

management of national production forests, for example in the Bhabar¹⁰ Terai, to supply wood to urban and wood deficit areas,' and although the Plan stresses that the Community and Private Forestry Programme (through people's participation) should be prioritised, it also stresses that the National and Leasehold Forestry Programme should complement CF by ensuring that areas not handed over to communities are also managed. It is interesting to note that the Forest Act (HMG 1993) and Forest Regulations (HMG/MFSC 1995) do not make it explicit that community forestry is suitable in hills, leaving many to interpret that community forests should be handed over wherever local people demand it (Bhattarai 2006, 2005a, 2005b; Ojha 2005a, 2005b; Shrestha 2001; Pokharel and Amatya 2000).

The revised Forest Policy argues that there are four further overriding reasons for developing CFM in the form it has taken. The first of these is that the full potential of the Terai forests is perceived as not being realised through the existing forest management modalities (either CF or remaining government-managed forests) despite various attempts at 'scientific' management in the past, while the failure of government 'patrolling' to prevent encroachment and forest 'crime' is also recognised (Baral 2002). That smuggling and poaching have been, and remain, serious issues is clear (Bajracharya 2000). Nevertheless, the failure of OFMPs and government management has led to the recognition that people's participation is necessary (Kanel 2000; Pokharel 2000; Shrestha 2000), if not exclusively as through CF. Therefore, CFM aims to increase productivity through appropriate professionally managed silvicultural interventions and sustainable forest management on a large scale to fulfil the need for forest products and conserve biodiversity, while contributing to poverty reduction through employment generation with the involvement of local people and stakeholders (Ebregt *et al.* 2007) and the provision of fuelwood, fodder and small wood for collaborating communities (HMG/MFSC 2000).

Second, the Community Forestry Programme in the Terai is alleged to be unable to manage the forests scientifically

(Sigdel *et al.* 2005), as well as being inequitable in terms of access to and benefit-sharing from Terai forest resources (Bampton and Cammaert 2006; Bampton and Shrestha, in press; NORMS 2002), in particular to the geographically more distant and more traditional Madhesi users (Ebregt *et al.* 2007; Sigdel *et al.* 2005; Singh KC 2005; Bampton *et al.* 2004; Skarner 2000). Arguments in favour of CFM were based on a number of weaknesses of the CF programme in the Terai: Terai forest staff had not undergone reorientation training, unlike their hills counterparts; hasty decisions were being made while users were not fully aware of the CF programme; user identification was not thorough, meaning that pockets of users were being left out; timber contractors and traders and the 'elite' were capturing the control of CF executive committees (ECs), as they better understood the legal situation; operational plans (OPs) were of poor quality; and valuable timber was being rapidly felled and removed from CFs to the benefit of a few (Kumud Shrestha, pers. comm.).

Nevertheless, as indicated in earlier sections, community forestry is actually the only modality to date that is beginning to bring significant Terai forests under more effective management, particularly with regard to forest protection. It is also abundantly clear that, although CF does, in many instances, lead to improved forest management and protection (Bampton *et al.* 2004; Rana 2004) and appreciable benefits for CFUG members, around 85% of the population, particularly southern distant users, are practically being excluded from the CF programme at present, as they are not members of CFUGs (Bampton and Cammaert 2006; Ebregt *et al.* 2007; Sigdel *et al.* 2005; Singh KC 2005; Bampton *et al.* 2004).

Some CFUGs are enjoying the flexibility of the Forest Act, which could be interpreted to mean that there is no limitation on the size of CFUGs or CFs, and distant users could be included within the CF system. There are some examples such as in the eastern districts where CFUGs are formed to manage forests, including members of distant places (Laubmeier and Warth 2004), and others, such as Charpala CF in Rupandehi district, have innovative constitutions to include membership and representation of around

6,000 households, many of whom are distant users (Dhital 2006). Additionally, there are examples of CFUGs providing benefits for distant users who are not members of the CFUG, such as Shankarnagar CFUG in Rupandehi district, which allows non-users to enter the forest on given days for the collection of fuelwood for a small fee (Sapkota 2003). However, the fact that the current CF programme reaches only 16% of the Terai population (mostly nearby users), and many proposed new CFUGs also do not incorporate distant users, has led to, sometimes violent, conflicts between distant and nearby users¹¹ (Shrestha 2000)¹². Therefore, a means to ensure that distant users are included in, and benefited from, Terai forest management is necessary (Sigdel *et al.* 2005; Singh KC 2005).

The fourth reason why CFM was designed is to address the missing links between CF and local government. One principal aim of CFM is to ensure that local governments, bypassed by CF (Sah *et al.* 2004; Sigdel *et al.* 2005), also receive benefits from Terai forest management for funding local development activities, while central government continues to receive significant revenues, as it has throughout history, from what is still considered a national asset (Ebregt *et al.* 2007; Singh KC 2005; Van Schoubroeck *et al.* 2004) for the greater benefit of all Nepalese. CFM is therefore designed to include both central and local government units as stakeholders in the management of Terai forests, in both management and benefit-sharing.

With the above considerations in mind, a workshop organised by the Nepal Foresters' Association (NFA) in February 2000 recommended that Terai forests be managed differently, based on a concept paper presented by Kanel (2000) and later endorsed by the then Secretary (Bista 2000). The revised Forest Policy (HMG/MFSC 2000) followed soon after the workshop.

At the heart of the Revised Forest Policy 2000 is the introduction of a new forest management modality for 'contiguous large blocks' of productive Terai and Inner Terai national forests, named Collaborative Forest Management,¹³ while 'barren and isolated forestlands will be made available for handing over as Community Forests (CFs).'

The sustainable management of forests in the Terai, Churia and Inner Terai requires people's participation' so that 'committees established for this purpose receive fuelwood and fodder free of cost. In addition, 25% of the income of the Government-managed forest would be provided to local government (VDC¹⁴ and DDC¹⁵) to implement local development activities and remaining 75% of the income would be collected as the government revenue.' Furthermore, the policy for the Terai, Churia and Inner Terai also states that Churia forests 'would be managed as Protection Forest', thus presumably excluding them from both CF and CFM. It also states 'green trees as such will not be felled for commercial purposes, at least for the next five years.'¹⁶ Finally, it also categorically states that 'as the main objective of community forests is to fulfil the basic needs of fuelwood, fodder, and small timber of local communities ... 40% of the earning from timber sale from the Terai, Siwaliks¹⁷ and Inner Terai would be collected for programme implementation by the government when surplus timbers are sold by Community Forest User Groups (CFUGs).'

Although the policy states four other development imperatives¹⁸ and policy objectives, it could be posited that CFM was actually devised with four other principal considerations in mind, although these are not explicitly stated equally in most discourses on the subject: a) to increase productivity through 'scientific' forest management; b) to include distant users and local governments in decision-making and benefit-sharing; c) to ensure that significant rents from the forests will accrue to the central treasury; and d) to protect the interests of the government.

Six years after the policy was introduced, only three CFM forests had been formally handed over. These were developed in three districts where the Biodiversity Sector Programme for the Siwaliks and Terai (BISEP-ST)¹⁹ is being implemented since 2001.

The legitimacy of the CFM policy, however, has been criticised by some (Bhattarai 2006; Ojha 2005a) because no provision of CFM is provided in the Forest Act 1993, and a full open consultative and deliberative process did not take place. The MFSC, however,

