Citizen Participation in Forest Governance: Insights from Community Forestry in Nepal

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1. Introduction

While decentralised approaches to forest governance are becoming increasingly common in the developing world, there is still limited knowledge with regard to how local people can effectively participate in forest governance policies and practices. With rich experiences over the past three decades, Nepal’s Community Forestry Program (CFP) is considered one of the few innovations in this regard (Kumar 2002). The innovations encompass legal and regulatory development, institutions of participation, benefit-sharing mechanisms, development of community-based forestry enterprises, and biodiversity conservation. Under the program, by the end of 2008, 16,000 Community Forest User Groups (CFUGs) have been organized nationally, with legal rights to manage over a million hectares of forest areas, thus bringing about one third of the country’s population under CFUG membership. CFP is flourishing in the country, nurturing democracy at the grassroots (Ojha and Pokharel 2005; Rechlin et al. 2007), despite a prolonged insurgency and political upheavals. The three decades of practice have clearly demonstrated success in terms of enhancing flow of forest products, improving livelihoods opportunities for forest dependent people, strengthening social capital, and improving ecological conditions of forest (Dev et al. 2003; Ojha and Kanel 2005; Subedi 2006).

The case of Nepal community forestry policy and practice offers an interesting context to study the dynamics of citizen participation in forest governance for three reasons. First, a very progressive forest legislation has emerged allowing local people to take control of government forests. Over three decades of experience in this approach would provide insights into when and how local forest dependent citizens can effectively participate in democratic forest governance. Second, since Nepalese society represents a typical case of social inequality which harbours different forms of undemocratic dispositions and cultural practices in relation to governance, any lessons coming out of such a context can provide important insights into the problems of social exclusion and possibility of equitable governance. Third, community forestry in Nepal has evolved through the efforts of, and continues to engage, a wide range of actors locally and internationally, which enables us to explore discursive, deliberative and participatory processes at different scales of governance, beyond community level governance.

Building on several studies conducted over the past one decade by ForestAction Nepal and Asia Network for Sustainable Agriculture and Bioresources (ANSAB), we analyze how citizens are gradually becoming active stewards of forest resources, along with the development of legal and institutionalised mechanisms for participation. The analysis locates the notion of citizen in Nepalese context, and provides disaggregated analysis of
diverse categories of citizens in the axis of power. From the viewpoint of social justice, it is important to go beyond the elite in the civil society and explore the possibilities of the poor, disadvantaged, marginalized groups in participating in governance. For our purpose, we do not delve much into defining participation, but broadly consider various degrees of citizen involvement in policy making, resource management, and benefit sharing. We take participation as a process of negotiation, contestations and interactions among agencies, who operate within historically constituted structural patterns and deeply held cultural dispositions of actors involved. In doing so, we seek to explore links between improved participation and outcomes in terms of both democratization of governance and substantive outcomes such as conservation, livelihoods enhancement, social justice and equity.

2. Evolution of Community Forestry Programme in Nepal

Forests have taken central place in local livelihood practices and national politics in Nepal because of their importance in rural livelihoods as well as state revenues. Analysts have usefully delineated three ages of forestry in Nepal – privatisation (until 1957), nationalisation (between 1957- late 1970s) and decentralisation (from the late 1970s onwards) (Hobley 1996). While most of forests in rural Nepal used to be controlled and managed by local communities before the state control over forest became effective in the late fifties, call for citizen participation began in late seventies when the government explicitly admitted that it can not protect the forest alone without the active co-operation of local forest dependent citizens.

Throughout Nepal’s modern history of the past 240 years, the Nepali state has been largely controlled by the Shaha and/or Rana families, except three brief periods of democracy – 1950s, 1990s and after 2006. Under their control, the state polity retained a strong feudal character, involving the flow of power from either Shaha or Rana families and flow of economic surplus from the peasant farmers to the ruling elites through networks of locally based feudal lords (Regmi 1978), though there was gradual decline in that control apparatus after 1951. Until the Private Forest Nationalisation Act was enforced in 1957, all forests were controlled by state-sponsored local functionaries. As the state became moved further into the era of planned development after the World War II, national bureaucracies assumed the role of political-economic control of the society as per the interests of the ruling elites (Blaikie et al. 2001). Since then a series of legislations were enacted to enforce effective national control over forests by the expanding forest bureaucracy through excluding local people. Although it was assumed that taking forest from private groups to the state would enhance people’s access to resources, the state created a strong techno-bureaucratic field by instituting stringent regulations to exclude people from controlling forest resources (Ojha in press, Malla 2001).

Efforts to share power with local people started in 1978 (Table 1 summarizes evolution of CFP in Nepal), when Panchayat forest regulations were instituted. This was done at a time when there was a realisation within the government that forest bureaucracy was unable to protect forest without engaging local people. This was echoed by Monarchical Panchayat system’s strategy to thwart growing anti-Panchayat resistance by offering some economic and symbolic spaces in the local Panchayat. In the meantime, pressure from donors on decentralisation was also growing for explicit government commitment towards a shift away from centralised practices of development.
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During the seventies, projection of Himalayan degradation as a serious environmental crisis (Eckholm 1976) created increased moral pressures on international development and environmental institutions and Western governments to contribute to conservation of the degrading Himalayas. This led to an environmental turn of development discourse away from an emphasis on infrastructure and technology transfer (Cameron 1998). Moreover, Nepal’s strategic geopolitical situation (being located between China and India) and fragile environmental condition attracted bi- and multilateral donors (Metz 1995), who took forestry and environment as the key element of integrated conservation and development projects.

Several international agencies assisted the Nepalese government to formulate the nation’s most comprehensive Master Plan for the Forestry Sector (MPFS), which recognized the need for local people’s participation in conservation and management of the country’s forest resources. At a time when MPFS was finalised and formally adopted by the government (1989), the people’s on-going movement against Panchayat system culminated in the reinstatement of multi-party democracy in the country. The decisions of subsequent governments further strengthened the regulatory framework of community based forest management in line with MPFS.

The most significant regulatory development in support of CF was the enactment of the Forest Act in 1993 by the first elected parliament after the 1990 people’s movement, which guaranteed the rights of local people in forest management (GON/MFSC 1995). Nepal became the world’s first country to enact such a radical forest legislation allowing local communities to take full control of government forest patches under a community forestry program (Malla 1997; Kumar 2002).

Studies correlate a number of conditions and factors to successful evolution of CFP in Nepal – media projection of crisis of Himalayan degradation and consequent international assistance (Guthman 1997); inaccessibility of these forests for commercial exploitation; inability of the DOF to manage forests effectively,
especially in the hills and mountains (Subedi 2006); emergence of multiparty political system in 1990 and consequent expansion of civil society spaces (Ojha et al. 2006); willingness of elected government to legally empower local communities to manage forests (Ojha 2006); forest based livelihoods systems in rural Nepal and incentives to local people to participate in forest management for a range of forest products and livelihoods opportunities (Gilmour and Nurse 1991); presence of dense social capital and traditional models of collective action around local forest management in Nepal (Fisher 1989; Chhetri and Pandey 1992); continued tradition of piloting and reflection among CFP stakeholders including regular five yearly nation-wide workshops since the eighties (Pokharel et al. 2007); increased research and scholarly interests in community forestry; breaking down of traditional relations of power through political movements and emergence of ‘subaltern’ groups taking leadership power at the CFUG levels.

3. Institutions and Modalities of Citizen Participation

At present, CFP is not just a government program offering some services to people; it is owned and actively sustained by citizens – who are organized as Community Forest User Groups (CFUGs). CFP indeed offers a model of direct democracy at the local level regarding forest management. With 16 thousands CFUGs (covering one third of 26 million people) directly participate in the governance of forests throughout the country (DOF, 2008), Nepal’s CFP is probably the largest sectoral domain of governance in terms of the number of citizens directly engaged, surpassing even the largest political party in Nepal.

The Forest Act 1993 provides following rights to Nepalese citizens who depend on forest and who are willing to be the members of a CFUG: a) right to get organized with perpetual succession, b) entitlement over forest growing stock, c) right to use 100% benefits resulting from the sustainable yields, c) unalienable citizen rights even if a community forest is withdrawn by the government in case a particular CFUG executive committee does not meet sustainability standards in forest management. These rights have significant incentives and motivated local forest dependent citizens to participate in forest governance.

A CFUG consists of the people who use particular forest(s). The group could include everyone in the village, or just some people, or even some people from another village. The institution is inclusive rather than exclusive of households in the village, and in practice all households of one or more villages become member of a CFUG. As King et al (1990:6) describe, “The term users group is really descriptive of a category of people rather than a group.” A CFUG comprises households with diverse interests on forest, and often interest-based sub-groups are formed to articulate diverse interests in the CFUG decision making processes. Other modes of citizen participation within CFUG include a wide array of institutional mechanisms such as Tole (hamlet) based decision making, elected executive committee, development of group constitution, annual assemblies, development of forest management plans. Sometimes there are women-only groups, specific interest based sub-groups and the like.

The CFUG governance is defined by their Constitution and community forest management Operational Plan (OP). The constitution is registered in the District Forest Office (DFO). While there are certain standards, guidelines and norms for the group constitutions, each CFUG prepares its own constitution defining the social
arrangement and the responsibilities and rights of the group (which may vary from group to group to adapt the local tradition, culture and practices) as well as an OP specifying how the forest is managed and utilized. OP also serves as an agreement between the DOF and the CFUG. To take care of the daily activities and coordinate with the users, the group elects some members in its committee assigning certain responsibilities in accordance to their Constitution, the time period of the elected members ranges from 1-3 years. On need basis, the group can form many sub-committees to deal with specific issues.

Community decision-making has been gradually democratized, as with progress in the understanding of developmental process, particularly of literate members. In several cases, community fund-raising by charging on the forest products harvested for use by their members as well as sale outside had been reinforced and used in rural infrastructure or social development works that address the needs and concerns of the poor and disadvantaged.

In response to the issues of social exclusion and marginalization of the poor, dalits, women and other disadvantaged groups, various program actors have recently started to support CFUGs to develop mechanisms for more equitable decision-making processes. These include – formation of women-only groups etc. Although in small number, there are CFUGs that provide community lands to the landless, or near-landless members, so that they can earn the living with cultivation of rewarding medicinal herbs or raising other crops. Several groups provide preference to poor members or women for placing them locally created jobs, such as for processing of handmade paper, working as nursery laborer, etc (Subedi 2006).

Thus, the governance system of community forestry has been advancing with the evolution of a very strong local institutional mechanism and more clear definition of property rights. Community forestry system became more established with the progressive legislation, a strong local institutional mechanism -- the CFUG, DFO and their collaborative process, and the more explicit property rights arrangement through the provision of community forest management Operational Plan (OP).

Since 1990, the process of community forestry has been increasingly promoted by an expanding public sphere. There are increasing instances of proactive engagement of civil groups in forest governance in recent years in Nepal. Federation of Community Forestry Users, Nepal (FECOFUN), which is the nationwide network of CFUGs, has been a key player in forest sector policy debate (Ojha 2002; Ojha and Timsina 2006). It has consistently pushed for participatory forest management. These groups have further politicised the practice of forestry and in many respects provided a deliberative bridge between people and the state. Along with NGO alliances, it has brought civil perspectives into the policy-making process that used to be solely dominated by the Government. The most important policy issue in which FECOFUN has made significant contributions in the past few years concerns the perpetuation of CFUG rights over forest resources in the hills as well as in the Terai (FECOFUN considers that the first amendment and second (proposed) amendment to the Forest Act 1993 has curtailed CFUG rights on forests). It is through FECOFUN that the legal provisions relating to community forestry were spread to areas where there were no projects or where DFOs were not so enthusiastic about informing people (e.g. in the Terai). All such FECOFUN’s awareness raising activities have helped to enhance the political capital of
CFUGs beyond the traditional patron-client relationship with the DoF. Multi-stakeholder forums organized by government or non-government agencies are also a key platform for citizen participation.

4. Challenges to Citizen Participation in Forest Governance

Notwithstanding the remarkable successes, Nepal’s CFP has also surfaced a number of “second generation” and “third generation” issues in forest governance, which scholars and practitioners are grappling with in terms of developing understanding and identifying suitable interventions. The case of Nepal CFP brings out at least three important factors that affect the forms and degree of citizen participation in forest governance: a) overriding authority claims to “scientific” forestry knowledge and the legitimacy of centralized bureaucracy; b) social differentiation of citizen groups in terms of caste, class, ethnicity, religion and gender; and c) democratic deficit in political institutions (such as democratic legitimacy limited to periodic voting for local and central representatives within a national constitution largely informed by the ideology of liberal democracy). We briefly outline these challenges below.

4.1 Techno-bureaucratic control

Despite the popularisation of participatory processes globally over the past two decades, and the creation of spaces for decentralized governance, actual processes of policy development, program planning and implementation are still steered, controlled and led by technical officials of state forest departments and development projects (Cook and Kothari 2001; Ojha et al. 2005; Ojha 2006a). The processes of policy making, program planning and implementation in forestry field are still guided by technocratic mindsets of experts, planners and officials (Backstrand 2004; Nightingale 2005; Pokharel and Ojha 2006; Ojha et al. 2007; Blaikie and Springate-Baginski 2007), with limited opportunities actually available to local community groups and civil society networks to influence policy-practice processes. Such a technocratic emphasis tends to hide the politics inherent in policy making and local level forest management (Nightingale 2005), and hence minimizes the opportunities for deliberative and participatory policy processes. This is particularly so in the forestry sector in which the colonial legacy of science and centralised state institutions continue to exist (Peluso 1992) at least in the mindsets of forest officials working at the state level.

According to Ojha et al (2006), only two out of 15 forest policy decisions in Nepal taken during a sample period 1998-2004 actually involved deliberation with concerned groups of civil society. Of these decisions, the forest inventory guidelines of 2000, as Ojha et al highlights, is a clear example of the ‘depolarisation’ of the decision by forest bureaucrats. The decision laid out a technical requirement for the management of forest without looking at how it fitted politically into the relationship between foresters and forest users. The guideline failed to address the problem of how the necessary technical skills could be supplied. As a result, many CFUGs’ forest operational plans were suspended and forest management and utilization actions were postponed (Dhital et al. 2002; Paudel et al. 2002). This was probably not the intended consequence, but a result of decisions based on a partial and technical view of change. Because of such overt and covert technocratic influence, community forests in
Nepal are generally under protectionist approach to management without considering the productive potential and market values (Pokharel and Nurse 2004). But such techno-bureaucratic domination is not without civic resistance. For instance, the 2000 forest inventory guideline sparked strong civil society resistance, at both discursive as well as practical levels, and soon the guideline was revised. The 2004 revision of forest inventory guideline, which was more deliberative compared to the first in 2000, appears to be much more comprehensive and practical, implying the connection between citizen participation and quality of policy decisions.

Even in the cases of relatively better cases of citizen participation, Ojha et al (2007) found limited presence of citizen representatives in crucial forums such as core committees and task forces shaping the policy agenda and debate. Task forces or working committees usually consist only of government officials and staff of international forestry projects. Representatives of citizens – such as CFUGs, FECOFUN, NGOs – are generally not included in such task forces, although the latter are invited in the workshops or other consultative events designed by the task forces and the committees. While this provides citizens with an opportunity to voice their concerns and opinions, they are still not allowed to participate in defining agendas and the frameworks of the consultation.

Despite some changes in attitude and behaviour of forest officials towards working with people, largely as a result of the CF movement in the hills, the orthodox image of forest bureaucrats has not changed much. Instead, the difference in power and hierarchy between people and foresters (hakim) continues to be wide and ordinary citizens and forest bureaucrats still have problems of mutual mistrust, with limited possibility of direct deliberative engagement. The majority of foresters still attach great value to what can be regarded as technical-rational approaches because of dispositional (habitual), political (for fear of losing power), and knowledge-related (limited opportunity for critical reflection on bookish “scientific” knowledge) reasons. The prevalence of hakim culture means that ordinary citizens are expected to serve forest officials, rather than vice versa.

### 4.2 Unequal citizens

Limited citizen participation is not fully attributable to the interests of forest officials and elites in stifling debate. There are limiting conditions from the civil society side too. In the first place, there are few well-recognized, mass membership groupings in civil society around any policy issues, and there it is always difficult for officials and politicians to know who exactly to consult with and how. Even when a group is identifiable, it is costly, in terms of time and resources, to hold consultations with all relevant actors. These situations constrain effective deliberation between government and civil society. Also, civil society is not a homogeneous institution such that consulting a few representatives would bring consensus.

Political inequality within civil society is considered to be one of the greatest barriers to open deliberation (Young 2003). The historically constructed divisions of class, caste, gender and ethnicity stratify Nepalese society, and the majority of the ordinary and disadvantaged people find it socially difficult to deliberate openly with both forest officials who are mostly from the upper echelons of the status hierarchy, and the high caste civil society elites. In the context of a differentiated society like Nepal, with a history of centralized decision making institutions captured by a few groups of ruling elites, the spaces for ordinary people to deliberate over public policies are
limited. These spaces are less likely to be expanded significantly by emphasizing the notions of radical participation or citizenship as they rely too heavily on the pre-existing confidence of people in civil society, without considering the social embeddedness of limited agency and structural differentiations between groups of people. From this perspective, possibilities of more deliberative moments rest on mismatches between schemes of perceptions and thoughts of the socially embedded agency, and intended outcomes in a social field (Bourdieu 1998). In such critical moments of increased deliberation, social agents are more likely to engage in the process of what Dewey (1916/1966) calls “cooperative inquiry” to find solutions for the crisis. The current political crisis in Nepal is likely to create opportunities for greater deliberation in forest policy making in future.

Despite prolific growth of civil society organizations in the past few years, marginalized citizens have not been able to forge viable forestry networks. Even the nation-wide FECOFUN is weak in internal representation and local accountability. While there is a tendency to depoliticize forest governance issues through technical rationality on the part of the government, there is often a tendency to strategic manoeuvring on the part of civil society leaders. Civil society actors have not yet been able to come to genuinely ‘public’ spheres, let alone the ‘subaltern’ public sphere, and are rather confined to small-scale, instrumental domain of “projects”. This means that the limited influence of the public sphere is not solely due to the domination of government organizations, supported by donors, but equally due to weak deliberative processes within civil society itself.

**4.3 Democratic deficit in political institutions**

The liberal view of democracy that guides governance practice in Nepal, coupled with local elites capturing the role of political leadership, means that leaders once elected, do not feel the need to seek and maintain dynamic communicative links with the ordinary citizens on issues of governance. Members of parliament have had very limited interactions with concerned groups of civil society during the drafting and debating of forest legislation amendments. Even during the democratic period after 1990, elected political leaders were guided more by ‘administrative will’ rather than public will (Ojha 2006). The thin notion of democratic accountability in the multi-party political system (with five yearly election of local and national governments and with limited deliberative links in between) provided room for techno-bureaucratic control without deliberative links with concerned groups of people.

Indeed, the interests of political elites and forest officials converge in appropriating the valuable forest and land resources of the country (it is an “open secret” in Nepal that Forest Ministers collect their “election expenses” through forest officials who offer competitive bribes to get a transfer to a resource-rich district). Even when legislators by and large captured the sense of public opinion, in several instances, the intent and will of the law prepared by the parliament has been consistently distorted by the subsequent decisions on local forest governance. All this suggests that the radical image of participatory practice of CF can still be captured by a better disguised forms of feudal-political and technocratic control in a more fundamental process of policy formulation (Pokharel and Ojha 2005), and may sustain political inequality between ordinary people and bureaucratic authorities (Nightingale 2005).
5. Lessons and Conclusions

The case of community forestry programme in Nepal demonstrates an innovation in citizen participation in forest governance – policy, institutions and practices. This was possible only when government forest officials realized that forest conservation is not possible without the involvement of local people in forest governance, and the perceived crisis of environmental governance. Piloting and experimentation was critical aspects of the development of CF institutions and policy. Reorientation of forest officials along with incentives were also the key. Opening up of spaces for participation in forest governance demonstrates that it has generated both procedural and substantive gains. Procedural gains include democratic deliberation, procedures and institution building. substantive gains include creation of livelihood opportunities and ecological conservation, and in some cases, social justice and equity.

However, the case demonstrates that devolution policy does not guarantee participation of all. While participation of elite members of civil society has improved governance when compared with the state management of forest, the continuing challenge is to understand how marginalized members of civil society can equally participate in the process. In many situations, foresters tend to undermine democratic deliberation. Even when right to manage forests has been transferred to local communities, in many situations forest officials are found to exercise extra legal and significant degree of influence through technical knowledge.

The possibility of more deliberative forest governance of forest sector in Nepal lies in the quality of deliberative interactions (including mechanisms for negotiating power and knowledge) among marginalized citizen groups, political elites, development organizations, and state forest officials. A question in relation this is: Under circumstances, civic resistance/movement is triggered to articulate marginalized voice in the policy? Ongoing restructuring of state can provide opportunity to redefine political structures and institutions in a way that augments citizen voice in governance, but the discourses and processes of state restructuring are shaped and pre-structured through feudal and techno-bureaucratic mindsets. The question remains as to when and how deliberative processes expand beyond the repressive boundaries of techno-bureaucratic and feudalistic institutions in forest governance in Nepal. Relatedly, we need a new conception of critical social science that uncovers structural patterns and enhances reflexivity and deliberation among social agents in governance.

6. References


DOF (2008). Community Forestry Database, Department of Forest.

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i State control was started through Private Forest Nationalization Act in 1957.
ii This was realized in a nation-wide meeting of forest officials convened in 1974.
iii The present day Nepal was unified by the predecessors of the present King (Shaha dynasty) from smaller principalities in the middle of eighteenth century.
iv A limited democracy was achieved after popular struggle against feudal rulers called Rana in 1951 but again the King took all power dismissing the elected government in 1961, enforcing a partyless Panchayat system, which ended in 1990 again after a popular struggle.
v Two laws are noteworthy here – Forest Act 1961 and Forest Protection Special Act 1967. The latter even authorised local forest guards to shoot people using forest illegally.
vi Panchayat system was headed directly by the king. It has three tiers of elected body of Panchayat politicians – Village Panchayat, district Panchayat and National Panchayat. Despite election, the real power was derived from the monarchy.
vii Initially World Bank and FAO, then a group of bilateral and international actors influenced national government towards the process of devolution of forest governance.
viii Article 26 says that local people, once organised as Community Forest User Group, will have unalienable rights over forest. They can use 100% of the benefits generated. The group remains perpetually self-governed and autonomous.
ix Culturally disadvantaged and so called untouchable groups in Hindu society.