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Community Forestry and the Threat of Recentralization in Nepal: Contesting the Bureaucratic Hegemony in Policy Process

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Nepal's community forestry program has been touted as a successful case in decentralized forest management. However, the government of Nepal has often constrained the autonomy of local communities as an apparent attempt to reverse decentralization. This article identifies the mechanisms through which decentralized reforms and growing deliberative culture of policy process are attenuated. To this end, we analyze an amendment proposal of the government to revise the Forest Act 1993—a widely recognized legislation for democratic decentralization—with the tacit aim of re-equipping the government forestry staff with substantial power. This article shows that the government often monopolizes the policy process and obstructs community forestry, while failing to address its own governance deficits. While acknowledging the importance of an antagonistic form of resistance, we emphasize the combination of alliance-led resistance and research-informed deliberation as an effective strategy to contest inappropriate policy decisions and promote a deliberative culture.

Keywords community forestry, decentralization, deliberation, policy process, resistance

A search for the ways to promote public deliberation and empower the local people in governing natural resources has been a central concern in policy discourse. Over the past 25 years, many developing countries have transitioned toward decentralized governance to manage natural resources in a participatory, equitable, and sustainable way (Blaikie 2006; Phelps et al. 2010). However, numerous countries continue to face political, socioeconomic, and cultural challenges in implementing such decentralized reforms. While not the only challenge, the reluctance and resistance of techno-bureaucrats to open the policy process and transfer power to local people stands as

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one of the key impediments to the realization of democratic decentralization (Blaikie 2006; Ribot et al. 2006). This is particularly true in Asia where the legacies of centralized, bureaucratic, and technically oriented approaches of the colonial past continue to dominate policies and everyday practices of forest management (Guha 2001; Peluso 1992; Sivaramkrishnan 2000; Sundar 2000).

Nepal is often seen as an exemplar in initiating innovative decentralization reforms, creating progressive programs and legislation related to natural resource management (Pokharel et al. 2007). Nepal boasts some impressive achievements in forest conservation[1] and livelihoods improvement, although the latter is much debated (Sunam and McCarthy 2010). Across Nepal, about 1.6 million households, or one-third of the total population, have organized into some 16,000 community forest user groups (CFUGs), managing 25% of the total forest area (Kanel 2008). Despite these achievements, the successive governments in Nepal[2] have frequently attempted to curtail the rights of local communities, and to reverse democratic forest decentralization. Thus, there exists an ongoing contestation, among the actors involved in community forestry, around decentralized governance. While the recentralizing efforts of the forest bureaucracy have been increasingly challenged from the civil society actors, and from within a section of the bureaucracy (Pokharel et al. 2007), the forest bureaucracy continues to resist deliberative policy process and genuine decentralized reforms. Therefore, challenging bureaucratic hegemony has been important not only to protect and promote community forestry but also to improve policy deliberation.

In July 2010, the government of Nepal attempted to resurrect the power of forest officials by amending the Forest Act 1993, a widely recognized legislation in providing local communities with relatively substantial power. Although numerous such efforts had been made in the past, this attempt can be considered as a potentially devastating one in terms of curtailing the rights of local people over forest resources in the post-1990s democratic Nepal. First, the amendment proposal carries several provisions that can immensely control the autonomy of the local communities. Second, the proposal came after the *Janaandolan* II,[3] which spread the hope of citizens being allowed to take control of many affairs that affect them and being able to practice democracy and freedom. But the case of the amendment proposal failed to meet such an expectation of the citizens. Third, the proposal received large and widespread opposition not only from the Federation of Community Forest Users Nepal (FECOFUN),[4] civil society, and the public, but also from within the government. Further, the proposal witnessed a plethora of deliberations at various levels from local to national, and the debate received national and international media coverage (BBC 2010; TKP 2010). Against this backdrop, a rigorous and scholarly analysis of the proposal in terms of the political–economic context of its emergence, through to its subsequent dismissal, is important. Although the proposal was withdrawn a year after it had been made public, there is no guarantee that it will not be attempted again in the future.

This article is based on the review of an amendment proposal and of some of the past forest policy decisions, and on the scholarly and newspaper articles related to forest governance. Case studies of three CFUGs were also carried out to substantiate some arguments. Further, this article has benefited from the reflections of the first and the second authors who were engaged in a series of deliberative events focused on the proposal, namely, 10 policy dialogues at the community level, and 13 meso level (district and supradistrict) and 3 national level policy workshops. The participants in

these events represented the local people, forest officials, and nongovernmental organizations (NGOs) representatives, including some indigenous peoples and academics.

This article contributes to the theoretical discussion on decentralization and policymaking. Although there is some understanding of how the government recentralizes decentralized forest reforms (Ojha et al. 2007; Ribot et al. 2006), there is limited knowledge about the strategies used to contest nondeliberative and inappropriate decisions in forest policy. This article highlights how the government attempts to monopolize the policy process by magnifying minor weaknesses in community forestry and by cultivating media rhetoric to justify recentralization, while hiding its own serious shortcomings in governance. Reviewing the political–economic context underpinning the controversial government proposal, we discuss the important strategies and processes to challenge the bureaucratic hegemony[5] and to strengthen deliberative democracy.

We argue that unless there is a strong counterforce to the bureaucratic hegemony in policy and practice, even seemingly successful cases of decentralized forest management are at risk of recentralization. Antagonistic resistance[6] alone is more likely to increase the hostility among policy actors, thereby providing little room for policy deliberation. Thus, a combination of alliance-led resistance and research-informed deliberation together with harnessing the potential of the media campaign has been suggested as a prudent strategy to contest unfavorable policy decisions and to enable better policy deliberation.

Democratic Decentralization and Forest Policy Process

Decentralization in natural resources management involves the transfer of power over resources to government appointees (administrative decentralization), or to local actors/institutions who are accountable to the population in their jurisdictions (democratic decentralization). Community forestry program of Nepal is viewed as a (putative) form of democratic decentralization that involves the transfer of the bundle of powers from the government to local communities, called community forest user groups (CFUGs). The Forest Act 1993 defines CFUGs as self-perpetuting and autonomous entities with perpetual succession, indicating they are free to exercise a greater degree of autonomy than in the past.

Local autonomy and downward accountability are the key features of any effective democratic decentralization (Agrawal and Ribot 1999). Despite the de jure autonomy, the government of Nepal has been constantly curtailing the discretionary powers, a domain of autonomy, of local communities by manipulating the spirit of the Forest Act through red tape and bureaucratic hurdles in many instances. The subsequent announcement of the Forest Regulation 1995[7] and the decisions of successive governments to constrain the autonomy of communities are the obvious signs of the resistance of forest bureaucracy to genuine decentralization (Paudel et al. 2008). The government forest officials—District Forest Officers, rangers, and forest guards—often interfere with the decisions of the CFUGs and force them to be upwardly accountable.

Around the world, governments have often reversed and controlled decentralized reforms, even in seemingly successful cases through a number of mechanisms (Wardell and Lund 2006; Malla 2001). Ribot et al. (2006), analyzing the cases from six developing countries including Nepal, revealed two major strategies that the

central governments use to undermine autonomy of local actors: first by limiting the kinds of powers that are devolved, and second by selecting the local institutions that serve central interests. These acts of the powerful, the people in authority including the state actors, to defend, establish, expand, or entrench their positions for domination are what Poteete and Ribot (2011) called "repertoires of domination." The usual mechanisms of domination explored in the cases of Botswana and Senegal include (de)legitimation; the fostering of dependency; misrepresentation and obfuscation; bribes and coercion; and coalition-building and collusion (Poteete and Ribot 2011).

Resisting such domination is important to realizing the democratic potential of decentralized reforms. This requires effective "repertoires of resistance" (Poteete and Ribot 2011), the actions of the less powerful against domination by the powerful. Peluso (1992) reveals that local resistance responds to the control of the state over the forests. Everyday resistance in the form of foot dragging, withdrawal, and sabotage serves as the weapon of the weak (Scott 1985). In resisting domination of the state actors, the role of NGOs, donors, federations, or networks, as well as research and the dissemination of research results, are vital (Poteete and Ribot 2011). We develop the concepts of "alliance-led resistance" and "research-informed deliberation" to advance "repertoires of resistance" in challenging bureaucratic hegemony.

Collective resistance by a group of nonstate actors such as NGOs, local communities, federations, or networks, including the like-minded individuals from the bureaucracy, to counter the domination of state authorities is what we call "alliance-led resistance." The size and efficacy of an alliance vary according to the issues, the politics of partnership (Guha 2001), and the willingness of the potential actors. In an alliance, some actors play a passive role, for instance, by just showing solidarity, while others may perform a more active role: participating in the public debates and protests. An alliance-led resistance is likely to increase legitimacy and efficacy of the claims from below while negotiating with the powerful state actors.

Deliberation is usually understood as "inquiring and learning together in the face of difference and conflict . . . arguing and acting together" (Forester 1999, ix). It goes beyond discourse and counterdiscourse, being "consequential," leading to the transformation of initial standpoints of policy actors (Bohman 1999; Dryzek 2010). A research-informed deliberation refers to the deliberation informed by empirical research, which empowers the actors to negotiate with the state. Critical analysis of laws or would-be-laws and other "repertoires of state domination" in terms of their meaning to local communities will empower the communities and other actors to negotiate and claim powers (Poteete and Ribot 2011). Further, media campaigns are also important for empowerment through dissemination of the research results and the processes and outcomes of deliberation to the wider stakeholders through various channels of communication.

In the forest policy landscape, "techno-bureaucratic doxa"[8] (a term borrowed from Ojha [2006]) is among the most pervasive obstacle for better deliberation and effective decentralization. "Techno-bureaucratic doxa" refers to a particular worldview of technocrats, bureaucrats, and scientists and their practice that serves to overlook the knowledge and practice of ordinary citizens (Ojha et al. 2009). Ribot and Oyono (2005) presented similar arguments of scientization and ecological importance such that foresters in Africa think that they know the science and can thus better conserve forest ecosystems sustainably. Although the political and bureaucratic authority of the forest officials in Nepal has been challenged in recent years, little appears to have changed in their orthodox image and behaviors. Consequently, the hegemony

of forest officials continues to monopolize the policy process. The legacy of the old monarchy—centralization and the culture of patronage (Malla 2001)—still characterizes policymaking in Nepal. The narrative that the forest should be utilized to maximise the revenues for the central government is still dominant (Peluso 1992). There is also an entrenched perception that the forest policy should be primarily designed by the forest scientists (Nightingale 2005).

Therefore, how to contest bureaucratic hegemony and foster policy deliberation remains a daunting challenge. Ribot et al. (2006) supported the idea of forming a broad coalition of diverse groups from different sectors of society and government to counter the centralizing tendencies of the central governments. Ojha et al. (2007) observed an improved deliberation when informal coalitions of officials, researchers, and civil society activists function well. Still, there is a need to advance the scholarship on deliberative policymaking while challenging the monopoly of forest bureaucracy and political elites, bringing in the insights from practical cases. This article seeks to address this need by drawing on the ideas of reconciling scientist and citizen perspectives (Bohman 1999; Fischer 1998; Ojha et al. 2010).

Unpacking the Amendment Proposal

We present here an analysis of the government amendment proposal brought out in 2010 to revise the Forest Act 1993. We have analyzed the proposal in terms of the government's rationale to amend the act, and potential consequences of the proposal.

The government, mainly the Ministry of Forests and Soil Conservation (MoFSC), provided a number of rationales behind the need of the proposal.[9] These rationales touched on multiple facets of forest governance—economic, social, and environmental. Examining the strengths and caveats of the proposal, we find that most of the government's justifications are weak and inadequate to provide a convincing basis for the need of a new proposal. Table 1 presents the government justifications, the proposed revisions in the Forest Act, and their potential adverse consequences.

Government Rationale for the Proposal: Strengths and Caveats

The government has pointed out a number of issues in community forestry to justify the amendment proposal. For the sake of analysis, we have divided the justifications into three broad categories.

First, the major reason given for amending the Forest Act is allegedly reckless and illegal tree felling in the Tarai[10] and Chure[11] by CFUGs. MoFSC referred to the anecdotal cases of alleged illegal felling in community forests. However, the media reported widespread tree felling not just in community forests but in government-managed forests as well (e.g., BBC News 2010; TKP 2010). Contrary to the MoFSC's allegations, previous studies, including those conducted by the ministry itself, showed that community forestry has a positive impact on restoring degraded forests in the hilly regions (Department of Forest, Babarmahal [DoF] 2005; Gautam et al. 2003; Pokharel et al. 2007). Similarly, the deforestation rate has also declined in 20 Tarai districts from 1.3 to 0.08% between 1991 and 2001, and this decline is partly attributed to the expansion of community forestry (DoF 2005).

Another set of government justifications concerns poor governance and inadequate poverty outcomes. The government proposal pointed to inequity, elite

Table 1. Government-identified issues, proposed provisions, and potential consequences

Issues in community forestry	Proposed provisions to Forest Act 1993	Potential consequences
Illegal tree felling Increased deforestation in Tarai and Chure	Joint responsibility of CFUGs and government foresters in forest management plan preparation, implementation, forest product harvesting and marketing	Increased elite capture Increased corruption Increased deforestation Fake accounts and dubious financial practice
Corruption and financial irregularities	50% Tax on forest products sale	Commercialization of forests perturbed
Elite capture	Limited-use zone for Churia region	Increased illegal and extralegal felling Increased poverty
Low revenue generation	Restriction on forest products use	Passive forest management

capture, and corruption in CFUGs. The government amplified the sporadic corruption issues in CFUGs while at the same time overlooking rampant corruption within its bureaucracy. For instance, a district forest officer from a Tarai district, Morang, says:

> The forest minister and Director General of the Department of Forest had sought money from me for my transfer, and in addition, officials at the Ministry of General Administration too wanted me to grease their palms to get consent for my transfer. (NRC 2010)

The final rationale for the amendment proposal relates to the economic aspects of community forestry. MoFSC blames CFUGs for failing to contribute to the national treasury and generate funds. MoFSC primarily sees two reasons responsible for this. The first reason is the lower pricing structure of forest products, which is hardly responsive to the market. Although CFUGs are selling forest products at a lower price, they have been more effective in generating revenues than the central government (Kanel 2008). In the fiscal year 2008/2009, CFUGs collected total income of at least NRs[12] 437 million from the 25% of the total forest area they manage while the Department of Forest (DoF) collected NRs 592 million from the forestry sector in the same year. Second, the current tax rate of 15% is too low, resulting in lower government revenues. However, in this claim, MoFSC has failed to appreciate the contribution made by community forestry to rural livelihoods and community development (see Kanel 2008; Pokharel et al. 2007). Moreover, the government has not recognized improved ecosystem services generated from community forests.

The Amendment Proposal and Potential Consequences

Despite the weak and inadequate justifications, the amendment proposal could be useful, in some ways, in addressing the issues related to community forestry—at least those identified by the government. However, overall, the proposal is likely to aggravate the existing problems, rather than solve them—particularly issues such as corruption, illegal felling, and inequity. In the following we discuss the important provisions of the amendment proposal and potential adverse consequences.

One of the important provisions in the amendment proposal is the introduction of joint responsibility. This provision is perhaps the most dangerous, as it fetters the autonomy of CFUGs. This provision seeks the involvement of forest officials in virtually all aspects of CFUGs affairs. As it compromises autonomy and thus discretionary powers of CFUGs, the benefits of decentralization, such as the promotion of equity, participation, and sustainability, will, theoretically and empirically, be at risk (Ribot et al. 2006).

Similarly, joint responsibility is likely to foster elite capture and nurture corruption. This provision will help to create and reinforce an unfair alliance between local elites, timber contractors, and forest officials, who can easily manipulate decisions to favor their interests. While the first author facilitated a policy workshop in Mahottari District, the chairperson of a CFUG criticized DFO:

> Forest official approves OP [the forest management plan], submitted by a timber contractor, in a second but it takes a month for getting approval for the same OP if submitted by a CFUG. (Field Note, 10 November 2010)

This statement indicates an unfair relationship between the forestry staff and the contractor, which may contribute to further institutionalization of corruption and other malpractices (Timsina and Paudel 2003). Even in the current legal setting (with a limited role for forestry officials), the nexus of local elites and corrupt government officials is identified as the prime cause of timber smuggling and corruption in some CFUGs (Paudel et al. 2006).

The provision of joint responsibility could also result in passive forest management. Of 9,000 staff in DoF, there are only about 1,700 forestry technicians, and no social workers (Pokharel 2006). Owing to the limited staff and resources, forest officials cannot participate in all activities of CFUGs, such as meetings, assemblies, silvicultural practices, and marketing of forest products. A limited capacity of the government to provide the needed services and the provision of controlling role of forestry staff will eventually hinder CFUGs from being active and innovative.

Another proposed provision is to tax 50% of the total revenues earned by CFUGs from the sale of forest products outside concerned CFUGs. This provision will have negative implications in the local economy, community development, and poverty reduction, as it discourages commercialization and considerably reduces CFUG income. The proposed tax scheme has failed to consider the costs of CFUGs, especially that incurred for forest protection, harvesting, and marketing. A study of three CFUGs showed that they spend 50 to 65% of their total income prior to the actual timber sales to cover the costs of harvesting and marketing. The proposed tax is likely to decrease CFUG revenue and may compel them to become involved in forged financial practices.

Further, the government proposed a provision that requires CFUGs to wait for two years following the handover of the forest before they can carry out forest utilization activities. This provision does not consider the demand for forest products for two years, which may negatively impact the poor, forcing many to steal forest products to fulfill their basic needs. Simply, this provision may not only fuel passive forest management but also increase forest depletion due to a decline in ownership feeling of the local community.

Finally, the introduction of a "limited-use zone" for the Churia region is a provision that acts as a geographical limitation in governing forests. The "limited-use zone" concept, as defined in the proposal, prohibits tree felling and allows only for the collection of fallen, dead, diseased, and dying forest products, indicating no active forest management at all. This provision will give no alternatives to communities other than extralegal extraction of forest products to support their livelihoods. This provision may also increase the possibility of illegal logging by corrupt forest officials, politicians, and local elites.

The aforementioned analysis suggests that the amendment proposal is likely to ruin community forestry if it is brought into legislation and enforced. Then is the issue of how the government could proceed with such a proposal—what strategies and mechanisms it employed. The next section attends to these concerns.

Monopolizing the Policy Process: Strategies and Their Pillars

Although the proposal reflects a long-held belief of forest bureaucrats and their discontent with community forestry, we identify some important political economic factors that provided the basis for an attempt toward bureaucratic domination over the policy process. Capitalizing on these factors, the government designed some careful strategies to move the proposal forward.

One of the important government strategies was to refrain from genuine public engagement and multistakeholder process in policymaking. The government consultation was limited to district forest officers (DFO), government employees, to define and consolidate the policy agenda for the amendment proposal. There are several policy actors—forestry donors,[13] civil society, research organizations, and so forth—but they were not consulted. This has led to many questioning the legitimacy of the proposal.

A particular politico-economic context must have encouraged the government to cultivate this strategy. The proposal was put forward during the country's political transition. Political parties and civil society actors were being heavily engaged in the constitution writing process, and they were not in a position to spare much time and energy for attending to other issues. The then Minister for MoFSC was a political appointee, not an elected person. The minister was therefore not accountable to the people—his constituency. During this time, FECOFUN, a strong policy advocate for community forestry, was undergoing leadership transition and was on the verge of a split, which divided and weakened its institutional strength. Further, frequent news coverage on illegal felling in the community forests also prompted the government to craft the amendment proposal.

Another strategy of the government was to deliberately highlight the news related to deforestation and corruption in CFUGs. Although the report from the Natural Resources Committee (NRC) of the Legislative Parliament had revealed cases of deforestation and financial irregularities in both the community forests

and the government-managed forests (NRC 2010), the government continued to utilize mass media deliberately to tarnish the image of community forestry (see BBC 2010; The Republica 2010). No doubt, there were a few cases of illegal felling, but not at a scale adequate to justify the amendment proposal.

A strategic manipulation of the higher authority orders from constitutional and legislative bodies was also an important strategy. For instance, the Commission on Investigation of Abuse of Authority (CIAA), a constitutional body, probed a few corruption cases in both the community forests and the government-managed forests, and directed the forest ministry to control corruption. However, MoFSC strategically utilized these orders to overlook public deliberation in the policy process and to justify a proposal for increasing the power of forest officials. Further, the MoFSC proposal is silent on the problems witnessed in the government-managed forests and in its own bureaucracy, let alone proposing the amendments to address them.

Bureaucratic Mechanisms for Undermining Community Forestry

In this section, we discuss three important mechanisms that the government proposed in the amendment that will potentially attenuate the powers of local institutions—CFUGs. These mechanisms tend to constrain the autonomy of local communities at varying degrees, and alter accountability relations. Through these mechanisms, the government authority intends to exercise substantial power over forest resources.

Increasing the decision-making power of government officials is a commonly used mechanism for attenuating local autonomy (Ribot et al. 2006). In the amendment proposal, the government introduced a control mechanism—joint responsibility—that required CFUGs to seek mandatory approval from forest officials for each and every activity. This provision, if enforced strictly, requires local communities to obtain permission from the government officials to exercise even usufruct rights. Poteete and Ribot (2011) also highlight this mechanism of fostering dependency of local actors on government agencies as a repertoire of domination.

Another important means of weakening the decentralization efforts is to constrain the economic power of local authorities over resources. Ribot et al. (2006) also see the limited control of local communities over valuable resources and revenues as a significant limit on local autonomy. In the amendment proposal, the government put a provision for collecting an unprecedented amount of tax (50%), as opposed to the current rate of 15%, on CFUG income. Further, the government intends to give access to the Timber Corporation of Nepal (TCN), a parastatal organization, to play a major role in forest products marketing. This institution is bankrupt and notoriously known for indulging in massive corruption (Ojha et al. 2007).

Central government constrains the effects and expansion of decentralization reforms by creating geographic limitation on the jurisdiction of local authorities. The provision of the "limited-use zone" made in the proposal is an example of such limitation. Other examples include frequent announcements of bans on tree felling and policy decisions to stop community forestry in the Tarai and Churia regions. Evidence shows that these measures are temporary. They are made and enforced by the executive decisions of the government, and are therefore subject to change anytime. However, the so-called "limited-use zone" for the Churia region will be legally binding, having a long-term effect.

Countering Bureaucratic Hegemony in the Policy Process

The case of the amendment proposal in Nepal is one example of decentralized reforms around the world that are being blocked or constrained through different "repertoires of domination." Such domination has also been reported in Bostwana and Senegal (Poteete and Ribot 2011), and in Indonesia, Bolivia, Uganda, and Nicaragua (Ribot et al. 2006). Thus, contesting bureaucratic hegemony is essential to realize the democratic potential of decentralization, which relies on the depth and effective use of resistance strategies—"repertoires of resistance." Empowerment of local actors, and actions of civil society, donors, and research organizations are emphasized as repertoires of resistance to counter state domination. We advance the acts of resistance to contest the acts of the government that fetter community-based reforms. We explain the strategies of resistance mobilized to contest bureaucratic hegemony in the case of the amendment proposal. Key interconnected strategies of resistance include alliance-led resistance and research-informed deliberation, which had made the government of Nepal reconsider and eventually withdraw the proposal.

Alliance-Led Resistance

We define "alliance-led resistance" as coordinated acts of an alliance of civil society and advocacy actors including individuals from within the state bureaucracy to contest unfavorable policy issues. Because the government prepared the amendment proposal through a nondeliberative process and the proposal would potentially have pernicious implications on forests, livelihoods, and governance, FECOFUN outright rejected the proposal. FECOFUN then organized a series of protests at the national and subnational level demanding the withdrawal of the proposal. These include public mass rallies, road blockades, padlocking of government forest offices, and media campaigns. In the meantime, a realization among pro-community forestry actors emerged that FECOFUN alone would not make the government scrap the proposal. This provided an impetus to form an alliance of civil society and advocacy organizations in order to enhance the legitimacy and force of the resistance against the amendment case. The core alliance members include FECOFUN, Nepal Forester's Association (NFA), ForestAction Nepal, and Ashmita Nepal. Other civil society organizations that participated in the alliance were NGO Federation of Nepal, Global Alliance of Community Forestry (GACF), and Dalit Alliance for Natural Resources (DANAR). They shared a common understanding that the policy process should be multistakeholder, deliberative, and democratic, which, as they agreed, was not reflected in the way MoFSC produced the proposal.

Among the alliance members, FECOFUN advocates the rights of local communities over forests (see Paudel et al. 2012). The NFA, a professional organization of foresters, aims to promote sustainable forest management. The ForestAction Nepal strives to influence policy through engaged action research; Ashmita Nepal has some experience in mass media. Thus, the alliance members have competency in different fields—advocacy, community mobilization, sustainable forest management, policy research, and mass media—which contributed to advancing their joint movement.

The alliance members showed solidarity with FECOFUN's movement by participating in mass protests. These protests helped to place the amendment proposal on the public policy agenda and garner public support, giving the public an opportunity to discuss and debate the matter. This manner of resistance, while creating a crisis

that in turn had possibly necessitated deliberation, obviously invited the opposition of many government officials at various levels, which somewhat limited the space for an effective deliberation on the issue.

Along with the protests, FECOFUN organized a series of policy workshops and interactions at the local and national level, engaging government agencies, local communities, NGOs, and other advocacy organizations. Other alliance members actively participated in such events and presented their positions. We observed in these events that some government forestry staff members opposed the amendment proposal, supporting decentralized forest governance. The alliance identified and strategically invited those officials to the policy workshops to expose the division within the individuals of forest bureaucracy. It is also worth noting that professional organizations of foresters—Nepal Foresters' Association (NFA) and Rangers Association of Nepal (RAN)—also showed some opposition to the amendment proposal. These organizations are increasingly internalizing a participatory approach due partly to the international recognition of community forestry (Pokharel et al. 2007). In many cases, alliances of forest users with other civil society groups and progressive government officials have also influenced the development of existing decentralized policies (Guha 2001).

Despite the protests and deliberative events, the senior government officials continued to defend the proposal. As a result, hostility between FECOFUN and the ministry peaked, although this is a recurrent phenomenon in the Nepal's forest policy landscape. Mistrust, suspicion, and mutual blaming often characterize the relationships between FECOFUN and the Forest Department. While facilitating some policy workshops, and during informal talks, the first author came across numerous allegations between FECOFUN and MoFSC. FECOFUN often sees MoFSC and DoF as corrupt institutions, staffed with many foresters focused on traditional and protectionist practices, and too bureaucratic. A remark made by a FECOFUN representative during a meso-level workshop in Hetauda reflects such an allegation:

> Police are actively working to control illegal felling in Chure and Tarai but the government forest officials are turning deaf ear to the problem; instead they are supporting the smugglers. (Field Note, 16 December 2010)

On the other side, DoF also alleges FECOFUN of being donor-driven and a blind supporter of community forestry. The General Secretary of FECOFUN also confirms the existence of a blame game between the FECOFUN and the Forest Department.[14] Such an unhealthy tussle had possibly created an obstacle for a genuine deliberation on the issue.

Research-Informed Deliberation

While debating the government amendment proposal in policy workshops or in press meetings, the government forest officials and the journalists challenged the FECOFUN to present strong evidence to support their claim that the new proposal would lead to poor forest governance and degradation. Addressing a Policy Dialogue (held on 4 February 2011, Kathmandu), a former Director General of Department of Forest said:

> FECOFUN should not oppose the government plan without evidence. Their demand can be considered only when they produce a strong case supported by scientific evidence collected through rigorous research.

Unlike in the past, the forest offices are now staffed with a growing number of competent and qualified foresters who believe in the power of research.

However, FECOFUN is limited by resources in its ability to undertake critical research. To fill this gap, a research and policy think-tank organization—ForestAction Nepal in partnership with NFA critically examined the amendment proposal. The focus of the research was on the procedures followed by MoFSC to draft the proposal, reasons articulated, and a bunch of proposed provisions in terms of their consequences on forests, livelihoods, and forest governance.[15] The findings of the study were shared through a series of discussions and debates at different spatial levels—which we call "research-informed deliberation." Moreover, the dissemination of the research findings made many forestry stakeholders aware of the actual intents of the government, and of what the proposal entailed for the local communities. This understanding led to an effective resistance and deliberation. Although the media also served as a tool for bureaucratic hegemony, this was equally important for policy deliberation because of media's vital role in informing the wider public and policy stakeholders.

The first and second authors participated in deliberative events—policy workshops organized to debate and discuss the amendment proposal at the national and local levels. In these events, the findings of research were presented and comments were sought from participants. Since deliberation by definition involves communicative exercise of debates, arguments, counterarguments, rhetoric, reasons, critiques, and so forth, the policy research served to stimulate argumentative debates around the amendment proposal, congruent with what Fischer (1998) suggests about the need of a scientific inquiry to enrich the policy debate.

When researchers undertake policy research, there is a risk that they might promote their own views, agendas and interests rather than exploring the concerns of the local communities under study (Bohman 1999). Without a level of social control, research may create a technocracy similar to bureaucratic hegemony (Bohman 1999). No doubt, to a degree, this risk could have influenced part of the research undertaken to analyze the amendment proposal. However, we believe that a collaborative research approach and constant engagement of the researchers with civil society actors and local people served as a form of social control in this study.

In research-informed deliberation, the role of forestry donors was passive, whereas that of political leaders was crucial. In Nepal, donors played an important role in initiating the community forestry program (Malla 2001; Ribot et al. 2006). However, even long-time donors to community forestry, such as the UK Department for International Development (DFID) and the Swiss Agency for Development and Cooperation (SDC), remained silent in terms of their position on the amendment proposal. As SDC- and DFID-funded forestry projects were about to phase out at the time, perhaps project leaders wanted to retain harmonious relations with MoFSC and DoF so as not to risk the design of their new projects. This raises the question of the commitment of the donors in the decentralization of natural resources management.

The role of political parties in pressuring and persuading the government authorities, although hitherto underrecognized or undervalued, was found to be crucial in weakening the amendment proposal. While contesting the proposal through policy interactions, the leaders from different political parties were invited and urged to put their views on the issue. This helped them understand the forest policy and its complexities—including, of course, its diverse actors and positions. As the political

leaders are the ones who ultimately assume the leadership of government institutions, their understanding and voices are important, and eventually shape the policy decisions. In fact, the proposal was withdrawn with the decision from the new minister.

Conclusion

We have explained how the Nepal government attempted to attenuate growing deliberative culture of policy process and a widely acknowledged decentralized model of forestry—community forestry. Reviewing the government's proposal to amend the Forest Act 1993, given justifications and the political–economic context, we conclude that contesting bureaucratic hegemony is necessary to protect and reinforce decentralized governance and public engagement in policymaking.

However, contesting government decisions is challenging, as we saw here. Traditional modes of contesting an unfavorable policy—confrontational approach—are necessary but insufficient, at least in the Nepal case, given the demands of the government authority, the media, and the wider public to articulate robust arguments with strong evidence in many policy forums. Further, hard forms of resistance such as street rallies and road blockades tend to increase resentment and confrontation among policy actors. So, given an ever-changing policy dynamics in forest governance, we suggest an amalgamation of alliance-led resistance, deliberation, and interactions informed by critical policy research as important "repertoires of resistance."

However, these strategies are subject to particular socioeconomic and political contexts, which may result in unexpected processes and outcomes. For instance, research-informed deliberation may create another layer of deliberative closure and technocracy (Bohman 1999), replacing bureaucratic control in policy process. A national-level resistance and advocacy may be detached from grass-roots concerns and unsuitable for the "politics of partnership" (which unites and divides actors in an alliance) (Guha 2001). Careful attention, therefore, needs to be paid by advocacy and research actors to link resistance and scientific inquiry pertaining to the interests of the local communities. To conclude, there is no single recipe for promoting democratic decentralization. We need a constant development and revision of the repertoires of resistance to contest undemocratic policy process and promote democratic decentralization.

Notes

1. Nepal's community forestry was shortlisted for the 2011 Future Policy Award for being one of the most inspiring, innovative, and influential forest policies worldwide.
2. The term "government" in this article entails a generic meaning, including the cabinet, Ministry of Forest and Soil Conservation (MoFSC), and Department of Forest (DoF).
3. People's movement of 2006 in Nepal, a movement that overthrew the monarchy.
4. FECOFUN is a federated body of community forest user groups across the country, recognized for its strong advocacy for community rights.
5. We understand bureaucratic hegemony in forestry as dominance of forest bureaucrats in policymaking process, undermining the multistakeholder, inclusive, deliberative, and participatory processes.
6. Antagonistic resistance is understood here as a form of resistance that includes sit-in protest, street rallies, road blockades, and so forth.
7. This regulation is a subordinate legislation with specific descriptions based on Forest Act 1993.
8. "Doxa refers to principles and values embedded in a social field that serve two key functions—limiting the space of inquiry to make decisions, and providing legitimacy to

social practices," according to Ojha et al. (2009, 367) who drew on the work of Bourdieu (1977).
9. The proposal refers to process, justification, and proposed changes prepared by MoFSC, whereas provisions denote the proposed specific changes of the proposal to revise Forest Act 1993.
10. Tarai is a southern part of Nepal having productive forests, an attractive region for forest officials due to its prospects for commercial logging and associated rent seeking.
11. A range of fragile hills adjoining Tarai and extending from the east to west Nepal.
12. Exchange rate USD 1 = approximately NRs 95, as of 21 June 2013.
13. Donors here denote bilateral or multilateral organizations supporting forestry sector of Nepal through their own projects or NGOs.
14. Personal communication with the first author.
15. This policy research produced a policy discussion paper, published in both Nepali and English language.

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