

Chapter 4

FOREST MANAGEMENT ISSUES IN FUGs IN THE EASTERN HILL REGION

Users' Identification

In our study areas, generally those people whose houses were located within walking distance from the forest (normally from 10 minutes to 1.5 hours' walk), or whose land was situated near the forest, even though their houses may be located far away, were included as users. The membership structure is not confined to a single ward, VDC, or district. In the sample, the users are even confined to areas smaller than a ward or VDC (Thulopakha Dhusune, Sankhuwasabha); part of one ward each of two VDCs (Chyane Dashe *Danda*, Sankhuwasabha); part of two wards of two VDCs (Sukrabare, Sankhuwasabha); Nayabazaar, Ilam (three wards of one VDC); Bhedichok, Ilam (three wards of one VDC); Handikharka (parts of Ward Nos 3 and 7 of Dhankuta municipality); and Thaprong (all households of Ward No 2 of one VDC, Dhankuta). The name of the users is clearly noted in the *vidhan* (constitution) signed jointly by the chairman of the users' executive committee and by the DFO of the District Forestry Office. However, several problems were encountered while identifying users, particularly in the way members are included/excluded as users.

Dual Membership of the User

This is the most common problem that was encountered while identifying users. Nowhere in any *vidhan* is it clearly stated that a person can become a member of two or three user groups at a

time, or that members of a household (e.g., the father, son, wife, and husband) can obtain individual membership in two to three forest user groups at the same time. It was observed that, within a radius of five to eight kilometres, a user has access to three to six forests and can become a user of one of the FUGs, considering the availability of forest products. This was observed in Handikharka, Thulopakha Dhusune, and Bhedichok. For example, out of the total of 224 FUG members in Handikharka, 42 possessed dual membership. Even the executive vice-chairman of Handikharka FUG held an executive position in the neighbouring Chuliban FUG also. A user leaves his FUG and joins another because the other forest has more forest products to offer than the one in which he is a member.

The strategy of the wife being the user of one FUG and the husband the user of another FUG will no doubt maximise the use of local forest products, but it raises several practical problems at the local level. (i) For example, a user will not think seriously in terms of developing his/her own FUG as an institution. In fact, a UG forest, which has minimal forest products, requires better management and care than one which is densely forested. (ii) It will also threaten the existing notion of people's collective participation in common property resource management, such as forests, because a user will be interested in maximising economic gains rather than adopting an altruistic approach for a common goal. (iii) It will be difficult to identify real users of FUGs and the extent of forest use as the same person or other members of his family will be users in other FUGs.

Membership in Relation to the Size of the User Forest

FUG membership is not defined according to the forest size. In Thulopakha Dhusune of Sankhuwasabha, the forest size is only 10ha whereas the current users number 43 (only 0.2ha per user household). On the other hand, in Chyane Danda (Sankhuwasabha), there are 72 user respondents for 50ha of forest. The user-forest size ratio varies for different user groups. For example, in the Andheri Bhajana FUG (outside the sample area) there are 140 users for 18.75ha of forest whereas there are 112 users for 250ha of forest in Hatiya (see Annex 15). In most

user group forests in Dhankuta, the forest size is small compared to the size of the users (see Annex 16). In contrast, there are less users in Ilam in relation to the forest size. (See Annex 17). As biomass data (such as the volume of wood and availability of firewood and fodder) on most forests in the Eastern Hill Region are not available, it is difficult to show an exact relationship between the optimal number of users and the forest size. FUGs such as Bhedichok and Kharkhare in Ilam district have relatively large forest sizes compared to the number of users, but these FUGs have regulated the use of forest products because these forests contain few forest products (see biomass data on Ilam). Thulopakha Dhusune is another example of 10ha of forest not being adequate for even 43 users because of the small amount of forest products within it. On the other hand, 50ha of forest are adequate for 72 users in Chyane Dashe *Danda* because this forest contains not only diverse species but a relatively greater amount of forest products also. This problem may not be serious at present but may create difficulties in future. If a large number of users from one FUG (where forest products are minimal) want to become users in another FUG (where forest products are abundant), it will affect not only sustainability but forest use and management also.

Migrant and Temporary Settlers as Users

There are many user members in FUGs who are not only landless but also recent settlers. In Handikharka FUG, for example, there are 45 users who are not only landless but who also have settled temporarily in the area in the last two to four years. They are the biggest users of forest resources as they sell firewood regularly in Dhankuta *Bazaar*. They have nothing to lose, and if they get a good opportunity to work elsewhere (as in the Arun III project), they will migrate immediately. Such users are found in many FUGs in the Eastern Hill Region. The FUG constitution does not make any distinction between temporary and permanent settlers as users. But many permanent settlers feel that temporary settlers do not have a long-term interest in protection and conservation of a particular forest as they come and go. At present, there are no problems as such but this may create use, protection, and management problems in the future.

Inaccuracy in the Name of Users

In many FUGs, the names of users are collected haphazardly, whether they live in nearby areas or not. In Sukrabare (Sankhuwasabha), there are many users who are not known to local users. In Chyane, two user families have migrated permanently to the *terai*. Such permanent migrant users are found in many FUGs but all of them are listed in the local records. In other words, it is difficult to identify users easily.

Sleeping Users

There are many users in our sample who have not even visited the forest in the last two to three years, never attended any FUG meeting, and so far not utilised any forest product. But, at the same time, they pay money to forest watchers, thus claiming the legal right to be users of the forest. Although such users are saving forest products for the time being, they are not sharing their ideas regarding the management, use, and distribution of forest products. For young FUGs to become sustainable, collective efforts are essential.

Users' Right to Leave the FUG

It is not clearly specified in the *vidhan* (constitution) of any FUG that a member loses the right to use the forest if he violates the rules many times and the user has lived close to the forest area for many generations. Similarly, what happens if a user of a particular FUG wants to leave it and join another FUG, or wants to become a multiple user - this is not specified in the *vidhan*. This problem can be observed in all FUGs in the study area.

Relationship with Neighbouring Areas

It is not mentioned in the FUG constitution how neighbourly relations should be maintained regarding forest use and management. Sufficient forestland is still available to many people in all three districts - Dhankuta, Sankhuwasabha, and Ilam. There is not much encroachment, even by non-users, because the availability of forest products has resulted in less pressure and the need for community forestry is not felt. In Ilam,

it was observed that the FUG committee had requested another FUG committee to provide a certain amount of timber (cu. ft.) on payment of royalty to build a school in their community. Nevertheless, the existing FUG constitution has some lacunae regarding relations with neighbouring areas.

- i. VDCs are considered to be fundamental units of economic and political development processes in Nepal, but FUGs rarely represent a single VDC; in some areas, e.g., Sukrabare FUG, the forest is located in Siddhapokhari whereas the users are primarily from Siddhapokhari and Chainpur VDCs. Before the formation of this FUG, the people of Ward Nos 1, 2, and 3 of Siddhakali VDC were also using the products from this forest. But the *adhyakcha* of Siddhakali VDC claimed that neither he nor the people of Ward Nos 1, 2, and 3 were consulted while forming the Sukrabare FUG. He queried how Sukrabare FUG could exclude them from using forest products? So far there are no problems because few forest products are available. Once the forest starts regenerating naturally, benefit-sharing conflicts might occur among people in the neighbouring areas.
- ii. Finally, some people living close to FUG areas have not become users because the products of another forest are available to them without much cost and effort. This was observed in Chyane Dashe *Danda* as well as in Kharkhare. Unless all the neighbouring areas closely integrate their efforts to develop FUG programmes, opportunists will keep encroaching upon forests at their convenience, and the present harmonious relationship among neighbours may be difficult to maintain in future.

Gender and Community Forest Management

It is commonly mentioned in the literature (NAFP 1991; Nepal UK Forestry Project 1989; Danigelis 1993; Molnar 1981; Molnar n.d.; Molnar and Schrieber 1989; Hobbey 1990) that women are the major collectors of forest products in Nepal and hence they should be acknowledged as users and managers of forests. It is argued that women know which forest resource to give highest priority to for collection, which will have an impact on

farm/subsistence agriculture, its food value, etc. However, this is only partially true. In the case study areas, not a single woman participated in the FUG programme through self-interest and motivation. A similar observation was made by Karki et al. (1994) in their study of FUGs in central Nepal. In our sample of seven FUGs, with a total of 656 users, only 23 (3.5%) women were recorded as users, (Table 4.1). There is a provision that females should constitute one-third of the users' executive committee. In reality, however, only 2.7 per cent participated in the executive committee. Only Thaprong FUG had slightly more than the required (one-third) female participation. The representation of females, both as users and executive members, is quite low in Ilam; only nine per cent in Bhedichok and 0 per cent in Kharkhare participated in the executive committee. Most women were simply nominated, and they had no idea that they were participating as members of an executive committee. Some women members said that they were there because their husbands or fathers had forced them to participate. There is no doubt that, in all FUG study areas, women spend the most time in collecting firewood and fodder and grazing animals in the forest. So why is the level of female participation low in the study areas? There are several reasons why women are not interested in FUG programmes.

Table 4.1: Participation of Females in the FUG Study Areas, 1993

FUG	Total User Households			Executive Committee		
	Male	Female	Total	Male	Female	Total
Handikharka	220	4	224	12	3	15
Thaprong	45	4	49	6	5	11
Thulopakha Dhusune	41	2	43	9	4	13
Chyane Dashe Danda	67	5	72	8	3	11
Sukrabare	75	3	78	10	2	12
Bhedichok	83	3	86	10	1	11
Kharkhare	102	2	104	14	0	14
Total	633	23	656	69	18	87

Source: Field Survey 1993

- i. Traditional perceptions of womens' role and obligations and customary practices in family and property relations do not permit women to participate in the public domain. In other words, Nepali culture does not permit women to participate in forestry activities. Forests belong to the public domain in which males participate, whereas women are perceived as belonging to the domestic sphere, i.e., household. According to traditional perceptions, forests are associated with masculinity, demanding roughness, strength, and courage. Forests are symbolised as the dwelling place of evil ghosts, spirits, and wild animals and a shelter for thieves and dacoits. A male normally carries a weapon (anticipating any form of danger) while moving around the forest. Females are considered to be soft and gentle and hence too weak to protect forest resources and manage forestry programmes. A woman is not allowed to travel alone in a dense forest even today and is normally accompanied by men. Moreover, how can a woman watcher protect the forest when males steal firewood? In other words, sometimes muscle power is required to challenge others, and this is not possible for females. Unless this very basic cultural element is withdrawn from Nepali culture, women's participation in forestry programmes will exist only in name.
- ii. The Nepali cultural model is strictly hierarchical even today. The position of females is lower than that of males, i.e., if females request male users to attend meetings, probably very few males will attend. As most of the adult females are illiterate, many of them are still unaware of their legal rights or are unable or unwilling to exercise them. Apart from in Pakhribas, Dhankuta, not a single woman ranger was found in the three districts of the Eastern Hill Region. In the course of discussions with a number of females who are on executive committees, all of them said that they could attend the village assembly meeting of the FUG but could not hold higher positions like the chairman or secretary because of domestic problems. They also said that women could not become good forest watchers (*ban heralo*) as it was difficult for them to stay alone in the forest for a long time. Therefore,

there is little incentive or motivation for rural women to participate in forest resource protection or in management of forestry programmes. It is likely that the level of women's participation in forestry programmes will remain low even in the future.

Leadership, Decision Making, Distribution of Benefits, and Conflict Resolution

Although democracy in Nepal is considered to be the fulcrum for change in the economic and political spheres, FUG leadership, however, still operates according to the traditional model. Wealth, the status of a person in the hierarchical social structure, ethnicity, and contacts with the bureaucracy are important factors which strengthen the position of a leader in a particular FUG. The number of members from a particular cultural group in the FUG still plays a minor role in the formation of FUG leadership. The attributes of local leadership (the chairman and the secretary were considered to be functional FUG leaders) in the FUG study areas are presented in Table 4.2.

Table 4.2: Attributes of Leadership in the FUG Study Area, 1993

FUG	Position	Ethnicity/ Caste	Education	Land- holding (in <i>ropani</i>)	Occupation	Relative Eco. Position among FUG members	Contacts with Govt. people
Handikharka	Chairman	<i>Brahmin</i>	Class 10 (eq.)	57	Agri+Priest	Good	Good
	Secretary	<i>Brahmin</i>	S.L.C.	16	Agri+Service	Good	Good
Thaprong	Chairman	<i>Limbu</i>	Literate	13	Agriculture	Good	Poor
	Secretary	<i>Limbu</i>	class 10	51	"	Good	Poor
Thulopakha	Chairman	<i>Chhetri</i>	B.A.	30	Govt. Ser.	Good	Good
	Secretary	<i>Brahmin</i>	S.L.C.	70	Agri+Service	Good	Good
Dhusune	Chairman	<i>Newar</i>	Literate	25	Agriculture	Good	Good
	Secretary	<i>Brahmin</i>	S.L.C.	20	Agri+Service	Good	Good
Chyane Dashe	Chairman	<i>Newar</i>	Literate	25	Agriculture	Good	Good
	Secretary	<i>Brahmin</i>	S.L.C.	20	Agri+Service	Good	Good
Sukrabare	Chairman	<i>Newar</i>	class 8	31	Agriculture	Good	Good
	Secretary	<i>Chhetri</i>	S.L.C.		Agri+Service	Good	Good
Bhedichok	Chairman	<i>Gurung</i>	Literate	45	Agriculture	Good	Good
	Secretary	<i>Gurung</i>	Literate	32	"	Good	Poor
Kharkhare	Chairman	<i>Brahmin</i>	Literate	65	Agri+Business	Good	Poor
	Secretary	<i>Rai</i>	Literate	54	Agri+Business	Good	Poor

Source: Field Survey 1993

The table suggests that the status of a person in the hierarchical social structure and ethnicity are important factors for leadership at the local FUG level. Out of the total (14 positions), seven positions (50%) were filled by *Brahmin/Chhetri*, followed by *Newar* (14.3%), *Gurung* (14.3%), *Limbu* (14.3%), and *Rai* (7.1%). In Thaprong, the leaders were *Limbu* because the entire community was *Limbu*. In Bhedichok, the leaders were *Gurung* because most of the users were *Gurung*; only one *Brahmin* household was represented as a user in this FUG. In brief, the landholdings of all leaders were larger than the users on the whole; some of them were employed in government offices (relatively better off in economic terms in the local context), better educated, and most of them (except in Thaprong) had good contacts with the bureaucracy.

In Handikharka FUG, for example, active leadership was provided by the Pokhrel *Brahmin* who accounted for only 14 households out of the total (224 user households). The *adhyakcha* (chairman) was a rich old Pokhrel *Brahmin* with little education but with good contacts with the government bureaucracy. The Pokhrel *Brahmin* was elected unanimously. Locally, he is an active member, performs priestly services, and recites the *Purana** to his clients, but he does not occupy any other position at the local level. Likewise, the secretary of this FUG is a dynamic young man with high school education who works in a government office. In Thaprong, the *adhyakcha* is a traditional *Limbu subba* assisted by a general secretary, a young *Limbu* boy with high school education and relatively well off in the local context. Thaprong's chairman is also the chairman of the executive committee of the local primary school. Both leaders were also selected locally without opposition from other members. In Chyane Dashe *Danda*, the *adhyakcha* is a *Newar*, a relatively well off person. However, the general secretary is a migrant *Brahmin*, associated with the government administration. Likewise, in Thulopakha Dhusune, the *adhyakcha* is a well-to-do *Chhetri*, a B.A. degree holder, and a government employee. The general secretary is a rich young *Brahmin* with high school education who is active in local politics. In Kharkhare, Ilam, the *adhyakcha* is a rich *Brahmin* with little

* An important Hindu scripture

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education, and in Bhedichok a *Gurung* who is comparatively well off in the local context. All the leaders were elected by consent. In such a situation, the decision-making process is likely to be biased in favour of a particular person or group (see Cases of Conflict Resolution below).

Regarding institutional attributes, all FUGs have a constitution with operational rules for use and management of forest products. These rules, however, differ from one FUG to another according to the size of the forest and the number of users. Some rules as specified in the FUG constitution and the general meetings of the different FUGs of the study area are given in Table 4.3.

Table 4.3: Operational Rules as Specified in the FUGs' Constitutions and General Meetings (Study Areas, 1993)

	Handi-kharka	Thaprong	Thulo-pakha Dhusune	Chyane Dashe Danda	Sukrabare	Bhedichok	Kharkhare
1. Boundary Rules							
1 Boundary rule defined	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2 Membership is restricted within the FUG	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified
2. Input Rules							
1 Membership fee	Not necessary	Rs 1 per user	Not necessary	Not necessary	Not necessary	Rs 5 per user	Not necessary
2 Payment in Rs per month	No	No	Rs 20 per month (user HH)	Rs 10 per month (user HH)	No	No	No
3 Watcher to protect forest	Yes (once a month by a user HH)	No	Yes (EF Forest Watcher)	Yes (CF Forest Watcher)	No	Yes (Forest Watcher 80% Govt. 20% CF)	Yes (80% Govt. 20% CF)
4 Voluntary labour	Yes (once a year)	Yes (once a year)	Yes (once a year)	Yes (once a year)	Yes (once a year)	Yes (once a year)	Yes (once a year)
3. Harvesting Rules (Benefit-sharing)							
1 Timber for agricultural implements (plough, etc.)	Two pairs free per annum	Not Specified	Not allowed	Rs 5 per piece	Rs 5 per piece	Not specified	2 pairs free

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2 Firewood (<i>bhari</i> per annum)	40 <i>bhari</i> free	20 <i>bhari</i> free (pay Rs 1)	Rs 2 per <i>bhari</i> while thinning	Rs 2 per <i>bhari</i> (up to 100 <i>bhari</i>)	Rs 2 per <i>bhari</i> (up to 10 <i>bhari</i>)	Rs 5 per <i>bhari</i> (up to 10 <i>bhari</i>)	.50 paisa per <i>bhari</i> (up to 50 <i>bhari</i>)
3 Fodder: grass, tree fodder	Free	Free	Not allowed currently	Grass free, tree fodder (.25 per <i>bhari</i>)	Not allowed	Rs 30 for 12 months	Grass fodder free Tree fod-der Rs 1 per month
4 Timber for domestic use	50 cu.ft. (half of the govt. rate)	No fixed quota	Not allowed for 10 years	50 cu.ft. (half of the govt. rate)	Not allowed currently	Not allowed currently	New house: 100 cu.ft repair: 50 cu.ft half of govt. rate
5 Other (bedding free for animals, leaves)	Free	Free	Not allowed currently	Free	Free	Not specified	Free
6 Hunting	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
7 Charcoal making	Not allowed	Not specified	Not specified	Not specified	Not specified	Not specified	15 <i>bhari</i> Rs 1 per <i>bhari</i>
8 Grazing animals	Allowed except for recently planted area	Allowed	Not allowed	Allowed except for recently planted area	Allowed	Not allowed	Allowed except for recently planted area
4. Penalty Rules							
1 Agri. imple-ments	Extra timber, good market prices			Rs 50 per piece	Rs 50 per piece		1st time: Rs 5 per piece, 2nd time: Rs 20
2 Firewood	Each <i>bhari</i> extra market price, <i>bhari</i> seized	Penalty not decided		Rs 10-25 per <i>bhari</i>	Extra <i>bhari</i> Rs 10 bundle	Forest regulations will apply	1st time: Rs 5 per <i>bhari</i> , 2nd time: Rs 50 per <i>bhari</i>
3 Fodder			Not specified	No penalty	Rs 10 per <i>bhari</i>	If money is not paid, not allowed	Tree fodder: Rs 2-5 per <i>bhari</i> in other months
4 Timber	Good market prices, timber seized	Rs 500-1,000 depending on timber type	Rs 500-5,000 depending on timber type	According to the law	According to the law	Rs 500-5-- per wood	Send to the DFO for action

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	Handi-kharka	Thaprong	Thulo-pakha Dhusune	Chyane Dashe Danda	Sukrabare	Bhedichok	Kharkhare
5 Other	No penalty so far	No penalty so far	Rs 10-25	No penalty	No penalty	No penalty	Sent to DFO (no facilities next time)
6 Hunting	"	"	No law	According to the law	No law	No law	
7 Charcoal making	"	"	"	No Law	According to Law		
8 Grazing animals	First time: goat: Rs 1 cow: Rs 2 buff: Rs 10 2nd time: goat: Rs 2 cow: Rs 4 buff: Rs 20	No penalty	No law cow: Rs 10 goat: Rs 5 first time: double, second time: horse: Rs 100	Goat: Rs 10 cow/buff: 10	No penalty	1st time: Rs 50, 2nd time: Rs 75	First time: no penalty 2nd time: 100 per animal
9 Fire	Not allowed, sent to DFO	Not allowed, sent to DFO	Not allowed, sent to DFO	Not allowed (according to the law)	According to the law	According to the law	According to the law

Source: Survey

In general, these rules can be broadly categorised into four types: (i) boundary rules (whether a user group forest has a fixed boundary or not and whether a user can cross the forest boundary to become the user of another forest); (ii) input rules (the type and amount of resources required by each user to contribute to the FUG programme); (iii) harvesting rules (how the benefits, are shared by users); and (iv) penalty rules (to punish the rule breakers) (Tang 1989:38-42).

In general, these rules cover most points, i.e., what the user can or cannot do, the inputs required by him, to what extent he will share benefits, and in what conditions he will be punished. There are, however, some gaps in these rules also. In the boundary rule, for example, the user's boundary is not defined. It is because of this that a user has to become a multiple user at the same time, depending upon the availability of forest resources. The harvesting rules are designed as if all forest products (i.e., firewood, fodder, and timber) were available in a forest at the same time. The penalty rules are not clear in some FUGs. It is not stated in the constitution of some FUGs whether the membership of a user who has violated the FUG rules many times will be suspended or cancelled, etc.

In addition, some of the operational rules that are common in all FUGs are given below.

- i. All user households of a forest user group are members of the general assembly. The general assembly is held at least twice a year. Two-thirds' majority must be present to pass a resolution.
- ii. Normally an 11 to 15 member executive committee is formed to run the FUG's day-to-day activities. Females must constitute one-third of the members of the executive committee. These members are chosen at the general assembly. The term of an executive member normally lasts for two years. However, the general assembly has the right to dismiss any executive member, if he/she does not obey the constitution. The general assembly passes operational rules and resolutions that are implemented by the executive committee.
- iii. Decisions are carried by a majority vote of the executive. Every member has the right to give his/her personal opinion in each case.
- iv. It is also illustrated clearly in the constitution how much firewood and fodder a user can collect and during which months of the year. Similarly, depending upon the forest size and quality, timber can be cut (both high quality and low quality) if a house has to be constructed, etc. A user's need is determined by the executive committee.

The amount of firewood and fodder that can be collected from a particular forest depends upon the forest quality and size of each FUG. These benefits vary from one FUG to another. In Thulopakha Dhusune, for example, the forest is only in the bush stage; most of the big trees have already been cut. Therefore, the FUG has passed a rule prohibiting the use of any forest product for another 10 years. In the case of firewood, they are permitted to thin the forest every year during winter. The amount of firewood collected is shared equally among all members of the FUG. In Chyane Dashe *Danda*, separate plots have been allocated

(six separate plots, including the demonstration plot) for the distribution of firewood and timber to users. A user family can collect up to 100 bundles (1 bundle=25-35kg) of firewood. Even animals are allowed to graze in some parts of the forest area. In Handikharka, only 40 bundles of firewood can be collected in one year per user family. But dry and rotten small twigs, fodder, and *sal* leaves can be collected throughout the year. Excluding the recently afforested area, livestock can graze in this forest also. In Thaprong, users can collect dry twigs and fodder without charge, and no permission is required to cut timber for house construction. In Ilam, forest rules are stricter in Bhedichok, whereas they are flexible in Kharkhare; users only watch other users to check whether they cut big pieces of timber or not. The users said that dry firewood and fodder however can be collected throughout the year without charge, although the operational rules do not permit them to do so.

The question of benefit-sharing of forest products, particularly firewood and fodder, is not restricted to the users, but the use rate depends upon the size and availability of forest products. In Thulopakha Dhusune, restrictions are severe because forest products are limited. In Handikharka, regulated use of all kinds of forest products is allowed. In brief, the current practices of sharing forest products and payment of revenue by users are based on an egalitarian system. But this system cannot be justified if dependency on forest products and family needs vary (Chandra and Poffenberger 1989).

To what extent these operational rules are being observed or followed in the FUG study areas is given in Table 4.4.

The table suggests that most users follow the operational rules. Except for Handikharka FUG, where some users have become multiple users at the same time, users of other FUGs have not crossed their respective forest boundaries. However, it can be concluded that boundary rules will not be followed by many users in the study areas. For example, in FUGs such as Thulopakha and Sukrabare, the amount of forest products is minimal and hence cannot be shared by all users. If the users of one FUG become members of other different FUGs to collect forest products, collective efforts to develop local FUGs will be seriously hampered.

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Table 4.4: Operational Rules Being Followed by FUG Members (as Stated in Table 4.3) (Study Area, 1993)

Boundary Rules	Handikharka	Thaprong	Thulopakha	Chyane Dashe	Sukrabare	Bhedichok	Khar-khare
1.2	45 users have taken dual membership	None	None	None	None	None	None
2. Input Rules							
2.1			One person has not paid	None			
2.2	1-2 HH so far violated		CF Watcher	None		None	None
2.3	Nobody violated	Nobody violated	Nobody violated	Nobody violated	Nobody violated	Nobody violated	Nobody violated
3. Harvesting Rules							
3.1	One case of rule violation	Followed	Followed	Followed	Followed	Followed	Followed
3.2	Some cases of rule violation	*	*	*	*	*	*
3.3	Followed	*	*	*	*	*	*
3.4	Some cases of rule violation	*	Some cases of rule violation	*	*	Some cases of rule violation	Some cases of rule violation
3.5	Followed	Followed	Followed	Followed	Followed	Followed	Followed
3.6	Observed	Observed	Observed	Observed	Observed	Observed	Observed
3.7	*	*	*	*	*	*	*
3.8	Some cases of rule violation	*	*	*	*	*	Not Observed
4. Penalty Rules							
4.1	-	-	-	-	-	-	-
4.2	Some cases of not paying penalty	None	None	None	None	None	None
4.3	None	None	None	None	None	None	None

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Boundary Rules	Handikharka	Thaprong	Thulopakha	Chyane Dashe	Sukrabare	Bhedichok	Khar-khare
4.4	Some cases of not paying penalty	Followed	Some cases of not paying penalty	Followed	Followed	Followed	Followed
4.5	-	No penalty	No penalty	No penalty	No penalty	No penalty	No penalty
4.6	-	"	"	"	"	"	"
4.7	-	"	"	"	"	"	"
4.8	Only some followed	"	"	"	"	"	"
4.9	Followed	Followed	Followed	Followed	Followed	Followed	Followed

Source: Survey

Except for Handikharka, Thulopakha, and Chyane, users' inputs are minimal in other FUGs, and thus these rules are being followed without much tension.

Except for timber harvesting, rules are relaxed in most FUGs. Even though the firewood quota is fixed, some users collect more firewood than the amount fixed by the rules. In the local context, it is difficult to check which user is collecting how many forest products at what time and on which date. In some FUGs, such as Thulopakha, harvesting rules are very strict because the availability of forest products is minimal. Therefore, the users have no choice except to follow the rules. As many users of this FUG are businessmen in Khandbari and do not own much livestock, they purchase the required forest products from the market itself. Furthermore, there are no big conflicts regarding the sharing of forest products in other FUGs, because all the users are not collecting their quota of forest products for the time being. In Handikharka, for example, only 50 per cent of the users are harvesting forest products from their quota; the rest either use forest products collected from another FUG (because it is near by) or use their own trees. In Sukrabare and Kharkhare, more than 50 per cent of the users collect firewood and fodder from their own farm forests. Except for a few types of birds, wild animals are almost non-existent in all the UG forest areas. Therefore, there is not a single case of violation of this particular rule.

Regarding penalty rules, when the need arises minor fines are paid by all users without too much complaint. In Handikharka FUG, minor fines are paid by the users for offences such as letting goats graze in newly planted areas, etc. Such fines hardly exceed 10 to 15 rupees, depending upon the number of goats. Similarly, a *Newar* user paid Rs. 57 as a fine for cutting more than the permitted number of poles of *sal* wood. But when the fine exceeds Rs 100, users are hesitant to pay. There are cases in which users have not paid their fines to the committee, and their cases have been brought up at the District Forest Office. Some complicated case studies of rule violators who have not paid their fines are given in the following paragraphs. One interesting case took place in Handikharka FUG and it is still unresolved.

Case 1

A case was filed against a Bhujel couple (Dil Bahadur Bhujel and his wife) in the District Forest Office, Dhankuta, on *Bhadra* 27, 2050 (1993) by the chairman of Handikharka FUG. The total fine to be paid by the couple for different offences was as follows.

1. Sold 470 bundles of extra firewood (Rs 35 per bundle)	16,450.00
2. Did not participate in the afforestation programme on the set date (once only)	35.00
3. Did not guard the forest in their turn on 2050/4/12 and 2050/5/2 (two days)	70.00
Total fine	16,555.00

At first, the couple was fined by the chairman of the executive committee of the FUG but they could not pay the fine because of poverty. Eventually, the case was discussed in the local executive committee, and there was serious opposition by some executive member's because they wanted the fine to be lowered. But the chairman put forward the case to the District Forest Office when the fine was not paid. When research for the case study was being conducted, the case was pending in the office of the District Forest Officer. The DFO is the *supremo*, or the single-bench judge, who

settles such disputes. The interesting ramifications of this case are given below.

- i. How can a poor couple like the Bhujel, who meet their basic needs by selling firewood, afford to pay such a large amount of money in fines? It is difficult to believe that the chairman would have fined a Pokhrel *Brahmin* for a similar type of offence. Due to these reasons, the case has already been taken up by the local, United Marxist Leninist (UML) Party leaders.
- ii. If the DFO or the judge dismisses this case or levies a minor fine, many user families who are dependent on selling firewood will be tempted to cut wood from the forest. The FUG chairman may be disappointed and may not participate in the FUG programme in future. Others who disagree with the chairman may not cooperate in other FUG programmes.
- iii. The user still enjoys his user's right in the forest and he has not even been suspended from UG membership.

Case 2

Another interesting case occurred in Thulopakha Dhusune FUG of Sankhuwasabha district. The user not only started clearing the FUG forest located close to his house but gradually also started planting fruit, such as pineapples and papayas, in the area. The executive committee warned him several times not to do so, but he did not listen and the executive committee filed a case against him in the District Forest Office. The District Forest Office, with the help of the local FUG members, fined him Rs 12,966, but the user refused to accept the resolution and the case was moved to the Appeal Court in Biratnagar. The legal issues were not resolved at the time of the field research. This case also has several implications.

- i. As a cadastral survey has not yet been carried out in this area, a person can claim a part of the forest as his own private land or private forest. Normally, when forest land is cleared, a person can always bribe government officials to measure the forest land area as part of his own land. This type of

encroachment is part of the larger process of becoming a landowner in Nepal (Bajracharya 1981).

- ii. If the court favours the client, the user, this will be a challenge to the verdict of the District Forest Office as well as to the role of FUGs in future forest protection and management.
- iii. If any user violates a forest regulation and is not punished locally, he will be motivated to go to court rather than to solve his problem at the local level.

Case 3

Another interesting case took place in Kharkhare FUG of Ilam district. Three users, a *Thakuri*, a *Brahmin*, and a *Ghising Sherpa* were fined for logging timber illegally from the Kharkhare forest area. As all of them did not obey the verdict of the chairman and members of the executive committee, they were summoned by the District Forest Office at the request of the FUG executive committee. They agreed to pay fines of Rs 3,700, Rs 2,500, and Rs 888 respectively in front of the DFO but, apart from the *Sherpa*, the fines had not been paid when research for this report was being conducted. This case also has several ramifications.

- i. After the verdict from the District Forest Office, the case was taken up by two political groups; one person was backed by the Congress Party and the other by the UML Party. Although both of them were affluent in the local context, they considered the fine to be a form of political revenge against them by the chairman *adhyakcha*. The *Sherpa*, however, was not active in local politics and had no choice but to pay the fine.
- ii. Some users can easily challenge the functioning of local FUGs by aligning themselves with political parties to resolve conflicts and protect their interests.

These three cases have some interesting structural features. Firstly, conflict still occurs at the local level in the traditional

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model, i.e., between rich and poor or between high caste and low caste. Secondly, the local FUG leadership is not able to resolve a conflict that involves a penalty of more than Rs 1,000. Thirdly, many users do not respect the verdict of the local leadership and expect a third person from outside the village to solve the conflict. Finally, local politics plays a key role in making FUG leadership ineffective at the local level.

Annual and Executive Meetings

The number of regular annual users' assembly meetings and the executive meetings of FUGs held in the FUG study areas in 1992/93 are given in Table 4.5.

Table 4.5: Number of Meetings Conducted by FUGs 1992/93

	Handi-kharka	Thap-rong	Thulo-pakha Dhusune	Chyane	Sukrabare	Bhedichok	Khar-khare
1. Users' assembly meetings							
1.1 Number of meetings to be conducted in a year (as noted in the constitution)	2	2	2	2	2	1	2
1.2 Actual meetings conducted	2	1	1	2	1	1	1
2. Executive meetings							
2.1 Number of meetings to be conducted in a year (as noted in the constitution)	12	4	Not specified	Not specified	Not specified	Not specified	12
2.2 Actual meetings conducted	12	1	4	4	1	4	2
3. Whether the FUG Forest Management Programme has been approved or not	Yes	No	No	Yes	No	No	No

Source: Field Survey 1993

Handikharka, Chyane Dashe, Bhedichok, and Thulopakha FUGs have conducted the annual users' assembly meetings and executive meetings regularly. The agenda for meetings is clearly noted in the FUG constitution. Executive meetings have also taken place in different FUGs according to their convenience and needs. These meetings suggest, to some extent, that collective action is taking place among users for decision-making, although there are some exceptions.

Forest Management Issues: Effectiveness of Some Key Indicators

In this section, the effectiveness of some key indicators of forest management in the FUG study areas, discussed in Chapter I, has been evaluated. While assessing the 'effectiveness' of user group dynamics, indicators such as leadership, rules observed/followed, the process of conflict resolution, whether a forest watcher has been employed or not, the number of meetings conducted by the FUG over the last one year, and whether the FUG management programme has been launched or not, were evaluated carefully. The effectiveness of selected indicators of forest management and their impact in FUG study areas are assessed in Table 4.6.

If altitude and climate are excluded (in all FUGs, they play an unimportant role), Handikharka and Chyane Dashe FUGs are highly effective in terms of forest management, followed by Thulopakha and Bhedichok. The forest management system as a whole is less effective in Thaprong and Kharkhare FUGs; Sukrabare FUG being the least effective. The data further suggest that indicators such as proximity to district headquarters and the market, forest size and diversity, and heterogeneous community structure and dynamic leadership play more important roles in forest management than other indicators. The role of some of these indicators in forest management in the study areas is discussed below.

Altitude and Climate

In the FUG study areas, altitudinal and climatic factors played a minor role in forest management, although they affected the diversity of tree species. Furthermore, the regenerative capacity

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Table 4.6: Effectiveness of Forest Management in FUGs by Selected Indicators, 1993

Indicators ^{***}	FUGs						
	Handi-kharka	Thap-rong	Thulo-pakha	Chyane	Sukra-bare	Bhedi-chok	Kharkhare
1. Altitude - 900-4000 (A) - 4000 + (B)	2	2	2	2	2	2	2
2. Climate - Subtropical (A) - Temperate (B)	2	2	2	2	2	2	2
3. District Headquarters - Within 10km distance (A) - More than 10km distance (B)	1	3	1	1	3	2	3
4. Market - Within 10km distance (A) - More than 10km distance (B)	1	3	1	1	3	2	3
5. Forest Size and Biodiversity - Less than 10ha (A) - 10-50ha (B) - 50+ha (C)	1	2	3	1	3	1	1
6. User Group Size - Less than 30 User HH (A) - 31-100 User HH (B) - 101+ User HH (C)	1	2	1	1	2	1	2
7. Land Tenure - Raikar (A) - Kipat (B)	1	2	1	1	2	1	2
8. Community - Homogeneous (A) - Heterogeneous (B)	1	2	1	1	2	1	1
9. Leadership - Dynamic (A) - Slow (B)	1	2	1	1	2	1	2
Total (excluding Altitude and Climate)	1=7 2=0 3=0	1=0 2=10 3=6	1=6 2=0 3=3	1=7 2=0 3=0	1=0 2=8 3=9	1=5 2=4 3=0	1=2 2=6 3=6
	7	16	9	7	17	9	14

Source: Survey

^{***} Altitude: Plays a role in FUG management = 1; Plays little role in FUG management = 2 Climate: Plays a role in FUG management = 1; Plays little role in FUG management = 2 For District Headquarters, Market, Forest Size, Biodiversity, User Group Size, Land Tenure, Community, and Leadership: Highly Effective = 1; Effective = 2; Less Effective = 3; Lowest Score = highly effective; high score relatively less and less effective

of species is higher in subtropical than in temperate FUG areas (see Biomass Section). Similarly, big trees were better preserved in high altitude FUG areas because of the lack of transportation facilities. However, the forest management system was the same in Bhedichok (high altitude and temperate climate) and Thulopakha (low altitude and subtropical climate).

Kipat vs Raikar and Homogeneous vs Heterogeneous Groups

The hypothesis that the traditional *kipat* system was highly effective in managing common property resources, such as forests, is only partially true (Sharma et al. 1991; Seeland 1993; McDougal 1979; Caplan 1970). Similarly, the belief that a culture which has a high degree of social stratification is more destructive in terms of forest use and management than an egalitarian structure is also not entirely true (Seeland 1993). In the mid-hill region, where ethnic groups such as the *Tamang*, *Gurung*, *Rai*, *Limbu*, *Brahmin*, and *Chhetri* live, forest conditions are mixed; in some places forests are heavily deforested and in others they are well protected. In Thaprong FUG, for example, only patches of forest remain today, although it was part of a larger *kipat* management system up to 1968. The Handikharka and Kharkhare forests still have good forest cover, although these forests were managed under the *raikar* tenure system under *Brahmin* leadership. In the northern part of Sankhuwasabha, forests are still well protected not because there are egalitarian groups, such as the *Sherpa* and *Bhotia*, but because the population pressure is low and there has been little infrastructural development over the years. Many old, big trees were observed in the high altitude areas of Sankhuwasabha and Ilam because of the areas' relative inaccessibility. A comparatively greater abundance of forest resources was also noticed in the northern Himalayan region, although there is less rainfall (cf. Poffenberger 1989). This is because the forests have remained untouched for a long period because of the minimal population pressure and lack of market infrastructure. In lower elevation areas where the population pressure is high, and there is a good market network, forests have been destroyed gradually. Due to these pressures, more and more FUGs have evolved in these areas in recent years.

There is no evidence that a forest controlled by a homogeneous community is better managed than one controlled by a heterogeneous community. Even within homogeneous groups, e.g., in Thaprong (it is difficult to find a homogeneous community in one settlement), there is lack of cooperation among users who are rich (recruits in the Indian and British armies) and other users. The users of such FUGs are also unable to generate funds for forest management, e.g., forest watchers, or to make a rule that user households should guard the forest in turns. The forest is therefore left open to all users. In the context of the Eastern Hill Nepali society in general, a mixed community manages forest resources better than a homogeneous one. As many groups are involved in the management of each FUG and they constantly watch each others' activities, there are less chances of rule violation because other users also follow suit. In a heterogeneous community, monopoly of resource use, allocation, and distribution are seriously questioned. As there is minimum opposition in a homogeneous community (as most of them are linked by family ties), chances of violating forest regulations are high. Furthermore, in the Eastern Hill Region, studies have shown that a homogeneous culture is not as innovative and dynamic as a heterogeneous one (Caplan 1970 and Dahal 1983). For example, the *Limbu* of Eastern Nepal, who once controlled a large chunk of *kipat* land, could not utilise it as capital to intensify agricultural practices. Instead, they mortgaged it to immigrant Hindu groups and spent the cash on celebrating festivals, etc. The *Limbu* wanted to maintain the *status quo* regarding the land resources, but the immigrant Hindus utilised their cash as capital and invested it in diversifying and intensifying agriculture, thus becoming more prosperous than the *Limbu* themselves (Caplan 1970 and Dahal 1983).

Headquarters and Market

Indicators such as headquarters and big markets influence not only the formation but also the management of FUGs. Some of the FUGs, such as Thaprong, Sukrabare, and Kharkhare, are not very effective in forest management because they are located at a considerable distance from the district headquarters and market centres. Isolation creates many management problems and makes

FUGs ineffective in the local context. There was little communication between the Thaprong users and the District Forest officials over the previous year. For a Thaprong user, it is difficult to go to the District Forest Office in Dhankuta because it costs him time and money. For District Forest officials, Thaprong is not only remote but also less attractive economically because most users in the area are poor. Although Kharkhare and Sukrabare FUGs are located near the Ranger's Office, there is little communication between them. As there is little supervision from the District Forest Office, forestry staff at the Ranger's Office are not motivated to work in the field and only play their traditional role as protectors. The FUGs located near the District Forest Office are frequently visited by the concerned forestry staff, even from Kathmandu. According to the chairman of Handikharka FUG, their forest was visited several times by many officials from Kathmandu. Thus, the District Forest staff are also concerned and make frequent visits to easily accessible FUGs. Even though Thulopakha has few forest products, the forest is better managed as it is located near the district headquarters and market centres.

In rural communities, the market is not only a place for buying and selling goods but also a place for gathering, interacting, and communicating with each other. Thus, the market centres help the users of one FUG to know how another FUG functions.

Forest Size and Biodiversity

Forest size alone does not play an effective role in FUG management. Small-sized forests, such as Thaprong (7.5ha) and Sukrabare (10ha), and large-sized forests, such as Kharkhare (300ha), are all poorly managed. In contrast, small-sized forests, such as Thulopakha Dhusune (10ha), as well as large forests such as Handikharka (150ha) and Bhedichok (200ha), are better managed. Forest size is linked with biodiversity. Many people are willing to become users of a forest rich with biodiversity and thus help to manage the FUG programmes. Handikharka, Chyane, and Bhedichok FUGs are examples. Forests, such as Kharkhare, with a relatively large number of species, are poorly managed because of the large size as well as ineffective leadership.

User Number

User number alone is also not linked systematically to effective management of FUGs. Small forests with a medium number of users, such as Thaprong and Sukrabare, are poorly managed, whereas Thulopakha is better managed. Likewise, a large forest with many users (such as Handikharka) is managed effectively. In reality, a particular FUG is formed without considering whether the forest products are sufficient. This has not created problems so far, as many users do not collect forest resources from FUGs in which they are users. For example, in Thulopakha and Handikharka, many users buy forest products from the market, whereas in Kharkhare, Sukrabare, and Thaprong, many users grow trees for firewood and fodder.

Leadership

Leadership is the most important indicator determining the effective management of FUGs. Handikharka and Chyane Dashe FUGs are well managed because of dynamic leadership. Even though there are few forest products in Thulopakha, it is well managed because of effective leadership, whereas, in FUGs such as Sukrabare, Kharkhare, and Thaprong, leadership is not very effective at the local level.

The Government's Forest Policy and the Role of District Forest Institutions

The transfer of forest ownership from the Department of Forests to FUGs, in many cases, is haphazard and not related to the demands and aspirations of the people. Therefore, why rapid extension of the FUG formation process is taking place is not clear (Table 21). Sometimes, forests worth Rs 10 million are simply handed over to FUGs, without seriously considering the forest size and the capability of the local community. It is not at all possible for the existing staff of District Forest offices to provide regular technical assistance to the burgeoning FUGs. In Dhankuta district alone, there were 91 FUGs as of September 1993, and many of them were hardly one to three years old. Many of these FUGs needed utmost protection and guidance on a regular basis, sometimes to resolve a local conflict or to manage the available

forest resources effectively. There were only 10 staff members in the whole of Dhankuta district who were supposed to provide daily forestry services to the people and assist the FUGs. In some FUGs, such as Kharkhare, it was even difficult to resolve a conflict without the presence of a district forest official because of the social and economic interrelationships among the local people. The District Forest Office and its officials are indifferent to or in some cases even negative regarding FUGs due to the following reasons.

- i. In the Eastern Hill Region, most forest officials are not local, and many technical officials, such as rangers and junior rangers, are people from the *terai* and they are less sensitive to the hill culture and hill forests. In Dhankuta, Sankhuwasabha, or Ilam, the rangers are mostly from the *terai*, and since they have a different culture they have nothing to lose as they come and go and have little emotional attachment to the area. Many anthropological studies have shown that gaining access and developing a working relationship with the local people on the part of outsiders (government employees, researchers, etc) involves a good understanding of local cultures (Berreman 1972 and Caplan 1970).
- ii. Generally, the forest officials and users do not trust each other at all. Historically, there used to be little communication between forest staff and the people, because the former played the role of police officers who are regarded as 'rude' and 'impolite' in Nepali culture. It is because of this that the users, the people, always ignored forest staff when they visited their villages. They are considered to be 'trouble makers'. When all their financial and social power was suddenly taken away from them and handed over to the FUGs, the forest staff were certainly not pleased. According to the new community forestry programme, they have to play the role of 'social foresters' and treat the people as friends, and, of course, provide services free of charge (Forestry Master Plan 1988 and Eighth Plan 1992:225). In brief, it will be naive to assume from the top (i.e., from the centre) that there is close interaction between the users and the District Forest Office staff. Such an interaction will not take place without radical

changes on both sides. In other words, the local people must be convinced that the forest staff are friends who can help them. Similarly, the forest staff should not treat the local people as if they are ignorant and have no understanding of forestry problems. This will seriously affect the development of young FUGs in the Eastern Hill Region and the Government's ambitious target of handing over forests to the local users will hardly materialise.

- iii. As mentioned above, the Forest Department staffs' capacity to work with 'user groups' to formulate community forestry plans, even on the technical side, is questionable. At the district level, a District Forest Office supervises two to five Range offices headed by rangers who are responsible for all forestry operations and who have administrative and judicial authority with respect to forest regulations. Rangers' duties are further divided into beats, each under the charge of an assistant ranger (KHDP Report 1993). In the whole operation, there are hardly 10-12 staff members to supervise the activities. In other words, there is an acute shortage of technical staff in District Forest offices who can provide necessary services to the local FUGs. Not only have many of these rangers little technical training, but also even those that are trained have not updated their knowledge for a long time. During field research for this report, it was found that many of them had little idea about biomass, different types of forest species, etc. The DFO had little time to look after the forest himself. In brief, unless the Government sincerely commits itself to solving forestry problems, many FUGs in the Eastern Hill Region will simply collapse due to lack of coordination.
- iv. The users' uncertainty regarding the Government's forest policies is obvious; they are not clear to many user groups. Many users still believe that the forest has been given to them only temporarily by the Government and, once it becomes dense, it will be snatched away from them without reason. This ambivalent attitude of the Government is clearly reflected in the recent Government Forest Act (1992).
- v. The recent 'Government Forest Act 2049' (1992:221-222) in Section 5 (Clauses 25-30) discusses community forestry

management laws, and there are several gaps; some of them are discussed below.

Clause 26, Sub-clause 2, Amendment in Management. *"If any amendment in the original management plan of CF has deleterious effects on the environment, the District Forest Officer, after receiving the amendment, will notify the users within 30 days not to amend the original plan and it is the duty of the users to follow his instructions."*

Two gaps in the law are that (i) the clause does not specify the conditions that can bring about deleterious effects on the environment and (ii) the District Forest Officer plays a major role in making the final decision.

Clause 27: Community Forest Can Be Taken Back

"If the CF cannot work according to its management plan or performs activities causing deleterious effects on the environment, or does not follow this Act, the District Forest Officer can cancel the registration of such a CF and it can be taken back by the District Forest Office. But, before making such a decision, the CF will be given an opportunity to defend its case."

If the CF does not abide by the decision made by the District Forest Officer, the case can go to the Regional Forest Director and his decision will be final."

There are several gaps in this law also. Firstly, the management plans of many sampled CFs are ambitious, for example, that they will control soil erosion. The law does not state a specific time period within which a CF must perform certain activities. In some FUGs, they are developing programmes, e.g., agroforestry (in Handikharka), that require clearing a part of the forest. In such a situation, a conflict of interests can always take place between the CF and the District Forest Office. Without developing an agroforestry programme, some CFs may find it difficult to sustain themselves.

Clause 29: Penalty to the User Who Works against The Management Plan (p 322)

"Any user who works or goes against the forest management plan can be levied [sic] an 'appropriate fine' by the group and collect the principal of the lost property."

The term 'appropriate fine' is also not clear, i.e., a fine deemed proper by the group may not be so to the user, and how the user will settle his case is not clear. Such cases have been noted in Handikharka and Thulopakha Dhusune FUGs.

Section 13: (Miscellaneous) Clause 67: Right of Ownership of Land (forest) Belongs to HMG (p 334)

"As stated in this Act, the land ownership rights of CFs, Contract Forests, and Religious Forests belong to HMG."

In other words, users can keep a tract of forest land for their use with the permission of the Government. The users have no right to use their own CF as part of community property such as *raikar*, i.e., it cannot be sold, exchanged, etc.

Clause 68: (p 334) Government Can Use Forests

"Whatever may be stated in the Act elsewhere, in any national priority project, if there is no alternative except to use the forest, provided it does not affect the environment, the Government can give permission to such a project to use a part of the CF, Contract Forest, and Religious Forest."

In brief, although the Government Forest Act does provide user groups with legal authority or recognition regarding the penalisation of a user who breaches the FUG constitution, some of these FUGs are unable to enforce the rules and regulations because of ambiguities in the law. For example, it does not state how a user group is to enforce the law if a user does not pay the fine or does not have the capital to do so. Handikharka, Thulopakha Dhusune, and Kharkhare FUGs are cases in point. Even for a minor problem, when a user does not abide by the local FUG rules, the FUG committee has no choice but to go to the District Forest Division to file a case. A user can always lobby for a favourable decision on his behalf from the District Forest Office by adopting different procedures.

Furthermore, Clauses 26 and 27 are ambiguous in the local context. Phrases such as 'deleterious environmental effects' and 'if the FUG cannot work according to the management plan' can be interpreted in different ways. Likewise, 'right of ownership of land' (Clause 67) and 'the government can use CF, Religious Forest, and Contract Forest' (Clause 68) put users in an insecure position. If users come to know about these laws, many FUGs may simply stop functioning.

Under such circumstances, how can FUGs be effective in managing forest resources locally? This reflects the lacunae in the Government's forest policy and provides evidence of inadequate collaboration between users and the Government.

Issues of Sustainable Community Forestry

The idea of sustainable community forestry sounds wonderful, but how the local resource base and culture can sustain a forestry programme in practice is crucial. Some key factors leading towards the sustainability/unsustainability of the FUGs under study are discussed below.

Population Pressure

Population pressure is one of the principal determining factors leading to the unsustainable management of forests. Some user groups have been formed close to the district headquarters where population pressure is high. While forming a forest user group, to what extent a sustainable yield of forest products is required for users is often not calculated. In the FUG study areas, such as Thulopakha, Thaprong, and Sukrabare, UG forests are smaller in size and their yields are low in relation to the number of users. Currently these forests are not sustainable in terms of meeting local users' needs. It has already been discussed in Chapter III that the population is increasing by more than two per cent per annum in all three districts. Most of the VDCs also have a growth pattern similar to that of the district as a whole. Forest product yields cannot be increased in a short period of time. In such a situation, along with a sustainable increase in forest products, the population growth must be stabilised also. Otherwise, there is a risk that the forests may disappear.

Furthermore, population pressure also creates the need for income from outside sources for subsistence. As less land resources are available for production, farmers may be forced to move elsewhere. This is taking place in Thaprong FUG where some users are going to the Arab states as wage labourers. In Handikharka, landless users are ready to move to the Arun III Project site when work starts. In brief, many users may not depend upon local forest resources and this may hamper effective management of FUGs.

Basic Needs

Apart from in Ilam, over 60 per cent of the sampled users have less than one hectare of land. In Dhankuta, an average user household owns scarcely half a hectare of land. These landholdings can barely provide half the staple food requirements of the users who are increasingly dependent upon income from off-farm activities. There is a short-term or immediate need for products from public lands, such as forests, or regular wage labour jobs for such families. In Handikharka, there are 45 landless families who collect and sell firewood from the forest to fulfill their basic needs. In such a situation, it is difficult to bear the cost of unproductive forests.

Users' adjustment mechanisms include extension of farming to marginal or forest areas, and this can have a destructive effect on the natural environment, particularly on forests. This is the most common problem throughout Nepal and more so in the Thulopakha Dhusune, Chyane Dashe, and Bhedichok FUG areas. In some forests (not covered by our sample), it was noticed that right in the middle of the Government's forest area, encroachers had started cultivating seasonal and cash crops.

In brief, many of the sampled users did not produce enough food to meet their subsistence needs. Poverty is preventing users from acting collectively to protect common pool resources, e.g., forests. This will affect forest sustainability and the management programmes of FUGs.

Sources of Funds for Management

The sources of funds for all forest user groups are either local taxes or sale of forest products. To maintain the FUG office, minor expenses, such as files, foolscap paper, envelopes, and pads, are borne by the DFO. Such expenses hardly exceed 200 to 500 rupees per annum. In the case of Ilam district, the District Forest Office used to pay a small salary (Rs 500 per month) to forest watchers, but this practice ceased from this fiscal year. In Dhankuta and Sankhuwasabha districts, some FUGs have employed their own forest watchers at 700 to 900 rupees per month. In Chyane Dashe *Danda*, a user household pays Rs 10 per month (because the user group is large), whereas in Thulopakha a user household pays Rs 20 per month. In Sukrabare, users are not able to collect cash for forest watchers, hence the forest is left to the mercy of users. In Handikharka, a user household sends one member to watch the forest as the turn of a user household normally comes only after a month. The above data suggest that some users are quite enthusiastic about forest management and some are not. This enthusiasm may not last as many forests, that are currently under FUG control, are in a poor condition. The development and regeneration of many of these forests require physical inputs (for weeding and fencing) as well as investments for buying seedlings and planting them. In fact, the maximum returns from some of these forests can be obtained only after a minimum period of 10-15 years. For example, in Thulopakha Dhusune, mostly young *sal* trees, hardly two to five years old, grow. Normally these *sal* trees will take another 50-60 years to mature. In other words, the users have to bear the immediate burden of forest management, whereas the benefits will accrue only in the distant future (Atkins 1991).

On the other hand, not a single FUG has a fixed annual budget to run its programme. In fact, very little income is generated from selling forest products in any of the FUGs. In Handikharka, apart from minor fines (not exceeding Rs 500 per annum), the FUG committee does not charge any money for fodder and firewood (a fixed quota is supplied). Timber sales have not yet started. In Thaprong, apart from charging one rupee for fodder and firewood (for a fixed quota), they have no other sources of income. Thulopakha and Sukrabare FUGs do not sell any forest products

at all. In Chyane Dashe, some users have not even given their monthly contribution towards the forest watcher's pay. It is only in Bhedichok (Ilam) that the FUG committee collected Rs 1,734 from selling firewood and Rs 1,230 for fodder from its users in 1992/1993. In Kharkhare, apart from a fine for illegal timber felling (fine = Rs 888 in 1992/1993), there was no other source of income.

In brief, many FUGs in the sample may not be able to sustain themselves on the basis of their resources alone in the near future.

Market Economy

As the market economy network expands, there is also the possibility of a higher extraction rate for forest products for immediate cash. In remote FUG areas, e.g., Kharkhare in Ilam, where the market network is yet to develop, numerous large trees were observed. The question of sustainability arises whenever there are opportunities to sell forest products, either legally or illegally. It has already been mentioned in Chapter III that the percentage of immature trees ranges from 99.7 per cent in Dhankuta and 92.9 per cent in Ilam to 72.9 per cent in Sankhuwasabha. Sankhuwasabha district is less accessible in terms of transport and the development of the market infrastructure is minimal. This has helped to protect a large number of mature trees in the district. Dhankuta district has not only remained an important administrative centre throughout history, but it has also remained an important market centre for the people of the Eastern Hill Region. This has caused serious depletion of mature trees in the district.

Dependency Syndrome

Two types of dependency syndrome can be observed in the FUG study areas: (i) the dependency syndrome within the local culture, i.e., cultural and economic domination by one group over another or a system of patronage and (ii) the external dependency syndrome for resources. The former indirectly affects the sustenance and development of FUGs, whereas the latter affects them directly.

As the Hindu caste structure is the basis of the village social structure, the high-caste Hindu groups (e.g., *Brahmin* and *Chhetri*) consider themselves culturally superior to the other groups, especially the untouchables or occupational caste groups (such as *Kami*, *Sarki*, and *Damai*) who are placed at the bottom of the Hindu caste hierarchy. Other groups, such as the *Newar*, *Limbu*, *Rai*, *Magar*, and *Gurung*, occupy the middle position between these two extremes. At the local level, the high-caste groups are big landowners and are better educated; they work as government employees and also play a key role in local politics (see Chapter III). Many low-caste groups (in some cases even *Rai*, *Limbu*, *Magar*, and *Gurung*) are dependent economically upon high-caste groups as they provide loans and other support when the need arises. Moreover, some occupational caste groups, such as the *Kami* and *Damai*, provide services under the traditional Indian *jajamani* system, locally called *bali* (services provided by the occupational castes to the high castes). In lieu of their services, these untouchable groups are provided with grain on an annual contract basis. In the FUG study areas, a number of *Kami* and *Damai* users were found working under the *bali* system and thus were economically dependent on the high-caste groups. In such cases, it is difficult to expect such users to hold independent opinions against high-caste groups in FUG development programmes. Even in FUGs such as Handikharka, where the majority are *Rai* users, they have little say in the decision-making process of the FUG as high-caste groups such as the Pokhrel *Brahmin* dominate the politics and economics of the area. Such cases are found in all FUGs and this affects the collective participation of users in FUG development programmes.

The issue of sustainability also brings about the external dependency syndrome; if external resources are suddenly withdrawn from the forestry programme, most community forest user groups will collapse immediately. It is, therefore, not possible to manage many FUGs effectively through domestic resources alone. The support of the Koshi Hills Area Development Project to forestry programmes has been quite substantial over the last 15 years or so. In 1992-93, it started working as a separate unit within KHARDEP, as the Nepal-UK Forestry Project. In 1993-94, the contribution of the Nepal-UK Forestry Project was close to 25 per cent of the total budget of the Dhankuta and Sankhuwasabha

districts. In the total budget of Ilam district for 1993-94, external financial aid was much higher - close to 90 per cent (Table 4.7).

Table 4.7: Annual Budget of the District Forest Office under Study, 1993/94

Year	District	Total Budget	Financial Aid	
1993-94	Dhankuta	54,55,000.0	1,323,000.0	Nepal-UK Forestry Project
	Sankhuwasabha	4,000,000.0	999,400.0	Nepal-UK Forestry Project
	Ilam	1,700,000.0	1,319,730 + 112,000	World Bank DANIDA

Source: District Forest Office 1993

Financial aid includes strengthening silviculture, management training, and extension of district forest staff and FUG members, FUG networking workshops and FUG field tours within the home district, developing agroforestry programmes, paying the cost of nursery seedlings for FUGs, and paying travel and daily allowances to the DOF staff for field trips within the district and outside. In brief, the issue of FUG sustainability is closely linked to internal as well as external factors. It is not easy to tackle these issues within a short period of time.