

Analyzing Participatory Trends in Nepal's Community Forestry

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Abstract: This paper discusses recent trends in Nepal's forest management in terms of the nation's historical background, legislation, administration and institutional policy. The changes that have occurred in terms of policy objectives, planning and priorities are also discussed, and an analysis of trends relating to local participation is presented. Prior to the 1950s, the forests of Nepal were used and managed by their *de facto* owners, Rana Rulers and their families, who had sole authority over three quarters of Nepal's forest area. Except for the National Code which outlined standards for the protection and utilization of forests, no formal forest policy existed - the enactment of the Private Forest Nationalization Policy in 1957 marked the beginning of a forest policy in Nepal. However, this policy resulted in the destruction of vast tracts of valuable forest land as the government sought to generate revenue for the state, expand agriculture, implement resettlement programmes and develop the nation's physical infrastructure following forest liquidation. Despite the promulgation of numerous additions and revisions to national forest policy, deforestation continued apace. The National Forest Policy, 1976 attempted to rationalise the development and management of forests, though efforts to inhibit forest destruction were largely unsuccessful. Subsequently, policy issued in 1978 advocated the hand-over of forests to local political and administrative units for protection and management. However, such political attempts to improve forest management were socially unpopular and failed to abate nationwide forest destruction. In 1989, a Master Plan for the Forestry Sector (MPFS) - a long-term planning and policy document - was issued for the sustainable management, utilization and protection of forests. The Forest Act, 1993 and its Regulation, 1995, which are currently in practice, have legally endorsed the MPFS. The Master Plan policy has divided Nepal's forests into six categories, of which community forests and their participatory management have been identified as priority areas for contemporary endeavor in forest management.

Key words: community forestry, participation, user groups, forest policy.

1 Introduction

In recent years, many countries have begun to devolve natural resource management authority to local communities. Nepal has been at the forefront of this policy shift, moving away from the centralized approach that was in place during the early 1960s. This trajectory of policy development, increasingly recognizing the roles and rights of local communities, is of interest to many researchers and policy makers. Trends in participatory policy development in Nepal's forestry sector have therefore been analyzed and discussed with reference to various contextual factors and consequences.

This paper analyzes recent trends in Nepal's forest policies, focusing on the participation of local communities in forest management. Specifically, policy trends are analyzed in relation to various aspects of policy development, including long-term national policies, five-year development plans, legislation and government institutional structure. This paper is the result of collaboration between ForestAction Nepal, the Ministry of Forests and Soil Conservation, Nepal, and Forest Conservation Project, Institute for Global Environmental Strategies, Japan.

2 General background of the forestry sector in Nepal

The total land area of Nepal is 14.7 million hectares, of which arable land accounts for about 2.35 million hectares. The estimated population of the country is about 20 million people, with the average household size being

7.5 members. Over half of the population lives in the hill and mountain regions of the country and the population growth rate stands at around 2.1 per cent per annum. About 80 per cent of the total population of Nepal depends on farming for subsistence. Agriculture, livestock farming and forestry are the integral components of the Nepalese farming system.

Administratively, Nepal is divided into 75 districts of which 20 districts are in the Terai, 39 districts are in the Hills and 16 districts are in the Mountains.

The share of agriculture, forestry and fisheries in Gross Domestic Product (GDP) is about 60 per cent; forestry alone contributes about 15 per cent. Furthermore, 42 per cent of the livestock feed and 75 per cent of the main energy resources are derived from forest resources. The average private land holding is 0.39 hectares. Three quarters of the total arable land are composed of upland terrace, with the remainder being distributed in valleys and throughout the Terai.

Poverty is more severe in rural than in urban areas. The majority of the poor in Nepal are small scale and marginal farmers from landless households, whose livelihoods depend on agriculture dominated by crop and livestock farming. Rural households are, therefore, at the centre of the forest, agriculture and livestock interface (HMG 1998).

2.1 Importance of forests for livelihood

Forests in Nepal have been regarded as an important renewable natural resource base for fulfillment of the

basic needs of local people. The importance of the contribution of forest resources to the Nepalese economy is well understood and has been emphasized throughout the nation's history. Forests are of great significance and have a wide range of values to local people and to the country's economy. Forests have been considered as an essential means of sustaining people's social, economic and cultural livelihood. Forests not only support the timber needs of rural people, but also play a vital role in supplying other primary requirements for the Nepalese population.

More than 75 per cent of all households and 96 per cent of rural households use wood for domestic purposes, and almost all rural households raise some domestic livestock and feed them fodder and grasses obtained mainly from forests (Hobley 1996).

2.2 Forest management strategies

In order to develop its forest management strategies, the government has classified the forests of Nepal into five main categories: National Forests, Community Forests, Leasehold Forests, Private Forests and Protected or Religious Forests. National forests are owned and managed by the government and are of high economic and national importance. Community forests are a component of national forests managed by Community Forest User Groups (CFUGs); most of these forests are degraded or have been recently planted by the government or by local communities. Leasehold forests also form part of national forests and are leased out to communities or to groups of people below the poverty line, or to any organization that promotes forest development and environmental protection. Private forests are those planted, nurtured or conserved on any privately owned land by an individual or private institution. Religious forests are national forests nurtured or traditionally conserved by a religious body, group or community primarily for religious purposes. Apart from private forests, land ownership for all forests types lies with the government.

Overall management and administrative responsibilities pertaining to forest resources in Nepal are the jurisdiction of the Ministry of Forests and Soil Conservation (MFSC) under His Majesty's Government (HMG). The duties of the ministry comprise five inter-related services for forest resource management. These are: forest management and development; parks and wildlife management; soil conservation and watershed management; forest research and survey; and plant resource devel-

opment. These management services and responsibilities are implemented throughout the country through five Forest Regional Directorates, five Departments and four Parastatal Organizations as defined under the MFSC. The five departments are: Department of Forests; Department of National Parks and Wildlife Conservation; Department of Soil Conservation and Watershed Management; Department of Forest Research and Survey; and Department of Plant Resource. The four Parastatal organizations are: The Timber Corporation of Nepal, Forest products Development Board, Nepal Rosin and Turpentine Company Limited and the Herbs Production and Processing Company Limited.

With the expansion of the community forestry programme, many non-governmental institutions ranging from professional service providers in the field of research and programme implementation, to networks of forest users and advocacy groups have recently emerged. The participatory policy environment has thus opened the field for a range of stakeholders to exercise their rights, facilitate innovations and cater to escalating demand for community forestry services.

2.3 Changes in forest area and condition

There has been a sharp decline in both the area and density of forests in Nepal. At present, forests in Nepal represent about 39.6 per cent of the total land area, of which 10.6 per cent is comprised of degraded forest and scrubland. The annual rate of deforestation is estimated at about 1.7 per cent. The changing pattern of forest cover over the past 50 years is given in Table 1.

3 Trends in overall government forest policy and planning

3.1 Overview

Nepal has a long history of government regulation of forests. Prior to 1950, forests were under the aegis of the Rana Rulers who distributed land to their families and followers and managed forests primarily for the production of timber and as grounds for recreational hunting. The National Code for the protection and utilization of forests that was developed during this period served as the principal policy instrument until the fall of the Rana in 1951. Under this Code, district forestry offices were established and regulatory responsibilities over forest protection and utilization were devolved to local administrators. In addition, indigenous forest management systems and traditional communal rights to forest use

Table 1 Change in forest area, 1954-1994 (source: CBS 2000).

	Vegetation cover as % of total land area					
	1954	1964	1977	1978/79	1985/1986	1994
Forest	-	-	-	38	37.4	29
Scrub	-	-	-	4.7	4.8	10.6
Total	47.6	45.6	35.7	42.7	42.2	39.6

were officially recognised.

However, successive shifts in policy and frequent changes in leadership conspired to create an unstable environment for forest management. As a result of inappropriate planning and a lack of clarity in long-term policy goals, forests suffered widespread degradation and exploitation at the hands of the political elite. The lush green forests of Nepal were considered a prime source of capital, and in an attempt to boost the country's economy and generate state revenue, the government issued a string of haphazard decisions, exhausting forest resources in many areas.

In 1927, the Rana government introduced plans which opened the forests in the Terai and Siwalik regions for exploitation. The high quality timber harvested here (particularly that of *Shorea rubusta*) formed the basis for a flourishing export market with India. Indeed, the primary objective of forest management plans put into operation in many districts of the Terai was to meet Indian demand particularly for the production of railway sleepers. The timber also traded well within Nepal itself and later became popular elsewhere in South Asia. Additional government policy promoted the expansion of agricultural land, the development of national infrastructure and the implementation of resettlement programmes at the cost of natural forest in the Terai. Such unpopular, revenue-oriented policies are considered the primary cause of deforestation in Nepal (Joshi 1989). Nonetheless, efforts to actively reverse trends in forest loss began in 1979 only after vast tracts of forest had been liquidated. Approximately half a million hectares of forest were cleared and a further 1.05 million degraded in the Terai and Siwalik regions within the 15 year period from 1963 to 1978. Government revenue earned in the forestry sector was highest in the period up to 1970 as a result of steady trade with India (Bajracharya 1993).

The practice of clearly defining goals and objectives in the development of forestry policy came to the fore after the fall of the Rana Regime. The need for institutional expansion, development of human resources, inventory and assessment of the resource and the formulation of rules and regulations for development of the forestry sector was recognised. However, due to political unrest, lack of commitment and ineffective leadership, many of these objectives remained unaddressed.

3.2 Forestry policies under five-year development plans

Planning of development strategies started for the first time in Nepal when the National Planning Commission was established in 1955. The concept of five-year national plans issued successively to administer development activities in a planned and systematic manner was introduced; the First Plan (1956–61) was drafted in 1956. The development objectives of the first plan were primarily focused on agricultural production, expansion of transportation and communications, employment,

social development and resettlement of people from the Hills and Mountains to the Terai. Policy change in the forestry sector focused on the expansion and development of forest organizations, the forest service and human resources, implementation of forestry activities such as forest surveys and research programmes, afforestation, gazetting of forests and the construction of forest roads, fire lines and buildings, in some of the Terai districts (Pant 1965).

The objectives of the Second Plan (1961–65) were also primarily geared towards agricultural development and resettlement of people migrating from the Hills and Mountains to the Terai. With regard to the forestry sector, however, priority was given to the scientific management and conservation of forests, the inventory of forest resources, forest research, human resource development and implementation of forestry development activities in the field. Implementation of this policy was designed to mobilize people's participation via the *Panchayat* system while promoting forestry development activities in the field (NPCL 1963). However, due to lack of government commitment and an absence of strong and effective policy directives for the conservation and management of forests, the functional changes that occurred with regard to these development goals were minimal.

The Third Plan (1965–70) also aimed at the strengthening and expansion of forestry infrastructure by providing forest services in all 75 districts of Nepal. The policy objectives emphasized public involvement in afforestation as well as extension and education in order to increase public awareness of the importance of forest resources. During this period, the development of a 'bottom-up' approach to forest management began with the aim of involving local people and field level forestry staff in the planning process. Some forestry development activities, including botanical surveys and wildlife conservation were also initiated. The resettlement of migrating people also continued. Though the Third Plan period made some effort to improve forest conservation and management strategies, significant results were not realised because of the absence of regulations and a comprehensive forest act (NPCL 1965).

The Fourth Plan's (1970–1975) overall objectives were population control, trade, agricultural production and social and economic development. Although the plan did not prioritize forest development per se, various issues relating to the development of forest policy were addressed under the agricultural policy. In particular, soil conservation, watershed management and forest resource development were identified as key areas for activity in order to maximise benefits to local people (NPCL 1972). In addition, institutional reform and human resource development in the forestry sector continued. The forest-based industries were promoted under plans to enhance the nation's power and energy infrastructure and measures introduced for the develop-

ment of tourism emphasized the need for expansion of national parks and reserves.

The forestry sector also received priority attention under plans for regional development. A 'bottom-up' planning process was developed and public involvement was encouraged under the *Panchayat* system during this plan period. In line with these policy objectives, forest demarcation, construction of forest roads and fire lines, soil conservation and wildlife management activities, afforestation, forest survey, inventory and research and training were also undertaken.

This Fifth Plan (1975–1980) was not promising in terms of government commitment to the forestry sector. The plan's overall objectives focused on resettlement of displaced people and agricultural development. Plans for forestry development were subsumed within the policy issued for agricultural development. Priority was also given to population control, the generation of employment and scientific land-use planning. Despite this, the following forestry-related policy objectives were developed (HMG 1975) :

- To integrate development of livestock, horticulture and food and cash crops in the Mountains, Hills and the Terai, respectively.
- To promote the socio-economic development of local people through the management of forest resources.
- To formulate basic guidelines for the collection of information and data necessary for natural resource management.

Based on the above policy objectives, forest demarcation, reforestation, training and extension, forest survey and research, soil conservation and watershed management, development of medicinal plant programmes and wildlife management were considered as key forestry activities.

The Sixth Plan (1980–85) was a promising period in terms of government policy objectives in the forestry sector. This plan period was, in fact, a cornerstone for the conservation and development policy of natural resources at a national level. The following were the general policy objectives enunciated by the government (HMG 1981) :

- To alleviate poverty through the management of natural resources.
- To fulfill the basic needs of the people through the management of natural resources.
- To provide social justice.

Based on these broad policy objectives, various programmes in forest management (including forest demarcation, forest survey, forest research and inventory, forest training and extension, management of medicinal plants, resettlement, watershed management and wildlife management) were designed and implemented. However, top priority was still given to the agricultural sector. Major conservation programmes were based on soil conservation and afforestation. Policy for institu-

tional expansion in the forestry sector also continued (Bajracharya 1993).

Under the Seventh Plan (1985–90), objectives focused on ensuring that forest resources were able to meet the basic needs of the people by maintaining and restoring ecological balance. Particular emphasis was placed on people's participation in afforestation, watershed management and the promotion of medicinal herbs. The need for 'bottom up' planning and a participatory approach to implementation were highlighted in the policy (HMG 1984). The Master Plan for the Forestry Sector (MPFS), a long-term policy instrument for the forestry sector, was prepared and officially approved in 1989. Similarly, various guidelines and strategies were developed for the implementation of forest management, though the accelerated degradation of forest resources in the Hills and Terai proved difficult to reverse because of a lack of public support, a sound monitoring system and an effective regulatory mechanism. The policy objectives of this plan period were (HMG 1984) :

- To increase forest resources by converting unproductive forest areas into productive land through scientific forest management, including massive afforestation and forest protection programmes.
- To increase the level of involvement of rural communities in forest management activities.
- To develop labour intensive programmes for the generation of employment opportunities.
- To establish sound monitoring and evaluation systems.
- To continue the expansion of national parks and reserves and related programmes throughout the country.
- To develop pasture, fodder and processing and marketing facilities in the high Mountains, Hills and Terai respectively.
- To control soil erosion and enhance watershed management programmes in critical watershed areas.

The Eighth Plan period (1992–97) was considered a turning point in the management history of the forestry sector of Nepal. The major breakthrough in this plan period was the full-scale adoption of the MPFS, 1989, as well as the expansion of participatory forestry via the establishment of CFUGs for community management of forests. The key policy objectives of this plan period were (HMG 1992) :

- To mobilize people's participation in community forestry through the establishment of FUGs.
- To strengthen the private sector and promote a leasehold forestry programme to the deprived sections of society in order to increase employment opportunities in forestry.
- To initiate partnership with local governments in national forest management.
- To generate a collaborative and participatory environment for the involvement of local people in

forest management.

- To encourage public participation in soil conservation and watershed management programmes.

The policy objectives of the Ninth Plan (1997–2002) were primarily related to poverty reduction and increased productivity and employment in the forestry sector. The policy objectives and priorities were as follows (HMG 1997) :

- To strengthen the institutional capacity of CFUGs and monitor the supply of forest products for the fulfillment of daily requirements.
- To develop appropriate policy to encourage the private sector to participate in the management of forest resources.
- To develop the forest-based industries with emphasis on the generation of employment opportunities and the enhancement and simplification of supply systems for improved distribution of raw materials and value-added products.
- To formulate clear-cut guidelines in order to resolve problems relating to leasehold forests and to promote them among poor and deprived people.
- To enhance biodiversity and eco-tourism and safeguard migratory wildlife and their habitats.
- To foster research on endangered medicinal herbs and their commercial farming to generate employment opportunities.
- To implement soil conservation and watershed management programmes based on public participation, to protect the Siwalik region from erosion and landslides.
- To encourage the cultivation of pasture and horticultural and cash crops in afforestation programmes.

4 Trends in forest policies and legislation

4.1 Key forest policies in the past

4.1.1 Private Forest Nationalization Policy, 1957

The Private Forest Nationalization Policy, 1957 instituted the nationalization of all private forests on the grounds that forests form a component of Nepal's national wealth, and as such need to be protected, managed and utilized for national security and public welfare. This policy was formulated with a view to consolidate all national property, which, to a large extent, had been abused in the past under the private management of politically motivated dignitaries and members of the royal family. However, the policy became unpopular amongst the public since it undermined the rights of indigenous people who had been managing, protecting and utilizing local forest resources according to traditional systems for their sustenance.

4.1.2 Forest Policy, 1961

Under the Forest Policy of 1961, efforts were made for the protection, management and utilization of forests for the improved economic welfare of the people and the

country. National forests were demarcated and consolidated, and those forest users found to be violating state rules for forest management were punishable by law. Based on this policy, Nepal's first forest act, the Forest Act of 1961, was promulgated and enacted. However, the effectiveness of this policy on the ground was limited as the government pursued its plans for the resettlement of people in the Terai, exploitation of natural forests to generate revenue, the expansion of agriculture and the development of national infrastructure, which collectively conflicted with the aims of environmental protection and improved forest management.

4.1.3 Special Forest Policy, 1967

This policy was issued for the protection of forests and the promotion of better forest management. Based on this policy, the Forest Protection Act of 1967 with special arrangements for forest protection was promulgated. Under this Act, all forest offences including forest encroachment were to be treated as a state crime. Upon encountering offenders, District Forest Officers (DFO) and other forest personnel were authorized to intervene and confiscate all goods and equipment, and to adjudicate over the misdemeanour and charge incurred. However, this devolved authority was simply abused by local authorities as an opportunity to earn money by manipulating the supply of forest resources to needy organizations and the public, thus provoking discontent amongst local forest users. Subsequent amendments to this policy were made in an attempt to synthesize a more people-friendly tool for forest management.

4.1.4 National Park and Wildlife Policy, 1972

This policy was formulated for the conservation and protection of wildlife and gave rise to the National Park and Wildlife Act, 1972 to safeguard against illegal hunting, poaching and trading; some national parks and wildlife reserves were created as a result. However, this policy failed to differentiate clearly between the authorities assigned to the various entities responsible for its enforcement throughout the country. The resulting overlap of power between the DFO, the Royal Nepal Army and the various personnel of the national parks service, led to conflict and inefficiency. Because of this, several amendments were made to the policy in subsequent years.

4.1.5 Soil and Water Conservation Policy, 1982

This policy was enunciated in order to reduce the occurrence of soil erosion and landslides, and mitigate the watershed degradation process. The Soil Conservation and Watershed Management Act, 1982 was promulgated to declare protected watersheds in critical areas of the country and prompted the implementation of soil conservation and watershed management activities in the districts.

4.1.6 National Forest Policy, 1976

Prior to 1976, several attempts were made to introduce forest policies and management strategies in the coun-

try. However, because of a lack of sound institutional and administration infrastructure, a dearth of trained forestry professionals and inadequate commitment on the part of the ruling government, these measures failed to deliver any marked improvement in the management of Nepal's forests. In response, the National Planning Commission (NPC) introduced the National Forest Policy of 1976 to institute scientific forest management systems throughout the country. The policy objectives were: to ensure the supply of forest products to meet the basic need for timber, fuel wood and fodder; to maintain and restore ecological balance through reforestation and watershed management programmes; and to derive maximum economic gain from utilization of forest products by promoting the export of medicinal herbs. The policy statements issued under the National Forest Policy of 1976 were as follows (Bajracharya 1993):

- To maintain ecological balance through the management of forests and to control floods, landslides and erosion.
- To meet the timber, fuel wood and fodder needs of the people.
- To protect and conserve wildlife and strengthen their management systems through the expansion and establishment of national parks and wildlife reserves.
- To mobilize forest resources for sustained economic growth, strengthen the forest-based industries and promote the export of value-added forest products.
- To maintain coordination with other relevant sectors such as agriculture, settlement, pasture and other land uses.
- To promote reforestation for the rehabilitation of barren and degraded forest land and river banks.
- To adopt a scientific approach to forest management and to expand forest organizations throughout the country in order to provide forest resource benefits to all people on the basis of multiple use forests and geographical and social priorities.
- To publicise the impact of forestry on national development and seek public cooperation and participation in the use and management of forests.
- To conduct forest surveys, inventories and research on various aspects of forest resources.
- To develop human resources within the forestry sector.
- To adopt a labour intensive forest management programme in order to generate employment opportunities.
- To incorporate an economic perspective in forest management by considering not only the direct financial aspects in particular, but also other socio-economic aspects in general.

4.1.7 National Policy on Panchayat Forests and Panchayat Protected Forests, 1978

Due to the substantial loss of forest area in the past, the government enacted the Panchayat Forests (PF) and the Panchayat Protected Forests (PPF) Regulations in 1978 to devolve forest management authority to the community level. The *Panchayat* or Village Panchayat is a political and administrative unit which operates at the village level. Areas of national forest handed over to *Panchayat* for the development of plantations have been termed Panchayat Forests (PF), whereas those areas of national forest handed over to *Panchayat* for their protection and management became known as Panchayat Protected Forests (PPF). The main thrust of the *Panchayat*-based forest policies has been to delegate the responsibilities of management of village forests and woodlots to the political and administration units of a village. Based on this policy, the forests of Nepal were classified into Panchayat Forests, Panchayat Protected Forests, Religious Forests, Leasehold Forests and Private Forests. The key features of this policy are outlined below (based on Bajracharya 1993).

Panchayat Forests (PF) :

- Any area of barren land or degraded national forest is to be handed over to the Village Panchayat as a Panchayat Forest.
- The area handed over as a Panchayat Forest should not exceed 136 hectares in the Terai or 130 hectares in other parts of the country for one Village Panchayat at one time.
- Development of plantations in the Panchayat Forest is to commence within 3 years of the transfer of the land.
- District Forest Officers (DFO) are to provide free seeds and seedlings to the Village Panchayat for plantation development.
- The Village Panchayat is to take overall responsibility for the conservation, protection, management and improvement of Panchayat Forests.
- The Village Panchayat is to follow a Work Plan prepared by the DFO and the guidelines and directives provided by the government.
- The Village Panchayat has the right to sell and distribute forest products to local members of the Panchayat.
- Income earned from the Panchayat Forest is to be deposited in a Panchayat fund and 50 per cent of the fund is to be used for protection, plantation and improvement of the Panchayat Forest.

Panchayat Protected Forests (PPF)

- Any part of a national forest may be handed over to the Village Panchayat as a PPF for its protection and management.
- The forest area allocated to a single Village Panchayat should not exceed 272 hectares in the Terai or 520 hectares in other parts of the country at any one time.

- The DFO shall provide free seeds and seedlings where enrichment planting is needed to improve the condition of the forest.
- The Panchayat is to take overall responsibility for the protection, conservation and management of the PPF under the supervision of the DFO.
- The Village Panchayat is to carry out all the forest operations according to the Work Plan prepared by the DFO and follow the instructions and directives issued by the government.
- Local people are allowed to collect grass, fodder, medicinal plants and fuel wood free of cost as prescribed in the Work Plan.
- 70 per cent of the total income from the sales of forest products is to be provided to the Panchayat as a grant to develop the condition of the forest.

Participatory forest management under the PF and PPF scheme came into practice in the early 1970s and was legally endorsed by the Forest Act of 1978. Following the implementation of this Act, a new era in forest management was hailed as the active participation of local communities in the utilization, protection and management of forests was officially instituted. However, this "state sponsored participatory forest policy" made no provision for the inclusion of local stakeholders and users in the decision-making and planning process. Thus the PF- and PPF-based participatory forestry programme was limited in its capacity to reach out to communities and local beneficiary groups at a grass root levels (Joshi & Pokhrel 1998).

Moreover, the PF and PPF policies were focused more on political and administrative management at the village and district level, than on traditional and indigenous rights and local customary practices. As a result, the policy provoked antagonism and dispute. Conflicts between and among local users, local politicians and foresters arose and the forest resource itself suffered abuse and mismanagement.

4.2 Current forest policy

4.2.1 The Master Plan Policy for the Forestry Sector (MPFS), 1989

The Master Plan for the Forestry Sector, prepared in 1988 and approved by the government in 1989, is a far-reaching policy document for the development of the forestry sector in Nepal. Formulation of this policy document was a turning point in the history of Nepalese forest management. This long-range forest policy document was prepared with a view to manage the forests of all categories on a sustainable, integrated and programme-oriented basis throughout the country. It has six primary and six supportive programmes for the development and management of all kind of forests, giving high priority to community forest by adopting a participatory approach to management utilizing community forest users' groups. Based on the recommendations of the MPFS, a national forest policy was comprehensively

set forth under the Forest Act of 1993. The MPFS and Forest Act, 1993 reclassified national forests into the following subgroups : Government Managed Forests, Community Forests, Leasehold forests, Private Forests and Religious forests. Government Managed Forests incorporate all national forests directly managed by the government. Community forests, a component of national forests, are entrusted to community users groups for management and sustainable utilization. Leasehold forests are also a part of national forests and are leased by the government to people living below the poverty line, forest-based businesses operating at the industry level and to groups promoting eco-tourism and protection of the environment. The long-term and medium-term objectives of the MPFS are given below (HMG 1989) :

- i) Long-term objectives
 - To meet the people's basic needs for forest products on a sustainable basis.
 - To conserve ecosystems and genetic resources.
 - To protect land against degradation and maintain ecological balance.
 - To contribute to local and national economic growth.
- ii) Medium-term objectives
 - To promote local participation in forest management, development and conservation.
 - To strengthen the forest organization framework and develop the institutions of the forestry sector.
 - To develop the legal framework needed for sustainable development, management and conservation of forests.

The MPFS, 1989 has focused on six primary and six supportive programmes. They are :

- i) Primary programmes
 - Community and Private Forestry
 - National and Leasehold Forestry
 - Wood-based Industries
 - Medicinal and Aromatic Plants
 - Soil conservation and Watershed Management
 - Conservation of Ecosystems and Genetic Resources
- ii) Supportive programmes
 - Policy and Legal Reform
 - Institutional Reform
 - Human resource development
 - Research and Extension
 - Forest Resource Information System and Management Planning
 - Monitoring and Evaluation.

The principal strategies of the MPFS are based on the following elements (HMG 1989) :

- Production/Utilization
 - The forests will be managed and utilized to meet the basic needs of local people for forest products.
 - Following thorough economic analysis, wood supply to urban areas will be intensified through

the promotion of commercial plantations on private forest land.

- Participation
 - Village forests will be managed through a participatory planning and decision-making process.
 - Forest users' groups will be established and supported for the management of forests.
- Conservation of Ecosystem/Genetic Resources
 - Land and forest resources will be managed and utilized in order to maintain and conserve ecology, biological diversity and genetic resources. Unique ecosystems of specific conservation value will be protected. Environmental Impact Assessment will be undertaken where development projects are implemented.
- Social Aspects of Land Use
 - The principles of decentralization and participation will be applied in management of forests.
 - People living below the poverty line, small-scale farmers and the forest-based industries will be encouraged to sustainably manage excess forest resources. No forest will be converted for agricultural or cultivation purposes.- Integrated farming systems and land use practices that emphasize multiple uses will be implemented for the development of integrated approaches to soil conservation and watershed management, research, extension, agro-forestry and other related activities.
- Role of Private Sector
 - The establishment of private forests on leased and private land will be promoted.
 - Parastatals will be required to compete with private enterprises on an equal footing.
 - The government will provide land on a lease basis for the development of resources for forest-based enterprises. New enterprises are to be established only after an industrial plan and economic appraisal (financial analysis of the acquisition of raw materials), have been approved by the government.

4.2.2 Proposed Forest Policy for the Tenth Plan Period (2002–2007)

Policy introduced under the tenth Five Year Plan focuses primarily on the contributions forestry can make to the reduction of poverty, ecosystem level forest management, biodiversity conservation and enhanced land productivity. Thus the broad objectives of the plan are sustained efforts for the reduction of poverty through a participatory approach to forest management, nationwide biodiversity conservation, the enhancement of forest production and the creation of employment. The specific objectives of the plan are outlined here (MFSC 1992) :

- To increase the average income of poor women and other disadvantaged groups of society through the implementation of participatory

forest programmes for the generation of employment and the reduction of poverty.

- To introduce integrated forest management systems in government managed, community and leasehold forests.
- To carry out studies and surveys on Non Timber Forest Products (NTFPs) and thereby widen the scope for their production and utilization.
- To expand community forestry into buffer zones and protect and expand biodiversity resource management based on landscape level planning and management concepts.
- To expand soil conservation and watershed management activities in order to conserve ground water resources, increase land productivity and maintain soil fertility in the Churia region.
- To continue to upgrade and improve management policy and organization within the forestry sector and strengthen the legal status of existing policy relating to forest management.

Primary foci for activity as proposed under the Tenth Plan are :

- Community and private forests
- National and leasehold forests
- Medicinal herbs and NTFPs
- Soil conservation and watershed management
- Biodiversity and genetic resource conservation and development
- Forests research and extension
- Human resource development
- Policy and legal improvements
- Institutional improvement and development
- Gender equity
- Monitoring and evaluation

Sectoral objectives relating to forests defined in the Tenth Five-Year Plan are :

- To increase public participation in soil conservation and watershed management programmes, particularly in the Churia region.
- To increase the opportunities available to people living below the poverty line for livelihood improvement by expanding the leasehold forestry programme and widening the scope of its activities.
- To increase the level of participation of the poor, deprived, women and other disadvantaged groups in the community and enhance their access to benefits through the promotion of leasehold and collaborative forest management.
- To bring forestry into the mainstream of economic growth by developing forests and forest-based enterprises, and to emphasize the value of ecotourism through the careful management of protected areas, wildlife and plant resources.
- To implement a scientific approach to forest management in national forests managed by the government.

- To protect biodiversity and genetic resources, and manage, utilize and promote the export of economically valuable NTFPs.
- To employ sustainable management practices in the utilization of forest products and other special plant resources, and mobilize private sector investment for the encouragement of entrepreneurship in the natural resource sector.

4.2.3 Community Forest Policy, 1991

After the restoration of democracy in 1990, a community-based forest policy centred around the concept of Forest Users Groups (FUGs) formally emerged in 1991. Here, the term community forest refers to a system of forest management in which the user groups exercise their usufruct rights over national forests under an approved operational plan and within the guidelines issued by the government. The ownership of such forest lands remains with the government, which retains the authority to suspend the rights of user groups if they fail to perform according to the approved operational plan and guidelines (Joshi 1998).

Community forestry in Nepal has been considered a high priority by the government, and the Community Forest Policy, issued in 1991, is considered to be largely successful in bringing about its implementation. This policy aims at the management and development of forests in order to meet the people's basic needs for forest products through the active participation of local people.

The Community Forest Policy, 1991 was formally introduced in Nepal with a view to fulfilling the following basic objectives (Joshi 1998) :

- Realization of sustainable forest management at the local level.
- Whole scale promotion of public participation in forest management and the conversion of this into local action.
- Implementation of planning at a grass-roots level for a bottom-up approach to decision-making.
- Delivery of the basic needs to local people.
- Ensuring community-level institutional capacity building for empowered local forest management.
- Achievement of the efficient and sustainable use of local forests.
- Achievement of self-sustaining forest management.
- Increased usage of local resources and knowledge.
- Enhanced collaboration between the government and local people.

Community forestry in Nepal represents a unique example of how FUGs can collectively organize and execute the management of local forests. Furthermore, community forest policy in Nepal is widely recognized as one of the best examples of local empowerment and participation for development of the forest resource. The key directives of the Community Forest Policy are as follows (based on Joshi & Pokhrel 1998) :

- Accessible National forests shall be handed over to traditional users.
- Conversion of national forests into community forests shall take priority over their conversion into any other forest type, such as leasehold, protection and production forests.
- Community forest boundaries shall be fixed by traditional use practices rather than administrative boundaries.
- DFOs are authorized to recognize FUGs and hand over forests to FUGs (this authority was vested in higher-ranking officials or with the central government in the past).
- FUGs shall manage community forests as per their constitution and operational plan (OP), both of which are to be approved by the DFO.
- FUGs are autonomous corporate bodies with perpetual succession rights.
- FUGs may plant long-term cash crops, such as medicinal herbs, where this does not disturb the main forestry crops. FUGs may fix prices of forest products irrespective of the government royalty.
- FUGs can transport forest products simply by informing the DFO and may establish forest-based enterprises.
- FUGs can utilize surplus funds in any kind of community development work. They can amend their OP simply by informing the DFO.
- Any government, NGO or other agency can help FUGs to organize and to manage community forests.
- FUG can punish any members who break the rules of their constitution or OP.
- DFOs can reclaim community forests from FUGs if they are found to be working contrary to the OP. However, the DFO must return the forest to the newly reformed FUGs as soon as possible once the problems are resolved.

5 Trends in forest institutional policy

5.1 Institutional policies of the past

Beside the technical aspects of policy formulation, the development of institutional and administrative procedure is vital for the implementation of sound forest management practices. Given this, some attempts have been made in the past to develop organizational and administrative capacity in the forestry sector. For example, forest check posts and forest administration units were established here and there during the Rana Regime, particularly to protect forests from abuse and illegal trade in timber, wildlife and other forest products.

However, the importance of institutional and administrative development was truly emphasized following the establishment of the Ministry of Forests and Revenue in 1952. Expatriate missionaries and foreign advisors were

involved in making recommendations to the Nepali government for institutional and administrative reform and development. As part of this process and in order to increase human resources in the forestry sector, the Institute of Forests was established in 1956 and the Rapti Rural Technical Institute was set up in 1959. The Ministry of Agriculture and Forests replaced the Ministry of Forests and Revenue in 1960. Various territorial offices and departments continued to be established in many parts of the country. The Timber Corporation of Nepal (TCN) was established in 1960, primarily to coordinate the transportation, removal and utilization of timber harvested from forest areas cleared for agriculture, infrastructure development and resettlement programmes (Shrestha 1965). The Ministry of Forests was separated from the Ministry of Agriculture in 1965 as human resource and forestry institution capacity underwent further strengthening and expansion in various parts of the country.

The Resettlement Company was set up in 1965 to organise the resettlement programme in the Terai region. The office of Chief Conservator of Forests (CCF) was restructured into five sections in order to account for, respectively, the tasks of forest development, forest utilization, forest research, wildlife management and plantation development. The Department of Medicinal Plants and the Forest Resource Survey Centre were created in 1961. The Resettlement Department was also established in 1970 to carry out small-scale resettlement programmes in the country. Similarly, the Fuel Wood Corporation was established in 1966 to coordinate the utilization and supply of fuel wood in Kathmandu and other big cities (Bajracharya 1993). Thus various changes were made to create a permanent framework in the institutional structuring of the forestry sector. However, due to lack of man-power and the inconsistency of forest policy with developments in other sectors, the results achieved were somewhat limited. Nonetheless, the process of change and development in institutional policy continued.

During the 1970s, forest-based organizations grew in number and size. Three governmental departments - including the Department of Forests under the CCF and the Department of Soil Conservation and Watershed Management - and the National Park and Wildlife Conservation Office were established in 1973. The Forest Products Development Board and the Shivapuri Watershed Area Development Board were created in 1976. The National Park and Wildlife Conservation office was upgraded to full departmental status in 1981 and the Department of Drug Administration and the Herbal Products Processing Company were established in the same year. In 1982, the Ministry of Forests was renamed as the Ministry of Forests and Soil Conservation (MFSC) and its constituent Forest Divisions were gradually renamed District Forest Offices (Bajracharya 1993).

5.2 Current institutional policy

At present, the MFSC is composed of five departments, namely, the Department of Forests, the Department of National parks and Wildlife Conservation, the Department of Forest Survey and Research, the Department of Soil Conservation and Watershed Management and the Department of Plant Resources. Five regional forest directorates and four parastatal organizations run within the MFSC. The four parastatals are : The Timber Corporation, Nepal Rosin and Turpentine Company, Nepal Herbal Processing Company and the Forest Products Development Board.

Presently, various forest management development activities are being carried out in all 75 districts of Nepal with the establishment of 74 district forest offices. Similarly, soil conservation and watershed management programmes are being implemented in 55 districts with the establishment of 55 district soil conservation offices, and biodiversity and wildlife management activities are being carried out by Department of National Parks and Wildlife Management in 17 different parts of the country. The Department of Plant Resources is carrying out various programmes on the protection, conservation and development of non-woody plant resources in 14 districts of Nepal. The institutional structure of the MFSC is given in Figure 1 (adapted from MFSC 2000).

The MFSC is responsible for the management, utilization and sustainable development of those forest resources which are directly related to the basic needs of local people. In addition, the ministry helps regulate the supply of forest products and dictates and monitors standards for the productivity of forests, the conservation of biodiversity, and maintenance of ecological balance through the conservation of flora and fauna. The ultimate goal of the ministry is to reduce poverty through the sustainable utilization of forest resources. The MFSC has the following development objectives :

- To create employment opportunities and enhance the income of marginalized people in remote areas of the country through the promotion of forest-based programmes such as cultivation of medicinal plants, timber and non-timber forest products.
- To fulfill the basic needs of rural people through the improved management of forests.
- To increase the status of the existing wood-based industries, and ensure proper management of the forests in order to create employment opportunities and boost the local and national economy.
- To conserve biological diversity, genetic resources, wildlife and the environment.
- To mobilize public participation in forest management, conservation and utilization.
- To manage buffer zones, watersheds and plant resources to help people meet their basic needs.
- To encourage cultivation of medicinal plants and carry out scientific classification of plant bio-

diversity.

5.3 Structure of the MFSC

5.3.1 Department of Forests (DoF)

The DoF is the biggest department under the Ministry of Forests and Soil Conservation. Within this department there are three divisions, 13 sections and 74 district forest offices. The following list outlines the responsibilities of the DoF :

- To cooperate with the ministry to formulate rules and regulations for the conservation of forests.
- To coordinate and implement plans and programmes related to the development of forest.
- To provide information to the public about the conservation, utilization and management of forests.
- To use techniques applicable to the utilization of forest products.
- To control forest encroachment and promote public participation in forest activities.

5.3.2 Department of Soil Conservation and Watershed Management (DSCWM)

The DSCWM consists of one division and eight sections with 55 district soil conservation offices. The major responsibilities of this department are :

- To formulate land use planning schemes and implement soil conservation and watershed management programmes in the districts.
- To provide technical support to the districts.
- To develop sound techniques for soil and watershed conservation.
- To develop extension materials and distribute them to the districts.

5.3.3 Department of National Parks and Wildlife Conservation (DNPWC)

The DNPWC consists of two divisions and 17 sections. The major responsibilities of this department include :

- Performance of regular monitoring and management of national park and wildlife reserves.
- Management and evaluation of wildlife reserves, hunting reserves and conservation areas.
- Implementation of ecological and conservation education programmes in the field.

5.3.4 Department of Forest Research and Survey (DFRS)

The DFRS consists of two divisions and 17 sections. The major responsibilities of this department are :

- To utilize remote sensing and aerial photographic techniques for resource inventory and forest management.
- To carry out soil tests for research and development and select appropriate technologies.
- To update forest resource inventory and data.

5.3.5 Department of Plant Resources (DPR)

The DPR has three central offices, three divisions, 14 sections and 7 district offices. The major responsibilities of the DPR are :

- To explore, analyze and conduct research on the utilization and development of non-woody plants.
- To conserve and manage botanical gardens and cultivate and develop medicinal plants.
- To carry out floriculture plant breeding and herbarium preparation programmes.

6 Trends in forest regulations

6.1 Regulation in the past

Prior to 1950, the forests of Nepal were used as a freely available resource, and no sound regulatory policy or plan for forest management was developed. Local people had free access to forests to meet their requirements for timber, land, shelter, fodder, fuel wood and grazing. Vast tracts of forest land were used for resettlement and for conversion into agricultural land. These activities were concentrated particularly in the Terai as well as in some parts of the Hill districts. The trend of conversion of forest into agricultural land continued until well after the fall of the Rana Regime in 1951 (Regmi 1978).

After 1951, elementary steps towards synthesis of a regulatory policy for forests were taken for the first time in Nepal's history. Crucially, these steps brought about a realisation in the government of the importance of planned forest management. However, the general public was not, at this stage, informed of the value of forest resource management. A handful of governmental organisations, including a foreign mission advisory board, were recruited to advise the government on drafting a long-range regulatory forest policy. Nonetheless, legitimate provision for forest planning was, as such, not made until the end of 1956. Until that time, the country's efforts were, in effect, focused on the expansion of agriculture and the distribution of land under the resettlement programme, both of which necessitated the clearance of forests in the Terai and Siwalik regions (Agrawal 1976).

However, following protracted effort on the part of the government, the Private Forest Nationalization Act was promulgated in 1957, which classified all forests as state property, with the exception of privately own orchards and forests under 1.3 hectares in the Hills and 3.3 hectares in the Terai (HMG 1980). Although this step was taken with good intention for the protection of forest resources, it provoked embittered reaction amongst forest users who felt suddenly deprived of their right to access forest products and services. Thus, in reality, the regulatory policy of 1957 simply paved the way for a new wave of deforestation and forest conversion on a grander scale as a result of tension between forest users and the state (Zaman 1973).

The Forest Act came into practice in 1961, focusing more on regulation than on people-centred processes in forest management. As such, this Act concentrated on state ownership of and authority over forests, and the

subsequent Land Act of 1963 proclaimed that all land except agricultural land was to be treated as forest land. Together, these two Acts created havoc amongst the public who were encouraged to convert more forest into agricultural land in order to claim that the land constituted cultivated private agricultural land. The annual rate of deforestation was extremely high at this time - the nation's forest cover declined from over 51 per cent during 1950s, to 45.6 per cent in 1964. This represents a major indictment of policy makers who drafted policy without due consideration for social and cultural norms, rural structures and the operational and administrative capabilities of the country. The government was taught a stern lesson with regard to the potential repercussions of ill-planned policy that ignored public priorities and overlooked the historical, cultural and religious values associated with forests (HMG 1993).

Realizing the antagonistic effect that the Forest Act of 1961 was having, the government subsequently issued a string of amendments culminating in the enactment of the Forest Protection Act in 1967. However, essentially this Act was also prejudiced with regard to the supreme authority invested in the government. Regulatory clauses stated in the policy were slanted towards command and control functions for the protection of forests, and failed to yield the significant results that had been anticipated. Although several changes to the policy were subsequently made, all judicial power over the management, protection and utilization of forests remained with the government. Almost all efforts gave way to incompatible results.

The process of encroachment and forest destruction could not be controlled by the government, and the forest area continued to decrease at an alarming rate. An absence of public consultation, frequent change in government policy decisions and a lack of government commitment are considered to be amongst the key factors responsible for forest decline. The failure of past government policy is also attributed to the emphasis placed on the 'command and control functions' of the government without consultation and due consideration for public priorities with regard to the management of forest resources. Furthermore, the clearance of forests for the expansion of agriculture, the development of the resettlement programme and a lack of compatibility between policy in the forestry sector and that of other sectors, are also highlighted as major causes of forest decline (Agrawal 1976). The problems of encroachment and deforestation were never really challenged during this period and the forest area continued to decline from about 45.6 per cent in 1964 to 35.7 per cent in 1977.

Because of these factors, the Forest Act, 1961 was amended in 1977 by the Panchayat Forests (PF) and Panchayat Protected Forests (PPF) Regulations, and again in 1980. The amended Forest Act of 1977 was a bold legislative step for the participatory management, development and conservation of forests (Bajracharya

1993).

Indeed, a participatory approach to forest management began in Nepal based on a political and administrative territorial concept. Although the concept was founded on Panchayat participation, the planning process was conducted in a top-down manner from which local forests users were excluded. The Forest Act of 1977 was further amended in 1978 and in 1980 in order to formalize the rights of local people in forest management. However, although these amendments were made in order to return rights of tenure and ownership to the public, they failed to win absolute public support since management and operational practices remained heavily influenced by the social elite, local politicians, wealthy people and various government bodies. Rights of access to forests for the local poor, the socially disadvantaged and women were barely considered, and the rights traditionally invested in local users were overlooked. Forest technicians at the village and district levels were biased towards local politicians in the distribution, selection, handing over and mobilization of government funds for the management of forests (Bajracharya 1993).

The Decentralization Act, 1982 was formulated to mobilize local resources and public participation for the development of districts and villages and to strengthen and empower local political and administrative authorities. The focus of the decentralization policy was to ensure public participation through a people-centered, bottom-up approach to planning and decision-making and to generate equitable distribution of benefits to the people. Based on the policy, various forest rules and regulations were formulated and amended in subsequent years to ensure local participation and public involvement in forest resource management.

The King Mahendra Trust for Nature Conservation Act, 1982, Soil and Water Conservation Act, 1982 and the National Park and Wildlife Conservation Act, 1972 were promulgated and implemented. The concept of forest user groups in community forestry was introduced to ensure local participation in the management of forests. The Master Plan for the Forestry Sector (MPFS), 1989 for the adoption of a participatory forest management system in Nepal was conceived.

6.2 Current forest regulations : Forest Act, 1993 and Regulation, 1995

Under this act and regulation, the role of forestry staff changed from a custodial one to a facilitative one. This regulatory policy has provided ample opportunity for the involvement of people in the management of all kinds of forests. Similarly, Forest User Groups (FUGs) have been empowered in the community forest management process. Minor adjustments to this Act and Regulation have been made, including additional provision for the penalization of FUGs for offences against the Operation Plan (OP) and its constitution, and the stipulation that a minimum of 25 per cent of the funds accrued

should be spent on community forest development activities, with the remainder being used for community development works.

The present Forest Act, 1993 has categorized Nepal's forests into six classes. These are : Government Management Forests, Community Forests, Protected Forests, Leasehold Forests, Private Forests and Religious Forest. Both the existing Forest Act, 1993 and its Regulation, 1995 are consistent with the policy recommendations outlined in the MPFS and presently there is no indication that they will be amended. The following sections outline briefly the nature of the different forest types recognized by the Forest Act.

6.2.1 Government-managed forests

Government-managed forests are defined as all national forests (except private forests) that are directly managed by His Majesty's Government. Since government-managed forests are national forests, all rights dictating their use are reserved by the government. Government-managed forests may only be used in the capacity prescribed in their work plan ; ownership of the land and of the products derived from government-managed forests lies with the government. Work plans for the management of government-managed forest may only be prepared, approved and implemented by the government. The following activities are prohibited in government-managed forests (HMG 1995) :

- Deforestation, cultivation and construction (of housing, roads, paths etc.)
- Grazing, the setting of fires and the production of charcoal
- Removal, sale or distribution of forests products, and the extraction of resin, bark, timber, firewood, boulders, rocks, sand or soil
- Export of forest products to foreign countries
- Stealing, destruction or damaging of any government property
- Destruction of biodiversity, the hunting of wild-life and the collection of insects and butterflies

Individuals have no rights of any type in government-managed forests except when a right or facility has been obtained through a lease or in any other way from the government or from an authority empowered by the government. For the purpose of developing or conserving the forest, the government or an authority empowered by the government may close any private or public path or stream situated within the national forest (HMG1995).

6.2.2 Community forests

A community forest is a part of a national forest that has been handed over to a user group for its development, conservation and utilization for the collective interest. The Forest Act and its regulation have provided ample opportunity for people to participate in the management of forests of Nepal basically through the provision of community and leasehold forests. The DFO has

the authority to handover management of community forests to user groups. The DFO is also authorized to provide technical and other assistance required to user groups and mobilize users to prepare the work plan for the management of the community forest. As self-governing institutions, FUGs are legally allowed to fix prices for the forest products they sell and to apply silvicultural and other forestry practices in the management of the forest. The new policy has also allowed users to cultivate non-timber forests products as a means of generating income earned on forest based cash crops and to commercialize wood and non-wood products and their processing to fulfill the subsistence needs of local people. In so doing, due consideration must be given to the health and vigor of the forest. Similarly, FUGs are free to collect and spend income generated from the community forest not only for the development of their forest but also in order to carry out other social and community development activities. FUGs may independently network and consult with other FUGs and their federation. FUGs have provided a platform for the discussion of all aspects of forest resource management for local people, politicians and government officials. In the event that a FUG fails to perform its function or attempts to carry out any operation not included in the Work Plan which may cause adverse environmental effects, the DFO is empowered to cancel the registration of the FUG and rescind the rights to the community forests. The FUG has the status of an autonomous corporate body and has a separate seal of its own.

FUGs are fully legalized to collect funds and use them to finance activities of public interest having made full disbursement for the development of the community forest. The FUGs should deposit their income into a separate account. The FUGs are funded by the following sources (HMG 1995) :

- Grant received from His Majesty's Government
- Grant, assistance or donation from any person or organization
- Amount received from the sale and distribution of forest products
- Amount collected through fines
- Amount received from any other source

The FUG is required to submit an annual report of its activities, including descriptions of the condition of the forest and the expenditure and balance of its account, to the DFO.

6.2.3 Protected forests

A component of national forests, protected forests are considered to be of special environmental, scientific or cultural importance. The government prepares and implements a work plan for the management of protected forests. No activities other than those defined in the work plan or those granted special prior approval by the government, can be conducted in a protected forest.

6.2.4 Religious forests

Upon receipt of an application, the DFO can handover

a religious forest to the jurisdiction of a religious body, group or community wishing to manage the forest for its religious value. Before handing over the forest, necessary arrangements must be made to ensure the traditional rights of forest users are not adversely effected. The religious body or community may utilize the forest products derived from the religious forest for religious activities and not for any commercial purpose. Where any significant environmental impact is anticipated, trees may not be removed and any activities which cause soil erosion or damage to public property - particularly in watershed areas - are prohibited. If the group fails to meet any of the terms and conditions defined for the forest's management, the DFO may reclaim the forest at any time.

6.2.5 Leasehold forests

Leasehold forests are areas of national forest leased to any corporate body, industry, community or individuals living below poverty line. As a condition of the lease, leaseholders are required to utilize the forest in one of the following ways (HMG 1995) :

- Production of raw materials required by the forest-based industries
- Production, utilization or sale and distribution of forest products with appropriate measures in place for sustaining the resource
- Operation of eco-tourism in a way that is compatible with the conservation and development requirements of the forest
- Implementation of an agro-forestry project in a way that is compatible with the conservation and development requirements of the forest
- Operation of an insect, butterfly or wildlife farm/park in a way that is compatible with the conservation and development requirements of the forest.

In the event that the leaseholder fails to perform its defined task in accordance with the forest lease, or otherwise undertakes activities that may cause significant adverse environmental effects, the Regional Forest Director may decide to cancel the forest lease and reclaim the forest. The Regional Forest Director has ultimate authority over the lease as stipulated under the MFSC.

6.2.6 Private forests

Private forests are forests planted, nurtured or conserved on any private land owned by an individual. The owner of the private forest may develop, conserve or manage the private forest, and utilize or sell and distribute the forest products by fixing prices at will. Any person or institution can register a privately owned forest with the government, and is legible to receive any necessary technical assistance from the state if they do so.

7 Analysis of policy trends in terms of local participation

7.1 Introduction

Local participation can be analyzed from several different perspectives. The first 'school of thought' suggests that people are mobilized into *forced participation* in order to provide benefits for the community. The second school of thought asserts *self-initiated participation* in which individuals volunteer their assistance without any contribution from the government or external body, relying instead on self-motivation for the fulfillment of self-recognised objectives. A third school of thought attributes participation to *facilitated participation* in which local people are given incentives to contribute by a facilitator. Finally, the fourth school of thought claims *induced participation* is at work, in which local people are induced through various processes to change their behavior that brings them into the arena of resource sharing and cooperation ; this level of participation is typically brought about by the efforts of an external agency.

Regardless of the mode of participation, however, participatory groups and individuals are normally facilitated and motivated by an external source, which is responsible for their sustained involvement in all aspects of decision-making, from planning and management to implementation and utilization of resources. Therefore, all four schools of thought need to be analyzed in terms of the contextual environment that supports local participation, and the trends and means of evaluation that shape this system in Nepal.

In the following sections, legislation relating to the evolution of community forestry in Nepal is summarized in table form, and an analysis of the different modes of participation as they manifested themselves throughout this evolution is presented.

7.2 Trends in legislation

7.2.1 Overall trends

Key trends in Nepali forest policy are summarized in Table 2.

7.2.2 Trends in community participation

The key legal instruments that have facilitated community forestry in Nepal are summarized in terms of their impact on policy clauses in Table 3.

7.3 Analysis of participation

7.3.1 Forced participation

Some forms of forced participation can be identified in the management strategies that existed prior to the fall of the Rana Regime. Essentially, people were compelled to obey the National Code for the protection and utilization of forests. Without financial reimbursement, local people were forced to cultivate and reclaim land, control floods, capture and hunt wildlife, collect fodder, timber, fuel wood and other forest products, by landlords, vil-

Table 2 Timeline of forest management policy in Nepal (source : based on ICIMOD quoted in McDougall 2002).

Year	Policy/Act/Regulation	Remarks
Up to 1846	Conversion of forests to agricultural land	Increased the tax base of the state
	Protection of Terai forests	As a buffer against foreign invasion
1846-1950	Forest lands given as <i>Birta</i> * to influential officials	Conversion of forests to agricultural land
	Exploitation of Terai forests	Export of timber to India
1957	Private Forests Nationalisation Act	Indiscriminate cutting of forests
1961	Forest Act	Protection, management and utilisation of forests entrusted to the Department of Forests (DoF)
1967	Forest Preservation Act (Special Provision)	The powers of the DFO as a law enforcing agent further strengthened
1976	National Forestry Plan	Recognised the need for people's participation in forest management
1978	<i>Panchayat</i> Forest Regulations and <i>Panchayat</i> Protected Forest Regulations	Handing over of limited areas of government forest land to the control of <i>Panchayats</i>
1981	Forestry Sector Policy of the Sixth Five-Year Plan (1981-85)	Emphasised community participation in the management, conservation and use of forest resources
1982	Decentralisation Act	Moves towards transferring the control of forests to local people strengthened
1984	Decentralisation Regulations	Moves towards transferring the control of forests to local people strengthened
1988	Master Plan for the Forestry Sector (MPFS) Nepal	Covered all aspects of forestry; designed to take Nepal's forestry into the 21 st century; strongly emphasised community forestry and recognised the role of the real users in forest management
1993	Forest Act	Regulatory function of DFO still intact, but significantly reduced. Forests can be handed over to Forest User Groups by the DFO
1995	Forest Regulations	Procedural guidelines for implementation of the Forest Act 1993

* *Birta* was tax-free land tenure endowed to members of the ruling nobility and their followers.

lage leaders and district administrators (Regmi 1971). People had no rights to freely access or utilize forest products for their daily needs.

7.3.2 Self-initiated participation

After the fall of the Rana Regime in 1951, the system of forced participation was abandoned and replaced by self-initiated participation by the people. Indigenous systems of forest and pasture management were put into practice. The *Singo-Nau* concept of Sherpa communities, which protect, regulate and utilize village woodlots and local forests for the sustainable supply of forest products to meet local demands, was a living example of self-initiated community participation in forest management (Furer-Haimendorf 1975). Similarly, some local groups and communities consolidated themselves to protect and sustainably use local forests for social welfare and religious purposes. *Mana-Pathi*, one example of this, is a self-initiated participatory system for the protection of woodlots and local forests from intruders and abuse by local people, that can still be seen in practice in some of the districts today. There is also evidence that people in the past employed self-initiated participatory means to protect and manage their forests for a range of different purposes (Regmi 1978). Various factors are responsible

for the loss of such systems from the mainstream of forest management, as summarized here :

- Loss of faith in the government on the part of local communities, following the introduction of policy which nationalized private forests. Local communities increasingly distrusted the government as their traditional rights to manage forests and harvest forest products were successively stripped away.
- The nationalization policy was abruptly enforced without adequate public consultation or notification, and without any education as to why the policy should be of importance to local forest users.
- Frequent change and inconsistencies in government policy on forest management, and a lack of policy to protect and strengthen traditional systems for common forest resource management.
- Emergence of top-down politics in the forestry sector and introduction of labour intensive forestry projects and programmes to generate employment.
- Loss of self-reliance in rural communities and increasing dependence on external development

Table 3 Evolution of community forestry clauses in Nepali forest legislation (source : ICIMOD quoted in McDougall 2002).

Clause	1978 Regulations	1979 Amendment	1987 Amendment	1995 Regulations
Community Forest Area	Panchayat Forest not more than 125 ha; Panchayat	Panchayat Forest not more than 125 ha; Panchayat	No limit	No limit
	Protected Forest not more than 250 ha	Protected Forest not more than 250 ha		
Rate of Benefit return (%) to the Community	40	75	100	100
Use of Community Funds	50 % for forestry	50 % for forestry	100 % for forestry	Forestry; surplus used for any community development work
Pricing of Products	Not less than government royalty rates	Not less than government royalty rates	Not less than government royalty rates	As per FUG decision
Plan Preparation	By DFO	By DFO	By community	By community
Plan Approved By	Conservator	Conservator	Regional Director (new name for Conservator)	DFO
Community Forest Boundary	Administrative	Administrative	Administrative	Defined by use practices
Management Responsibility	<i>Panchayat</i>	<i>Panchayat</i>	User Committee under <i>Panchayat</i>	Forest User Group (FUG)
Chairperson	Elected leader of <i>Panchayat</i>	Elected leader of <i>Panchayat</i>	Nominated by the <i>Panchayat</i>	Selected by the Users' Assembly

projects.

- Removal of forest for the expansion of agriculture and development of resettlement programmes in the Terai and Siwalik regions.

7.3.3 Facilitated participation

When the Nationalization of Private Forest Act, 1957 came into force, indigenous/traditional systems of self-initiated participation in forest management slowly began to disappear. In their place, facilitated participatory strategies were promoted. Under such strategies, external bodies offer various incentives and subsidies to facilitate and mobilize people in forestry development programmes, though without providing the freedom to manage the forest independently.

Following the gradual disappearance of traditional, self-initiated community participation, the government initiated various alternative approaches aimed at the rejuvenation of participatory forest management. The government drafted policy which sought public support for and participation in the Panchayat system for local resource management. This came at a time when the timber trade with India was fading out and the wood-based industries were losing momentum. In addition, the government was unable guarantee supplies of raw material to industry due to the scarcity of timber and other forest resources (Regmi 1978). The Panchayat Forest (PF) and Panchayat Protected Forest (PPF) models are examples of facilitated participation in which people were invited to initiate community participation

for the first time in the history of forest management in Nepal. In support of the scheme and to promote widespread participation, various forestry campaigns were launched and formal celebrations, under the banner of Forest Conservation Day, were instituted by the government (NPCL 1963).

The policy restricted the range of decisions open to forest users in the planning, management and utilization of forest products. However, communities of forest users were not directly formed and organized by the policy, but rather were guided by it and incorporated into its collaborative approach.

Participatory priorities under this system of forest management were defined by local administrative units, whilst responsibility over major decisions relating to planning and management considerations remained with the government. Local people were mobilized at the community level to implement government objectives and meet government targets. No provision was made for the involvement of people in the maintenance of programmes once targets had been achieved.

In the Second Five-Year Plan (1962–1965), public participation in the implementation of management strategies was sought through local groups but did not materialize as expected.

In the Third Plan (1965–70), emphasis was placed on extension and publicity of forest issues to increase awareness amongst the public of the value of their participation in forest management. Participation was

sought for the implementation of projects by providing incentives or compensation to local people. However, the planning process was centralized and top-down, and local people were not involved in planning or decision-making stages. Thus the facilitated participation process did not yield satisfactory results, and no moves were made towards shifting ownership and responsibility in forest development work. The concept of participation as it manifested itself in this policy, though outwardly developed along 'give and take' lines, neglected issues of ownership and sustained involvement in forest management, conservation and utilization programmes.

The 'Go to the village' national campaign, established in 1967, was a benchmark event which raised public awareness and spirit at the local level. Political leaders, students, teachers and local leaders were used in this campaign to visit village sites to educate and raise awareness in amongst local groups of forest conservation and plantation issues for better management of forests (NPCL 1965).

In the Fourth Plan period (1970–75), it was realized that effective participation in forestry could only be achieved if people were involved right from the beginning of the process, from planning to implementation, to imbue a sense of ownership and responsibility. Despite this, no concrete participatory policy was drafted based on these perceptions and therefore only a small number of programmes were initiated on the basis of this progressive participatory approach.

Under the Fifth Plan (1975–80), however, the National Forestry Plan of 1976 was enacted and local participation strategies were promoted in what became a cornerstone of government forest policy (HMG 1978). Several projects backed by a number of agencies facilitated local people in forest development work, raised awareness and increased rural motivation. The Fifth Plan also emphasized the role of rural people in the decision-making process in local level forestry programmes. Despite its success, however, the policy struggled to maintain momentum at a national level.

The National Development Service (NDS) of Tribhuvan University emphasized the need for mobilization of local people to contribute to the tasks of preserving forests and other development activities. Such NDS programmes made significant efforts to facilitate and mobilize people in a range of development projects including forestry. Unfortunately, however, the NDS programme was dropped because of political reasons (HMG 1967).

In the late 1970s, participatory approaches to afforestation were also emphasized - free seedlings and seeds were distributed to community groups to help facilitate establishment of forest plantations. Awareness programmes were also implemented by some social and welfare related organizations. However, because bureaucratic domination, political unrest and a heavily top-down planning approach, significant results could

not be achieved.

The Sixth Plan (1980–85) emphasized people's participation in forestry through the *Panchayat* system. The government made a commitment to distribute 45 per cent of national forest to participatory *Panchayat*-based forestry programmes. The policy also emphasized people's involvement in decision-making, planning and implementation of forestry development projects in consultation with and under the supervision of local *Panchayat* level Co-ordination Committees (NPC 1979). Based on this policy, many forestry projects were conceived, providing incentives and subsidies to mobilize people participation in the implementation of forestry activities. Awareness of the importance of forest conservation and management were increased substantially throughout many villages. In 1982, the Decentralization Act was enacted with the objective of increasing the volume of participatory projects by devolving planning and implementation authority to the local level.

7.3.4 Induced participation

Induced participation is regarded as being dominant in the current phase of participatory forest policy in Nepal. Under current policy, the government has emphasized community forestry via a user group approach. This involves sustainable approaches to the protection, development and management of local forests through the formation of FUGs at a local level. As such, the FUG has become the only institution responsible for the overall management of local community forests. Thus with this policy, early concepts and practices of local participation, which for the most part had been driven to extinction following the enactment of the Nationalization Forest Act in 1957, were once again brought to the fore, albeit via a different mode of induction. Recommended by the MPFS of 1989, this approach to forest management was fully endorsed by government and has been legitimized by the current Forest Act, 1993.

Current policy for community forestry development seeks to fulfil the following :

- All accessible forests are to be handed over to forest users to the extent they are willing and capable to manage them as community forests.
- Forest user groups shall manage and protect these forests for the benefit of local users.
- Forest user groups shall have access to all the products and income derived from the forest for the development of the forest and other social and community development activities.
- Women, the poor, and deprived and disadvantaged groups should be actively encouraged and included in the activities of the users' group as a priority.

Policy for community forestry is based on three aspirations : empowerment, institutionalization and contribution. The FUG is crucial in attaining the objectives of maintenance and restoration of forest ecosystems, to

increase the basic productivity of forests and so ensure the supply of the subsistence needs to local people.

As a result of this evolution in participatory policy, some FUGs are now fully empowered to exercise and delegate rights and responsibilities in the decision-making, planning and management stages. Some FUGs are now even developing their own silvicultural practices for the protection, production, harvesting and distribution of forest products among the users. However, as yet very few FUGs are independently capable of interacting with other user groups to adopt collective actions in decision-making and conflict resolution. Furthermore, the capacity of FUGs to mobilize locally generated resources for the development of forestry as well as other social and community activities is still questionable. And in many villages, the role of FUGs in alleviating social and economic inequalities at the village level has yet to mature. Questions continue to be raised regarding equitable access to forest resources (especially by the poor, women and other disadvantaged groups) and equitable cost and benefit sharing among users. Nonetheless, FUGs are in the process of promoting themselves as a model of institutional autonomy for entry into and management of other development issues, as they continue to raise the status of and assume responsibility over all aspects of community forestry.

Strengthening the institutional capacity of FUGs is now one of the important challenges that have to be met to allow them to better express and address their needs. Institutional strengthening is believed to be crucial in enhancing the FUGs' ability to better incorporate the poor, women and other deprived forest users, and to streamline access to and use of resources so as to improve their service.

Now that the number of FUGs is increasing, more and more households are being involved in community forest work and more and more individuals are organizing themselves into user groups. Presently, there are about 12,000 FUGs. About 1.3 million households are involved in community forestry programmes, which accounts for 35 per cent of rural and 29 per cent of all households in Nepal (HMG 2001). The FUGs are organized into a Federation of Community Forestry in Nepal (FECOFUN) at the district and national level. FUGs have developed their own constitutions and some FUGs are now capable of exchanging their views through the network whilst making decisions on certain issues. In some cases, FUGs are acting as pressure groups in villages and districts, either directly or through the federation, for the development endeavors of the community forest and welfare of the local people, especially the users.

7.4 Comments and discussion

Dedicated contribution on the part of the FUGs is key to the success of the community forest. FUGs have contributed a lot in terms of labour, skills, money, time

and energy to make community forestry a successful forestry programme in Nepal. The users, in utilizing their own resources with the help of a small government subsidy, undertake almost all the community forest development activities in the village. Government support of the FUGs is limited to training, institutional development, income generation activities and post formation support.

However, the status of community forestry in Nepal should be viewed in terms of the FUGs' institutional, social, technical and financial capacity.

The institutional capacity of a FUG is primarily based on its ability to perform as per the Charter and Operational Plan that has been prescribed for the sustainability of the community forest. Many of FUGs have low performance in this regard. For instance, many fail to appropriately form an executive committee, conduct general annual meetings, prepare annual audit reports, conduct forest inventories and revise their operational plan. It is reported that more than 2000 FUGs (*i. e.* 17 per cent) have operational plans that are either unrevised or incompletely drafted.

In many cases, failure to conduct meetings has resulted in lack of interaction and loss of coherence and mutual trust among users. In such cases, the collective voice and the strength of the FUG as an institution suffers. This is particularly the case in many CFUGs in Hill districts. It is now vital that FUGs demonstrate their ability to overcome such inadequacies, and so ensure equitable access to and control over forest resources for all users. In so doing, they will strengthen their capacity to manage conflicts and promote community development activities. In many cases, gender equity remains a particular problem: a rough estimate has indicated that the involvement of women in participatory forestry may be as low as 22 per cent in Nepal. There are additional reports which suggest exclusion and deliberate failure to imbue all users with uniform rights to forest access and use, may also be occurring. Such exclusion can lead to conflict and resource abuse, and may increase the likelihood of encroachment into non-FUG forests nearby.

Problems and conflicts within and among participatory groups remain because of heterogeneous socio-economic strata and a diversity of needs and problems with respect to accessing forest products. Issues such as forest boundary conflicts between villages and user groups, short supply of forest products and disparity in benefit sharing among participatory groups are also prevalent in many community forests.

The financial capacity of a FUG is based on its ability to manage, generate, mobilize and utilize funds for social and community development endeavors. Moreover, the proficiency of the FUG to do so reflects the leadership and management skill of the groups. This incorporates adequate and transparent record-keeping, timely auditing and dissemination of audit reports to stakeholders.

The fund-generating capacity of participatory groups in the Terai has been better than the capacity of groups in Hill districts, mainly because the Terai community forests are of higher commercial value, thus creating more market opportunities and potential for development of the forest-based industries than in the Hills. However, in general the financial capacity of all participating groups in both regions is far behind what had been expected initially.

User groups are also inadequately developed to make use of available technical capacity in terms of ability to prepare and update forest inventories ; identify, promote and introduce non-timber forest products for quick income generation ; perform necessary plantation and silviculture operations ; and prepare and review operations plans periodically. However, except in a few cases, most community groups lack technical capacity altogether. This is because of a lack of fundamental knowledge and an absence of adequate support from the government and other service providers to mobilize and educate them in such technical aspects. Overall, this absence of technical knowledge, group dynamic and constitution, as well as a lack of ability and skill to identify, plan, prioritize and implement development activities, combined with ignorance of community forest policy, rules and regulations, together conspire to significantly allay the sustainability of FUGs in Nepal.

Based on such experiences, it is therefore reasonable to conclude that, in terms of institutional, social, technical

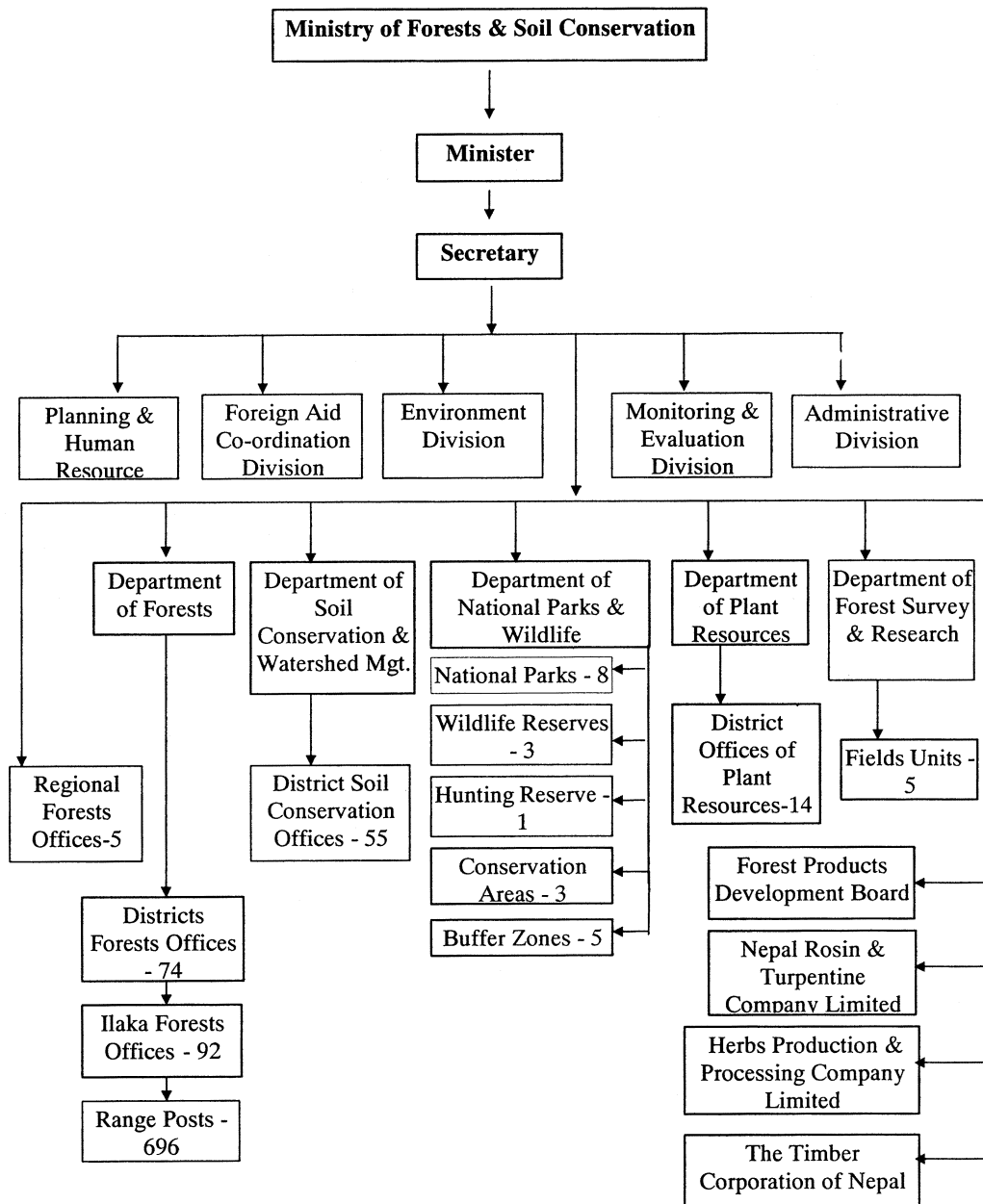
and financial capacity, the management and leadership prowess of FUGs in general require additional momentum in order to meet the policy goals of sustainable community forestry in Nepal.

8 Conclusion

The forests of Nepal have been badly affected by inappropriate planning and the instability of government policies in the past. Present forest policy in Nepal is framed within the context of decentralization and a drive towards development of participatory forest management. In this process, the passage of the Forest Act, 1993, Forest Regulation, 1995 and the Master Plan for the Forestry Sector, 1989 have been instrumental in providing legislative support for the improved management of forests in Nepal. They have also provided the legal framework in which the CFUGs have been empowered to oversee the organization and registration of FUGs for local forest management. Present forest policy aspires to the reduction of poverty whilst addressing the multiple issues of development of the forest-based industries, biodiversity conservation, soil conservation, watershed management and ecological restoration.

These policies have strengthened the roles and responsibilities of all sectors involved in forest management. The Forest Act and its associate Regulation have set the stage for the facilitation of a multiple use-oriented approach to forestry in Nepal.

Organizational Chart of the Ministry of Forests & Soil Conservation



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