Community Forestry in Nepal: Decentralized Forest Governance

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Nepal's community forestry has become an example of progressive legislation and policies in the decentralization of forest management. It has attracted international attention because in Nepal, decentralization is linked with emerging issues – sustainable forest management, forest governance, policy advocacy, equity, gender, poverty and the role of civil society in community forestry. In particular, the role of the forest user group network in legal advocacy, capacity building and the establishment of democratic governance on a wider scale shows the unique strength of the community forestry approach in Nepal. Since the enactment of the Forest Act in 1993, the government of Nepal has gradually been handing over parcels of national forest, particularly in the mid-hills, to local communities based on an agreed forest management plan between the District Forest Office and local forest user groups. As of December 2005, some 1,185,565ha of forest had been handed over to 14,227 forest user groups for them to protect, manage and utilize (Department of Forests, 2005).

Despite many positive outcomes, however, community forestry in Nepal has faced mounting challenges, limitations and shortcomings, particularly in implementation. Notable challenges include elite capture, inability to provide significant contribution to livelihoods, the persistence of poor and disadvantaged sectors in the community, and imbalances between social needs and the environmental agenda. This chapter presents an overview of the decentralization process, institutional arrangements, achievements and challenges for community forestry in Nepal.

MILESTONES OF DECENTRALIZED FOREST GOVERNANCE IN NEPAL

Many countries in Asia and the Pacific that have adopted decentralization policies in forestry seek to achieve effective management of forest resources by ensuring sustainability on the one hand and supporting local people's agendas on the other (Fisher, 1999; Agrawal and Ostrom, 2001; Ribot, 2004; Capistrano and Colfer, 2005). Based on these broader rationales for decentralization in the forestry sector, Nepal has also initiated efforts toward decentralization of forest management via the 'roadmap' in the Master Plan for the Forestry Sector of 1988 (Hobley, 1996).

The following acts and regulations are considered milestones in the history of decentralized forest governance in Nepal. Based on these legal foundations, the approach of community forestry has been evolving over the last 28 years. Some of the features of the policies, Acts, rules and regulations are briefly discussed below.

Decentralization Act of 1982

To overcome the continued failure of the centralized approach and the *panchayat* (literally, 'assembly of five', referring to the people's representatives at the local level) approach to decentralized rural development efforts, the government of Nepal passed the Decentralization Act in 1982. This act formalized the duties and responsibilities of village *panchayats* and ward committees. All development interventions were required to adopt the 'user group' concept when implementing projects at the local level. The idea behind this approach was to ensure local participation, establish linkages between local and national planning, mobilize local resources, and strengthen local institutions for development in the long run.

Master Plan for the Forestry Sector of 1988

The development of the Master Plan for the Forestry Sector was a response to the perceived need for re-examination of the forestry sector in Nepal. The Master Plan provides the main basis and framework for developing policies for managing the country's forest sector. It aims to mobilize, conserve and manage forest resources in a sustainable way and thereby maintain a balance in the demand for and supply of forest products, create income and employment opportunities within the sector for poor and marginalized households, promote people's participation, enhance productivity, and develop appropriate land-use plans. The Master Plan comprises 12 programmes, of which the private and community forestry programmes are given the highest priority. All the accessible forests in the mid-hills were to be handed over to local communities with the formation of user groups. This plan opened up avenues for participation by local people in the management of forest

resources. However, it did not address the lower-lying, more valuable forests of the *terai* (in southern Nepal) or the high-altitude forests.

Forest Act of 1993 and Forest Regulation of 1995

These acts, a breakthrough for community forestry in Nepal, provide a legal basis for the implementation of community forestry and build on the Master Plan for the Forestry Sector of 1988. As envisaged in the Decentralization Act of 1982, the Forest Act of 1993 recognized forest user groups as legal entities and acknowledged five categories of national forest: community forest, leasehold forest, governmentmanaged forest, religious forest and protected forest. Major goals of this act were to meet the basic needs of local people, attain economic and social development, promote a healthy environment, promote development and conservation of forests and forest products by managing national forests, and provide assistance for the conservation and development of private forests. Despite some progressive policy provisions toward decentralization, however, the Forest Act of 1993 has several gaps and inconsistencies. For example, forest user groups are given only usufruct rights; forest ownership is retained by the state. Similarly, there is a lack of clarity about management based on the size of forests and about the roles of different actors. Some of the major highlights of the provisions of the Forest Act of 1993 and the Forest Regulation of 1995 are listed in Box 5.1.

Box 5.1 Forest Act of 1993 and Forest Regulation of 1995

Whereas it is expedient to meet the basic needs of the public in general to attain social and economic development and to promote a healthy environment and to ensure the development and conservation of forest and the proper utilization of forest products. (Forest Act, Preamble)

The users relating to any Forest desirous to utilize the Forest Product by developing and conserving such Forest for the collective interest may constitute the Users' Group As Prescribed. (Forest Act, Section 41).

For the registration of the Users' Group ... an application shall have to be submitted to the District Forest Officer in the Prescribed form along with the constitution of the Users' Group. ... the District Forest Officer shall ... be given the certificate of registration... The Users' Group ... shall be an autonomous and corporate body having perpetual secession. (Forest Act, Sections 42 and 43)

While preparing a Constitution ... and Constituting a Users' Group according to the Constitution, action shall have to be taken on the basis of consensus so that

the boundaries of wards, villages, towns and districts shall have no effect on them. (Forest Regulation, Rule 29(4))

... the District Forest Officer shall depute as soon as possible a technical employee to the concerned area for the purpose of providing technical and other cooperation. ... The District Forest Officer shall have to provide technical and other cooperation required by the concerned Users' Group to prepare a Work Plan ... (Forest Regulation, Rules 27(2) and 28(3))

Forest Sector Policy 2000

Unlike other policies and acts, the Forest Sector Policy of 2000 reverted to the conservation agenda and made it obligatory for the community forestry user groups to pay 40 per cent of their earnings from timber sale to the government (Kanel, 2006). Many consider this a government decision with adverse implications for forest decentralization in Nepal, as it curtails the authority devolved to the local communities.

Institutional Arrangements to Implement Community Forestry

Primary actors in the implementation of community forestry are the national, regional, district and range-post levels of the Department of Forests and community groups (forest user groups). These groups have established their own network, the Federation of Community Forestry Users of Nepal (FECOFUN) at national, regional, district and range-post levels (Figure 5.1).

Government organizations

The Department of Forests was established in 1942 with the primary role of protection and management of the national forests. Since 1942, it has undergone a series of restructuring processes in order to make the organization compatible with the changing context. However, still the institutional set up remains unusually hierarchical, particularly in the traditional attitudes of government bureaucrats and the slow process of transformation of the role of the foresters. This does not support the decentralization process in many cases. At present, there are 5 Regional Forest Directorates (responsible for coordinating, planning and monitoring district forestry programmes), 74 district forest offices (responsible for planning implementation at the district level), 92 *Ilakas* (subdistricts) forest offices and 698 range posts. After the adoption of the community forestry concept, the government forestry personnel gradually shifted their role from policing and control

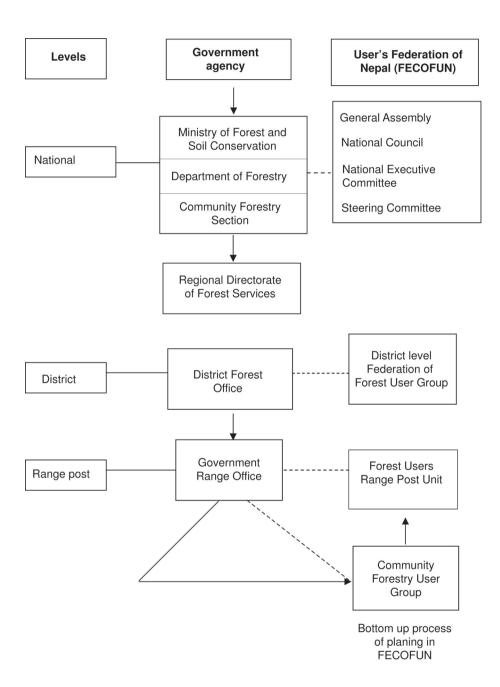


Figure 5.1 Organizational structure of Ministry of Forestry and FECOFUN

to extension work and facilitating. However, still there are many senior bureaucrats who remain committed to the command and control role and are not happy in their new one. In some cases, such bureaucrats seek to retain the devolved power through manipulation and amendment of the existing Forest Act and legislation. However, Nepal's strong civil society networks such as the users' federation have interfered with these efforts. For example, the government decision to give *terai* forest management to an international company from Finland was altered due to continued objection and pressure from the federation of forest users.

Forest user groups

The Decentralization Act introduced the concept of forest user groups in 1987. The Master Plan for the Forestry Sector of 1988 and the Forest Act of 1993 formalized the concept and gave a legal basis for the groups to function as autonomous institutions in the management of forest resources. The following are some of the legal provisions that enabled forest user groups to build a strong institutional basis:

- The user group shall be an autonomous and corporate body having perpetual succession (Section 43(1)). It shall have a separate seal of its own (Section 43(2)). The user group shall have a separate fund of its own (Section 45(1)). The user group as a legal person may acquire, possess or transfer or otherwise manage movable and immovable property (Section 43(3)).
- The user group shall have to prepare a work plan for the community forest (Rule 28(1)).
- The user group shall collect, sell and distribute the forest products which are available pursuant to the work plan (Rule 32(1)).

After the enactment of the Forest Act of 1993, the formation of forest user groups began throughout the country. By 2003, there were 12,725 forest user groups across Nepal, with more than 1,400,000 households managing 15 per cent of Nepal's total forestland area (Table 5.1). Under the Forest Act of 1993 and the

Regions	Forest user groups	Area (ha)	Households	Total income (Nepal rupees, thousands)	Total expenditures (Nepal rupees, thousands)
Mid-hills	9353	696,044	976,715	85,112	43,407
High mountains	2456	189,843	248,619	10,070	4532
Terai	916	124,853	196,967	82,898	72,950
Total	12,725	1,010,740	1,422,301	178,080	120,889

Table 5.1 Forest user groups in Nepal

Source: Department of Forests (2003).

Forest Regulation of 1995, forest user groups are allowed to find ways to achieve financial sustainability. This act requires that forest user groups spend a quarter of their income on forest management. However, many forest user groups spend most of their income on construction of local trails, school buildings, culverts and irrigation canals. Others are supporting livelihoods options for the rural poor and marginalized groups in their communities. All the forest user groups are voluntarily united under the umbrella of the Federation of Community Forestry Users of Nepal (FECOFUN) to ensure their rights are protected and not curtailed by the government.

The Federation of Community Forestry Users of Nepal

FECOFUN, established in 1995, is a representative body of the community forest user groups and has the following aims:

- to advocate the rights of community forestry users;
- to strengthen local capacity;
- to establish linkages; and
- to lobby on behalf of the forest users.

FECOFUN is an autonomous, non-profit, membership organization that is accountable to its constituency – the forest user groups. Almost five million people are affiliated with the network, and it is one of the largest civil society networks in Nepal. FECOFUN works with non-governmental organizations and local and international donors to raise awareness in civil society about community forestry legislation and the roles and responsibilities of different actors in community forest management. It also promotes the empowerment of women and disadvantaged groups in the community by facilitating their integration into the community process and making sure that their voices are heard when decisions are made in the community. Furthermore, FECOFUN provides legal advice and assistance to forest user groups and collaborates with researchers, academics and other civil society groups to provide technical inputs for income-generating activities within forest user groups.

Besides acting as a watchdog for the rights of forest user groups, FECOFUN also engages in activities related to the democratic rights of citizens and the institutionalization of such processes. The federation became involved in Nepal's democratic movement in 2006, when it mobilized forest user group members in protest rallies and mass movements in favour of the re-establishment of democracy.

Although the idea to form a federation was originally facilitated by external donors, the institutional strengthening and expansion of the network has been managed primarily by FECOFUN itself. The federation has established a system

for generating financial resources within the forest user groups at the local level, whereby a certain percentage of their contributions supports the national-level federation as well. This mechanism helps FECOFUN remain independent, thus facilitating its ability to engage in advocacy and lobbying. Even in policy dialogues with government teams, the federation has consistently spoken up clearly in favour of user groups and continued its advocacy until its demands were met. For example, FECOFUN played a significant role in persuading the government to expand community forestry policy from the mid-hills to the *terai*. Similarly, it has played a significant role in protesting against the government's decision to sign a contract with the Timber Company of Finland for the management of the valuable *terai* forest in Bara District. Despite its positive role in protecting the rights of the forest users, however, there are some internal institutional limitations within FECOFUN, such as the over-representation and influence of people belonging to a single political party in the executive committees at local, district and national levels.

ACHIEVEMENTS OF COMMUNITY FORESTRY

As a result of devolving managerial rights to user groups, the community forestry programme has had noteworthy achievements, including forest restoration, social inclusion and representation, improvement of community infrastructure, rural development, and contributions to poverty reduction. Barren lands, denuded hills and degraded forestlands have been converted into productive woodlands. Lost greenery is now restored. Forest management by communities has contributed to environmental improvement, although the total contribution has not been quantified. With improved forest conditions, the availability of forest products, local people's rights of access and the supply of forest products to poorer households have increased (Gautam et al, 2004). As a result, the time women spend collecting fuelwood, one of their main tasks, has decreased. The contribution of community forestry to watershed protection, soil erosion control, protection and restoration of water sources, environmental purification, and a healthier living environment has been enormous, although additional scientific measurement is still required for real quantification. Besides achieving the physical target of handing over the national forest to local forest user groups, community forestry has simultaneously enhanced leadership and community development, democratic processes, poverty reduction, gender equity, and social inclusion.

Leadership development

Each forest user group has formed its own executive committee. Meetings of the executive committee and the user group general assemblies are two important decision-making forums, and such organized meetings and assemblies are regular

events. As a result of the frequent discussions and meetings, both men and women have developed their leadership skills as they make and implement decisions. A study carried out by FECOFUN in the West of Nepal showed that even disadvantaged, marginalized women and *Dalits* (members of the so-called 'untouchables' caste) have taken on major positions in some executive committees (Table 5.2). The empowerment programme in the forest user groups has gradually made such disadvantaged members aware of their rights, roles and responsibilities. The database of the Department of Forests also lists more than 721 forest user groups registered as women-only groups.

Table 5.2 Representation of Dalits in forest user group executive committees

District	User groups studied	Committees without Dalits	Committees with Dalits
Jumla	48	24	2
Dailekh	20	4	0
Surkhet	50	4	3
Dadeldhura	63	11	0
Baitadi	50	20	5
Total	231	63	10

Source: FECOFUN (2005).

Because of the development of leadership skills in community forestry, many leaders of forest user groups are elected to local political bodies, such as village and district development committees. Some forest user group leaders are also heading other local institutions, such as school management committees, drinking water groups, irrigation committees and clubs.

Women's leadership development has benefited from the community forestry process in Nepal. One of the studies carried out by FECOFUN in the Rapti zone in western Nepal in June 2005 (Table 5.3) found that women are not only members of forest user groups but also in positions to influence decision-making in community forestry.

Table 5.3 Women in forest user group executive committees

District	User groups studied	Women chairs	Women vice chairs	Women secretaries	Women treasurers	Total women in executive committees
Rolpa	39	14	17	12	13	153
Pyuthan	60	10	28	7	18	235
Dang	72	5	19	7	5	295

Source: FECOFUN (2005).

Establishment of democratic practices

There are ample opportunities within forest user groups to establish democratic practices. Many groups are trying to make decisions based on general consensus and prepare constitutions and operational plans in a transparent and participatory way. The rules and regulations are developed and approved in general assemblies. Following the procedure of general consensus, the users form an executive committee. In regular meetings, the executive committee and general assembly amend the constitutions and operational plans. In some cases users can openly criticize, debate, self-criticize and praise one another. The income and expenditures of the group are reported and discussed in the assemblies before being approved. Some forest user groups already practise public audits.

The principal power of forest user groups lies with the general assembly. As required, members may devolve executive power to the committee, but that can be withdrawn if the power is not properly used. In this way, members perform the role of cabinet, court and parliament. Forest user groups have also acted as local governance structures and delivered services when there was a political vacuum with no elected local bodies or parliament.

Community development activities

Besides investing their funds in forest management, many forest user groups have contributed to community development activities. Forest user groups have reformed the rural infrastructures in their own way. Using income from the sale and distribution of forest products and contributing their labour, forest user groups have constructed schools, roads, drinking water supplies, irrigation systems, electricity, health posts, public toilets, embankments, community buildings and soil erosion control systems. As a result, some public services previously missing in the local communities are now available to the general public. For example, Prajapati Forest User Group in Jhapa District in eastern Nepal built a connecting road to the village from the highway, and Sati Karnali Forest User Group has been operating an ambulance service in its area. Such initiatives have significantly contributed to community development, making forest user groups among the leading community development actors at the local level.

Contribution to poverty reduction

Helping reduce rural poverty is the main objective of community forestry, as stipulated in the Master Plan for the Forestry Sector (1988) and also in the 10th five-year plan. Many forest user groups have been trying to make their activities more beneficial to the poor and are writing provisions that address the issue into their constitutions and operational plans, including efforts to contribute to the

livelihoods of the poor in the community, to safeguard poor people's rights, and to ensure their access to resources, decision-making and benefit sharing (Malla et al, 2003). Some forest user groups have been providing forest products free or at subsidized rates to members identified as poor. Many allocate a certain percentage of the funds from income-generating activities for the poor and support the schooling of poor children by providing scholarships, school uniforms and school supplies (Table 5.4). Some forest user groups have also supported the landless poor by providing land for them to construct their houses. These examples indicate the great potential for community forestry to address poverty at the local level.

 Table 5.4 Examples of forest user group programs for the poor

District	Forest user group	Programmes for the poor
Jhapa	Bans Bari	Providing forest products free of charge Scholarships for children Construction of 60 houses
Kailali	Gyansee	Support for four poor households in swine farming Cultivation of herbal plants for 16 poor households 25% of forest user group income set aside for the poor

Source: FECOFUN (2005).

A study by Pokharel and Nurse (2004) in Dolakha, Ramechhap and Okhaldhunga Districts in mid and eastern Nepal showed that forest user groups are becoming more responsible towards the poor. Sixty-two per cent of forest user groups have identified the poor households in their communities and have approved and included provisions focusing on the poor in their constitutions and operational plans. Interestingly, 95 per cent of forest user groups have provided forest products to the poor at subsidized rates, and 56 per cent have quotas for representation of women and *Dalits* in leadership roles (at least 30 per cent and 15 per cent respectively). Forty-nine per cent of forest user groups have been providing scholarships to the children of the poor and 42 per cent provide discount loans.

Gender and equity

A forest user group is principally an institution where people of diverse religion, caste, gender, class and strata can participate equally. Official policies promote social inclusion. But there are still many forest user groups that have not properly followed the principle of social inclusion. For the successful implementation of community forestry, a community's poor, women, *Dalits* and marginalized groups should participate meaningfully and equitably in decision-making. Those who

previously participated only passively in forest and community development activities should have access to more active decision-making, planning, programme implementation, monitoring and evaluation and benefit sharing – and risk sharing as well.

Table 5.5 shows women's representation on the executive committees of groups in the same districts. Only 24 per cent of women participate in a forest user group executive committee, which indicates that there is still much to do to achieve gender balance in the community forestry process in Nepal.

Table 5.5 Women in forest user groups holding positions on executive committees

District	User groups studied	Chair	Vice chair	Secretary	Treasurer
Jumla	48	15	13	3	10
Dailekh	20	2	2	2	2
Surkhet	50	7	12	7	8
Dadeldhura	63	25	30	21	24
Baitadi	50	4	11	4	5
Total	231	53	68	37	49

Source: FECOFUN (2005).

A study carried out by Springate-Baginski et al (2003) highlighted the role of cultural norms and caste in women's participation in community forestry. The study indicated that in Brahmin (so-called higher caste) communities, women's participation was strongly discouraged; cultural taboos and conservative social norms restrict women's open involvement in community activities. In Tamang (so-called lower caste) communities, in contrast, women's participation was more common; the culture is more liberal and open about women's involvement. In the same study, inequitable practices were found, such as favouritism in forest product distribution, exemption from fines for friends and relatives of executive committee members, membership fees unaffordable by the poor, and restrictions on charcoal making (which disproportionately affects the poor, many of whom depend on selling charcoal for their livelihood).

CHALLENGES AND LIMITATIONS IN COMMUNITY FORESTRY

Adoption of the decentralization policy in forestry has come about after a long journey along a rough road and its implementation is still selective. The system of decentralization in forestry started in Nepal when government was pursuing autocratic goals and governance was highly centralized. Until restoration of democracy in 1990, the decentralization policy was merely a showcase to draw foreign aid.

However, with strong internal pressure and external conditionalities as well as liberal policies adopted by democratically elected governments, decentralized forest policies were adopted and implemented.

Historically, there used to be, and in some cases still are, indigenous practices in which communities manage their own forest resources. However, in the Rana familial oligarchy regime, which reigned for over a century until the mid twentieth century, rulers had sole ownership rights to forest resources, depriving people of their customary rights. These rulers encouraged deforestation and distributed the land to their favoured functionaries in order to generate revenue for their lavish living and to retain their power. The regimes that followed have also used forestry for their political interests, leading to massive deforestation during times of political instability, such as political movements, national referendums and general elections. This problem is very severe in the *terai*, where the government remains reluctant to implement decentralization policies. One reason the lessons of successful decentralized forestry in the hills have not been fully capitalized on in the *terai* has to do with the high value forest resources there. Due to the lack of rights to management, local users are powerless spectators before powerful networks of illegal loggers who operate often beneath the very eyes of state authorities.

Government still holds several rights, including land tenure. Abrupt decisions on the part of government such as imposing taxes on the revenues from forest product sale often makes a mockery of the devolved system, at times breeding widespread suspicion and unpredictability.

Even where the community programme is successfully implemented, benign forest management should involve balancing human and environmental needs. So far community forestry in Nepal has been more concerned with the social aspects of communities, including poverty and livelihood issues; relatively little attention has been given to sustaining the environment and exploring the possible contributions of community forestry to this end.

Despite having some successes, many studies on community forestry in Nepal have indicated that poor people are still not benefiting equitably. In some cases, their livelihoods have even been adversely affected (Malla, 2001; Edmunds and Wollenberg, 2001; Nurse et al, 2004). Studies have shown that local elites are benefiting most because they hold the powerful positions in the executive committees and can manipulate decisions in their own favour, ignoring the agendas of the poor and marginalized. The big challenge in community forestry, then, is how to overcome elite capture and make the whole process more equitable.

Another challenge, related to elite capture, is to make collective decision-making more transparent and participatory. Executive committee members often make decisions without allowing discussion in the general assembly. This practice needs to be discouraged if the voices of women, *Dalits* and poor and disadvantaged members are to be equally taken into account.

One of the biggest challenges in recent years has been that both the government of Nepal and parallel government structures created by the Maoists have shown their distaste for forest user groups' autonomy. In particular, the financial and decision-making autonomy granted to forest user groups by the Forest Act of 1993 is being undermined by Maoists and the government.

CONCLUSION

In general, there are plenty of reasons to call community forestry in Nepal one of the most successful decentralized modes of forest governance, but more attention needs to be paid to making forest user groups more equitable, inclusive and pro-poor in practice. The existing policies and legislation have provided a legal grounding for decentralization of forest management roles and responsibilities from the state to the local communities, but frequent unilateral governmental policy amendments make forest user groups sceptical about their rights. Now forest user groups must work to keep their autonomy in a changing political context; they need to find a way to become politically neutral, but committed to democracy and protection of the rights of forest users.

Over the last two decades, the institutionalization process of forestry decentralization in Nepal has been adversely affected by unstable politics on the one hand and the techno-bureaucratic structure of forest departments on the other. In addition, the process has remained virtually dead during the last decade due to the Maoist insurgency and the resulting civil war in Nepal, which rendered the government almost non-functional at all levels. The existence of a state within a state (the Maoist people's government and the Nepal government) during the insurgency period not only created difficulties for forest user groups in making decision at the local level about the management of forest resources, but also hindered the whole institutional process of forestry decentralization in Nepal.

Hence many challenges and limitations in community forestry in Nepal are historically rooted in inconsistent policies, unstable broader political governance and a weak institutional structure. Without understanding the context and properly addressing issues beyond forestry, those committed to decentralization of forest governance in Nepal, even in the post-war situation, will not be able to achieve their desired outcomes.

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