

# six looking towards the future

Initially, efforts were mostly made to hand over large areas of forest to UGs. The DoF demarcated forest areas haphazardly, leading to many technical problems and depriving many people of their own land. The participation of local people in this crucial phase of community forestry development cannot be ignored. Overlooking the importance of full community participation to investigate who are the genuine forest users and how forest area should be demarcated raised many conflicts between the DoF and the people (Poudel 1997). This hampered the success of the community forestry programme. There are a large number of cases in the Supreme Court related to the demarcation of community forests. In some instances, private land has been demarcated as national forest and in others, community forest area has come under individual ownership.

The Forest Act of 1993, the Environment Protection Act 1996, and the Environment Protection Regulations 1997 have been carefully drafted to ensure that they are both realistic and practical. In addition, the government increasingly recognises and accepts the need to work closely with NGOs and, most importantly, with local people themselves. Consequently, new organisations are evolving, linkages between organisations are being forged, and community forestry is growing. These are all positive efforts initiated by the government. However, it is easier to make policies and reform them, to enact and amend laws, and to set targets for large numbers of UGs, than to implement a lasting and equitable community forestry programme. It remains to be seen whether the government's efforts will succeed.

Constraints remain daunting. Talbott and Khadka believe that among the most demanding of these constraints are the problems posed by tenurial insecurity and the lack of effective legal recourse to oppose DoF decisions. Unless their time, effort, and material investments stand a good chance of paying off, FUGs will be reluctant to participate fully. Conversely, they are sure to pursue those management schemes that have a proven record of increasing material benefits. To ensure that this is the case, a history of institutional inertia within the government agencies needs to be overcome. Perhaps more importantly, real disincentives against agency enthusiasm do exist — additional work load and increased responsibility coupled with loss of some control over (and thus credit for) successful innovations. As long as community forestry implementation relies on the goodwill of the DoF, these factors may well prevail over both the spirit and the letter of the law.

Forest products that are deemed essential for farmers and forest users are generally limited to grass and/or fodder, firewood, leaf litter, and small timber for making agricultural

implements, but this is not all that communities need. In defining the basic needs of a rural community, biological materials from the forested land of a community such as charcoal, honey, resin, spices, wildlife, and medicinal and food plants should be included. The definition should also be sensitive enough to accommodate services rendered by forest land such as grazing, watershed protection, management of wildlife habitat, and the development of ecotourism.

In practice the work plans — management agreements between the users and the government — set limits on the rights of UGs. While preparing a work plan, forest users are assisted by district forest personnel, who may still be guided by an ideology of protection. They do not fully describe and make clear what is achievable by users within the limits of the Forest Act. Thus, many FUG work plans do not reflect the good intent of policy and legislation.

The ongoing gap between practice and policy not only delays the desired progress but also reinforces the perception in the community that government sponsored activities are more to benefit the government itself than to help local communities. Therefore, a protective ideology among forest personnel is unwanted because it can prevent the wise use of the forests (Chhetri 1994).

The DoF needs to work together with different government agencies to make the various pieces of legislation consistent with the Forest Act 1993 and it should repeal those provisions in the Forest Regulations which limit the powers given by the Forest Act, as discussed earlier in this paper.

The Act should be amended to incorporate the role of the VDC as a mediator between UGs and government agencies. A provision for advisors should also be included in the Act with this role also entrusted to members of the VDC. The Act should encourage FUGs to invite the VDC representative to their meetings where possible and to seek advice from the VDC in case of problems. For this to become effective, VDCs should see FUGs as autonomous institutions, should respect their autonomy and decisions, and recognise their contributions.

The time has come for serious dialogue with local government to address their concerns as well as to accommodate the aspirations of FUGs. As VDCs and DDCs are elected, representative institutions of local people, they have the mandate to make decisions on behalf of their constituency. This does not mean that they must take part in FUGs. VDCs and DDCs should see their role as promoters and facilitators rather than as regulators. They should see community forests as one of their long-term projects and promote them to this end. FUGs should inform VDCs of their decisions as an advisory group. FUGs should also promote the role of the VDC and DDC as mediators and arbitrators. The VDC should also try to implement their projects through FUGs.

Talbot and Khadka note that perhaps the most significant harbinger of the impending change comes not from the words of statutes, but from changes in the attitudes of the people. Before 1990, many Nepalese villagers referred to the forests as 'sarkari ban' (*government forest*), now they increasingly refer to them as 'hamro ban' (*our forest*). In light of the entrenched legacies of both the Rana regime and the panchayat system, this semantic change indicates a notable achievement.

The community forest programme is one of the most effective programmes to protect and conserve the nation's natural resources. An FUG established under the Forest Act enjoys various powers and is one of the most powerful legal entities to manage and utilise the country's natural resources. However, due to lack of awareness, ignorance of legal provisions

and policy, and to some extent governmental reluctance, FUGs are confronted with various problems. The MFSC should not compromise on non-negotiable issues such as the autonomy of FUGs, and the full power FUGs have at present for management and development of the forests, including fixing the prices of the forest products. A legal and policy framework should be developed and amended to reduce and mitigate the adverse impacts of different sectoral legislation and policies. The need of the hour is to enter into consultation and serious dialogue with different stakeholders, particularly local elected institutions, and to continue building on the success of the community forestry programme.

### **Looking towards the future (recommendations)**

- Need to attain consistency among Forest Act, Rules, and other laws
- All biological materials, from grass, fodder, and firewood to charcoal, honey, resin, wildlife, and other non-timber forest products, should be included in defining the basic needs of a rural community
- Legal provisions need to be enacted for the conservation of wildlife and sustainable harvesting
- Various acts and laws require amendment
- VDCs and DDCs should see their role as promoters and facilitators rather than as regulators
- VDCs and UGs should understand each others' roles and functions and work in harmony to complement each other
- VDCs and DDCs should respect the right of FUGs over forest products within the CF area
- The MFSC should not compromise on non-negotiable issues such as the autonomy of FUGs, and should continue further empowering and strengthening FUGs