

## INTRODUCTION

In 1957 the Government of Nepal nationalised forest resources. However, this policy did not prove to be an effective means of managing forests. Since 1978, with the introduction of the **Panchayat Forest Rules** and the **Panchayat-Protected Forest Rules**, there has been a move towards a new policy that a substantial proportion of forests in the Middle Hills should be handed over to local communities. There are three major reasons for the emphasis on community control of forests. The first is essentially philosophical: the Government is committed to an overall policy of development through decentralization and people's participation. The second is pragmatic: it is recognised that the Department of Forest does not have the staff or capacity to manage forest resources effectively. Thirdly, it is recognised that forest resources, whether government, communal or private, are an intrinsic part of farming systems: whatever the legal tenure they must be used, and are used, by the people living in the hills.

Despite the clear intention at the level of policy, the rate of handover has been slow. Further, if the effectiveness and the rate of adherence by local users of forests to agreements about forest management are useful indicators, insufficient attention has been paid to the institutional and organisational basis for local management. The main purpose of this report is to examine the institutional basis for effective local management of forest resources.

Since 1986, the Nepal-Australia Forestry Project (NAFP) has been working towards a methodology for developing sustainable management systems under the control of local communities. The problem faced by NAFP and the other agencies involved in community forestry was knowing what forms sustainable management might take. Early attempts to make management agreements with communities showed that externally sponsored local committees were usually unable to carry out the role effectively. (For a discussion of early attempts see King et al. 1987 and Paudyal et al. 1987).

It had become clear from accounts appearing in the literature, and from the field observations of project staff and associates, that local communities were frequently organising and managing forests on their own initiative without any outside intervention. However, very little was understood about the way these local systems operate. There was a belief within the project that understanding indigenous systems of forest management would be of great practical value in developing viable new local management systems where these were needed.

NAFP agreed to involvement in one of the case studies in ICIMOD'S program on The Organization and Management of Rural Development (OMRD) for two reasons:

1. It provided an opportunity to explore the organisational basis of effective existing local systems of forest management.
2. It provided an opportunity to ascertain why project activities in forest development worked in some cases and not in others.

Later, it emerged that the case study provided an opportunity to test techniques for gathering the socioeconomic information needed for negotiating agreements with communities over management.

## Background on the Nepal-Australia Forestry Project

The Nepal-Australia Forestry Project is a bilateral aid project funded jointly by the Governments of Nepal and Australia.<sup>1</sup> NAFP began operating in Nepal on an informal basis in 1966. In 1978 a second phase commenced, this time specifically located in two districts (Sindhu Palchok and Kabhre Palanchok) situated immediately to the East and North East of Kathmandu valley. (See Map 1). A third phase commenced in 1986 and is due for completion in 1990. Since the second phase began, the role of the project has been to assist the operations of the Department of Forest in all aspects of forest work in the two Districts.

During the second phase, the project developed a comprehensive afforestation program, based on a network of nurseries, building on a community approach to forestry developed largely by T.B.S. Mahat, then the Divisional Forest Officer<sup>2</sup> responsible for the two districts. (This approach is discussed more fully in Chapter Three.)

In the third phase of NAFP, emphasis shifted from plantation establishment and protection to forest management, including the management of existing natural forests. This new activity continued in parallel with a reforestation program.

### Profile of the Project Area

The project area (Map 1) runs from the Himalayan Range in the North to the Mahabharat Lekh in the South. Between these two high areas, the central part of the project area consists of terrain typical of the Middle Hills. Sindhu Palchok District is divided into three watersheds by rivers running from North to South with high ridges in between.

Both Districts are relatively accessible from Kathmandu. A major road from Kathmandu runs through Kabhre District before turning North through Sindhu Palchok to the Tibetan border. Some feeder roads run off this main road. The lower reaches of each of the three major rivers in Sindhu Palchok can be reached by road and, apart from long periods when they are closed by landslides, there is sometimes vehicle access for considerable distance up the Balephi and Sun Kosi Rivers.

Apart from high country close to the Tibetan Border and in the area to the South of Kabhre Palanchok District, there are few parts of the project area beyond a day and a half's walk from a road. This high level of accessibility (compared to most of the Hills of Nepal) facilitates Project activities and means that most people in the area have some access to major markets, both for sale of surplus produce or locally manufactured goods (such as carpets or *thangkas*<sup>3</sup>

- 
1. In earlier phases the project was managed for the Australian Government by the Department of Forestry at the Australian National University. From 1985 the managing agent has been Anutech P/L, a commercial consultancy arm of the Australian National University. A close connection has been maintained with the Department of Forestry
  2. Prior to 1983, both Sindhu Palchok and Kabhre Palanchok comprised a single Forest Division under a Divisional Forest Officer (DFO). In 1983, the division was split and each district fell under the responsibility of a District Forest Controller (DFC). In late 1983 the District Forest Controllers (DFC) became District Forest Officers (DFO). DFO is used throughout this report.
  3. *Thangkas* are Buddhist hand paintings that depict symbolically the important precepts of the Faith.

and for purchase of goods from the capital or from local market centres. The road from Kathmandu to Tibet is the focus of much economic activity. Small bazaar towns, strung along the road, sell imported goods and provide tea, meals, drinks and accommodation to traders and tourists. These bazaar towns provide market products to villages in the hinterland and, in turn, are centres for the purchase of agricultural products, firewood and other products. They also provide opportunities for wage labour through portering, building work and so on.

Proximity to the urban centres of the Kathmandu valley provides economic opportunities much greater than those available in more remote hill districts. For example, milk depots for collection of milk for urban consumption are located at several points in both Districts.

The market influence is, thus, a very important factor. Nevertheless, most people in the hills remain very heavily dependent on agricultural and livestock production for subsistence. In some areas, particularly along the main road, agriculture is market oriented, involving inputs of chemical fertiliser and improved seed varieties. Elsewhere there are local food deficits.

Livestock production is often an adjunct to agriculture. However, in the northern part of Sindhu Palchok in some villages adjoining high ridges, transhumant pastoralism is important.

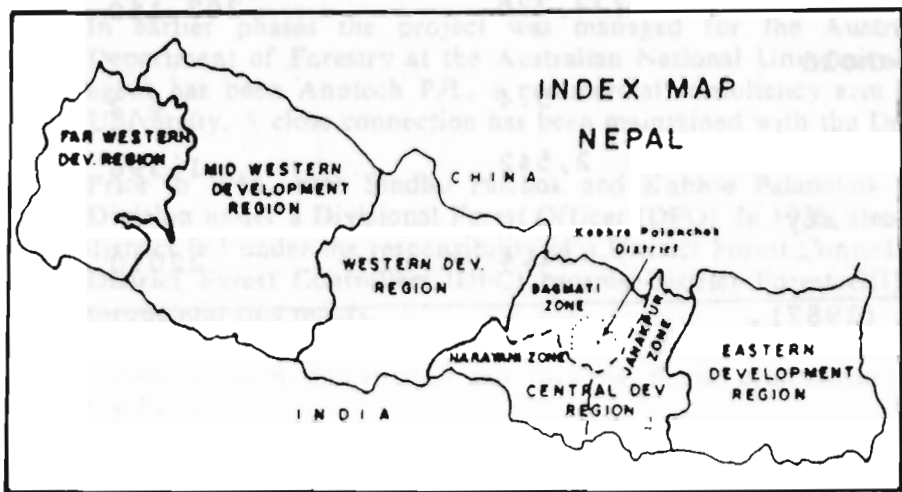
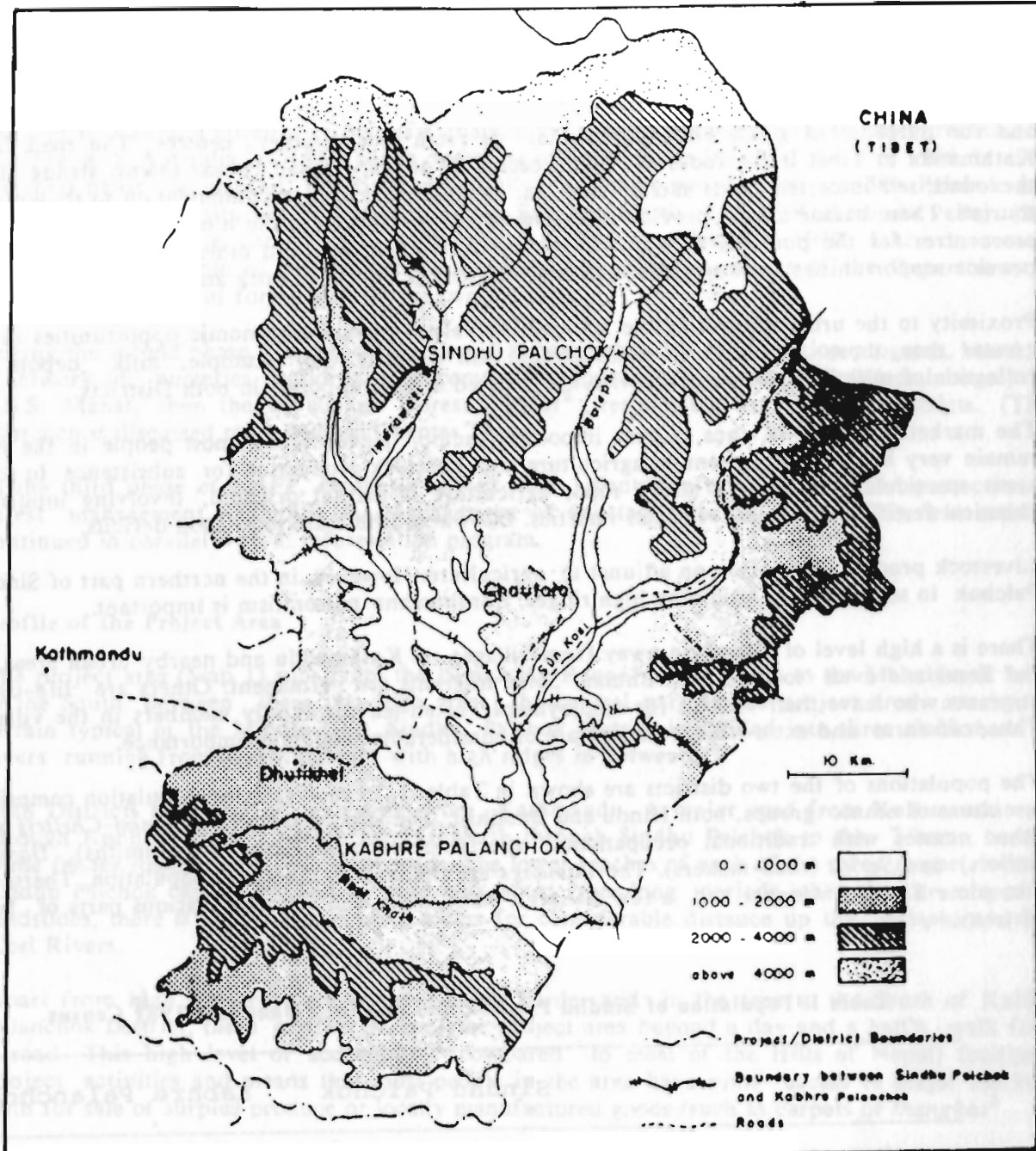
There is a high level of migration away from villages to Kathmandu and nearby urban areas, to the Terai and even to India and Bhutan. Some migrants are permanent. Others are life-cycle migrants who leave their villages for employment, often leaving family members in the village. Thus, off-farm and extra-village income are of considerable economic importance.

The populations of the two districts are shown in Table 1. In each case the population comprises a mixture of ethnic groups, both Hindu and Buddhist. The Hindus include *Brahman-Chettris* and other castes with traditional occupational specialties such as *Kamis* (blacksmiths), *Damais* (tailors) and *Sarkis* (shoe-makers). The *Tamangs* are the largest Buddhist population. There are also some *Sherpas*, *Magars* and a few *Gurungs*. *Newars* are also found in various parts of both districts.

Table 1. Population of Sindhu Palchok and Kabhre Palanchok, 1981 Census.

|  | Sindhu Palchok | Kabhre Palanchok |
|--|----------------|------------------|
| Population                               | 232,326        | 307,150          |
| Average Household size                   | 5.4            | 6.2              |
| Area (km <sup>2</sup> )                  | 2,542          | 1,396            |
| Population density (No/km <sup>2</sup> ) | 91.4           | 220.0            |

Source: Anon (1987).



**MAP 1**  
**NAFF PROJECT**  
**AREA**

Various ethnic groups often live in separate hamlets, but where this occurs, these are adjacent to hamlets occupied by other ethnic groups. In areas where there are intermingled castes, the Buddhist groups are effectively treated as a caste within the Hindu caste system. Interactions with people from Hindu castes are regulated accordingly. *Tamangs* are numerically and politically dominant in some areas, such as Northern and Eastern Sindhu Palchok, although, even in these areas, there are scattered hamlets of other groups.

The heterogeneous ethnic composition in most areas has implications for resource management. The potential for the management of common property forest resources, through caste-based or lineage-based institutions, is limited by the geographic dispersal of castes and lineages and the existence of heterogeneous "communities" around resources. Thus, the principal indigenous social structures (castes and lineages) are not necessarily a viable basis for organising forest access and management.

It is important to emphasise here that the two districts are, in some respects, atypical of Nepal's hill districts. Because of proximity to Kathmandu and the consequent demand for forest products, deforestation has been worse than in some other areas, although, according to Mahat et al. (1986b) "*the history of the forests is probably similar to those of much of eastern and central Nepal.*" Further, proximity to Kathmandu may have led to a relatively high degree of incorporation into the nation state. For these reasons this report makes no claims that the indigenous forest management systems described will necessarily be typical of systems elsewhere in the hills of Nepal, although it is expected that many features will be present elsewhere and that much of the analysis will be broadly relevant.

#### Different Forms of Forest Tenure

Legally, there are several types of forest tenure in Nepal. The most common type is government forest, which is legally under the control of the Department of Forest. The second and third categories are Panchayat Forest (PF) and Panchayat Protected Forest (PPF).<sup>4</sup> Under the appropriate legislation, the Department of Forest is empowered to hand over forest areas to the *Gaun* Panchayats.<sup>5</sup> Transfer of tenure to the Panchayat as PF or PPF does not, in itself, authorise the Panchayat to carry out harvesting of green forest products. In order to do so there must be an approved management plan, which is, in effect, an agreement between forest users and the Department of Forest as to how the forest should be used. It is increasingly recognised that the Panchayat is not the appropriate unit for day to day management of forests and that management should be done by "user groups", but tenure is vested in the Panchayat.

The fourth type of tenure is private forest. Under the legislation small patches of forest may be held privately. The fifth type is leased forest. Under the **Leasehold Forest Rules** (1978), individuals or groups can lease government forest for use in forest production. Although the

4. For the purposes of this report the distinction between PF and PPF is not significant. Very simply it relates to whether the land is handed over to be afforested (PF) or whether it is handed over already forested (PPF), although there are some overlaps. (See Arnold and Campbell, 1986, for more details.)
5. The *Gaun* Panchayat (village council) is a politico-administrative unit. Despite the name it does not consist of a single village, but rather of nine wards which may each contain a single large village or a number of smaller hamlets. The Panchayat is represented and administered by an elected village Panchayat assembly headed by a *Pradhan Pancha* and a deputy (*Upa-Pradhan Pancha*)

legislation has existed for several years, it has not yet been implemented on any significant scale anywhere in the hills. In addition to these basic forms of tenure there are religious forests. These are discussed in Chapter 2.

In parallel with the system of legal tenure there is a local system of claims to use-rights and recognition of other's use-rights which is perhaps best described as extra-legal. It, in effect, constitutes a parallel indigenous system of tenure.

During this report frequent references will be made to tenure of forest land. Unless otherwise specified all references to tenure relate to locally perceived tenure rather than to tenure according to the laws of Nepal. For example a forest may be described as a private forest because that is how it is perceived by villagers, whereas it may technically be government land.