

PROTECTING FORESTS, IMPROVING LIVELIHOODS

Community Forestry in Nepal



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Protecting forests, improving livelihoods – Community forestry in Nepal

Authors: Ghan Shyam Pandey & Bijaya Raj Paudyal

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Many of Fern's partner organisations have lobbied for the creation of community forests under the revision of their forest legislation, or as part of the Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement or Reduced Emissions from Deforestation and Degradation (REDD) processes, believing that community forests could allow communities to directly benefit from forest management.

To inform this work, Fern commissioned a series of papers on community forestry policies in four different countries (Cameroon, Guatemala, Mexico, and Nepal). The aim of the papers is to learn from the successes and challenges faced by these existing community forest policies, to help non-governmental organisations in other countries develop, advocate for and implement their own community forest policies.

These papers informed discussions at a workshop held in Brussels in April 2014, which brought together participants from thirty countries to share their understanding and experience of community forestry, and develop action plans for their own countries.

This paper is one of four in this series. The other papers, and further resources on community-based livelihood models, can be found at fern.org/small-scale-livelihoods

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Acronyms

CFUG	Community Forest User Groups
COFSUN	Community-based Forestry Supporters' Network
FAO	UN Food and Agriculture Organisation
FECOFUN	Federation of Community Forest Users of Nepal
GDP	Gross Domestic Product
HIMAWANTI	Himalayan Grassroots Women's Natural Resource Management Association
NAFP	Nepal–Australia Forestry Project
NGO	Non-governmental organisation
SIDA	Swedish International Development Authority

Summary

Community forests have existed in their modern form in Nepal since 1987, when the government began a phased handover of state-owned forests to communities. The government hoped this would be an incentive for communities to conserve and restore what were by that point heavily degraded forests. Under the government policy, communities can apply for an extendable 10-year concession, governed by a constitution and management plan prepared by the communities with the support of government experts. They are free to manage and sell forest resources as they wish.

The policy has achieved high uptake levels, with 30 per cent of Nepal's forests now managed by community user groups. Community forests have been particularly praised for improving environmental quality in mountainous regions where they have reduced erosion, protected watersheds and increased agricultural output. Positive social benefits include increased participation and status of marginalised groups. Community forests have also contributed to local economic development: besides generating income and creating jobs for local communities, they have allowed the development of on-site added-value processing of raw materials.

There have also been challenges. The focus has been on forest protection and not sustainable timber harvesting, meaning communities are missing opportunities to develop economic self-sufficiency. Marginalised groups still face difficulties accessing forest products and markets, and the current community forest model is only available to community groups; there are no options for individuals or households.

Nepal's experience teaches several lessons. First, the importance of political commitment in ensuring the success of community forests; second, involving stakeholders in policy-making ensures buy-in as well as strong policies that reflect experience on the ground; third, strong civil society organisations and community forest networks are vital for awareness-raising, capacity-building, and supporting communities' participation. Community forest policies should actively promote the involvement of marginalised groups: in Nepal, 50 per cent quotas for women at all levels of community forest decision-making bodies have ensured women play a leading role.

The paper concludes with several recommendations for improving community forests: Stakeholder consultation in policy formation still needs to be improved; political commitment needs to be secured at all levels of government; and the economic contribution of community forestry needs to be recognised in the national budget. The environmental contribution should also be better understood: at the moment, creation of strict protected nature reserves is on the rise, and community forests need to be acknowledged as an ecologically-sound alternative. Finally, communities still lack important forest management skills, and need continued support with this.

1 History: Three phases of community forests in Nepal

Definitions

Panchayat: A system of local government widespread in South Asia. It is the smallest unit of government.

Panchayat Forest: any public forest land, barren or with bushes, at least two-thirds of which need planting, which is handed over to the relevant Panchayat.

Panchayat Protected Forest: any public forests which need protection and reforestation and have been handed over to the relevant Panchayat.

1.1 Pre-Panchayat regime (1768–1961)

The king who unified modern Nepal in 1768, Prithivi Narayan Shah, started a system of distributing land in the form of grants to the military, government officials and nobles. Many of these were allocated in forest areas, which were then often deforested as they were brought into cultivation. When the old regime fell in the mid-20th century, these private land grants were nationalised under the 1957 Private Forest Nationalisation Act. However, government control was not effective, due to lack of skilled staff and shortfalls in funding, planning, research, record-keeping and management. In many cases, the old local users retained de facto control over the forests and were not affected by the Nationalisation Act, particularly where forests were managed traditionally by user groups with strong leadership.

1.2 Panchayat regime (1962-1990)

Between 1962 and 1990, the nationalisation of private forests and the rapidly increasing population resulted in a large amount of forest degradation. The lack of private ownership and weak enforcement from the government led to a forest exploitation free-for-all, particularly to meet food, fuel and housing demands. Rapid degradation occurred between 1951 and 1963, which coincided with a period of unstable government.¹

In 1973, the District Forest Offices in two areas joined forces with local people and issued a statement calling for forest protection. This spread to other districts across the country and resulted in the 1976 National Forest Plan, which included an objective for public participation in forestry. It made provisions for the establishment of Panchayat Forests and Panchayat Protected Forests.

In 1976, the UN Food and Agriculture Organisation (FAO) commissioned a study in collaboration with the Swedish International Development Authority (SIDA), which resulted in the landmark document

1 Joshi 1989

*Forestry for Local Community Development.*² In 1978, the government of Nepal brought legislation in line with the 1976 National Forest Plan and the FAO study, and gave local people the responsibility for managing common property.

Case Study: Lessons learned from the Panchayat system

Sano Ban (Pandey Goan) Forest

Sano Ban Community Forest is a Panchayat Forest in the Tukucha Panchayat comprising about 27 hectares. It was created after a detailed survey of the whole Tukucha Panchayat showed that there were 14 patches of forest situated in nine wards, and that some of the dependent populations had been using the forest resources for generations. The forested area was divided into separate sections with separate user groups.

In one area, two user groups claimed use rights and each disputed the claims of the other. The Forest Department and Nepal–Australia Forestry Project (NAFP) staff facilitated negotiations, but ultimately left the settlement of disputes to local initiatives. Visits by the outside parties were initially informal, and formal meetings only took place once the communities had had time to discuss the issues amongst themselves. This seemed to work well and two important lessons were learnt for future Community Forests:

(1) Consensus is an essential part of forest management and this takes time; community consultation cannot be limited to one or a few public meetings.

(2) Obtaining information to develop management plans does not require large meetings or formal surveys. Informal discussions are effective and enable divergent interests to be considered.

A simple management plan was prepared for the Sano Ban Forest and handed over to forest user groups through the Panchayat, which became the first Community Forest User Group-based community forest in Nepal. A number of high-level officials and observers have visited the Tukucha to observe the process and techniques adopted.

1.3 Democratic and Republican Regime (1989 to the present)

In present-day Nepal the term ‘community forest’ means a state-owned forest handed over to a users’ group for development, conservation and use in pursuit of their collective interest. The legal backbone for this was set out in the Forest Act (1993), the Forest Regulation (1995), Guidelines for Community Forestry Inventory (2004), and the Guidelines for Community Forestry Development Program (2009). The government states that it wants to transfer forests to communities in this way to incentivise forest conservation.

The lessons learned from the Sano Ban Forest (see Case Study) have informed modern community forestry policy in Nepal. The main lessons were that forest management should be based on pre-existing user groups rather than political boundaries; that forests should be handed over to the identified users themselves rather than a local government entity; and that existing protection and use activities should be mainstreamed in a newly prepared simple management plan.

In 1989 the Nepalese government endorsed a Master Plan for the Forestry Sector, with principles informed by knowledge gained in the Sano Ban forest and from indigenous systems. The key elements of the community forestry policy are as follows:³

- phased handing over of forests by government to communities, insofar as they are able and willing to manage them
- formulating simple management plans as quickly as possible, with a view to regulating harvesting to stay within sustainable yield for the long term
- retraining the entire staff of the Ministry of Forest and Soil Conservation for their new role as advisors and facilitators to enhance capacity of the local users, rather than policing the forests
- maintaining the ecological and environmental balance and the biological diversity necessary for the sustained well-being of the nation
- evaluating environmental impacts when implementing development programmes
- distributing fuel-efficient stoves to reduce consumption of fuel-wood.

Creation of a community forest

The Forest Act 1993 provided a clear legal basis for community forestry, enabling the government to hand over identified areas of state-owned forest to Community Forest User Groups (CFUGs).

CFUGs are legal, autonomous corporate bodies, governed by a general assembly consisting of all households in the boundaries of the applicant community, and an executive committee chosen by the CFUG through consensus or election. User groups who want to manage a community forest must submit a written application to the government, which then sends a technical expert to help the communities prepare a constitution, respecting the guidelines set out in the Forest Regulations 1995. Decisions must be made on a consensual basis, and boundaries with neighbouring communities must be respected. The CFUG must then prepare a management plan to govern the community forest, also assisted by government staff. The management plan describes the community forest area, and outlines the activities that will take place within it over its ten-year lifetime (though this period can be extended – see below).

What do communities get rights over?

Once created in this way, a CFUG has the full right to manage the forest and use its resources, according to the constitution and forest management plan submitted to the government, and in line with decisions taken by their assemblies.⁴

Activities carried out within the community forest are decided through a participatory process,

3 Nepal HMG 1988

4 Pokharel et al. 2007

based on local needs of users. These may include conservation, timber extraction, agriculture, the rearing of livestock and the collection of non-timber forest products, as well as producing and processing all these products and assets. The CFUG may use these products for their domestic needs; and they have the right to sell forest products according to prices fixed in the management plan. The government taxes such sales at 15 per cent.

CFUGs have the right to the community forest for a maximum period of ten years, with the possibility of extension. The community's right over the forest is thus not an ownership right; the land legally remains the property of the state. This arrangement has not been without controversy. Some non-governmental organisations (NGOs) object to the fact that communities only have limited-term management rights, and call for ownership to be handed over outright.

Management plans

Under the Panchayat regime, the government produced a simple format for the preparation of management plans. However, there were no proper guidelines for conducting inventories of forest resources and users, or about how to involve and empower users. Under the new community forest policy, new interim guidelines were developed. These provided methodologies for conducting forest and user inventories, negotiation procedures, forest development, and management plan preparation, implementation and monitoring.

In 2001 and 2009, the operational guidelines were revised with intensive interaction with stakeholders. The previous guidelines did not sufficiently incorporate communities' opinions or support marginalised groups, and attempts were often made to form user groups before communities were empowered.

The present (2014) guidelines pay close attention to involving marginalised groups, with economic activities, capacity-building, land allocation, and reporting tools developed specifically for their needs.

In particular, the latest community forestry policy has set out quotas for marginalised groups in CFUG management committees. These state that a CFUG management committee must contain at least 50 per cent women representatives, with the remaining 50 per cent including proportionate representation from the poor, lower-caste groups, minority ethnic groups and indigenous people. Either the chairperson or the secretary of the committee must be a woman.

Photo: Antoine Thibaud (Flickr CC)



2 Community forestry in Nepal – Successes

The Nepalese government has identified that about 60 per cent of Nepal's total forest area has the potential for community forestry.⁵ In practice, community forests cover nearly 30 per cent of the total forest area and 48 per cent of the area identified as having the potential for community forests. More than 130,000 user groups are involved in community forestry, with more than two million households benefitting from their management of 1.7 million hectares of community forests.⁶

Community forests have also created natural capital in the form of new forests, and improved existing forest conditions and biodiversity. According to a 2013 report from the Ministry of Forests and Soil Conservation, forest conditions have improved overall since the handover to CFUGs, with 86 per cent showing improvements in forest conditions.⁷ This effect has been particularly pronounced in the mountainous regions, where CFUGs have significantly increased the area of forested land, thus reducing landslides and soil erosion, protecting watersheds, and increasing the country's agricultural output.

In 2011, Nepal's Ministry of Forests and Soil Conservation conducted an in-depth national survey of households in 137 CFUGs across the country,⁸ which concluded that community forests have increased the participation and incomes of the rural poor, women and Dalits (lower-caste groups). Community forests have also enhanced the capacity of local people for planning and implementing forestry and other development work. Their decentralised approach to policy-making and budgeting has made them popular with communities. The economic benefits have been particularly pronounced. Besides the income generated by agriculture and the collection of raw forest products, CFUGs have also been engaged in on-site added-value processing of raw materials, with positive results for local economic development.

The same government report showed that an average of 640 days of employment are created for each CFUG, which at an average salary of US\$2 per day (for unskilled manual labour). The study claims that CFUGs make an average profit of US\$1144 per year, totalling US\$13.7 million for CFUGs across the country. Income generation varies greatly, however, depending on the size of the forests. There are major differences between the income generated by forest areas of more than 100 hectares, and those under.

Currently 25 per cent of total income from the community forest must be used for the management, protection and development of the forest itself; 35 per cent must be mobilised for programmes targeted to marginalised groups, as identified by the government's participatory well-being ranking.⁹ Each CFUG decides how to spend this money, based on government guidelines and its own management plan. Community forest advocates are now arguing that more funds need to be directed towards individual households, rather than primarily being spent on collective forest management and community development.

5 HMGN 1995

6 DoF 2013

7 MFSC 2013

8 MFSC 2013

9 GoN 2009

3 Community forestry in Nepal – Challenges

Although there have been many positive statements made about the effect of community forestry in Nepal, there are also concerns. One complaint is that there has been little promotion of harvesting forest products. This has meant communities have not fully benefitted from the productivity of their forests; it has also increased the risk of forest fires.

Poor households have also faced disadvantages in accessing and purchasing timber. The present policy makes no positive discrimination in their favour, and more needs to be done to ensure they benefit from the sale of forest products. A number of CFUGs have recently initiated such positive discrimination practices; this could be replicated throughout the country.

Another important future step should be the development of private forest ownership for individual households. Community forests, as stated above, only grant management rights to communities. Private ownership would give households full access to forest products, and have direct benefits on their income. Yet there has been insufficient support from the government in developing private ownership. Only 2,455 private forests, covering an area of 2,360 hectares, are registered in the country.

In addition, there is a long way to go before the full potential of community forestry in Nepal is reached. The governmental Department of Forest Research and Surveys found that the total value of forest goods (timber, fuel wood, non-timber forest products, wildlife, and soil) and services (recreation, oxygen production, carbon sequestration and soil conservation) of the forestry sector would be 28 per cent of the total projected Gross Domestic Product (GDP) of Nepal in 2008. However, the current GDP contribution of goods from the forestry sector is only 9.45 per cent. There is a lot of unfulfilled economic potential in Nepal's forests that community forestry has yet to unlock.

Finally, community forest formation has slowed in recent years (as shown in Chart 1 below) due to decreased land availability, inconsistent political will, and reduced funding.

4 Conclusion and recommendations – Reasons for success of community forests in Nepal

Community forestry in Nepal has led to some notable benefits for communities and normally disempowered sectors of society. The successes can be put down to a number of factors, including:

Political commitment

The success of community forestry in Nepal owes much to high levels of political commitment. This was due in large part to the support of civil society and community-based organisations, such as the Federation of Community Forest Users of Nepal (FECOFUN). The government's vision for the forestry sector now includes community forestry as a major component, and gives it high priority and substantial funding in the three-year national plan (2013–2016).¹⁰ It is also conducting capacity-building to help the local districts implement community forestry.

When this political commitment wanes, community forests suffer accordingly. The below chart shows fluctuations in the rate of creation of new community forests since the launch of the policy in 1987:

Chart 1: trends of community forest formation in Nepal

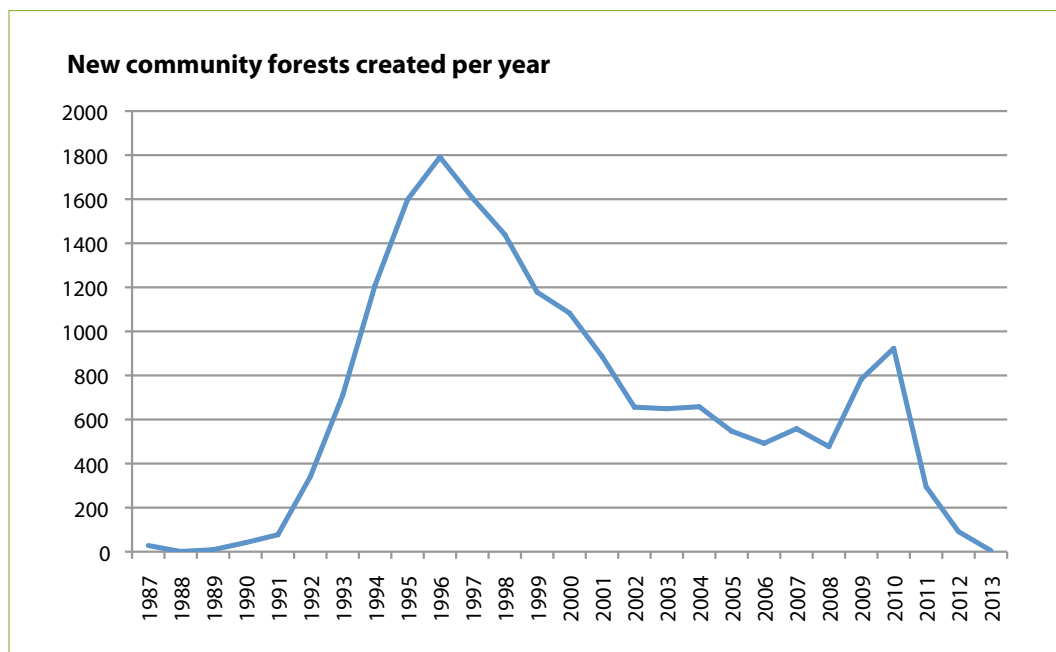


Chart 1 shows that the first community forests were created in 1987, in just a few districts, and rose slowly after the approval of the Master Plan for the forestry sector in 1989. The Forest Act 1993 and the Forest Regulations 1995 jump-started the registration, management planning and handover of community forests. The number of community forests in the country increased dramatically

¹⁰ NPC 2013

between 1991 and 1996, particularly in the easily accessible hill areas. However, due to the ten years of political insurgency that followed, the rate of community forest creation heavily decreased: government staff could not easily move around the country, and the priority of donor partners changed from forestry to peace building. After the success of the second revolution in 2006, the trend seemed to turn upwards again, but was halted by the government passing a policy to stop handing over the forests. This policy was reversed in 2010 and met with an increase in community forest creation, but this again was followed by a policy that has made community forestry creation more complicated and restricted its budget.

This experience shows how important it is that the government and donor institutions maintain high levels of political support for community forestry: if financial support drops, or rules for the creation and management of community forests become too strict, community forests suffer.

Stakeholder involvement in policy-making

Government efforts to actively involve stakeholders in policy formation have also been important. The government worked with NGOs and the private sector to organise national workshops to develop the central policies and regulations now governing community forestry. The first workshop, in 1987, resulted in the Forestry Sector Master Plan. Subsequent workshops have produced the Forest Act and Forest Regulations, and helped to establish FECOFUN's network of community forestry.

Role of civil society

A number of NGOs have emerged to bolster support for community forestry. These have played an important role in creating awareness of community forestry, conducting capacity-building and experience-sharing amongst different CFUGs, and supporting communities' participation in national-level policy-making.

FECOFUN is one of the most significant of these groups. It is a formal network of CFUGs, which strives to promote their rights and strengthen their role in policy-making processes. Since its inception in July 1995, FECOFUN has grown to include nearly 80 per cent of the country's CFUGs, comprising around 10 million people. Another important organisation has been the Community-based Forestry Supporters' Network (COFSUN), an NGO that supports community forestry by promoting experience-sharing and capacity-building among CFUGs. Finally, an important role has been played by the Himalayan Grassroots Women's Natural Resource Management Association (HIMAWANTI), an NGO dedicated to strengthening the role of women in sustainable natural resource management at the grass-roots level.

CFUGs and their networks of supporting NGOs have been effective not only in forest rights campaigns, but also in reforming Nepal's political system. This dialogue has had a positive effect on community forestry. FECOFUN has maintained a style of democratic and inclusive decision-making which, due to FECOFUN's size and influence, has become a role model for government policy formation processes on community forestry.

Involvement of marginalised groups

Active efforts to involve marginalised groups (such as positive discrimination quotas and other legal requirements) have been crucial to the success of community forestry. As a result, more than a thousand CFUGs are headed by women, and this number continues to increase. The process for developing community forest constitutions and management plans allows the most vulnerable to be identified and their varying needs and potential contribution to be understood, permitting the provision of specially targeted support by the government.

Recommendations for improvement

As well as continuing to implement the policies in the ways outlined above, the following recommendations show ways in which community forestry in Nepal can be strengthened:

Improve the consultation process for forming forest policies

Although the government has made efforts to involve stakeholders in policy discussions, ensuring NGOs and communities' knowledge is fully utilised would improve both policies and implementation. It is essential that policies relating to land rights, wood categorisation, royalties for timber and non-timber forest products, benefit-sharing mechanisms, and conversion of community forest land to non-forest purposes are written in conjunction with key stakeholders such as FECOFUN.

Ensure commitment at all levels of government

Despite the strength of the legal framework around community forestry, control continues to be centralised and the government has proved reluctant to hand over community forests to CFUGs. There are frequent failures to finalise the creation of community forests even once they have been successfully registered in the District Forest Office. Thus a large number of CFUGs, despite preparing constitutions and management plans, have not in practice received their community forests.

Meanwhile, the government is allocating community land for non-forestry purposes. FECOFUN has drawn attention to the creation of new settlements and army and police camps in forest areas, and it says that encroachment into forest land is increasing.¹¹ This has been escalated by the failure to implement the national land-use policy, which the government should now focus on as a priority.¹²

Include the economic contribution of community forests in the national budget

The forestry sector, and particularly community forestry, should be a government priority for investment and business promotion. A valuation of forest resources should be conducted, and reflected in the budget as natural capital.

Consider community forestry in place of protected areas

Twenty three per cent of Nepal is already defined as protected areas, and this is on the rise. Community land areas are at risk of being taken over by the government. NGOs have shown that conservation can be achieved through community forestry: local communities have been protecting the forest for many years.

Capacity of CFUGs needs increasing

CFUGs are running their institutions to the best of their abilities, but this is still inadequate for effective forest management. The capacity of CFUGs urgently needs to be increased, particularly to help them develop more scientific forest management and reporting systems.

11 NEFEJ 2012

12 Pandey 2012





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Fern office UK, 1C Fosseyway Business Centre, Stratford Road, Moreton in Marsh, GL56 9NQ, UK

Fern office Brussels, Rue d'Édimbourg 26, 1050 Brussels, Belgium

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