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Forests in Uttarakand

Members of the jury and the friends, I make my deposition before you as a Sarpanch (or Forest Council head) of a Van Panchayat¹ from the state of Uttarakhand. This new Himalayan state, once a part of the state of Uttar Pradesh, was formed in 2000, as result of a long sustained struggle, the primary demand being the control over the natural resources of the region - 'jal, jangal and zameen', which is land, water and forests- by the local population. However, instead of increased control and ownership over our forests, policies and programmes continued by the new state at the behest of the World Bank, have not only increasingly eroding the existing relationship communities have with their forests, but are becoming instrumental in dismantling the only legally mandated democratic people's institution whereby communities own and govern their forests. These policies and programmes are undermining their authority and are thrusting the Van Panchayats into the market mode, despite claims to the contrary of empowering local forest users.

The state of Uttarakhand today has over 15,000 legally demarcated village forests managed by democratically elected Van Panchayats, virtually one for each revenue village. Though Van Panchayats have been in existence for over 7 decades, around ten thousand van panchayats were constituted after the formation of the new state, some of which still exist only on paper or are too small to be viable forest lots. Through these panchayats, village communities are mandated to govern and use these forests as a common property resource for subsistence needs of the community. The very genesis of the Van Panchayats² was the result of a long struggle against the Colonial exploitation of

¹The institution of Van Panchayats was created in response to protests against forest reservation through notification of the Kumaon Panchayat Forest Rules in 1931. Although it has undergone several changes since, it remains a unique example of community based forest management in India possible under section 28 of the Indian Forest Act, 1927. These forests are demarcated as village forests under the Act and are entered in the land records in the panchayat's name.

² At the turn of the previous century, reservation of forests under colonial rule was met with stiff resistance by the peasantry who set the commercially valuable pine forests on fire in protest. To contain the unrest, the colonial government was compelled to withdraw

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the Himalayan forests over a century ago. The British colonial rulers had to finally concede that, for mountain communities these forests were critical to survival and for meeting their basic livelihood- of fuel, fodder, water and subsistence livelihoods. Forests were reverted back to the community as Van Panchayats.

The Van Panchayat I represent, was formed in 1949. The journey from 1949 to 2007 is an interesting one. The juncture at which we are presently located is rife with growing contradictions and conflicts. We have, over the past 6 decades have managed our forest to a fair degree of success, despite the contractor Raj, and the increasing state control through changing rules governing the management of these forest. The Van Panchayat remains a viable forest which provides for our basic survival needs. In the high altitude valley of the Gori river basin, located at the Nepal, Tibet and India trijunction in the Greater Himalaya, with a population that is highly dependent on these forests and from where I come, a significant proportion of land, at 64% is under the Van Panchayats or is managed and used as a common property regime. Like elsewhere in Uttarakhand, this region too has an agro-pastoral economy that is still predominantly subsistence based and forest dependent³. Yet, the government has systematically gone about dismantling the manner in which the communities have managed this common property resource. This is being done through implementation of policies and programmes, as mentioned by the the earlier speaker as well, in the name of forest management through the introduction of the Village Forest Joint Management Programme (VFJM), and then continuing in the same vein once VFJM was closed down in the Himalayan state of Uttarakhand.

The VFJM was an important part of a bigger forestry project being financed with a World Bank \$65 million loan over the period 1998- 2002. The World Bank project simply assumed the desirability of importing the standard JFM⁴ model from other states into Uttarakhand, with all its shortcomings, instead of supporting a strengthened Van Panchayat framework. Through VFJM introduced under a World Bank funded forestry

the forest department from over 50% of the new reserves, restore people's rights in these areas (while simultaneously converting them into open access) and create legal space for community based forest management through the institution of Van Panchayats.

3 Whereas only 12.5% of Uttarakhand's geographical area is private cultivable land, 67% of it is legally classified as 'forests'. Of area classified as 'forest' 68.9% is under the Reserved Forest Category managed by the Forest Department, as opposed to Van Panchayats that are managed by the mountain dwelling communities.

4 Unlike in other states in the country where space was being created for villagers to participate in management through JFM on Reserve Forests under departmental jurisdiction, in Uttarakhand it was done on the autonomous and democratically run Van Panchayat Forests.

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project, the Forest Department was being empowered to reassert control over Van Panchayat forests and civil/soyam lands, the only surviving village commons. Even more significantly, by bringing Van Panchayats within the fold of forest department-controlled Joint Forest Management (JFM), the World Bank programme also subtly transformed their status from rights-holders to 'beneficiaries'.

Our Van Panchayats, like many others, had since its establishment, survived multiple obstacles and challenges to their authority, albeit in a weakened state. Faced with a new threat from the introduction of Village Forest Joint Management (VFJM), in 2000-2001 in Uttarakhand, many Van Panchayats, including the one I represent, opted not to participate in the programme. In the name of promoting 'people's participation', village forests joint management being introduced in Uttarakhand was creating space for the Forest Department to intrude on the only existing example of reasonably autonomous legal space for community forest management in India.

The practical effect of VFJM was to transfer even more authority to the state at the expense of forest dependent villagers. The Uttar Pradesh 'Village Forests Joint Management Rules' (VFJMR), 1997 enabled the department to become the dominant partner in the management of Van Panchayat and civil forest lands.

The VFJM programme failed to enlist all Van Panchayats to adopt it voluntarily, as it became clear that as per its Rules, there would be a significant loss of decision-making space for local villagers and a highly negative impact on collective choice arrangements, undermining of the authority of Van Panchayats as well as informal community management.

But then of course, JFM was wound up in the state. Instead, the rules of the game were changed, and the JFM rules were now changed into Van Panchayat Rules. This significant change was widely resisted by Van Panchayat Federations and civil society groups in the state. The new 'Panchayati Forest Rules' of 2005 are in effect the very Rules of the rejected VFJM. As a result, Van Panchayats no longer have the choice anymore of opting out of the market oriented programmes, as the very Rules that govern its functioning are in the mold of World Bank policy directives and interventions.

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The Rules that now govern our Van Panchayat are essentially forcing the Van Panchayats to conform to working in the project mode. No longer subtle in its approach, the new Rules now reduce right holders not just to 'beneficiaries', but to wage labourers or mere manager, at best. Instead of devolving greater authority and decision making control to autonomous self governing institutions, now the forest guards are being placed inside them for extending the Forest Department's control over their functioning. This shifts the accountability of these institutions from villagers to the Forest Department, threatening their sustainability and further diluting communal property rights. We now have to make five year micro plan, which have to receive the stamp of approval by the District Forest Officer, and if you do not conform to the larger market friendly management plan drawn out by the Forest Department, the democratically elected forest council can be dismissed by a bureaucracy. Van Panchayat can be dismantled and all resources can be taken away by the Forest Department and they can run a program as they deem fit. The process of reducing the villagers' role from being responsible for forest management to providing information for preparation of the microplan and working as paid labour for forestry operations was set in place through the World Bank funded VFJM and now has been adopted in toto to govern Van Panchayats in Uttarakhand. The decision-making autonomy of Van Panchayats is now "subject to the supervision, direction, control and concurrence of the Divisional Forest Officer.

On the one hand, the state through policy and bureaucratic interventions at the directive of the World Bank, is forcing the communities to open up these last community managed forests to market forces. Whereas bureaucratic structures are being dismantled with the shift to a market economy, bureaucratic controls are being extended inside forest dependent villages in the name of decentralisation and devolution. On the other hand, using the rhetoric of enhancing livelihood options for the poor forest dependent communities, especially women, the Forest Department making all the old and newly formed Van Panchayats open up their forests to the markets. The Rules of 2005 states, in the name of self help groups, women's groups, and user's groups, that the people can enter into partnerships with other private parties in the use of their forest in order to extract natural resources for distant and global markets. In other words, this common property resource is being encouraged to be apportioned and converted into private property in the hands of a few who will deal with the market. From legally designated right holder, women will in effect become cheap labour for extraction form these forests.

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Women forest users' priorities still remain to increase the direct use values of their forests. An improved quality of life through easy access to fuelwood, fodder and water, and ecological security still precedes considerations of income from sale of forest products. This shift in management priorities for increasing monetary income would impact their access to requirements for daily subsistence and their work burdens. Set in the wider historical and cultural context, it indicates how such policies, in collusion with markets and in combination with the need for uniformity when implementing large projects erode and eventually destroy the great diversity of existing local institutional arrangements. The poor, and the women, increasingly targeted as primary project beneficiaries, are often left further disempowered. In such a situation, we will virtually be forced into agreements of various kinds with big and small private market players. As a result, the only legally mandated, community owned and managed forests and the common property resource is intended to eventually end up in private hands and at the mercy of market forces. This I submit, is by design, and has been built up to in Uttarakhand, as we see this pattern in all other areas where natural resources are privatized.

Yet despite the imposition of crippling bureaucratic controls on their functioning, a large number of Uttarakhand's Van Panchayats continue to struggle and survive as self-governing community forestry institutions. Where livelihood and ecological dependence on forests remains high, they have managed to retain reasonable control over decision making and fulfillment of subsistence needs. In the face of growing shift to a global market driven 'development' where our forests, rivers and lands are up for grabs for commercial exploitation, it leaves with no other option but to continue our struggle to assert our right over our forests that sustain and nourish us, just as the mountain dwelling communities in this part of the Himalaya were forced to wrest control back from the British colonial rulers a century ago. Only, this time around it is happening at the behest of the World Bank and its latest attempt in a long series of policy interventions policies that responsible in alienating us from our forests.

Thank you.