



2010

Report on Interaction program on “Natural resources and decentralization: Gender justice in new constitution”



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Key Messages:

1. The gender issues tabulated in the draft/interim constitution should be protected and made to endorse, or else there are risks that several regressive mechanisms can limit their endorsement.
2. Raise movement on how to safeguard women's rights in NRM in decentralized settings?
3. Advocate for women's involvement in NRM for leading to differences and not only to include differences. Rationalize the efficiency arguments, in addition to the right arguments.
4. Ensure women's space and roles in key decision-making and resource distributing forums such as National Planning Commission for effective decision-making.



Program on “Natural resources and decentralization: Gender justice in new constitution”

Organizer: ForestAction and HIMAWANTI Nepal

ForestAction Nepal is a learning-oriented not-for-profit and politically non-aligned self-governed professional civil society organization working in the field of forestry, environment and livelihoods in Nepal. ForestAction, conducts evidence-based research and links it to the policy/academic interface for effective and wider implementation/dissemination of the grounded lessons. The three core values that guide the activities of ForestAction are ‘deliberative governance’, ‘transformative learning’ and ‘partnership and collaboration’. At present, ForestAction is collaborating with several organizations at national and international level to implement several of its programs. For details, please see www.forestation.org

Himalayan Grassroots Women's Association for Natural Resource management (HIMAWANTI) is a network of women users organized to promote rights and voices of women users for equitable and fair share of benefits obtained from natural resources.

Program Statement

Current research and political practices regarding gender mainstreaming around decentralization do not sufficiently include gender perspectives. Nepal is at the process of preparing a National Constitution with decentralization, which is expected to launch several new modes of governance and rectify the discriminatory practices. These spaces, if well gender-mainstreamed, can make gender visible and apt to address the existing negligence and absence of gender-sensitive policies and programmes in Nepal. Thus, the current political scenario, where complete overhaul of existing policies can be crafted, opens up possibilities to integrate gender justice in the planning and implementation processes. The challenge however remains on understanding about what kind of mechanisms/strategies should be in place to promote gender justice in NRM sectors.

Purpose of the program



The aim of the program was to inform actors and process of Nepal's Constitution drafting for ensuring women's rights to NRM, using evidence-based research, grassroots' experience and political lobbying.

To do so, the conference aimed to:

1. Identify challenges and avenues to link up existing knowledge in the constitution making process to promote gender justice in NRM.
2. Inform the actors (mainly policy) about existing and required processes to ensure gender justice to NRM in the draft/interim Constitution.

The program:

The interaction program on "Natural resources and decentralization: Gender justice in new constitution" was jointly organized by ForestAction and HIMAWANTI Nepal on 13th December, 2010 (see the schedule of the program in Annex 1). The interaction revolved around discussing ways through which existing elements of gender injustice can be better addressed and institutionalized in the draft Constitution of Nepal. The discussion was held in Nepali language. Around 22 participants representing civil society organizations, researchers, activists and parliamentary members took part in the discussion (see Annex 2). The setting of the discussion was kept informal to allow close discussion amidst the participants.

The program started with Ms. Rama Ale Magar's (from HIMAWANTI) welcome and brief narration about the purpose of the program, followed thereafter by quick introduction of the participants.

Presentations:

The 1st presentation on 'Gender justice in decentralised natural resource management: practices, lessons and challenges' was presented by Dr. Kalpana Giri of ForestAction Nepal. Dr. Giri indicated the prevalent tendency to acknowledge women's role, contribution and commitment in natural resource management, only in pictures, posters, and calendars. The real challenge is to get the acknowledgement limited in pictures to existing practices, policies of decentralization programs and in the interim constitution. Despite the fact that Nepal has already signed several progressive treaty supporting gender justice such as Beijing Treaty, CEDAW etc., has started several progressive approaches e.g. Ministry of Forest and Soil Conservation has already prepared its Gender Equality and Social Inclusion approach, Ministry of Finance directs for budget provision in gender justice programs in each Ministry, appointment of gender focal persons in each Ministry and also, at district level and



enjoys networks of women federations fighting for gender justice, gender is still treated as an illegal and illegitimate issue, lacking proper recognition and implementation. She stated that following challenges prevail in its implementation:

- Impact of social structure and its effect
- Issues of qualitative and quantitative participation
- Tendency of limiting women's rights as mere benefits and not influence
- Lack of proper functioning of monitoring and evaluation mechanisms
- Lack of understanding women as a diverse category requiring specific strategies

Dr. Giri stated that since Nepal is currently drafting its interim constitution, there are ample spaces to incorporate strategies to effectively address aforementioned and recurring challenges.

Presentation by Hon. Constitution Assembly Members

The 2nd presentation on 'Constitution making process, existing provisions and gender justice in natural resource management' was presented by Hon. Cons. Assembly Members Ms. Padma Kumari Aryal & Ms. Shanti Adhikari.

Hon. Cons. Assembly Member- Ms. Padma Aryal shared her experience as a member in "Natural resource and benefit sharing Committee" of the interim Parliament, that most of the reports on the committee discuss about economic issues in natural resources, social issues got less attention and less discussed. Even when sub-committee are formed, leaders from political parties were appointed based on seniority. Under that scenario, it is less likely for young women political leaders to get into such committees.

Hon. Aryal also mentioned that the major problem is with not perceiving women's issues as urgent element of gender justice, thus requiring immediate attention. She stated that many women of the Cons. Assembly members did not know and want to discuss with same motivation. While raised that issues such as ensuring women's decision-making, benefit sharing, and rectifying cultural discrimination etc. need to be included into the constitution, many-both men and women said that, "the law (and not the Constitution) has to do it". While fundamental rights have already endorsed women's representation, but due to difficulties in practical implementation, many women Cons. Members iterated the need to propose specific measures, but that was discarded saying that each specific measures do not need to be clearly specified. She also shared her reflection that women members in the constitution fought for 5 days to include economic benefit sharing to women from natural resource management. While everyone seemed to agree that women live on natural resources, why not the state evaluates it, she asked. While principally, the



interim Constitution is expected to be gender-friendly but still the major problem will be implementing such policies and its potential effect on women's livelihood options, she stated.

Hon. Cons. Assembly Member- Ms. **Shanti Adhikari** expressed that the issue of gender justice in natural resources can be viewed from complementary perspectives of what has been achieved and what is yet to achieve. Within short span of time, Nepal is politically quite progressive for gender equity. In Parliamentary members, women occupy about 33% seats. Though many illiterate, and not much capable women are there, but it is sure that these members have substantive knowledge in the field that they have practicing for long, and thus, they are confident about their own issues and rights. Yet, Grassroot women's empowerment is the main issue in gender justice in Nepal.

During issue identification (e.g. masyuda nirmana) no problems were faced and the draft report on women's rights is already prepared, but the major challenge ahead is to keep its element intact, she said. She even expressed that there might be mixed rationales behind facing no problems during preparing the draft report on women's rights: "either they (the parliamentary committee) assimilated it or they have thought that let them do it now, we will see it towards finalizing it. There is every risk that the draft report will be endorsed."

Thus, she underscored that there is immense need of the program, like this to incorporate women's voices and put continuous pressure for the women rights to get the draft endorsed and implemented. This requires striving efforts on networks, advocacy and research to hit the cultural and social attitudes.

Group discussion: The session on group discussion was moderated by Dr. Netra P. Timisina from ForestAction Nepal. To ensure gender justice in NRM in the interim Constitution, participants discussed about:

- What are the missing provisions?
- What strategies can best address the existing challenges towards implementing the rights?

Ms. Prabha Pokhrel, Ms. Kala Rai, Mr. Jagat Dewja, Dr. Naya S. Paudel, Ms. Kamala Sharma, Ms. Kanchan Lama, Ms. Apsara Chapagain, Ms. Sushila Thapa Magar, Mr. Dipendra Prajapati, Mr. Hari S. Luitel, Ms. Rama Ale Magar, Mr. Ganesh Chaulagain,



Dr. Kalpana Giri along with the Hon. Constituent Assembly Members Ms. Padma Aryal and Ms. Shanti Adhiraki enriched the discussion.

During the group discussion, following points were raised:

1. Specific awareness campaigns were required to in-built within constitutional provisions to tackle with persisting paternalistic and perception problems.
2. Specific consideration has to be built in to deter discrimination on the basis of cultural, customary practices. As an example, the constitution talks of rights to indigenous community, but not to indigenous women. There is need to include women in such clause.
3. There is utmost need to indicate/include women's space, role and access to benefits in regulations, guidelines, since there are examples that due to lack of such provisions, women are not provided any spaces.
4. The Natural Resource Committee of the Constitution says that it will have room for women representatives, but does not mention in what percentage. Perhaps, it is better to provide some indicative numbers to ensure women's positions.
5. Provide land rights to women and ensure women's rights to access and use NRM resources.
6. Document best practices of women's involvement in NRM by highlighting strong/exceptional cases.
7. Strengthen village grassroots' women.
8. Need to highlight strong cases and document existing best practices on women's empowerment.
9. In places of resource-distribution such as National Planning Commission, women are not given spaces, even when spaces are there- their role is minimal.
10. If quota/ representational spaces are provided to women without any specific roles, it will not translate into decision-making. Women's role for efficiency and effectiveness is to be advocated. Women to make differences, not to include differences.
11. Need to build up for collaborative effort, movements to enforce package of existing rights for gender justice.
12. Restricted spaces of women can be mobilized through:



- i. Constitution
- ii. State's structure and its resource distribution for women
- iii. Concerted efforts from all grassroots' networks
- iv. To enhance capacity building of women- education, more distribution of economic resources, self-awareness.

Dr. Naya Sharam Paudel, Co-ordinator of ForestAction Nepal summarized the points, thanked the participants and closed the workshop.

Acknowledgements:

We sincerely thank all the participants for their time and lively discussion in the workshop. We greatly underscore the contributions of Dr. Netra P. Timsina, Ms. Nirmala Sanyashi and Dr. Naya S. Paudel in program design and Ms. Anju Khand and Mr. Lalit Thapa for logistic support. Special thanks also go to Mr. Rajesh Bista, Ms. Anju Khand, Mr. Ganesh Chaulagain and Ms. Rama Ale Magar for transcribing the program text. Likewise, we greatly acknowledge IDRC for providing financial support for the said event.



***Annex1: Schedule of the program on Decentralisation and Natural Resources:
Gender justice in the new Constitution***

Time	Session	
08:30 -09.00	Breakfast and registration	
09.00 –09.20	Welcome and introduction	
09.20 – 09:50	<p>Presentations:</p> <p>Gender justice in decentralised natural resource management: practices, lessons and challenges</p> <p>Constitution making process, existing provisions and gender justice in natural resource management</p>	<p>Dr. Kalpana Giri, Rama Ale Magar & Nirmala Sanyashi</p> <p>Hon. Cons. Assembly Member Mrs. Padma Kumari Aryal & Mrs. Shanti Adhikari</p>
09:50 -10:05	Tea Break	
10:05 – 12:00	<p>To ensure gender justice in the interim Constitution:</p> <ul style="list-style-type: none"> • What are the missing provisions? and • What strategies can best address the challenges towards implementing the proposed rights 	Group discussion, Moderated by FA
12:00 – 12:30	Closing and lunch	



Annex 2: Name List of the Participants in the program

S.N.	Name	Organization	Email Address	Contact No.
1	Mr. Harisharan Luintel	RECOFTC	harisharan.luintel@recoftc.org	9841366175
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10	Ms. Apsara Chapagain	FECOFUN	chapagainap@yahoo.com	9851086515
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