

A regressive move in Nepal's community forestry

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For the last few weeks, the news of amending forest act to constrain the rights of local communities over forests has flooded the Nepalese mass media. This kind of news has been surfaced amidst political impasse as the country is in the political transition and major political parties are in the race to form their own government. A few techno-bureaucrats, forest mafia and a handful of corrupt politicians are at the forefront to drive the policy process. It indicates that their vested interest has been a key driving force behind this hasty policy change. In this context, it is important to review the contributions of community forestry and to inform the public, politicians and forest bureaucrats to get the policy process and the content of policy right.

Nepal has increasingly been recognised as a country of community forestry around the world. This is mainly due to the rapid expansion of community forestry program throughout the country after 1990 and the inspiring achievements that have been made possible through this program. Some 16000 community forest user groups (CFUGs), spreading over 75 districts are there to protect, manage and utilize the forest resources. Through community forestry, degraded forests have been restored and denuded hills have been converted into dense forests in many parts of the country. The contribution of community forestry is not only limited to improve the forest condition. There are much more. Local communities, organized as CFUGs, exercise their rights over forests based on group constitution and forest management plan. They conduct regular meetings and assembly where they discuss, debate and make decisions, contributing to strengthen local democracy. There are a range of community development activities that are undertaken by CFUGs such as construction of school buildings, bridges, temples and so on. More importantly, they have been supporting poor people in their communities to improve their livelihoods in different ways. These activities have largely contributed to poverty reduction, a national goal. Beyond the national context, community forestry in Nepal has influenced participatory forestry in a wider regional context. Countries like India, Bhutan, Cambodia and Vietnam, to a certain extent, have been benefited from the learning of Nepal's community forestry.

A question may arise: how have the CFUGs been able to improve forests, strengthen local democracy, contribute to poverty reduction and influence participatory forestry beyond the national boundary? Perhaps, the most important reason behind it is that the rights over forests have been devolved to the local communities (CFUGs) with full autonomy, meaning they can plan, implement, monitor, and evaluate their activities on their own with little or no external

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supervision. More simply, it is because of adoption of participatory and decentralized approach in forestry sector for which the Forest Act 1993 has provided an enabling environment.

Unfortunately, the government has been trying to curtail the rights of CFUGs, impeding their autonomy and the spirit of decentralization by amending the Forest Act, 1993. This move can be considered as a regressive, thus a race to the ruin. Moreover, it challenges the principle of Elinor Ostrom (a Nobel Prize Laureate in 2009) which states that local communities can better manage natural resources than the central government. In broad sense, this move of the government has slammed the principles of participation, decentralization and grassroots democracy. Fundamentally, the process which the government is following to amend the forest act itself is flawed. The government has just referred to District Forest Officers' (DFO) assembly to amend the policy but there are numerous stakeholders such as the Federation of Community Forest Users Nepal (FECOFUN), civil society organizations (CSOs), donors and private sectors) who have been left out from the policy making process. Further, there is a question of legitimacy over the DFO assembly: whether DFOs are policy makers or implementers?

The government has raised, basically, two concerns as rationale behind this regressive move. First, CFUGs should not have the autonomy to make them more transparent and market-sensitive, meaning the role of forest bureaucrats should be enhanced in the decision making process of CFUGs. This has been trying to materialize by introducing joint responsibility of CFUGs and forestry officials in preparing forest management plan, its implementation, and marketing of forest products. This is perhaps the most retrogressive attempt that the government is moving with, since it directly undermines the autonomy of the CFUGs. This sort of amendment seems illogical and detrimental because it will make CFUGs more accountable to forestry officials rather than to general users, threatening downward-accountability. Besides, it is likely to create a strong bond between the local elites and forestry officials which would further boost elite dominance and promote corruption in community forestry. Introducing a joint responsibility of forestry officials and CFUGs demands more staff and resources to be able to look after 16000 CFUGs which will continue to increase. The government has hardly been able to provide technical support to revise the forest management plan because of the limited number of staff and capacity, let alone their involvement in contributing to implement the plan and marketing of forest products. Therefore, this amendment will hinder the CFUGs to act independently and demotivate them to harness economic potentials of their forests, and undertake community and forest development activities.

Second, some cases of corruption in community forestry particularly in Terai have also been highlighted as one of the reasons for amending the act. Obviously, corruption is a vital issue that needs to be addressed, but introducing joint responsibility is a suicidal solution as it provides a playing ground for local

elites and forest officials to further institutionalize corruption. It seems that policy makers lack even the basic understanding of corruption since the forestry officials, local elites and forest mafia are the ones who are involved in corruption, though timber is harvested from community forests. So blaming community forestry and challenging its autonomy is not a solution.

Whatever reasons have been put forward, the hidden interest of few forest bureaucrats, politicians and forest mafia is to empower the forestry officials and forest mafia while discouraging local communities so that they can re-exercise a great deal of power and receive more rents through unfair means. Some of the issues like making CFUGs pro-poor and transparent are genuine but the proposed solution hardly addresses the crux of these issues. To our great surprise, a few forest technicians are also supporting this move against community forestry. The image of most of corrupt forestry officials has been redeemed following the introduction community forestry. Their identities have been changed as promoters and change agents in the forestry sector. Paradoxically, some traditional forest officials are supporting to saw off the branches they are sitting on by advocating the current regressive move of the government. Majority of young forestry professionals working within the Ministry of Forest and Soil Conservation are forward looking and support the decentralized and participatory approach in the forestry sector. However, their participation and concerns have been overlooked in the policy making process.

Having said that, it does not mean that community forestry in Nepal is free from weaknesses. Undoubtedly, inequity, elite capture and corruption are genuine issues which should have been addressed, but solution should not undermine group autonomy, local democracy, and decentralization. A policy making is a continuous and deliberative process and should always be progressive. It should not benefit just lobby groups; rather it should better off society. Therefore, a genuine, deliberative process should be started to restructure Nepal's forestry sector in line with the constitution making process rather than introducing an already failed model of state centric approach. To give community forestry a new dimension, independent and credible study should be commissioned to further examine the contribution and weaknesses of community forestry and explore policy options.