

Who should control forests of Nepal? Reminiscence of the past endeavor and some thoughts for future action

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The forests in the hills of Nepal are rejuvenating. This is principally attributed to the appropriate type of tenurial arrangements. Credits are given to the forestry professionals and the projects, which took enough courage to do a series of trials and errors until a suitable form of tenurial model was found. It is argued that, the Terai (note: the southern plains of Nepal are called the Terai) forests have so far been neglected from such facilitative interventions and there is dire need to start similar initiatives here if we seriously want to see that forest degeneration trend in this important part of the country is checked.

Dynamic community forestry approach

'Who should control the hill forests of Nepal?'

This is the question the Nepalese foresters have constantly asked since at least two and a half decades ago. This is despite the fact that they themselves officially controlled the resources on behalf of the government. While this question had been asked since as early as 1952 (Gilmour and Fisher 1991), it was more seriously posed from the year 1975. That was the year when many foresters from all around the country gathered in Kathmandu to share concerns about the degenerating resource in the hills and to seek alternative measures to address the situation. This landmark event gave rise to National Forestry Plan 1976, which saw a need to seek peoples' participation in conservation of the forests and recommended the transfer of resource to the village council (then Panchayat). Subsequently, the forest act 1961 was amended and new sets of rules (Panchayat Forest and Panchayat Protected Forest rule 1978) were promulgated. This was to make a provision to handover the use rights of the national forests to the village councils. This move was taken positively by a large number of donor agencies, which resulted into commissioning of a massive number of projects within a short time. The concept was tried for over a decade but was gradually realised that it was not working. It was clearly observed that the village council was more a political unit than a social unit, for its people to take a meaningful interest in the management of the

concerned resources. Unhappy with the assumed answer: 'the village council needs to control the forests', some District Forest Officers (DFOs) and the project counterparts started innovative trials in a bid to seek more appropriate answer. Sindhu Palchok, Kabhre Palanchok and Dhankuta were amongst the first few districts, which made this attempt. These trials had clearly shown that people who have customary rights over the resource were much more appropriate alternative institution to whom the resource could be handed over, as compared to the existing provision which mandated to do so to the formal politico-administrative unit, the village council. Besides, community forestry was realised to be a socio-technical process for identifying people with indigenous use rights and for ensuring good sense of equity within the members, while ensuring protection and management of the resource at the same time. These experiences and ideas were subsequently shared amongst the foresters and the donor agencies alike and that those were able to impress all.

New community forestry policy, 1989

The above endeavour luckily coincided with a national attempt to prepare a 25-year master plan for the forestry and consequently provided a good feedback in the direction of devising more participatory forestry policy. The new policy in its final version ratified the user group mode of community forestry in place of the earlier mode that based its philosophy on the village council. Besides this, the sector also received a very high priority, in which as much as 47 (HMG 1989a) percent of the estimated budget of the overall forestry sector was planned to be allocated. The policy stipulates:

...phased handing over of all the accessible hill forests to the communities to the extent that they are able and willing to manage them... (HMG 1989b)

A set of legislation and necessary bylaws (Forest Act, 1992 and Forest Rules, 1994) was subsequently promulgated in line with the spirit of the policy. The Operational Guidelines (1995) were also prepared to guide the field workers, particularly the forest rangers. The new policy accepted community forestry as a process of identifying people with indigenous use rights and as a process of building a consensus regarding protection, management and benefit sharing. A simple operational plan and an accompanying constitution prepared by the user group when finally approved by the DFO, forms the starting point from which the local control begins. The Department of Forest (DoF) staffs are supposed to play a facilitative role in preparing the plan, the accompanied constitution and in their implementation. Such decentralised philosophy is carried out at least in theory if not always in practice. Accordingly, so far local user groups are controlling and managing over 600,000 (FUG data base. 2002) hectares of forests in the 51 hill districts of the country. It is very encouraging to note that many of such forests have started regenerating after being handed over as community forests.

There are of course a number of studies, which suggest that the handed over community forests are not free of errors. Many of the errors seem to have their roots in the elite members of the community who tend to control the resource in their vested interest thus affecting the aspirations of the poor. This however is not universally true. There are also a number of studies, which suggest that the local people are managing the forest in a reasonable way and that they are using the resource in the interest of the community members in general (Pandey 1995). This is not to say that, the forest handover of the past is free of problems. Plenty of room exists for improvement, particularly in the direction of empowerment at the grassroots (Baral 1999, Shrestha and Shrestha 1997). These concerns have actually been shared amongst the Joint Technical Review Committee on Community forestry (MFSC, 2000), which saw an urgent need to pay attention to the matter. Hopefully, the subject will draw more attention in the future so that community forestry in the hills of Nepal does not only contribute to forest regeneration but also contributes to more equitability. Despite such encouraging signs in the hills, it may be clearly noted that Terai part of the country has largely been ignored.

The Terai differing from the hills

Terai situations are different from the hill situations in a number of ways. Conspicuous degree of variations may be found in a number of attributes including forest resource, its utility value, people who depend on it, prevailing indigenous local institutions and the like. The table below highlights some of the key differences:

Situational differences in the Terai and the Hills

| Hills | Terai |
|---|--|
| Forest related: <ul style="list-style-type: none"> • Small patch of forests • Low commercial value • Relatively difficult access to use and market • Forest products find uses of local nature | <ul style="list-style-type: none"> • Large tract of land • High commercial value • Relatively easy access to use and market • The ones who want to use the forests extend up to large distance (sometimes as far as the Indian border or beyond) |
| Community related: <ul style="list-style-type: none"> • Limited groups of people who depend on the forest • People may have little alternatives to forest products • The forest dependent | <ul style="list-style-type: none"> • Large group of people depend on the resource • Relatively more alternatives available (at least for those who can afford) |

| | |
|--|---|
| <p>communities are normally close to forest boundary</p> <ul style="list-style-type: none"> • The forest dependent communities have closer ties • They have a history of co-operation and close co-association • People generally have subsistence interests | <ul style="list-style-type: none"> • They may have extended up to miles away • Such ties are generally lacking • Co-operation and co-associations are generally lacking • Commercial use tend to overtake the subsistence use |
| <p>Interface between the people and the resource:</p> <ul style="list-style-type: none"> • Have generally worked together for indigenous systems of resource control/management • Perceived effect of conservation/lack of conservation is generally local • Illegal settlements inside the forest are rare | <ul style="list-style-type: none"> • Such co-operative endeavours are generally lacking • Such effects extend to miles away to the south • Such settlements are more common |
| <p>Revenue related</p> <ul style="list-style-type: none"> • Contributes to the national treasury, particularly through sale of timber | <ul style="list-style-type: none"> • Contribution to the national treasury is relatively low |

The Terai needs to be the next focus

After having been able to devise a workable tenorial model in the hills, it is now needed of the time to start focusing in the Terai, a region characterised by a great deal of differences than the hills. The current figure puts the rate of forest depletion as high as 1.3 percent per annum (HMG 1999). Unfortunately such area has so far been neglected and we are witnessing the forests to disappear very quickly. There is little doubt that the 'granary basket' of the country will soon be turned into a 'desert' thereby affecting the forest dependent community and the national treasury at the same time if we fail to act immediately.

When said the 'Terai has been neglected', I do not mean that there have been no concerns. The state of fast receding forest resource in the Terai has of course been a matter of concern to the foresters and the non-foresters alike. The government's concerns are reflected in the Forest Act, 1992, which puts environmentally sensitive areas of the country in the category of 'protection forest'. Besides other things, the major intention here was to put the fragile Chure belt of the Terai under protection. The recent decision of the

government (May 1999) can be considered to have intended to translate the provision of the Act into practice by categorizing Chure as 'protection forest'. Since last few years, the Department of Forests has intended to manage Terai forests in a scientific manner through the technically prepared Operational Forest Management Plans (OFMP), but without success. The implementation of the plan was handicapped both by the financial and non-financial matters. Some NGOs raised the issue that implementation of such plans would jeopardize livelihood system of the local population. Federation of Community forestry user groups (FECOFUN) and some other NGOs discharged team of people (called TECOFAT) to the settlements around the Terai forests with an idea of activating the people. The idea behind was to discourage the government's move to implement OFMP and, instead, builds up local pressure so as to get the resource handed over as community forests.

Despite such expressed concerns from different segments, neither the government nor the non-government sectors have been able to make any strategic move to save the Terai forests. All that the government has been able to do so far is essentially to continue the traditional practice of forest patrolling without critiquing much on whether it would work. Similarly, what the NGOs are doing to date is basically to show their concerns about implications of OFMP implementation in the livelihood of the local people without paying much attention about the broader implications of leaving the forest unmanaged. I would say that neither approach could save the fast receding forest resources of Terai or could engender a sense of social equity.

There have of course been some field initiatives as well from certain projects. The World Bank funded community forestry project was commissioned about a decade ago. What the project basically did was carrying out plantations in whatever areas available and named them as community forests. The project did not really try to find an alternative way towards sustainable forestry in the Terai. GTZ funded Churia Forestry Development Project and CARE Nepal are currently involved in some Terai districts of the east and the west respectively. Apparently both of these projects concentrated on degraded forest patches near dense settlements, and so far, have not given much thought about conserving the larger tracts of forests in the Terai.

I intend to be critical of the activities that have been carried out so far and would say that the initiatives so far have failed to address more fundamental issues regarding the 'control' or the 'tenure'. I would argue that the logical way to be able to hit at the problem would be to ask more fundamental questions regarding the tenure; the way we have asked it in the hills. 'Who should control the forests?' This is the critical question we have constantly asked in the hills but, unfortunately, we have largely failed to ask such questions in the Terai and no wonder appropriate answers are far from being found as yet. Probably two important considerations are to be born in mind while posing such

questions: i) sustainable forestry at affordable cost ii) equity and well being of the local as well as national population.

Some attempts have recently been made by the District Forest Office Siraha, which has endeavoured to bring together all the local stakeholders to a forum for working out what needs to be done and how. It is yet to be seen how the overall activities take shape. It is fortunate that Nepalese foresters are not now left alone to try out this rather difficult task. A number of benevolent 'helping hands' seems to be in our support. CARE Nepal which, so far, had limited itself to the Terai districts in the Far West of the country has decided to start initiatives in a couple of Terai districts in the Central Development Region. Chure Development Project, which has been running for nearly a decade, has decided to continue. Very novel initiatives have emerged from British project, which, after having a rich experience in the different parts of the hills, has now decided to take up three Terai districts in the Mid-Western Region. SNV has come forwards to focus in the Terai districts of the Central Development Region. The nature of the growing initiatives would indicate that The Australian project, one of the very first to assist in innovating community forestry concepts, cannot remain immune from these developments and may show willingness to embark in the Terai situations as well. A number of other supports may also be anticipated.

It is not necessary that all initiatives should follow the same work procedure. Varieties of work modalities would help unveiling rich picture of the complex situation. This may be more beneficial than a single work model as long as the learning is regularly reflected upon, shared (within and the between the practitioners) and more informed field actions taken. It may however be noted that posing question 'who should control the forests' may help being one focused towards what our intention is and whether we got it right. A cyclical process of planning-acting-reflecting-reviewing, as suggested in action research would be an inevitable requirement. Only the hands on experience may start revealing actual opportunities and constraints.

Let us hope that all the new endeavours would be instrumental in finding out an appropriate tenurial model to conserve the Terai forests thereby also helping reduce the local poverty situations at the same time.

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Notes to readers

This paper is a case study on the Institutions for Democratic and Decentralized Sustainable Mountain Development. A Mountain Forum e-consultation for UNEP/Bishkek Global Mountain Summit. 23-28 April 2002.