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Learning from Each Other

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Preface

Forest areas in the uplands play a critical role in maintaining quality watersheds in the Hindu Kush-Himalayas. While the policies for maintaining common property resources may vary across countries, experience indicates that these boundaries collapse when common issues are addressed. This becomes obvious when we study the emergence of participatory forest management in the countries of Nepal and India.

While Nepal is, today, acknowledged as a pioneer in promoting community forestry, India too has made a beginning in this direction by approving an enabling government order to encourage joint forest management in forest areas.

Both the countries are today well on the way to transforming forest management from custodian mechanisms to people oriented approaches; are addressing technical forestry issues which give priority to the needs of forest communities; are evolving collaborative forest management plans in consultation with communities, and are beginning to focus on emerging issues of equity in sharing of usufruct and benefits.

This paper makes a case that there are tremendous learning opportunities between Nepal and India and that stronger interlinkages based on mutuality can contribute to our common goal of ushering in sustainable forest management in the Hindu Kush-Himalayas.

The authors have drawn upon their considerable experience in community forestry and joint forest management in writing this discussion paper.

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Introduction

The Indian subcontinent has been witness to a series of dramatic experiments in the participatory management of forest resources. Since the 1970s, social and community forestry programmes in both India and Nepal have attempted to transform the relationship between a powerful state bureaucracy and the local people directly dependent on forest resources. These programmes represent the realisation that a large proportion of the population is heavily dependent on forest resources for subsistence needs, energy, nutrition, income, and the maintenance of their farming systems. They also acknowledge the failure of traditional custodial management of forests by governments, without the active participation of local communities, to halt the loss and degradation of the subcontinent's forests.

The inadequacy of traditional approaches in forest protection and management led to a search for alternatives and a number of approaches has been followed, of which the major ones include: forest department sponsored plantations on a variety of 'wastelands', such as village grazing commons, government-owned revenue lands, roadside and canal and tank banks, with varying degrees of local participation; promotion of farmer tree planting through free and low-priced distribution of seedlings and decentralised nurseries of different types; environmental conservation education and dissemination of wood-saving technologies. By the early and mid-eighties, these social and community forestry programmes were being assessed. Growing evidence suggested that, with minor exceptions, most of these programmes had either failed or were exhibiting signs of failure in the future. This experience further intensified the search for newer solutions. One of the key and common factors leading to the failure of social forestry programmes was the absence of people's participation, which led to poor survival rates, and the reluctance of community institutions to take over management responsibility for plantations.

It is this background that led to the emergence of a new paradigm in community forestry. While community forests are being managed by user groups in Nepal, joint forest management arrangements between local communities and state forest departments are being explored in India (Campbell and Denholm, 1992). These initiatives were the first programmes that brought foresters out of the forest and into the villages and farms of the people who are the forests' primary users.

Fifteen years of roughly parallel experience with community/social forestry in India and Nepal have evidenced many similarities and some surprising differences, many instructive failures and some exciting successes. However, despite shared ecological conditions, similar socioeconomic conditions, and some similar programmes, there has been surprisingly little interaction or inter-learning between India and Nepal. As state and national forest departments are allocating or re-directing substantial funds and a lot of donor assistance to fund community/joint forest management, there is an urgent need to learn from these experiences.

An estimated two billion US dollars have been invested by donors in these programmes over the last fifteen years. People's participation, reorientation and training of forest staff, building local-level institutions, participatory micro-planning, equitable benefit-sharing, and gender-sensitive programming have all become new development imperatives. However, there are hundreds of millions of people who continue to depend on deteriorating forest resources and over 100,000 forestry department employees who need to adjust to treating community users as partners and clients. Community forestry in Nepal and joint forest management in India are beginning to take on these challenges. As they reach a much greater scale of replication, we need to ensure that they do not become target-driven, product-oriented, and top-down like many large-scale programmes in the past. A comparison between the two programmes provides a useful learning exercise in the ongoing practice of participatory resource management.

The essence of current changes in forest management, in both Nepal and India, lies in the attempt to transfer control and management of forest lands from centralised forest departments to decentralised people's institutions. The historical background and the legal basis for the two programmes are unique to each country, though they share certain similarities. The nature and extent of the shift of control from state/national to local/community also differ considerably. The types of community institutions are distinct, though they are evolving and share many features. It is at the implementation stage (at various levels) that a greater degree of similarity exists. Many of the problems are also similar.

Historical Background

In order to assess the potential for exchange of experiences between India and Nepal, it is necessary to first understand the context in which community forestry was implemented, and, in particular, the social and political factors which have led to the emergence of this form of forest management. While India's forest history in colonial times has been extensively documented, readers may not be as familiar with the historical background to community forestry in Nepal.

The Evolution of Community Forestry in Nepal

Nepal was one of the first countries to introduce a people-focussed forest policy. Exploitation of forests and the emergence of forest management parallel developments in the political structure of Nepal. For over 100 years (1850s-1950s), the forests of Nepal were exploited to allow for the expansion of agriculture and for revenue. Policy and practice allowed for unregulated exploitation of the once extensive and valuable *Terai* forests. The hills forests, for the most part inaccessible and remote from markets, were relatively free from commercial exploitation, although they did fall victim to the exigencies of agricultural expansion. However, in recent decades, forest area has not decreased but, rather, the density of forest cover has decreased.

Nepal now has 5.5 million hectares of natural forests which is equal to 37 per cent of its land area. Only 11 per cent of the natural forests are in the *Terai* and High Himal zones; the remaining area is evenly distributed throughout the Middle Hills and the Siwaliks. Of this land area, 61 per cent has been identified as potential community forests - forests which could be handed over to local people for management. Much of the forest area in the Middle Hills is in small patches surrounded by cultivation; there are few large forest tracts amenable to conventional forms of forest management.

Development of the Forestry Institution

Forest administration in Nepal has undergone a series of fundamental changes which reflect the priorities of the government for forest products. Exploitation of forests was formalised through the legal-judicial process under the rule of Jung Bahadur Rana (1846-1877). A number of rules was drawn up to regulate access to forests and removal of forest products (Mahat et al. 1986). The promulgation of these rules coincided with an increased removal of forest products for sale to India.

British influence in the exploitation of forests in Nepal was significant. A British forest adviser, J. V. Collier (1925-1930), was appointed to advise on the regulation of the *Terai* forests and also to aid the export of sal (*shorea robusta*) from Nepal to India. Two forest offices were established: one in the *Terai* to regulate timber extraction in these areas and the other in Kathmandu responsible for the hill areas. Indian contractors, familiar with forest harvesting across the border, were brought in to work on these forests. Timber for railways was granted by the government, free of royalty charges, to the British in India, as part of Nepal's contribution to the First World War effort (Collier 1976:254). The system of forest exploitation remained centered around the use of Indian contractors. The Nepalese had little control over the exploitation of their forests and the flow of profits to the British in India.

It was not until 1942 that a forest service was created in Nepal, after another British adviser, E. A. Smythies, who had spent several years with the Indian Forest Service, was asked to advise on the structure of the new department. It was based on the Indian Forest Service, and its foresters were trained in India at the Imperial Forestry School at Dehra Dun, according to the procedures established for the regulation of Indian forests. The Department was established with three regional and 12 divisional forest offices. Forest exploitation was carried out under a series of working plans, following formats originally established in British India (NAFP 1982). Nationalisation of forests followed in 1957, in an attempt to wrest land from those who had supported the previous regime. This was only partially successful: many feudal landlords remained in control of forest resources and access to them. In other cases, the threat of nationalisation led to large-scale felling of timber to prevent the land being classified as forest land and, therefore, to become government-owned.

In 1959, the first Forest Ministry was established covering the entire country. However, there were still very few trained staff and, thus, managing each and every patch of forest

was not possible. Hill forests were not brought under any working plan. The forests remained unmanaged in the formal sense and forest administration understaffed and underdeveloped.

Following the failure of the democratic movement and the restoration of monarchy in the early 1960s, a new partyless *Panchayat*[1] system was introduced. Soon after, the Forest Act of 1961 was formulated which, together with the introduction of the *panchayat* system, had far-reaching consequences for local control of resources, including a provision for handing over forest protection to newly-formed *panchayat*(s). Several categories of forest were delineated, each with different access rights assigned to them. These were the following.

- *Panchayat* forest: any government forest, or any part of it, which had been kept barren or contained only stumps, may be handed over by HMG (His Majesty's Government) to the village *panchayat* for the welfare of the village community on the prescribed terms and conditions
- *Panchayat* Protected Forests: a government forest of any area, or any part of it, may be handed over to the *panchayat* for protection and management purposes
- Religious Forest: a government forest located in any religious spot, or any part of it, may be handed over to any religious institution for protection and management purposes
- Contract Forest: Any Government forest area, having no trees or sporadic trees may be handed over by HMG in contract to any individual or institution for the production of forest products and their consumption.

Ownership of the forest land remained with the government and control could be resumed whenever the government deemed it necessary. The *panchayat* had some powers to fine those who transgressed against the law. However, management decisions remained with the government forest service. Private forests, which were considered to be poorly managed, could be taken over by the government for a period of 30 years. Any income from the forest would be given to the owner with a sum deducted for management costs. The Forest Act of 1961 legitimised *panchayat*(s) but not the forest users' control over local forests. This act, however, had little impact on those areas distant from Kathmandu where local people continued to use forests for their subsistence needs, regardless of legislation.

This act did, however, pave the way for later changes in legislation and provided the environment in which community forestry could emerge. One of the most important steps towards community forestry was made in 1974, as a result of the Ninth Forestry Conference held in Kathmandu. This conference convened forestry officers from all over Nepal. A community-oriented group of foresters, working in the districts, promoted a new form of forestry, in which local people were involved in forest resources' management, to be known as 'community forestry'.

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[1] This system was abolished in 1990 following political changes which led to a diminution of the powers of the monarchy, and the emergence of democracy. *Panchayat(s)* have been replaced by Village Development Councils.

The proceedings of this conference formed the basis of the 1976 National Forestry Plan which reinforced the rulings of the 1961 Forest Act in allocating categories of forest land to the *panchayat*(s). However, wider powers were given to District Forest Officers under the Plan to formalise the transfer of nationalised forest land to *panchayat* control. In 1978, the *Panchayat* Rules were promulgated, which then provided the framework for the operation of forestry projects.

However, even as late as 1976 and following further administrative reorganisation, forests in remote areas were still not under the control of the Forest Department (FD) but remained the responsibility of the Chief District Officers. After 1976, the FD was organised so that each district came under the jurisdiction of a forest officer. Staffing at the field level was still relatively low, which meant that management of forests could only be implemented as strict protection. Therefore, throughout this time, the FD's role was entirely custodial, with no active management of the resources. This is perhaps an indication of the inadequacy of the rigid Dehra Dun forestry model, originally established by the British, in a situation in which the necessary physical and bureaucratic infrastructures were absent. In India, on the other hand, the colonial authorities expended great effort in the establishment of such infrastructure. It is an inappropriate model for the management of the forests of Nepal. The local people were 'illegally' using government forests to meet basic needs for firewood and fodder and, in many cases, access was regulated by local practice and not by the Forest Department staff.

This, coupled with the culture of bureaucracy, has led to the current situation, where the only option for the sustained management of hill resources lies in a partnership between local people and Forest Department staff. "The DOF has neither been able to stop the destruction of the forests nor has been able to manage the remaining forests in successive years" (Joshi 1993:10).

The Development of Community Forestry

The 1970s and 1980s saw large amounts of donor funds being funnelled into community forestry, as different parts of the country were carved into projects. Initially, community forestry was seen to be the solution to the deforestation crisis: local people would plant more trees to meet their fuelwood needs. However, as projects gained experience, there was a more general questioning of the assumptions underlying the 'crisis' (see Thompson and Warburton 1985). Finally, project staff began to see forests and not just trees: local people had throughout this period of national and international sponsored reforestation continued to use and protect existing forests and trees on their own farmland to supply their needs. Hence, in the mid 1980s, several projects reappraised their interpretation of community forestry and began to examine the communities and their existing forest practices. This led to a major reorientation; projects together with DOF staff began to support local-level management of existing government-owned forests. This was a fundamental shift, from *panchayat* or village-owned land to DOF-owned land, which effectively refocussed attention on the management practices of natural forest areas. This called into question the abilities of villagers and DOF staff to effectively manage these resources.

The Government of Nepal's forestry sector policy was first declared in the Sixth Five Year Plan (1981-1985), which emphasised community participation in the management, conservation, and use of forest resources. This policy was further promoted with the passing of the Decentralisation Act (1982) and the 1984 Rules for its implementation. The Act and Rules aimed at handing over responsibility for planning to the *panchayat* and district levels. The act formalised the duties and responsibilities of village *panchayat*(s) and ward committees and empowered them to form:

People's consumer committees to use any specific forest area for the purpose of forest conservation and, through it, conduct such tasks as afforestation, and forest conservation and management on a sustained basis (Regmi 1982:403).

The Decentralisation Act and Rules went beyond the original *Panchayat* Forest Rules, which designated the village *panchayat* as the local institution for forest management. A 1988 amendment to the *Panchayat* Forest and *Panchayat* Protected Forest Rules of 1978 adopted the concept of the user group by referring to the Decentralisation Act.

In a more recent strategy paper for the Eighth Five Year Plan, emphasis was placed on the need for decentralising the planning and implementation of development programmes to the village and district levels (1992a:9). Underlying all the aspects of the strategy to promote rural development is the stated commitment to users organising their own services with government and other organisations acting in support of users. This was further developed by the new Decentralisation Act (1992) which strengthens the role of user groups as local-level development organisations.

Nineteen eighty-seven was a watershed in community forestry: at the end of this year, policy-makers, DOF field staff, and project staff came together in the first National Community Forestry Workshop held in Kathmandu. Recommendations from this workshop included the 'user group' concept which was later incorporated into the Master Plan for the Forestry Sector (1988).

In 1988, the Master Plan for the Forestry Sector, inspired by an international initiative to bring forestry throughout the world under a uniform strategic framework, was completed, using foreign and national expertise. It provides a policy and planning strategy for forestry into the twenty-first century, the first priority of which is to meet the basic forest product-related needs of local people through community forestry and private planting. Several actions are described below that will enable the implementation of this strategy.

- Phased handing-over of all accessible hill forests to the communities, to the extent that they are willing and able to manage them
- The need for an extension approach, aimed at gaining the confidence of the woodcutters and others, particularly women, who actually make the daily decisions
- Retraining the entire staff of the Ministry, for their new roles as advisers and extensionists (HMG/N, 1991a:14)

Community forestry is the priority programme of the forestry sector and has two major components:

- management of natural forests and enrichment planting of degraded forests, as community forests (previously known as *Panchayat* Protected Forests) and
- establishment and management of community plantations (previously known as *Panchayat* Forests) in open and degraded areas (HMG/N, 1991b:15).

The Forest Act of 1993

Based on the Forest Policy of 1988 and building on the Master Plan, the Forest Act of 1993 enshrines the concept of user group or community forestry in Nepal. It classifies the forests of Nepal into the following.

- Protected Forests
- Community Forests
- Leasehold Forests
- Religious Forests
- Private Forests

In the provisions related to community forestry, the Act states that the "District Forest Officer may hand over any part of a national forest to a user's group in the form of a community forest in the prescribed number entitling it to develop, conserve, use, and manage such forests, and sell and distribute the forest products by independently fixing their prices, according to an operational plan. While handing over a community forest, the District Forest Officer shall issue a certificate thereof." (Annex 1: Provisions Relating to Community Forests, Forest Act 1993, HMG/N).

The act further requires that the DFO "provide technical and other assistance to formulate an operational plan." It provides an element of flexibility and allows user groups to "make timely amendments according to need in the Operational Plan related to the management of community forests, and must inform the District Forest Officer accordingly."

We turn now to the section on the Provisions Relating to Formation of Users' Groups (Annex 2) The act stipulates that "the concerned users of a forest, desirous of developing and conserving it and using the forest products for collective benefit, may form a users' group in the prescribed manner."

Additional provisions outline the registration process with the DFO and the sources of funds which can be accessed by a users' group. These provisions are important in that they provide a clear legislative framework to Forest Department staff for operationalising user group-oriented community forestry.

Although the new Bill acknowledges the rights of user groups to manage and protect forest areas, it also states that ownership remains with the government. It retains the sovereign right to repossess the community forest if the terms and conditions of the hand-over are not met. The new legislation gives unlimited power to the DFO to control user groups managing forests, with little protection for users in case a dispute arises between them and the forest department.

This apparent ambivalence between practice in the field and actual legal power does lead to some dilution in the rights of local people. However, the Bill is a progressive piece of legislation which does allow the following activities.

- Authority for handing over forests to users has been devolved from Regional Directors to DFOs.
- Surplus income generated from user group managed forests can be used for development other than forestry.
- The users have the responsibility for drawing up operational plans.
- Users can fix the rate at which forest products are sold, irrespective of government royalty rates.
- Community forestry retains priority over other national forestry programmes.
- Forestry user groups can register themselves as independent bodies.

Rules and Regulations to the Forest Act of 1993

A legal act lays down broad policy outlines, whereas rules and regulations are critical guidelines which aim at translating policy aspirations into reality. The revised rules and regulations to the Forest Act have gone through an extensive process involving policy-makers in HMG/N and donor organisations. An agreed draft has been finalised and is expected to be formally released by HMG/N in the near future.

In the absence of accompanying rules and regulations, some forest department staff are following the old rules while others are awaiting the release of the new rules. It is hoped that the new rules and regulations will accelerate the process of handing over community forests to user groups in the future.

The Emergence of Joint Forest Management in India

In India, the scenario was, and remains even today, quite different. In contrast to Nepal, where government control of the hill forests was only *de jure* and never really *de facto*, 95 per cent of India's forest land is owned and managed by state government forest departments (Singh 1990). India's forest estates have been extensively managed, even in many of the remote areas, for the last 100 years. The forest department field staff have been continuously present in most of the forest areas, and even though their main function may have been custodial in many areas, the separation of government forest lands from community lands was complete in the minds of both local communities and the government.

This situation is the result of a series of laws and policies evolved over a century previously, beginning during British colonial rule, which have nationalised community and private forest lands and, gradually, eroded the rights and concessions of surrounding forest communities. Complex layers of rights, concessions, powers and duties underlie the forestry laws. Forestry in India is a concurrent subject, which means that there are both national and state level laws and regulations governing use and control. The Indian Forest Act of 1927 and the State Forest Acts, based largely on colonial legislation, provide the legal basis for the custodial forest management which has characterised Indian forestry. Apart from the Wildlife Protection Acts, the only new forestry act to have been passed since India gained Independence is the Forest Conservation Act of 1980 (amended in 1988), which is barely one page. This act exerts central control over the transfer and allocation of forest department land to anyone for any purpose other than forestry. A series of Government policy statements outline evolving government perceptions of forest administration and management. The social forestry initiatives of the early 1970s owe their origin to the National Commission on Agriculture report. This report called for community needs to be met by non-forest lands, while forest lands were to be reserved for industrial needs and conservation.

Charged with the protection of nearly a quarter (75 million hectares) of the country's land, a historic mandate to maximise revenue and protect the environment, and faced with a continuously-expanding population of forest dwellers and forest-dependant communities alienated by their custodial control, India's foresters were unable to manage their forest estate sustainably on their own. Forest-dependent communities, many of whom are members of the country's 52 million strong tribal groups with strong traditions of forest use and management, have periodically rebelled against the forest authorities . They were driven by circumstances to treat the forests as *de facto,* open access resources and have also contributed to the slow degradation of the forests along with unscrupulous contractors and ravenous livestock. As a result of this over-exploitation by the forest department and their continuous open access status, less than half (approximately 35 million hectares) of India's officially gazetted forest lands, or 10 per cent of the total area, remains under closed canopy forests (40% canopy cover).[2] The remaining forest lands are in various stages of degradation.

Curiously enlightened forest department officials and a number of local communities began to respond to the desperate state of forest resources in a similar way in the 1970s and 1980s. A few forest officials in West Bengal, Gujarat, and Haryana began to realise that the help and involvement of local communities were essential for forest protection. As a result, forest protection committees of different kinds were introduced in each of the three states, beginning with Arabari in West Bengal in 1972. In each case, village forest protection committees (FPCs) were given the responsibility of protecting degraded forest land from illegal cutting, fires, overgrazing, and encroachment. In return, they were granted access to a range of non-timber forest products. In the Arabari case, the state government sanctioned the sharing of the coppice pole wood harvest of regenerated sal (*Shorea robusta*) forests, giving 25 per cent of the net returns to the

[2] SOURCE

village protection committees involved. In Haryana, following the success of the experiment in Sukhomajri village, hill resource management societies (HRMS) were formed in proximity to earthen dams, made to store rainwater for irrigation. The need to protect the once-forested watersheds was recognised. Following contour-planting of *khair* (*Acacia catechu*) trees and grasses, including bhabbar (*Eulaliopsis binata*), villagers were given the first option to take out a lease for this grass, which is used for rope-making and as pulp for paper mills. In some villages, regeneration was rapid enough to allow them to take out leases and generate income within the first year.

Concurrently, forest protection movements developed within forest dependent communities in a number of regions, including the famous 'Chipko' movement in the Uttarakhand Himalayas, and hundreds of tribal forest protection committees of various kinds emerged spontaneously in parts of Bihar and Orissa. These committees responded in different ways to increasing shortages of essential forest products. Forest protection and utilisation are closely connected to tribal lifestyles. New political movements, such as one for a tribal state to be called Jharkhand in eastern India, have made this one of their platforms.

As a result of the successful experiments in these states, the national government issued an order on June 1, 1990, requesting all states to undertake participatory forest management along these lines and encouraging the involvement of non-governmental organisations (NGOs) as intermediaries and facilitators. As of December 1993, 14 states[3] had passed their own orders outlining rules and regulations directed towards a new form of joint forest management undertaken in partnership with local communities, thereby reversing decades of confrontation between forest departments and local communities.

Search for Appropriate Community-level Institutions

In both India and Nepal, considerable debate has centered around an appropriate community-level institutional structure for community forestry. This debate centres around two issues: the recognition and role of informal, indigenous community management systems vs. the imposition of more formal, externally-developed institutions, and the most appropriate group to take on community forestry.

Indigenous Community Forestry Systems vs. Imposed Institutions

With the shift in focus towards community forestry in both India and Nepal, foresters and researchers have realised that many communities are already protecting and managing government forest lands on their own initiative. In Nepal, traditional systems may include government-sanctioned management under the *Kipat* and *Talukdari*

[3] West Bengal, Gujarat, Haryana, Orissa, Rajasthan, Bihar, Madhya Pradesh, Tripura, and Jammu and Kashmir have all passed orders, Maharashtra is preparing orders, and a number of other states have initiated the process.

systems, in which the government maintained some nominal rights of control and taxation; religious forests (*dharmic ban*); and independent management by villages, families, or clans. A number of studies reveal that many of these systems have been in operation for decades while others appear to be fairly recent. Many of these indigenous systems are functioning quite well and have a variety of rules and regulations.

India possesses a variety of historically-recognised, traditional community management systems, including the Forest Cooperatives of Himachal Pradesh, the *Van Panchayat*(s) of U.P., and the *Communidade*(s) of Goa. Several researchers, particularly students of the Indian Institute of Forest Management, have discovered and documented widespread indigenous community forest protection movements in the tribal areas of Orissa, Bihar, Karnataka, and Gujarat. In Orissa and Bihar alone, several thousand indigenous forest management groups, protecting over 200,000ha of forest land, have been identified (Singh and Singh 1993). Each has different characteristics, membership criteria rules, regulations, sharing arrangements, degrees of formal structure, and so on. The Indian forestry scenario is further complicated by the presence of a number of community forestry institutions introduced and aided by NGOs.

Indigenous systems, particularly those that are self-initiated, have to be identified, studied, and recognised so that community forestry can build on indigenous knowledge and motivation. Critics of JFM in India stress the need to determine whether local groups have already initiated forest protection and then "take care not to erode viable local institutions by superimposing new, redundant ones" (Sarin 1994). In Orissa, over 6,000 JFM committees (VFPCS) were formed by the government in a span of a few months, many of them overlapping with already-existing local institutions (Kant et el. 1991). When innovative foresters have built upon community initiatives, the results have been excellent (Singh and Singh 1993). In Nepal, it is now recognised that "An important element for being successful with community forestry implementation is the field staff's ability to identify and incorporate existing local systems of forest management into their recognised systems of Community forests" (Bartlett and Malla 1992). It has been further argued that field workers need to be prepared for communities that wish to maintain their own traditional system, independent of the government programme. It remains to be seen how far programmes in Nepal and India will go to accept this option.

Incorporating existing forest management systems into CF and JFM requires a high degree of flexibility in implementation. This may be at odds with overly-specific government orders and guidelines. In India, state orders are very specific about the structure of community institutions, stressing, in particular, the need for an executive committee. In Nepal, it has been suggested that the concept of a formal committee, following bureaucratic modes of planning structures, may not be appropriate for the particular social context found in different parts of the country. However, bureaucracies appear to be most comfortable dealing with formal entities, such as committees, and least comfortable with a fluid association of people as represented by user groups.

However, the importance of building on self-initiated community movements must not undermine the necessity of studying them carefully and maintaining equity in terms of participation and benefit-sharing. Initial documentation of indigenous forest management systems in India indicates that gender inequality, for instance, is as serious a problem in these self-initiated institutions as in many government-sponsored forest protection committees (Sarin 1994).

Who is the Community? Deciding on the Level and Group for Community Forestry

As India moved towards a decentralised *Panchayati Raj*, many people felt that forest protection and management must go through the local *panchayat*(s), as the lowest elected body representing the people. This led to the concept of the revenue village as a functional management unit. However, many field-level activitists, villagers, and field foresters insisted that community forest management be undertaken at the lowest possible level by those actually using the resource most intensively. In most cases, this is at a sub-*Panchayat* level and, often, at a sub-village level in cases where villages consist of several hamlets (Sewa Mandir 1994). Learning from the Nepal experience could be instructive for the joint forest management programme in this regard.

When these new approaches to community forestry were introduced in Nepal, many mistakes were made concerning the level at which management should be controlled. Initially, the *panchayat* was considered the appropriate organisational unit. However, since most of the forest patches were controlled by units operating at a lower level than that of the *panchayat* and were formed long before the introduction of the *panchayat* system, the *panchayat*(s) were unable to function as appropriate management units for community forestry. Consensus regarding management practices, distribution of benefits, and ownership of forests could not be reached at the *panchayat* level.

The question of who were the users of the forest had not been clearly articulated at this stage, although it was recognised that, generally, it was the women and poorer people who depended most on forest products for use and sale. However, their participation in decision-making about new management regimes was marginal, and, therefore, the impact on their collection patterns was not considered. After attempts to establish management committees (dominated by male leaders) at the village-level failed, the assumptions underlying the 'community' were reexamined. These assumptions included the following.

- The 'local community', i.e., a group of people with clear social boundaries, was capable of acting together cohesively.
- The local community and the local forest users were one and the same.
- Forest users would come to a public forest management meeting.
- The people attending a meeting about forest management would speak openly and honestly at the meeting.

- Village forest committees, formed at the first meeting, to discuss forest use and management, would be representative of all forest users and would be able to determine and understand their duties, authority, and responsibilities.

Who Are the Users?

The basis for community forestry development lies in the participation of all identified users in the management of local forests. The authority and responsibility for managing these forests is vested to the user group. Therefore, 'users' are the primary unit for consultation and decision-making. Users are now described as:

> *people who traditionally use a forest area for collection of forest products, grazing, cultural activities, etc. They include individuals with open access to the forest, 'illegal' users who are not recognised by other users, primary users, and, in some cases, secondary users. Primary users are those who regularly use the forest area and have locally recognised rights to obtain all forest products. Secondary users are those who occasionally use the forest area for a specific purpose or to obtain a specific product and are not given full rights by the primary users to obtain all forest products. (Operational Guidelines of the Community Forestry Programme, HMG/N 1992b).*

The Community Forestry Guidelines also recognise two other important aspects which have a bearing on community forest management. The first is the interest group, people within the Forest User Group with a particular need or concern related to forest management. Examples are: livestock growing groups, wood sellers' groups, women's forest groups, and blacksmiths' groups.The second is the "Indigenous Management System; a system of social and technical arrangements which has been initiated by the local community for the management of a local forest or other community resource."

The focus on users led to a disaggregation of 'community' and 'village' to their constituent parts - individuals, men, women, rich, and poor. This, in turn, led to a questioning of social relationships and conditions governing access to forests and decision-making and to a realisation that the narrow technocratic boundaries of the forestry profession did not permit the development of appropriate social skills to facilitate equitable management of forest resources.

As experience and understanding grew, a framework for practice emerged, which defined the stages necessary for allowing the full participation of all users in forest management practices. The following section outlines the user group formation process. It draws on the approach described in the Operational Guidelines (HMG/ 1992b) but expands it to include a pre-identification stage which is necessary for the full participation of all users:

Pre-Identification Phase: This is a necessary preliminary stage so that the user group formation process can begin. This stage includes an initial identification of all forest users in the area under consideration, including primary and secondary users, as well as an assessment of their use needs and the management options which would accommodate these needs.

Investigation Phase: This stage includes establishing a good rapport with villagers and gathering social and technical information about the use of the forest as well as identifying the users and the community forestry area.

Negotiation Phase: This stage includes the formation of the forest user group, discussion and resolution of forest management issues within the forest user group, and reaching a consensus on approaches to management as well as the preparation and approval of an Operational Plan and the handing over of management responsibility for the community forest to the forest user group.

Implementation Phase: This stage includes carrying out approved forest management activities by the forest user group with the field staff monitoring these activities and providing requested advice.

Review Phase: This stage includes appraisal, revision, and renegotiation of an operational plan with the forest user group, either at the request of the users or upon expiry of the plan.

There is no reason to assume that there is a natural sense of 'community' upon which to found community forestry initiatives. Consensus over collective management of natural resources must be gained by accommodating the diverse private and sectional interests of the various groups which use the local resources; and this consensus must be carefully maintained if the resource is to be sustainably managed.

Whether CF or JFM is undertaken at the User Group level or the Village level, some interface with the locally-elected body, the *Panchayat* in India or the Village Development Council in Nepal, is necessary. West Bengal, in India, has resolved this issue by placing nominal control over forest protection committees at the second tier of the *Panchayat* government, the *Ban-o-Bhumi-Sanskar Sthayee Samithi* (forest and land committee). This committee recommends hamlet or village groups to the forest department for recognition as FPCs and has a representative on the executive committee of the village group. This prevents direct control by the village or first tier-level *Panchayat*, but retains the link between the village committee and the *Panchayat*.

In addition, there is a complex set of legal use rights, called *nistar* in Madhya Pradesh and Orissa, which determines who has access to particular forests and products. JFM rights and use agreements must take these into consideration.

Sharing and the Shift in Control

The transfer of ownership and control of forest resources to the local communities are carried out differently in India and Nepal. In India, JFM involves a partnership between local communities and the government. This partnership is an unequal one in terms of the level of control over the resources, for, although the community takes on new responsibilities, has authority over protection, has increased inputs into management, and a share of the benefits, the forest department has the final control. This is reflected in the share of forest produce given to local communities involved in JFM. Most state orders specify that communities have rights to fodder grasses and non-timber forest products; these involve from 20 to 80 per cent of the final harvest. The percentage varies from state to state but is usually less than the share retained by the forest department. In Nepal, at least in the hill forests, the community user group is given control of the forest and is granted 100 per cent of the forest benefits. Furthermore, this 'turnover' is carried out after an operational plan is put forward by the user group, with the forest department playing a technical advisory and extension role. Thereafter, management, harvesting, and distribution on sale are carried out by the user group, with technical inputs from the department.

This bold move may be an important lesson for many of India's state forest departments, which are hesitant about increasing the level of benefit-sharing or community control of forests. On the other hand, it has been argued that removing the forest department share may reduce the incentive for forestry officials and field staff to contribute to the management of these forests. In the case of the hill forests, it must be remembered that the departments have no prior revenue. In Nepal's *Terai* region the department has still not handed over the valuable sal forests completely to communities. They are considering either joint forest management, such as that in India, or leasehold forestry, in which private industries or even cooperatives may be given forests for management. Finally, in cases where communities have *de facto* control over forests, they may be reluctant to enter into any sharing arrangements with the department.

Unfortunately, many within the bureaucracy in Nepal believe that 'handing-over' forests to local people reduces the workload of the forest Department staff. The short-sighted reaction to this has been to reduce the number of staff. This reduction, both at the Centre and the District, has adversely affected field operations and has led to a loss of confidence and uncertainty about future policy and actions. This prevailing view of community forestry has subjected a very complex field situation to over simple interpretation and planning, which may lead to poor implementation. Success, in such cases, is only seen in terms of the numbers of groups formed and not in terms of more complex indicators, such as the increased productivity of forests or increased equitableness in access to resources and decision-making.

In Nepal and India, community forestry was based on the premise that communities should be given access to and manage forests only for subsistence needs. In Nepal, there is growing awareness of the fact that foresters can assist communities to manage forests for a range of income-generating products, including timber. The JFM

programme in India realised that harvests must also be shared. In West Bengal, where the benefits from sal pole harvests, under a coppice management system, are expected to begin flowing soon, the department has realised that the sharing formulas and systems for equitable distribution of cash income require a great deal of forethought. In both countries, it is now becoming evident that the real challenges lie beyond protection; they lie in community-based management of the forests themselves and in resolving the procedural, technical, and economic issues that accompany such a shift.

Once the control of and benefits accruing from the forests are handed over to a community/user group, the question that needs to be answered is who controls and who benefits within the group. The issues of gender equity and participation in decision-making by women and marginalised groups need to be constantly monitored. Neither the Nepal CF experience nor the Indian JFM experiment have succeeded in addressing these issues. In individual cases, however, policy changes and specific processes have helped bring women more effectively into the foreground. Both countries have found that separate forums for women, to meet and discuss forest management issues, were useful as a means of confidence or consensus building prior to their participation in larger fora/meetings. Other approaches have included raising gender issues continually in larger groups in which a quorum requires a minimum attendance by women. Where income and cash benefits are to flow from the forest, separate or joint accounts may be preferable to household accounts in the male's name. Much more study is needed to understand the most effective means of ensuring equity.

Implementing Community Forestry and Joint Forest Management

Once the institutional question of who is to manage the community forest is answered and the power and benefit-sharing equations are understood, the real business of forest management commences. The role of planning is approached somewhat differently in Nepal and India.

Participatory Management Planning

The operational plan is a legal document approved by the DFO which empowers the group to take control of the forest area. Legally, before a forest can be handed over to a user group, an operational plan has to be submitted and approved by the DFO. The plan is prepared by the users of the forest and not by professional foresters or natural resource planners. Sufficient time must be allowed for all members of the user group, weak and strong, to reach a consensus on the management options for their forest. This process can take from two weeks to three months or more. However, by the end of this period, users regard the plan they have derived as the 'rules for our forest'. The plan specifies, for example, access to the forest and forest products as well as to protection and decision-making mechanisms. The plan is sanctioned by the DFO and, until the recent political change, by the local *pradhan pancha*. An executive forest user group committee is then elected by the user group members to oversee the implementation

of their plan (Gronow and Shrestha 1991). Although, in most cases, an executive committee is elected, there are cases where the user group, as a whole, takes responsibility for implementation.

While experiences vary from state to state in India, emphasis is generally placed on establishing protection, formalising the community-level institution, and on developing some type of action plan or micro-plan. Most state JFM programmes have not moved substantially beyond the protection stage. West Bengal is the only major exception in this regard, although Gujarat and Rajasthan have begun to develop action plans. These micro-plans usually focus on identifying community needs and are not limited to forest management planning. They include a variety of additional development support activities, such as alternative energy technology; energy-saving stoves; enterprise development; and construction of wells, roads, school buildings, and so on. These exercises can help communities to develop a more integrated view of their overall resource and development needs. However, there is a limit to the rural development activities which the forest department can implement. What is required then is effective coordination between various other departments, which is not always an easy task. Field foresters are concerned that these plans often raise false expectations, and local community groups begin to view the forest department as the implementation arm for all rural development activities. In West Bengal, because of problems with fund flow, many micro-plans have not been implemented. On the other hand, some researchers are concerned that the micro-planning is not sufficiently participatory and are working with forest department staff to improve upon this process. From the technical point of view, the input of the community into different forest management strategies and options for meeting their objectives is the least participatory part of the process. Needs are identified and inputs sought from the community on the scheduling of pre-determined silvicultural operations. However, in both India and Nepal, much more could be done to involve communities and foresters in the development of more innovative management options.

Technical Management or Post-formation Support

The challenge currently faced by foresters, villagers, and project staff alike is to ensure that appropriate silvicultural regimes are put in place and to ensure the achievement of the objectives of management. During the initial stages of user-group formation in Nepal, there is limited scope for technical input, since the formation process focuses on building users' confidence and involving them in decision-making, rather than focussing on technical innovations. To date, the operational plans produced by user groups have concentrated on the constitutional or indeed the institutional aspects of the user group itself, with much attention placed on rules of cooperation, punitive measures, and so on.

Management prescriptions frequently consist of a statement of the total quantity of a certain type of material which can be collected per household during a specified collecting season. The specified quantities do not necessarily bear any relationship to

the actual amounts of these products available or the rate at which they can be produced on a sustainable basis (Branney and Deo 1993:2).

As more forest areas come under user group management, there is a reduction in the alternative open-access resources available. This has increased the pressure on user-managed forests as well as the need for enhanced production from these forests. It is necessary, therefore, to move away from the 'conservative and protectionist approach to forest management'. Increased demands for improved forest management are now necessitating more direct forest management as well as collection of basic information about the potential of the growing stock to meet the management objectives of each user group. Once an operational plan has been agreed upon and the forest formally handed over to the user group by the DFO, the user group is legally in control of the forest. Most of the attention up to now has been focussed on the formation of strong and representative user groups, with little attention paid to the resources to be managed by the user group. Several projects and, in particular, the Koshi Hills Community Forestry Project (KHCFP), are now helping both user group members and the forest department field staff to acquire the necessary technical skills for managing the forest resource.

As a precursor to training in appropriate management techniques, demonstration plots with different management systems have been established by several projects. However, the KHCFP has departed from a mechanical use of the demonstration plot and taken it one step further. The users themselves are now designing and managing demonstration plots in their forests and using these plots to decide how best their management objectives can be met. Since the format of the operational plan was not an adequate framework for allowing a full description of the management practices to be implemented, user groups now draw up simple working plans for each forest in addition to the formal operational plan.

Short-term training courses are held with rangers to develop management skills for the diverse user group forests. The main areas covered in these courses, held by the KHCFP, include:

- improved assessment and description of the forest, i.e.,condition and productive potential based on visual observations rather than an inventory;
- appropriate forest management options for diverse natural forests such as regeneration, use of office systems etc;
- incorporation of non-traditional forestry operations such as agroforestry, soil conservation, conservation of non-timber products and bamboo and grass cultivation; and
- simple assessment of quantities of forest products available on the basis of information collected from demonstration plots (Branney and Deo 1993:8).

Forest users will, with the help of the training, move beyond the purely protective management stage to the realisation of the full potential of their forests, for their own needs and, perhaps, to create a surplus for sale. The Forest Department staff will gain

the technical experience and confidence to help improve user group management. In order to ensure that users continue to be able to supply their forest product and tree needs, user group nurseries are also being established. Support and training are given to user groups interested in establishing their own nursery. Users can, thus, maintain control over the species and quality of trees or other seedlings raised in the nursery and can also respond to local demand as it is identified. The Forest Department staff provide advice and seeds if they are not locally available. In support of these user group nurseries, district forest staff are developing larger district and range-based nurseries where research and development of different nursery techniques and species will be carried out by forest staff.

In India, members of the JFM research network are assessing the ecological impacts of community of regenerating forests, in order to develop new silvicultural practices or amend old ones. Attempts are being made to examine how foresters and local community managers can effectively plan new silvicultural management systems together. Recent experiences with PRA methods show that these can be very useful in helping communities plan collectively. Some of these PRA methods evolved for assessing people's needs and economic benefits can be extended to explore different technical and silvicultural possibilities. A number of techniques developed to help people list, rank, and score the importance and usefulness of different tree species and forest products can be extended to help in the evolution, assessment, and monitoring of different silvicultural operations. Once the needs for forest products have been determined, the ways in which these needs can be met from the forest and from on farm or community property, by reducing needs through energy-saving devices and so on, have to be identified. It will be the management of the forest to meet these objectives first which will realise the objectives of JFM. However, few forests have taken up this challenge in the field.

The existence of old Working Plan prescriptions (usually based on timber production objectives and an area-control or landscape-level perspective) which are legally binding creates further complications. The mechanism for merging village-level micro-plans with Working Plans is still being worked out in a number of states. At present, the approach being followed is to temporarily suspend the Working Plan in those forests in which JFM is underway. New Working Plans will hopefully be formulated through a more consultative process, building on village or community-level, micro forest management plans which direct silvicultural prescriptions towards multiple use and the regeneration and harvesting of non-timber forest products along with timber. The Indian Council for Forestry Research and Education plans to undertake research on a variety of multiple-use silvicultural management strategies, in consultation with communities involved in JFM. This will lead to thumb rules for innovation in silvicultural practices - an exciting challenge for foresters all over the world.

Value Addition and Income Generation

As user groups and village-level community forestry organisations move beyond the initial objectives of community forestry; forest protection and the supply of basic needs,

to production of surplus for sale; the level and complexity of information needs will also increase. This is now being addressed by the Nepal Australia Community Forestry Project (NACFP) and the KHCFP by assessing the market potential for both timber and non-timber forest products, particularly the collection and trade of medicinal herbs.

In the case of NACFP, due to its proximity to Kathmandu, there appears to be a great potential for the development of small-scale timber or non-timber tree product industries. The new era of community forestry will encompass a movement away from subsistence towards the integration of forest products into the market economy.

In India, there is a long history of trade and management of so-called 'minor forest produce' and a thriving informal sector involved in wood processing. A number of studies has been carried out by members of the JFM research network and state forest departments, on the extent and value of NTFPs, the potential for value addition through local processing and better marketing systems, and the impact of state control over the collection, processing, transport, and sale of many forest products. Nepal has much to learn from the wide variety of income-generating experiments which local communities in India have been involved in with the assistance of forest departments and NGO groups. These include medicinal plant collection, tussar silk production, lac production, mushroom cultivation, leaf plate processing, coordination of tendu (*bidi*) leaf collectors, and so on. The challenge is to develop processing and marketing enterprises that do not strain the productive capacity of community forests but which provide steady, supplementary income to the groups most dependent on forest products, especially women and tribal communities.

Training and Orientation for Participatory Forestry

Early experiences in establishing forest committees and identifying forest users in both the community forestry and joint forest management programmes made the Forest Department realise the need for attitudinal changes at all levels and for new skills to facilitate the widespread replication of community forestry. In order to institutionalise the changes necessary within villages and the Forest Department, a systematic programme of reorientation and training was essential. Different states in India approached this task differently, but most of them have adopted some sort of training programme. A lesson emerging from the work of the Institute of Bio-Social Research and development (IBRAD), which has worked extensively in the field of JFM training, is the importance of training the highest-level officers before the lower-level staff. Periodic follow-up sessions with trainees are also very important. IBRAD found field exercises, in which foresters try out participatory rural appraisal techniques and actually work with forest protection committee members on problem solving, to be of great value. In several other states, including Gujarat and Haryana, training programmes for community groups are part of the programme. These often focus on specific skills needed by local institutions, such as account keeping or on the concepts and practice of JFM. In Orissa, a group of 325 indigenous forest protection committees is organised into a loose federation by a coalition of 15 grass roots' NGOs. This coalition has a

continuous programme of village-level workshops and meetings for dealing with problems of forest protection and management.

In Nepal, the first stages of the training process for field staff involve a series of field-based participatory workshops. Workshops encourage a democratic, two-way learning process. Each person participating in the workshop is encouraged to share his/her experience and knowledge with others. These short-term training courses cannot provide all the skills and confidence necessary for the effective implementation of community forestry. Therefore, sustained follow-up support within the districts, until the methodologies for community forestry are fully understood and effectively implemented, is essential. Currently, such support is provided by project staff until the field staff are confident in both the requisite social and technical skills. This support system is further enhanced through regular range and district-level meetings where experiences and emerging problems are discussed.

Reorientation of staff and formation of user groups are only the preliminary stages of a long process of change, both at the local level and within the bureaucracy. To date attention has been focussed primarily on the institutional aspects of community forestry and, in particular, the training of field staff in user group formation and support techniques.

New Developments between Village-level Institutions

User groups and forest protection committees gain their authority through legal control over resources and the sanction of the forest department. This authority can be used or misused. In Nepal, there have been several instances in which local elites have gained control over the user group and, hence, over the forest. In India, some indigenous forest management groups seem to be dominated by Youth Clubs or certain village elders. Also, if informal management systems are replaced with formal structures , users who are traditionally excluded from public discourse, such as women, tribals, low caste groups, etc, may be marginalised. However, there are many cases in which users, who were previously virtually disenfranchised from the decision-making process, have greater access and, indeed, control, over decisions concerning the forests they use.

In order to develop the strength and the bargaining power of user groups, conscious attempts have been made in Nepal, and to a limited extent in India, to bring user groups together to form informal networks so that they can exchange ideas and experiences. This has been formalised in some areas of Nepal, where user groups meet on a regular basis at the range level to plan activities for the following year. There is a range-level budget to support these activities. In other instances, some user groups have registered as NGOs in order to gain greater access to the services offered by other agencies and organisations. In Gujarat a group of Tree Growers' Cooperative Societies, the *Lok Van Kalyan Parishad*, meets on the third of every month and now has its own newsletter, which is edited by VIKSAT, a facilitating NGO. In Orissa, there are a number of associations or fora of indigenous forest management groups. A large

Federation, coordinated by a coalition of grass roots' NGOs, includes 325 self-initiated community forest protection groups. For these groups, the fora provide an important platform for sorting out conflicts between different community groups.

The power of user group networks in Nepal was demonstrated recently by the national workshop. At this work workshop, representatives from user groups throughout the country exchanged experiences and made recommendations for operational changes. These recommendations were then presented at the Second National Community Forestry Workshop. This was the first time that users were able to express their views at a national forum where policy-makers were present.

The Forest Bureaucracy: Current Problems and Future Directions

Although JFM and Community Forestry have been accepted at one level, the forest departments of India and Nepal still have a long way to go before completely internalising these radical changes. In Nepal, the bureaucracy in charge of developing community forestry is currently in a state of extreme flux. Recent reshuffles and cuts in the bureaucracy have led to redistribution of power: in an unprecedented move, most of the senior forestry staff were forced to retire.

Since the Forestry Department now holds the main extension role for developing community forestry throughout Nepal, the institutional structure, as a whole, may have to accommodate these new functions. The Department, which has a hierarchical policing role, is now expected to carry out a facilitative and advisory function. This has led to many contradictions within the system, including difficulties in decentralisation of authority and decision-making to field staff. Budgets and other structures of control within the bureaucracy are also formed in a way that is inimical to the implementation of community forestry, which requires flexibility and response to local need rather that centrally-imposed targets. The Koshi Hills' Community Forestry Project, in particular, has been helping the DFO staff to restructure local budgetary and reporting systems in order to allow for greater responsiveness and flexibility.

In India, where new state-level integrated forestry projects focus more on JFM, questions arise about the value of continuing to have separate wings for Social Forestry, Territorial Forestry, and Soil Conservation. Effective implementation of the community forestry and JFM programmes, in the short- to medium-term, leads to increased workloads for field staff as well as demands that they spend a lot of time in difficult working conditions. The vast size of some territorial divisions is being questioned as work becomes more time-intensive. Some department officials are considering amalgamating field staff from different wings so that the Deputy Conservators of Forests, Rangers, Foresters, and Guards can handle the growing number of forest protection committees.

New operating procedures may be required to delegate authority to lower levels. Incentives, in terms of salary and promotion, are limited. The practice of frequent staff

transfers is also inimical to the development of stable local relationships, which are necessary for effective extension work.

In India, the NGOs are seen as critical components of the JFM programmes. However, the debate over whether they should function primarily as facilitators, researchers, or community organisers, or get involved in actual field-level implementation of afforestation, still continues.

The effective implementation of community forestry requires that the bureaucracy strategise, prioritise, and plan according to field-level realities. This necessitates the establishment and functioning of a monitoring system, within the bureaucracy, which allows for the analyses of the process as well as the physical achievement of community forestry. The experience with working groups in India may be valuable to Nepal. In a number of states, including West Bengal, Gujarat, and Haryana, working groups, consisting of forest department staff, NGOs, and academics, have been set up at the state and, in some cases, circle or division level. These working groups identify key issues for research and monitoring and review the progress in the implementation of JFM in the field experiences, and they have been able to build up a body of process documentation and research literature for the programme. At the national level, the National Support Group, within the Society for Promotion of Wastelands' Development, attempts to distil experience nationally and disseminate this information. A national JFM research network, which crosses state borders, is working on research activities to try and understand the ecological, economic, and institutional elements of JFM.

The Pace of Community Forestry and Joint Forest Management

Since 1987, villagers, the Forest Department, and project staff have undergone a long learning process in which the methodology for building representative user groups capable of implementing forest management has been identified. However, it would be a mistake to assume that, because most of the procedure for user group formation is clear, community forestry is about to take off throughout the whole of Nepal. Only 1,900 forest user groups have been formed to date, out of which 525 user groups have evolved operational plans and have been handed over forest areas (Joshi 1993). Approximately 90,000ha of government forests have been handed over as community forests (Kanel 1993). Although these figures seem to be relatively low for the whole of Nepal, they do not encompass the indigenous and informal user groups which have been involved in forest protection in the past. More recently, there has been a rapid rate of increase in group formation through the forest department. This has both positive and negative aspects: it indicates a greater willingness by the Forest Department staff to support community forestry as well as a greater confidence in the users in the efficacy of the policy. However, there is concern that the Forest Department does not have sufficient capacity to support a large number of user groups. It remains to be seen how it will meet the target of establishing 5,000 user groups and handing over 252,000ha of forests, as targetted by the Eighth Five Year Plan of HMG/Nepal (HMG/N 1992a).

Conclusions

Community Forestry in Nepal and JFM in India represent emerging forest management paradigms. Both countries have different forms of community involvement in forest management operating simultaneously. Indigenous forest protection and management groups are still functioning in many parts of the hills of Nepal and in the tribal regions of Central India. Many of these have very little formal interaction with forest departments. Formally-recognised community forest management groups also differ, by project in Nepal and by state in India. An additional variation in India occurs in which NGO groups are involved as third partners. Both countries need to think more creatively about how to incorporate indigenous management systems into their programmes with flexibility. The formally-recognised programmes in both countries share a number of similarities. These may be considered as fundamental principles or the least common denominators for community forest management. They include:

- careful identification of forest users (primary and secondary);
- the importance of users' involvement in design and implementation of management practices;
- formalisation of local people's rights of access, coupled with the responsibility and authority to protect resources;
- social and technical skill development of forestry field staff to enable them to advise users on multiple objective management systems;
- development of resilient local organisations and forest management skills;
- decentralisation of decision-making authority, through operational plans, micro-plans, and action plans; and
- creation of extension capabilities to support user group formation and development.

However, the differences between the two programmes provide the best opportunities for learning, as they show the strengths of diversity and point to opportunities for improvement and fine-tuning in both programmes. The historical development of forest law and management, and the degree to which power over forests was vested in the department, may still influence the degree to which that power and control has been handed over to local communities in the two countries. In the hill forests of Nepal, 100 per cent of the forest benefits are handed over to local communities, and the management control is exercised by the community with the department personnel as advisors. Perhaps JFM is in a transitional stage towards this ultimate scenario. On the other hand, as long as foresters have an incentive, however small it may be, to remain engaged with the community, they may be more inclined to provide both the veneer of authority and technical guidance. This incentive is missing in Nepal. Finally, JFM allows for a mechanism to meet the demands of distant users out of the department's share of forest produce.

Another noticeable difference between these two programmes is the focus, in Nepal, on user groups at a sub-village level, unrestricted by administrative boundaries, as the functional institution for implementing community forestry. In India, a variety of forms

prevails. However, the tendency is to try and link village forest committees to revenue village boundaries, and *gram panchayat(s)* and, therefore, to favour larger, more aggregate community organisations. In a number of states, community institutions are registered as societies or cooperatives, thus giving them a distinctive legal status and some measure of independence from *panchayat*(s) and forest departments. Clearly, in evolving community forestry systems, flexibility and diversity in the institutional forms should be seen as a strength.

At the implementation level, both country programmes are working on developing participatory planning tools, operational plans, micro-plans, and action plans and could benefit greatly by exchanging ideas and experience in this area. While Nepal is beginning to address issues regarding commercial use and benefit sharing, India has years of experience in leasing MFPs, harvesting forests for revenue, and marketing different products which may provide interesting lessons for Nepal. The way these activities are being tailored to a JFM differs from state to state. In many cases, community groups continue to function as employees, collectors, and recipients of 'benefits' than as controlling managerial partners. Furthermore, the experience of including NGOs in JFM in India, and the experiences of state-level working groups to document and monitor implementation and get continuous feedback from the field, could also be instructive for the Nepal programme. More detailed sharing of information and experiences with training and orientation programmes could also be very fruitful as different projects in Nepal and different states in India have built up considerable experience in this area. Finally, the critical issues of gender, class, and caste equity, in terms of who participates in decision-making, management, and benefit-sharing within community groups and households, are rather poorly documented in both countries.

The sharing of experiences between India and Nepal can only strengthen the future of community forestry and JFM. Some significant beginnings have been made. A workshop held in June 1992 in Nepal, brought a number of foresters, NGOs, and donor representatives from India and Nepal together for the first time (Campbell and Denholm 1992). Since then, visits have been made by foresters from Himachal to Nepal and from several Nepalese projects to different Indian states. The Participatory Natural Resource Management Programme at the International Centre for Integrated Mountain Development will be sponsoring a number of interactive workshops and meetings in he future. Hopefully, this paper will serve to whet the appetite of other researchers, NGO workers, forest managers, and community members to visit, study, and exchange information between the two countries.

PROVISIONS RELATING TO COMMUNITY FORESTRY
Forest Act, 1993, HMG/Nepal

(Section) (Provision)

25. Handover of Community Forests

1 The District Forest Officer may hand over any part of a national forest in the prescribed manner entitling it to develop, conserve, use and manage such forest, and sell and distribute the forest products by independently fixing their prices, according to an operational plan. While so handing over a community forest, the District Forest Officer shall issue a certificate thereof.

2 For the purpose of Sub-Section (1), the District Forest Officer may mobilise users and form users' groups in the prescribed manner, and provide technical and other assistance to formulate operational plans.

26. Amendment in Operational Plans

1 The users' group may make timely amendments according to need in the operational plans relating to the management of community forest, and must inform the District Forest Officer accordingly.

2 In case any amendments, made in the operational plan by the users' group under Sub-Section (1), is considered likely to adversely affect the environment in a significant manner, the District Forest Officer may direct the users' group not to implement concerned amendment within 30 days from the date when he receives such information. It shall be the duty of the users' group to comply with such directives.

27. Resumption of Community Forests

1 In case a users' group is unable to work according to the operational plan, in any community forest handed over to it under Section 25, or takes any action which affects the environment significantly or fails to comply with the conditions to be complied with under this act or the rules framed hereunder, the District Forest Officer may cancel the registration of such users' group and decide to resume the community forest in the prescribed manner.
Provided that before taking a decision to cancel the registration of a users' group in this manner and resume the community forest, such users' group shall be given an opportunity to state its case.

2. Any users' group which is not satisfied with the decision taken by the District Forest Officer under Sub-Section (1) may complain to the Regional Forest Director in the prescribed manner. The decision taken by the Regional Forest Director on such complaints shall be final.

28. Community Forests May Again Be Handed Over

In case the decision with respect to any community forest which has been resumed under Sub-Section (1) of Section 27 is rescinded under Sub-Section (2) of the same Section, the District Forest Officer must again hand it over to the concerned users' group. In case the decision is endorsed, the district forest officer must fulfill the procedure mentioned in Section 25 and form another users' group and hand over the community forest to it.

29. Punishment to Persons Working Contrary to the Operational Plan

In case any user does anything opposed to the operational plan with respect to any community forest, the concerned users' group may inflict an appropriate punishment on him; and, in case there has been any loss or damage, also recover the amount of such loss or damage from him.

30. Priority to Community Forests

Notwithstanding anything contained elsewhere in this act, no part of any national forest, which is suitable for being handed over to a users' group in the form of a community forest, shall be given away in the form of a leasehold forest.

PROVISIONS RELATING TO FORMATION OF USERS' GROUP
Forest Act 1993, HMG/Nepal

(Section) (Provision)

4.1 Formation of Users' Groups

The concerned users of a forest desirous of developing and conserving it and using the forest products for collective benefit may form a users' group in the prescribed manner.

4.2 Registration of Users' Group

1 For the registration of a users' group formed under Section 41, an application must be submitted in the District Forest Officer in the prescribed form along with its constitution.
2 In case an application is received under Sub-Section (1), the District Forest Officer shall conduct necessary investigation, register the users' group in the prescribed manner and issue a certificate of registration in the prescribed form.
3 The users' group managing community forests in accordance with operational plans under the 1961 Forest Act must also apply for registration under Sub-Section (1) within one year from the date of commencement of this action.
4 The District Forest Officer may provide necessary assistance for the purpose of Sub-Section (3).

43. Users' Group to be a Corporate Body

1 A users' group formed under Section 41 shall be an autonomous and corporate body with perpetual succession .
2 The users' group shall have a separate seal of its own.
3 The users' group may acquire, use, sell or transfer, or otherwise dispose of movable and immovable property like an individual.
4 A users' group may sue or be sued in its own name like an individual.

44. Report to be Submitted

1 A users' group must submit annual reports of its activities to the District Forest Officer within one month after the expiry of each fiscal year in the prescribed manner, explicitly mentioning the financial particulars and the conditions of the community forest also.
2 On the basis of the annual report received under Sub-Section (1), the District Forest Officer may provide necessary suggestions to the concerned users' group.

45. Fund of Users' Group

1 A users' group shall have a separate fund of its own.
2 The fund shall comprise the following amounts.
   (a) Grants received from His Majesty's Government.
   (b) Grants, donation, or assistance received from any individual or institution.
   (c) Amounts received from the sale or distribution of forest products.
   (d) Amounts collected through fines.
   (e) Amount received from any other source.
3 The expenses to be incurred on behalf of the users' group shall be met from the fund mentioned in Sub-Section (1).
4 The users' group may spend for other public welfare activities the balance left in the fund after making disbursements for the development of community forests.
5 The fund shall be operated in the prescribed manner.

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ICIMOD serves as a multidisciplinary documentation centre on integrated mountain development; a focal point for the mobilisation, conduct, and coordination of applied and problem-solving research activities; a focal point for training on integrated mountain development, with special emphasis on the assessment of training needs and the development of relevant training materials based directly on field case studies; and a consultative centre providing expert services on mountain development and resource management.

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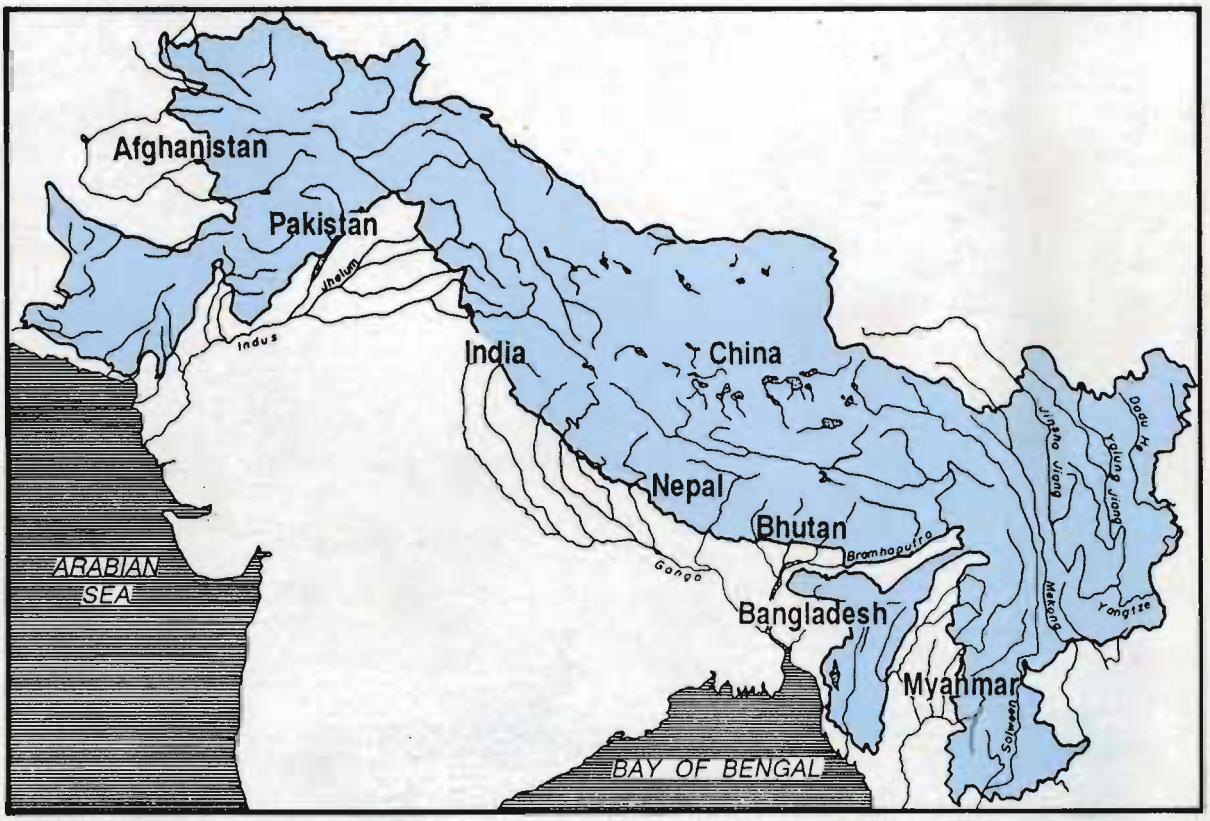
PARTICIPATING COUNTRIES OF THE HINDU KUSH-HIMALAYAN REGION

- Afghanistan
- Bhutan
- India
- Nepal
- Bangladesh
- China
- Myanmar
- Pakistan



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