



Internal CEESP NRGF Background Brief #16

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Local Struggles for Rights and Governance Change

By *Tushar Dash*¹
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Relevance of the local struggles in influencing and shaping governance regimes

- Local struggles (and social movements) around issues of rights and community based governance by indigenous and local communities have played a key role in influencing and reforming governance of natural resources.
- These social movements have mostly emerged from struggles against the existing systems of governance of natural resources, including laws and policies, that have undermined and discriminated against customary land tenure and resource management systems, have expropriated and extracted community lands and resources without consent of local communities and have led to displacement and dispossession.²
- In the recent decades forest tenure reforms (through national legislations, judicial interventions etc) in many countries have come up in response to struggles by the indigenous and local communities to protect customary rights and community based systems of management.
- These struggles have mainly focused on the issues of security of tenure, legal recognition of community conservation initiatives and community based governance and are taking place in the context of intense neo-liberal politico-economic interventions focusing on resource extraction for mining and industrialization threatening rights and resources of the communities.
- While addressed to the issues of governance reforms these struggles also raise larger issues of social and political transformation.
- The local struggles are of many types. For example the struggles,
 - Represent or work with the most marginalized sections and vulnerable communities such as forest dwellers, nomadic and pastoralists, shifting cultivators,

¹ With suggestions and inputs from Dr. Neera Singh, University of Toronto

² UNPFII (2007c), paras 5-6, http://www.un.org/esa/socdev/unpfii/documents/SOWIP_chapter2.pdf

- have diverse institutional forms (mass based political organizations, civil society networks, campaign groups etc),
- are connected to different levels (regional, national),
- engage different strategies and tools (mass based actions, engagement with legislative and judicial process, social networks etc)
- focus on a diversity of issues.

Many of the local struggles have connected successfully to the political process and have influenced governance changes (e.g.the Campaign for India’s Forest Rights Act)

- There are many ways in which governance frameworks accommodate local aspirations as expressed in the local struggles and learn from existing local governance systems. One example of this is the enactment of India’s Forest Rights Act which is the result of a successful mass-based campaign (National Campaign for Survival & Dignity³) which linked up the forest dwelling communities in India with the policy process⁴. Post enactment the campaign and many other platforms (Community Forest Rights Learning and Advocacy Process⁵) are actively engaged with the FRA process and have helped communities to use the law to create the space and structures for a community based natural resource governance⁶. The campaign and CFR LA process link up to the local struggles and help in collective learning and advocacy. The ongoing local struggles in the context of implementation of the Forest Rights Act are leading to governance changes which build on customary rights and local systems and are reflecting in the following contexts and situations.
 - Community forestry areas
 - Protected areas
 - Bio-cultural territories
 - Landscapes accessed by pastoralists and nomadic communities
 - Community based governance of non timber forest produce
 - Assertion of legal rights to stop destructive projects in forest areas

³ Campaign documents can be seen at <http://www.forestrightsact.com/home>

⁴ For background on the campaign and enactment of FRA see 1) Kumar K, Kerr M J, May 2012, *Democratic Assertions: The Making of India's Recognition of Forest Rights Act*, [http://academia.edu/1259710/Democratic Assertions The Making of Indias Forest Rights Act2](http://academia.edu/1259710/Democratic_Assertions_The_Making_of_Indias_Forest_Rights_Act2))Springate-Baginski, Oliver., M. Sarin., S. Ghosh., P. Dasgupta., I. Bose., A. Banerjee.,K. Sarap., P. Misra., S. Behera., M. G. Reddy and P. T. Rao, August 2009, *Redressing 'historical injustice' through the Indian Forest Rights Act 200; A Historical Institutional analysis of contemporary forest rights reform*. Accessed at <http://www.ippg.org.uk/papers/dp27.pdf>

⁵ For details see <http://www.kalpavriksh.org/index.php/conservation-livelihoods1/16-networks/252-community-forest-rights-learning-and-advocacy-process.html>

⁶ To know more see Dash T & Kothari A, 2013, *Forest Rights and Conservation in India*in *The Right to Responsibility: Resisting and Engaging Development, Conservation, and the Law in Asia* published online by Natural Justice and the United Nations University – Institute of Advanced Studies (UNU-IAS) . Accessed at <http://naturaljustice.org/wp-content/uploads/pdf/Part%20II,%20Chapter%208.pdf>. See also Citizen’s reports on community forest rights under Forest Rights Act by Vasundhara and Kalpavriksh available at <http://fra.org.in/new/>.

Suggestions for NRGF:

- NRGF needs to build in a process of learning that connects to the various struggles going around the world to draw key learnings and insights relevant to progressive governance changes focusing on rights, equity and justice. Such learning and insights can be shared with other struggling groups and policy organizations for necessary changes. Specifically it will require the NRGF to build in principles supporting the role of local struggles and social movements influencing progressive changes and a specific process of collective learning and documentation of the struggles which could inform the governance and policy process.
- An important aspect for learning is also how progressive natural resource governance reforms intersect with the existing (and entrenched) power structures and relations and face resistance from national governments and bureaucracies that limit the implementation of these reforms. For example, recognition of rights under the Forest Rights Act of India has been limited due to strong resistance from the forest department and conservation agencies who continue to ignore the rights process and emergence of the community based governance. One of the reason, as observed in the Forest Rights Act process, is the prevailing culture and attitude within the existing governance regime (forest department) which does not match with the emerging progressive thinking and practice around rights based approaches. Governance reforms have so far either ignored or not adequately invested in these aspects, of attitudinal changes, which are critical for sustaining the change process.