the KCAP, whereas it took a very controlling approach to managing the KTWR. Therefore, the notion of characterising a country as a failed, fragile or transitional state is too simplistic.

In the NWFP, local social realities were not taken account of in the decentralisation of forest management. Trust and confidence can only be built between state actors and local communities if real decentralisation takes place and the state plays a facilitating rather than a controlling role. In such cases, local, clearly defined social entities are given the right to manage forests according to locally defined by-laws. This has not yet been observed in the NWFP.

The interrelationships between resource governance and state legitimacy in resolving or creating conflicts over NR are complex and require further research and analysis. Some of the questions that merit further examination are: a) Why do some state structures collaborate with local people in managing NR and in resolving associated conflicts while others ignore, refuse or resist such collaboration? b) What power relations, negotiating processes and decision-making processes exist among involved stakeholders at different levels (intra-household, regional, national, and global) in the context of natural resource management?
Endnotes

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5 “[... ] a general conceptual framework for addressing the evolution and organising principles of governing processes in a society. It refers to the ways decisions are taken and implemented, and takes into account formal as well as informal arrangements and actors” (Hurni et al 2004).

6 See http://nepal.panda.org/our_solutions/conservation_nepal/kangchenjunga/
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Publications elaborated within the framework of NCCR North-South research are indicated by an asterisk (*).


