



Forestry Watch

E- Newsletter

Jan-March, 2010

News and events

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Community rights to natural resources obscured in draft concept paper of the Constituent Assembly (CA)

Despite debates in the civil society domain and the successful examples of community-based resource management practices in Nepal, the space of community rights over natural

resources is not clearly spelt out in the draft concept paper for the new constitution. At a time when civil society organizations are advocating for constitutional provisions on community rights, local democracy and the governance of natural resources they have taken a back seat in the constitution-making process. Rather, decision-making power in relation to the use and management of natural resources appears to percolate to the provincial level only. A serious discontent is mounting among civil society groups including the 'PARISANGH' (a confederation of 13 people's organizations/federations working to promote people's right to natural resources).

Community forests striving to develop community-managed wildlife sanctuary



Figure 1: Members of local CFUGs, Jalthal Charkose Forest, Jhapa

Twenty two Community Forest User groups (CFUGs) from 8 surrounding villages in Jalthal area of Jhapa, eastern Nepal are in full swing to develop the remaining 6100 hectares of the

➤ Inaugural Issue

Nepal's forest sector is facing a number of unprecedented transitions. Nepal's internal politics as well as global environmental policy negotiations are changing the practices and policies within and surrounding forestry. The long history of community movement is also taking new turns, with around twenty thousand organized community groups already active in forest management. Clearly, forests have now been established as people's resources, a clear departure from the traditional system of state property. The new structure of the State that the Constituent Assembly is deliberating will have profound implications for forest governance and management. In the context of climate change, forest ecosystems provide new hope for adaptation and resilience. Globally, forest carbon is being considered as a cheap means of climate change mitigation, and Nepal's forest stakeholders are working on a national REDD+ mechanisms.

Such profound transitions require even more active public engagement, along with the flow and communication of new ideas and facts. While ForestAction produces two regular publications—*Journal of Forest and Livelihood* and *Hamro Ban Sampada*—featuring articles based on research, we felt that there is now a need to devise even more speedy ways to inform the public. At ForestAction, we have realized that long-term scientific research should be complemented by collection of facts, rapid analysis and critical civil society perspectives on ongoing issues. This newsletter is designed to serve this purpose.

We hope to cover key events, news, opportunities, policy updates, and a commentary of the month. We welcome contributions from readers, researchers, journalists, activists, policy makers and practitioners towards this end, to make this publication meaningful and influential.

A team of new colleagues at ForestAction has shown a commitment to produce this newsletter voluntarily, to inform interested stakeholders about rapidly changing dynamics in the forest sector and I hope the team will receive support and encouragement from all such stakeholders.

I believe this newsletter will fill a gap in the timely, rapid and efficient flow of information in the forest sector in Nepal and beyond.

Hemant R Ojha, PhD

Charkosey Jhadi forest area as a community-managed wildlife sanctuary. District FECOFUN, District Forest Office and local CFUGs had reached a consensus to designate a 1400-hectare core area for strict conservation and peripheral areas as Community Forests (CFs). The core forest area, with its unique ecological character and habitat for wildlife, have been facing threats from illegal logging and habitat degradation in the absence of any management institutions and authority, as well as its proximity to the India border, as claimed by the locals. The peripheral area is however being conserved by CFUGs.

Two models have emerged so far. First, peripheral areas are to be legally handed over to 22 CFUGs and a core area will be designated to be managed by a council of local representatives (as proposed by DFO). Second, the core area is to be zoned into several blocks and handed over to the corresponding CFUGs in the periphery, with the management objective of strict conservation to maintain wildlife habitat (as demanded by local CFUGs and the district FECOFUN). The local socio-political and ecological context offers a unique opportunity to forge an innovative, pioneering conservation initiative through promoting collaboration among CFUGs.

Government declares new protected areas, faces civic opposition



Figure 2: Natural Landscape of recently declared Gaurishankar Conservation area,

The declaration of three new protected areas (Gaurishankar Conservation Area, Api Nampa Conservation Area and Banke National Park) by the government of Nepal on December 4, 2009 has generated staunch criticisms from civil society organizations. FECOFUN claims that the government's unilateral decision is devoid of free, prior, and informed consent of the relevant indigenous peoples and local communities in the region. FECOUN has announced a fresh protest against the decision.

It is also being observed as a non-compliance to the provision of the *Program of Works on Protected Areas* under the Convention on Biological Diversity. The Conference of the Parties of the CBD, in Decision VII/28 (2004) on protected areas, requests parties to ensure by 2008 (sic!) the full and effective participation of

indigenous and local communities" in the "management of existing, and the establishment and management of new, protected areas". As the Government continues to pay lip service to participatory conservation, this declaration blatantly reveals the culture of centralized conservation policy-making processes in Nepal.

What is happening in Nepal after Copenhagen?

Discussions at various levels are occurring in Nepal on situation following the 15th Conference of Parties meeting (COP-15) of the UN Framework Convention on Climate Change held in Copenhagen last December. Nepalese Youth for Climate Change and Climate Change Network Nepal jointly organized an interaction program in Kathmandu on the 8th of January, 2010 inviting a wide range of relevant stakeholders from the government and non-governmental sectors. The following key issues were discussed: the role of Nepalese delegates, Nepal's role as a chair of Least Development Countries (LDCs), and the role of different advocacy organizations in COP-15; potential benefits in a post-Copenhagen scenario for Nepal; the Copenhagen Accord and proposed funds; and the restructuring and enlarging of the Ministry of Environment in the changing context. Participants demonstrated skepticism about the fund governance mechanism of the Ministry of the Environment, stressing the need for research and pledged the government to make climate change adaptation a national priority program with sufficient funding.

FECOFUN also organized an interaction program in Kathmandu to analyze and generate feedback from civil society organizations about the Copenhagen Accord and Nepal's position. The discussion concluded with three points indicating a path forward. First, Nepal, as chair of the group of Least-Developed Countries (LDCs) should call a national multi-stakeholders' consultation to formulate a clear vision and position. Second, it should call a meeting of the LDCs to discuss the Accord and the post-COP situation and arrive at a consensus. Third, based on the collective decision, Nepal should decide whether to sign or send a request for amendment of the accord. The government (the Ministry of Environment) decided to join support the Copenhagen Accord despite reservations about temperature rise targets and strong objections on some other issues listed on the 12-point Copenhagen Accord.

Civil society concerned about government plan to revise CF Inventory Guidelines

The Department of Forests has initiated the process of revising Community Forest (CF) Inventory Guidelines for the second time. The process is being carried out by a task-force comprised of only representatives from the forest bureaucracy and two bi-lateral donor projects. Both the process and the outcomes of the revision

have been contested by civil society representatives and community activists who are now calling for a wider-level discussion. There is a fear, as per the review of ForestAction, that the draft ignores civic voices and concerns, adds complexities and further undermines local communities' rights to manage and use their resources. In the name of making the guidelines useful for all forest management regimes, it has become both more technical and complex, and less coherent and relevant. Civil society groups argue that it is not necessary to revise the existing guidelines to make them useful for other forest types; but rather there is a need to have a transparent deliberation process to make the existing CF guidelines more pragmatic and useful to all local communities.

Jamboree of District Forest Officers (DFOs) ended in call for restructuring of forestry sector

On January 5-6, 2010, the Department of Forest (DoF) organized a convention of DFOs from the 75 districts of Nepal. The gathering echoed a need to restructure the forestry sector, dismantle the status quo of Terai forest management to be replaced with diverse modalities of forest management, revise CF Inventory Guideline to address under-harvesting of community forests, strengthen District Forest Coordination Committees and constitute District Develop Funds for forestry. The issues of handling CFs and furthering roles of DFO despite a mere control over and tax collection from CFs also surfaced during the gathering.

Community based forest users' federations and advocacy groups pledge to work collectively

Community-based forest users forged a consensus towards further dialogues amongst them, to generate common principles and an agenda towards advancing their influence in forest sector governance reform and securing the rights of local people. This was voiced during a half-day dialogue with community leaders and representatives engaged in various modalities of Community Based Forest Management (CBFM) and conservation groups in Nepal, organized by ForestAction on November 28, 2009. Community-based users and federations such as FECOFUN, the Association of Collaborative Forest Users in Nepal (ACOFUN), the Nepalese Federation of Forest Resource User Groups, representatives from the Annapurna Conservation Area Management Committee, leasehold and religious forest users, buffer zone community forest users, the community-managed Panchasey landscape, and civil society organizations took part in the dialogue.

Policy Dilemma in Nepal's Forest Sector

- By Hemant R Ojha

Nepal's historic 20-year Master Plan for the Forestry Sector (MPFS) is expiring soon. Similarly the current Interim Plan, that guides overall development activities of the government and other actors in the country, will expire in July 2010. While the existing plans are coming to an end, Nepal's forest sector is facing new policy dilemmas that require greater attention. The Forest Act 1993 also needs to be updated to consolidate the lessons of the past 15 years.

Nepal's forestry sector is facing unprecedented transitions in various respects. The political-economic and global context of forest governance has changed dramatically since the inception of the MPFS, and also since the Interim Plan was formulated.

First, the emergence of local communities as key players in forest governance has posed a significant challenge to established institutions and knowledge about forests and forestry, opening up possibilities for a more people-centered and equitable management of forest resources.

Second, the country is rapidly moving through a political transition in which the issues of rights, inclusion, governance and equity have surfaced more vehemently than ever before. The entire structure of the state has been challenged, while visions for democratic and inclusive governance are being articulated at different spheres of polity, through various forms of resistance politics and policy negotiations. A particular manifestation of this concerns the definition and scope of forest as reflected in the recent land versus forest conflicts: how can forests survive in the face of immense pressure on land for cultivation? Or should the very definition of forests be changed from pristine, natural ecosystems to managed agro-forestry so that human needs are better incorporated?

Third, apart from these endogenous politics, the way forests are governed and managed is also significantly influenced by the emerging crisis of climate change, which is creating additional challenges to local communities, and to some extent potential opportunities through possible carbon financing.

In such situations, there is a need for more coherent and integrated policy responses that can provide a long-term vision and foster coordinated action among various stakeholders. But the irony is that various actor groups have become active in pushing one or another policy agenda of their interests. The coordinating and strategic policy processes—such as the review and revision of the MPFS or the formulation of new forest sector strategic plan—have yet to gain momentum.

Ongoing Policy Processes in Nepal's Forest Sector

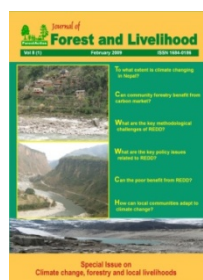
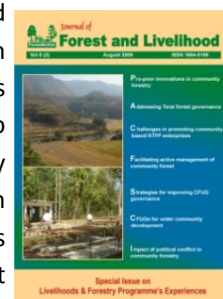
1. Preparation of REDD readiness proposal (RPP) to participate in carbon trade beyond 2012, (led by REDD Cell of the Ministry of Forest and Soil Conservation, in collaboration with National Level REDD Working Group).
2. Incorporating forest and biodiversity issues and options in National Adaptation Programme of Action (NAPA) (led by the Ministry of Environment).
3. Revision of forest inventory guidelines to improve forest harvesting in all regimes of forest governance including Terai forests (led by the Department of Forest which has constituted a working group to accomplish the task).
4. Debate over whether Nepal should sign Copenhagen Accord and related climate financing arrangements (Ministry of Environment and the Office of the Prime Minister are considering whether to sign the Accord).
5. Declaration of two new protected areas of the traditional, top-down model and growing resistance from local communities (Ministry of Forest and Soil Conservation/ MoFSC took lead with limited stakeholder consultations)
6. Continued debate over the management of Terai block forests, with competition between community forestry and collaborative forest management models. Government and SNV working on a new project concept for the Terai.
7. New funding cycle of DFID and SDC in the forest sector – DFID and SDC have decided to fund about USD 100m in Nepal's forest sector development, and a possible institutional modality to administer funds is being explored.
8. Extraction of stones, gravels and sand from the Churia areas has become a contested issue, as the amount of export to India has grown manifold in recent years, due to high demand for construction materials in the neighbouring states of India. A Parliamentary Committee was formed to prove the issue and a dilemma persists as to how the quarrying of stones, gravel and sands can be regulated.
9. Revision of National Wetland Policy underway
10. MFSC is now taking the initiative to revive the national Forest Sector Coordination Committee that used to be in existence a few years back.
11. The National Planning Commission (NPC) has initiated the process of consultation with forestry sector stakeholders to develop a new three-year forest sector interim plan.
12. Federations of community user groups are working together as confederation to advocate for community rights over natural resources in the new constitution.
13. MFSC has commissioned an evaluation of the impacts of community forestry in Nepal to inform future policies and programmes.

Altogether, at least 13 “policy processes” are currently being undertaken in the forest sector. These processes are led by different agencies, and there is a notable lack of coordination and harmonization. In this context, there is a need to immediately initiate the process of developing a new forestry sector strategy that can be integrated with, and form an integral part of, overall national development plans. The need for such a strategy is especially critical as forest rights and institutions are being negotiated at the constitutional level, and also because donors and forest-related agencies are planning to move through new cycles of funding and programming in the forestry sector. Besides, the forestry sector is being increasingly recognized as being linked to other sectors such as agriculture and water, and this has required NPC to take a lead role in developing the forest sector strategy so that multiple government agencies can come together for planning and develop coordinated strategies that can be implemented without hurdles.

Publications

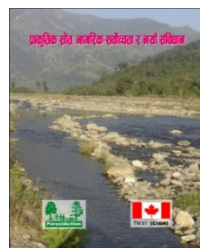
(Available at www.forestation.org)

Volume 8 (2) of the Journal of Forestry and Livelihood (JFL) focuses on forest tenure in Nepal. The articles analyses various dimensions of forest tenure as they relate to conservation and livelihood outcomes. They explore and document forest tenure issues in the context of subsistence management as well as the commercial utilization of forest products in various ecological zones of Nepal and South- East Asia.



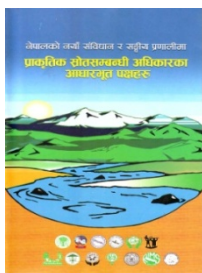
Volume 8 (1) of the JFL is specifically focused on climate change, forestry and local livelihoods. The articles address the evidence for climate change and the associated impacts on forestry and livelihoods, the concept of REDD and its relevance to Nepal's community forestry, possible REDD strategies, resource status, and the need for adaptation measures

Volume 7 (2) of *Hamro Ban Sampada* (Nepali journal) is based on the experiences and lessons of the Livelihoods & Forestry Programme (LFP) in Nepal.



The booklet entitled *Natural Resources, Civic Supremacy and New Constitution* (in Nepali) unfolds the discourse and debates of supremacy of the local people over natural resources in the context of the new constitution of Nepal.

The booklet (in Nepali) entitled 'New constitution of Nepal: Fundamental aspects of right to natural resources in the context of federalism' portrays how and why rights and equity issues of natural resources and local people are critical to the new constitution, presents relevant international legal provisions, and lists key recommendations.



Policy Briefs (Available at www.forestation.org)

Policy Briefs are the outcomes of research carried out by ForestAction in the field of natural resource management and livelihoods, published to disseminate the research findings, engage in policy advocacy based on empirical knowledge and evidence-based policy recommendations, and to update policy makers on issues related to natural resources and other relevant fields.

Authors	Titles
Rai, J.R and Paudel, K. 2010	Community Rights over Natural Resources in the New Constitution: Difference between Proposals by thematic community and Recommendations from stakeholder groups to the constituent assembly (Nepali), March, 2010.
Paudel, N.S. and Jana, S. 2009	Indigenous and Community Conserved Areas: Relevance, Potentials and Initiatives in Nepal (Nepali and English), August, 2009.
Ojha, H.R. and Pandey, G.2009	So Far So Good: Reducing Poverty and Conserving Environment through Community-managed Forestry in Nepal, 2009.
Luintel, H., Dahal, N., Dhungana, H., Subedi, R, Rana, B., Bhattarai, B. and Kandel, B.2009	Challenges of Climate Change and Way Forward (in Nepali), July, 2009.
Banjade, M.R, and Ojha, H.R.2009	Transformation of Terai Forestry in Nepal: A Proposal for National Consensus (in Nepali), June 2009.

Related news links

Novel March for Forest Conservation

<http://www.kantipuronline.com/the-kathmandu-post/2010/03/11/Nation/Novel-march-for-forest-conservation/206050/>

Revoke declaration or face stir: Forest groups to government

<http://www.kantipuronline.com/2010/02/22/national/revoke-declaration-or-face-stir-forest-groups-to-govt/308881/>

Nepal: Communities Take Up Cudgels for Forest Conservation

<http://www.globalissues.org/news/2010/02/02/4398>

National Workshop on REDD strategy options

<http://mofsc-redd.gov.np/2010/02/national-workshop-on-redd-strategy-options/>

Conservation aid rarely gets to intended beneficiaries

[http://www.thehimalayantimes.com/fullNews.php?headline=Conservation + aid + rarely + gets + to + intended + beneficiaries & News ID = 221039](http://www.thehimalayantimes.com/fullNews.php?headline=Conservation+aid+rarely+gets+to+intended+beneficiaries&NewsID=221039)

TV sets in houses by destroying forests

http://www.ekantipur.com/np/news/news-detail.php?news_id=304908

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Design : Arjun Gyanwali and Sujata Tamang

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