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*Multi-functionality of water and environmental peace building: Reflections from Nepal*

### **1. The context**

Nepal is in transition from a decade long armed conflict (1996-2006) and is forging a basic process of transformation. Environmental stresses, skewed distribution, unequal access and poor governance of natural resources (particularly land, forest and water) are becoming both sources of tension and conflict as well as means of cooperation since long time. Later, they were identified as some of the major causes of the armed conflict in Nepal (Matthew and Upreti, 2007; Upreti, 2004a and 2004b; 2009). However, environmental and natural resources also became inspiration, means and mechanisms of peace building and conflict transformation. This brief paper quickly reflects on the contribution of environmental and natural resources in peace building with special reference to water. This focuses on the specific questions: what lessons (both positive and negative) were learnt, what barriers were observed how linkages among different levels (individual to international) and issues (environment, development, conflict and peace) were established.

The relationship between the natural resource scarcity, demographic pressure and armed conflict are well established in Nepal (Matthew and Upreti, 2007). Water was one of the main content of conflict in Nepal. The major issues of hydro-conflict in Nepal are related to a) environmental concern versus economic concerns, b) water as basic rights (as every person has the right to access safe water) versus water as tradable commodity (subsequent water privatization debate), c) interest in the construction of

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big, risky export-led projects versus focus on small domestic consumption-oriented and less risky hydropower development, d) external political and economic interests versus internal need and interests, e) use for internal political bargaining and power relations.

Comprehensive Peace Agreement (21 November 2006) in its article 3.7 states to "... end feudal land ownership and formulate the policies for scientific land reforms." Similarly, article 3.10 states to "...adopt policies to provide land and socio-economic security to backward groups like landless, bonded labourers, tillers, Haruwa-Charuwa and other such groups, which are socio-economically backward". These provisions are fundamental instruments for collaboration among the state, resource users and their federations, civil society and international community.

Constituent Assembly of Nepal has created special thematic committee called 'Natural Resource, Economic Rights and Revenue Allocation Committee' to deal with natural resources and environment in new constitution. This is an excellent forum promoting contribution of environment and natural resources in peace building, developing mutual trust and confidence among the political actors and people.

Environmental peace building in this paper entails range of concepts, approaches, processes and activities that help transform conflict into peace through environmental cooperation (that includes building trust and mutual respect, facilitating dialogue, negotiation and improving relationship focused on environment and natural resources) (EcoPeace/FOE-ME, 2008).

Transboundary water conflict is not a new phenomena and Nepal is no exception to such a conflict. Hydro-tension between India and Pakistan in sharing the water of Ravi, Sutlej and Beas rivers of Pakistan and Indus, Jhelum and Chenab rivers of India reflected in Indus Water Treaty 1990; controversy on water sharing of Koshi, Gandak, Tanakpur and Mahakali between India and Nepal and the disputes between India and Bangladesh on lower riparian rights are some of the examples of transboundary conflict (Wolf, 2004; Upreti, 2009). Nevertheless, there are ample evidences that transboundary water resources can serve as means of cooperation (Phillips *et al.*, 2006; Wolf, 2004). Water diplomacy has also contributed to resolve these tensions to cooperation in Nepal (e.g., collaboration in jointly constructing bigger hydropower project).

## **2. Reflections on the ‘direction setting’ paper of Professor Wolf based on experiences of Nepal**

The paper entitled ‘The enlightenment rift and peace building: Rationality, spirituality, and shared waters’ by Professor Wolf is conceptually enriching and interesting. In this section, this paper quickly presents the Nepalese reality by using the concepts used in the paper of Professor Wolf. As argued in the paper, numerous cases of water related cooperation over water conflicts are observed in Nepal, particularly prevalent at community levels. As argued in the paper, analysis of water conflict and cooperation from the spirituality point of view, what Wolf calls ‘enlightenment rift’, is still missing in Nepal. It is so despite the strong existence and influence of spiritual dimension in water management. In the later decades (particularly after 1950), the North/West notion of ‘economic rationality’ is much dominant in water governance and conflict resolution, once the role of state became more prominent over community management. The challenge faced by globally recognized ‘Farmers/community Managed irrigation Systems’ in Nepal (Pradhan, 1989) is an example of such an ‘economic rationality’ approach. Reviving debate from ‘individual rights’ to community need and equity with civic responsibility is essential to tackle some of the water related challenges generated from the economic rationality approach of development. Historically, holistic view and integrated approach of managing natural resources was strong in Nepal but overtime the ‘economic rationality’ approach, which, according to Professor Wolf, is an approach dominated by West/North. The western donors (bilateral and multilateral, mainly banks)-led natural resource management (NRM) projects based on the economic principles have very much affected the indigenous practices of resource management and benefits sharing (Shrestha, 1997). Hence, ‘reconnecting process with spirit’, as presented by Prof Wolf through integrating rationality and spirituality (‘enlightenment rift’ as he says) will hopefully promote water cooperation and minimize water conflict in Nepal and South Asia in general. This is also vital in point that this region is becoming one of the flashpoints for water conflict (Upreti, 2008; Rotberg and Swain, 2008). One of the major sources of the armed conflict in Nepal was centralized management and power-centric, skewed distribution of natural resources (Upreti, 2004; Matthew and Upreti, 2005) where equity principles and positive sum outcomes were largely ignored.

As argued by Prof Wolf, in Nepal, there are numerous evidences of local perception of natural resources as god-gifts. Therefore, such resources are to be respected (for example, giving drinking water free of

cost, protecting trees, keeping water free of pollution, protecting land and soil are perceived by people as opening of the way to heaven after one's demise). Hence, traditional or indigenous natural resource management and conflict resolution systems were very much guided and shaped by these perceptions, which are very much different than the current economic rationality based and legally engineered systems.

Nepal has a rich historical tradition of conflict resolution shaped by the desire for social harmony and co-existence. However, these informal practices are very much changed in these days' local power relations and political interferences. Formal involvement of state in conflict resolution through official procedures, such as government rules, regulations and laws, by using courts, polices, administrators are severely marginalizing the informal traditional conflict management practices in Nepal.

Historically, before the unification of Nepal, community organizations called *kulari* and *yug* did exist in some parts (Kaski and Mustang districts) of Nepal to resolve conflict. During the Lichhavi period (fifth to ninth centuries) in the Kathmandu Valley traditional institutions such as the *panchali* (a local mediator looking after social issues such as marriage), *birtawal* (local elite person having land entitlement from the rulers as recognition of services), *lingual* (who settled disputes related to land and irrigation), *mapchowk* (dealing with disputes between male and female), *mukhiya* (village chiefs), *bichari* (local legal administrators), and *pancha-bhaladmi* (a committee of selected village elders) were active (Sharma 2004). Provision of *pancha bhaladmis* (five local elites from the community responsible for dealing with local disputes), *dware*, *thari*, *birtawal*, and *mukhiya* (all forms of local headman and tax collectors); from the time of the Rana regime (1845-1951) were active in conflict resolution. Similarly, *jhankris*, i.e. mediums and shamans, were also working for dispute resolution (Upreti 2004).

A local conflict resolution system called Ghatu (responsibility assigned to a trusted individual by the community to resolve social disputes) did also exist in Nepal. Local people engaged in disputes used to make complain and then the Ghatu did invite villagers to the meeting as witnesses, interrogate the disputants to find the actual cause of conflict, seek opinions of local people, use 'truth revealing materials' (having spiritual values) which consisted of a water-filled cup, a lit oil-lamp, and flowers. Disputants then touch 'truth revealing materials' to prevent from giving false information. Ghatu used to

ask the witnesses to touch the 'truth revealing materials'. Then he did give verdict. The disputants often accept the decision so that they could maintain their social relations (as all neighbours attending the meeting were asked to abide by the decision). They did obey him also out of fear of sin for not abiding oneself by the decision. If one of the disputing parties disagrees with the decision of the Ghatu or felt that they were the victim of a poor verdict, he or she was referred to court. This method of dispute settlement existed in modified form until recently. In Kaski district of Western Nepal, "*Tamudhin*" (Gurung-gathering led by Jimmuwal/mukhiya), Magar-samaj and Thakali-samaj were active in resolving conflict in their communities. Likewise, 'Mukhiya System' (chiefdom) in lower Mustang and 'Raja system' in upper Mustang and Dhapa in Manang district were common arrangements of local conflict resolution at village levels. Similarly, Majhi, an indigenous community of fishermen and boatmen residing along the Tamakosi River, has a system of electing a leader known as Mijhar who takes care of the community, settles disputes, and guides younger people. All members of the community are supposed to respect his decisions. This is one of the most organized societies in terms of leadership and dispute resolution. This author has documented in detail about the local conflict resolution practices in land, water and forest resource as part of PhD research in Dolakha district<sup>2</sup> (Upreti, 2001). *Guthi* (a type of cooperative of Newar caste-ethnic group) is another powerful community institution resolving local conflicts in Nepal.

Spiritual and religious values attached with water in Nepal brought local communities together. For example, several spiritual and religious activities such as *Naag pooja* (snake worshipping), *Indra pooja* (worshipping the god of rain); recognizing rivers, land and vegetation as symbols of divine *shakti* (energy); polluting water as sin, have provided inspiration and spirit for cooperation at individual and community.

Customary water rights clearly provide framework of cooperation and means for conflict resolution (priority order in use of water: drinking water, irrigation and first access to children and women on drinking water from the source; prior right: to local over external, existing over new uses, etc.) (Upreti, 1999 and 2002). These all practices are reflection of what Wolf (2009:3) says 'integration of rationality and spirituality'.

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<sup>2</sup> This study was conducted in Dolakha district in 1999-2000 as the PhD research.

Multi-functional use of water (drinking, worshipping, purifying, irrigating, recreating hydropower generation) by community has provided strong livelihood base, spiritual means, economic recovery, social harmony and platform for confidence building among the conflicting parties during the troubled times in Nepal.

Nepal is in the beginning of exploring the potentials of environmental peace building in its national peace building efforts, lessons and experiences of other countries and cases would be quite useful. In this aspect, Nepal can greatly benefit from some of the important works of Wolf (1998, 2000, 2002, 2003, 2004, 2009), Wolf *et al.*, (2005), Bingham *et al.*, (1994), Carius *et al.*, (2004), Conca and Dabelko (2002), Phillips *et al.*, (2006), Dabelko (2001), Buckles (1999), Matthew *et al.*, (2001), Delli *et al.*, (2008) and many other scholars.

### **3. Lessons learnt**

Some of the lessons learnt from the engagement (teaching, research and practice) in resource conflict and environmental peace building in Nepal are:

- Exploiting potentials of water and other natural resources for cooperation or creating conflict very much depends upon governance practices over them, institutional arrangement (centralized vs community owned), regulatory provisions (controlling or facilitating in nature), level of awareness and organization of users (effective on exerting pressure over warring parties for cooperation, if users are more aware and organized in strong networks like Federation of Community Forest Users of Nepal (FECOFUN), Irrigation/Drinking Waters Users Association, etc) and international pressure (aid conditionality, investment priority, expatriate inputs and interests). Hence, success of environmental peace building depends very much upon the concerted efforts. In addition, strong functional network of users organizations is important in addressing conflict, promoting cooperation and strengthening peace building,
- Spiritual dimension is important in resolving conflict over natural resources at local level and creating conducive environment for environmental peace building. Innovative approaches of community management of resource have been widely documented (Ostrom, 1990; 1992) and also recognized globally. It became possible once the Nobel Prize for economics was awarded to Elinor Ostrom in 2009 for her work on community resource management innovations. Experiences of Nepal show that

community resource management is highly politicized and become source of conflict from politically motivated and biased activities guided from vested interests. But it can be changed from the concerted efforts of users and their federations working together with civil society, media, researchers and international community. It takes quite time and efforts to change or minimize politicization of natural resources and environmental services and to make decision makers and politicians realize their instrumental roles in addressing societal need, communal responsibility and humanity.

- Specially created context-specific national structures such as Natural Resource, Economic Rights and Revenue Allocation Committee of the Constituent Assembly, Peoples Parliament for Natural Resources are effective to build national consensus, promote shared vision and pave path for concerted action on dealing with environment and natural resources.
- Experiences of Nepal show that environmental peacebuilding is a social learning process and possible through trust and relation building, shared goal, strengthened network, and concerted action. Negotiation on the several contentious and controversial issues such as inter-provincial water sharing or land reform or sharing of natural resource-based revenues by various provinces were settled through constant engagement in multi-stakeholders multistage negotiation process (see Annex 1 for a successful case). Multi-stakeholders multi-stage negotiation process mainstreams diverse perspectives, opinions and options into a consensus-oriented common agenda and national opinion making.
- Environmental peace building is not a linear process to be settled only by the state. Instead, it is a continuous process and requires constant and concerted efforts of all stakeholders (politicians, policy makers, civil society, researcher, users federations), resources (knowledge and evidences, time and finance) to have achievement long lasting. Nepal's relative success confirms that such multi-stakeholders initiative for environmental peace building is possible but it needs key initiators (committed facilitators of the process) to make multi-stakeholders multi-stage negotiation successful.
- Research/evidence-based information is crucially important to change the status quo and explore alternatives and options in the process of complex negotiation. Social learning is expanding natural resource management in Nepal and it can be expanded to the environmental peacemaking.

- State or NGO initiated community mediations initiatives are successful if they are connected with existing community structures (users' committees, mothers' clubs, and religious committees), and if they use locally available knowledge and resources.
- Nepal has great potential for mobilising the ethical, spiritual and religious richness in environmental peacemaking, community harmony and reconciliation but effective use of these potentials depends on the realization by political decision makers.
- In Nepal, some components of the 'four stages of water conflict transformation' model of Prof Wolf are in practice. Based on the Nepalese experiences, this model could greatly contribute to develop holistic understanding and practical implementation of conflict transformation strategy in natural/environmental resources.

## **2.2 Barriers**

- Lack of political understanding on
  - a) potentials of natural resources for environmental peace building,
  - b) non-conventional security issues (e.g., environmental security, food security, energy security, etc.) as integral part of security agenda of the nation, and
  - c) interconnectedness of natural resources and environmental/ecological services for long term sustainability (attitude to concentrate on immediate benefits at the cost of long-term priority).
  - d) Importance of spiritual, religious and ethical aspects in environmental peace building (which is really obstructing politicians' personal transformation which is crucially important for higher impact)
- Poor integration of natural resources and environmental considerations into national peace building agenda and interventions such as peace policy, regulations and institutions, Peace Trust Fund, peace dividend packages, etc.



- Lack of transparency in decision making, weak implementation and selective enforcement of laws are hindering to promote or exploit potentials of water and other natural resources in peace building and cooperation
- There is not sufficient knowledge and information base on environmental peace-making in Nepal. This subject is relatively new and very few people are engaged in this area. Lack of enough research and documentation, lack of dissemination of sharing of whatever is done in this area and lack of public interests/understanding is one of the major challenges to promote environmental peacemaking in Nepal.

### **2.3 Linkages**

- Individual, community and national linkages are promoted through national structures. For example, Ministry of Peace and Reconstruction is national institutional arrangement for promoting peace-related activities from local to national level. The Constituent Assembly and its thematic committees are powerful mechanisms linking individual to community and national level. Another mechanism linking local to national level is Nepal Peace Trust Fund whose mandate is to support peace initiatives in the country. Similarly, representation of environmentalists, and NRM experts in Constituent Assembly or their use in the constitution making process as resource person. International conventions and laws related to environment and natural resources (such as Convention on Biodiversity, International Labour Organization Convention No. 169, etc.) link to national and international level.
- At the individual level, the interests of researchers, students and practitioners on engaging in the environmental peacemaking debate are gradually growing. Some of the nationally established scholars and practitioners have brought the environmental peacemaking debate into national agenda, feeding up to the constituent assembly and parliament as well as political level.
- At the community level, the most advanced form of linkage is the user communities related to various natural resources (e.g., forest users' groups, water users' committees, mothers' clubs, conservation committees, etc.) and their contribution to conflict resolution (with engagement in addressing root causes of conflict) and peace building (mainly advocacy and exertion of pressure to political parties). Similarly, Local Peace Committees are effective institutional arrangement created to promote peace and reconciliation at local level which exist in all districts of Nepal.

- At national level, several initiatives from the federations of natural resources users such as Federation of Community Forestry Users of Nepal, Himalayan Women's Network for Natural Resources, Federation of Water and Energy Users' Associations of Nepal, Irrigation Water Users' Association of Nepal, Association of Drinking Water Supply and Sanitation are on works.
- In terms of topical link, climate change risk is becoming major connecting factor for development-environment-conflict. The water pollution, land reform, inter-provincial sharing of water resource in new constitution, sharing of natural resource-based revenue between the provinces and the centre are some. Besides, expanding property rights regime is an additional topical links. Earlier there was only individual and state rights articulated in the constitution and now the intense debate is going on to include community rights once there was the successful management of forests by communities.
- Post conflict reconstruction and development is becoming another major link among peace, conflict and development. In specific, hydropower development is becoming top priority in post-conflict situation in Nepal and is considered to be the most important means for improving livelihood, economic recovery and growth. It is also taken as a means to address root cause of conflict (poverty) by generating massive employment. Rural reconstruction and rehabilitation project supported by basket fund of international community is another link between local to international actors and different topics such as road, suspension bridge (transport network) drinking water.

### **3. Conclusions**

Natural resources in general and water resource sub-sector in particular have great potentials and opportunities to contribute in peace building and conflict transformation. However, it requires change in current mindset of political decision makers, existing resource governing system and related legal arrangements, bureaucratic reorientation and institutional reframing in the changed political context.

Environmental peace building is a new issue in Nepal. There is lack of understanding and insufficient research and awareness. This is consequently hampering the use of huge potentials existing in Nepal to promote environmental peace making.

Natural resources users' committees and their federations are emerging as powerful actors in NRM and their strengths can be mobilized for environmental peacemaking, which is largely underutilized so far. They can also serve as platforms for concerted action, collaboration and negotiation.

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### **Annex 1: A multi-stakeholder negotiation process for natural resource governance in Nepal: Case of Peoples Parliament for Natural Resources**

This case presents a multi-stakeholders multi-stage negotiation process facilitate by People's Parliament on Natural Resources (PPNR) to address natural resource governance issues and other natural resources in new constitution of Nepal. PPNR is a loose voluntary forum represented by leaders of political parties, members of Parliament/Constituent Assembly (CA), researchers, academics, students, professional experts and practitioners, natural resource users and their federations (e.g., Federations of Irrigation Users, Federation of Community Forestry in Nepal), journalists, entrepreneurs (NTFP entrepreneurs, hydropower developers and engineers), businessmen. The main objective of the PPNR is to contribute for improving the governance of natural resources focusing to water, land and forest resources through policy debate, discussion, mutual learning and sharing experiences. This forum organises thematic and process oriented debate and discussions with concerned actors. In this case I am sharing a multi-stakeholder negotiation process for natural resource governance in Nepal to be incorporated in the new constitution to be promulgated by the Constituent Assembly in May 2010.

As Nepal is transforming from centralised, unitary monarchical state to a federal, inclusive and republic and the new constitution to be written by the CA has to institutionalise these changes. The governance of natural resources particularly sharing of water resources between the different provinces in the new federal country is one of the most contentious, confusing and unclear issues during the constitution making process. Hence, PPNR took initiative to facilitate the informed debate and discussion by bringing all stakeholders in multi-stage process. While experts (specialising on NRM, constitutional law, resource conflict, environment, pollution, engineering, enterprise development, institutions, political sciences, sociology, etc.) were presenting the issues related to natural resources governance, the CA members, politicians and bureaucrats were commenting and vice-versa. In this way, in series of meeting, discussions and workshops wider issues related to natural resource governance and inter-provincial water sharing in new federal political system were discussed, external experiences were shared and understandings were reached. The issues identified, discussed and agreed in these series of meetings and workshops was presented at the national workshops by inviting the Chair of the Constitutional Committee, CA members and all other concerned stakeholders, which have to be addressed by the new constitution and later by the forthcoming provinces. The final product was handed over to the Chair of the CA and circulated widely to the concerned citizens. This process was also widely covered by national media. This outcome was used by the State Restructuring and Resource Allocation Committee; Minorities and Marginalized Communities Right Protection Committee; Natural Resource, Economic Rights and Revenue Allocation Committee and National Interests Protection Committee of the Constituent Assembly and currently it is in the discussion in the full house of the Constituent Assembly. Prime Minister and other concerned ministers have also taken this initiative positively and supported the process.

Some examples of the contents discussed and agreed on these negotiation meetings were related to transboundary water sharing between the provinces, priority of water use (drinking water, irrigation, hydropower, recreation, etc.), water negotiation with India and water diplomacy, inter-state water dispute settlement arrangement in federal system, water rights, water management and governance regimes, users associations and their relation with state.