

INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

UMI[®]

Bell & Howell Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600

**FOREST CONTROL, DEVELOPMENT AND
STATE FORMATION IN NEPAL**

by

NEERU SHRESTHA

**Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy
Interdisciplinary PhD Program
Faculty of Graduate Studies**

at
**Dalhousie University
Halifax, Nova Scotia
November 1999**

©Copyright by Neeru Shrestha, 1999



National Library
of Canada

Acquisitions and
Bibliographic Services

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque nationale
du Canada

Acquisitions et
services bibliographiques

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file Votre référence

Our file Notre référence

The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.

The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de cette thèse sous la forme de microfiche/film, de reproduction sur papier ou sur format électronique.

L'auteur conserve la propriété du droit d'auteur qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

0-612-57370-2

Canada

DALHOUSIE UNIVERSITY

FACULTY OF GRADUATE STUDIES

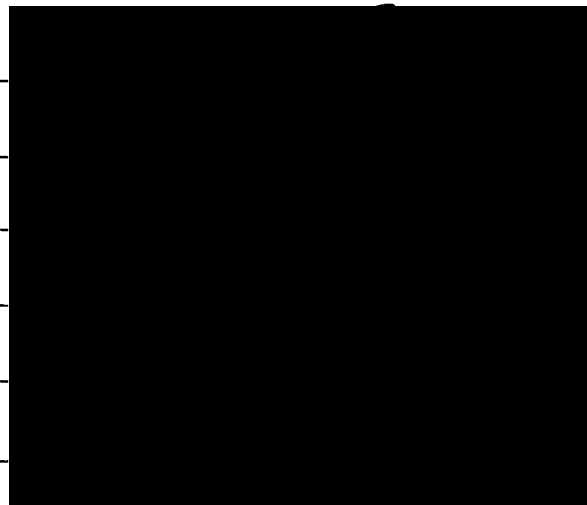
The undersigned hereby certify that they have read and recommend to the Faculty of Graduate Studies for acceptance a thesis entitled "Forest Control, Development and State Formation in Nepal"

by Neeru Shrestha

in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

Dated: November 5, 1999

External Examiner _____
Research Supervisor _____
Examining Committee _____



DALHOUSIE UNIVERSITY

DATE: November 26, 1999

AUTHOR: NEERU SHRESTHA

**TITLE: FOREST CONTROL, DEVELOPMENT AND STATE
FORMATION IN NEPAL**

DEPARTMENT OR SCHOOL: INTERDISCIPLINARY STUDIES

DEGREE: PhD CONVOCATION: May YEAR: 2000

Permission is herewith granted to Dalhousie University to circulate and to have copied for non-commercial purposes, at its discretion, the above title upon the request of individuals or institutions.



Signature of Author

The author reserves other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without the author's written permission.

The author attests that permission has been obtained for the use of any copyrighted material appearing in this thesis (other than brief excerpts requiring only proper acknowledgement in scholarly writing), and that all such use is clearly acknowledged.

DEDICATED TO

Goddess Ajima for her everyday blessing to me, my family, and for strengthening Nepal-Canada relationship.

TABLE OF CONTENTS

TABLE OF CONTENTS	v	
LIST OF TABLES	xii	
LIST OF FIGURES AND BOXES	xiii	
ABSTRACT	xiv	
GLOSSARY	xv	
ABBREVIATIONS	xviii	
ACKNOWLEDGEMENTS	xxi	
Chapter I	INTRODUCTION	
1.1	Introduction	1
1.2	Community Forestry in Nepal	3
1.3	Thesis Argument and Structure	8
	1.3.1 Overall Thesis	8
	1.3.2 Plan of the Thesis	9
1.4	Field Research Methodology	12
1.5	Theoretical Framework	16
	1.5.1 Conceptualizing the State	16
	1.5.2 Modes of State Intensification and their Effects	20
	1.5.3 Development Discourse	22
	1.5.4 Territorialization	27
	1.5.5 Theoretical Departures	29
Chapter II	IMPRINTS OF THE PAST: RELATIONS BETWEEN STATE, PEOPLE AND LAND IN NEPAL	
2.1	Introduction	33
2.2	State Interest in the Governance of People and Land	33
	2.2.1 Prior to Unification as a Nation: the Pre-1769 period	33

2.2.1	Prior to Unification as a Nation: the Pre-1769 period	33
2.2.2	Unification and Expansion of Nepal: 1769-1816	35
2.2.3	The Rise of British Influence and Political Consolidation: 1816 - 1951	41
2.2.4	Towards the Dawn of the Developmental State: 1951-62	48
2.2.4.1	Establishment of Legally-Mandated Civil Service	49
2.2.4.2	Land Reform Measures as Development Needs	49
2.2.4.3	Land Resettlement, Development and the Environment Logic	53
2.2.4.4	The Enactment of Forest Acts and Regulations	55
2.3	Conclusion	58
Chapter III	STATE INTENSIFICATION THROUGH DECENTRALIZATION: 1960s - 1990s	
3.1	Introduction	62
3.2	Decentralization Policies in the Early 1960s	62
3.3	Decentralization in the Late 1960s and 1970s	68
3.4	Decentralization Policies in the 1980s	71
3.4.1	The Remaking of Decentralization Rules and Apparatus	71
3.4.2	The Fear of Decentralization: the Central State and the Donor	76
3.5	Decentralization in the 1990s	77
3.5.1	Decentralization and Local Government	77
3.5.2	Administrative Decentralization in the 1990s	82
3.6	Conclusion	83
Chapter IV	FOREST LAWS AND STATE INTENSIFICATION: 1960s - 1990s	
4.1	Introduction	86
4.2	Forest Laws in the 1960s	87

4.2.1	The Forest Act 1961	87
4.2.2	The Forest Protection (Special Arrangements) Act 1967	89
4.3	Forest Laws and Regulations in the 1970s	91
4.3.1	Forest Products (Sale and Distribution) Regulations 1970	91
4.3.2	National Park and Wildlife Conservation Act 1973	93
4.3.3	Pastureland Nationalization Act 1974	94
4.3.4	Community Forestry: The Panchayat Forest and Panchayat Protected Forest Regulations 1978	95
4.3.5	Leasehold Forest Regulations 1978	101
4.4	Forest Laws and Regulations in the 1980s	101
4.4.1	Soil and Watershed Conservation Act 1982	102
4.4.2	Private Forest Regulations 1984	102
4.5	Forest Laws and Regulations in the 1990s	104
4.5.1	Forest Act 1993 and Forest Regulations 1995	105
4.5.2	Community Forestry Regulations in the 1990s	108
4.5.3	Forest Laws and Gender Insensitivity	111
4.6	Conclusion	112

Chapter V STATE INTENSIFICATION THROUGH FOREST INFORMATION AND PLANNING

5.1	Introduction	114
5.2	The 1964 Forest Survey	114
5.3	Forest Surveys and Mapping in the 1970s and the 1980s	116
5.3.1	The 1977 FAO/UNDP Survey	117
5.3.2	The 1977 LRMP Survey and Master Plan's Forest Estimates	119
5.3.3	Mountain Forest Degradation and Loss: Problem or Crisis?	126
5.4	The Forest Sector Master Plan 1989-2011	128
5.4.1	Reproduction of the Idea of “Environmental Crisis”	128

5.4.2	Immobilized Communities and Immobilized Staff	131
5.4.3	The Gender Concern	132
5.4.4	Planning and Financing Forest Development	133
5.5	Conclusion	137
Chapter VI	WORKING WITH LIMITED POWER: ORGANIZATION AND DIFFERENTIATION OF FOREST BUREAUCRACY	
6.1	Introduction	140
6.2	Territorial Jurisdiction, Goals and Structure of Forest Bureaucracy and the Effects of Reorganization	140
6.2.1	National Forest as the Marker of Territorial Jurisdiction	140
6.2.2	The Goals and Structure of Forest Bureaucracy	142
6.2.3	The Effects of Reorganization	147
6.3	Working with Limited Power: Officials at Different Levels in the Bureaucracy	149
6.3.1	The Forest Guards	150
6.3.2	The Rangers	151
6.3.3	The Illaka Forest Officers	157
6.3.4	The District Forest Officers	158
6.3.5	The Regional Forest Directors	162
6.3.6	The Central Office	163
6.3.7	The Commanding Heights	170
6.4	Conclusion	173
Chapter VII	STAFF DEPLOYMENT, FORESTRY PROJECTS AND FORESTERS' ATTITUDES TOWARDS COMMUNITY FORESTRY	
7.1	Introduction	177

7.2	Revenue Constraint, Forestry Projects and Expansion of Forest Bureaucracy	177
7.2.1	Revenue Constraints and External Assistance in the Forestry Sector	177
7.2.2	Forestry Projects	180
7.2.3	Expansion of Forest Bureaucracy and Staff Deployment	183
7.3	Nepal Hill Community Forestry Project (1989-1996): Program Logic and Forest Handover	186
7.3.1	The Program Logic	186
7.3.2	The Forest Handover	190
7.4	Foresters' Attitudes Towards Communities and Community Forestry	192
7.4.1	The New Advisory Role: Communities in Government Forest	192
7.4.2	Facilitators' Dilemma : Where is it Leading Us?	194
7.4.3	Foresters' Outcry for More Power!	197
7.4.4	Every Tree Has Started to Speak: The Need for Technical Rigour in the Work Plan	200
7.4.5	Sticks in the Hands of the Thieves and Liars	202
7.5	Conclusion	205

**Chapter VIII COMMUNITIES IN COMMUNITY FORESTRY:
CASE STUDIES OF THREE FOREST USER GROUPS
IN CHAUGHARE VDC, LALITPUR DISTRICT**

8.1.	Introduction	208
8.2	A Brief Overview of the Chaughare VDC and Tamang Population	209
8.3	Khor Danda Community Forest User Group Case Study	214
8.3.1	Khor Danda Forest and the Organization of the Forest User Group	214

8.3.2	Writing the Forest Work Plan, the Constitution, and the Objectives of Forest Management	218
8.3.3	The Work Plan: Micro-Partitioning of Forest and Restricting of Forest Use	220
8.3.4	Our Forest But Not Our Forest!	225
8.3.5	Reestablishing Khor Danda Community Forest as Government Forest	227
8.3.6	Quiet Armed Guards in the Unquiet Khor Danda Forest	232
8.3.7	The FUC Appeal to the Regional Forest Director	234
8.3.8	Implications of the Khor Danda Case Study	234
8.4	Lankure Bhanjyang Community Forest User Group Case Study	236
8.4.1	Lankure Bhanjyang Forest and the Organization of the Forest User Group	236
8.4.2	Institutional Arrangements of Forest Control	239
8.4.2.1	Fines and Penalties	239
8.4.2.2	Frequent Forest Users as Members of the Forest User Group Sub-committee	242
8.4.2.3	Watch and Ward the Forest	244
8.4.2.4	Keeping Women as Members of the Forest User Committee	245
8.4.3	Implications of Lankure Bhanjyang Case Study	247
8.5	Latthe Bhanjyang Community Forest User Group Case Study	248
8.5.1	Latthe Bhanjyang Forest and the Organization of Forest User Group	248
8.5.2	The Forest Management Rules and Regulations	251
8.5.3	The Implications of the Latthe Bhanjyang Case Study	253
8.6	Conclusion	254

Chapter IX SUMMING UP THE STUDY

9.1	Introduction	258
-----	--------------	-----

9.2	The Beginning of the Territorial Mode of Control over Forests and Population	260
9.3	Community Forestry in the Context of State Decentralization Policy	262
9.4	From Forest Nationalization to the Re-endorsement of Community Forestry: Laws as Modes of State Intensification	264
9.5	Information, Planning and the Governance of Forests and Population	266
9.6.	Bringing Foresters and the Bureaucracy into Community Forestry Inquiry	267
9.7	Forest Villagers in the Web of Bureaucratic Control	269
9.8	Conclusion and Future Directions for Policy Debate	271
	9.8.1 Conclusion	271
	9.8.2 Future Direction for Policy Debate	271
	ENDNOTES	275
	APPENDICES	
	Appendix 1 Some Recently Completed Forestry Projects in Nepal	295
	Appendix 2 Some Ongoing Community Forestry and Related Projects in Nepal	296
	BIBLIOGRAPHY	299

LIST OF TABLES

Table 5.3.2.1	LRMP Land Use Categories in Nepal by Physiographic Region 1978/79	121
Table 5.3.2.2	Crown Cover Distribution of Natural Forested Land by Physiographic Region 1978/79	122
Table 5.3.2.3	Crown Cover Distribution of Natural Forest in 1978/79 and 1985/86	122
Table 5.3.2.4	Changes in Forest and Scrub Land area 1964-1986	123
Table 5.4.1.1	Structure of Domestic Energy Consumption in Nepal 1980/81-1994/95	129
Table 5.4.3.1	Projected Financial Requirements of the Master Plan for the Forestry Sector	135
Table 5.4.3.2	Projected Financial Requirements of the Community and Private Forestry Program 1989-2010	137
Table 7.2.1.1	Revenue, Expenditure and Foreign Aid in the Forestry Sector: 1975-95	178
Table 7.2.3.1	Structure of MFSC Staff in 1990/91 and 1994/95	183
Table 7.2.3.2	Total DoF Staff in the Central Office, Districts and Training Centres: 1993	184
Table 7.2.3.3	DoF Staff in the District Forest Offices, Illaka Forest Offices and Range Posts: 1993	184
Table 7.3.2.1	Description of Community Forestry in 37 World Bank-sponsored Project Districts	191
Table 8.3.3.1	Khor Danda FUG Rules on Fines and Punishments relating to Forest Use Violations	222
Table 8.4.2.1	Prescription of Fines and Penalties on the Use of the Lankure Bhanjyang Forest	241

LIST OF FIGURES AND BOXES

Figure 6.2.2.1	Organizational Chart: Department of Forests	146
Figure 7.3.1.1	Map of Nepal: Community Forestry Development Projects across Districts	187
Figure 8.2.1	Settlement Map of Chaughare VDC	210
Figure 8.2.2	Chaughare VDC: Location of FUG Forests	213
Figure 8.3.3.1	Micro-partitioning of the Khor Danda Forest	216
Figure 8.4.1	Micro-partitioning of Lankure Bhanjyang FUG Forest	240
Figure 8.5.1	Micro-partitioning of the Latthe Bhanjyang FUG Forest	249
Box 5.4.1.1	Forestry Sector's Contribution Threatened	128
Box 5.4.1.2	People Must Be Educated About the Alarming Soil Conservation Problem	130
Box 5.4.2.1	Mobilization of Community Resources for Forestry Sector Development	131
Box 5.4.3.1	Demonstrating to Communities the Benefits of Proper Management of Natural Forests	134
Box 6.2.3.1	Highlights of the Department of Forests' Organization and Structural Changes 1942-1995	148
Box 6.3.7.1	Behind the Survival of the Nepal Timber Corporation	172
Box 7.3.1.1	The Specific Objectives of the Hill Community Forestry Project	189
Box 7.3.1.2	The Hill Community Forestry Project Credit Agreement: The Financial Covenants Section 4.01	190
Box 7.4.2.1	Community Forestry: Where Is the Honesty of Our Government?	196
Box 7.4.5.1	A Glimpse of a Conversation Between a Forester and a FUG member in a District Forest Office	203
Box 8.3.3.1	Processes to be Followed in Taking Actions Against FUG Members for Forest Rule Violation	223
Box 8.3.3.2	Rules and Agreements Relating to the Management of Khor Danda Forest	224
Box 8.3.3.3	Specific Rules Relating to Forest Product Utilization and Distribution in Khor Danda FUG Forest	225
Box 8.3.5.1	Lalitpur District Forest Office Directives in Relation to Tree Singling and Improvement and Scrub Land Improvement Activities in Community-Managed Forest	231

ABSTRACT

This thesis analyses processes of state formation and intensification in Nepal, taking community forestry as a point of entry. Both the state and communities are seen as disaggregated entities, separated by a blurred and shifting boundary. The state co-ordinates and multiplies power relations, while communities make claims on state services, co-operate with state projects or sabotage, manipulate and resist state regulations, as diverse interests dictate. State formation and intensification is therefore a two way process. On the one hand, the state attempts to regulate, order or intervene in village resource and population matters through planning, legislation and bureaucratization; on the other hand, communities are compelled into the web of bureaucratic relations, but also, at times, elect to forge closer relations with state agencies for their own ends. Grounded in theories of state-society relationships, especially those proposed by Ferguson, Migdal, Peluso and Vandergeest, the study argues that state formation and intensification occurs through two modes -- control over discourse and territorialization -- both of which can mask the political nature of state actions.

Following Ferguson, the study argues that state intensification does not necessarily result in people and resources being co-ordinated or ordered more effectively. Going beyond Ferguson, it argues that intensification of the territorialized and bureaucratized state may arise -- not through extension of control -- but by intensifying the state's presence, most significantly as an abstraction: the benevolent state. State formation and systematization of its regulatory reach reconfigure the division between state and communities.

Organized into nine chapters, the study emphasizes that resource control should be seen in the context of the history of relationships between state, land, and people. It discusses decentralization, legislation, planning, the bureaucratization of resource use, the ambivalent role of forest bureaucrats, and presents three village case studies of community forestry. Sources of data include observation, formal and informal interviews with government officials and villagers, and documents, including legal texts. The study shows that state resource control in Nepal has shifted, since the 1950s, from control through people to a territorial mode; the development of an intensified, bureaucratic, territorialized regime of resource control is continuing.

Community forestry laws -- as with territorialization initiatives elsewhere -- have functioned ambiguously in Nepal. However ineffective the forest bureaucracy in implementation, whatever the conflicts or collaborations between politicians and bureaucrats -- and the support, resistance and manipulation by villagers, including adoption of gendered strategies by the villagers -- the community forestry program has nevertheless become a point of coordination and multiplication of power relations. Communities wishing to maintain a stake in their village forests must place themselves within state bureaucratic channels. Forest villagers and the state, both interested in the natural resource, have no option but to engage with one another through the medium of constantly evolving community forestry policy.

GLOSSARY

<i>Aadesh:</i>	Any directive, instruction or order -- oral or written-- made by the office chief
<i>Aafno-manchhe:</i>	The connections one has to politicians, businessmen, contractors and senior bureaucrats, who can be approached whenever the need arises
<i>Abyabasthit:</i>	Unsystematic or illegal
<i>Asal:</i>	Good
<i>Baaise rajya:</i>	Twenty-two states in the far western hills
<i>Bada hakim:</i>	Governor
<i>Bahun:</i>	A common word used in place of <i>brahman</i> .
<i>Banjh:</i>	<i>Quercus incana</i>
<i>Banmara:</i>	<i>Eurya acuminata</i>
<i>Bhardari sabha:</i>	Assembly of lords
<i>Bighas:</i>	Unit of land measurement (4 bigha=2.7 ha)
<i>Bikas:</i>	Development
<i>Bikasi:</i>	Developed
<i>Birta:</i>	A tax-free land grant to soldiers, priests, nobility or senior office holders
<i>Brahman:</i>	A priest caste among Indo-Aryans
<i>Byabasthit:</i>	Systematic or legal
<i>Chakari:</i>	The ability to conform to a host of cultural rules regarding behaviour toward superiors, such as speaking a certain type of language, with a polite and soft voice, avoiding displeasing superiors by expressing opposition to them
<i>Champ:</i>	<i>Michelia champaca</i>
<i>Chaubise rajya:</i>	Twenty four states west and south of Kathmandu
<i>Chaukidar:</i>	Watcher
<i>Chhetri:</i>	A warrior or royal class in Indo-Aryan group
<i>Chitadar:</i>	Forest watchers
<i>Dalmot:</i>	Fried and spicy lentil dish
<i>Dware:</i>	Government administrators who help a <i>jagirdar</i> in collecting taxes
<i>Gobre salla:</i>	<i>Abies pindrow</i>
<i>Guransh:</i>	<i>Rhododendron arboreum</i>
<i>Gurung:</i>	A mongoloid ethnic group, who live mainly along the southern slopes of the Annapurna Himalaya in west-central Nepal
<i>Guthi:</i>	Religious and charitable associations most common among <i>Newar</i>
<i>Guthiyaa:</i>	A member of the <i>guthi</i>
<i>Ha:</i>	hectare
<i>Hakim:</i>	Civil servant, usually at the gazetted level, who acts as the head of the office
<i>Illaka:</i>	Electoral area of each district

I.Sc.:	Intermediate of Science, a university qualification below the bachelor's level
<i>Jagir</i> :	A tax-free land grant to the civil and military officials for the duration of their service
<i>Jagirdar</i> :	Person receiving land as <i>Jagir</i>
<i>Jhadi sudhar</i> :	Scrub improvement
<i>Jhara</i> :	A form of forced unpaid labour obligation
<i>Jimidar</i> :	A person responsible for collecting revenue who exercises juridical authority within the village. Also an arbiter of caste law, particularly in the case of marriage relations
<i>Jimmawal</i> :	Government officials with the authority to conscript labor for the construction of canals and trails who are also responsible for allocating rice land in various villages
<i>Kafal</i> :	<i>Myrica esculenta</i>
<i>Kajis</i> :	Government administrators
<i>Katus</i> :	<i>Castanopsis species</i>
<i>Kaulo</i> :	<i>Machilus species</i>
<i>Khasru</i> :	<i>Quercus semicarpifolia</i>
<i>Khote salla</i> :	<i>Pinus roxburghii</i>
<i>Kipat</i> :	A form of land occupancy (cultivation), but not the right of ownership over land. The occupancy is not permanent
<i>Kirat Pradesh</i> :	Eastern hill territory settled mainly by mongoloid people
<i>Lankure</i> :	<i>Fraxinus floribunda</i>
<i>Lattha</i> :	Poles
<i>Magar</i> :	Mongoloid people living in the middle and western Nepal
<i>Masine matwali</i> :	Enslavable alcohol drinking group
<i>Matwali</i> :	Alcohol consumer
<i>Mukhiya</i> :	Government officer with the responsibility for assisting in collecting land revenue and keeping population records of the village
<i>Muluki Ain</i> :	National legal code
<i>Namasine matwali</i> :	Non-enslavable alcohol drinking group
<i>Newar</i> :	Mongoloid indigenous people of Kathmandu valley with complex culture
<i>Okhar</i> :	<i>Juglans regia</i>
<i>Pajani</i> :	Scrutiny system
<i>Parbatiya</i> :	Hill people such as <i>bahun</i> , <i>thakuri</i> and <i>chhetri</i>
<i>Petula</i> :	<i>Pinus petula</i>
<i>Prajatantra</i> :	Democracy
<i>Raiker</i> :	Taxable private tenure
<i>Raja</i> :	King
<i>Rakam</i> :	Land tenure developed primarily for defense purposes. <i>Rakam</i> tenants receive inheritable and compulsory labour obligation to the government and also to the <i>birta</i> owners.
<i>Rastriya</i> :	National
<i>Rastriyata</i> :	Nationalism

<i>Ropani:</i>	Unit of land measurement equivalent to about 0.05 hectare
<i>Rs.:</i>	Nepalese currency; the current exchange rate is about Rs 1=C\$ 0.02
<i>Sarkar:</i>	Government, state
<i>Source-force:</i>	Contacts or connections with people in powerful positions which could be used in the fight against competition= <i>afno-manchhe</i>
<i>Sri tin sarkar:</i>	Title taken by the Rana prime ministers to show them as almost equivalent to the king.
<i>Talukdar or subba:</i>	Village head responsible to the government for collecting taxes in <i>kipat</i> villages.
<i>Talukdari:</i>	A system under the control of the <i>talukdar</i> .
<i>Tamang:</i>	A Mongoloid ethnic group living along the high hills east, north, south and west of Kathmandu valley
<i>Thakuri:</i>	A <i>chhetri</i> aristocratic clan name
<i>Tharuwan:</i>	<i>Terai</i> territory settled by indigenous <i>Tharu</i> people

ABBREVIATIONS

ADB:	Asian Development Bank
AFO:	Assistant Forest Officer
AGTC:	Armed Guard Training Centre
AIDA:	Australian International Development Assistance
B.Sc.:	Bachelor of Science
BVNC:	Back to Village National Campaign
CBS:	Central Bureau of Statistics
CDO:	Chief District Officer
CEDA:	Centre for Economic Development and Administration
CFAs:	Community Forestry Assistants
CIAA:	Commission for the Investigation of Abuse of Authority
CIDA:	Canadian International Development Agency
CPFD:	Community and Private Forest Division
CPN:	Communist Party of Nepal
DANIDA:	Danish International Development Agency
DAP:	District Administration Plan
DDC:	District Development Committee
DDG:	Deputy Director General
DDP:	District Development Plan
DFO:	District Forest Officer
DG:	Director General
DoF:	Department of Forests
DNPWC:	Department of National Parks and Wildlife Conservation
DSCWM:	Department of Soil Conservation and Watershed Management
EC:	Election Commission
EEC:	European Economic Community
ESCAP:	United Nations Economic and Social Commission for Asia and Pacific
FA:	Forest Act
FAO:	United Nations Food and Agricultural Organization
FC:	Fuelwood Corporation
FECOFUN:	National Federation of Community Forest User Groups
FG:	Forest Guard
FINNIDA:	Finnish International Development Agency
FPDB:	Forest Product Development Board
FSP:	Forestry Sector Policy
FSRO:	Forest Survey and Research Office
FUC:	Forest Users Committee
FUG:	Forest Users Group
GDP:	Gross Domestic Product
GIS:	Geographic Information System
HMGN:	His Majesty's Government of Nepal

ICIMOD:	International Centre for Integrated Mountain Development
IDA:	International Development Assistance
IDS:	Integrated Development System
IFAD:	International Fund for Agricultural Development
INGOs:	International Non-Governmental Organizations
IoF:	Institute of Forestry.
IPDD:	Integrated Panchayat Development Design
IRDP:	Integrated Rural Development Program
IUCN:	International Union for the Conservation of Nature
JICA:	Japanese International Cooperation Agency
LDF:	Local Development Fund
LDO:	Local Development Officer
LRMP:	Land Resource Mapping Project
MFSC:	Ministry of Forest and Soil Conservation
MLD:	Ministry of Local Development
MoF:	Ministry of Finance
MPLD:	Ministry of Panchayat and Local Development
NAFP:	Nepal Australia Forestry Project
NCIs:	Non-cultivated inclusions
NF:	National Forest
NGOs:	Non-Governmental Organizations
NPC:	National Planning Commission
NPWC:	National Park and Wildlife Conservation
NSP:	Nepal Sadbhavana Party
ODA:	Overseas Development Assistance
PAC:	Public Account Committee
PDDP:	Participatory District Development Program
PF:	Panchayat Forest
PPF:	Panchayat Protected Forest
PTD:	Planning and Training Division
RPP:	<i>Rastriya Prajatantra</i> Party (National Democratic Party)
RTC:	Regional Training Centre
SAL:	Structural Adjustment Loan
SAP:	Structural Adjustment Program
SDC:	Swiss Development Cooperation
SDR:	Special Drawing Rights
SLI:	Scrub Land Improvement
SWCA:	Soil and Watershed Conservation Act
TA:	Technical Assistant
TCN:	Timber Corporation of Nepal
TECOFAT:	Terai Community Forestry Action Team
TI:	Tree improvement
TS:	Tree singling
UML:	United Marxist-Leninist party
UNDP:	United Nations Development Program

USAID: United States International Development Agency
VDC: Village Development Committee
WATCH: Women Acting Together for Change
WECS: Water and Energy Commission Secretariat
WWW: World Wide Web

ACKNOWLEDGEMENTS

What is deep in the heart cannot be adequately expressed. Thesis writing is a lengthy journey, but enjoyable when surrounded with people who are kind, understanding and encouraging. My supervisor, Tania Li has always given me creative suggestions, insights, and encouragement. My supervisory committee members, Paul Huber, Barry Lesser, Fay Cohen and Jane Parpart, have made invaluable contributions. Paul Huber helped with editing and made suggestions. Barry Lesser's many detailed comments helped me sharpen my arguments. Jane Parpart has been a constant inspiration. She has treated me as a companion in intellectual development and enriched me with good ideas. Fay Cohen's encouraging words maintained my confidence. She provided good comments and advised on protecting the confidentiality of respondents. I also got good advice from Paul Brown during the early stage of my research.

Exceptionally kind to me have been Alasdair and Carol Sinclair, who treated me like a family member. Bea McGrath, whom I have to call every night, lest she worry, has mothered me. Ian McAllister originated the idea of Nepal Project, which sponsored my study in Canada; I thank him, Jeannette and Karen for their help and hospitality. Gouranga and Shailaja Rao have also been very kind and caring. Thanks are also due to Tony and Liz Tillett, who made the early part of my study in Halifax enjoyable. I also want to thank Eva Huber, Victor Li, Donna Lesser, Tim Shaw and Audrey Maw.

I owe a special debt to Kathleen, a great friend whom I adore. Yuanyuan, Nina, Faruq, Jose, Mukut, Dave, Jimmy, Carmen, Reshmi, Mukesh, Pat, Nancy, Karen, Heather, Monique and many others have made my stay in Halifax very enjoyable. I particularly want to thank Dawn and Cheryl sincerely for their kind help in formatting and producing the thesis.

Especially I want to state how much I owe to Rajendra, my best friend, for his support, affection, advice and help in data collection and processing. He has been a constant source of inspiration. Sincere thanks to Suresh for helping me collect data. I owe both him and

Ishwor thanks for helping me draw maps of the study villages. Thanks also to all my respondents: officials in the Department of Forests, Ministry of Forests, District Forest Offices, Illaka Forest Offices and Range Posts and other government offices; and also to the people in Chaughare, Lamatar and Kakani villages. Amrit Joshi in the Ministry of Forests and Manohar Shrestha in the Department of Forests were, in particular, very helpful. Officials at the World Bank, Nepal Australia Forestry Project and Swiss Development Cooperation Offices in Kathmandu also helped. Above all, I am indebted to the Canadian International Development Agency for financial support for my study in Canada. The International Development Research Centre (IDRC) provided me partial financial support for my field research in Nepal, for which I am grateful. IDRC support also enabled me to seek advice from Piers Blaikie, David Seddon, Katrina Brown, Gill Shepherd and Yam Malla in the United Kingdom. I also want to acknowledge with gratitude the financial support provided by the Faculty of Graduate Studies at Dalhousie University. I owe to the Executive Directors, Centre for Economic Development and Administration (CEDA), Tribhuvan University, Nepal for giving me the opportunity to study at Dalhousie. Special thanks to Dr. Pushkar Bajracharya and colleagues at CEDA for their support and encouragement. I appreciate the affection and advice of Hari Upadhyaya.

My parents, sister, brother-in-law, brothers and sisters-in-law, nieces, nephew, aunts and cousins deserve sincere thanks for their love, concern and encouragement. My brother Nebin helped me in accessing village level census data from the Central Bureau of Statistics and helped processing it. I remember my father's frustration: "Government can not do on its own ... but it does not let us do as well." My uncle Hiranya asked me out of the blue on two different occasions: "What is structural adjustment? ... What is a forest?" These insightful observations and questions affected my thinking about community forestry in the context of state formation. How I wish my uncle were still alive to see this study completed. My grandma always said she would no longer be living by the time I would come back after completing my PhD. Sadly, it came true. But I can feel their presence and blessing all the time. For all your incredible support and kindness, may God bless each of you: my respondents, professors, friends and family!

CHAPTER I

INTRODUCTION

1.1 Introduction

Nepal, like many other countries, has embraced the idea that the state should be responsible for bringing about development. But the Nepalese state has encountered more failures than successes in implementing development programs. Failures have not shaken confidence over the idea of development, however. They have rather led to a continuous effort to fix problems by finding the causes of failure, improving planning, finding the right organization, training in the right skills and providing the right resources and administration. What does this pattern of repeated failure and renewed effort say about our almost half a century experience of development planning and administration? Why has the pattern persisted despite the improved technological base and the availability of foreign assistance to nurture development?

Raising questions about the effects of development may not be popular, especially when many practitioners believe that environmentally sensitive, participatory and decentralized efforts will pave the way for sustainable development in both Western and non-Western countries, including Nepal. Nevertheless, it is necessary to look at development initiatives beyond their professed intentions. Some questions that might be posed include: What are the effects of failed development? Why is the Nepalese state so attuned to the need for development and making such persistent efforts to bring it about? Do failed development initiatives undermine the legitimacy and the strength of the Nepalese state in governing its people and resources?

Since the *Stockholm Conference* of 1972, environmental concerns have appeared in the official discourse of many modern states. The appearance of the Brundtland Report -*Our Common Future*- in 1987 made environment a dominant concern of development. The Brundtland Report argued that poverty is a major cause and effect of environmental problems

(WCED, 1987: 3). The Report saw the poor not only as agents but as victims, forced to degrade the environment in order to survive, and locked into a downward spiral of environmental degradation. Such a circular link running from poverty to environmental degradation to poverty has been widely posited since 1987 (Leonard 1989; Lele 1991; Blaikie and Brookfield 1987). In much conventional discussion of public policy, a consensus has emerged regarding the need to address poverty and environmental degradation as a joint problem. Some literature implicitly challenges Brundtland's idea of poverty as cause and effect of environmental problems, ascribes the state's failure to a lack of understanding of the rural poor, and posits the rural poor as actors for environmental integrity (Korten 1986; Bromley and Cernea 1989; Guha 1989; Ghai 1994). Some explain development failure as the result of the marginalization of the rural poor (Mink 1993; Pearce and Warford 1993; Sunderlin 1993), unequal power among individuals in terms of class, ethnicity, gender and age (Agarwal 1991, 1994; Shah and Shah 1995) and the tendency of powerful groups to grab resources and obstruct state policies which challenge entrenched inequalities in rural districts (Goetz and O'Brien 1995). There are vast bodies of literature which analyse the problems of development and which accurately identify many of the problems. But they seldom question the idea of development nor examine the effects of failed development. They take the professed intentions of development as given and indicate that development fails because of problems which are complicated but solvable. This idea of "development fix" confirms the necessity of renewed efforts in the name of development and justifies continued and intensified state attention.

Nepal is not alone in making an endless effort to find the correct way to bring about development, and the vast literature on development problems clearly indicates that it would be unfair to label the Nepalese state as an isolated case of development failure. The pattern of development problem and fix is exemplified in a study by DasGupta and Maler:

Development economics for the most part has failed to recognize renewable resources as economic goods. Yet the lives of the poor in developing countries are intimately tied to the fate of their local common property resources - soil, fuelwood, water, and so on. Ignoring the loss of common-property renewable resources (via deregulation, centralization, or privatization) in calculations of net national product can mask the destruction

of resources available to a country's poor behind the false appearance of a growing national economy. ... [There is a need to] include the local commons in the national income accounting of capital assets ... [and also to realize that] the interests of those most dependent on the increasingly scarce local commons will be best served by placing control in their hands, while the central governments provide infrastructure and educational support (DasGupta and Maler 1991: 1).

In this case, the authors highlight the problem of local dependency on common property resources, the need of greening national income accounting, the devolution of control to local hands while central government facilitates local control by providing infrastructure and educational support. Like the literature mentioned above, DasGupta and Maler also have solutions to the particular development problems they have identified. There is thus a common structure in the literature; many development practitioners and even critics take the professed goals of development initiatives as given. They identify one or other problem then propose a solution. Nepal's community forestry is not an exception to this.

1.2 Community Forestry in Nepal

Community forestry needs to be seen in the broader context of environment and development policy in Nepal and as part of the long term decentralization program of the Nepalese state. Looking at community forestry in isolation from overall forest policy and its historical context might give us the impression that the only new policy directive in the forestry sector is community forestry. Reference to broader policies and activities is also necessary in order to gain a perspective in which community forestry is not simply taken for granted as revolutionary and favourable, as it tends to be in much of the literature on community forestry in Nepal.

Community forestry is only one among many approaches to forest management and development in Nepal. It has a spatial dimension. Although the forest law is neutral about this spatial dimension, community forestry is encouraged in the mountain regions rather than the *Terai* i.e. the lowland area which enjoy easy access to market, roads and productive

forests.¹ Most of the Terai's productive forests are either government-managed, leased to foreign companies or set aside as World Heritage sites or protected areas. The declaration of Chitwan as a World Heritage Site in 1984, and the increasing protest from communities and other agencies against the leasing of Terai forest to foreign companies are indicators of divergent agendas for the Terai, but community forestry is usually not among the alternatives that the government considers.

Community forestry has been mandated in Nepal's forest law since the early 1960s. Then and now it was seen as part of the decentralization program, which included decentralized management of resources through the inclusion of local bodies in forest decision making.² Its objective is to meet local forest (subsistence) needs and also to reverse environmental degradation. More recently, community forestry has been seen as a means to empower local forest user groups by giving them the responsibility to manage local forests so that they not only meet their subsistence needs but also generate income, and undertake community development based on sustainable use and management of forest resources.

Community forestry is one of several development policies in Nepal that have been and continue to be influenced by the global debate on environment and development. The discussions on community forestry took on a new urgency in Nepal in the late 1970s with the advent of the theory of *Himalayan environmental degradation* (Gilmour 1990: 153).³ In response to a perceived crisis, community forestry development projects were initiated in the hill regions of Nepal. Local people were paid in cash and kind for their involvement in these state-sponsored community forestry initiatives, although ongoing indigenous forestry practices were ignored. Cash payment for conservation was later discontinued after the advent of what may be called the *responsibilization theorem*. Under this theorem, it is the moral responsibility of mountain villagers to take care of their forest resources. Ignoring indigenous practices and also ignoring the complex causes of forest loss, which includes official land and forest policies, this *responsibilization theorem* suggests that victims should take charge of reversing environmental degradation without depending upon state agencies for support.

Recent advocates of community forestry suggest that Nepalese rural communities are willing and able to manage the forests but the forest bureaucracy stands in their way.⁴ They see local indigenous forest management systems as equitable and environmentally conservative (Arnold and Campbell 1985; Messerschmidt 1986, 1988; Chhetri and Pandey 1992). They argue that various forest policies have failed to recognize the autonomous existence of an indigenous forestry management system and merely replaced it with an imposed one. This imposed system did not take into account the heterogenous nature of communities, or the socio-economic differentials based on caste, gender, age and the level of social influence etc (Fisher 1989b; King, Hobley and Gilmour 1990; Gilmour 1990).⁵ In their attempt to show policy failure, these studies focused their attention on communities and on the forests. Inquiry into the policies and activities of the state appears in this literature only as a reference to show that state agencies have failed to properly recognize and nurture community forestry in Nepal.

Most of the studies which refer to state agencies in the implementation of community forestry attempt to show that the forest agency possesses neither the resources -- human and financial -- nor the capacity to manage and closely monitor a new community-level structure imposed over the indigenous system. In other words, poor administrative capability, not the state in itself, is the problem. These studies indicate that there are some good forest officials who have the desire to improve the situation and at the same time improve the quality of their own work experience (King, Hobley and Gilmour 1990; Pokharel 1997). But the forest agency, in general, lacks an effective incentive system (e.g., good salary, recognition of meritorious service) to encourage such officials in good performance and to achieve administrative excellence. This literature locates failures in weak administrative capacity and the inevitable misunderstandings and conflicts that arise during transition from a forest-centred to a people-centred approach to forest development (Fisher 1989b; Gilmour, King and Hobley 1989).

Institutional incompatibility thus becomes an important new theorem to complement the responsabilization theorem that emerged after the advent and collapse of the Himalayan

degradation theorem. It suggests that community forestry has not worked out well because the forest agency has not yet understood and internalized how to run a community-oriented forestry program. So the forest agency is committing an administrative mistake by retaining excessive control over forest decision-making even after handing over forest management responsibility to the communities (Gronow 1987; Fisher 1989a; Fox and Fisher 1990; Gilmour and Fisher 1991; Ghimire 1992). This theorem suggests that community forestry policy is good but it is administered in the wrong way because forest officials do not have appropriate incentives and training to handle community forestry. In other words, due to lack of knowledge and incentives, forest officials continue to set agenda for community forestry and intervene in its operation whenever any diversion from the priorities of the forest agency occur in the field. This theorem points out implementation weaknesses, but does not question the professed goals of state agencies in undertaking community forestry initiatives.

Pushed by the institutional incompatibility theorem, the most recent official discourse on community forestry incorporates the forest agency's commitment to bring change in its bureaucratic culture and stresses that the state should play only an advisory role in the implementation of the community forestry program. Thus a new theorem has emerged, which I will call the *state advisory* theorem. This theorem regards a favourable link between communities and state agencies as a necessary condition to make community forestry a success.⁶ The suggestion is not that the state should withdraw, but rather that it should reorient its officials to accept their changed roles. As an advisor, the state appears as an entity constituted to give advice; so it should be consulted regularly by the communities for opinions or recommendations about future actions or behaviour in implementing community forestry. This view of the government as advisor implies that communities should continue to seek expert advice from the forest agency even if the forest is devolved to them for management.

Under the advisory role, reorientation training for forest officials is an important element (Gronow and Shrestha 1990; King, Hobley and Gilmour 1990; Messerschmidt 1994) and so are the processes of community forestry operation such as user group identification, user

decision making and conflict resolution mechanisms, etc. (Bartlett and Malla 1992). Some literature suggests that building a favourable link between the state (i.e. the advisor) and the communities (i.e. the advisees) is still mere wishful thinking. This is because, although an advisory role is propagated, the bureaucratic culture has not changed; it still operates within a *hakim* culture⁷ (a quasi-feudal system). Hence, it is inflexible in operation, and at the field level, it is often captured by local elites (Shephard 1995; Pokharel 1997). Although some field staff have been able to develop bridges between themselves and the communities, the prevalence of *hakim* culture results in complications and contradictions in community forestry implementation (Pokharel, 1997).

The general problem of government inefficiency affects community forestry and all other government operations. It is present in every government and semi-government office. Many studies on Nepal's bureaucracy have shown that the multiple layers of central level bureaucracy along with its historical legacy of *chakari*,⁸ patronage and caste-based rules, have resulted in excessive centralized control of resources and staff, slow decision making, poor inter-agency coordination, subjective and politicized promotion and posting practices, and have impeded progress of development projects (Evans *et al* 1993; Gyawali 1989; HMGN/NPC/IUCN 1991: 28). Some literature points out that the Nepalese bureaucracy is a foreign imposition which appears modern in structure but in practice operates within a traditional political culture⁹ which functions by creating shortages, extracting revenues (Justice 1986: 22) and restricting access to natural resources for political and economic advantage (HMGN/NPC/IUCN 1991:26-27). It lacks operational funds, skilled personnel -- especially in rural areas -- and has no modern sense of public responsibility, professionalism and accountability (HMGN/NPC/IUCN 1991:26-27; Justice 1986).¹⁰ Increasing donor resources injected into the bureaucracy have only expanded its size to accommodate these funds, not its performance (HMGN/NPC/IUCN 1991; Seddon 1987; Pandey 1989).

With development programs in general, including those in community forestry, bureaucratic inefficiency is seen as a solvable technical problem. The recommended fix consists of various administrative reforms and capacity building measures that increase professionalism,

efficiency, transparency and accountability in the bureaucratic system. Bureaucracy is taken for granted; only its operation and inefficiency are questioned. This study will show that expansion of state bureaucratic reach is inevitable and does not imply a vicious or dictatorial state. State intensification is also not a one-way imposition of “state” control over the “society”, but a two-way process in which the state tries to regulate resources and population through various means, including legislation, bureaucratization and planning, and the villagers come into the web of bureaucratic relations to ask for access to services in their villages. The argument is in the context of forestry, in particular the community forestry program.

The goal of this study is to understand processes of state formation; for the analysis, I take community forestry as a point of entry. Hence, it is not a case study of community forestry in Nepal in a conventional sense: It neither provides technical details about community forestry planning nor emphasizes on assessing community forestry in terms of program objectives and goals. Furthermore, the study’s theoretical point of departure differs greatly from previous studies of community forestry and bureaucracy in Nepal. It seeks to show that construction of development as a series of technical problems is necessary for the modern Nepalese state to expand its administrative reach. Through control over discourse, problems are identified which invoke a need for remedy (the development fix) by the state, which in turn obscures the political nature of state activities. Formation and expansion of administrative reach are acts of territorialization: a systematic form of governance which operates by organizing, reorganizing and asserting control over population and resources.

1.3 Thesis Argument and Structure

1.3.1 Overall Thesis

This thesis will argue that there has been a consistent process in Nepal since (about) the 1950s of formation of a 'modern' form of bureaucratic state power. A key dimension of this process has been territorialization: the intensification of the state presence in ordering and

reordering the population and resources on a territorialized basis, which involves the construction of an administrative grid across the territory and other procedures to map, classify, assign and regulate. This process has occurred not in overtly political or politicized ways, but through the identification (and construction) of various 'technical' problems (environment, population, poverty, inefficient or unclear land laws, inefficient and corrupt bureaucracy, excessively ambitious communities, elite land grabbing, etc.) which require intensified bureaucratic attention for their solution. These problems are presented through discourses which are state-controlled, and which may refer to social or cultural deficiencies similarly in need of rectification. To understand this process, it is necessary to pay less attention to the professed intentions of various state agencies, and the written plans and blueprints themselves, and to pay more attention to the *effects* of these various initiatives. Community forestry, although heralded as a major departure from previous modes of state forest control and a model of people-centred and gender-sensitive development, turns out, in the end, to have rather similar effects: the expansion of the state bureaucratic presence in general, and the intensification of its territorial dimension in particular. However, this is not a seamless, complete, coordinated or conflict-free process but one which is complex, contested and unfinished. It involves not so much the imposition of the state on communities but rather a reworking of state-community relations. Analysis of this process must therefore question the boundary between state and communities.

1.3.2 Plan of the Thesis

This study is composed of nine chapters. Chapter One is an introductory chapter which presents the rationale of the study, a statement of the thesis and the thesis structure, the theoretical framework and the methods of data collection.

Chapter Two provides a historical overview of the relations between state, people and land in four periods: 1) prior to 1769, 2) 1769-1816, 3) 1816-1951 and 4) 1951-62. This shows that various governing regimes in Nepal have used rights over land and forests as a mechanism of rule. However, prior to 1951, state control over land was a means to another

end, i.e., to protect and expand exterior borders, gain revenue and secure labour and loyalty. These earlier regimes did not seek to exercise control over population and resources in the systematic ways characteristic of 'modern' bureaucratic state systems- i.e., through territorialization. Since 1951, the construction of technical problems justifying the need for bureaucratic intervention has become an important component of the constitution of the modern forms of rule.

Chapter Three describes various decentralization initiatives undertaken in Nepal since the 1960s and argues that decentralization to 'local' levels is not about a transfer of power, but rather its systematization and intensification. This is a form of territorialization, operating in this case not through the systematic control over natural resources but rather through an intensification and systematization of the administrative reach of the central government by the division of abstract space into an administrative system organized on a territorial grid. This chapter shows that decentralization initiatives have remained complex, contested and unfinished. It suggests that community forestry can be seen as part of this long term decentralization initiative, one which potentially carries the same set of contradictions. Although community forestry may be presented and seen as a 'new' departure with promises to 'give more control to the people,' the effect, instead, could be an increase in state bureaucratic power, and its systematic reach into all corners of the nations' territory and the lives of every citizen.

Chapter Four shows that forest and people in Nepal are increasingly governed in a territorialized form of ruling. It explains forest laws and rules introduced between 1957 and 1995. It shows that there is a continuity in the formulation and prescription of forest laws in Nepal. It argues that the prescription of more sophisticated rules, together with the discourse on forest protection and participation provided both a legitimizing rhetoric and a legal and administrative framework for the territorialization process that occurred under the umbrella of 'forestry'. This chapter also shows that as the problems were constructed as technical and solvable, the intensification of the state remained masked, as the impression

was given that the forest agency was merely trying to find the best set of law and rules to bring justice and development to the people and the forest.

Chapter Five explains the effects of forest surveys and the forest master plan in intensifying the territorialization of the state. It continues to develop the argument that territorialization has intensified through bureaucratic mechanisms and the proliferation of information. It shows that while information is central to demonstrate the forest agency's capacity for planning and action, it also facilitates territorialization of rule. This chapter argues that discursive production of truth in forestry planning helps legitimize state continuity and is a part of the formation of the state.

Chapter Six shows that despite continuous redrawing of its organizational chart the forest department lacks clarity in its organizational structure, in defining the functions and authorities of officials at different levels in the bureaucracy, and in differentiating administration, management and development functions. Explaining that forest bureaucracy is finding it difficult to cope with increasing demand for community forestry, this chapter suggests that intensification of the forest bureaucracy is not a one-way action of the state being imposed over the society, but also reflects the fact that local people ask for it. It shows that forest bureaucracy is an arena wherein the relations of rule are continuously reworked and reassessed and revenue generation, although important, is negotiated and compromised.

Chapter Seven shows that despite an emphasis on its facilitator role, the forest agency continues to be interested in keeping people away from the forests. This is evident from the composition of the staff, where the number of armed forest guards is quite high compared to the number of rangers. Forestry development projects launched with external aid have assisted intensification of the forest agency at the village level and have enmeshed people and forests in bureaucratic relations. Community forestry is working, but in unanticipated ways, and the forest agency is searching for renewed modes of control. The terrain of social and local community relations is becoming the new domain of intervention for the forest bureaucracy, a new array of "unfinished" business.

Chapter Eight shows that Tamangs, the socially and politically oppressed population of Chaughare villages, are competing for access to community forest by organizing themselves into forest user groups. This chapter argues that community forestry has made village forestry activities more concentrated and noticeable but at the same time has induced resource conflict. Through the requirement of Work Plan and Constitution the forest agency is intensifying its reach over forest and the people in Chaughare and is influencing these peoples' every day lives by partitioning the forests into different blocks and making detailed rules on how each block should be managed. Devolution of forest management responsibility has come with more obligations rather than any immediate benefits. This chapter shows that community forestry has tied up forest users in the bureaucratic rules and requirements of the forest agency; failure to comply with these bureaucratic rules has led to the reversion of community forest to government forest, as suggested by the case of the Khor Danda community forest.

Chapter Nine provides conclusions and a synthesis of the study. It concludes that community forestry, as a part of the long term territorialization process, has intensified bureaucratic presence and has tied up villagers in bureaucratic relations. This has worked out not as a one way imposition of the state on communities but rather through a reworking of state-community relations in establishing an orderly administration of forests in the villages. Understanding state intensification requires investigating how rule is accomplished; for that purpose not just the forest villagers, but the foresters and the bureaucracy need to be at the centre of the inquiry. Chapter Nine also poses a number of questions for those who believe that community forestry is about bringing positive change in the community.

1.4 Field Research Methodology

Field research was carried out over a period of seven months, between November 1995 and June 1996 in Nepal. Field study was conducted at two levels: the state and community forest user groups; however, there was no extensive primary research in forest villages. Interviews with forest officials and user groups were carried out to gain an understanding of the

processes of policy making and implementation and the assumptions behind those processes. Aside from interviews and observation, collection of relevant documentation: laws, regulations, policy and project documents, research reports and other relevant materials was part of the data-gathering process. This study is thus a mixture of a close analysis of policy documents and legal texts, and the interpretation of the results of interviews, personal observations and informal data-gathering in the field and with forest officials.

A disaggregated concept of the state and of the community was followed. Migdal (1994) classified state agencies into four levels: the trenches, the dispersed field office, the central offices and the commanding heights. Such disaggregation helps to understand how different levels of forest bureaucracy interact among themselves and what the officials within this bureaucratic system believe about community forestry implementation.

At the central level, documents on community forestry were reviewed, senior and middle level government officials working in the Department of Forests and the Ministry of Forests were approached and various forestry project offices (e.g. Nepal Australia Forestry Project; Nepal UK Community Forestry Project; Swiss Development Cooperation; Community Forestry Development Project, Hattisar) were visited. These visits provided ideas about potential interviewees. My involvement with community forestry research dating from the mid-1980s enabled me to reconnect with various government officials to get informal opinions. A review of articles written by forestry officials in the *Nepal Journal of Forestry* and the *Banko Jankari* also was helpful. Through the combination of these processes, a group of well-informed government forestry officials were selected as formal interviewees. These officials were provided with the open-ended interview questions beforehand, which served the purpose of helping the interviewee know the kind of information being sought, thereby making the interview more focused.

Identification of these interviewees could be regarded as a learning-by-doing process. In total, twenty-eight forest officials at six different levels in the bureaucratic hierarchy were interviewed in depth. Each was informed in writing regarding the nature, the objectives, the

sources of funding and the ethical safeguards of the research project. In some cases, time constraints forced the interview to be broken into parts, requiring multiple visits to be completed. Since decisions at the National Planning Commission and at the Ministry of Finance (especially in the budget and the foreign aid sections), also affect the forest sector, appropriate government officials in these organizations were also interviewed, as were some officials from donor agencies involved in community forestry.

In the field, forest officials in the district forest offices, illaka offices and range posts were interviewed. In addition, forest officials at the village, district and central levels were observed engaging with each other and communicating with forest users that came to their offices for various reasons. Merely listening quietly in the district offices and at the central office of the Department of Forests provided many insights about the complexities of community forestry implementation and deepened my understanding of the responses given during semi-formal interviews. I also participated as an observer in community forestry workshops and network meetings organized by the Department of Forests and its district offices.

In preparation for the community-level research, I visited three village development committees (VDCs), each consisting of nine villages (wards): Kakani in the Nuwakot district and Lamatar and Chaughare in the Lalitpur district. I had done research a decade ago in Kakani VDC and hoped that updating it would provide comparative data for my analysis. Research of community forest user groups in Lalitpur district was suggested by senior administrators in the Department of Forests. The Centre for Environment and Agricultural Policy Research and Extension (CEAPRED), an NGO with which I was associated, operates a Women Vegetable Farming and Marketing Program in Lamatar VDC; choice of that VDC might help both CEAPRED and myself^{d1}, I thought. Chaughare VDC, a remote area in the Lalitpur district seldom visited by outsiders, was not recommended for my study by senior officials. However, while visiting the Lalitpur district forest office, officials mentioned that the Department of Forests had reclaimed the Khor Danda Community Forest as government forest and had sent four armed forest guards to protect the Khor Danda forest. Intrigued, I

decided to visit Chaughare and see for myself. After this preliminary visit, I decided to concentrate on Chaughare for my village-level study of interactions between forest users groups and the forest bureaucracy. Of the four forest user groups in Chaughare VDC, I selected three for this study: Khor Danda, Lankure Bhanjyang and Latthe Bhanjyang.

I attempted to learn about community-forest-state interactions through observation at the community level and through semi-formal and informal interviews with forest user groups. Records and minutes of meetings of the user groups were also an important source of information. Informal conversational-type interviews, including story telling, were conducted. The first step was to visit the secretaries of the VDCs and the political leaders of the village and inform them about the purpose of the visit and request them to provide access to their official data. The local village level government agencies including forestry, agriculture, livestock, health and banks were visited to gather basic information about the village. Visits in these offices provided a sketch map of the village, as well as a general information on agriculture, livestock and forest, forest users groups and ideas about possible key informants in the village. The key informants included formal and informal village leaders and other influential people. With the help of these various agencies and individuals, rough but detailed maps of the VDCs were sketched. Through mapping exercises and the informal chats at tea-stalls, we built rapport with villagers, which became the basis for detailed study later. Listening in the tea-stall to people talking and arguing gave us many ideas about the village.

Two of my colleagues from the Centre for Economic Development and Administration (CEDA), Tribhuvan University, Nepal, who helped me gather data, gave particularly good advice on approaching users groups effectively. The forest users or villagers became more cooperative when we visited them at their homes, showed interest in their problems and families and attended village ceremonies. We offered some cigarettes and snacks such as tea, cookies, beaten rice and fried lentils (*dalmot*) to the respondents during the course of interviewing as a token of appreciation for their time and cooperations. Particularly, with cigarettes as an enticement (one stick at a time), not only men but also women were willing

to talk with us and gave different stories and information as they smoked. Once finished they would ask for another cigarette. We informed our interviewees regarding the nature and the objectives of our research, advised them that they were not obliged to participate, and told them they could refuse to answer particular questions and could stop the interview at any time. The data gathered in this way prove too voluminous; hence, only selected information specific to forest users groups of Chaughare VDC is presented in this study. These data help build the argument about the villagers' responses to community forestry and illustrate the nature of villagers' engagement and disengagement with the forestry bureaucracy.

The forest user group members and committee leaders were interviewed about the status of the forest, their compliance with forest management rules and regulations, the decision-making process, the nature of forestry cooperation and conflicts, resolution of conflicts, relationships with the forest agency and other villagers and the gender dimension. The forest user committee members, in particular, were requested to provide us their minute books and official documents including Work Plans and Constitutions. The Community Forestry Work Plans and Constitutions in Chaughare and Pandali VDCs in Lalitpur district were more informative and detailed than those available in Kakani VDC, Nuwakot district.

1.5 Theoretical Framework

This section provides the theoretical framework of the study. It is divided into three subsections: 1) conceptualizing the state; 2) modes of state intensification and its effects; and 3) theoretical departures.

1.5.1 Conceptualizing the State

The Concise Oxford Dictionary (1990: 1190) defines the state as an organized political community under one government. Migdal (1988: 19) defines the state as an organization with the ability or authority to make binding rules for society and the ability to enforce its rule. His definition of the state links clearly to the concept of capabilities. He defines state

strength or capabilities as "the ability of state leaders to use the agencies of the state to get people in the society to do what they want them to do." (1988: xiii). He emphasizes four main capabilities as state strengths: 1) capacity to penetrate society; 2) capacity to regulate social relationships; 3) capacity to extract resources; and 4) capacity to appropriate or use resources in determined ways. The states which have these four strengths are strong states; others are weak states.

Drawing on the ideas of Max Weber, many consider territorial integrity, the making of rules on how people should behave and the claim of legitimacy in the exercise of coercion, as defining characteristics of the modern state (Migdal 1988, 1994; Midgley 1986; Skocpol 1979; Barber 1989).

A monopoly of legitimate coercion does not imply a state's autonomy from society. Migdal (1988, 1994) notes that the state may fail, succeed and/or make compromises in regulating society but social forces may cooperate, resist or try to redirect state resources and policies in their own interest. He argues (1988: xvii):

There is a need constantly to look back and forth between the top reaches of the state and local society. One must see how the organization of society even in remote areas, may dictate the character and capabilities of politics at the centre, as well as how the state (often in unintended ways) changes society.

He believes that state and social forces may not only alter each other but even encroach in ways that affect their very integrity. His later study (1994) emphasizes the need to understand the relationship not just between the top level or the central state and societies but between various disaggregated layers of the state and society. He shows that the study of the disaggregated state allows us to view the state not as an entity separate from society but as a part of it. He suggests that the boundary between the two changes or shifts in the course of their engagement with each other. Migdal notes (1994: 26):

Although state leaders may seek to represent themselves as distinct from society and standing above it, the state is, in fact, yet another organization in society. And, as one organization among many, it is subject to the pushes

and pulls in society's arenas that can change the line between it and other social forces.

As Migdal suggests, the understanding of societal processes and the disaggregation of state agencies is necessary in conceptualizing the state. He rightly suggests that the state is enmeshed with society as society is with the state. Gupta (1995: 376) also argues that the conventional distinction between state and civil society, on which a large portion of the literature on the state is based, needs to be reexamined. He emphasizes the need for an ethnographic study of the state which examines the everyday practices of local bureaucracies and the localized embodiment and the discursive construction of the state, rather than seeing the state as a monolithic and unitary entity. He thus confirms the need to problematise the analytical separation of state and society. The state has to be conceptualized not as an entity in opposition to society, but as itself composed of bundles of social practices. Gupta shows that at the local level, the state is completely enmeshed with the society and the boundaries between the two are very blurred. He notes (1995: 377):

Instead of attempting to search for the local level or grassroots conception of the state as if it encapsulated its own reality and treating "the local" as an unproblematic and coherent spatial unit, we must pay attention to the "multiply mediated" contexts through which the state comes to be constructed.

Gupta sees discourse of corruption as a context in which villagers construct the idea of the state (Gupta 1995: 376).

Just as there may be groups within society which would resist or manipulate state policies and programs, there may also be factions within a state that vary in their power vis-a-vis each other, as well as in their power to impose their will on society (Peluso 1991: 4). Pluralist and public choice theories similarly suggest that the state is a heterogenous entity composed of elected public officials who seek to use public resources to stay in power, non-elected officials who respond to the pushes of interest groups to seek rents, and self-interested individuals who compete and coalesce around organized interest to use money, expertise, political connections, votes and other resources to extract benefits or rents from government (Grindle and Thomas 1991: 24-26). As inefficiency and corruption come to be viewed as

an inevitable feature of state agencies, these theories - especially pluralist theories - advocate less state intervention. Although these theorists advocate less state intervention, in practice the need for government regulation and monitoring in itself becomes another form of state intervention.

Many statist, including Migdal (1988) and Skocpol (1985), point out that states have always been critical and direct agents of socio-economic change; they suggest the need to bring the state back into the society. Even though statist argue that state and society influence each other, in general they privilege the study of states and their role in society. In advocating "bringing the state back in", they overlook the fact that there is a blurred boundary between state and society especially at the village level and that in certain fields of activity the state has never departed from the society.

According to Pathak (1994), the state can be conceptualized through two categories: the abstract state (i.e an unapproachable entity) and the real state (i.e an approachable entity -the state services). Villagers deal with the real state in concrete terms by making claims over state provision and services where possible, sabotage these services if it is required and succumb to it if nothing else works. But villagers also have an idea of the *sarkar*, an unapproachable or abstract state which they always hope, respect, honour (Pathak 1994: 15). The villagers' idea of this abstract and honourable state, coupled with their claim over the real state, implies that state intensification is not an one way process of the state imposed over the community. Rather state intensification is a two way process of the state trying to intensify its presence in the villages and the villagers asking for access to the state services in their villages, constructing their own ideas of the state in their day- to-day encounter with the state agencies in the villages.

The concept of the abstract state is very important. The idea that *sarkar* exists to promote the betterment of society invokes a continuous presence of the state in the control of people and resources. The symbolic identity of *sarkar* as a desirable and respectable entity is a powerful tool that justifies the need for the state even though the initiatives organized by

state agencies might have failed time and again. Pathak's concept of the abstract state highlights the symbolic necessity of a good and just state and at the same time suggests how this abstractness itself permits the proliferation of the state bureaucratic apparatus, i.e., the agency with which the people deal in real life; one which exists to implement the policies and rules of the (abstract) state. In other words, a state system appears, i.e. a good and just state with (imperfect but improvable) rules and policies, with a bureaucratic structure to design and enforce such rules for the good of the society. This study concerns the formation and intensification of the state-system in both its aspects: the intensified presence of the abstract state or the idea of the state and the intensification of the bureaucratic processes which comprise the real state, the one actually encountered in daily life.

1.5.2 Modes of State Intensification and their Effects

The statist approaches examined in the previous section have a common assumption that the ability to effect changes in the social and natural environment through the exercise of authority, coercion and incentive is the central defining characteristic of the state. These approaches debate the degree of autonomy of the state from society but always see the state as an entity having authority to exercise power, if necessary, through coercion. In other words, these approaches see the state as a repository of power. The question here is: if the state is not autonomous from society and if state and society influence each other, then how can it be assumed that the state is a source of power? Drawing ideas from Foucault, Ferguson says (1994: 272):

The state is not necessarily an entity that "has" or does not "have" power and state power is not a substance possessed by those individuals and groups who benefit from it. The state is neither the source of power nor simply the projection of the power of an interested subject (ruling group, etc). Rather than an entity "holding" or "exercising" power, it may be more fruitful to think of the state as instead forming a relay or point of coordination and multiplication of power relations.

Ferguson's idea that the state is not an entity "having" or "not having" power offers a way out of the impasse posed by statist theories. The statist's claim that the state is enmeshed

with society, or the emerging "state-in-society" approach which sees the state as transformed by its interaction with society and vice versa, make it more logical to conceive of the state as a point of coordination and multiplication of power relations rather than seeing the state, in and of itself, as a source of power. The questions then are: What are the effects of state intervention? How are the power relations coordinated and multiplied? What are the modes of expansion of state power?

According to Ferguson, an important characteristic mode of expansion of state power in the modern era is the construction of technical problems, implying the need for remedy by the state. Another is territorialization, the process of organizing resources and population according to bureaucratic schemes (Vandergeest and Peluso 1995). Both these modes provide the state with a rationale for interventions and enable it to present its activities in terms other than the naked pursuit of power. The construction of technical problems as a point of entry not only provides a modern state with the means and opportunity for the intensification of state bureaucratic presence, but the power-laden effects of the intensification process are disguised. This is because the impression is given that all these activities are not about the state and the expansion of state power but about fixing problems e.g., bringing development or managing forests. The issue is not whether the promise to fix problems or bring development is legitimate. Nor is there any implication that the state is conspiratorial or evil. State promises of development could be well-intended and legitimate. But the processes involved in the construction of the development problem, the context in which government bureaucrats and villagers act and the government norms and rules that villagers must follow at each step in gaining access to development services tie these villagers more strongly than before to the bureaucratic state. In other words, bureaucratic domination and control over village people and resources persist, despite the impression given by the government that it is merely asking people to comply with rules and regulations that every modern state prescribes. This way of fulfilling the state's duty expands the bureaucratic apparatus and the numbers of bureaucrats wielding power in their own ways (Ferguson 1994).

The two effects of constituting technical points of intervention, according to Ferguson, are: 1) the expansion and entrenchment of state bureaucratic power; and 2) depoliticization of the state expansion. Similar effects of bureaucratic expansion also occur through processes of territorialization which give an impression that the state is merely organizing and ordering peoples' lives and their use of resources. Territorialization will be discussed further later in this chapter.

Note that the expansion of bureaucratic state power does not necessarily result in people and resources being centrally coordinated or controlled more efficiently. Instead, bureaucratic expansion means that more power relations are referred through state channels through controlled knowledge, normalization and bureaucratization embedded in the discursive construction of technical problems, of which the most general is "development" (Ferguson 1994: 273; Escobar 1995: 53; Li 1999a, 1999b).

1.5.3 Development Discourse:

A modern state which seeks to intensify its control also tends to take charge of discourse. Discourse is a combination of three elements: values and ideology; language; and communication (Barber 1989: 34). Through control over discourse, the state indicates its changing interest in resource control and asserts its continuous presence in social action, especially by presenting the local population, local resources, local systems of knowledge, culture and social arrangements as manageable objects. It creates a concept or space in which only certain things can be thought, said and imagined (Escobar 1984-85, 1995; 1997; Ferguson 1994). This suggests that in order to understand modern states, one needs to go beyond the professed intentions of the development initiatives undertaken by various state agencies- such as those expressed in their written plans and blueprints. One must look at the effects of such initiatives, the system of relations established among the various elements and the construction of discourse itself (Escobar 1997: 87; Ferguson 1994, 1997).

Discursive production of truths, e.g. the effects of population growth on resources or the environmental crisis, can be encountered in many official documents produced by departments (e.g. forestry) of modern states, including Nepal. Countering state discourses, many authors argue that the environmental crisis, which appears to demand a strong conservation response, may itself be exaggerated, misperceived, or even fabricated (Enters 1994; Leach and Fairhead 1994; Li 1997a; 1997b). The question is, why? In ordinary language, the term "crisis" means a time of danger or great difficulty, a turning point or a decisive moment. According to Pathak, the word "crisis" in official language means only a "problem", but modern states label problems as "crises" because by such labelling, they mobilize aggressive responses and legitimise extreme initiatives (1994: 9). In other words by relabelling a problem a "crisis", a modern state is trying to find new ways for intensifying its presence and therefore its power.

By discursively constructing problems as "crises", modern states preclude any problem resolution without the institution of the state (Pathak 1994: 8-10). The discursive constructions enable the state to maintain a duality by culturally legitimizing the idea that the state is good, just and compassionate; if it does not appear to be so, it is due to the inefficiency of lower officials (Pathak 1994: 15), which is an implementation failure. There are instances where initiatives undertaken by the state deprive peasants of their livelihood but through its control over discourse, the state nonetheless projects itself as a benevolent entity concerned for the economic and social life of its people, and thereby justifies further entrenchment of bureaucratic control (Pathak 1994; Ferguson 1994).

Modern state systems do not necessarily result from a master plan of the state which leads to its expansion. There are branches of government, different departments; in them are various individuals, ideas and mechanisms for the expansion of state power. Bureaucrats of modern state systems have their own world views and perceptions of problems; they may differ and even engage in conflict. Their thoughts and actions are powerfully shaped by -- but simultaneously shape -- the truths generated by the discursive construction of knowledge and realities. What bureaucrats do and do not do results not only from the interests of

various nations, classes or international agencies but also from working out this complex structure of discursive knowledge (Ferguson 1994: 18; Escobar 1995). It is also an outcome of the negotiations and compromises that occur during interfaces with local knowledge and communities (Pathak 1994; Pokharel 1997; Arce and Long 1992; Nugent 1994; Migdal 1994).

Even while arguing that the state is not an entity that 'has' or does not 'have' power, some analyses of the state end up positing the bureaucratic state as an all-powerful entity with the superiority of its own wisdom and beyond influence and impervious to local knowledge (Ferguson 1994; Escobar 1995, 1997). A boundary between the state and the community, and between their two distinct systems of knowledge, i.e superior scientific knowledge and an overlooked local indigenous knowledge, comes into the picture as if the entities on either side of that boundary are non-interactive with each other. The literature which focuses on the discursive aspects of knowledge-power often assumes enormous power on the part of an external state or world-system, against which they attempt to reemphasize indigenous knowledge, local autonomy and cultural identity and to present communities as anti-state. This neglects many local peoples' movements that make claims upon the state for access to modernity and the benefits of fuller citizenship (Schuurman 1993: 27; Li 1997a: 75-76; Rangan 1993; Sinha *et al.* 1997; Grillo 1997). So while attending to the discursive construction of knowledge and power is an important analytical tool in understanding the state, it is necessary to go beyond this and bring into focus the complexities of state-community relations. Problematizing the boundary between the state and community becomes another tool for the analysis of the state and its intensification.

An oppositional model of state-society relations underlies most contemporary discussions of environmental movements. In this literature, communities are often presented as opposing the state and the market in order to preserve their own traditional practices and institutions. This literature romanticizes local willingness, local wisdom and capacities, characterizing locals as "virtuous" and the state as "vicious" (Bernstein 1990). It has caused a shift in development thinking towards putting local people, their subsistence needs and their

knowledge first, therefore crafting development and conservation initiatives more carefully (Arnold and Campbell 1985; Chambers 1983; Rew 1997; Pottier 1997; Ostrom 1992; McKean and Ostrom 1995). The rural poor become the centre of attention. Although the emphasis is on putting the rural poor and rural knowledge at the centre of the enquiry, there is still an assumption that local knowledge in itself is not enough and the state should come in with development initiatives which carefully incorporate local concerns. For example, Blaikie and Brookfield (1987: 245) and Blaikie (1985) in their discussion of land degradation emphasize that local land managers should be the central policy concern, but they also suggest that local knowledge is not enough to remedy the problem of land degradation, otherwise the land degradation would not have occurred in the first place. Such a view ignores situations in which local people have the knowledge but lack the resources and power to implement their knowledge (Sunderlin 1993: 12). Constructing development as a problem of a simple micro (local) - macro (state) duality implies that such problems could be fixed by changes in institutions, rules and policies of the state, including, if required, the demand that the state should keep more distance from communities. Of course, one can not deny that changes that take place over the command of resources are the part of the changes in policy/rules or institutions themselves. While villagers decide to cope with the reality of the expanding bureaucracy and agree outwardly with all the prescription of rules and policies in relation to improve their command over resources, they also manipulate prescribed rules and institutions for their own benefit. As there is always a need to fix problems, changes in state policies and institutions become unfinished and ongoing.

State expansion begins initially in the elites of stratified local communities. This is because, as history suggests, the central government in many countries has maintained connections with particular local elites through clientelistic ties while it has only nominal control over the land on which they live. But these local elites do not necessarily have access to political power, and often struggle among themselves to control the local apparatus of the state (Nugent 1994: 337). As Pathak suggests, the local elite strata in itself has a contradictory character: it is an outpost of the state and a part of the village community (Pathak 1994: 14). Meeting elites' needs is not necessarily the goal of "the state" but an initial step to inserting

itself deeper into communities. This is one way in which the relationship between the state and communities goes beyond the macro - micro duality. It is a spectrum of linkages among the state, the market and local stratified societies with cooperation, conflict and negotiation taking place all the time (Agrawal 1997; Grillo 1997; Li 1997a; Nugent 1994; Pathak 1994; Richards 1993).

Community organizations do not operate in isolation from the state and the market; their boundaries and identity are often constituted in, and through, the same processes by which the state is imagined, built, reproduced, transformed and intensified (Gupta 1995; Jessop 1990: 342; Li 1997a). As defining a boundary is problematic, state interventions such as decentralization, which assume a definite boundary between state and community, cannot be taken at face value as mechanisms which transfer power from the state system to communities.

Community-based resource management initiatives, such as community forestry programs, are usually seen as examples of decentralization -- the shift in power to communities -- to ensure resource sustainability, economic justice and social equity (Agrawal 1997; Duinker 1998; Duinker, Matkala and Zhang 1991, Duinker *et al.* 1994, 1998; Gilmour, King and Hopley 1989; King, Hopley and Gilmour 1990; Smith 1994). But decentralization initiatives are not necessarily about transferring power from the state to communities, nor are they about creating or supporting community institutions. Decentralization has been promoted because of the problems with decisions made by 'distant' states; yet it often re-centralizes with one hand when it devolves with the other, locating control firmly in the hands of state agencies (Li 1997b: 9-10; Ribot 1995; 1996; 1997b: 3; Ferguson 1994). This happens, in part, because the entities imagined in the advocacy literature as pristine communities are themselves the creation of a long history of state territorialization projects (Vandergeest and Peluso 1995; Vandergeest 1996; Li 1997a).

1.5.4 Territorialization

Territorialization is a normal activity of modern states. "Modern states divide their territories into complex and overlapping political and economic zones, rearrange people and resources within these units, and create regulations delineating how and by whom these areas can be used" (Vandergeest and Peluso 1995: 387). Territorialization is thus about the systematic governance of the population, ordering where people live, how they live, how they use resources, etc. It is a mechanism to organize, reorganize and assert control over people and resources. It involves both the communication and the enforcement of state rights over land and people. It pins people into places; fixes and enforces local administrative boundaries; surveys and lists both the people and the resources; prescribes various rules and regulations; and enforces the rules through many government departments, each with different and possibly conflicting approaches (Vandergeest and Peluso 1995).

Territorialization initiatives may be guided by a profit motive, a search for revenues to support the state administration or simply by the need to assert state authority over territory. According to Vandergeest (1996: 160-161), territorialization of land in countries such as Thailand occurred in three stages: 1) declaring all unoccupied land as state forests, 2) restricting local use by mapping land into reserve and permanent forests 3) remapping the area on scientific criteria and then prescribing and proscribing particular activities and formulating laws and rules towards it. Territorialization can thus take two forms: inclusion and exclusion (Menzies 1992). Under inclusion a modern state encourages the settlement of marginal or frontier or wild land with people who have links to the centre through various activities including agricultural development and land redistribution schemes. Alternatively, it may undertake an exclusion strategy by declaring land to be state property, by drawing boundaries around it, and restricting entry to such land.

There is no necessary pattern, such as inclusion coming prior to exclusion or vice versa. Both inclusion and exclusion might occur in cyclical fashion, depending upon the sophistication of technologies developed and accessible to the modern state, and external

agendas and assistance. New technologies for mapping and surveying land, new information and new methods to collect information are always available, so the territorialization process has a beginning but no end. Information gathering, surveillance, planning, and the design of institutions are instances of, and vehicles for, the exercise of power (Escobar 1995; Ferguson 1994; Li 1997a).

Apart from the proliferation of information, information technologies and external aid, administrative inefficiency and interbureaucratic competition also keep territorialization projects unfinished and ongoing, as there is always work to be done to clean up the old mess and to accomplish new things by reorganizing the inefficient bureaucracy and modifying laws and rules accordingly.

Prescription and proscription through laws and rules, as discussed earlier, are parts of territorializing activities. Laws and rules are the primary mode of discourse for defining the geographical extent of territory and for regulating behaviour within it (Barber 1989: 34). State institutions which implement laws, rules and policies take the form of bureaucracy. Bureaucracy is often defined as a provider of services, facilitator of economic development and a keeper of peace: tasks which bureaucracy often fails to achieve. There is a host of instrumental uses to which bureaucracy is put. It has often been observed that these include practices which benefit some individuals or groups within and outside the bureaucratic apparatus but are detrimental to others. These observations lead to proposals for increased efficiency and accountability. But it is significant that, even when bureaucracy and its regulations are inefficient, the state presence is still increased as the bureaucracy operates as the vehicle through which the modern state expresses its presence, existence and necessity. Bureaucratic expansion is hence a characteristic feature of the intensification of the territorial presence of the modern state.

Varied degrees of resistance and cooperation from local communities are other factors that make territorialization complex and unfinished. Local configurations of power and property play a decisive role in enabling or disabling territorialization projects (Nugent 1994: 356-

357). Local people routinely present their claims in a rhetoric of community, invoking as appropriate, the local, national and global resonances of that term and appealing to the state to provide them with state services (Li 1996, 1999a, 1999b; Nugent and Alonso 1994; Nugent 1994; Agrawal 1999). Local people could feel that engagement with state institutions liberates, coerces or contradicts local interests. There is no necessary pattern or sequence; the relationship depends upon what communities are expecting from state agencies and vice versa. Local people might oppose a certain state agency but at the same time, look to another unit of the state to meet their needs. They may even use the powers vested in one state institution against another for such purposes (Li 1997a; Gupta 1995; Leach, Mearns and Scoones 1997; Nugent 1994). One needs to note that while local people might organize themselves to complain and make claims on different layers of state agencies, the states' territorializing strategy also has the potential to displace local power groups in the community. The displacement of local power groups could weaken local organizing capacity. Nevertheless, the displacement of local power groups may also enable the state to present itself as a good state.

1.5.5 Theoretical Departures

This section introduces some of the ways in which I will draw upon and extend the theoretical ideas of the various authors mentioned in the previous section.

I agree with many authors, including Migdal (1988, 1994), that the state is not autonomous from society and that states and societies have to be viewed as inter-enmeshed. I also agree that the state should be disaggregated for the purpose of analysis and attention paid to the blurred and moving boundaries between state and society. Expanding on Migdal's (1994) argument, it seems useful to consider the possibility that a blurred and moving boundary exists not only between state and society but even within the state apparatus itself. It will be useful to examine instances of "fuzzy" roles and responsibilities across various line agencies of the state apparatus and rethink whether such fuzziness is merely an example of

poor organizational capability or whether it has the effect of intensifying the state, since fixing bad organization may become a technical point of intervention.

I have problems with the theory of state strength and weakness invoked by Migdal (1988,1994), especially his argument that even a seemingly pervasive, domineering and efficacious state in the end could turn out to have only a limited effect. The problem lies with Migdal's concept of state strength. Migdal seems to suggest that state presence is intensified only if it succeeds in achieving the professed goals of state-initiated development. To develop a broader view of state strength, we need to link Migdal's argument with Ferguson's (1994) inquiry about whether the state apparatus is really set up to do its stated job. The state apparatus might fail to achieve its professed goals not because the society is stronger than the state but because the state apparatus in itself is not set up to be effective. This could be more than a matter of "weak state and strong society". In other words, what Migdal sees as a weakness of the state might turn out to be its strength: an important part of the mechanism through which it intensifies its presence in ordering population and resources. Thus, irrespective of whether state agencies achieve their stated goals, the presence of the state in society is intensified.

Similarly, I draw on, but also want to go beyond, the territorialization ideas of Vandergeest and Peluso. According to Vandergeest and Peluso (1995), territorialization is about actual control over population and resources and it fails primarily because of resistance from society. But some different considerations emerge if territorialization is viewed not as a mechanism for extending control but rather as a mechanism for intensifying the state presence. If it is about the expansion of control, then would failed initiatives not stop the state from undertaking further territorializing activities? This is because failures would delegitimize the state and thereby reduce its capability to enforce territorial control. Why should the state delegitimize itself by undertaking a series of failed initiatives, which indicate time and again that the state is not in fact able to reorder the world according to its plans? In other words, if it is about extending control, then its non-enforceability should bring an end to territorialization efforts.

However, even after a series of failures, it seems that modern states always find new points of entry to extend their territorial reach: failures pave the way for new points of entry. Here we need to relate territorialization to the previously described concepts such as technical point of entry, control over discourse, and the fuzzy boundary between state and society. As discussed before, the construction of problems as technical inadequacies provides the state with an opportunity to convince people that technical inadequacies have to be solved in order to achieve the goals of development. Solving problems is presented as the moral duty of the state. The construction of technical problems thus implies the need for remedy by the state, and thereby keeps the territorialization process ongoing and incomplete. Territorialization which is never complete would mean that control is not achieved, but nonetheless, the presence of the state is intensified.

Territorialization and the control over discourse are interrelated. Territorialization projects proceed with the discursive production of truth. The communication and enforcement of territorialization initiatives might deprive people of access to resources, but it is justified by producing the truth that this is a necessary step to bring a crisis under control. Through control over discourse, modern states not only communicate and enforce territorialization but also give an impression that the state is concerned to solve problems and is merely doing its job.

Territorialization is also linked to the issue of state-society boundaries. As discussed earlier, the boundary between state and community is the creation of the long history of state territorialization projects including inclusion-exclusion strategies. Under territorialization schemes, modern states divide abstract space into a territorial grid for administrative purposes. Development initiatives are administered or launched taking into account these abstract spaces, which include the boundaries between communities and the state (e.g. through declaring land a state-forest) and the boundaries among various communities as well. These abstract boundaries created by the state diverge from the actual boundaries as lived and experienced by people in a particular place, so any program initiated without taking adequate account of the lived experiences of space will fail because of contestation,

confusion or because of competition over claims on development resources. This means that not only the creation of boundaries through territorialization projects is problematic, but that further territorialization becomes necessary, so that the confusion over boundaries can be resolved. Territorialization continues and the reach of the state is intensified in the process.

Relating territorialization to the boundary problem, control over discourse, and the concept of technical points of entry raises the possibility that territorialization may not necessarily expand state control as Vandergeest and Peluso argue, but rather may intensify the state presence through the proliferation of attempts to order and reorder communities and resources. This is the possibility that I explore by examining the role of territorialization in intensifying the state presence in ordering and reordering population and forest resources in Nepal.

Similarly, while I draw on Ferguson's ideas about the congealing of power relations, the importance of technical points of entry, the depoliticization and the entrenchment of state bureaucratic power, I find that they need to be slightly reformulated. I would like to examine the possibility that a technical point of entry might be equally significant in legitimating and extending the idea of the abstract state, as it is in extending and entrenching bureaucratic power itself. The bureaucratic apparatus might expand but this does not mean that it operates or can operate according to existing aims, rules and regulations. Ferguson acknowledges this: a modern state often fails to do what it proposes. He argues that bureaucratic power (i.e. capacity to do things) is not expanded, but the bureaucratic state apparatus is certainly intensified. The idea I will explore is that the main effect of bureaucratic expansion is to implant and reiterate the idea that "the state" exists to do important work. Therefore, the presence of the state is intensified, most significantly, in the form of the idea of the state. The legitimacy of the state and the need for regulations follow in circular fashion. In this manner, forest control and development can be seen not just as activities of the state, but as elements in the ongoing process of state formation.

CHAPTER II

IMPRINTS OF THE PAST: RELATIONS BETWEEN STATE, PEOPLE AND LAND IN NEPAL

2.1 Introduction

This chapter provides a historical overview of the relationships between state, people and land in Nepal in four periods: 1) prior to 1769, 2) 1769-1816, 3) 1816-1951 and 4) 1951-1962 and shows that the various governing regimes have used rights over land and forests as a mechanism of rule. However, earlier regimes did not seek to exercise control over population and resources in the systematic ways characteristic of "modern" bureaucratic state systems, that is, through territorialization. Instead, prior to 1951, state control over land was a means toward other ends, such as protecting and expanding national boundaries, gaining revenue, securing labour and ensuring loyalty. Subsequent to 1951, the perception arose that state intervention was required to achieve development; this justified the need for bureaucratic intervention which became an important component of modern forms of rule.

2.2 State Interest in the Governance of People and Land

2.2.1 Prior to Unification as a Nation: the pre-1769 period

Prior to 1769, hundreds of princes ruled in the various principalities that uneasily coexisted in the territory which comprises modern Nepal.¹² Among these mini-states, those in the Kathmandu valley were relatively prosperous. The Terai was a disputed region.¹³ Nepalese society at that time was not closed, nor was it opposed in principle to market exchange. Indeed, some literature suggests that there was significant trade between Tibet and Nepal prior to 1769 (Joshi and Rose 1966; Rose 1971; Seddon 1987; Sanwal 1993). Silver coinage of the Malla kings who ruled the Kathmandu valley was used as the medium of exchange in many regions within Nepal and also in Tibet. Along with trade and commerce, intensive and productive farming, often involving very well-developed irrigation systems and strict

regulation of the use of water (Seddon 1987), dominated the economy. Manufacturing and metal working were also economically significant. While some groups were linked closely by market and trading networks with other regions of Nepal and with the Indo-Gangetic plains and even Central Asia, other parts of Nepal had difficult access to market, however. Furthermore, there was little political cohesion among the various principalities and some intense rivalries (Joshi and Rose 1966: 4). Hence, increasing control over land was regarded as an important means to secure labour and loyalty for the various rulers who were seeking to protect or to expand the boundaries of their domains. Even prior to 1769, the fairly high degree of territorial control over land is evident in the development of a complex land tenure system. Land was an important source of revenue as well.

In general, five different forms of land tenure prevailed in Nepal prior to 1769: *raiker*, *birta*, *guthi*, *kipat* and *jagir*.¹⁴ *Birta* refers to a tax-free land grant to soldiers, priests, nobility or senior office holders. *Birta* holders were eligible to own *birta* land forever or until otherwise reclaimed or confiscated by the king. Forests or wildland were often included in *birta*. Like *birta*, *jagir* was also tax-free land. Civil and military officials were entitled to get land grants as *jagir* for the duration of their service. *Jagirdars*, the grantees of *jagir*, received all the benefits of the land if they or their family tilled it themselves. If tenants farmed it, the *jagirdars* could exact 50 percent of the crop. In addition to the *jagir*, a *jagirdar* was allowed to reclaim an unlimited amount of new land without payment of any additional tax to the king. The other important system of land tenure, *guthi*,¹⁵ included both agriculture and forest land. Religious and charitable associations received permanent land grants from the king as *guthi*. Once granted as a *guthi*, land could not be repossessed, even by the king (Regmi 1976; Gellner 1992: 231). Prevalence of *birta*, *jagir* and *guthi* shows that control over land was an important means to secure and retain the loyalty of those people upon whom the monarchy depended.

Unlike *birta*, *jagir* and *guthi*, *kipat* was not a land grant from the king. Rights to till *kipat* holdings depended upon communal sanction. *Kipat* was a common system of land tenure in the central and eastern hills which were controlled by village heads called *talukdars*. The

individuals and families of a kiptat village possessed only the occupancy (cultivation) right not the right of ownership over land.¹⁶ The king or prince had no control over kiptat tenure, except entitlement to some rent, so this form of tenure played little part in intensifying their power.

Raiker, another form of land tenure, refers to taxable private landholdings. It was more prominent in the western hill regions (e.g. in Karnali) and in some parts of the Terai than in other regions. Raiker land could not be kept uncultivated and rent had to be paid regularly to the agents of the king; otherwise raiker landholders would lose possession. Raiker could be called a mixed regime, where ownership rights belonged to the king but cultivation rights to the raiker holder. Private cultivation rights, which could be bought and sold, could be retained as long as the land was under cultivation and the rent paid regularly. Economic inequalities were considerable and systematic in areas where raiker holding was dominant. The landlords (raiker holders), who often were called *zamindars* or *chuni ryots*, possessed extensive holdings, often entire villages, and paid taxes to the king but cultivated the land by share-cropping (Seddon 1987:10). Some influential landlords even controlled land without paying taxes to the king. Control over raiker land was a means to extract tax revenue which in turn could help in securing and sustaining the kingship.

Prior to 1769, the kings and their associates might not have been able to enforce property rights on land effectively but the prevalence of these various types of land tenure, including the compulsion to keep private holdings in cultivation, illustrates the efforts of the kings to assert their ownership claims to land. Land grants also manifested the king's role in the process of transferring land rights among people.

2.2.2. Unification and Expansion of Nepal: 1769-1816

Efforts towards the expansion and consolidation of land continued very strongly during the period 1769-1816. Once Prithvi Narayan Shah became the king of Gorkha (in the western hills, about three days' walk from the Kathmandu valley) in 1769, he sought to expand his

territory dramatically. He established close relationships with Indian arms manufacturers and dealers and trained his subjects in fighting skills and the production of weapons. After conquering the Kathmandu valley in 1769 he made Kathmandu instead of Gorkha the centre of political and administrative power in the expanded kingdom.¹⁷ The country began to be referred to officially as United Nepal, although it did not yet extend to its current external boundaries. The territory, people and language gradually were consolidated into a single politico-cultural entity (Burghart 1994).

The early expansion of territory depended on military tactics (Whelpton 1997; Mahat, Griffin and Shepherd 1986a), but the subsequent stages of expansion and consolidation initially were based on the capacity to control the major north-south trade routes. Later, control and expansion of land¹⁸ and population became important. Soon after taking power in the Kathmandu valley, Prithvi Narayan Shah also attempted to control the coinage that widely circulated in Nepal and Tibet. This led to a worsening of Tibet- Nepal relations as Tibet disputed Nepali-minted coins as counterfeit.¹⁹ Conflicts with Tibet and the British East India Company cut trade sharply and significantly increased the dependence of the Nepalese economy on agriculture. Land was the only remaining source of revenue to support the military and to establish arms and ammunition factories (Regmi 1978b; Mahat, Griffin and Shepherd 1986a; Metz 1991). Land was also the source of fuelwood for defense purposes and extractive minerals. Royal decrees required people to move their settlements if their land contained mineral deposits. This indicates an effort of the Palace (i.e., state power under the King's immediate control) to assert and enforce the royal claim over land.

To afford strategic protection against invasion by British forces (Bajracharya 1983; Guneratne 1998), parts of the Terai forests were kept wild, while the government encouraged the colonization of other parts by immigrants from India.²⁰ Similar policies were pursued regarding land colonization in the far-northern mountain territory, where settlers were drawn from Tibet. The immigrants were allowed to reclaim as much land as possible for cultivation (Seddon 1987: 16). Although increasing amounts of land were settled in or annexed to Nepal, the Palace was not in a position to control these new territories effectively.²¹ Where

the central administration had only a loose hold, former princes and communal assemblies continued to exert their authority as local leaders²² who were formally recognized by the Palace, which entrusted them with state duties including enforcement of land cultivation and collection of revenue (Seddon 1987). These people became the agents of the Palace at the local level; their mandate was to extract revenue and access labour.

With the unification of Nepal, *birta*, *jagir*, and the *guthi* landholdings greatly expanded but *kipat* landholdings, where the king was not the ultimate owner, were progressively abolished (Mahat, Griffin and Shepherd 1986a; 1986b). Productive use of land (i.e. bringing land under cultivation and thereby increasing the production of taxable food grain) was the rationale applied by the Palace for bringing Indo-Aryan settlers into the *kipat* villages in the hills. The unproductive use of land was seen as an anomaly that required intervention by the centre or Kathmandu. Royal decrees were issued that any potentially irrigable paddy land, or waste and uncultivated land in *kipat* villages would be settled with people from other areas (such as Khas, Magars, and Brahmas); punishment for obstruction by local people of the *kipat* village would be severe (Seddon 1987:16). The strategy of inclusion (i.e. settlement of Khas, Magars, Brahmans and other outsiders in the *kipat* villages) eventually gave way to exclusion of *kipat* holders. As a result, the Indo-Aryan authority and dominance over the *kipat* holders increased gradually as they came to possess the best-quality land (Seddon 1987: 16; Mahat, Griffin and Shepherd 1987b: 116).

Opening new territories in the Terai enabled the Palace to make generous *birta* and *jagir* grants to favoured generals and members of the nobility. A key feature of the unification process was the use of Hinduism as a source of legitimation (Whelpton 1997).²³ However, although the language of ethnic unity, equity and equality was used to identify Nepal as a single politico-cultural entity and to encourage members of various ethnic groups such as Gurungs, Magars and Tamangs to join the military, primarily Brahmans, Thakuri and Khas (i.e. people from the western hill regions) received land grants from the Palace in recognition of their support for the expansion of the Gorkha state.²⁴ The grant of land as *birta* and *jagir* created a close tie between the centre and the selected grantees in areas that initially were

considered as peripheral; thereby these grants served as a means to expand and consolidate the power of the centre (Rose and Fisher 1970: 122-123). At the same time, they increased the potential for production of taxable agricultural crops through the conversion of forests and other non-cultivated land into arable land (Seddon 1987: 14). Thus these land policies not only led to a huge conversion of forests into arable land, but more importantly they permitted people with links to the Palace to be settled in various parts of Nepal to control land and population and to build economic ties between the centre and the periphery through agricultural development. These elite *birta* and *jagir* grantees became the agents of the Palace that enforced the centre's rules and regulations regarding land and labour obligations.

By 1811, an official was appointed in Kathmandu to coordinate land reclamation and the settlement activities. Irrigation was provided at government expense (Seddon 1987: 17). Soon, however, it was realized that coordination from the centre was impracticable. So a system of individual or private contracts for land reclamation and subsequent cultivation was introduced. Outwardly this suggests two things: 1) the Palace was concerned to centralize power over land reclamation and settlement and 2) privatization was preferable to failure. Was there in this situation in fact a clear boundary between state and private activity? Consider who received the contracts: local landowners, tax "farmers" and others who possessed sufficient resources to carry out settlement and cultivation without support from the Palace. The contractors had to pay a stipulated revenue to the Palace and were allowed to appropriate any other taxes and revenues paid by their tenants: the settlers on the lands reclaimed and cultivated (Seddon 1987: 17). Even senior government officials, including the prime minister (e.g. Bhimsen Thapa) took individual contracts for the reclamation of the Terai forest (Seddon 1987: 21). If a clear distinction had been drawn between private and public domains, it would not have been possible for government officials and the prime minister to become contractors for land reclamation and cultivation. This is one example of the blurred boundary between state and society (Rangan 1995; Gupta 1995).

Allocations of land by the Palace to its favourites often were accompanied by non-monetary obligations. Obviously, the land had to be brought under cultivation. Frequently as well,

land grantees were obliged to provide troops and weapons, transport facilities through the area for official supplies and food grain for the army (Seddon 1987: 14). Gurungs, Magars, Tamangs, Newars and other non-Indo-Aryan groups rarely received land grants from the Palace. They also suffered from a progressive encroachment on the land they had occupied by tradition or owned by virtue of previous land grants (Seddon 1987: 15). The settlement of Indo-Aryans in tribal areas was an important factor extending the reach of the state; it increased sources of revenue and broadened control over the lives of local people (Pfaff-Czarnecka 1997: 428-429).

The landlord class also functioned as money lenders and demanded absolute control over the labour power of debt defaulters, who primarily were tenant farmers. Gradually tenant farmers became the reserve supply of labour for the landlord class. The land tax was as high as 50-75 percent of the rice crop and the tenants could be evicted at will by the landowners.²⁵ The peasants' rights to the land were based on regular payment of rent (i.e. a one-half of the land's produce) and up to 75 days of unpaid compulsory labour per household (Mahat, Griffin and Shepherd 1986a: 228). In the event that land was kept uncultivated by peasants, government functionaries or landlords could assign such land to other persons (Mahat, Griffin and Shepherd 1986a: 225). Thus there was no security of land tenure. Local officials had the right to punish tenants for disobeying the landlords, not reclaiming wasteland and not leaving straw in the fields as fertilizer and as proof of cultivation (Seddon 1987: 16). To lighten their tax burden and other labour obligations, peasants were forced to clear more waste land and convert forests into arable land, obey their landlords and till extra land of other jagirdars and birta-holders, if required (Mahat, Griffin and Shepherd 1986a; Metz 1991). The incentive to convert forest and waste land into cultivation arose from a three-year tax holiday on such conversion. Deforestation was thus primarily a result of government policy to colonize land and secure and extend authority over population and resources.

Along with birta, jagir, guthi and raiker tenure, rakam was another form of land tenure. Developed primarily for defense (military) purposes, it prevailed only in the Kathmandu valley and the adjoining hills, where its burden fell primarily on the Tamang community

(Campbell 1997). Peasants tilling rakam land had to supply their landlords with fixed quantities of fuelwood, timber, iron, charcoal, saltpetre, hides, bricks or other materials (Mahat, Griffin and Shepherd 1986a, 1986b, 1987a, 1987b; Metz 1991; Hobley 1990).²⁶ Rakam defaulters could be fined in cash and they could be evicted from rakam land for repeated default (Regmi 1978a; 1987b). Accessing and controlling labour for the defense establishment was the main rationale for the rakam system. The rakam system enabled the government to support the military without using much cash in a situation where an exchange economy had not yet fully developed.

Rakam obligations paid in kind were often misappropriated by local overlords and government officials. If the result was that rakam cultivation was abandoned, then the central government would intervene. The prevalence of the rakam system and especially the interference from the centre against misappropriations under rakam indicates that in this period the Nepalese state was not a coherent entity but had different layers of governance.

In the process of Nepal's unification and expansion, an important system of compulsory and forced unpaid labour known as *jhara* was developed (Mahat, Griffin and Shepherd 1986a, 1986b). It was intended to meet the central government's need for labour for public works, and the construction of royal Palaces and houses for the nobility. Under *jhara*, adult males, irrespective of their condition, had to provide unpaid labour for public work required by the government. But exemption was normal for those with high rank and status. For example, in 1813, a policy was introduced to exempt all Brahmans from *jhara* (Seddon 1987: 18).²⁷ There was thus a gender, caste and class bias in the enforcement of the *jhara* obligation.

The introduction of maize and potatoes, which allowed productive farming on steep slopes, was among the factors which made a success of the government policy of encouraging forest conversion into agricultural land (Metz 1991; Mahat, Griffin and Shepherd 1986a; Seddon 1987)²⁸. As a result of the adoption of these crops, by the end of the 18th century, there was little or no new land available for agriculture of any type, especially in the central and eastern hills (Mahat Griffin and Shepherd 1986a; 1986b). To regard the introduction of new crops,

land resettlement and cultivation programs solely as agrarian innovations,²⁹ however, would be to neglect the highly political nature of the state's policy in expanding its territorial borders and in consolidating its central power and authority over population and resources across the country.

2.2.3 The Rise of British Influence and Political Consolidation: 1816 - 1951

Colonization of land, regulation of bureaucracy and administrative procedure, and control over knowledge and people developed concurrently during this period of political consolidation. The *Muluki Ain* proclamation in 1854 was a key formative event.

After the war with Tibet (1788 - 89), Nepal experienced conflicts with China (1791- 93) and British-India (1814 - 16). The war with China closed off the possibility of expanding to the north and the war with Britain resulted in a loss of territory to the south in the Terai (Blaikie, Cameron and Seddon 1980: 30; Seddon 1987: 18). The treaty of *sugauli* in 1816 accorded Nepal the status of semi-colony. Under that treaty Nepal was forbidden to have direct communication with any western power except Britain and was obliged to abandon territorial acquisitions located west of the Mahakali river or east of the Mechi river. These rivers were fixed as Nepals' boundaries and a British resident was appointed for Kathmandu. With fixed boundaries and restricted external relations, the new state of Nepal entered a period of political consolidation during which the state accumulated tax revenues from agricultural producers and from traders and attempted to maintain law and order (Seddon 1987: 19).

In 1833, the British began an aggressive campaign to gain influence and expand trading opportunities in Nepal. This was strongly opposed by the then Nepalese Prime Minister, Bhimsen Thapa. The British openly favoured Thapa's opponents. In 1846, a coup forced the king (Shah dynasty) into sequestration, where he retained only a figurehead status.³⁰ Political power passed to Jung Bahadur Kunwar, who later changed his family name to Rana and took a title of *shree tin sarkar*. A decade later, Jung Bahadur established by Royal Decree a legally mandated hereditary Rana prime ministership in Nepal. During the century-

long Rana period, male children of this family were appointed as generals and colonels soon after birth and sometimes even before birth (Rose and Fisher 1970). In contrast, female children had no such ascribed privilege and status; this strongly suggests institutionalization of gender inequity in access to political power in the country.

Several processes initiated by Shah kings were continued by Rana governments: expansion of the centre's political presence over remote areas, centralization of the taxation system and rationalization of land tenure (Pfaff-Czarnecka 1997). To establish the legitimacy of the Rana hereditary prime ministership, Jung Bahadur intensified the caste-basis of society by promulgating the Muluki Ain in 1854. The Muluki Ain was a detailed legal code which attempted to reify and homogenize the diverse cultural groups as *jat* ethnic categories in an essentially Hinduist caste hierarchy (Guneratne 1998: 755; Hedrick and Hedrick 1972: 98; Whelpton 1997; Burghart 1994; Gellner 1997a, 1997b).³¹ Proclamation of the Muluki Ain, imposition of the Hindu social order and establishment of *khas kura* (the *parbatiya* language) as the Nepali language were all efforts by the Ranas to create a national identity in Nepal (Gellner 1997a: 5; Gurung 1997).³²

The Muluki Ain was revised several times. It attempted to regulate administrative procedures and also to set up the basis for an independent judiciary.³³ The administrative system was designed to maintain law and order on the one hand and also to facilitate the extraction of surplus on the other. Patronage was the basis for official appointment. Top government appointments, including the important posts of district governor were decided personally by the prime minister. District governors, in turn, controlled the recruitment of their subordinates. All government employees, both civilian and military, were directly responsible to the prime minister, who renewed their appointments annually through the *pajani* (scrutiny) system (Rose and Fisher 1970). Senior district officials, e.g., those in charge of law courts and the land revenue offices, were appointed by heads of their respective central departments in Kathmandu, who frequently were members of the Rana family. These senior central officials also fixed the number of personnel in each district branch office and their salaries.

Districts were graded on the basis of a combination of factors, such as distance from the capital, economic strength, population base, and capacity as a source of state revenue. The best districts were those that provided opportunities for easy contact with the centre and the potential for accumulation of income by exploitation of local resources, tribute and *corvée* labour (Regmi 1978a; 1978b). The purpose of the regime was not control over abstract space, but rather appropriation of resources and provision of rewards for loyalty to the Rana authority. The closest relatives and most trusted clients usually received the best districts (Seddon 1987: 29).

Rivalries among senior Ranas were controlled by postings to remote districts as military governors. Non-Ranas, disgruntled junior Rana officials and other government officials were controlled through the *chakari* system under which junior officials were required to please their superiors and/or patrons by displays of subservience. Junior government officials had to spend most of their time in the patron's office building up personal connections with the patron and his allies and criticizing fellow officials, rather than try to work effectively and cooperatively in their assigned jobs (Joshi and Rose 1970: 495; Bista 1991; Rose and Fisher 1970). Control over personnel and production of knowledge were considered as means to secure the central power and authority of the government. For example, "there is a legend that the regime put to death a high-calibre Rana engineer for fear that his technical innovations would eventually prove to be a political menace to the regime" (Joshi and Rose 1970: 495). This pattern of willingness to control knowledge is noted also by Seddon (1987: 32-33 citing P.S. Rana 1978: 129): "In 1918 a higher degree college -- Tribhuvan Chandra College -- was founded in Kathmandu, although it was said of the Prime Minister that 'after returning back home from the opening ceremony he had remarked that this college would dig the grave of Rana rule'. Indeed his prophecy came true. After three decades, the educated elites revolted and overthrew the Rana regime." The establishment of the college despite these misgivings indicates that state and society shape each other and that the state is neither a single entity with a single goal, nor is it the sole source of power.

A feature of bureaucratic organization during this period was the frequent transfer of officials from one station to another. The highest turnover of staff would occur following the arrival of a new governor. As Seddon notes (1987: 29): "In one district, during the final 47 years of Rana rule, governors spent an average of only 2.7 years in office; and even in a year when no change took place at the top, as many as ten percent of civil servants would be removed to make way for new appointees." The combined effect of placing possible rivals in remote districts, mandatory *chakari* and frequent transfer of staff is that officials had inadequate opportunity to understand their districts, and to hold and develop authority over the population in the areas where they were posted.

Although the system of *chakari* exemplifies personalized bureaucracy and corruption, Rana governments also made some efforts to establish an efficient, impersonal bureaucracy. For example, in 1870, a high court concerned with corruption was created. Bureaucratic inefficiency was seen as a technical problem which could be fixed by setting up this high court. But the personalized ties built through the exercise of *chakari* enabled many government officials to continue to act corruptly. The establishment of this high court had little effect in reducing corruption (Seddon 1987). Given the fact that the bureaucracy was organized and maintained through a system of *chakari*, nepotism and patronage and lacked a public budget, the establishment of a high court to reduce corruption seems contradictory. But it may have had an effect: an effort to improve the bureaucracy might create the impression that the Rana regime was ruling the country well.

Along with efforts to improve the bureaucracy, Rana governments also attempted to collect revenue in a systematic and institutionalized way. *Jimidar* were responsible to collect revenue and exercise juridical authority within the village. They were also the arbiters of caste law, particularly in the case of marriage relations. They had the power to punish violaters and annul inappropriate marriages. *Jimidar* possessed the institutional authority to exercise legitimate coercion at the village level. *Mukhiya* had the responsibility to collect land revenue and submit it to the government and also keep population records of the village. In *kipat* villages, *talukdars* or *subbas* were responsible for collecting taxes from each

household. *Jimmawal*, whose jurisdiction extended over several villages and who had the authority to conscript labour for the construction of canals and trails, also had a responsibility to allocate rice land in particular areas and thereby to help jagirdars, including mukhiyas and dwares, collect taxes. However, despite administrative structures built to collect revenue systematically, the revenue collection activities continued to be compromised by patronage and private interests (Seddon 1987: 27-28; Hobley 1990).

With the growth of bureaucratization, land and labour taxes became increasingly complex (Hobley 1990). Furthermore, the government introduced new policies with respect to jagir land. Jagirdars gradually became salaried civil servants paid in cash instead of being assigned land. The government started taking over previous jagir holdings, including forests. It also introduced a rule that jagirdars could no longer evict tenant-farmers when another tenant offered a higher rent. But jagirdars wanted to retain their privileges and their control over tenant-farmers, so they continued to act as landlords on their previously tax-free land (Hobley 1990). The new regulations promoting security of tenancy did not in fact help tenants because the many loopholes and escape clauses made them unenforceable (Rose and Fisher 1970: 125). Also the rules did not apply to birta owners, who continued to exercise their traditional landlord rights over land and people and were allowed to evict tenants to gain higher rent (Hobley 1990: 76). When a situation prevails where government officials carry out their normal jobs while concurrently acting as private jagir and birta landlords, questions arise: should one understand the state as embedded in society or should one attempt to distinguish different roles of people when acting in public and private capacities, and thus conceptually separate state and society? In a similar vein, the resistance of the jagirdars to the new government rules on jagir land reveals individual interests at work undermining the concept of a monolithic state: government officials themselves sabotaged the policy of the government.

As under earlier regimes, forests continued to be converted into cultivated land, in part because immigration from India continued to be encouraged.. The mid-western Terai was settled largely by Indian zamindars who brought with them poor and landless people (Joshi

and Rose 1966; Seddon 1987). These poor groups of people became a pool of cheap labour for the patron landlord class. This flow of immigration was of great significance not only in speeding up land colonization and conversion into agricultural land but also in perpetuating patron-client relationships. Existing links with the patron-class helped the state in colonizing marginal-waste land and also extended its presence in governing population and resources at large.

The Muluki Ain prescribed a tax exemption of three years in the hills and five years in the Terai for any new reclamation of land. In addition, one-tenth of the area reclaimed would be granted as a personal birta (Mahat, Griffin and Shepherd 1986a: 227). The tax rates on newly cultivated land were determined on the basis of the rates on adjoining land (Hobley 1990: 75). By the early 20th century, in some parts of the Nepal hills, especially those still under the kiptat system, population pressure induced by land grants and other land colonization policies became considerable, and little scope remained for extending cultivation. Although most birta grantees were members of the Rana family itself,³⁴ some Newars, because of their position as *kajis* (administrators) in the bureaucracy (Whelpton 1997; Hobley 1990), were able to acquire land as birta. Other ethnic groups, such as Tamangs, Limbus and Magars, had little opportunity to extend their land base (Hobley 1990). Indeed, the Tamangs continued to be used by the Rana government and the Kathmandu elites as rakam or semi-captive labourers for everything from portering to soldiering, mining and construction (Campbell 1997: 224-225). So they, unlike other ethnic groups, had little opportunity to emigrate. Many other dispossessed ethnic groups emigrated to India, Burma, Sikkim and Bhutan on a massive scale (Joshi and Rose 1966: 14; Seddon 1987: 24).

Even though birta grants transferred ownership of tax-free-land, the Muluki Ain restricted these ownership rights. Cutting prohibited trees (through royal or other orders) on birta land became a punishable offence.³⁵ Specifically, felling particular species such as *Shorea robusta*, *Pinus michelias* and *juglans regia* (Regmi 1978b) was prohibited, illustrating that the state wanted to preserve tree species of high commercial value. A certain level of forest

protection was necessary to ensure stability in timber export and to support the policy of the government to provide a continuous supply of timber to the railway expansion projects of British-India. The commercial interest in forests at that time was confined to the Terai and did not extend to the hills (Acharya 1989). Kath Mahal, the government forest office, looked after the business of timber extraction and export from Terai forests.

In the hills, the Rana governments imposed restrictions on felling trees in religious places, at water sources, along roadsides and on the property of other people. Forests in the hills fell primarily either under the responsibility of individual jimmawal or under the local headmen, such as *talukdar*. The talukdar acted concurrently as local headmen and as state functionaries entrusted with the responsibility to collect revenue and to enforce laws and regulations. They also controlled local access to the forest resource. *Chitadar* and *chowkidars* (i.e. forest watchers) protected the forest on behalf of the talukdar. Because of the dual role of the talukdars, the talukdari system can be regarded as neither a local nor a central government forest management arrangement. This suggests a blurring of the boundary boundary between the state and the community.³⁶

Indian and British experts came regularly to Nepal during this period to advise the Kath-Mahal on the regulation of the Terai forests and on the cutting and export of quality timber such as sal (*Shorea robusta*) to British-India. In 1939, the "Eastern wing" and "Western wing" forestry offices were established to export timber, to accumulate revenue by cultivating the cleared tracts of forest land, and to regulate the extraction of timber from the hills (Joshi 1993; Hobley 1990). A commercial orientation toward the use of forests also appeared in the establishment of the Forestry Department in 1942.

Local farmers living near forests, small woodlot owners, and small birta holders were disadvantaged during the growth of timber demand in British-India. Most of the economic gains from forest exploitation went to British-India (Hobley 1990: 102). The portion of the revenue that remained in Nepal was appropriated as the personal property of the ruling class and often was invested outside the country (Rose and Fisher 1970: 65; Seddon 1987).

Hence, it had little effect in producing public goods such as roads, schools, or health services. According to Regmi (1978b) and Shrestha (1990), if the accumulated resources had been invested in productive activities, economic and environmental conditions in Nepal would probably have evolved quite differently. The appropriation of public funds by private individuals suggests that the boundary between the state (public) domain and the society (in this case, private) domain was unclear.

The Ranas' close ties with the British and their willingness to serve British interests and restrict the presence of other Western influences, ultimately led to the abrogation of the *sugauli* treaty in 1923.³⁷ A key condition that Nepal had to meet for the abrogation of the *sugauli* treaty was to supply an army for British-India forces. To do this, the Rana government maintained its military reserves for internal defense in the vicinity of the Kathmandu valley, while troops outside of the Kathmandu valley were used to supply the British. As the Nepalese army was increasingly trained by the British, arms factories were gradually closed down in Nepal, leading to a conversion of previous *rakam* labour obligations for the defense establishment into cash payments. Until 1895, however, the military was supported entirely from local resources via land and labour taxes (Mahat, Griffin and Shepherd 1986a, 1986b).³⁸

2.2.4 Towards the Dawn of Developmental State: 1951-62

The Rana government was overthrown by a democratic movement in 1951 and a constitutional monarchy was restored. The post-Rana state³⁹ committed itself to 'nation-building' and 'development' and sought to integrate Nepal into the world economy. It introduced planned development initiatives (e.g., the first five-year development plan - 1956-61) and set development priorities. Of significance for forestry, it initiated many programs such as abolition of *birta*, land reform, resettlement, and forest nationalization, all of which had technical rationales of 'development', 'modernization' and 'environmental protection'. The effect was to intensify the bureaucratic presence of the state generally, and its policy of territorialization, in particular. Conceiving of problems as 'technical' and hence soluble

through bureaucratic intervention has become a characteristic mode of state intensification in Nepal since this period. The discussion below focuses primarily on the following issues: public administration, land reform, resettlement and forest development.

2.2.4.1 Establishment of Legally-Mandated Civil Service

As discussed above, a patronage-based civil service was introduced in Nepal during the Rana period. The primary objectives in that era were to help maintain law and order and to collect taxes. In the post-Rana period, efforts to improve the organization of public administration continued. Consider, for example, the civil service Act of 1956. This Act provided a legal basis for the existence of the civil service and laid out its duties, rights and employment conditions. It was designed to develop a trained and efficient bureaucracy and also to reduce the level of nepotism and corruption that had prevailed during Rana period. Corruption and nepotism thus provided a technical justification for intervention; in this case, in the development and enactment of a civil service law.

The civil service Act tried to replace the patronage and loyalty-based bureaucracy by a modern form of bureaucratic rule. But in this as in many subsequent efforts, the government failed to transform the structure and operation of the bureaucracy in the way intended (Blaikie, Cameron and Seddon 1980; Seddon 1987). Nepotism and corruption remained overwhelming in the bureaucratic administration of land distribution; and difficulties in the implementation of various land reform programs, including abolition of birta, establishment of tenancy rights and forest nationalization, continued unabated.

2.2.4.2 Land Reform Measures as Development Needs

The post-Rana government attempted to extend its control over the existing land tenure systems in the country. Efforts were made to increase the land tax on kiptat slightly and to regulate and standardize guthi (Rose and Fisher 1970:125). The post-Rana state continued the program launched during the Rana period to abolish jagir. One might think that jagir

land tenure should have ended with the end of Rana rule in early 1951. But even as late as 1965, large land areas were still used as tax-free jagir land (Regmi 1978b; 1984). The post-Rana governments also initiated efforts to abolish birta holdings, improve tenancy rights and redistribute land.⁴⁰ As substantial areas of forest and cultivated land were in the hands of Ranas and their favourites prior to the overthrow of the Rana regime, it was necessary for the post-Rana governments to take measures to weaken this basis of Rana power.

The post-Rana government asserted that forests were essential to the national interest in order to protect the environment and to increase revenue for Nepal's development (Mahat, Griffin and Shepherd 1986a; Joshi 1993). The intention to abolish birta was announced as early as 1951, but an eight year gap ensued before the legislation to abolish it, the Birta Abolition Act, was introduced in 1959. Under this law, large birta landholdings were to be nationalized with compensation, while small holdings of birta land could be retained as raikeer holdings, subject to land tax. But the abolition of birta did not proceed as expected. Most forestland held under birta tenure gave the birta holders not only tax-free land but judicial and police power to function as the legitimate authority to extract benefits from the land and the labour of their tenant farmers. Abolition of birta (i.e. the conversion of birta into taxable raikeer holdings) would not only transform birta holders into ordinary tax payers but would also take away their judicial and policing powers over land and people, and subject them to new bureaucratic rules. The development rationale claimed for these various programs masked their political nature: the loss of privilege and power of birta landholders.

Was it rational to expect cooperation from large birta holders who were going to be dispossessed from their privileged position in society? Should they have been expected to acquiesce easily in the loss of their positions and power? Eight years provided every opportunity for birta owners to use their privileged positions to distribute their birta land into the names of nominees so as to evade birta nationalization. Not only was birta tenure complex, but detailed and reliable records of these holdings were lacking. Furthermore, some birta holders refused to submit reports to the government and to reveal the sizes of their holdings. Moreover, birta holders were primarily the Ranas and their favourites -- who

retained significant political power in the first five post-Rana cabinets (Joshi and Rose 1960). It is not surprising that the commitment to abolish birta was later softened and the policies of land redistribution were ignored. The birta abolition program thus had no effect on the distribution of land to the landless nor on providing security of tenure (Rose and Fisher 1970: 124).

Had the policy makers been naive: unaware of the status of birta holders in the country's polity? Possibly, but the failed effort to abolish birta did give the impression that the government was trying to effect change for the betterment of the society and its good intentions were being frustrated by the vested interests of those affected. Thus, one interpretation of this failed policy is that the state was addressing development needs and its policy direction was appropriate; the problem was implementation. Expanding the bureaucratic apparatus to serve the interest of society would therefore be justified. For example, as part of the commitment to land redistribution, tenancy security and agricultural improvement, a Land Reform Commission was established in 1952 (Joshi and Rose 1966).

A bill was drafted in 1952 to give tenants permanent rights on land cultivated for two years, but was never enacted. In 1955, a royal proclamation was issued, declaring that tenants who had cultivated the land for two years should have tenancy rights and should not be evicted so long as their rents were paid. This proclamation, however, was a declaration of principle only, lacking the force of law (Rose and Fisher 1960:126) because, as explained above, records of land occupancy were unavailable. This failed effort also had important side effects: the government was induced to introduce more laws and regulations that would identify people and their land tenure status and would result in such records being maintained in a government office. This implied expanding the bureaucracy and bringing the population under bureaucratic norms and rules.

The Land and Cultivation Record Compilation Act 1956 was enacted to compile the records of land ownership and to identify the tenancy status of the population. Under the Act, village committees were to be established to compile land use information, including up-to-date lists

of occupancies. But few such committees were ever established and little progress was made in compiling records. However, introduction of the Land and Cultivation Record Compilation Act implied that possession of land was not enough to guarantee a claim; instead, a written document was needed as proof. Assertion of rights was tied into a new bureaucratic knot. The requirement for written proof of rightful claim also had an inadvertent gender effect: land was increasingly registered in the names of the men rather than the women in the household.

The Land Tenancy Act 1957 introduced provisions for inheritable tenancy rights; as amended in 1959, such tenancies even became transferable without the landowner's consent. The provision for inheritable tenancy had a discriminatory gender effect: tenancy rights could be passed on to sons not daughters in the household. The Act stipulated a maximum rent of 50 percent of the produce or the previous rent, whichever was lower; and a ten percent interest rate on loans taken in cash or kind (Hobley 1990:83). In other words, it merely formalized existing practices (Hedrick and Hedrick 1972). In some respects, the Act might have added a new burden on tenants, however, because it did not specify that only the main crop was to be shared. The Land Tenancy Act resulted in eviction of tenants, many of whom had been long established tenant-cultivators on their plots of land (Rose and Fisher 1970:127).

These various acts and regulations introduced territorialized modes of control which were land-based and information-based, rather than rooted in personal rights and loyalties. Given that the government had no record of the occupancy and tenancy of cultivated land, it was necessary for the state to introduce the Land and Cultivation Record Compilation Act as well as the Tenancy Act in order to be able to enforce territorial claims over cultivated land and over people. The technical rationales for these various Acts included assurance of security for tenants, land redistribution and development; a by-product of this process was an intensified state presence in the governing of population and resources.

2.2.4.3 Land Resettlement, Development and the Environment Logic

The land resettlement program undertaken by the previous regimes continued in the post-Rana period, but was increasingly governed by bureaucratic rules and requirements; the technical rationale of this program became 'development' and 'environmental protection'. A Resettlement Department was established in the 1950s to implement a resettlement program. In 1963, the Nepal Resettlement Company was established as a para-statal organization to manage large resettlement schemes. The professed objectives of land resettlement programs (1954-56) were to induce economic growth and reduce population pressure by redistributing population from the 'overpopulated' hill areas to the Terai plain; also the programs were to provide homes for the landless and for victims of natural calamities such as floods and landslides. The facts that the hill areas had high inequalities in access to and control of resources and that the privileged people among the population in the hills had ties to the centre and landholdings and networks in other areas including the Terai played no part in designing the resettlement process. High population growth, poverty and fragile ecology were challenges awaiting a technical response: the state was needed to rescue the endangered hills! The long-term politico-economic interest in converting wildland or forests -- even on the steepest slopes -- into agricultural land by means of various land grant systems and land colonization policies was transmuted into a simple and solvable problem of poverty and population growth. The resettlement program conceived the mountain environment (both land and people) as a domain requiring technical intervention.

This program had the effect of undermining any potentially revolutionary peasant movement in two ways, first by creating the perception that poor people would gain the opportunity to acquire land and improve their livelihood, and second by dispersing peasants geographically.

As Shrestha notes (1990: 147):

While such a population distribution may be a legitimate economic-demographic goal [of the resettlement program], it also acts to disperse potentially revolutionary peasants from their original geographic base; and

without a strong locational base it is difficult, if not impossible, to launch a peasant revolt.

An important effect of the supposedly apolitical resettlement programs was to bring people under greater bureaucratic control.

During the pioneering phase (1954-56) of land resettlement, the degree of bureaucratization was modest. But, with the increasing flow of external support, this changed. For example, with the coming of USAID money, any resettlement activities not registered with the government were labelled *abyabasthit*, i.e., unsystematic or illegal, with the implication that they ought to be organized. Making them *byabasthit* (organized) meant that people had to meet various government rules and regulations for land acquisition (Shrestha and Conway 1985). In the process of making land settlement *byabasthit*, anyone who wanted to acquire land for resettlement (whether or not landless or a victim of a natural calamity) had to register an application with the appropriate government agency (e.g., the Rapti Valley Development Project). These agencies were part of the bureaucratic apparatus of the state, which thereby increased its power to screen applications and allot land. The previous (Rana) system of resettlement had been carried out through elites; the *byabasthit* settlement program replaced this system with arrangements over which the state had direct control and authority and for which the state provided a permanent bureaucratic apparatus.

Once the state apparatus took over land distribution, landless people faced increasing difficulties in acquiring land; even if they were successful, land registration became a further hurdle. Land allocation was marked by nepotism, patronage and corruption. Land was mostly distributed among influential officials in Kathmandu, among their clients and to those who had access to information on the specific project (Kansakar 1979; Shrestha and Conway 1985: 69). Landless migrants and flood victims, for whom the resettlement schemes promised to provide land, became increasingly unable to acquire land. As in earlier periods, it was mainly the same rich and influential people who formerly had benefited who now acquired land in new areas and thereby geographically expanded their hold on power (Shrestha 1990: 146)⁴¹. Poor and landless people who were allocated some land under the

redistribution schemes faced difficulties getting land ownership certificates and often had to visit one government office after another over an extended period.

The stated goal of solving the food deficit in the hills through resettlement was not accomplished either. This is because the assumption that land in the Terai was more productive than in the hills was a miscalculation (Bajracharya 1983). Although the poverty and overpopulation of the hills remained unresolved, the resettlement program definitely helped the state to intensify its territorial reach in the remaining wildlands of the Terai. People, whether rich and influential or poor, were required to process their land claims within the context of bureaucratic rules. The resettlement program, instead of alleviating poverty and helping the environment created bureaucratic categories of settlements: byabasthit and abyabasthit, the interpretation and revision of which needed further bureaucratic action. Thus, the program served as a mode of intensifying territorialized forms of state control over people and resources.

2.2.4.4 The Enactment of Forest Acts and Regulations

The post-Rana governments also attempted to intensify the state presence in the governing of the forest by expanding the bureaucratic apparatus and by prescribing new laws on forest control and ownership. As early as 1951, the Department of Forestry (DoF) was reorganized into two forest circles, 11 forest divisions and 44 range offices. Previously the DoF had only 12 checkposts. In 1959, the DoF was brought under a newly-established Forest Ministry. Within a year, the DoF was again reorganized, this time into seven forest circles and 22 forest divisions. Although focused in the Terai, the restructured DoF also had an added responsibility for forests in some hill regions. This suggests that the post-Rana state started to assert its territorial rights over hill forests as well as those in the Terai. The establishment of the Forest Ministry as a supra-organization to look after forestry, and the frequent reorganization of the DoF creates the impression that in forestry the problems were solvable technically. Finding the right organization became a technical point of entry for the state to intensify its presence.

Another territorialization initiative of the post-Rana state was the enactment of private forest nationalization in 1957. This Act complemented the measures to abolish birta.⁴² The same technical "development" rationale (e.g. to increase revenue, productivity and efficiency, while assuring a fair distribution of resources) justified bureaucratic intensification. The Act declared all unoccupied land within the national boundaries, including streams, ponds and paths, as state forests under the jurisdiction of the DoF. State territorial rights over forests were claimed to be in the national interest and necessary for environmental protection. For example, the preamble of the Private Forest Nationalization Act states (Wallace 1988: 15) states:

Forests constitute an important part of the national wealth. ... It is expedient to prevent the destruction of national wealth and to nationalize private forests for their adequate protection, so as to ensure the welfare of the country and the people.

This Preamble clearly showed that forests are to be controlled by the state regardless of the forest owners' and/or forest users' wishes. Through control over discourse it gave an impression that the state promotes the welfare of its people and that forest nationalization contributes to this process.⁴³

As forested land was still abundant and population density low forty years ago, some have argued that the nationalization of forests could not have resulted an adverse effect on environment (HMGN/NPC/IUCN 1991; Wallace 1988). Of course, forest coverage had declined compared to the past. But by inflating forest protection into an issue of national importance, the state found a new way to intensify its presence and power, and to make legitimate the extreme initiative of forest nationalization. A discursive production of truth legitimated the expansion of its territorial reach over forest resources and population and at the same time produced the effect of depoliticizing such initiatives.

The Forest Nationalization Act provided a loophole for small, private forest plots not exceeding 1.25ha in the hills and 3.25ha in the Terai, as long as the owners planted and tended the trees from their own resources (Soussan, Shrestha and Uprety 1995). Since large

tracts of forests in the Terai were in the form of private birta of the Rana family and their favourites, nationalization could be seen as an attempt to prevent Ranas from continuing to use the Terai forest as private property (Mahat, Griffin and Shepherd 1986a, 1986b; Joshi 1993; CEDA 1991; HMG/NPC/TUCN 1991; Hobley 1990). However, if nationalization was aimed at dismantling the power of the Ranas, one needs to question whether this was feasible, given the fact that Ranas were holding key political posts, including the position of prime minister during the period when the nationalization act was proposed and enacted. In that political context, the loophole for small private forest plots might have been intended to give private forest holders a chance to fragment the forest into small plots held by nominees, while retaining private authority over forestland.

At the time of nationalization, no forest administrative division existed in the hill region, although the DoF had been charged with administering hill forests. Furthermore, there were fewer than ten professional forest officers in the government service and trained forest officers were often reluctant to be posted to the hills because of lack of access to transportation and other facilities (Wallace 1988:15; Joshi 1993). There also existed no survey of the forested areas, no demarcation of forest boundaries, and no records of how much land was legally under state authority. Given all these circumstances, nationalization could not possibly work. Yet forest nationalization may have been introduced even though it was realized that it might not achieve its professed goals. Nationalization policy could be seen as an important step to assert the state's territorial rights to land designated as forests. Enforcement of rights may fail or may take time; asserting them is nonetheless a necessary first step. Thus the effect of the Nationalization Act was to establish the norm that forests are state property and that access to forests without state authorization is an illegal activity.

Large landholders organized local people to oppose the nationalization policy. Many took land out of forestry by squatting on it and undertaking cultivation (Bajracharya 1983; Wallace 1988; Mahat, Griffin and Shepherd 1986b; Messerschmidt 1986; Joshi 1993).⁴⁴ Forest nationalization failed in achieving its professed goals of protecting the forest, raising revenue and ensuring an equitable distribution of resources. But its failure did not

undermine the legitimacy of the state. Renewed efforts were made to address the problem of forest development. This included the prescriptions of the Forest Law of 1961, a comprehensive forest law which encompassed all types of forest tenure, including private and communal forests. Since the scope of its activities were enlarged, the forest bureaucracy expanded, as did the presence of the state in governing forests and people.

In 1960 the post-Rana government was dismissed by King Mahendra on charges of corruption (Joshi and Rose 1966: 385). Some suggest that its land reform measures were among the factors which led to alliances between members of the landed class and the King to topple the government (Blaikie, Cameron and Seddon 1980: 59; Seddon 1987: 40; Shrestha 1990: 140). Arguing that Western-influenced parliamentary democracy was unsuitable to Nepalese tradition and culture, King Mahendra introduced the so-called Panchayat democracy in 1962 and banned all political parties.

2.3 Conclusion

One important conclusion of this Chapter is that state intensification in governing people and resources has been a continuous process throughout the modern history of Nepal. The major difference between the earlier regimes and the post-Rana regime is that the former regimes pursued state intensification via control over people and granted rights over land to gain revenues and reward followers rather than to extend territorial control. The Rana government attempted to structure itself and intensify its presence in governing population and resources through the imposition of a Hindu social order; it enacted a comprehensive legal code known as Muluki Ain and also introduced a chakari-based bureaucracy. These actions did not create a clear boundary between state and communities. In general, these older state structures were unsystematic and hard to intensify without more information.

The mode of intensification changed from the 1950s onwards. The state was increasingly structured and intensified through control over discourse and territorialization; it began to exhibit the characteristics of a modern bureaucratic system. This mode of intensification is

powerful: state activity, despite failures, becomes legitimate. For example, forest nationalization created only one bureaucratic category of forestland i.e., public forest, which, since it did not match the ways forested land was actually used and managed, created disjunctions and anomalies; these, in turn, then needed to be fixed by further legislation (e.g., the Forest Act 1961) and bureaucratic activity. A similar pattern occurred with respect to land reform attempts, including birta abolition and the Land and Cultivation Record Compilation Act.

Another significant conclusion is that processes of state formation and intensification can better be understood in historical context rather than in isolation, focusing only on a single period. For example, prior to the 1950s, there was no clear boundary between state and society, as evident in many examples, including those where government officials -- even prime ministers -- participated in taking private contracts from the government for forest harvesting. Many government officials extracted revenues from land as private property, which was evident from the systems of jagir and birta as well. Similarly, pre-1950 governments also used local lords as government revenue functionaries, implying that these local lords were part of the state although concurrently part of society. However, in the 1950s, when the Nepalese state undertook various development initiatives including those related to land and forest, it assumed -- as it simultaneously imposed -- a distinct boundary between the state and the society. In practice, as state and society were enmeshed with each other and only a blurred boundary existed between the two, it was difficult for the government to enforce its policies, rules and regulations successfully.

The evidence in this chapter suggests that the state is not always a source of power. For example, despite efforts made to abolish kipat from the very beginning of the unification of Nepal in 1768, the effort to abolish jagir land since the Rana period, and the various initiatives undertaken to abolish birta and/or to convert birta into raiker since the 1950s, the remnants of jagir, birta and kipat have not completely disappeared in Nepal today.

An important mode of state formation and intensification from 1951 onwards was the conception of development as a technical problem. Through this discourse, attempts were made to propagate the idea that the state exists to work for the good of the society, i.e., to provide access to development -- including equitable distribution of resources -- and to protect the natural environment. State intensification of this sort helped mask the socio-economic inequalities produced and reproduced by actions of the Nepalese state throughout its history. State strategies of exclusion from and access to resources have benefited some while causing others to lose their livelihoods, and have caused intense internal migration and sometimes even emigration. The mobility of Nepalese people throughout history has been ignored in the formulation of development plans by the modern state. For example, land resettlement programs have assumed the hill population as a whole to be poor and ignorant and without knowledge of resources outside their own locales. So the state claimed a moral duty to intervene into the lives of these people to help them escape their vulnerabilities.

The resettlement program assumed that both population and the land in the hills were poverty-stricken. It conveniently ignored the intensive agriculture that had arisen in the hills under the previous land grant policies and tax concessions for expansion of cultivation which had produced ethnically and economically diverse communities. The assumptions of pristine hill communities, poor people, and fragile hills fitted well with the territorialization strategy of the state because this allowed it to make hill people subject to removal from their own space to another as desired by the state program. Conveniently, the resettlement program also ignored the possibilities that only privileged and literate people in the hills could handle the bureaucratic formalities of claims for land access under the resettlement program and land registration. The program also overlooked the fact that the hill people may not want to be moved to a place regionally, climatically and ethnically distinct from their own space and also that Terai people may not want an influx of hill people into their space which could result in a resource shortage there in the future.

Various development initiatives undertaken from 1950s onwards can be understood as attempts to provide an orderly administration for compliant citizens. This regrettably

overlooked the possibility that people in society [including those in the mid-way position between state and society] can often manipulate government rules and policies to their advantage. The assumption of a clear boundary between state and society and the simplification of complex issues underpin the formation of knots of bureaucratic state power. Because these conditions -- among others -- did not prevail, policies and programs failed repeatedly in Nepal. Nevertheless, state intensification was routinized through the modes of territorialization and the control over development discourse.

CHAPTER III

STATE INTENSIFICATION THROUGH DECENTRALIZATION: 1960s - 1990s

3.1 Introduction

This chapter describes various decentralization initiatives undertaken in Nepal since the 1960s. It argues that decentralization schemes facilitated the Nepalese state's attempt to penetrate, integrate, and manage the lives and activities of the population at the local level. It shows that decentralization to local levels does not transfer power; rather it systematizes and intensifies it. It is a form of territorialization. Decentralization provides a broad framework for the intensified presence of the state. Decentralization initiatives have remained complex, contested and unfinished in Nepal.

Decentralization has been known by different names: a) balanced development, b) intersectoral integration, c) transfer of powers and functions from the central government to local governments d) delegation of powers and functions from the central government to its field agencies. It has exhibited many faces: development, coordination among state agencies, devolution of administration, etc. Decentralization assumes the existence of a power-centred government that requires change, lack of coordination of state agencies that needs treatment, and unequal access to development and power among the population that has to be overcome.

This chapter is organized into sections that deal with decentralization policies in four periods: the early 1960s; the late 1960s and 1970s; the 1980s; and the 1990s.

3.2 Decentralization policies in the early 1960s

When he established the *panchayat* system as an alternative to parliamentary democracy in 1960, King Mahendra justified it not only as a system indigenous to Nepalese political

culture and necessary to protect sovereignty and to build the nation, but also as a system based on the principle of decentralization.⁴⁵ To establish a decentralized panchayat system of government, the Village and Town Panchayat Acts 1962 were introduced. The decentralization principle was embodied in a provision in the Constitution of Nepal 1962 (HMGN 1976 cited in Ghimire 1988: 2):

The political objectives of the panchayat system will be to mobilize and involve the maximum number of Nepalese people in creating a democratic, just, dynamic and exploitation-free society by raising awareness among the people through the process of gradual decentralization.

It is not immediately obvious why a system that replaced parliamentary democracy and banned the existence and the functioning of political parties is based on the principle of decentralization. Nor is it clear why decentralization under the panchayat system should be gradual, if that system is based on an already existing indigenous decentralized political culture. One interpretation of the commitment to the decentralization principle through its incorporation into the country's Constitution is that this was an attempt to legitimize the enforcement of the territorial claims of the panchayat state. Through an expressed focus on decentralization, the panchayat state attempted to establish its legitimacy as a state concerned to provide social equity and justice. Decentralization separates the state from the society, assuming a clear boundary between them. As will be shown below, discourse regarding the panchayat system reproduce the idea of a "good state", juxtaposed with an ignorant and backward society.

Through asserting the decentralization principle, the panchayat state was able to intensify its presence in the society. As Bienen *et al.* note (1990: 65):

... for the Palace, decentralization could be elaborated as a strategy for development. If implemented, decentralization measures might bring discontent out in the open. Decentralization might also allow constituencies to form in favour of the king and central leaders and opposed to particular local traditional notables.

While claiming to decentralize, the panchayat system actually centralized a remarkable set of powers and rights. The system demanded considerable loyalty from its citizens and

restricted organizations that might operate outside the umbrella of the panchayat polity. By linking the panchayat to decentralization, the state defended itself from competing political forces and neutralized popular interest in politics. It sent a message that the panchayat system was a participatory form of governance in which people could participate in political organization provided they were not guided by self-interest.⁴⁶ The "self-interest" test allowed the centre to screen people's participation, while the claim of decentralization provided the panchayat state with the patina of democracy.

The panchayat system divided Nepal into tiers of panchayats at the village, town, district, zonal (later abolished) and national levels and rearranged people and resources accordingly. Only in villages, that is, at the politically most marginal level, were people allowed to express their views by voting. Councils at the district and national levels were selected or appointed without a mass popular vote. Thus, the state expanded jurisdiction over its territory through systematizing and intensifying the central government's reach over local politics and administration.

On paper, at least, the panchayat structure created units with common regulations setting forth how and by whom areas allocated to these could be used. Such abstract units, unlike real territories, were homogenous, comparable and locatable in a larger abstract space (Vandergeest and Peluso 1995). The creation of horizontal units of spaces as panchayats and their vertical alignment facilitated the reach of the state, enabling it to make claims on people and resources within each subset of a given abstract space. The division of the nation into tiers of panchayat was doubtless helpful in implementing the decentralization program.

Decentralization in practice was a centralized system under which the state expected panchayats at all levels to act as agents of the central government rather than behave as autonomous entities. Among other things, it expected panchayats to be state agents in enforcing territorial claims at the local level. The Village and Town Panchayat Acts 1962⁴⁷ authorized local panchayats to integrate people in the development process, to mobilize local resources including taxes to finance local development programs and to make decisions on

minor legal complaints. Although the Village and Town Panchayat Acts and the Constitution of Nepal endorsed decentralization of authority to the local panchayats, important decisions relating to the activities of local panchayats were made by forming *ad hoc* committees or commissions at the central level.⁴⁸ The decentralization principle did not impede command and control over people and resources, thus intensifying the palace's territorial presence.

The most notable committees were the 1963 Royal Commission on Decentralization and the 21-member Decentralization Committee of 1967. The 1963 Royal Commission on Decentralization recommended the decentralization of authority in all areas, including law and order, except defence and foreign affairs. It recommended providing economic support to the local panchayats in the form of a share of land revenues, the income from panchayat forest, land registration and other fees and a share of income tax. Clearly, these recommendations were not what the government was looking for, so ultimately they were labelled extreme. Such labeling did not necessarily contradict the constitutional provision which anticipated gradual decentralization. The word "gradual" implies that the state is committed to decentralization in the future and is making a continuous effort to put it into effect; hence, it provides a ready excuse for being selective in the devolution of power.

The Palace decided to implement selected recommendations of the Royal Commission on Decentralization in three phases: preliminary, transitory and permanent, in which the entire country would be covered in 12 years (Kafle 1988: 15). In the preliminary phase, the only activity was to set up [centralized] administrative arrangements to implement the permanent phase. In the transitory phase, the district panchayats were supposed to be equipped with administrative facilities including government staff to carry out decentralization activities. In the permanent phase, all activities including development programs for the districts would be devolved to the district panchayats, with the exception of the maintenance of law and order and the implementation of national and zonal level activities. But this phased implementation of decentralization slackened quickly. Soon, no one knew whether the first phase had been completed or the second or the third phases started (Kafle 1988: 16).

Nevertheless, the Report provided a basis to systematize and intensify the administrative reach of the central government; for this purpose a Local Administration Act 1966 was introduced.

Since the Third Five Year Plan (1964-69), a financial base existed to launch development activities at the local level through panchayat agents.⁴⁹ By providing for a panchayat sector, the Palace attempted to reach directly to the local level not only through the government bureaucracy but through the elected local officials. Involving the panchayat sector in the allocation of resources for development planning served to create a parallel government (i.e. parallel to the public bureaucracy) through which the Palace could pursue the broader goal of intensifying its reach at the local level without itself being directly involved in bureaucratic activities.

Another important decentralization initiative in the early 1960s was the introduction of the Local Administration Act 1966, which reorganized administration in the country. It divided the country into 14 zones, each headed by a zonal commissioner and into 75 districts each headed by a chief district officer (CDO).⁵⁰ The post of *bada hakim* was thus replaced by CDO and a special officer designated as a "special government representative". Other government officials were posted to the district level as well. The apparatus of the state expanded.

Horizontal as well as vertical overlaps in the powers and responsibilities of government officials prevailed, such as between the CDOs and the special officers and between the CDOs and the zonal commissioners. The functions of representatives of other line agencies, such as the District Forest Officer, likewise overlapped with those of the CDO. As accidental or deliberate side effects of administrative territorialization, such overlaps usually contribute to inefficiency in governance, thus leading to a perceived need for the central government to arrange and rearrange government powers and functions at the local level further.

Under decentralized administration, the CDOs and the special officers, as chief representatives of the central government, had less power over district administrations than the bada hakims had exercised in the past. The CDO was charged with acting as the secretary to the district panchayat, with overseeing the implementation of development projects and with maintaining law and order in the district. However, the law and order functions at the district level primarily fell under the jurisdiction of the zonal commissioners, who -- as noted above -- were directly responsible to the palace.

The Local Administration Act 1966 tried to effect administrative homogeneity. It ended the distinction between the development districts and the administrative districts and instituted a common administration. Administratively, Nepal was divided into five development regions, each comprising mountain, hill and terai. Each region was subdivided into two to five zones, which were further divided into districts. Each of the 75 districts consisted of village and town panchayats, on average about 30 per district. Finally each village and town panchayat was subdivided into nine wards (i.e. nine subvillages). The Act rearranged local space into administrative units.

The village and town panchayats were at the lowest political level. The units of local administration were made to coincide with different tiers of panchayats. At the regional level, a regional directorate of different ministries was established to determine the goals and objectives of the region. At the zonal level not many units of sectoral ministries or of the panchayats were set up. The zonal commissioner, a direct appointee of the King, had considerable power and supervised the activities of different line agencies as well as of the panchayats at different levels. The district-level officers of different ministries were expected to play a dominant role in formulating and implementing development plans and programs, thus complementing the district panchayats. At the village and town level, only a few government units were set up, since the district-level officials were expected to implement plans and programs for the villages and towns as well. The state thus brought a uniform but complex administrative system closer to the people. As many state agencies along with the panchayat units (political bodies) coexisted at the local level but possessed

different and overlapping objectives, conflicts in implementing territorial regulations became increasingly common and required the establishment of new committees and commissions to examine decentralization.

3.3. Decentralization in the Late 1960s and 1970s

In 1967 a 21-member Decentralization Committee was formed to suggest ways to involve people in different tiers of administration and to strengthen the panchayat system. The committee suggested that District Panchayats should formulate local development plans (except for those under zonal or central level projects) under the supervision of the CDO and that no other agency or individual besides the district panchayat should have the authority to formulate such plans.

A decentralization section was established in the Ministry of Home and Panchayat Affairs. The locally elected officials demanded autonomy as envisaged by the constitutional principle of decentralization and as suggested by the 1963 Royal Commission Report on Decentralization. But the Decentralization Committee Report 1967 argued that the recommendation of the 1963 Decentralization Commission for creating powerful units under the district panchayats that would possess police and judicial authority was not suitable under the existing conditions of the country (Ghimire 1988: 3).

To make decentralized administration workable, a new Administrative Reform Commission was formed in 1969. Similarly, in 1971, the Local Administration Act was also amended to rearrange once again the administrative powers and functions of various government officials. For example, under the revised Act, the CDO no longer acted as secretary to the district panchayat. Instead, a new post, the Panchayat Development Officer (PDO), was created to function as the secretary to the district panchayat and thereby serve as a link between the district panchayat and the government. The bureaucratic apparatus expanded in order to implement decentralization.

In 1974 a District Administration Plan (DAP) was introduced. It also promised a decentralized administration but attempted to establish a unified administrative structure at the district level. It laid down a detailed procedure to formulate, implement and monitor local development plans in the districts. All the annual projects of the district were required to be formulated and integrated into the district development plan. The CDO as the district administrator was expected to function as the coordinator in preparing and implementing the district development plan, which had to be approved by the District Assembly. Elected district and national leaders disputed the DAP, pointing out that a small committee chaired by the CDO could alter the provisions of the District Development Plan approved by the District Assembly (Kafle 1988). Disagreement came from various line agency officials as well. They argued that as long as they remained responsible for their sectors in the districts it was impracticable for them to entrust the administrative control over their program to officials from other ministries (Bienen *et al.* 1990: 65). The DAP brought to the surface many contradictions and confusions among government officials and among the local politicians. Clearly, the Nepalese state is not a monolithic; its apparatus is comprised of many different components with different interests.

As required by DAP, district development plans were supposed to be prepared at the local level. But "...the planning in most sectors continued to be separately done at the national level. The nationally set targets were then desegregated and handed down to the individual districts for endorsement by the District Panchayat" (ESCAPE 1981 cited in Kafle 1988: 17). The District Administration Plan failed not only because of administrative incompatibility but because it was disputed by local level politicians. Nonetheless, this failed Plan had important side effect. The failure itself became an entry point for the government to introduce additional reform measures to enhance efficiency and effectiveness in administrative decentralization. For example, within a year after the introduction of DAP, a Back to Village National Campaign was introduced. Hoftman notes (1994: 15):

The Back to Village National Campaign (BVNC) was set up promising the strengthening of grass-roots people's political participation. But in practice the BVNC strengthened Palace control over the electorate and became popularly known as Nepal's politburo.

The BVNC thus became a tool to organise surveillance of political activities at the local level. On the administrative front, the failure of DAP led to the approval of another new initiative, namely, the Integrated Panchayat Development Design (IPDD). Under the IPDD 1978, each village panchayat was required to prepare a five-year plan which would be integrated into its district plan and thereby reflected in the national plan. Since the locally designed plans cut across various sectors or line agencies horizontally and vertically, intersectoral coordination became another problem that the decentralization program had to sort out. Efforts were made to create new institutions at various levels of government so that intersectoral coordination would be ensured. At the central level, mechanisms for interministerial coordination were designed with the Home Ministry being the coordinating ministry. Similarly there was a zonal coordination committee at the zonal level. At the local level, a multidisciplinary service sector was created to look after line agency coordination in each *illaka* or subdivision of a district. A post of project coordinator was created to monitor the affairs of externally funded integrated rural development projects. So the replacement by the IPDD of the failed DAP induced further expansion of the bureaucratic apparatus and made the apparatus even more complex.

The professed goal of the IPDD was to provide local people (i.e. the village and district assemblies and panchayats) the authority to formulate and approve the local development plans. However, the IPDD became ineffective in implementation, largely because the politicians and bureaucrats at the centre saw the need to intensify control at the local level, not to decentralize (ESCAPE 1981 cited in Kafle 1988:18). The ineffectiveness of the IPDD reveals a gap between policy formulation and implementation, but more importantly a policy failure arising from the fact that the state was a differentiated entity comprised of different components with different interests.

As is frequently the case, an important side effect of the failure manifested itself. As the local plans under the IPDD were to be formulated at the village level and integrated with the district and central level plans, the bottom-up flow of information about the population, the

resources, the priorities and the problems of the people assisted the centre in the intensification of rule.

3.4 Decentralization Policies in the 1980s

This section is divided into two subsections: 1) the remaking of decentralization rules and apparatus and 2) the fear of decentralization: the central state and the donors.

3.4.1 The Remaking of Decentralization Rules and Apparatus

While the IPDD was under way, political events intervened, leading to a national referendum in May 1980⁵¹. The ruling party's campaign for election included commitments to establish a commission to consider and propose necessary constitutional reforms and also to decentralize development. After winning the Referendum,⁵² the ruling Panchayat government introduced a reformed constitution which included a renewed official commitment to decentralization; but the ban on political parties and politically motivated trade unions remained (Seddon 1994: 133).⁵³ A Panchayat Policy and Evaluation Committee was set up to enhance decentralization-related reforms promised by the King. In practice, this merely replaced the previous Back to Village National Campaign. A new Ministry of Local Development was also established. Subsequently, the office of Panchayat Affairs was shifted from the Home and Panchayat Ministry to the new Local Development Ministry, which was renamed the Ministry of Panchayat and Local Development (MPLD). The responsibility of the MPLD was to provide adequate support to the local development program and to further the process of decentralization. Soon after the establishment of the MPLD, a second-class gazetted LDO (i.e. a Local Development Officer) was deputed to work as secretary to each district panchayat and a multipurpose development worker was assigned to work as secretary to each village panchayat. The LDO was supposed to coordinate the preparation and implementation of the district development plans, a function which overlapped with the existing role of CDOs.

The establishment of the MPLD as a separate ministry which furthered the development role of the state, also led to the enactment of Decentralization Act 1982 and its By-Laws 1984.

The three broad objectives of the Act were as follows (Ghimire 1988: 6):

- 1 to empower and entrust local panchayats to formulate as well as implement projects for the welfare of the local people
- 2 to develop democratic practice of starting the planning cycle at the Ward level and generate confidence among the people so that they and their representatives should themselves develop their communities, thus promoting the growth of local institutions
- 3 to encourage the maximum level of people's participation in development that meets the needs of the local people and are identified by the local people themselves. This will further ensure the equitable distribution of the benefits of development

The discourse of decentralization continued to be a discourse of development. The Decentralization Act and By-Laws provided a broader legal framework for the intensified presence of the state, of which territorialization is one among many mechanisms and components.

As is apparent from its stated objectives, the Act ostensibly aimed at empowering people and encouraging participatory development in the country. What is striking about the Act, however, is that it still saw the need to generate confidence among local people in participatory planning and development, despite the rationalization that had prevailed from the inception of the panchayat system that it was based on a decentralization principle supposedly indigenous to Nepal.

A series of questions arise, which go beyond the simple issue of whether decentralization is indeed indigenous to Nepalese culture. What had the thrust toward decentralization accomplished in Nepal over the previous 20 years? Why did the government still need to generate confidence in decentralization at the local level? Who lacked confidence in the decentralization principle -- local people or the government agencies? What level of empowerment did the government want to give to local people? Why, lacking the confidence of local people in decentralized planning and development, did the

Decentralization Act now propose to devolve planning to the ward level instead of retaining it at the village panchayat⁵⁴ level? Did the government's intensified territorial presence in the governance of people and resources at the sub-panchayat level reveal a genuine interest in decentralizing power or the opposite?

While asserting that decentralization had failed due to the lack of confidence of ordinary people, the Nepalese state was engaged in deepening its presence at the local level. Despite repeated failures of decentralization, further initiatives were thus legitimized. When local people wanted to support the decentralization scheme and asked for the devolution of power and authority promised by the constitutional provision on decentralization and recommended by the Royal Commission on Decentralization, government agencies hesitated.

The Decentralization Act presented the state as committed to empowering village people, helping them become self-reliant, and simultaneously sharing out the fruits of development equitably. Village people were conceived of as poor and lacking the confidence and knowledge to develop their communities and their institutions. The Act's call for "participation" implied that local people had previously not participated in activities (development) to meet their own needs. The perception in the Act that people at the local level needed tutelage and shaping by the state in order to develop directly contradicts the supposed philosophical basis of the panchayat system: an indigenous principle of decentralization. One may conclude that the Decentralization Act was one more step toward the intensification of the state presence at the local level, an effort to manage and give shape to the reality of the local villages.⁵⁵

In pursuit of its stated objectives of decentralized development, the Decentralization Act and its By-laws included some key provisions. Village and town panchayats were organized as development units at the local level which were federated under the district panchayat. The district panchayats were authorized to formulate, implement, supervise and evaluate the District Development Plan (DDP), which included all local-level sectoral programs and also programs run with locally-raised resources.⁵⁶ Five different subject-matter plan formulation

committees were created under the district panchayats to formulate comprehensive DDPs. Under the decentralization scheme, the National Planning Commission (NPC) could not support any agency programmes unless approved by the district assembly and incorporated into the DDP.

The Nepalese government was trying to streamline development activities at the local level through bureaucratic schemes, rules and regulation. But some elected officials at the local level started to question whether decentralization would mean only specializing in development activities. These officials did not want to limit themselves only to the development functions entrusted by the government but wanted to have more control over local affairs generally. Moreover, decentralization laws and by-laws led to confusion and conflict about the rights and responsibilities of the elected officials and the line agency officials. The former saw sectoral planning as their right while the latter argued that the elected officials were incapable of understanding technical issues, so sectoral plans should remain under the jurisdiction of government line agencies. Nevertheless, the line agency officials realized that elected officials were in a strategic position to block any sectoral plan through their voice in the district assembly. But due to the lack of technical knowledge and information, elected officials in practice were not in a position to use their power in the assembly to complain or to force line agency officials to reconsider the plans submitted (Bienen *et al.* 1990: 67). So the elected officials pleaded with the government once again to give them the powers recommended under the 1963 Royal Commission Report on Decentralization. But the plea was not heard.

Control over technical knowledge and the budget were powers through which line agency officials attempted to dominate official agenda and impose them on the local people. Most often plans and programs designed by local people ended up being only additive to official plans and programs, which could be considered only within a fixed district budget. But there were also cases where locally elected officials sought favour from higher level authorities of the same or different government agencies to push local agenda in district planning and even to overturn decisions made by local line agency officials. For example, Bienen *et al.*

note (1990: 67): "Politicians who are losers in district factional struggles have evident incentives to go to the centre to fight their battles and to mobilize central resources against district opponents." This is another example that shows that the state is not a unitary entity and that local people may use hierarchies of the state to their advantage (Gupta 1995). Local people not only came under the umbrella of government programs but also manipulated government programs by using particular government officials as allies. Within the state apparatus, government ministries, including the MPLD, could not ensure that their line agency officials would act in accordance with decentralization regulations. Implementation of the decentralization program was therefore often as ineffective in achieving decentralization as it was in imposing state control over local people.

The Decentralization Act and By-laws also introduced major changes in the structure of district administration. The district level line agencies involved in development activities (previously as sections of the CDO office) were integrated into district panchayat secretariats. The Local Development Officer (LDO) as the secretary of the district panchayat was made the chief coordinator for development programs at the district level. At the sub-district level, service centres⁵⁷ were set up. Existing field-level offices of different line agencies were concentrated in these service centres which were supposed to assist in the formation and operation of user groups in the village panchayat and forward the identified problems and needs of the village panchayat to the district administration for incorporation in the district plan. The user committee under the decentralization law was supposed to act as the executive body of the user group.⁵⁸

The service centre concept was introduced to devolve power to local government officials, making these officials accountable to the rural poor for the delivery of services. But despite the service centre concept, administration remained top-down. With the enlargement of the administrative structure, it became more complicated and confused to identify the locus of decision-making responsibility, so field-level officials were hesitant to make decisions and continued to seek approval from the centre. Overlapping job responsibilities and authority -- both horizontally and vertically -- further complicated the situation. Furthermore,

government officials in the field could not afford to lose close ties and contact with their central authorities (Ferguson 1994), since these might serve as assets for better placement and promotion.

3.4.2 The Fear of Decentralization: the Central State and the Donor

Despite these problems, decentralization efforts continued. Many donor agencies supported Nepal's decentralization program. For example, the UNDP project, *Support to Decentralization in Nepal*, was launched in 1985 to assist the National Planning Commission and the Ministry of Panchayat and Local Development in implementing decentralization laws and rules. Similarly, in 1989, another UNDP project, *Strengthening Decentralized Planning in Nepal*, was launched to strengthen the central planning organs such as the NPC and the Regional Planning Offices. The decentralization project did not envisage assisting the Ministry of Finance to implement budgetary policies according to decentralization objectives. Similarly, the Ministry of General Administration did not have to implement staffing policies according to decentralization regulations. Hence, although sectoral agencies became subject to decentralization, the Ministry of Finance and the Ministry of General Administration were relatively untouched by the decentralization program.

Many sectoral projects, including those sponsored by the World Bank in community forestry development, were launched in line with decentralization laws and rules. Although donor agencies and government officials at all levels agreed on the need to decentralize administration and planning there was a reluctance among government officials in the centre and also among the donors to decentralize control over budgets and staffing. In particular, the central ministries did not want to lose control over the development budget. For the donors, decentralization of budgets meant an increase in the tiers of bureaucratic approval needed to launch a development project. They believed that government officials at district and service centre level suffered from weak accounting procedures and had little capacity to process budgetary information so administrative efficiency would be lost if budgetary control was decentralized. Administrative efficiency became a rationale for continued central

control over budgetary arrangements (Bienen *et al.* 1990; World Bank 1991). For example, the World Bank argued (1991: 108-109):

... there has been a natural reluctance to transfer real control over staffing and budgets. In addition, if revenue generation for decentralized functions is transferred at the same time, the poor may lose -- as poorer Districts, which have the weakest resource base, will be less able to support services or finance local projects. In addition, placing responsibility for delivery of complex services at the level of government with the fewest resources and the least experience of planning and implementation seems unreasonable.

So not only the lack of administrative efficiency of the local government offices but economic justice toward poor districts were used as rationales for retaining centralized control. The World Bank report further notes:

Decentralization is a necessary stage in the evolution of administration in Nepal, but it should not be counted on to have major poverty-alleviation effects.

While this report justified centralized control of the budgets and staffing of the decentralization program on the basis of ensuring economic justice for the poor, it was skeptical that decentralization would much reduce poverty. Instead it suggested that decentralization failures were an unavoidable problem of the evolutionary process of administration. The discourse on "necessary stages of evolution" seems to suggest that even if decentralization fails to work, it must be pursued.

3.5 Decentralization in the 1990s

3.5.1 Decentralization and Local Government

After the restoration of parliamentary democracy in 1990, the new Constitution of Nepal approved in 1991 continued to base state policy on the notions of decentralization and local self-governance. Soon after the replacement of panchayats by the parliamentary system, the ruling Nepalese party restated the previous practice of forming committees and commissions to advance decentralization, thereby attempting to form constituencies in its own favour.

The UNDP-sponsored Participatory District Development Program initiated in late 1980s was continued in the 1990s.⁵⁹ The decentralization policy of the 1990s also accommodated the globalization debate, which emphasizes a dialectical interplay between the global and the local (Schuurman 1997).

The concepts of local government and decentralization have become attached to the logic of accountability and transparency, which little alter the presence of the state at the local level. As the panchayat structure became defunct in 1990, a new mechanism for allocating funds to local level activities was developed. Establishment of the Local Development Fund (LDF) was an example of such initiatives. The central government started to provide amounts up to Rs. 500,000 (about US\$20,000) as block grants to local agencies such as districts, towns and villages to support development projects. Local bodies needed to show their capacity to raise revenue locally in order to be eligible for government grants.⁶⁰ This matching grant concept has also been influenced by Nepal's Structural Adjustment and Stabilization Program, which emphasized cost efficiency in running programs at the local level. The Eighth Development Plan (1992-97) recognized that remote rural areas with less population and resources might need special policy consideration from the government to receive the necessary grants for development (HMGN/NPC 1992: 656). These arrangements again exemplify the state as an agent concerned for people's welfare and as a vehicle for development. Geography also acquired a new significance in the territorialization process (Morris 1998).

One LDF condition was that no part of a grant could be spent for administration. This condition attempted to devolve the distinction between administrative and development expenditure to the local level. But local people and government agencies have different concepts of development and administrative expenditure. As an illustration, consider the establishment and placement of Technical Assistants (TAs) to work as secretaries in coordinating and facilitating development programs in the VDCs and municipalities. These Technical Assistants were hired centrally by the Ministry of Local Development (MLD) and were placed in different VDCs under the supervision of the district offices of the MLD. The

salaries of the Technical Assistants were to be paid locally by the VDCs or municipalities from the LDF money. The local bodies protested and did not want to spend the LDF money on the TAs' salaries, which they perceived as administrative not development expenditure. Government officials, such as Local Development Officers (LDOs) saw the VDC chairperson as incapable of understanding the differences between administrative and development categories and hence unable to internalize that TAs occupied technical positions that properly were covered by the LDF as development expenditure. The VDCs and DDCs argued that if the TAs' salaries were to be met from LDF money, the authority to appoint the TAs should be local, not ministerial. Such animosity developed that local bodies (such as VDC chairpersons) in many places held LDOs, planning officers and engineers hostage for hours. They accused the MLD and its regional directorates of misdirecting the LDO through radio and official command letters.⁶¹ Clearly, local people are willing to participate in the government decentralization scheme, but they do not necessarily act the way the government expects.

The hiring of TAs by the government with a condition that their salaries be paid from the LDF grants confirms that TAs belong to the government as well as to the local bodies. As they are hired by the government, they are government officials, but since they are paid locally through the LDF grant they are local body officials as well. Their status therefore is unclear, revealing a blurred boundary between state and society. The appointment of the TAs by the MLD also suggests that decentralization does not necessarily mean devolution of power. Under the current decentralization scheme, the central government attempts to exert control over local affairs by retaining the power to hire staff for local bodies.

The Local Development Fund (LDF) is operated directly from the Ministry of Finance. Local bodies are required to follow guidelines regarding the use of LDF money that are issued by the concerned central body, with the advice of National Planning Commission and the Ministry of Finance. There is no local discretion in the use of funds; instead, funds allocated for specific purposes must be used solely to implement those activities. The accounts of the LDF are open to public inspection and a central agency may audit local

accounts at any time (HMG/NPC 1992: 655). The central government retains the power to monitor the use of central grant money and local revenue regularly, to inspect projects on-the-spot, and to disclose the facts obtained from such inspections to the general public. These are all policy tools of the state, not of the local bodies. The consent of the local bodies is not sought, but the central government expects from them loyalty and obedience. Decentralization has not minimized but rather intensified the state presence through various bureaucratic rules and regulation. It has brought a distant state, including its financial regulations, closer to the local level (Li 1997b).

The decentralization policy continues to see local people as ignorant. For example, in its section on decentralization, the Eighth Development Plan (1992-97) notes (HMG/NPC 1992: 652):

The general public need to be mobilized for participation in local development so that they can learn and benefit from their own experiences. Towards this end, His Majesty's Government will allow the people to implement programmes at their own pace.

The obvious paternalism in this statement harks back to the gradual decentralization concept of the 1960s. Even after 30 years of implementation of the decentralization program, Nepalese policy makers still assume that local people are not mobilized for participation in local development, have difficulty learning and are unable to benefit from experience. Whether justified or not, such assumptions rationalize the state's continued presence in governing people and resources at the local level.

As in the past, the decentralization policy of the 1990s continued to promote integrated development and to endorse the concept of user committees and user groups that had been introduced by the previous Decentralization Law 1982 and its bylaws 1984. For example, the Eighth Plan policy on decentralization says (HMG/NPC 1992: 657-658):

1. The main thrust of decentralization is to upgrade the working capacity of local bodies under the leadership of local representatives.
2. Locally elected representatives will encourage formation of user committees to fulfil the objectives of local development.

3. User committees should concentrate on such development works that require only a little or no external assistance.
4. If user committees are able to formulate and implement development programs on their own without external assistance, they will be allowed to do so.
5. The practice of controlling user committees by influential persons by taking the leadership or employing their own people or by any other means will be discouraged.
6. No person can be a chairperson of more than one users' committee at the same time. A member of a user committee must be a resident of the area.
7. All users of the particular service will have to contribute for the operation and maintenance of the services.
8. The district officers of the government line agency will provide necessary support to the user committee and be accountable to them, but they will not in any way control or interfere in their program activities.
9. User committees will not be politicized. Membership to the committees will not be based on the political alliance of the member.
10. If the local bodies can develop a greater sense of responsibility through training of their members, the trust of the people and their participation can increase.
11. It is necessary to provide training to the locally elected representatives, the officials of the user committees on how development programs are to be implemented under a decentralized system.

Decentralization as presented here involves motivating local people for development. To this end, district officers are positioned as facilitators who are supposed to be accountable to the locally-elected representatives. While leadership development through training is thought necessary for user committee activities, the government also anticipates that elites might grab power; this becomes a reason for the state to monitor local activities closely and intervene whenever necessary. Local people are presented -- to use the postmodern term -- as "Others", who need to be included in the decentralization scheme for their own benefit⁶². The state thus appears as beneficent, as a non-political institution interested only in the welfare of the people. The important side-effects are the intensified presence of the state and a depoliticization of the political nature of state activities.

3.5.2 Administrative Decentralization in the 1990s

The emphasis of administrative decentralization in the 1990s was on the restructuring of the bureaucratic apparatus and was influenced by the recommendations of the Structural Adjustment Program (SAP).⁶³ The restructuring program under the SAP did not necessarily aim at hollowing out but at rolling back the state; so it provided a favourable opportunity for the decentralization discourse to flourish further (Schuurman 1997: 154).

A high level Administrative Reform Commission that was formed in 1991/92 recommended a re-organization of the administrative system at the central, regional and district levels and emphasized the building of a small, active, transparent and accountable bureaucratic apparatus. Reforms in the existing financial rules and regulations including regular monitoring and evaluation were also suggested. These recommendations were endorsed by the National Planning Commission in designing the Eighth Plan (1992-97). The authority to spend was to be delegated to the concerned offices as soon as the budget is passed by parliament so that funds would be readily available at the implementation site. The Eighth Plan spelled out the policy that foreign donor agencies that provide aid for local development could contribute grants directly to local agencies rather than through ministries or other government departments. This reduced the previous fear of donors about the decentralization program. The donor agencies working at implementation sites no longer needed to go through various hierarchies of the government in order to obtain budget approval.

Although delegation of authority appeared to be an emphasis on administrative decentralization, the provision for regular monitoring and evaluation of the local administration by central departments and ministries continued to tie local administration to control by the centre. Furthermore, the requirement that district officials may hold local bodies accountable is one among several factors that encouraged local-level government officials to continue to shift decisions to higher levels, so that they would not be held responsible should things go wrong. This is an example of the disaggregated state in which

government officials have their own interest in not working according to the policy of administrative decentralization.

Administrative decentralization has emphasized the restructuring of the civil service, including the reorganization of administrative structures at the central, regional and the district level; the layoff of staff; the specification of job descriptions for government officials at various levels; and the delegation of authority to simplify decision-making. The decentralization program continues to present bureaucratic weaknesses and inefficiency as solvable technical problems that arise from poor planning and the vested self-interests of government officials (Ferguson 1994). One important side-effect is to legitimize renewed efforts at decentralization, even after repeated failure.

3.6 Conclusion

Decentralization has remained an important policy discourse in Nepal for almost forty years, surviving changes in leadership and government. It offers a broad framework for the intensified presence of the state, within which territorialization is one among many mechanisms and components. Decentralization has not minimized but rather intensified the presence of the state through various bureaucratic rules and regulations. To the notions of local government and decentralization are increasingly attached the concepts of accountability and transparency which may be regarded as new bureaucratic hooks for state intensification.

Decentralization policy has been based on two mutually exclusive assumptions: local leaders are either unreliable, self-interested elites who might grab power for themselves at the cost of local welfare, or local leaders are ignorant peasants who are incapable of understanding and pursuing their own self-interest. In either case, the consequence is that local communities lack responsibility for their own development and can only develop once they assimilate specialized technical and material inputs from outside. The internally self-contradictory decentralization policy has not only institutionalized these assumptions about

local people, but by reproducing such institutionalized ideas it also has limited local participation and reproduced state paternalism in making local decisions. As the discussion in this chapter suggests, decentralization has not focused on giving power to local people to define development for themselves, but has expected local leaders to act as spoke-persons for the state.

Decentralization policy intensified and systematized the administrative reach of the central government. In the name of decentralized administration, the government apparatus was restructured several times. Such reorganizations did not necessarily devolve power or increase administrative efficiency. But they gave the impression of a state that was trying to find the right administrative chart and the right planning process. Thus, despite repeated failures, they legitimized renewed efforts at decentralization.

Central administration in Nepal continuously saw the local-level state apparatus as lacking technical knowledge and decision-making capabilities, thus requiring the central administration to maintain control over important decisions, especially budgetary ones. An institutionalized “truth” about the weakness of the local-level apparatus was produced and reproduced which provided a rationale for continued central control over local budgetary and staffing arrangements. Despite recent efforts to devolve certain budgetary decisions to the local level, the accountability and transparency strings have kept local administration under the control of central agencies. The line agency officials at the local level saw the need for decentralized administration. But as decentralization carries contradictions within itself, line agency officials continued to shift responsibility for decisions to higher level authorities whenever possible. This has kept the decentralization project unfinished.

Decentralization initiatives remain complex, contested and unfinished in Nepal and have blurred the boundary between the state and communities. While local people claim their right to state-led development initiatives, they do not behave the way the state agencies want. This indicates that state intensification does not necessarily mean a one-way imposition of power. Community forestry can be seen as part of this long-term decentralization initiative,

one which potentially carries the same set of contradictions. Although presented and seen as a 'new' departure which promises to 'give more control to the people', community forestry instead may increase state bureaucratic power and its systematic reach into all corners of the nation's territory and the lives of every citizen.

CHAPTER IV

FOREST LAWS AND STATE INTENSIFICATION: 1960s-1990s

4.1 Introduction

This chapter shows that forests and people in Nepal are increasingly governed in a territorialized manner. Forest laws and regulations define distinct territories through which the Department of Forests (DoF) and its supreme body, the Ministry of Forest and Soil Conservation (MFSC), penetrate directly into society. Under a territorial form of rule the MFSC not only claims territory, but it prescribes and intensifies its jurisdictional authority by enacting and enforcing regulations and by expanding its bureaucratic apparatus (Morris 1998: 265; Vandergeest and Peluso 1995: 388; Barber 1989: 34). This Chapter shows that there is a continuity in the formulation and prescription of forest laws in Nepal. The stated objectives were primarily to improve forest management and provide people with fair access to the resource. But compliance with the law remained contested. Furthermore, the law embodies internal inconsistencies and contradictions. But lack of compliance and inconsistencies in the law and the regulations have served as technical problems that require state attention. Thus, the effect has been continuous engagement of the state in the process of improving laws so as to make their enforcement less contested. Furthermore, the construction of problems as technical and solvable has hidden the intensification of state control, inasmuch as the impression has prevailed that the forest agency was merely trying to find the best set of laws and regulations to bring justice and development to the people and sustainable management to the forest.

This chapter is organized into subsections that focus on the evolution of forest laws and forest regulations in Nepal during each of the last four decades. At the end is a concluding subsection.

4.2 Forest Laws in the 1960s

The forest legislation passed in the 1960s included the Forest Act 1961 and the Forest Protection (Special Arrangement) Act 1967.

4.2.1 The Forest Act 1961

As explained in Chapter 2, the Forest Nationalization Act 1957 declared all unoccupied land to be national forest under the state's jurisdiction. This goal was re-endorsed by the Forest Act 1961, which supplemented the 1957 legislation in many ways. For example, the Forest Act 1961 emphasized forest boundary demarcation and compulsory acquisition of land adjoining national forests. Emphasis on demarcation of forest boundaries and expropriation of land indicates an attempt to solidify the government's claim over territories as national forests (Wallace 1988; Kanel 1993; Shrestha 1995; Soussan, Shrestha and Uprety 1995; HMG/NPC/IUCN 1991). Drawing boundaries creates an "inside" and an "outside". What happens "inside" becomes the concern of the forest agencies. Those who find themselves inside these defined boundaries are under the jurisdiction of forest law, regulation and administration. No other ministries or agencies would have jurisdiction inside such territory, at least not without MFSC's approval. The Forest Act 1961 can be interpreted as effort to intensify a territorial form of rule and to bring territory under jurisdictional authority of MFSC and its various departments.

The territorial form of ruling was intensified through control over discourse. The need to institute "better management of forests" was the official discourse used to introduce the Forest Act 1961, which granted forest agencies ample legal power to restrict people's access to forests. It gave the MFSC the authority to close paths or streams on government forest and also the right to declare any forest areas as parks and reserves. Any use of government forests without the MFSC's permit was declared illegal: a punishable offence.

Forest agencies not only make laws but may enforce them and adjudicate disputes. Along with defining a range of forest offences, the Forest Act 1961 also entrusted various powers to forest officials; these included, *inter alia*, the authority to search houses without notice (s49, FA), to confiscate and sell off forest produce and equipment involved in forest offences (s 50-52, FA), to arrest forest offenders (s 53, FA), to deal with cases of forest disputes (s 56, FA) – including cases related to indemnity of officials (s 59, FA) and obstruction of officials (s 60, FA). The Act not only specified permissible and prohibited behaviour but also set forth penalties for violations of such legally mandated norms. Spelling out forest offences and penalties could be considered as justifying the very status of the state, i.e., the pursuit of wrongdoing is one justification for the presence of government. The Forest Act 1961 thus delegated to the forest agency the right to a monopoly of violence in relation to specified activities carried out on defined territories (HMG/NPC/TUCN 1991: 16; HMG/N/MFSC 1991; c.f., Barber 1989).⁶⁴

The Forest Act 1961 provided for the categorization, demarcation and registration of forests and defined responsibilities of the MFSC and its departments including the Department of Forest (Soussan, Shrestha and Uprety 1995; HMG/N/MFSC 1991a). It laid down a broad administrative framework for law enforcement. Although Forest Act provided a wide range of authority to the MFSC, enforcement was weak. For example, the demarcation of forest boundaries was intended to establish clearly defined areas within which the forest authority could extend its jurisdiction over land and people. But many irregularities occurred within the forest agency while undertaking forest demarcation. Furthermore people felt threatened not only by demarcation activities but by the concurrent introduction of the Land Survey and Measurement Act 1963, which reasserted the claim that any forested land was state land. The effect was to encourage rather than discourage the conversion of forest into cultivable land, thereby extending private ownership land claims (Wallace 1988; Bajracharya 1983; HMG/N/MFSC 1988a). This suggests that although the forest agency had various formal legal powers over land and people, including a monopoly of legitimate violence, in practice, many of these powers were contested.

The Forest Act 1961 (and its revisions) categorized forests as private, community, leasehold and national. Separate regulations were later framed to describe the exact process of handing over part of the reserved or government-owned forests to communities, religious bodies and lessees. The legal provision for village forests supported the broad decentralization framework of the government. But the endorsement of community forests was not at all a recognition of the existing systems of local resource management. Although the village panchayats could levy fines on forest offenders up to one hundred rupees, they had no right under the provision for community forests to make regulations regarding the administration and management of village forests (Hobley 1990). Village panchayats appeared instead to be regarded as agents of the government to implement forest laws and regulations.

4.2.2 The Forest Protection (Special Arrangements) Act 1967

The Forest Protection (Special Arrangements) Act 1967 expanded the Forest Act 1961. It prohibited damage or removal of forest products without formal authorisation or permit from the forest agency. It redefined forest offences and penalties and reinforced the MFSC's role as an executive body to control forests. The Act also laid down severe penalties for forest offences, ranging from large fines to imprisonment. Uprooting or damaging saplings and removal of forest boundary markers were strictly prohibited. There were also provisions to pay informers 20 to 30 percent of the auction price of confiscated articles including forest products (s 4, FP).

The successful enforcement of forest law requires, *inter alia*, clear boundaries between forest and non-forest land. Divergence between the abstract and the real space of forests⁶⁵ made demarcation of forests surrounded by villages difficult and ineffective in the absence of local support and consent for the demarcation process. Providing incentives for informers was an important strategy to overcome this obstacle, but also had another effect. It created the impression that the forest agency was just doing what it should: i.e., punishing evil deeds and rewarding good ones. In addition, incentives for informers might help build alliances with some local people while weakening local systems of cooperation. In other words such a

provision could be considered as an attempt to disintegrate local systems of power and cooperation.

The 1967 Act empowered the Forest Ministry to establish Forest Preservation Special Courts to enforce forest regulations and exact penalties and authorized the forest agency to police and control access to forests (Malla 1992; Hobley 1990; Mahat, Griffin and Shepherd 1986a; Soussan, Shrestha and Uprety 1995). In each area, a Forest Preservation Special Court was established with judicial power vested in the District Forest Officer. There are also examples of delegation of a monopoly of legitimate violence to the forest agency and discrimination in the use of such legal powers by forest agencies. Mahat, Griffin and Shepherd (1986a: 230) note:

In actual practice, however, it was only the weaker sections of society which were brought under the purview of this law enforcement activity and powerful individuals involved in offenses often escaped through influence and manipulation.

Lack of staff and inefficiency in forest administration are often presented as the main problems of forest management in Nepal (Gilmour and Fisher 1991; Malla 1992; Wallace 1988; Soussan, Shrestha and Uprety 1995; Hobley 1990).⁶⁶ Whether this apparent administrative inefficiency is due to the self-interest or the incompetence of forest officials in the field or instead to practices at the centre, such as distributing frequently-modified *ad hoc* circulars and directives from above is unclear, however. If forest officials in the field are expected to gain local support, but agree with local people that the forest laws are unduly burdensome, then these officials will naturally give leeway to the local people wherever possible; “inefficient” law enforcement will result. The boundaries of mistrust and cooperation between forest officials and local people are difficult to locate because their relationships with one another are not necessarily antagonistic and self-interested. While some local people have been co-opted by the state as informers and local leaders and have been embedded in the state system through incentives, favours and authority, others at the local level have lost their access to forests due to the increasing penetration of state laws and regulations.

Although the legal power of forest agencies is disproportionately great, local people are not powerless. If the rich can manipulate the state and use it to their own advantage, seemingly poor and powerless people can obstruct and hinder state policy, as evident from the uprooting of planted saplings, the destruction of forest boundary markers and the entry into forests without permits. Struggles over forest rights make forest demarcation and reforestation activities always incomplete and ongoing.

4.3 Forest Laws and Regulations in the 1970s

This section is divided into five sub-sections: 1) the Forest Product (Sale and Distribution) Regulation 1970, 2) the National Park and Wildlife Conservation Act 1973, 3) the Pastureland Nationalization Act 1974, 4) Community Forestry: the PF and PPF Regulations 1978, and 5) Leasehold Forest Regulations 1978. It shows that during this period various bylaws of the Forest Act 1961 were introduced. As new laws were added the bureaucratic apparatus expanded.

4.3.1 Forest Products (Sale and Distribution) Regulations 1970

The Forest Products (Sale and Distribution) Regulations 1970 was one of the by-laws of the Forest Act 1961. These regulations established a system of permits and licenses for the sale and distribution of forest products. As usual, the procedures for getting permits were complex, so abuses occurred: forest officials often accepted personal payments to distribute permits and licenses. (Wallace 1988: 16; HMG/N/MFSC 1988a; HMG/N/NPC/IUCN 1991: 50). The fee and use regulations for extraction of forest products were often unenforceable; frequently, the detailed laws and regulations had little impact on the way local people used the forest.

In many places a well-defined hierarchy to regulate the use of forests was instituted. At the lowest level were the forest guards, government staff who were supposed to protect forests from the people. However, forest protection was a job which required them to stay amongst

uncooperative people in inaccessible terrain far from the Department of Forests. Furthermore they were expected to supplant the traditional local leaders who had formerly controlled the forests. Although forest guards were supposed to enforce forest laws strictly, they could not be unsympathetic to the needs of the poor nor afford to antagonize the powerful local elites (Pathak 1994). This meant that these forest guards had to behave as part of rural society and be lenient in law enforcement.

Forest management and control responsibilities were dispersed over a number of agencies. For example, the Department of Forests was the key agency responsible for planting and conserving forests and also for licensing and organizing timber sales. Parastatal organizations, such as the Timber Corporation of Nepal (TCN), the Fuelwood Corporation (FC) and the Forest Product Development Board (FPDB), were the agencies responsible for supplying forest products to urban markets at fair prices. The FPDB was supposed to supply timber to some industries and was responsible for forestry plantation projects in conjunction with the Afforestation Division of the Department of Forests. Overlapping functions within the DoF, between the DoF and the parastatals and among the parastatals themselves, combined with limited coordination among these agencies, resulted in inefficiency in the harvesting and distribution of forest products.

The Forest Product Regulation 1970 did not improve the sale and distribution of forest products. It only expanded the bureaucratic apparatus further and intensified its presence at the local level. The uncoordinated administration of these various bodies and the cumbersome administrative procedures caused chaos and inefficiency in harvesting and transport as well as underpricing of harvested forest products. For example: while awaiting completion of administrative formalities among various agencies involved in forest product supply and distribution, the DoF was obliged to leave harvested trees on the ground. But when the concerned agencies, such as the Timber Corporation of Nepal did not respond on time, the harvested products often became unusable for timber or even fuelwood (Shaikh 1989; Wallace 1988). Even when these products were transported in a timely manner for distribution in the urban areas at subsidized prices, the benefits went to the urban rich

rather than the urban poor (Shaikh 1989: 110). The everyday scenes of potentially valuable decayed wood lying on the ground inevitably reimprint particular negative images of the state and of the functions of forest officials in the minds of local people.

4.3.2 National Park and Wildlife Conservation Act 1973

By the 1970s there was global concern about the inability of state structures to preserve environmental resources including forests. To accommodate the environmental concerns put forward by the United Nations Conference on Human Environment, Stockholm 1972, a Task Force on Land Use and Erosion Control was established under the National Planning Commission to advise on environment and development issues in Nepal. Concern to protect the environment, especially the advent of the "*Himalayan degradation*" discourse, became another technical reason to introduce new laws and regulations and to expand the bureaucratic apparatus further. For example, in 1972, a National Parks and Wildlife Conservation Section was created within the DoF to coordinate the management of protected forest areas. In 1973, a comprehensive conservation scheme, the National Park and Wildlife Conservation Act (NPWC) was introduced.

The NPWC Act was amended in 1974 and NPWC Regulation 1975 was introduced. These acts and by-laws empowered the DoF to designate any area as a park or protected reserve and also to use violence in restricting entry into such areas.⁶⁷ For example, in 1974, the DoF replaced the existing armed guards by the regular Royal Nepalese Army (RNA) for law enforcement in all parks and reserves. The enactment and implementation of the NPWC Act led to further expansion of the forest bureaucratic apparatus, which is evident from the establishment of a Department of National Parks and Wildlife Conservation (DNPWC) in 1980. The DNPWC was formerly an office of the Department of Forestry. The DNPWC became a full-fledged agency to enforce the NPWC Act, which included the creation and management of four types of protected areas: national parks, wildlife reserves, strict nature reserves and hunting reserves. The revised NPWC Act added a fifth type of protected area,

the conservation area; policy shifted away from a single species focus towards biodiversity protection (Brown 1994: 11; Brown 1995).⁶⁸

With the enactment of the NPWC Laws and Regulations, forests in the upper mountains were chopped into units of abstract space such as strict nature reserve, wildlife park, national park; this defined how and by whom these areas could be used. Not only the upper mountains but also the terai and the middle mountains were subject to the NPWC Act. Outside the protected areas, wildlife conservation remained under the jurisdiction of DoF field offices. But within the protected areas, the sharing of protection responsibilities of the national parks between the DNPWC and the RNA created problems of divided control and made park management inefficient (HMGN/MFSC 1988a: 113).

The establishment of national parks and reserves intensified the state presence controlling forest use at the local level. The impact was particularly adverse in cases where national priorities dictated that local communities had to be resettled elsewhere (HMGN/MFSC 1988a: 112).

4.3.3 Pastureland Nationalization Act 1974

The Pastureland Nationalization Act 1974 aimed to regulate the use of pastureland which otherwise was local common property.⁶⁹ All pastureland throughout the country (except small areas of pasture falling within an individual's land plot) were nationalized. Under this Act, village panchayats were given certain authority to enforce the pasture nationalization law. Pasture users were required to pay fees levied by the local panchayat authority if they wanted to continue to use the pasture.

The forest agency expected panchayats or elected local bodies to serve as the state's agent to enforce the Pasture Nationalization law. In practice, however, pasture had long been common property, so elected local authorities were uncomfortable in asking villagers to pay to graze animals on such land. Furthermore, local panchayats were not given authority over

pasture in forested areas; such land continued to be under the full authority of the Department of Forests itself (HMG/NPC/TUCN 1991: 39-40). As the forest agency is an apparatus of the state, it had to incorporate elements of the decentralization program prescribed as a broad policy framework by the Nepalese state. Giving some authority to panchayats was useful to the forest agency in that it helped build alliances with local elected officials. Even though panchayats did not levy user fees in practice, the authority vested in them to do so communicated a message that pastureland belonged to the state not to the community.

4.3.4 Community Forestry: The Panchayat Forest and Panchayat Protected Forest Regulations 1978

As discussed above, although all unregistered and uncultivated pasture and waste lands legally are state forests and forest officials possessed enormous legal powers, law enforcement was weak and inefficient for various reasons. This failure itself became yet another technical reason to search for alternative ways intensify state control over forests and people. Community forestry, institutionalized in the form of Panchayat Forests (PFs) and Panchayat Protected Forests (PPFs) were one option. Consistent with the national decentralization policy, the PF and PPF Regulations, which were by-laws of the Forest Act 1961, considered local panchayats (i.e. the lowest level political units) as communities. However the Regulations were silent regarding forest product sales by the community.⁷⁰ Under the PF and PPF Regulations, the DoF could transfer up to 125 ha. of severely degraded state forests (i.e., barren land) as PF and up to 500 ha. of forested area as PPF to the village panchayats for management. (Subsequently, these limits were removed.) But ownership of the transferred forests continued to remain with the state. Hence, PFs and PPFs occupied the boundary between community and state.

The transfer of forest management responsibilities to communities was primarily to establish trees and restore and manage barren land and degraded forest. Establishing greater tree cover on huge tracts of barren and degraded land was not only ecologically but politically desirable for the forest agency. Claiming barren land as forest reminded people of the inability of the

forest agency to preserve forests and serve society. If the state on its own could not improve the status of the degraded land, handing over responsibility to communities to improve such land -- while retaining ownership rights -- would not cause the forest agency to lose authority. Instead it would help strengthen state territorialization and simultaneously support the idea that the state was serving the needs of the society.

For territories to be designated PF or PPF, village panchayats had to apply formally to the DoF via the divisional forest officer, who would forward the application to the DoF forest conservator after making the necessary inquiries. If the application was approved, the conservator would order the divisional forest officer to accept it. The divisional forest officer would then allot the PF or PPF to the village panchayat and document this with a certificate. At this stage, the community would proceed to plant the barren land with tree seedlings if it was a PF or plan for forest protection activity if it was a PPF⁷¹. Tree seedlings were provided free of charge. Local people were paid in cash for their involvement in community forestry implementation. Communities received free seedlings and technical support from the Forest Department. The PF and PPF Regulations became defunct in 1990s when the Forest Act 1993 and its by-laws 1995 were introduced.

With the introduction of PF and PPF Regulations, many donor-supported community forestry projects emerged. Donors saw these regulations as steps in the right direction, a recognition by the government that it alone could not solve environmental problems and that improvement in forest conditions first required a change in the antagonistic relationship between communities and the forest agency. For example, the Nepal-Australia Forestry Project Document 1985 notes (NAFP 1985: 8-9):

This legislation [PF and PPF Regulations 1978] was remarkably apposite and innovative and put the country in a good position for the development of forestry for local community benefit. This forestry policy has received consistent support at all levels, from the king to the peasant.

With the proliferation of community forestry projects, certain ideas of the state and the communities were produced and reproduced which consistently helped in intensifying the

state presence in the control of forests and people in the hills of Nepal. This will be demonstrated in more detail in succeeding chapters of this thesis.

The long history of land colonization in Nepal has resulted in forests in the hills becoming small, scattered, degraded and fully enmeshed with local livelihoods. Efforts at scientific survey and mapping have found it impossible to separate the smaller blocks of forest from the mountain settlements (Soussan *et al* 1995). So transferring management of such forests to local people could be considered a formalization of already existing practice that simultaneously forces local people to realize that the forests they use do not belong to them but to the state and that they could only continue to use such forests by fulfilling certain bureaucratic formalities. Thus the PF and PPF rules restrict communities in the use and management of forests.

According to PF and PPF Regulations, income from community forestry could not be received directly by the communities. Instead, the proceeds had to be forwarded to the DoF, which subsequently would grant the money back to the communities.⁷² This requirement could be interpreted as evidencing a lack of faith by the DoF in the handling of forest revenues by communities (Wallace 1988). But, it could also be seen as a strategy to communicate the DoF's ownership rights over community-managed forests. The administrative cost of moving PF and PPF revenues back and forth to the communities would exceed what the DoF could actually gain in terms of revenue-sharing.

Legally, communities could not undertake PF and PPF activities independent of the control of forest authorities. Under the PF and PPF Regulations, communities were prohibited from activities which would damage, alienate and/or reclaim forest in any form; this included prohibitions on use as orchards or to grow crops. They were not allowed even to build houses or huts in the forests for the protection of the PF or PPF itself. The revision of PF and PPF Regulations in 1980s gave some leeway to communities to construct houses or huts on PF and PPF land for the purpose of forest protection and also incorporated the concept of the user group and user committee that had been introduced by the decentralization law 1982 and

its by-laws 1984. Under these revised Regulations, community forestry would be undertaken at the ward level rather than at the panchayat level.

Planting, protecting and managing PFs and PPFs continued to be under the general supervision of the Divisional Forest Officer, who also retained the right to approve or reject the management plan and could also issue directives to the communities on behalf of the DoF.⁷³ Communities were required to follow the DoF directives, get their management plans approved and submit their annual reports to the District Forest Office and the District Panchayat within one month of the end of each fiscal year. There were hierarchies of administrative procedures and formalities involved in community forest operation. As frequent staff transfer is a regular feature of administration in Nepal (to which forest administration is no exception), the transfer of staff and the hierarchic administrative procedures could significantly delay the transfer of PFs and PPFs to communities. Such administrative formalities and inefficiencies continuously kept the communities tied in knots of bureaucratic red tape.

According to PF and PPF Regulations, forests could be handed over to the communities only after a management plan had been agreed upon between the community and the DoF. The management plan, a form of legal contract between the DoF and the communities for managing the community forest, *inter alia* specified the amounts and timing of the harvesting of forest products. Negotiating a management plan was frustrating because the panchayat was generally too large and heterogenous a unit to act as a community. Moreover, recognizing a panchayat as a local forest community was ambiguous because panchayat boundaries were political and therefore unstable over time.⁷⁴ Not only might a number of villages or communities lie within a panchayat boundary, but their forest use might cut across panchayat borders. There was no legal provision for PF and PPF to be jointly shared and managed across panchayat boundaries. A further complication arose when indigenous but unofficial management of local forests continued to function in parallel to the officially-sponsored community forestry program. So shifting community forestry implementation to the ward level of a panchayat had an important effect beyond achieving consistency with

Nepal's broad decentralization policy. Instead of dealing with a single panchayat authority, the DoF would be attempting to deal separately with nine smaller units or wards within a village panchayat, when negotiating management plans and transferring forestlands.

According to section 3(2) of the PF Regulations and section 4(2) of the PPF Regulations, prior to transferring community forest areas to communities as PF or PPF, they had to be clearly demarcated, thus distinguishing them from government-managed forests. But disputes about the ownership and boundaries of forest land continued to make even the drafting of management plans intensely confrontational and complex. Sometimes these disputes arose when demarcating land as PF and PPF, hence complicating the transfer of territories to panchayats as community forests. Such boundary disputes usually pitted private individuals who claimed title to certain parcels against forestry officials who asserted that the land was state forest available for assignment to a panchayat as community forests (HMG/NPC/IUCN 1991: 53; Applegate and Gilmour 1987: 15).

Failed attempts at demarcating forest boundaries had two effects. First, preparation of a management plan could take months or years (Malla 1992: 41) because settling boundary problems might be beyond the jurisdiction of the forest agency. Often, in order to meet the official targets for community forestry operation, forest officials transferred forests to panchayats as PF and PPF without an agreed management plan (Malla 1992; Smout 1989; Wallace 1988). Second, land claim disputes sometimes provoked conflicts in the local community and the resolution of these conflicts worked to the benefit of the forest agencies. Those who wanted the land as community forests were opposed by those claiming private property rights. If the disputed land was awarded to the state, then the forest agencies would not only gain public approval from the former group, but would also win local allies to protect the forest and to restore tree cover on barren land. If the dispute ended up confirming private land rights, then the local DoF presence might increase. PF and PPF Regulations thus could be seen as efforts to bring distant forest agencies closer to the people in the hills of Nepal.

PF and PPF Regulations were legitimized in part by the *environmental degradation* discourse, but their implementation helped produce the idea that reversal of environmental degradation is as much the responsibility of the community as it is of the state. When these Regulations failed to result in forest recovery and improvement, a new thesis about institutional incompatibility arose. This suggested that PF and PPF were launched in good faith but did not work well because forest agencies lacked training in managing community-based resources and continued to control community forests excessively. This, however, was regarded as a solvable mistake (Gronow 1987; Fisher 1989a; Wallace 1988; Soussan, Shrestha and Uprety 1995).

Although implementation of the community forestry law did result, to certain extent, the establishment of trees on barren PF land and the protection of existing PPF forests, these gains came largely at the expense of other government forests. Villagers established and protected community forests, but met their forest product needs by encroaching on government-managed forests (Shrestha 1987; Sharma 1993). This produced an ironic political result. While forest officials potentially could exult over the good results from community forestry, they would have to be deeply concerned that community forestry was raising the image of local communities at the expense of their own image. Worsening degradation of government-managed forest reveals forest officials compared to local people as inefficient and incompetent in managing forest resources. So forest authorities did not celebrate some successes of community forestry, but became more frustrated. How could they protect government-managed forest while simultaneously encouraging forest establishment and protection through community forestry? It was argued that communities should become more aware of the scarcity of forest products and make community forestry a success while restricting their use of government-managed forest (Sharma 1993). This suggestion led to the encouragement of leasehold forestry together with community forestry, so that people would meet their forest needs by planting their own forests not by harvesting government-managed forests.

4.3.5 Leasehold Forest Regulations 1978

The Leasehold Forest Regulations 1978 can be seen as an extension of the pastureland nationalization law. They endorsed private forestry in parallel to community forestry by leasing heavily degraded grazing land to individuals or groups. This assured government ownership rights and supposedly would both promote local consensus as well as reforestation. Under the leasing rules, barren land was also expected to be converted into plantation forests through leases as well as under PF. The DoF could lease up to 20 ha of heavily degraded grazing land to individuals, organizations or groups of people for reforestation. But until the late 1980s no forest area was ever officially leased under this Regulation (Wallace 1988).

From the early 1990s on, especially with the initiation of the Hill Leasehold Forestry and Forage Development Project, blocks of degraded land started to be leased to groups of poor households in the middle mountains with the stated goal of raising income and improving the environment. But implementation of leasehold forestry infuriated many people in local communities, as it resulted in loss of access to grazing land. Forest boundary disputes between villages were yet another problem. Furthermore, in many places, where land was leased to the poor, wealthier people objected and attempted to convert it into community forests (Singh and Sterk 1995: 131). Such conflicts may yield their own effects: they give an impression that the government favours the poor but that the local elites, especially the rich, obstruct progress.

4.4 Forest Laws and Regulations in the 1980s

When the decentralization law was passed in 1982, existing forest law and regulations were revised for consistency. The Forest Law 1961 was expanded through the Soil and Watershed Conservation Act 1982 and regulations on private forestry were issued. Some revisions were also made to the PF and PPF Regulations. Subsequently, efforts were made to revise the

Forest Act 1961 completely. In this section of the thesis, there are two sub-sections: 1) Soil and Watershed Conservation Act 1982 and 2) Private Forest Regulations 1984.

4.4.1 Soil and Watershed Conservation Act 1982

The discourse of “environmental degradation” subjected mountain people and forests to an agenda of soil conservation and watershed management. To this end, the Department of Soil Conservation and Watershed Management (DSCWM) was spun off from the Forest Survey and Research Office (FSRO) of the Department of Forests in 1974. The Soil and Watershed Conservation Act (SWCA) 1982 was introduced with the professed goal of promoting environmentally sound agricultural practices in areas prone to soil erosion and in watershed basins. The SWCA Act gave the forest agency *de jure* expropriation powers over -- and extensive administrative powers within -- designated soil conservation areas.

Legally, watershed conservation officers could declare any land under the new agency’s jurisdiction a protected watershed area, prohibit its use by local people who lacked an official permit, and even confiscate privately-owned property if people continued to use it. The forest agency gained the power to rearrange settlement, if necessary. However, the DSCWM remained under-staffed and under-resourced, so enforcement of the Soil Conservation Act was limited and no protected watershed areas were established (HMGN/NPC/IUCN 1991: 38; HMGN/MFSC 1990). Watershed management regulations did start to incorporate the concept of people’s participation in watershed management, nevertheless.

4.4.2 Private Forest Regulations 1984

As mentioned above, the Forest Act 1961 re-endorsed the concept of private forestry, especially encouraging reforestation of private land.⁷⁵ It stipulated, *inter alia*, that private land owners could grow forests on their lands without fear of government expropriation (s 33- 34, FA). Considering that only four years had passed since all private forests had been nationalized, and that the Birta Abolition Act 1959 should have eliminated all private forests,

the re-introduction of private forestry should scarcely have been expected to have an impact on private forestry practice. The re-endorsement of private forestry suggests instead that private forestry had not really died with the nationalization of forestland and the abolition of *birta*, so official recognition of it became important in order to bring private land holdings under bureaucratic procedures and control.

If private forests were registered, this would assist the demarcation of forest boundaries and the acquisition of land. Making provision for private forests might also help reforest land which the government could not reforest on its own. Furthermore, an increase in tree cover irrespective of tenurial status of the land would improve the image of the forest agency because the huge patches of degraded and barren land that it occupied demonstratively revealed its incapability and inefficiency in preserving forestland.

The Private Forest Regulations 1984 were introduced as a bylaw of the Forest Act 1961 in order to promote private forestry. Under these Regulations, owners of private forestland could get free tree seedlings and technical assistance from forest officials. But to be eligible, the private forestland had to be duly registered with the Department of Forests. The procedure for registering private forests was complicated (HMGN/MFSC 1988a: 121). Any private forests considered to be poorly managed could be taken over by the DoF for a period of 30 years. Any income earned from forest management would be turned over to the owners of the private forest after deducting the DoF's management costs (Hobley 1990: 114). The Regulations empowered the DoF to take over management of private forests for specified purposes or to interfere extensively in the harvesting and distribution of products from private forests in order to protect against natural calamities, to meet public health requirements or to construct economic infrastructure. The DoF was not required to compensate owners of private forests that might be expropriated (HMGN/NPC/IUCN 1991: 50). The Private Forest Regulations 1984 can thus be seen as intensification of state presence in controlling private forestland rather than as promotion of private forestry. The powers it gave to officials would discourage private forestry initiatives.

4.5 Forest Laws and Regulations in the 1990s

The need to revise existing forest laws was emphasized by the Forest Sector Master Plan Report 1988 and was endorsed by the Cabinet under the new Forestry Sector Policy (FSP) in April 1989. While the Forestry Bill 1990 was still under discussion, the panchayat system was replaced by a parliamentary form of government. This became yet another reason to revise existing forest law. Drafting new laws and regulations was rationalized as an initiative to minimize contradictions and ambiguities in existing forest legislation and also as an effort to provide clear incentives for individuals and communities to participate in forest development and conservation. Revision of the National Park and Wildlife Conservation Act was one among many efforts towards these ends. The amendment of the NPWC Act in 1994 endorsed the concepts of buffer zones and local participation in park management. Under the revised law, the Department of National Parks has authority to declare areas surrounding parks and reserves as a buffer zone; the local park warden -- in conjunction with a park user group -- is responsible for managing the buffer zone. The buffer zone and user group concepts were endorsed as technical solutions to the conflicts between local people and park officials regarding access to park resources.

The Forest Act 1961 and its bylaws, including those on community forestry, were also revised. As discussed before, some successes of community forestry in establishing and protecting forests created tensions in the forest agency. These related to several issues: protecting government-managed forests, bringing uniformity to community forestry administration and management across projects, and equipping forest agencies to deal with community forestry problems. Consequently the Forest Act 1993 and Forest Regulations 1995 were passed, in which some changes were cosmetic only: for the titles PF, PPF, Village Panchayat and District Panchayat, the new terminology became "community plantation", "community forest", Village Development Committee (VDC) and District Development Committee (DDC) respectively. Given the similarities of the new legislation to the forest laws and regulations they replaced, a complete overview is not needed. Instead, this section highlights the key feature of the Forest Act 1993 and Forest Regulations 1995: the emphasis

on community forestry, and shows that this reveals continuity in legal provisions and in intensification of the state.

4.5.1 Forest Act 1993 and the Forest Regulations 1995

Although the Forest Act 1993 and its Regulation 1995 brought incremental changes, especially the endorsement of the user group concept, the law is not without contradictions and ambiguities.⁷⁶ The Forest Act 1993 essentially renews significant features of the previous laws: the claim that all wasteland, uncultivated or unregistered lands surrounded by or adjoining forests -- including paths, ponds, lakes, rivers or streams and riverine lands -- is state forest; the acceptance of only two types of forest ownership, i.e., private and state; the emphasis on compulsory acquisition of land adjoining forests; stiff criminal sanctions on unauthorized forest use; a bureaucratic framework for law enforcement; and the grant of enormous authority to forest officials, including the use of violence under some circumstances. The law continues to empower forest officials to conduct searches, confiscate harvested forest products, dismantle dwellings, seize property, arrest (without notice) offenders and their accomplices, and shoot offenders below the knees who are trying to escape (s 59(1-2) FA).⁷⁷

Coercion relating to forest use and to distribution of forest products, plus the grant of criminal sanctions suggest that the forest agency is powerful. Providing coercive means to control resources *ipso facto* implies skepticism about peoples' adherence to bureaucratic forestry project rules, however. This suggests that both sides possess power: the state as well as the people. If people do not challenge the authority of the forest agency, coercion will be unnecessary.⁷⁸ As people collaborate with government agencies, they will find ways to manipulate the state and evade coercion. Building cooperation and consensus with local people becomes an inevitable instrument for the forest agency to intensify its territorial presence, if not its effective control.

Although the Forest Law 1993 reflects continuity in territorialization and state intensification in governing forests and people in Nepal, it also suggests that the forest agency possesses less than total power over forests. This is evident from the law's confirmation that any parts of the forests can be converted into other land uses through a notification by the relevant state authority. The forest organization is only one among many components of the Nepalese state apparatus.

As in previous laws, embedded in the Forest Act 1993 is the instrument to intensify state control through control over discourse, such as on "*development and environment*". For example, the preamble of the Forest Act 1993 mentions:

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 and extend cooperation in the conservation and development of private forest and by managing the national forest in the form of government managed forest, protected forest, community forest, leasehold forest and religious forest.

Development, conservation and utilization of forests are presented here as activities that result from state planning. Through control over discourse, the law portrays the forest agency as committed to social justice, development and forest conservation. The law continues to recognize community, leasehold and religious forests as management regimes of the national forest and thereby to systematize the forest authority's reach over resources throughout its territorial domain. Local population, resources, systems of knowledge, culture and social arrangements appear as manageable objects.

By accepting only two forms of forest ownership, private and state, the Forest Act 1993 continues to simplify the historically complex land tenure system. By asserting a distinct boundary separating private and state forests it not only nullifies the existence of overlaps between private and state land rights but also conveys the message that no common property ownership of land exists in Nepal.⁷⁹ When the law accepts only two types of ownership-- private and state -- any other type of forest ownership is outside the law. The categorization

of forests into state and private suggests an effort to draw a clear boundary between the state and society. As the law recognizes community forests and religious forests only as modes of management of state (national) forests, it obscures the political import of the non-recognition of common property as a distinct form of ownership that is on a par with private and state ownership.

The Forest Act 1993 does not specify that state forest regulations apply only to government-managed forests and not to other types of state (national) forests such as community, leasehold and religious forests. Hence, the latter presumably fall under the regulations governing state forests, since they are recognized by law as parts of the state forest. Such legal ambiguity opens the way to treat community forestland under both national as well as community forest regulations.

Under the Forest Act 1993, public or private land within or adjoining a national forest could be incorporated (s 4, FA) into the state forest during demarcation. If necessary, the district forest officer can use force to acquire land (s 15, FA). When private land is incorporated into a national forest, the district forest officer is supposed to forward the land acquisition information to the local revenue office. The local revenue office is then supposed to remove the entry of land revenue or tax levied on such land from the records and forward the amended record to the Land Revenue Department in Kathmandu (s 14(1), FA). The lack of coordination among government agencies, coupled with frequent transfers of staff and administrative inefficiencies and corruption, sometimes make it difficult to receive the clearance letter from the land revenue office in time. Consequently, forest demarcation activity can add insult to injury: not only may land be expropriated, but the former owner may be put into conflict with the taxation authorities.

Private forest land is subject to many restrictions. Under the Forest Act 1993, removal of trees from private forests without obtaining government permission is an offence (s 40, FA). Owners of any registered private forests must notify the district forest office in advance about transporting any forest products. Moreover, the recommendation of an elected

member of the local village development committee/ municipality must be attached to the application, along with detailed information about the type and quantity of forest products to be transported. In case of an unregistered private forest, the owner should obtain a permit from the district forest office in order to harvest trees (s 62(3), FR); to transfer the timber, a release order needs to be obtained from the district forest office and be endorsed by checkpoints located enroute (s 62(4), FR). Of course, these notification requirements for harvesting, releases for transportation and permits for trading forest products from private holdings are necessary so the forest agency can identify products collected from the state and the private forests. They obviously subject private forests to rather onerous bureaucratic controls.

4.5.2 Community Forestry Regulations in the 1990s

The Forest Act 1993 defined a community forest as a part of the national forest that -- to serve the collective interest -- had been handed over to a user group for its development, conservation and utilization; all of the income earned from a community forest is supposed to remain with the community.⁸⁰ The Act gave legal status to the user group, which is defined as a group of people registered under the law for the management and utilization of a community forest. Before a forested tract is handed over as a community forest to a user group, the group involved requires a constitution and a work plan. Information about population and details about the resources (i.e. forest) and management strategies have to be specified in these documents.⁸¹ Included also is a clause which states that forestland belongs to the state and that the state can take back community forests from user groups. The new community forestry rules require communities to work closely with the local offices of the state agencies. Communities must also agree in writing that they will abide by the directives given by the forest offices. Community forestry might fail or succeed in meeting forestry goals, but this stipulation has importance: it forces the community to acknowledge that the land belongs to the state.

Community forestry is aimed at sharing forest management responsibility with communities, implying that the work burden of forest officials will be reduced. But it is possible that the shift in policy has merely shifted the nature -- not the amount -- of work. The Forest Act calls for the forest agency to facilitate community forestry. Rather than engage in technical functions of forest establishment and growth, the foresters are required to involve themselves increasingly in the administrative procedures of forming, registering, re-registering and monitoring the activities of the user groups. Under the previous policy, forest tracts were handed over to the elected leaders of village panchayats, so the number of groups of people forestry officials had to deal with was small. But under the new policy, forestland is not necessarily handed over to the elected leaders, but instead to a group of people residing in and around a given patch of forests. In other words, under the new community forestry approach, the group size is getting smaller but the number of groups is increasing, which implies that the administrative work load of the forest officials is expanding tremendously.

With the changed policy of handing over a forested tract to a user group instead of to a panchayat or ward leader as in the past, communities which belonged to previous community forestry programs have to come to district forest offices to renew their forest programs under the new legal requirements in order to prevent their forest's legal status from becoming defunct. However, a new competing forest user group might have been formed without knowledge of the already existing group. The result: chaos, causing perhaps a resource-related feud among local people in the community. Furthermore, the forest agency experiences frequent staff transfer; hence the formation and registration of user groups, the transfer of forests, and the supervision of user group activity may be neither timely nor efficient. The lack of field level forest officials and the lack of incentives to such field officials further complicates matters. But a further intensification of the state presence in forestry may arise from these problems, as people in the communities seek the support of forest officials to settle disputes as well as to gain recognition as a legitimate user group under the new rules.

No mature tree growing in a community forest can be removed without informing forest agencies in advance. Forest offices have the right to know about any trees sold or transported from a community forest. Wood from community forests can be harvested and distributed only by obtaining a permit in the format prescribed by Forest Regulation 1995⁸². Timber can be transported out of the village for sale only after informing the concerned forest offices in advance and having the releases endorsed by forest checkpoints enroute. Community forest user groups are required to prepare a receipt in triplicate in the prescribed format; one copy goes to the buyer, the second to the area forest office and the third is retained by the user group itself. All pieces of the wood have to be marked with the user group stamp that has been duly registered at the district forest office or they will be assumed stolen. Furthermore, users groups are required to maintain receipts and records of every forest product sale and distribution, to keep records of income and expenditure and to submit annual reports, along with audited statements of income and expenditure, to the district forest office.

Forest law and regulations prohibit community forest user groups from undertaking any activities that may destroy forest, including clearing land for agriculture, construction of huts and houses, mortgaging or otherwise transferring ownership of the forest land. Under restricted conditions, the law does permit houses or huts to be built in the woods to protect the community forest itself. User groups are prohibited from mortgaging community forestland, but may use forest products as collateral to get bank loans to develop the forests. They are also prohibited from activities that may cause soil erosion. Capturing and killing of wildlife, extraction or transportation of rocks, soil, boulders, pebbles and sand from the forests are illegal. Community forestry law thus continues to be directed toward control. Under this law, communities are entrusted to use forests but only in ways which are marginally productive to them.

4.5.3 Forest Laws and Gender Insensitivity

Given the gender insensitive language apparent in the Forest Act 1993 and its bylaws 1995, the issue of gender-differentiated law enforcement must be considered. Many of the clauses of the Forest Act 1993 and its bylaws 1995 use the pronoun "he" to refer to forest officials, police personnel and the users of the forest (see for example, s 52 FA; s 55 FA; s 57(4)FA; s 60(1) FA; s 64(1, 2) FA; s 4 Regulations; s 5 Regulations; s 21(3) Regulations; s 29(2) Regulations; s 52(2) Regulations; s 61(2) Regulations). Nowhere in the Act or bylaws it is specified that "he" implies both men and women. On the forest user side, a person committing a forest offence (s 56(1) FA and s 59(1) FA); the guarantor of the goods impounded during an investigation and the accomplice of the accused (s 58(3) FA, s 62 FA); the lessee of a leasehold forest (s 49(2) Regulations, s 50(3) Regulations); and the owner of a private forest (s 62(1) Regulations, s 64(1) Regulations) are all assumed to be men, not women. The law thus presents a "nature-culture" or "private-public" dichotomy in defining women's versus men's sphere in the society. It assumes men to be the property owners. That the guarantor of the impounded goods is described as a "local gentleman" similarly implies that resource ownership and community leadership is male not female. Parpart and Staudt (1989: 6) note that modern states, through their legal, ideological, and material efforts, foster the mobilization of certain groups and issues and the mobilization usually benefits men rather than women.

Unlike the Forest Master Plan, forest law is mute about women becoming members of local Forest User Committees. Since the mid-1980s, this has happened in some cases. In some villages, women took the lead in forest management decisions. The formation of the "All Women Forest User Committee" in the Dolkha district and the "Jalbire Community Forest Women User Group" in the Gorkha district are examples. The legal assumption that only men own property and manage resources undermines the power of the women in society. Similarly, the idea that only men are state officials and community leaders sustains and reproduces a patriarchal society and patriarchal state.

Clause s 57(4) of the Forest Act 1993 mentions that before a forest officer searches a house, women family members should be given the chance to leave. Obviously, the law pictures only men, not women, as the search officers. Why in any event should the presence or absence of women inside a house matter to an official conducting a search for illegally acquired forest products? As a public servant, the search officer is merely performing the duties of the position. Clearly, the legal requirement to let women absent themselves during a search could be interpreted in various ways. One option is that male household members are absent; a second is that social complications might arise if a male search officer physically attempted to wrest forest products from women's hands. A third possibility is that the forest agency merely wants women to leave the house in order to avoid any possibility of its staff being falsely accused of misbehaviour, thereby undermining its authority. Yet another interpretation is that the physical presence of women in the house during a search might divert the forest officials from carrying out their jobs efficiently.

4.6. Conclusion

Laws create a framework in which to regulate and govern people and resources, directly and territorially. They are important instruments of the forest apparatus. The effort to enforce territorialization of resources is evident in the on-going micro-partitioning of legally-defined forestland and in the prescriptions of various rules for its use. The continuous revision and extension of forest law since 1961 has expanded the bureaucracy and diffused law enforcement among various agencies with overlapping responsibilities. Internal inconsistencies and ambiguities in the law, coupled with overlaps of responsibilities and inadequate coordination among forest agencies, have created chaos in forest management and in the distribution of forest products. These outcomes then provide new technical rationales for intervention and further enlargement of the forest bureaucracy.

Forest law says little about the technical side of forest protection; instead, it establishes the basis for intensifying the state presence. It establishes various standards, including penalties for forest offenses. It facilitates and supports subdivisions such as private forest, community

forest, and leasehold forest, while keeping all these under the tight administrative rein of the forest apparatus. Concessions which institutionalize a variety of forestry practices instead of keeping all forests under the direct management of the forest apparatus were required not merely because forest agencies lacked the efficiency and resources to manage the forests alone, but also because demarcation of forestland as well as the boundaries between state and society were unclear. Various forestry frameworks constitute attempts by the state to gain consent from the people affected.

In law, the forest apparatus possesses a monopoly of violence. But enforcement has still failed. Failure in law enforcement and frequent revisions of laws and regulations suggest that the forest bureaucracy is not a paramount source of power. As it is continuously challenged, new laws and regulations becomes necessary to save its claim to authority from being jeopardized further. Increasing concessions to community, leasehold and private forestry then could be seen as efforts towards this end, i.e., reconciliation by reason. This suggests that society changes the state just as the state changes society. Granting people certain forest rights acknowledges the authority of the forest bureaucracy by significant bodies of people without subjecting them directly to coercion. Furthermore, control over discourse (e.g., development, environment) allows forest agencies to intensify bureaucratic control over private individuals and communities while the agencies themselves continue to appear apolitical.

CHAPTER V

STATE INTENSIFICATION THROUGH FOREST INFORMATION AND PLANNING

5.1 Introduction

The aim of this chapter is neither to provide technical details about forest surveys, mapping, and planning, nor to portray the state as conspiratorial while romanticizing peasants who work in the forests. Rather, this chapter attempts to show that the construction of surveys, mapping and planning as technical solutions to forestry problems helps the state to intensify its control over people and resources. It also tries to show that inadequacies and gaps in survey information have kept the process of state intensification incomplete and ongoing. As this chapter demonstrates, the availability of mapped information -- although abstract and divergent from geographical realities -- facilitates the forest agency's attempt to communicate and enforce its control over resources. This chapter is organized into the following sections: 1) The 1964 Forest Survey, 2) Forest Surveys and Mapping in the 1970s and the 1980s, 3) The Forest Sector Master Plan 1989-2011 and 4) Conclusion.

5.2 The 1964 Forest Survey

The Department of Forests (DoF) initiated a forest inventory survey in 1964 with support from the United States Agency for International Development (USAID). The objectives were to introduce proper management of the Terai and Siwalik (southern hill) forests and to promote forest-based industries. The Survey adopted the DoF's technical definition of forest: land with more than ten percent tree cover, *viz.*,

Lands not developed for urban use and at least 10 percent of which is covered by tree crowns or in the case of reproduction with at least 100 reproduction sized trees (less than 5.0 inches dbh) per acre (Sharma 1991: 9).

As discussed in the previous chapter, state forest in legal terms has meant since 1961 all forestland -- including waste and barren land, stream, ponds and paths -- other than private

forest and *panchayat* forest (Forest Act 1961). The Forest Act 1961, as amended in 1976, classified forests into two categories of ownership: national and private. The Forest Act 1993 retained this legal definition of forest, but limited the types of forest to two: state and private. Thus there is a discrepancy between the legal and the technical definitions of forest. A tract that is deforested or has a few stray trees may not be a forest from a technical or ecological point of view, but is a forest when determining a forestry offence or when establishing a community or leasehold forest. As described by Vandergeest and Peluso (1995) in the context of Thailand, the legal definition marks the first stage of territorialization and the technical definition of the forest department used by the 1964 Forest Survey is the second stage of territorialization. In this second stage, standing trees -- not just land -- are the important signifiers of "forest".

The 1964 Forest Survey was based on aerial photographs taken from 1953 on, as well as during the Survey period (1964-67) itself. The photographs taken over these 15 years (1953-67) were analysed at the central office. They were adjusted by strip photographs covering ten percent of the surveyed areas and some field verifications. The Survey focussed on accessible regions, so assessed forests in the Terai and Siwalik regions completely, but over one million hectares in the mountains was missing and the high Himal region was completely left out (Bajracharya 1993; Sharma 1991; Wallace 1988). Detailed, large-scale maps (1:20,000) were drawn for different physiographic regions. The forested area estimated from these maps amounted to 6.5 million hectares (i.e. 43.85% of the total area of Nepal), of which 5.7 million hectares (39 percent) was in the mountains and 0.8 million hectares (5 percent) in the Terai. In other words, forested land appeared as abstract units coded on maps, which the government could consult to find out what was and was not a permissible property right (Vandergeest and Peluso 1995: 170).

The Forest Survey 1964 complemented the forest demarcation activities initiated after the enactment of the Forest Act of 1961. The Forest Act 1961 emphasized demarcating national forestland, ostensibly to protect it. People were forbidden to use national forests without a government permit. But, as discussed in the previous chapter, demarcation either proceeded

slowly or else remained incomplete. The legal but negative definition of national forest: i.e., all unoccupied, non-private land, proved to be ambiguous and unenforceable, so territorial boundaries proved difficult to locate. The Forest Survey 1964 redefined forest positively: as territory with at least ten percent crown cover or intended to carry a certain amount of woody vegetation in the future. Mapping forest is, in fact, a form of forest demarcation, which provides official proof that particular tracts belong to the state forest and therefore are areas that people cannot legally occupy or cultivate. The Forest Survey 1964 was thus instrumental in the design of forest policies that were introduced subsequently (and were discussed in the previous chapter). These included the Forest Protection Special Arrangement Act (1967), the Forest Product Sale and Distribution Regulations (1970), the National Parks and Wildlife Conservation Act (1973), the National Forest Policy (1976) and the Panchayat Forest and Panchayat Protected Forest Regulations (1978).

As explained earlier, one of the main objectives of the 1964 Survey was to extend proper forest management in the Terai forests and promote forest-based industries. But shortly thereafter, the Nepalese government undertook to resettle hill people in the Terai. So no improvement in the management of Terai forests resulted. However, the maps which resulted from the Forest Survey did help classify Terai resettlements into two categories: systematic/legal and unsystematic/illegal.⁸³ Those settling in the Terai forest through proper bureaucratic channels and meeting the requirements of the state became legal settlers and those not fulfilling such requirements were labelled forest trespassers and subjected to penalties. Identification of illegal settlement would have been very difficult without documentation such as maps.

5.3 Forest Survey and Mapping in the 1970s and the 1980s

The 1964 Survey estimated forested land in the mountains based on insufficient data. It did not classify forest land by criteria such as land occupation, soil type, slope, watershed, etc. Thus a resurvey and remapping of land incorporating these criteria became a priority of the 1970s. Satellite imagery mapping techniques were used in the new surveys. Lands were

classified into increasingly complex territorial units, indicating the third stage of territorialization, that is, the functional territorialization of resources (Vandergeest and Peluso 1995). The subsets of forest boundaries were multiplied, implying an increase in the possibilities for bringing people and land within particular bureaucratic streams.

The two important forest surveys launched in the 1970s were the 1977 FAO/UNDP Forest Survey and the 1977 LRMP Survey and the Forest Sector Master Plan's forest estimates.

5.3.1 The 1977 FAO/UNDP Survey

In 1977, the Department of Soil Conservation and Watershed Management (DSCWM) undertook a forest resource inventory under the joint sponsorship of the United Nations Development Program (UNDP) and the Food and Agricultural Organization of the United Nations (FAO). The purpose was to identify major ecological land units and their watershed conditions. The forest area estimates of the 1977 FAO/UNDP Survey were based on satellite photographs of 1975 (Landsat2 Imagery) plus some further air and ground fieldwork to supplement the satellite data. The resulting forest estimates from the Survey were 4.1 million hectares (29.1%), of which 3.7 million hectares (26.3%) were in the mountains and 0.4 million hectares (2.8%) in the Terai (Nield 1985). Water and Energy Commission reports³⁴ on Nepal's forests suggested that the FAO/UNDP Survey considered only areas with over 50 percent crown cover to be forest (Sharma 1991: 9-11). Use of over 50 percent crown cover instead of over 10 percent crown cover (as in the 1964 Forest Survey) suggests disagreement about the appropriate definition of forestland.

Disagreements about the definition of forestland are not unique to Nepal. For example, a recent International Electronic Conference on Mountain Forest, People and Trees (mid-April-mid-May 1999) pointed out the on-going disagreements and deficiencies regarding the definition of forestland. One participant, Renil Senanayake, a forest scientist, defines forest as a tree dominated ecosystem displaying the serial dynamics of ecosystem maturity and processes. He recommends that the definition of forestland should include areas where the

tree crown cover (stand density) exceeds 20%. Another participant, Robert Mowbray, a forest ecologist, commenting on the difficulty in reaching a commonly-shared definition of forestland, suggested that even if all Conference sessions could be devoted to debating definitions, no agreement would result. Some participants pointed out that political interest may determine how forestland is defined. Senanayake, in particular, argued that flexibility in the definition of forestland helps access to and accommodates the interests of various multilateral and bilateral agencies that finance projects.⁸⁵

The flexible approach towards the definition of forestland in Nepal could be seen in the similar light. In the 1970s, a widespread impression of an environmental crisis in Nepal prevailed. Multilateral agencies such as the World Bank, the FAO and the Asian Development Bank believed that forests in Nepal's mountains would be completely depleted by the mid-1990s. Eckholm (1976: 78), among the first to warn about mountain deforestation, the problems of excessive soil erosion and the possibility of ecological disaster and collapse in Nepal, attributed flooding in India and Bangladesh to the inappropriate use of forests by mountain farmers in Nepal. Use of a minimum 50 percent crown cover definition of forestland in the 1977 FAO/UNDP Survey instead of the minimum ten percent crown cover definition employed in the 1964 Forest Survey inevitably reduced the estimated amount of forestland in Nepal and thus supported the on-going discourse of “*intense deforestation*” and “*environmental crisis*”. The 1977 FAO/UNDP Survey data and maps did more than represent reality. They portrayed an environmental threat that allowed the forest agency to frame watershed protection as a national security issue.

Soon after the production of the FAO/UNDP Survey Report, the forest ministry introduced the Soil and Watershed Conservation Act (1982), which, *inter alia*, spun off the Department of Soil Conservation and Water Management (DSCWM) from the DoF. As explained in the previous chapter, this Act empowered the forest agency to declare any area as a protected watershed zone. With the help of the Survey information, the forest agency could draw boundaries around watersheds and attempt to enforce claims over such territories through laws, regulations and administration. To make its claims effective, the DSCWM had to

organize surveillance of the watersheds, while gathering information about population and closely controlling their settlements and everyday lives.

Nield (1985) claimed that the 1977 FAO/UNDP Survey was based on visual interpretation of unenhanced satellite imagery at scales of 1:250,000 to 1:500,000, with fairly limited field checking. As he noted, such unenhanced imagery cannot detect small blocks of forest on mountain ridges. The implication is that more forest could exist than shown in the FAO/UNDP Survey, even when using that Survey's definition of forestland. Therefore, acquiring more reliable and comparable forest data remained an unfinished job for the forest agency.

5.3.2 The 1977 LRMP Survey and the Master Plan's Forest Estimates

As new technologies and more money became available, the Nepalese government undertook to remap land according to scientific criteria such as soil type, slope, vegetation and other land classifications. The Land Resource Mapping Project (LRMP) 1977/78 Survey, sponsored by the Canadian International Development Agency (CIDA), adopted the minimum 10 percent crown cover definition of forestland -- which facilitated comparison to the 1964 Survey. However, this definition contrasted with that of the 1977 FAO/UNDP Survey. The LRMP undertook aerial photographs covering most parts of Nepal, studied and verified these photographs with field work, and made maps from them at a scale of 1:50,000. (Geological maps, which provided information about the recurrent patterns of landforms, geology, slopes and arable agricultural limits were also produced at a scale of 1:125,000.) The entire country was divided into territorial units by land capability, land use and land system. Each of the land system categories was further sub-divided on the basis of landscape and soil characteristics. Altogether, some 46 different land system units were identified. Based on these maps, land classifications -- including the areas of natural forests and plantations -- were estimated for the five physiographic zones of Nepal. Each zone was disaggregated into five development or administrative regions.⁸⁶ This detailed information became the scientific basis for laws prohibiting or prescribing specific activities in specific

land areas. Creation of detailed land maps and the prescription or prohibition of specific activities on these lands could be interpreted as a marking of the third stage of state territorialization, i.e., a functional territorialization backed by scientific evidence as the rationale for state action in governing people and resources (Vandergest and Peluso 1995: 408).

Processing the survey data took time. In 1985, the LRMP released its estimate of the forested percentage of Nepal's total land area as of 1978/79: 38.1 percent. The LRMP estimates became the basis for further surveys, plans, policies and laws relating to forestry and land use after 1985. Among these important undertakings was the formulation of the Nepal Forest Sector Master Plan (1989-2010) which started in 1986 and lasted three years.⁸⁷ The Master Plan was sponsored by the Asian Development Bank and supported by many bilateral agencies during its preparatory phase; technical assistance was provided by FINNIDA. The next section of this chapter discusses important policy assumptions of the Master Plan and some issues raised by it.

The Master Plan updated the LRMP data. It estimated that 37.4 percent of the total land area of Nepal was covered (minimum ten percent crown) by forest in 1985/86. Comparison of the Master Plan data with that from the LRMP shows a very slight increase in forested land in the mountains but a sharp decrease in the Terai over the period between 1978/79 and 1985/86 (See Table 5.3.2.1). The reduction of forestland in the Terai was about six times as large as the increase in all the rest of Nepal. Table 5.3.2.1 reveals that the once heavily-forested Terai now has a far lower proportion of forested area than other parts of Nepal except the high Himal (which is mostly above the tree-line), and this proportion is still dropping. The apparent decrease in forestland in Nepal needs to be interpreted in the context of changes in tree crown cover because a decrease in forested land area may or may not be associated with a decrease in tree density. For example, if forest land with very low tree cover is converted to agricultural use, the average tree density on the remaining forestland will increase. The minimum ten percent tree crown cover definition of forestland is inadequate to reveal changes in forest replenishment or degradation.

**Table 5.3.2.1 LRMP Land Use Categories in Nepal by Physiographic Region
1978/79 (in 000 hectares)**

Region	Cultivated land	NCIs*	Grass land	Forested land**	Scrub land	Other land	Forested land as % of total land
High-Himalaya							
1978/79	7.8	1.9	884.2	155.2	66.6	2233.9	4.6
1985/86	8.0	1.0	885.0	155.0	67.0	2234.0	4.6
High-mountain							
1978/79	244.4	147.2	509.9	1631.5	181.3	244.7	55.1
1985/86	244.0	148.0	508.0	1639.0	176.0	245.0	55.4
Mid-mountain							
1978/79	1222.5	665.4	292.6	1794.1	409.3	60.6	40.4
1985/86	1223.0	667.0	278.0	1811.0	404.0	59.0	40.7
Siwalik							
1978/79	258.8	55.3	20.7	1444.7	31.3	74.3	77.8
1985/86	269.0	59.0	16.0	1438.0	29.0	75.0	77.4
Terai							
1978/79	1234.6	117.1	49.7	594.3	1.4	116.1	28.1
1985/86	1308.0	123.0	58.0	475.0	30.0	116.0	22.5
Nepal							
1978/79	2968.1	986.9	1757.1	5616.8	689.9	2729.6	38.1
1986/86	3052.0	998.0	1745.0	5518.0	706.0	2729.0	37.4

Source: For 1978/79, Nield 1985: 7; For 1985/86, HMGN/MFSC 1988b: 24.

* These NCIs (non-cultivated inclusions) areas included in mapped cultivated land are in units too small to map separately at a scale of 1:50,000.

** Forested land is defined as land with at least 10 percent tree crown cover.

Table 5.3.2.2 provides 1978/79 tree crown cover distribution data for naturally forested land (98.8% of all forest land) in Nepal. It shows that about 45 percent of the forested land in the mid-mountains had only 10-40 percent crown cover and only six percent had crown cover exceeding 70 percent. Tree density in the Terai forests, followed by the Siwalik forest, was the best amongst the physiographic regions. If crown cover in the lowest category, i.e., 10-40 percent, is taken as indicating degraded forestland, then forest degradation was most serious in the mid-mountain region. Similar data by physiographic region is not available for 1985/86, but in Nepal as a whole, natural forested land decreased by 0.47 percent per annum over the 7 year period from 1978/79 to 1985/86. No change in the calculated average crown cover of the forestland was evident (Table 5.3.2.3).

Table 5.3.2.2 Crown Cover Distribution of Natural Forested land by Physiographic Region 1978/79 (in 000 hectares)

Region	10-40%		40-70%		70-100%		Total		Crown Cover
	ha.	%	ha.	%	ha.	%	ha.	%	
High Himalaya	61.3	39.7	70.6	45.8	22.4	14.5	154.3	100.0	47.4
High Mountains	407.1	25.0	895.1	55.0	326.0	20.0	1628.2	100.0	53.5
Mid Mountains	801.1	44.7	876.6	48.9	113.3	6.3	1791.0	100.0	43.4
Siwalik	161.6	11.2	1113.6	77.1	169.7	11.7	1445.0	100.0	55.2
Terai	41.9	7.1	330.8	56.4	213.8	36.4	586.5	100.0	64.5
Total	1473.0	26.3	3286.1	58.6	845.2	15.1	5605.0	100.0	51.6

Source: HMG/N/MFSC 1988b Appendix Table 3.4; last column calculated by the author, on the assumption that the crown cover in each category is at the midpoint, i.e., 25%, 55% and 85% respectively.

Table 5.3.2.3 Crown Cover Distribution of Natural Forest in 1978/79 and 1985/86 (in 000 hectares)

Year	10-40%		40-70%		70-100%		Total		Crown Cover
	ha.	%	ha.	%	ha.	%	ha.	%	
1978/79	1473.0	26.3	3286.7	58.6	845.2	15.1	5605.0	100.0	51.6
1985/86	1417.0	26.1	3186.0	58.7	821.0	15.1	5424.0	100.0	51.6
Change	-56.0		-100.7		-24.2		-181.0		
Annual % change	-.55		-.44		-.45		-.47		

Source: For 1978/79 see HMG/N/MFSC 1988b Appendix Table 3.4; for 1985/86 see HMG/N/MFSC 1988b Table 3.8. Final column calculated by the author, on the assumption that the crown cover in each category is at the midpoint, i.e., 25%, 55% and 85% respectively.

The average annual percentage reduction in the least densely (10-40 percent crown cover) forested land category was very slightly higher than elsewhere in the natural forested land.

Taking again 10-40 percent crown cover to indicate degraded forestland, Table 5.3.2.3 indicates that about a quarter of Nepal's total natural forested land was degraded in both 1978/79 and 1985/86. Over this period, this suggests that a forest degradation problem in Nepal existed, but it was not escalating. Obviously, these national level data conceal regional variations: forest crown cover doubtless improved in some locations while worsening in others.

When mapping use of forestland under the LRMP and under the Master Plan, scrub land was included in "forest", while grassland and NCIs were classified as agricultural. If villagers use grassland and NCIs for agriculture, one can equally argue that villagers also use scrub land and forests similarly -- which again highlights the difficulty of segregating agricultural from other land uses. Table 5.3.2.4, which shows changes in forest and scrub land area taken together over the 21-year period from 1964/65 and 1985/86, reveals a slight increase in forested and scrub land area in the high and middle mountains, but a decrease by one third in the Terai and nearly one sixth in Siwalik.

Table 5.3.2.4 Changes in Forest and Scrub Land Area 1964-1986

	High & Middle Mountain	Siwalik	Terai	Total*
Year	Area (000 ha)			
1964/65	3943.8	1739.3	783.8	6466.9
1978/79	4016.2	1476.0	592.7	6084.9
1985/86	4014.5	1468.6	521.1	6004.2
Period	Change over period (%)			
1964/5-78/9	+1.8	-15.1	-24.4	-5.9
1978/9-85/6	-0.0	-0.1	-12.1	-1.3
1964/5-85/6	+1.8	-15.6	-33.5	-7.2
Period	Average Annual Change (%)			
1964/5-78/9	+0.1	-1.1	-1.8	-0.4
1978/9-85/6	-0.0	-0.0	-1.7	-0.2
1964/5-85/6	+0.1	-0.7	-1.5	-0.3

Source: Wallace 1988: 12

Note: * Total excluding high Himal area.

The average annual loss of forest/scrubland was 0.7 percent in Siwalik and 1.5 percent in Terai. If separated into two periods, namely 1964/5-1978/9 and 1978/9-1985/6, the average annual loss in forest and scrub area together in the Terai and Siwalik was higher in the earlier period. For the high and middle mountains, the slight gain in forest area was concentrated in the 1964-79 period. Nield argued however, that the 1964 Survey had data gaps for the mountains so some of the apparent forest gain there was due to sampling error (1985: 15-16). Nevertheless, it seems reasonably certain that forested area did not decrease in Nepal's mountain regions over the 21-year period.

One issue that needs attention in considering the land use figures produced by the LRMP 1978/79 and followed by the 1985/86 Master Plan is that some land has multiple uses and therefore might properly be classified in more than one land use category. Agricultural surveys, including the National Sample Census of Agriculture 1991-92, have endorsed the idea that a single parcel may have more than a single use. But, although recognizing that a parcel may have multiple uses, the LRMP reduced land use data to single use categories. Ambiguity regarding land use would, of course, hinder the state in defining territorial boundaries and assigning jurisdiction over specific tracts to specific ministries and departments. Theoretically, the agricultural ministry has jurisdiction over crop land and the forest ministry over woodland. The prevalence of multiple uses of land implies however that the agricultural ministry might in practice control forest land and the forest ministry agricultural land.⁸⁸ Attempts to compartmentalize forestry from agriculture by classifying each tract into a single use category not only conceal the multiple uses of some parcels but may also obscure the officially approved land colonization which encouraged conversion of forest into cultivated land in the first place.⁸⁹ The blurred boundary between the state and society and between land use for agriculture and for forestry persists in part because of the Survey's reduction of complex land uses into simple unitary categories.

In fact, it is common in Nepal to use grass, scrub and forest land for agricultural purposes. For example, in the mountains, people may abandon marginal terraces for a few years, particularly when the nutrients are depleted and let such land revert to grazing or scrub.

When food shortages are acute, cultivation again resumes (Schreier *et al.* 1994: 141). Similarly, land categorized as “non-cultivated inclusion” (NCI) comprises uncultivated micro-plots that may have a mix of uses and are adjacent to cultivated land. In Nepal -- as pointed out in previous chapters -- agricultural land is privately owned, but non-registered or non-private land including grassland, is legally state forest land. Grassland, NCIs and scrub land might be regarded as land devoted to both agriculture and forestry, hence it might simultaneously be both private and state land.

As Vandergeest (1996) rightly argues, successful enforcement of territorialization depends more on knowledge about how local property rights are distributed, communicated and enforced than on knowledge about soil types, slopes, watershed sensitivity, and so on (Vandergeest 1996: 172). Nevertheless, the division of land into various strata such as land use, land systems, land capability and further subdivision of these strata into different physiographic and administrative units results in the creation of a series of boundaries and sub-boundaries of the resource which can be brought under the surveillance of one or more state bureaucracy. Increased availability of detailed information enables state territorialization to become more intense, so access to such information is an important tool in intensifying state control of people and resources. However, although availability of information opens avenues for state intensification, abstractness of that information creates enforcement problems because of inherent divergences between abstractions and the live realities of property relations. Nevertheless, the availability of survey and mapping information documents the state's claims over resources. In Nepal, where the forest agency's efforts to demarcate state forests from private land holdings have often failed, availability of detailed maps delineating various land occupation categories helps to fill the gaps in the forest demarcation process. For example, the Forest Act 1993 gives legal recognition to the "forest boundary mark" indicated in the maps (s 2(c) FA). A pillar or a signboard or any material installed physically to demarcate a state forest could be damaged or destroyed locally but the sign marked in maps remains permanently to establish a state property right over the land. Access to information through survey and mapping locates power more firmly in the hands of the forest agency.

Dove argues that the maintenance of forests and the restoration of barren land depends not on the physical environment alone, but on the dialectical relationships between society and environment. Assessment of the physical environment of land must also capture these interactions and the co-evolution of nature and society: how society views nature is partly a function of how society has affected nature and has itself been affected by nature (Dove 1992b: 246). The land survey and mapping efforts in Nepal failed to reveal such dialectical relationships. This must be regarded as among the factors resulting in weak enforcement of territorialization initiatives, although insufficient staffing is likely the primary cause. But failures of enforcement do not end efforts at territorialization, but rather initiate new attempts. Inadequacy of information collected through surveys and mapping provides a rationale for new surveys and mapping exercises, either to fill in past data gaps or to update information on land use and occupation.

5.3.3 Mountain Forest Degradation and Loss: Problem or Crisis?

As mentioned above, many publications in the 1970s and early 1980s claimed to document catastrophic scenarios of deforestation in Nepal (e.g., Eckholm 1976; Bishop 1978). According to Wallace (1988: 7-8), consumption of forest products in Nepal was offset by aggregate annual forest growth until 1964, but was met by using forests near villages rather than harvesting fuelwood and fodder uniformly over the entire country. So even with sufficient aggregate forest growth, a deforestation problem allegedly existed at that time. Multilateral agencies, such as the World Bank, were at the forefront in suggesting the onset of an environmental crisis in Nepal. Following these reports, official forestry documents and media sources in Nepal reproduced the idea of “*environmental catastrophe*” in Nepal. In the crisis atmosphere that ensued, reforestation and conservation projects could be justified and many were launched in Nepal’s mountains.

Within the following decade, new studies appeared that revealed only a forest degradation problem, but not a crisis. Ives and Messerli (1989) and Hamilton (1988 cited in Pearce, Barbier and Markandya 1990), in particular, found no solid evidence to support Himalayan

deforestation and its consequential effects on soil loss and transboundary flooding lacking. While advocating wise use and protection of mountain forests, they argued that flooding problems would continue irrespective of the level of forestation of the entire watershed, because the mountain landscapes were geologically unstable. Some reports showed examples of forest recovery and successful conservation and forest management efforts in Nepal's mountains (see Ives and Messerli 1989; Hamilton 1988 cited in Pearce, Barbier and Markandya 1990; Messerschmidt 1990; Fisher 1991; Gilmour 1991; Fox 1993; Schreier *et al.* 1994, 1995). A GIS-based examination of Jhiku Khola mountain watershed suggests that a deforestation problem in the period 1950-60 had existed, but was subsequently reversed in the period 1972-1990 (Schmidt, Schreier and Shah 1995: 322; Schreier *et al.* 1994: 140-141). Clearly, if a genuine deforestation crisis had prevailed, it could not have been reversed so quickly. Gilmour (1990), documenting the success of indigenous forest management, argued that people cooperate among themselves to protect and develop forests in places where resources are inaccessible. Similarly, Carter (1991) found that villagers most likely to plant trees were those who perceive a decline in availability of local tree products. Fox's (1993) study of forest use in Bhogteni village in the central mountains showed that despite an increase in population growth from 1980 to 1990, forest growth increased also. He showed increases in both the number of trees per hectare and the timber volume in communal, government-owned and private forests. The result was that leopards threatened children walking to school, making it necessary to thin the forest stands (Fox 1993: 96).

Like Blaikie and Brookfield (1987), one can argue that a change in land use from forestry to agriculture or other productive purposes does not degrade the land. Rather it can be seen as an innovation, a more productive use of land or its products. One reason why the idea of "land degradation" and "environmental crisis" appear in official documents is likely that the forest agency was attempting through discourse to intensify its command over population and resources. Exaggerating "problems" into "crises" precludes resolving them without state intervention, thus justifying intensification of control over people and resources (Pathak 1994; Enters 1994; Fairhead and Fairhead 1997). Such a discursive production of "truth" is pervasive in Nepal's Forest Master Plan document as well.

5.4 Forest Sector Master Plan 1989-2011

This section is divided into four sub-sections: 1) Reproduction of the Idea of “Environmental Crisis”, 2) Immobilized Communities and Immobilized Staff, 3) The Gender Concern and 4) Planning and Financing Forest Development

5.4.1 Reproduction of the Idea of “Environmental Crisis”

The discourse of “population pressure” and “environmental crisis in Nepal’s mountains” was pervasive in the Master Plan.⁹⁰ Box 5.4.1.1 asserts that the threats to forests arise from the needs of the growing population for forest products: fuelwood, livestock fodder and timber, and their clearing of forestland for cultivation -- contributing to accelerated soil erosion, sedimentation and reduction of agricultural productivity.⁹¹

Box 5.4.1.1 Forestry Sector's Contribution Threatened.

"Increasing numbers of people, their demands for fuelwood and timber, the maintenance of large numbers of livestock, and the scarcity of agricultural land have put increasing pressure on the forest resources. The decline of the forest has in turn created environmental problems such as accelerated soil erosion and downstream sedimentation, and losses in agricultural productivity.

The very survival of the nation depends on putting a stop to deforestation. The remaining forests must be put under proper management and forest cover must be restored on open degraded lands.

To these ends, the national authorities prepared the National Forestry Plan 1976. The Master Plan for the forestry sector is to continue the planning work, and support forestry operation in well defined development programs. Implementation is mainly the responsibility of the Ministry of Forests and Environment through its departments and parastatals. Success depends, however, on the full support not only of the government, but also of donor agencies, and of the local communities most directly concerned."

Source: HMGN/MFSC 1988c: 4.

The Master Plan argued that by the year 2010-11 most of the Terai and middle mountain regions, which are characterized by high population pressure and lack of land for forest production, will face an increasing deficit in fuelwood and timber. The projected forest products surplus in Siwalik -- thanks to low population pressure there -- would not be able to withstand pressure for wood from these two other regions. The end result in the Terai and middle mountain region would be the overcutting of accessible forests, increased use of agricultural residues and dung as fuel and a forced reduction in consumption (HMGN/MFSC 1988: 50-51, 53). The issue here is not whether population growth was a problem in Nepal; instead, this analysis should be seen in the context of the non-local and urban uses of the forest resource, the state policies that encouraged forest loss in the first place, and the various political interests associated with the use of forests.

Forest policies time and again reproduce the idea of the dependency of rural agriculture and livestock activities on forest resources, but the Master Plan made little effort to understand the co-evolution of nature and culture.⁹² In fact, in Nepal, fuelwood comprises more than 70 percent of the total domestic energy consumption, but agricultural waste and animal dung are increasingly supplementing it (Table 5.4.1.1), which suggests that the Master Plan's prediction could have been right.

Table 5.4.1.1 Structure of Domestic Energy Consumption in Nepal 1980/81-1994/95 (in percent)

Year	Fuelwood	Agriwaste	Animal dung	Other sources*
1980/81-84/85	89.27	2.85	1.01	6.87
1985/86-89/90	75.88	11.05	8.41	4.66
1990/91-94/95	71.65	12.66	8.38	7.31

Source: Based on HMGN/MOF Economic Survey 1996/97

Note: *primarily fossil fuels

Increased livestock holding is often taken to indicate increased pressure on forests. But greater use of animal dung and agricultural residues as fuel does not necessarily imply increased pressure on the forests; on the contrary, this may relieve pressure, although farming and animal husbandry are expanding. Increased use of dung and agricultural waste as fuelwood could adversely affect agricultural productivity because such materials could have been used as manure on the farm. A fuelwood shortage might also arise not from a reduction of the forest resource,⁹³ but from restricting access to it under various forestry programs and regulations. A one-sided focus on the use of dung and agri-residues as an indicator of forest loss sustains the idea of population pressure on resources, which may in turn justify further limiting local use of accessible forests -- and further use of residues: a vicious circle.

The Master Plan devoted much attention to clearing and burning wooded land for cultivation, and to collecting leaves and twigs for animals and cooking, while overlooking the increasing number of trees on private land (Gilmour 1990; Carter 1991). Equally, it ignored the processes of land regeneration and the impact of local practice in creating, not just degrading, forests around settlements (Leach and Fairhead 1994; Banuri and Marglin 1993). Its preference for depicting the mountain environment as degraded and degrading is understandable. Claims of degraded forests and threatened environments are crucial in attracting foreign aid and motivating local bodies for state-led conservation initiatives.

**Box 5.4.1.2 People Must be Educated about the Alarming
Soil Conservation Problem**

"The soil conservation problem is alarming. Nepal's soil contributes to a growing landmass offshore in Bangladesh. Reforestation and management of the natural forest will alleviate the problem, but other responses are also needed. Overgrazing of rangelands should be stopped, and preventive and rehabilitative soil conservation works must be undertaken. The people must be educated about the seriousness of the problem, and asked to participate actively in soil conservation."

Source: HMGN/MFSC 1988c: 9.

The Master Plan dealt with soil erosion in a similar fashion. While exaggerating the problem, it assumed local people's ignorance to be the cause (Box 5.4.1.2). The twin suppositions of population pressure and local people's ignorance lead to the prediction of an environmental crisis. If villagers are the source of problem, the Master Plan's plea for local support in forest management is a necessary component of a solution. Educating society, improving environment and warding off disasters demonstrate the idea of the concerned state and legitimize increased presence of the state in the governing of population and resources. The forest agency of such a state would require authority to organize resources and population bureaucratically. But what if the suppositions are unwarranted?

5.4.2 Immobilized Communities and Immobilized Staff

The Master Plan projected a need to bring more than two million hectares of forest land under the control of the forest bureaucracy, while at the same time setting forth certain assumptions about the relationships between state and local communities (Box 5.4.2.1).

Box 5.4.2.1 Mobilization of Community Resources for Forestry Sector Development

"To put more than 2 million hectares of forests and tree farms under intensive management is certainly not an easy task. His Majesty's Government alone will not be able to produce the resources needed to accomplish ... the vast manpower and other resources of the rural communities will have to be mobilized; this in turn calls for policy and legal reforms to provide the necessary motivation for the people to participate, the training of a corps of forestry staff, and the mobilization of this staff to work with the people. Furthermore, support will have to be provided to the field operations in the form of resource information, improved technology, and more efficient and effective institutional mechanisms."

(Source: HMGN/MFSC 1988c: 7)

As is evident from Box 5.4.2.1, first, His Majesty's Government must orchestrate the process of forest management; traditional indigenous practices of resource management are utterly

overlooked. Second, the introduction of intensive forest management cannot be accomplished without support of rural people and their resources, which as yet are immobilized for forest development. Third, a labour surplus at the local level prevails and this surplus manpower (and womanpower) is ready to cooperate with the government if provided incentives. Fourth, forestry staff must be mobilized and trained to work with rural people. Fifth, policy and legal reforms are a prerequisite to motivate local participation. The good state is seeking to promote the positive social change required for forest development, while concealing the intensification of state control.

The need for a shift in policy from "work for people" to "work with people" implies a recognition on the part of the state of the impracticality of a government which functions as if separate from society. The call for forestry staff to work with local people suggests a state that is analytically separable, but forest agencies that cannot function effectively if actually separated. "Mobilization of staff to work with people" could be interpreted as an act of paternalism and suggests blurring the boundary between state and society as government staff act not as officials but as rural cadres. The attempt to project the forest agency as pro-community implies that the bureaucracy has limited power and limited knowledge. Conversely, communities are not without power. The implication: community forestry is not empowerment of people, but negotiation of a compromise of power between the state and the community.

5.4.3 The Gender Concern

Given the rugged mountainous topography and an under-paid and under-staffed forestry service, the protection and development of forests would be impossible without the involvement of local villagers -- including women -- in forestry activities. In organizing forest user groups for community forestry, the Master Plan suggested that women should represent at least one-half of the members of each forest user committee (the executive body of the forest user group). The rationale for such gender sensitivity was that women make daily management decisions regarding the appropriation of forest products at the household

level,⁹⁴ they gather fodder and carry fuel wood. The effort to reach women can be seen as an indication of state intensification going down below the community level to the household.

Such an extended reach of the state was justified by other assumptions in the Master Plan. High population growth was directly linked to the reproductive role of women. If village women were brought into the system of forest management, it was thought, they would understand the problem of increasing human pressure on forests and its devastating effect. As producers of children, they would be motivated to control their reproductive behaviour; and as collectors of fodder and firewood and users of forests, they would opt for conservation. But the Master Plan made no effort to determine whether this model of reproductive behaviour had any empirical basis. Women are not inherently pro-conservation; the evidence suggests that if opportunities arise, women are just as interested as men in profiting commercially from forests.⁹⁵

5.4.4 Planning and Financing Forest Development

The Master Plan envisaged intensified state planning and centralized supervision as critical to the success of forest recovery and development, but it did not mandate direct government management of all forest operations. For the mountain regions, it suggested that direct management responsibility for all accessible forests be transferred to supervised forest user groups as community forests. The community forestry policy that had prevailed earlier had emphasized restoring degraded land with pine plantations, which proved rather inappropriate for both environment and people.⁹⁶ Under this policy, huge investments had been made, including the hiring of community forest assistants, nursery foremen and forest watchers, and barbed wire fences had been installed to protect community forests from encroachment by the community. Despite success in tapping foreign assistance for these community forestry projects, the forest agency failed to gain the trust and support of the local communities. But this neither barred renewed efforts of community forest development nor reduced the forest agency's conviction of its superior wisdom (Box 5.4.3.1).

**Box 5.4.3.1 Demonstrating to Communities the Benefits of
Proper Management of Natural Forests**

"Community and private forestry will be the key approach to establishing and managing forests, but it can not be panacea for all forest management problems. ... National and leasehold forestry can be effective complements to community and private forestry.

To put all accessible national forests under management quickly may not be feasible. ... Initially, the management of national forests may be undertaken on a pilot scale, to demonstrate to adjacent communities the effort required, as well as the benefits that can be obtained, when the natural forest is placed under proper management. ... Later, after they have served their purpose as models of proper forest management, they can be turned over to community management.

Inaccessible forests in mountain areas will be kept as national protection forests or wilderness areas. These forests will not be subject to much pressure from people, so there will be hardly any physical management required."

Source: HMGN/MFSC 1988c: 10

The Master Plan reiterated the need to demonstrate to communities how to manage forests and what benefits would result. Only when national forests would serve adequately as "model forests" would these be handed over to communities as community forest. This exemplified state paternalism. At the same time, the "good demonstration plot" approach provided the forest agencies enormous flexibility and power to retain model and national forests for indefinite periods and to be arbitrary and selective in meeting villagers' requests for community forestry programs. Furthermore, the transfer to community, private or leasehold management of forests anticipated by the Forest Master Plan comprised only accessible forests, i.e., those perceived as significantly or totally degraded.

Inaccessible forests, not being subject to overuse and not requiring any physical management, were recommended to be kept as state (national) forests. Most probably, accessible forests in the mountains that were intact and expected to be commercially lucrative would have been handed over to community management only "after they [had] served their purpose" and been exploited by the state.

Table 5.4.3.1 Projected Financial Requirements of the Master Plan for the Forestry Sector (Millions of US dollars, 1988 constant prices)

Item	89-90	90-95	95-00	00-05	05-10	Total	%
Program	41.5	285.5	383.6	459.5	571.9	1742.0	100.0
Community and private	13.0	102.8	160.5	227.4	307.5	811.2	46.6
National and leasehold	4.5	38.2	69.5	103.4	136.8	352.4	20.2
Wood-based industries	4.7	27.0	18.0	16.9	16.2	82.8	4.7
Med. arom. & minor for. prod.	1.4	19.7	35.7	11.3	12.0	80.1	4.6
Ecosystem conser. & gen.res.	5.4	28.5	28.1	27.5	26.9	116.4	6.7
Soil conser. & watershed mgt	6.8	36.4	36.8	38.5	38.1	156.6	9.0
Policy, legal & inst. reform	0.2	0.7	0.7	0.6	0.6	2.8	0.2
Human resource	2.3	16.4	21.2	20.8	22.0	82.7	4.7
Forestry research & exten.	2.1	9.6	8.0	9.0	7.9	36.6	2.1
Resource infor. & planning	0.9	4.4	3.3	3.2	3.1	14.9	0.9
Monitoring & evaluation	0.2	1.8	1.8	0.9	0.8	5.5	0.3
Investment cost	22.5	156.4	176.2	146.0	137.3	638.4	36.7
Recurrent cost	14.8	98.0	163.1	257.4	362.2	895.5	51.4
Physical contingency	4.2	31.1	44.3	56.1	72.4	208.1	11.9
Local	28.1	208.0	306.1	399.3	516.6	1458.1	83.7
Foreign	13.4	77.5	77.5	60.2	53.3	283.9	16.3
HMGN finance	16.2	95.9	127.9	163.2	196.1	599.3	34.4
Private finance	3.3	50.3	107.0	180.9	275.2	616.7	35.4
External assistance	22.0	139.3	148.7	115.4	100.6	526.0	30.2

Source: HMGN/MFSC 1988 Executive Summary: 32

The Master Plan's estimation of the 21-year financial requirements for forest sector development was US\$ 1742 million, of which government, private and external assistance was expected to meet 34.4 percent, 35.4 percent and 30.2 percent respectively (Table 5.4.3.1). The annual cost breakdown suggested that in 1989/90, government would supply 39 percent of the total required outlay, the private sector 7.9 percent and external assistance 53 percent. Over time these shares were expected to be reversed. For example, by 2005-10, external assistance would cover only 17.6 percent, government 34.3 percent and the private sector 48.1 percent of the total cost. Similarly, the itemised cost breakdown suggested that over half the total financial outlay would be recurrent costs. Recurrent cost in the first year (i.e. 1989/90) was budgeted at only \$14.8 million, 35.7 percent of total cost; by the year 2005-10, recurrent cost was estimated at 63.3 percent of total cost. Recurrent cost includes salaries/allowances, office maintenance/operational expenses and forest/stove maintenance

(HMG/N/MFSC 1988: 32). Local and private participation was urgently necessary to finance the maintenance and expansion of the bureaucracy over time.

Fuelwood, fodder for livestock and timber are the major forest products in Nepal. The Forest Master Plan considered not only these, but minor forest products and activities such as a wood-based industry program. In addition, it discussed changes in policies, laws and institutions and ways to strengthen the information system and the planning, monitoring and evaluation activities of the forest bureaucracy. Every activity related to the use of forests, scrub and grassland, even such minor ones as the collection of herbs, received attention and was intended to be subjected to bureaucratic rules and regulations.

Encouragement of community and private forestry was the focus of the Master Plan. The share of these programs in estimated Plan expenditure was projected to rise from an initial one third to well over half in the last five years of the Plan period. The breakdown of their financial requirements shown in Table 5.4.3.2 reveals that expenditure on the community forestry program alone was expected to outstrip all other forest development programs in the Plan. Central to this projected role of community and private forestry was recurrent cost of the private and community forestry program; this was to jump from 42 percent of total costs of this program in 1989/90 to 67.8 percent in 2005-10.

According to the Master Plan, community forestry should take precedence over other forestry development programs; as explained in previous chapter, however, the Forest Act 1993 mandated priority of community forestry only with respect to leasehold forestry. Hence, community forestry, a top priority under the Forest Master Plan, was granted a lesser status. For example, if any private individual, institution or group should request the DoF to transfer a tract of accessible forest to be managed as “protected forest” or “private forest” or “production forest”, the DoF might refuse a request to establish this tract as a community forest.

Table 5.4.3.2 Projected Financial Requirements of the Community and Private Forestry Program 1989-2010 (Million US Dollars, 1988 constant prices)

Item	89-90	90-95	95-00	00-05	05-10
Total cost	13.0	102.8	160.5	227.4	307.5
Community forestry	1.8	27.3	54.2	87.6	130.0
Private forestry	2.6	27.2	44.4	67.7	97.8
Improved stove dist.	0.3	2.1	3.8	6.5	10.9
Program admin.	8.3	46.3	58.1	65.5	68.8
Investment cost	6.0	48.4	58.7	61.0	62.2
Recurrent cost	5.5	42.2	82.7	139.4	208.6
Physical contingency	1.4	12.3	19.1	27.0	36.6
Local cost	10.6	89.7	145.6	212.1	292.5
Foreign cost	2.4	13.1	14.9	15.3	15.0
HMGN finance	5.8	33.6	45.5	55.0	62.3
Private sector finance	1.6	37.8	85.2	142.0	215.3
External assistance	5.5	31.4	29.8	30.4	29.9

Source: HMGN/MFSC 1988 Executive Summary: 15

The other inconsistency between the policies advocated by the Master Plan and endorsed by the Forest Law in relation to community forestry is that while the former clearly spells out that community forestry is a priority in mountain regions, the latter is mute about this spatial dimension. Taking advantage of this muteness in the Forest Law 1993, villagers in the Terai have successfully opposed the DoF's decision to hand over accessible Terai forest to a contractor from Finland on a leasehold basis. This decision is discussed in detail in a succeeding chapter of this thesis. Of course, notwithstanding other unlegislated policy statements, the actual policy applied at the administrative level is the one embodied in the operative law (Singh 1991: 1).

5.5 Conclusion

This chapter shows that forest information collection has been an on-going process in Nepal since the 1960s. The techniques of data gathering: aerial photography, LANDSAT mapping and GIS techniques focus attention primarily on physical characteristics of the land. Even

when some field checking is done and local people are asked about land use, a picture that varies from reality may result when people provide the information they think state agencies want to hear or make responses that reflect their own self-interest. Planning and actions based on insufficient and excessively abstract information make the forest agency's enforcement of regulations ineffective. Nonetheless, failure in enforcement gives continuity to the state presence as data must be again gathered, plans revised, institutional capacity rebuilt and control relationships reassessed and reworked. Such continuity buttresses the image of the forest apparatus as an agency that collects information and does development, while people appear as objects, the recipients of information and development.

Information collected through surveys and mapping is a prerequisite for demonstrating the forest agency's capacity for planning and action. It also facilitates territorialization of rule because laws prohibiting and prescribing specific activities in relation to land use are based on it. The 21-year Forest Sector Master Plan could be drafted only when detailed data on land use became available at the completion of the Land Resource Mapping Survey project. The LRMP data provided generalized ideas about where people lived and what they did in the forests. Such attempts to locate people and resources precisely underpinned the idea of a dual -- private and public -- resource system and the separation of state from society and of forestry from agriculture. Simultaneously and paradoxically, it in many ways contributed to blurring boundaries between state and society and between agriculture and forestry. The Master Plan, which was based on the LRMP data, is not an exception to this pattern.

Whether the mountain forest in Nepal is in a state of environmental crisis is the other important issue raised in this chapter. Aggregate land use data from 1964 onwards do not support any generalized environmental crisis in the mountain forests of Nepal; forest area cover in the mountains has not decreased. Of course, in certain areas of the mountains, a decrease in forest cover likely occurred while the reverse was the case for other mountain areas. Some recent case studies of mid-mountain areas suggest an increase in tree density as well as tree cover; but case studies are not studies of the whole mountain region. One cannot generalize case studies or specialize aggregate data to establish what happened to

forest cover and forest density in every village and district in Nepal's mountains. Micro-level environmental crises or recoveries particularized to specific sites cannot be excluded.

But the Forest Sector Master Plan, like its predecessor, reproduced the idea of a general environmental crisis in Nepal's mountains. Elevation of a forest "problem" to a "crisis" served the interests of the state apparatus. It helped bring forests under bureaucratic management; it legitimized calls for financial support from the private sector, from communities and from external agencies to support the state in intensifying territorialization; and most importantly, it precludes any forest activity without state involvement. The discursive production of truth helped legitimize state continuity and is a part of the formation of the state.

CHAPTER VI

WORKING WITH LIMITED POWER: ORGANIZATION AND DIFFERENTIATION OF FOREST BUREAUCRACY

6.1 Introduction

By using the concept of the differentiated state, this chapter explores the operation of the forest bureaucracy at different levels and examines the implications of its multi-level structure. It argues that the “national forest” concept emerged out of the necessity of communicating the territorial jurisdiction of the forest bureaucracy and was thus a first step towards forest bureaucratization. The promotion of a technical rationale for devolving power to the lower levels of administration, arguments about the need for reform in the bureaucracy and the redrawing of the organizational chart can be seen as activities of territorialization which had the effect of systematizing administrative reach rather than devolving power to the lower levels of bureaucracy. Meanwhile, such apparently technical activities have the effect of presenting an essentially political bureaucracy as apolitical. This chapter also shows that every level of bureaucracy faces social pressure in its functioning which makes constant negotiation and compromise in forest policy and action inevitable. This chapter is organized into three sections: 1) territorial jurisdiction, goals and structure of forest bureaucracy and the effect of organizational redrawing 2) working with limited power: officials at the different levels in the bureaucracy and 3) conclusion.

6.2 Territorial Jurisdiction, Goals and Structure of Forest Bureaucracy and the Effects of Reorganization

6.2.1 National Forest as the Marker of Territorial Jurisdiction

The forestry civil service or bureaucracy is an important institution of the Nepalese state. It is a part of the political institutions through which the state acts. It works with the logic

of protecting and developing the national forest. The Forest Act 1993 defines national forest as:

“National Forest” means all forests excluding Private Forest within the Kingdom of Nepal, whether marked or unmarked with Forest Boundary and the term shall also include waste or uncultivated lands or unregistered lands surrounded by the Forests or situated near the adjoining Forests as well as paths, ponds, lakes, rivers or streams and riverine lands within the Forest (Forest Act 1993 (s2e)).

National forest does not necessarily imply that such forests are managed by the forest agency but rather that they are under the jurisdiction of the forest bureaucracy. If national forest meant the management of the forest by the government, then the more specific term “government-managed forest” would not have been endorsed in the Forest Acts of 1961 and of 1993. Nevertheless national forest implies that all non-private land, irrespective of its tree cover, falls under the jurisdiction of the forest bureaucracy and that the governance of the forest agency is territorial.

The idea of national forest which emerged with the nationalization of private forests (and which, in practice, includes the communal forest as well) has been the foundation stone in expanding and consolidating the territorial jurisdiction of the forest agency. Once private forest ownership was re-endorsed, what in fact was lost with the nationalization and the enactment of new forest laws was communal ownership of forests. As discussed in chapter 4, community forest refers to the forest handed over from government to the community only for management purposes where the ownership of the land is retained by the government. Since the enactment of Forest Act 1993, forest bureaucracy has endorsed only two types of forest ownership: private and national forest. The forest agency gives concessions to individuals, institutions and communities to take some parts of the national forest into their management, as long as they are willing to acknowledge the idea of national forest.

In the process of institutionalizing community forestry, the forest agency has focused particularly on building support and legitimacy within the forestry system by formulating forest laws and rules, changing its organizational structure, providing training for its staff

and the forest user groups and establishing a program monitoring and evaluation system focussed on its needs and priorities. While promoting community forestry, the forest agency keeps the terrain under its jurisdiction isolated from other sectoral agencies, including agriculture, and is thus able to maintain its territorial identity. The forest bureaucracy creates structures or organizations under which bureaucrats function and a framework within which individuals must make their arrangements and pursue their objectives if they are to enjoy legal protection. Nevertheless, the willingness of the forest agency to share national forest with others (e.g. communities) gives an impression that it is fulfilling its redistributive function, and presents itself as reasonably just as it is willing to get consent from and devolve power to those governed under the forest regulations.

6.2.2 The Goals and Structure of Forest Bureaucracy

The stated goals of the forest bureaucracy are the provision of forest goods and services, revenue generation, the protection and production of forests, and the promotion of social welfare in the forest sector. The main objectives of the Department of Forests (DoF), an important body in the Forest Ministry in Nepal, are to mobilize economic resources, maintain natural balance, develop scientific forestry management techniques, encourage afforestation and tree raising activities by proper conservation, promotion and utilization of national forest. Since many national and international non-governmental agencies (NGOs) are also engaged in the encouragement of local participation in forest protection, production and equitable distribution of forest goods and services, the forest bureaucracy looks no different from other non-state agencies when seen in the context of its goals. However, forest bureaucracy is different from non-state agencies in the sense that it has the jurisdiction of a legislature to make laws on forest use, management and control, the authority of a judiciary to apply and interpret such laws, and that of an executive to enforce them (Barber 1989). Nepal's forest bureaucracy appears as a state within a state. Its relations of authority are hierarchical, the rule is direct and relatively pervasive and it penetrates into society both legally and administratively. It does not operate as an independent type of civil service. The key restraint on the forest bureaucracy is the government in power. Changes in government

are followed by the transfer and/or new appointments of key government officials in the Forest Ministry, departments, and the state-corporations.

The forest bureaucracy is a complex and contradictory apparatus of the state. As an example of the complexity of the forest agency, note that it has continuously condemned grazing activity and has often termed hill animals unproductive. Grazing in forests has been a concern of scientific forestry for a long time. But still, under the Forest Rules 1995, free grazing of cows in government managed forests is not a crime.⁹⁷ This provision supports the state ideology of Nepal as a secular Hindu state and indicates that the forest bureaucracy is part of the apparatuses expected to extend this ideology even if it jeopardizes other objectives. The forest bureaucracy is only a part of a complex and contradictory formation: the Nepalese state.

The forest bureaucracy initially adopted state-led modernization as its ideological rationale. As of the late 1970s, it has added new policies including private and community forestry development. Community forestry was officially institutionalized as a project in the late 1970s, and by the early 1990s it became a permanent ongoing district program. Even though there has been some organizational restructuring, the incorporation of community forestry from a project to a program has not really changed its hierarchical chain of command.

The Ministry of Forests and Soil Conservation (usually known as the Ministry of Forests) and its departments, field offices and parastatals constitute the forest bureaucracy in Nepal. The Ministry of Forests, established in 1959, is the apex of the forest bureaucratic hierarchy. It designs and implements forest policies. The chief of the Forest Ministry is the Minister of Forests, who is a career politician. He is assisted by a State Minister and an Assistant Minister, who are also politicians. It is also common practice to appoint personal advisors (often known as political advisors) to the ministers, a practice which the bureaucrats do not favour. Directly under the Minister is the Secretary who is the chief administrator of the forestry sector. The Secretary is a top bureaucrat and a gazetted special class administrator

in the civil service hierarchy, but may not necessarily be a forester by profession. Thus the top level decision making in the forest bureaucracy has usually remained in the hands of people other than foresters.

The Secretary is assisted by other junior bureaucrats. Under the Secretary are various departments, headed by Directors General (DGs). Currently, the Ministry of Forests consists of eight departments, each managing a large number of divisions and projects. Rather than providing the entire structure of the Ministry of Forests and its various departments and divisions, the discussion on the forest bureaucracy in this chapter focuses on the organization of the DoF, the most important unit within the Ministry, the one directly responsible for the management of the national forest.

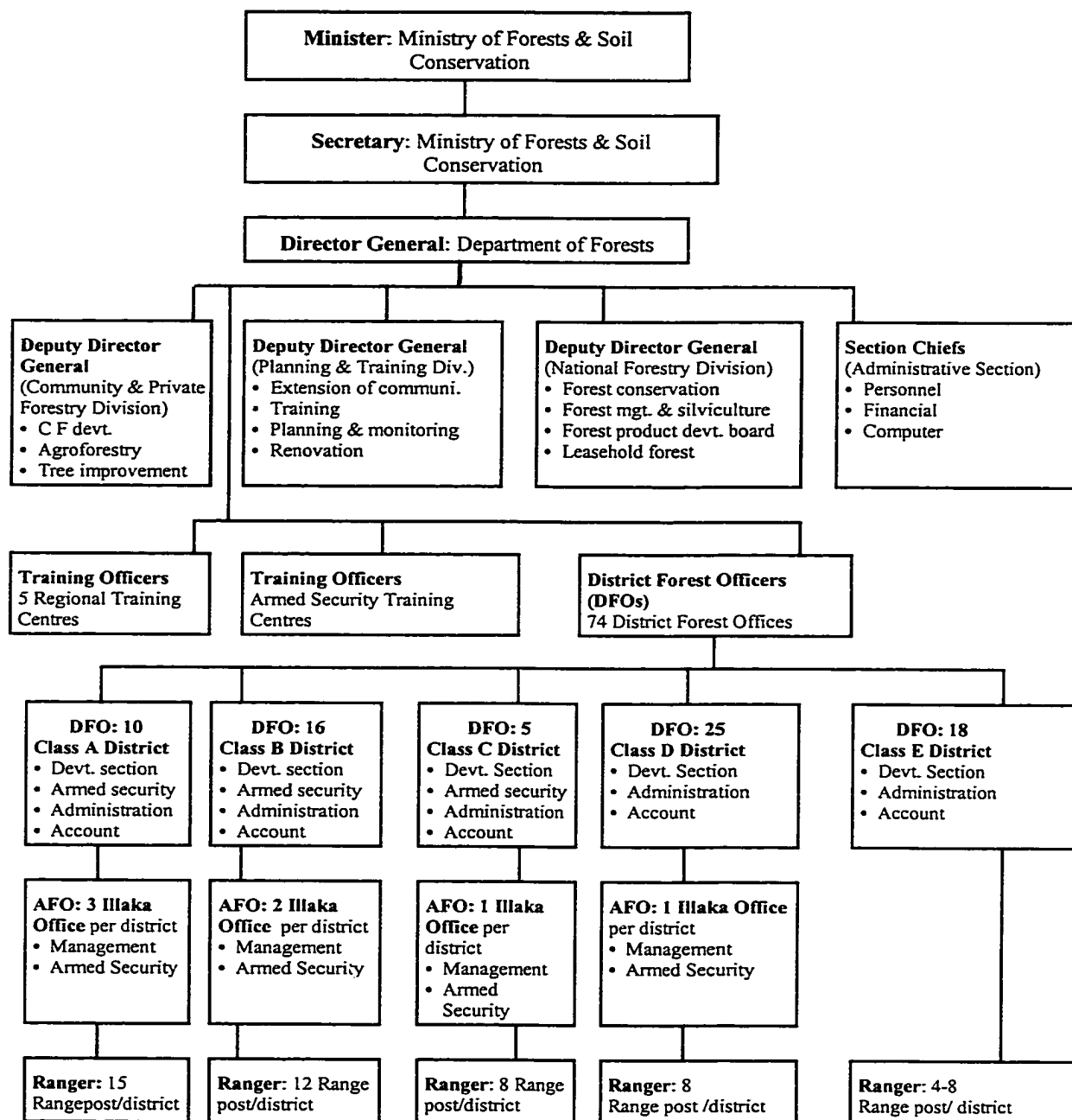
The chief of the Department of Forests is the Director General (DG). The DG is usually the senior officer in the forestry service. Only recently has the position of the DG been filled by a person with an academic degree in forestry, a sign of a strengthening of the voice of foresters in forest decision making. Under the DG there are three senior forest administrators designated as Deputy Directors General (DDG), each heading one of the divisions of Community and Private Forestry (CPFD), Planning and Training (PTD) and National Forest (NFD). Community forestry has a clear, well-defined place within the DoF administration. Three forest officers assist the DDG of the CPFD and are in charge of the routine activities of the division. The personnel section is under the direct supervision of the DG. All DDGs are forestry technicians. The DG and DDGs belong to the gazetted technical first class hierarchy of the civil service. Although DDGs serve as the heads of different forestry divisions at the central office, the field offices, such as the district forest offices and the regional training offices are directly under the DG not the DDGs, which indicates a centralization of power in the hands of the DG.

In total there are 74 district forest offices which are subdivided into 5 categories based on criteria such as physiography, state of the forest, conservation, promotion and utilization. Under these classifications, 10 districts of Nepal are designated as Class A forest districts,

16 as Class B, 5 as Class C, 25 as Class D and 18 districts as Class E forest districts. The district forest offices consist of three to four sections, namely, development, armed security, administration and accounts. The development section ends at the district level while the armed security section extends down to the *illaka* level (Figure 6.2.2.1). Although forestry programs are run with an objective of participatory development and management of forests, there is no devolution of forest administration and development functions beyond the district forest offices, which retain control over district budget sanctioned from the central office.

The district offices are headed by District Forest Officers (DFOs) who belong to the gazetted technical second or third class echelon of the civil service and are assisted by an assistant forest officer and rangers of the district office. By academic standing, the DFOs are forestry technicians who are expected to perform administrative and patrolling duties once they enter the forestry service. Foresters feel that their technical knowledge has been underutilised due to an emphasis on patrolling (Shrestha 1993a). Under each district forest office except the 18 Class E districts, there are one to three *illaka* forest offices for a total of 222 in the 56 districts.

These offices are headed by an Assistant Forest Officer (AFO) i.e. a gazetted 3rd class technical category staff. Each *illaka* office has two sections: management and armed security. Previously *illaka* forest offices were headed by rangers, non-gazetted first class technical category staff. This means the *illaka* office has been upgraded administratively. The aim of establishing a higher level *illaka* office is to strengthen the administrative and technical capability of the field office. But the *illaka* forest officers have little, if any, role in forest administration and development. Under each *illaka* office, there are four to fifteen range posts headed by rangers or assistant rangers. In total there are 698 range posts previously called forest units. Range posts are at the bottom rung of the hierarchy of the DoF. Although, in the organizational hierarchy, range posts appear to be under the *illaka* office, they are practically under the direct control of the district office.

Figure 6.2.2.1 Organizational Chart: Department of Forests**Index:**

Class A districts: Udaypur, Bara, Chitwan, Morang, Kailali, Makwanpur, Banke, Nawalparashi, Kapilbastu, Dang.

Class B districts: Sindhuli, Rautahat, Lalitpur, Saptari, Surkhet, Dhanusha, Rupendehi, Jhapa, Sunsari, Kanchanpur, Siraha, Mahottari, Parsa, Illam, Bardia.

Class C districts: Kathmandu, Dhading, Tanahun, Kaski, Arghakanchi.

Class D districts: Dhankuta, Sankhuwasabha, Dolkha, Ramechhap, Sindhupalchowk, Kabhrepalanchok, Nuwakot, Gorkha, Palpa, Pyuthan, Salyan, Doti, Solukhumbu, Okhaldhunga, Khotang, Syanjya, Parbat, Baglung, Gulmi, Dailekh, Jumla, Accham, Dadeldhura, Baitadi, Darchula

Class E district: Bhaktapur, Rasuwa, Manang, Dolpa, Humla, Mugu, Kalikot, Taplejung, Panchthar, Terathum, Bhojpur, Myagdi, Rolpa, Rukum, Bajura, Jagarkot, Bajhang, Lamjung.

This is primarily because the illaka office has little if any authority in the forest administration and development decisions. Although the administrative reach is expanded, power is not adequately devolved to the lower levels in the bureaucracy. Compared to the past, the DFOs have gained slightly more authority in making decisions at the field level. But the budget and decisions over staffing have remained highly centralized.

The pyramidal structure of the Department of Forests does not ensure that superiors have control over their immediate inferior staff in the organizational hierarchy. This is evident when staff transfers are made without the recommendation of the immediate boss of the transferred staff. In a situation where DFOs and other field staff are transferred even without having the chance to get established in the districts and know the district forest activities well, it seems that district level decision-making is perhaps in the hands of the central office. However, considering that district forestry information is inadequately recorded and/or recorded only in the heads of the previous district forest officers (Joshi *et al.* 1992), the central office is also not really in a position to know the district. The central office is thus not in a position to exercise control over district matters effectively.

6.2.3 The Effects of Reorganization

The DoF has made continuous changes to its structure with a stated goal of improving forest management in the country (Shrestha 1993a; Joshi 1993). Reorganization became necessary not only to comply with the changing administrative structure of the country but also to accommodate emerging debates on environment, development and participation.⁹⁸ Sometimes changes in administrative structure were prescribed which could not be implemented (e.g. due to the lack of manpower) resulting in a return to the previous structure (see Box 6.2.3.1). The 1991 Administrative Reform Commission Report suggested that as environmental conservation is not limited only to the Forest Ministry the ministry should revert back to its original name i.e. Ministry of Forests and Soil Conservation from its title of the Ministry of Forests and Environment.

Box. 6.2.3.1 Highlights of the Department of Forests' Organization and Structural Changes 1942-1995

1942	Forestry Department and its 12 check posts
1951	Forestry Department and its 2 forest circles, 11 forest divisions, 44 range offices
1959	Ministry of Forests established. The Department of Forests was brought under the Forest Ministry
1960	Ministry of Forests, Forestry Department and its 7 forest circles, 22 forest divisions- covered only some not all the hill districts. Forestry Department headed by Chief Conservator of Forests
1968	Ministry of Forests, Forestry Department and its 14 forest circles, 75 district offices. This was to coincide with the administrative structure. Forest Conservation Special Act brought out. But due to the lack of staff, the forest organization once again went back to its previous form (i.e. Ministry of Forests, Forestry Department and its 7 forest circles, 22 forest divisions).
1971	Introduced provision of armed forest guards in Terai. Forest Product Sale and Distribution Act also brought out
1975	Soil and Watershed Conservation Unit was separated from the Forestry Department and became a new full-fledged department
1976	Ministry of Forest and Soil Conservation, Forestry Department and its 9 circles, 40 divisions, 75 district forest sections. Until 1976, the hill forests were under the control of Chief District Officer (CDO) because there were no DFOs deputed in the hills. Forest Survey and Research Office, National Park and Wildlife Conservation, Afforestation offices were created
1977	National forest policy brought out
1981	National Park and Wildlife Conservation Unit separated from the Department of Forests and became a full-fledged department
1984	Ministry of Forests and Environment, Forestry Department and its 5 regional offices, 75 district forest sections- forest divisions were expected to convert into 75 district forest sections in three phases.
1986	District Forest Controller as chief of the district offices
1988	Forestry Master Plan brought out. Ministry of Forests and Environment, Forestry Department and its 5 regional forest directorates, 75 district forest offices, 222 illaka forest offices headed by rangers and 888 forest units
1993	"Environment and resource conservation" and "forests" started to be dealt with separately. Ministry of Population and Environment was created separating it from the Ministry of Forests. Ministry of Forests returned back to its original name i.e. Ministry of Forest and Soil Conservation. The forest agency was restructured into: Forest Ministry on the top, then Department of Forests and its 5 regional offices, 74 district forest offices. Regional forest directorates which were previously under the DoF were brought under the direct supervision of the Ministry of Forests. The district forest offices were categorized into five types of forest districts based on criteria such as physiography, state of forest, forest conservation, promotion and utilization. Under the district forest offices were 92 illaka forest offices headed by the Assistant Forest Officer and 698 range post headed by rangers. Armed forest security training centre was brought into the Department of Forests. New Forest Act 1993 introduced. Changes within the central office were carried out.
1995	New Forest Regulation 1995 brought out.

Source: Adapted and modified from Joshi 1993.

As per the suggestion of the Report, a separate ministry, namely the Ministry of Population and Environment was created— an example of the expansion of bureaucratic apparatus. The frequent redrawing of the organizational structure could easily create confusion among forest officials about their role in the DoF. For example, the District Forest Officer, the District Forest Controller and the Range Illaka Forest Conservator were the titles of the district forest administrator at different times. The same type of confusion appears at other levels of the hierarchy (e.g. ranger) also. Changes in the organization have also been made by masking inequities in the hierarchies. In the past, the forest circles (divisions) in various parts of the country which belonged to the same level in terms of the organizational hierarchy were not necessarily of the same status. The same is true with the present district forest offices as well. With such a frequent redrawing of the organizational structure, even very sincere and honest forest officials would have a hard time performing their job effectively.

The continuous redrawing of the organizational chart gives an impression that the forest agency is committed to bring improvement in its service delivery. Furthermore, it suggests that forestry problems are fixable with further planning and training operations. The effect of these reorganizations is to intensify and systematize the administrative reach of the DoF by dividing the district and regions (i.e abstract space) into an administrative system organized on a territorial grid. Changes in organizational structure serve to bring a distant administration closer to the local people rather than extending control over people and resources in a more systematic manner. In order to accomplish the latter, it would be necessary to entrust more power to the lower levels of bureaucracy.

6.3 Working with Limited Power: Officials at Different Levels in the Bureaucracy

The forest bureaucracy, like other government agencies in Nepal, consists of three levels: central, regional and district. Compared to the regional level, the district and central administration are more complex. Central administration is also not a singular entity. It consists of two levels: 1) the central office and 2) the commanding heights. The commanding heights are not necessarily a direct part of the forest bureaucratic structure but

influence and even dictate the central office's actions and hence need to be considered an integral part of the forest bureaucracy. Although officially the authority to delegate decisions stops at the district level, the officials working at the field sites are the people who implement forest policies and rules directly by engaging with the local people and other local social forces. Many informal decisions are taken at that level. Hence it is necessary to disaggregate forest administration below the district level. Three levels of forest administration below the district level are: 1) the forest guard 2) the ranger and 3) the illaka forest officer. So in total, there are six levels of forest administration and none of them have absolute control. Each of them functions with limited power and encounters pressure from within the agency and also from society.

6.3.1. The Forest Guards

Forest guards are at the lowest rung (non-gazetted IV class) of the bureaucratic hierarchy.⁹⁹ They must attempt to execute forest rules and policies in the face of direct cooperation, manipulation or resistance from people in the community. Until the end of the 1980s, the provision of government-paid forest watchers were equivalent to forest guards in the community forestry sites. But, unlike guards, watchers were under the development payroll. Being on the regular payroll, guards were administratively the staff of the DoF while watchers were not. With the initiation of community forestry through user groups since the early 1990s, the forest user committee (i.e., the governing body of a forest user group) is responsible to hire, fire and pay wages to the forest watchers in their respective community forestry sites. Forest guards are expected to work mostly as a paramilitary or police force while watchers are supposed to protect forest by gaining community cooperation and understanding. With the growing emphasis on community forestry, forest guards especially in the mountains have also had to accustom themselves to community forestry tasks.¹⁰⁰

Along with their regular job of patrolling the national forest, guards are expected to assist rangers in collecting basic information on forest users, forest and other land-based information, contacting the FUG, forming the FUC and in the preparation of the Work Plans

in regards to community forestry. Forest guards also assist rangers in monitoring and evaluating the activities of the FUG. They are the representatives of the state who watch the day to day activities of the local people. They have complex and contested jobs in protecting national forests other than community forest. Forest guards are under constant pressures from their superiors to protect forests and from the local communities to allow forest harvesting. They have the authority to seize forest products and equipment (axes, sickles, ploughs, etc.) from forest trespassers. It is in their best interest to minimize conflict and make compromises with the local people because if conflict arises, they can not resolve it without referring to their superiors in the district office. The district office wants to hear about success in protecting forests rather than listening to conflicts and complaints (Pokharel 1997). Also to earn recognition, respect and trust from local people, forest guards must give some allowance for trespassing in forests. Turning a blind eye or imposing fines rather than stopping forest trespassing not only provides the guards with some extra income but also allows them to present themselves as being considerate and fair to people in need (Pathak 1994; Gupta 1995). This stance does not necessarily signify a 'weak state and strong society'. Since forest guards stay in villages, they hold positions both as state officials and as community members. So their concession to local peoples' trespassing in the forests could be seen as a product of the blurred boundary between the state and the community in which they are placed.

6.3.2 The Rangers

Rangers are the lowest rung (non-gazetted I class) DoF technical officials who work in the field with the mandate to apply forest rules and regulations directly.¹⁰¹ A range post covers four to six Village Development Committees. In the past there was the provision of community forestry assistants (CFAs), equivalent to the rank of rangers, to work in community forestry sites. Unlike rangers, the CFAs were not on the regular, but development payroll, which made CFAs feel inferior to rangers although both held the same rank in the official hierarchy. Once CFAs were amalgamated into ranger and assistant ranger positions, the job description of rangers included not just the patrolling of forests but

mobilization of communities in forest protection and management. Rangers are also responsible for collecting and maintaining information on forest and FUG activity at the range post level. They have to accustom themselves to wearing two different hats at one time: organizing local forest users for community forestry operations while at the same time trying to police the forests.

The senior forest officials working at the central office think that the DoF has addressed the conflicting roles of rangers by creating its three distinct cadres. Rangers assigned to the mid-mountain regions are trained as community foresters to work with village men and women to sustain the forest. Rangers in the Terai are trained in the technical aspects of forest management and development so that they can give advice with regard to the development of forest-based industries. Rangers assigned to the high-mountain regions serve in special conservation units and work to protect national forest. The idea that community forestry is only to sustain the forest (i.e. subsistence approach of forest management) precludes productive use of community forests. Although the policy emphasis on forest development in three different regions varies (e.g. production forest in the Terai, community forest in the mid-mountain and the protection forest in the high-mountain), all three regions are undertaking activities in production, protection and community forestry. Furthermore, rangers are transferred from one region to another and their roles continue to remain confusing and conflicting.

In the national forests, other than community and leasehold forests, the job of rangers is primarily patrolling forests. In community forestry, rangers have the task of forming villagers into FUGs. They recommend and assist these groups to formulate community forestry Work Plans and Constitutions in accordance with the rules of the DoF. Rangers are supposed to identify real users including the poor and women, in order to meet community forestry program criteria. Although the FUCs (the governing body of the users groups) is to be formed primarily by consensus rather than voting, rangers have a personal interest in avoiding the formation of a FUCs composed primarily of the illiterate and poorest men or women, because it would require them to devote a considerable amount of time to support

them against pressure from the elite in the community. Furthermore, the rangers also feel that elite villagers, compared to the poorest people, are relatively more informed about community forestry and can afford the time to organize community development activities. In the context where community leadership and decision making has rested in the hands of elites and the rich in the village for centuries, it is difficult for the rangers to break such a trend. Furthermore, since villages located in the hills and mountain are already associated with the category “the poor”, any inhabitants of such villages living nearby forest areas might be deemed appropriate as members of the FUCs, implying that there is no need to search for the real poor and forest-dependent persons. But the lack of representation of the poorest people and the issue of elite dominance in decision-making makes the search for justice through community forestry incomplete and on-going.

Rangers draft FUG Constitutions and Work Plans but also help register groups in the district forest office and arrange for forest handover. Under the community forest rule (s 29 (2) FRule 1995), an approved Work Plan (i.e. agreement between the user group and the district forest office) has to be attached to the application for forest handover. But as making a Work Plan is a time consuming job, the usual practice is to hand over the forests first and proceed with the Work Plan later. This is one among many forest rules that is not strictly enforced by the forest agency.

As the forest bureaucracy is expanding, villagers fear that if they do not organize themselves as a user group and forward their application to the district office to handover their village forest as community forest, neighbouring villagers and/or any third party can register their application to the district forest office to get that forest in their name. Bureaucratic expansion has caused villagers to compete among themselves in forwarding application for community forest and restricting access by neighbouring villagers. When the neighbouring villagers encounter restriction on the use of forest they also in turn rush to register applications to hand over their village forests as community forest so that another neighbouring villagers cannot register their application first. The effect is a micro partitioning of the forest in the villages. For the rangers the job is then to visit these small

groups of villagers and write Work Plans and Constitutions for each group. The workload of the rangers has thus increased tremendously.

When rangers are fully involved in community forestry they have little time left for taking care of the non-community managed national forest (i.e. government forest) and the credit for the success of community forestry goes to the community rather than to the rangers. So Rangers feel that they are in a losing position, as their success in supporting community forestry often comes with the neglect of the government forest they are supposed to manage and protect. The FUGs, by virtue of getting forest handed over from the district forest office as community forests, independent of any personal relationship with the rangers and any other forest officials, acquire obligations to take care of community forests but not the government forest.

The formation of FUGs and the enforcement of community forestry through such groups implies a substantial role for the ranger. How FUGs are formed, and how the rules and regulations are structured in the Work Plans so that FUGs do what the forest agency wants them to do and do not abuse the power entrusted to them are the concerns of the rangers. Possible problems of cooperation or abuse of power demand the constant presence of the rangers in the villages. Territorial jurisdiction and the administrative reach of the DoF thus gets intensified because villagers compete to register village forest as community forest and to get the rangers' support in writing community forestry Work Plans and Constitutions according to DoF regulations and priorities.

Rangers are directly accountable to the DFOs, whether their posting is in the district forest office or in the range posts or in the check posts. Theoretically rangers deputed in the field are supposed to stay in the range post, patrol the forest and provide support to the local people in community forestry organization and operation. Although rangers play a significant part in assisting local people to get forests handed over to them, local people usually complain of the absence of rangers in the village and of not knowing of the existence of a range post in their area. The unavailability of rangers in times of local need suggests

either a lack of the number of rangers in the DoF and thereby they are overworked and unavailable in the village or that the incentives for the rangers to remain in the villages are too low. In either way, the forest agency seems to fail to live up to its self-image of being responsive to local people and their needs.

Rangers have many villages in their work jurisdiction which require frequent commuting from one village to another and from the villages to the district capital. The superiors of the rangers live at some distance in the district capital. Given the lack of transportation facilities between villages and the district office, rangers have difficulty in connecting themselves with the village and the district forest office at the same time. Even to receive their salaries, rangers need to visit the district forest office, which also becomes one of the reasons for being absent from their work place. Unlike in the Terai, where there are many physical facilities, the rangers, and even some illaka offices, in the mountains do not get an office space, have no basic stationary materials and equipment, and have to do their official work in their bedroom (Pokharel 1997).

Although the community outreach role of rangers is emphasized, the DoF provides little authority to rangers to make decisions on forest use and management, to be sympathetic to community needs and preferences and to be locally effective and respected forest technicians. In times when conflict arises in the field, they have no authority to resolve it without referring to their superiors in the district. In places where access to roads, public transportation and communication are limited, it takes a considerable amount of time for rangers to make visits to the district office, let their superiors know about a problem and get agreement on how to resolve the conflict. Once they are in the district office, rangers have to wait for a time convenient to their superior to explain the problems. When they table the problems and priorities of local people for discussion, they often find their superiors uninterested in hearing about any local priorities (e.g. roads, drinking water, schools, etc.) other than forests, wanting to know only the positive things and tending to give instructions without listening to problems in detail (Pokharel 1997).

Rangers are caught in the middle between the priorities of the DoF and the local people, which encourages them to be absent from their field sites so that they can avoid answering to the FUGs and also avoid encountering more problems that need to be brought to the notice of the district office. But as FUGs are getting support from non-governmental organizations and also have access to the National Federation of Forest User Groups, the rangers cannot remain completely unresponsive to local pressures and needs.

Rangers feel that their job is pretty difficult and time-consuming compared to the jobs of their peers at the same level in other government agencies. They feel that their peers (i.e. Junior Technical Assistants) in the Department of Agriculture have much easier jobs and do not have to work with common property, where social conflict is intense. The Nepal Ranger Union went on hunger strike on June 20, 1998 with a demand to treat them differently from other civil servants at a similar level and to provide them with additional facilities, but their plea was hardly heard.

Although community forestry policy encourages rangers to play a facilitator role, they are not empowered to act as facilitators. Being employees of the DoF, rangers are also not in a position to serve as neutral facilitators between government and villages. They also question government motives for encouraging community forestry in the mountains while at the same time restraining it in the Terai. They feel that since forests in the Terai, unlike in the mountains, are pretty dense and hence more money is involved, the Forest Ministry is resistant to implementing community forestry in the Terai.¹⁰² As government officials, rangers are supposed to take the side of the government rather than the villagers. During interviews it was realized that the rangers, while fulfilling many of their obligations towards the government in organizing and supporting community forestry, take a populist view; they talk about justice to villagers as citizens; and they criticize their own Ministry's intentions in encouraging community forestry in the mountains while restricting it in the Terai.

6.3.3 The Illaka Forest Officers

The illaka forest offices are headed by Assistant Forest Officers (AFOs), a third class gazetted technical cadre staff. AFOs are expected to give direction to the rangers in community forestry work, make field visits, monitor and evaluate the activities of the rangers and maintain records of the monitoring and evaluation, and assist the district office in bringing operational uniformity to forestry actions in the district. They have to organize community-oriented training and workshops for rangers and the forest guards and to give community forestry orientation training to the members of the forest user groups, school teachers and farmers. AFOs function as a link between the district office and the range post and have to obey the written orders of DFO, as everything to be done at the illaka level is decided through the district forest office.

Illaka offices in the mountains in general lack basic office facilities. On both financial and technical matters they must request, wait and report to the district forest office. Given their lack of financial and administrative authority, the AFOs neither have any important role in forest administration nor are they in a position to gain local credibility. As the illaka office has little if anything to offer to the villagers there is a tendency among local people to ignore the illaka office as a point of contact and refer only to the ranger or the district forest office regarding forest harvesting, tree singling and weeding, the transportation of forest products outside the village area, conflicts in the community and help from the forest agency. The illaka office thus seems to be an expansion of the bureaucracy without function and authority.

Although the illaka offices are bypassed by the local people and have officially little administrative power, they are not powerless. By keeping an eagle eye on local interaction with the forests, the illaka officers can cause trouble to those who displease them. Not only local people, but sometimes even the rangers and the district forest officer, could be in trouble if the illaka officer is not informed about forestry operations such as harvesting and transport of forest products from the territorial jurisdiction of the illaka office.

Theoretically, illaka offices are the embodiment of the promise and/or provision of more decentralized forestry services. But in practice the creation of illaka offices has not resulted in a transfer of power from district administration to local units. Rather, it has led to the systematisation and intensification of a forest agency presence at the local level. The district forest offices have not lost power with the establishment of the illaka forest offices, although local people, forest contractors and rangers have to notify the illaka office of major forestry operations. In terms of getting village level information, the establishment of the illaka office has some clear advantages for the DoF. Unlike the previous arrangement of getting village level reports only from rangers, the establishment of the illaka office has added an extra source of information and a channel for district control of the village level machinery.

6.3.4 The District Forest Officers (DFOs)

DFOs are mostly gazetted II class but some (deputed in class E districts) are gazetted III class technical officers. They are responsible to the Director General of the DoF. They are also to a certain extent answerable to the National Planning Commission and the Regional Forest Directors (RFD). DFOs have an important role to play both in providing support and supervision for range posts and in providing the link between local and central levels. They are powerful figures in the district with a good deal of discretion on forest policy implementation, including use of legitimate coercion at the village level. DFOs are expected to gain command over the forest and the people in their respective districts as swiftly as possible. But this often does not happen because DFOs, and also rangers, are placed in the districts without adequate and up-to-date information on important issues such as forest location and conditions, forestry activities, the people, staff involvement, and so on. Furthermore they often are transferred to yet another district in less than a year (Joshi *et al.* 1992). Under such conditions, even a very dedicated DFO would not be able to exert effective control over the forest and the people in the district.

DFOs are supposed to coordinate and supervise forestry activities including planning, administration and monitoring of forestry actions in the districts.¹⁰³ DFOs prepare forestry

plans for their respective districts and forward these to the central office in Kathmandu for approval. But these plans get modified centrally within the DoF and in the National Planning Commission. In the end, the plans come out with a budgetary ceiling determined by the Ministry of Finance and the program activities set by the National Planning Commission (Pokharel 1997).

The DFOs have to ensure that the programs are spread across the district with a minimum of problems. Some complain that they have difficulty working in some areas, particularly where the forest is well protected. While the protection of the forest results in an increase in tree-cover, it also increases threats by wildlife to human habitation in many villages. When DFOs relay such problems to the central office, there is often little response.

DFOs implement the Work Plan for government managed forests made centrally by the department and approved by the ministry. In community forestry, the DFOs, with assistance from Rangers also identify the areas of state (national) forest land in the districts which can be transferred to user groups. DFOs are responsible for formalizing forest handover to the FUGs, and negotiating and finalizing the Work Plans. But DFOs often encounter problems in the handover of forests especially property disputes. These disputes are usually between private individuals who claim title to the land as their birta, groups of forest users who would like to get the land under community forestry and thus are ready to sign for it as national forest, and forestry officials who assert that the land is government property available to be assigned to the user groups at the local level (Applegate and Gilmour 1987). Community forestry thus may serve as a tool to eliminate previous birta-holders authority over the land which the DoF has asserted rights over such land as its own property. In a situation where the DoF lacks supporting documents as evidence of its property rights over land, the signing of community forest agreement with forest users groups assures the DoF's territorial rights over the land.

Property disputes are one among many other social pressures that DFOs encounter. DFOs feel that there is too much political interest and interference in forestry operations in the

district including pressure for the handover of forests as community forest and giving political protection to people listed as forest violators in the eyes of the district office. In the past, when forestry activities in the district were run as a project, the DFOs had many facilities including the use of an office vehicle. They were in a position to lend the office vehicle for the personal or official use of the elected officials in the district whenever requested. But since many forestry activities started to run as regular government programs rather than projects, DFOs have lost previous flexibility in the use of the official budget and have been increasingly unable to provide office vehicles and other support to the elected leaders. As a consequence, the support they receive from the elected leaders has also been reduced. They feel that the elected leaders, although they disagree among themselves on other things, are always in agreement with each other when it comes to the harvesting of forests, so it is difficult to organize political support against forest harvesting. DFOs complain that NGOs do not understand the problems of the district forest office and NGO's support to the villagers have only increased pressure on DFOs to speed up forest handover to the villagers and resulted in more oversight in the formulation of Work Plans.

DFOs have a strong belief that the forest is national property. One of the senior DFOs, interviewed in the context of this research is even against FUGs handling the national forest. He argued that since forest handed over to a community is national property, the DoF should get rent from the FUGs otherwise it would be unfair to the rest of the Nepalese population. Like rangers, DFOs feel that attention to community forestry can come only at the cost of the negligence of government forest which means continued deterioration of the image of foresters.

Previously, the registration and the handover of land under community forestry were undertaken centrally by the DoF. In the recent phase of community forestry, the user groups are registered at the district forest offices. DFOs have authority over the approval of community forestry Work Plans and the handover of state forests to the communities for management. The power of the DFOs to recognize and coordinate resources in support of the FUGs, is interpreted officially as an act of administrative decentralization and as a

departure from the previous centralized practices of the Forestry Department. But in practice, the centralized control of district affairs continues to prevail.

Theoretically DFOs can hand over any part of the national forest to the user groups without consulting and/or getting approval from the central level agencies. But as community forest is also legally classified as national forest land, the DFOs have to seek central consensus and have to work under the centrally-devised work plan for national forests. In making decisions about transferring a parcel of state forest for community management, the DFOs are required to consult with the central office of the DoF as well as the regional offices on whether the land is to be designated for use as government-managed, religious, protected or leasehold forest. Under the forest law, community forestry is a priority only over the leasehold but not over other forestry programs. So the DFO's authority to make decisions on community forestry is dependent on the forestry decisions that take place at the central office in Kathmandu where DFOs do not necessarily have a significant voice. Furthermore, as mentioned before, DFOs also depend on the central office for budgetary and staffing matters.

Once DFOs decide to hand over parts of the national forest as community forest they also have to provide post-formation support for the FUGs and have to meet the government forestry targets. Aside from their own department, the DFOs also have to be accountable to other agencies including the Ministry of Finance.¹⁰⁴ DFOs are the main channel for feeding information about community forestry vertically to the DoF and from there to the Ministry of Forests. This information then becomes the basis for the forest bureaucracy to bring about incremental changes in the community forestry program over time. But, as in any hierarchy, information flows are never complete. As Joshi *et al.* (1992: 64) argue, essential information about handling community forestry often remains in the heads of previous DFOs and is neither recorded nor processed. As in any bureaucracy, subordinates in the forest bureaucracy are selective in transmitting information upwards, because it may threaten their control and power over their district should they lack suitable political connections (Neuberger and Duffy 1976: 54).

6.3.5 The Regional Forest Directors

The regional forest offices are headed by regional forest directors (Gazetted I class). The regional directors are assisted by deputy regional directors (Gazetted II class) in their day to day work.¹⁰⁵ Regional directors were previously under the DoF. But from the early 1990s, as a part of administrative restructuring, they were brought under the direct supervision of the Forest Ministry with authority to monitor and evaluate forestry development activities, including community forestry. The regional forest office also functions as an appellate court for community forest user groups. In case of dissatisfaction over a decision relating to the resumption of community forest by the district forest office, the forest user groups can appeal their case to the regional director of forest. The regional directors, thus, have some role in community forestry. In particular, the authority to implement and coordinate the leasehold forestry program rests with the regional directors. Decisions on leasehold forests, however, are made centrally.¹⁰⁶ Once leasehold forest is handed over, the regional directors keep a record of such handover in their regional offices and forward a copy to DFOs so that technical assistance for leasehold forestry can be provided. The regional forest director forwards a copy of the monitoring and evaluation reports to the DoF for information.

Regional directors neither have direct authority over subordinate line officers nor many resources to execute their functions. Nevertheless, the direct link between the regional offices of the Ministry and the district offices of the DoF implies that the central administration has increased its sources of control over the goings-on in the districts. In other words, the forest ministry diffuses its local sources of information: it receives reporting on local actions not only from the DoF but from the regional offices as well. The power of the Ministry is enhanced by the creation of a high-ranking regional "watchful guardian" reporting directly to the highest levels and the regional office thus has a centralizing effect over all forest activities including the community forestry program.

6.3.6 The Central Office

The Ministry of Forests and its various departments, including the DoF, constitute the central office of the forest agency. The Ministry is involved in defining policy and in monitoring and supervising actions while departments execute actions and act as intermediary between the Ministry and the district offices. The central agency also channels resources for forestry actions. Its dependency on external financial resources has increased. Many external agencies have opted to work outside Nepal's administrative system and have set up their own project accounts with funds released to districts by the project managers. While the World Bank, the major partner in community forestry, still operates through Nepal's financial administration, it has forwarded strict regulations in the handling of project money and in maintaining transparency and accountability. Antipathy at the central office is increasing towards aid programs that set up their own structures. Some bureaucrats feel spoon-fed by the donor agencies and experience a loss in their self-confidence and initiative in forestry actions. However some bureaucrats tend to blame political leaders' incapacity to provide a framework where bureaucrats can function independently and mobilize the domestic resources required for forestry development.

In regard to DoF operation, the central office with approval from the Ministry of Forests, assigns power, duties, guidelines and instructions to various officials working in the central office and in the field sites. But the delegation of power and duties to various levels of bureaucracy are not always clear; they overlap and compete, create problems of coordination, and make it difficult to locate the point of inefficiency in forest administration. But this fuzziness in the delegation of power and duties makes frequent intervention from the centre unavoidable and thus has a centralizing effect.

The recruitment, placement and transfer of forestry staff are undertaken by the Forests Ministry and the central offices of its departments in conjunction with the Ministry of General Administration and in accordance with the rules and regulations of the Civil Service Act. Although the Civil Service Regulations require field staff to be placed a minimum of

466 working days at one duty station, in reality the average period of service of the district forest officer at one station has not been more than a year (Joshi *et al.* 1992).¹⁰⁷ This can be taken as another example where bureaucratic rules are not followed within the bureaucracy itself. Most often staff are transferred subject to strong political and personal ties, but the central administration often justifies the staff transfer as a requirement to increase administrative efficiency, avoid corruption and weaken the top officials' exercise of power over junior staff (Joshi *et al.* 1992). This reasoning has the effect of presenting the forest bureaucracy as an apolitical institution.

As discussed in chapter 3, during the panchayat regime a Palace administration existed parallel to the government bureaucracy. The creation of the panchayat sector in the allocation of resources for development planning created a parallel government through which the Palace could pursue the goal of broadening its reach at the local level without going directly through public bureaucracy but through the political bodies. So bureaucrats did not have to face much direct political interference in the bureaucracy. Furthermore there was only one party and hence no competition for votes. After the replacement of the panchayat system by parliamentary democracy, there is no distinct parallel government run by the Palace. Political leaders have to pursue their political goals through their control over the bureaucracy. Unlike in the past, now the many political parties compete for votes and public approval. Intervention in the bureaucracy has become a means toward that end. If bureaucracy has remained independent of the politics, the change in government would have little effect in the change in bureaucracy. New appointments and/or transfers of staff in the bureaucracy take place every time the government changes, as the ruling party government tries to place its favourites in the bureaucracy so that it can use bureaucratic means to secure a second term in government. The administrative restructuring program suggested by the 1991 Administrative Reform Commission Report facilitated the termination of many bureaucrats from their job by the ruling party not as a politically motivated action but as a necessity to improve administrative efficiency and comply with the recommendation of the Administrative Reform Commission Report.

Bureaucracy has become increasingly politicized, not only because politicians try to interfere but also because bureaucrats compete among themselves to stay in power and to climb higher in the bureaucracy by trying to build personal connections and ties with politicians. Those bureaucrats who do not attempt to build allies within a political party are often unnoticed for promotion and placement in a good position, while those allied with an opposition political party get transferred to less prestigious positions and sometimes are retired from their jobs. Soon after coming into majority power, the ruling party government in 1992 undertook a massive Administrative Restructuring Program and many senior administrators with 20 to 30 years service were given compulsory retirement.¹⁰⁸ At the same time, some administrators with longer service periods were retained on the job. Some middle level administrators, however, were the direct beneficiaries of the enforced retirements as they were moved into the position of senior administrators. While some retirees felt quite demoralised and resigned to the situation, many went to the courts to appeal against the retirement decisions, and as a result, many of the retirees were eventually reinstated in their jobs. Among those who were reinstated was a senior administrator then in charge of the community forestry program in the central agency. A vertical political polarisation in the civil service arose, often causing tensions among bureaucrats and between bureaucrats and politicians. If the government had been stable, perhaps the polarisation problem would have been insignificant.¹⁰⁹

In February 1999, about a dozen government secretaries (i.e. senior most administrators including the former secretary of the Forest Ministry) from various ministries went public for the first time through a press conference as a protest against political interference in the administration. They brought to public notice that civil servants were becoming increasingly demoralised because they perceived a tendency of political leaders to bend administrative rules and regulations for political convenience, to make ministerial decisions which are harmful, and to reduce top civil servants to the status of glorified clerks. Although they came to the public through the press conferences, they were hesitant to give the precise nature and details of the political interference in a specific ministry nor did they blame only the politicians for this state of affairs. They could not afford to displease particular political

leaders for fear of termination. For example, in the forestry sector, while senior bureaucrats complain about unwarranted political interference in the bureaucracy they also believe that they can easily convince politicians to bring in good policies such as community forestry which limits the power of politicians to use forests for their vested interest. The relationship between bureaucrats (in the central agency) and politicians is thus very complex.

At the central level, one distinct tension between bureaucrats and politicians is about the appointment of political advisors to ministers. Technically, senior bureaucrats' interests lie in spreading forestry activities (such as community forestry) across the country as evidence of bringing development and ensuring votes for the ruling party (c.f., Li 1999b). They are responsible and accountable to the top political leadership and so they can be seen as advisors to the politicians. A key priority of the elected leaders (such as ministers) is to use the forest agency and its resources to stay in power. It is necessary for them to be as informed as possible about the goings-on in the bureaucracy so that they can have a good command over it. Hence it is not surprising that a newly-appointed minister often comes along with a personal political advisor and some other person whom he/she trusts. The appointment of political advisors suggests not only some lack of trust between political leaders and the bureaucrats, but a necessity to solidify the minister's hold over the bureaucracy. Senior bureaucrats see the political advisor position as unwarranted, unconstitutional and the creation of a power parallel to the bureaucracy. So these officials, while feeling obliged to serve the political leaders, do not see it as necessary to cooperate with the advisors. So they often feed political advisors incomplete information making the political leaders and the advisors vulnerable to and continuously dependent upon the bureaucrats for advice, assistance and winning votes for the party. Politicians' collusion with bureaucrats thus becomes a necessity.

The Civil Service Act states that bureaucrats must neither criticise the government nor involve themselves in politics of any kind. While senior forest bureaucrats in the centre are expected to be political advisors to the ministers and help them to get votes and the field level bureaucrats are expected to bring social change by assisting the rural poor to get

command over forest decision-making, neither set of bureaucrats are supposed to get involved in “politics.” The Civil Service Act thus has the effect of presenting the forest bureaucracy as an institution where services are delivered in good faith and where bureaucrats and political leaders are in consensus and where political interest and interference of any kind are unacceptable. The effect is to present a thoroughly political bureaucracy as a non-political apparatus.

The central office has authority to monitor and evaluate forestry programs in the field, provide economic and moral support to communities in forestry action if these are run according to the government policy, and recommend changes in forest policy if thought necessary. But in changing the policy, the central office may encounter support as well as resistance from the local representatives. This is the case with community forestry as well. There is not just appreciation but tension between forest bureaucrats, NGOs and the Federation of Community Forest Users Groups (FECOFUN)¹¹⁰ in the operation of centrally-devised forestry actions. For example, due to the pressure from non-governmental organizations such as WATCH (Women Acting Together for Change), which supports and lobbies in favour of forest user groups, and the TECOFAT (Terai Community Forestry Action Team), which is a network of 11 NGOs acting in support of community forestry development in the Terai districts, the central agency had to postpone the implementation of forest management plans in the Terai and encountered trouble in making amendments to the Forest Act 1993. While senior bureaucrats in the central agency express their pride in introducing a community forestry program, they feel that some are taking undue advantage of the program. For example, they feel that the FECOFUN is exercising unwarranted power, often in conflict with forest agency decisions. While community forestry policy was designed with an idea of handing over accessible mountain forests¹¹¹ to the communities, the forest users in the Terai with support from NGOs and FECOFUN are also asking government to hand over forests as community forests. Although forest sector policy clearly specifies the handover of accessible forest to the communities in the hills, the Forest Act 1993 does not specify that only forests in the hills will be handed over as community forests.

Under the Forest Act of 1993 the central agency retains the right to design the management plan for government-managed (national) forest. When the central agency made a management plan for the national forest of the Bara district in the Terai, and decided to give the management contract to a Finnish multinational company (Enso International), the FECOFUN came out saying that the government should have consulted the local people prior to making such a decision. The question raised by FECOFUN was not about the standing of the forest agency but about its operation. By questioning the forest agency's operation, FECOFUN looked for support from NGOs, INGOs, and media sources, forcing Enso International to withdraw from the contract and compelling the forest department to hand over some forests in the Terai as community forest.

Interviews indicated that bureaucrats at the central level, while showing some appreciation for community forestry activities in the mountains, are very reluctant to take community forestry to the Terai. They strongly believe that community forestry if adopted would increase deforestation in the Terai, expose the country to natural calamities, increase undesirable political interest, and accelerate the land-grabbing problem already inflated by the Squatters Settlement Committee.¹¹² Furthermore, Terai's open border with India, the long distance between forests and the settlement areas along with the paucity of traditional forest management systems in the Terai are given as reasons that make community forestry in Terai unfeasible. Since the forest law is mute about the spatial dimension of community forestry, the senior forest bureaucrats can not disagree with community forestry in principle. So they are finding other reasons to restrict villagers' right to community forestry in the Terai. In this process, many senior administrators in the Ministry and the DoF disagree with rangers' opinion about villagers' citizenship right to community forestry in both the Terai and mountain areas. A former senior bureaucrat in charge of the community forestry program informed me that community forestry is not encouraged in the Terai, not because community forestry can not be successful but because the forests in the Terai are so dense that DoF does not want to lose control over such forest. He said that in the past, when he was serving as a forest officer in the Terai, he was impressed with the success of Terai community forestry but this success was labelled as a failure at the government and the

donor level for vested interest reasons. Most senior administrators in the forestry apparatus have a clear interest in keeping dense forest of the Terai under direct government control rather than handing it over to the villagers as community forest.

Many senior bureaucrats urge the FECOFUN and NGOs to submit constructive and realistic management plans to manage the Terai forests rather than merely obstruct and criticise government decisions on Terai forest management. They view that if FECOFUN and NGOs continue to intervening government decisions, forests in the Terai will suffer from open access resource syndrome, will intensify corruption in the forestry sector, and trees will disappear from the forest. Senior bureaucrats argue that FECOFUN and NGOs, not the government, should be held responsible if forests from the Terai disappear in future.¹¹³ They feel that the NGOs and FECOFUN should avoid working as a parallel government in forestry, should be willing to work under the umbrella of the forest agency and should recognize their role as supporting bodies of the government not the managers of the resource.

The bureaucrats also question whether the Forest Users Group Federation adequately represents the real forest users. They see that the FECOFUN, instead of strengthening representation, has overshadowed the interest of the real forest users and is becoming increasingly centralized in its operation. The central agency would prefer that the activities of the NGOs and the Federation would be in line with government interests and priorities. In regards to the management of forests, especially the Terai forests, there is clearly a conflict of interest and misunderstanding between bureaucrats and the Forest Users Group Federation. Dove (1992a: 14) argues that understanding and common purpose between government and local people are less common than misunderstandings and conflicts of interest and that the latter are responsible for many development impasses.

The forest bureaucrats believe that the local demand for community forestry has grown beyond what the DoF field offices can handle. DoF has also encountered legal difficulties in taking action against FUGs who abuse power entrusted to them. So the DoF thought it necessary to amend the Forest Act 1993. At the central level, the Planning and Training

Division organized a community forestry planning workshop in early 1996 with participants from the DFOs of some districts and the central agency staff. With inputs from the workshop and a series of other meetings within the central agency of the department and the ministry, the amendment to the Forest Act 1993 was proposed. But the FECOFUN once again opposed the proposed amendment to the Act by reaching out to various parliamentary committees (e.g. Natural Resource Management Committee) and to the members of parliament individually and in groups. The FECOFUN also reached out to the members of parliament representing various districts. In the end the central office was forced to postpone the amendment to the Forest Act.

In fact FECOFUN emerged out of a forest agency initiative to establish a network representing forest user groups from various regions and districts. The DoF central office was thinking that such a network of user groups would help the DoF in the implementation of community forestry especially in motivating forest users towards community forestry and in gaining their support and understanding. It expected that the formation of the network of FUGs would provide a medium of contact between the forest agency and the communities at the central level. The DoF was under the impression that it knew what the forest users wanted and also assumed that there was a common purpose between the forest agency and the FUGs in regard to the use and management of the forests. It expected user group loyalty towards the forest agency. The DoF was unaware that the very population it thought it knew and it governed could challenge its authority and could compel it to make compromises in its plan and programs as per the demand of the FECOFUN. The compulsion to hand over Terai forests as community forests and the postponing of the amendment to the forest law suggest that the forest bureaucracy is neither absolute in knowledge nor in power.

6.3.7 The Commanding Heights

The commanding heights consist of both elected and non-elected officials (Migdal 1994). Various agencies including Cabinet, the National Planning Commission, the National Development Council, Parliamentary bodies and Commissions could be seen as the agencies

at the commanding heights. Since decisions reached at the Ministry of Finance, Ministry of General Administration and the Home Ministry have a considerable influence on the functioning of the forest bureaucracy, these ministries could also be seen as agencies at the commanding heights. The decisions coming from this level influence the setting of policies, priorities and the organization of the forest bureaucracy including the expansion, amalgamation and separation of the institutions and divisions from one bureaucratic apparatus to another.

Institutions are frequently shifted from one to another umbrella department within the Ministry or even outside of the Forest Ministry with the logic of improvement in service delivery. Breaking up state agencies into units and departments and amalgamating them to other units, branches, department or ministries is a part of the normal process of political activity of the state. But these efforts may also end up with bureaucratic confusion, uncertainty and inefficiency, making the work of bureaucratic improvement incomplete and ongoing. The Nepal Timber Corporation (TCN) case illustrates this situation (Box 6.3.7.1). TCN was operating as a saw-mill project in 1950s with an authority to relocate displaced flood victims. It was turned into a government corporation in 1960 with goals to facilitate smooth supply of timber products to the general public. TCN operates in 33 districts of Nepal. It remained under the Ministry of Forests until 1988 and then shifted to the Ministry of Supplies from 1988 onwards.

TCN owes a large sum of standing dues to the Forest Product Development Board, Department of Forests. Despite these huge standing dues, the Cabinet decided in 1998 to give a monopoly timber contract to the TCN as well as the rights to sell inferior forest products at low prices. Such a Cabinet decision is unlikely to be reached without politicians' collusion with the bureaucrats in the Ministry of Supply, the Ministry of Forests, and the TCN. Donor agencies, NGOs, environmentalists, FUGs, and the Forest Technician Association (which includes membership from the forest bureaucrats working in the forestry apparatus) are against the Cabinet decision.

Box 6.3.7.1 Behind the Survival of the Nepal Timber Corporation

Timber Corporation of Nepal (TCN), under the MFSC since its establishment in 1960 has been incorporated into the Ministry of Supply since 1988. It has 954 staff. Since early 1990s its financial position has become worse and is hardly in a position to pay staff salary. It pleaded for reduction in the revenue that it owes to the government. Its employees want TCN to be shifted back into the ministry of forest. Forest ministry refuses to take back TCN into its umbrella unless the TCN shows improvement in internal functioning and pays the past dues (Rs. 60.1 million) to the forest productivity development board, ministry of forest. TCN staff argued that the wood (1.5 million cubic feet prime timber) handed to it by the ministry of forest was of poor quality and could not be sold. MFSC accused the TCN of selling only the good quality wood first and hoarding the rest which was supposed to be sold together. The TCN Employee Association saw the collapsing TCN as a better choice than running it in the state of chaos and neglect from the concerned ministries. Inefficiency of TCN's has been in discussion for a long time in Nepal. Despite its growing inefficiency, Government reached a **decision on March 6, 1998** to give **logging contract monopoly to TCN** for the first time. The then State Minister a helping hand for the Minister of Forest said that the issue was never discussed in his presence. The Then Minister of Forest claimed that the decision was passed to the cabinet by his predecessor who believed that the monopoly to TCN would break the practice of taking kickbacks from 'logging mafia' which had resulted in irregularities and loss of revenue.

Environmental activists, the forest technician association and donor agencies protested the idea of granting a logging contract to TCN and argued that such a contract sidelined community forest user groups and private tree growers in wood marketing but would result in Rs. 220 million loss in government revenue. In June 30, 1998 Australian ambassador to Nepal Brendan Doran made a written request to the Minister of Forest to reconsider the decision on the expansion of the role of TCN and to introduce measures for improvement in the timber and fuel wood marketing system. The letter states "granting monopoly would contribute to the continuing deforestation in the Terai and hinder the development of sustainable management systems for national forests, thereby reducing the enormous contribution the Terai forests can make to the economy of Nepal." Another letter sent by USAID-Nepal on April 28, 1998 stated that the TCN monopoly is contrary to the governments' own privatisation policy and could be a step backwards in Nepal's development of a strong economy based on widely accepted market principles. The MFSC responded on January 17, 1999 stating that the government had withdrawn the monopoly contract to TCN. Environmental activists, forest officials and donors, the Cabinet once again on March 8, 1999 reached a decision to go ahead in granting a monopoly timber contract to the TCN. This Cabinet decision allows not only monopoly of timber contract but grants TCN the right to sell inferior quality stock timber at 25 per cent of the royalty rate (price fixed previously by the government) and the remaining balance at a price that can be as low as 50 per cent of the royalty rate. The quantity of the inferior quality stock is determined by TCN itself and thus has raised issues of conflict of interest. The royalty rate presently stands at Rs 200 per cf. TCN has, at present, the stock of 1,907,449 cf of timber. TCN determined 574,095 cubic feet as inferior quality. Environmentalist accused the government of making such improper decision on the eve of general elections and which violates the EC code of conduct. Forest Technician Association lodged a complaint at the EC against the government with request to revoke the decision. By early September 1999, the government decided to dissolve TCN and award timber collection and sales job to the district bodies under the MFSC. The TCN staff protested the government decision to dissolve TCN and made five point demands including TCN's its shift to MFSC and its provision to be specified in the Forest Act. TCN stopped selling woods for cremation purpose in Pashupati Aryaghat since September 17, 1999 with effects on the lives of the people in Kathmandu.

(Source: [Http://www. Nepalnews.com](http://www.Nepalnews.com) : The Kathmandu Post March 31, 1998; April 8, 1999; September 23, 1999; and Weekly Chronicle September 7, 1998.

The then Forest Minister, Tripathi, argued that the Cabinet decision to give a monopoly to TCN will have the effect of stopping the practice of taking kickbacks from 'logging mafia'. One of the prominent political leaders and the former minister, Mainali, however, blames the political parties as the main source of corruption. He said:

I was once a victim of party pressures. I was pressured by the Party (UML) to take kickbacks and hand it over to the Party (Kathmandu Post January 20th, 1999).

The Forest Minister's logic that a granting monopoly to TCN would have the effect in curbing corruption, cannot be taken for granted.¹¹⁴

Although bureaucrats are expected to be loyal to the ruling party which forms the government, the Cabinet and the Ministry of Forests have not been able to receive undivided loyalty from their officials. This is exemplified by the protest of the Forest Technician Association against the government decision to give the contract to TCN. Similarly, the FECOFUN, which sought support from the commanding heights (e.g. parliamentarians and parliamentary committees) at various times, is also in disagreement with the Cabinet decision. The FECOFUN objected that the TCN's authority to harvest and sell timber could result in encroachment on community forest land. The commanding heights, although possessing political power, can not credibly demand undivided loyalty and devotion either from the bureaucrats or the general public. By early 1999, the government decided to dissolve TCN and award the timber collection and sales job to the district offices under the Ministry of Forests; the TCN is protesting this. The commanding height agency faces pressure from within the bureaucracy, the donor and various social forces in their actions and its power is also not absolute.

6.4 Conclusion

This chapter has shown that the national forest concept has been used to define the territorial jurisdiction of the forest bureaucracy. Promoting community forestry is one of the means towards this end. Since forest in the Terai is less enmeshed with human settlement, is mapped comprehensively through survey exercises, has more potential for commercial

exploitation and is easily accessible with transport and communication facilities, the forest bureaucracy does not have to employ community forestry as a means to ascertain its territorial jurisdiction in that area. Consequently, community forestry in Terai is not important for the government. In contrast, the mountain terrains are not easily accessible by transport and communication facilities, settlements are enmeshed in and around forest areas, and there are continuous disputes in regard to property boundaries. So community forestry is an important means to ascertain the territorial jurisdiction of the forest bureaucracy in the mountains and hence, has received official priority.

Another conclusion of this chapter is that despite continuous redrawing of its organizational chart, the DoF lacks clarity in its organizational structure, in defining the functions and authority of officials at different levels in the bureaucracy, and in differentiating administration, management and development functions. Although the forest bureaucracy continuously proclaims community forest as national forest, responsibility for community forest development is not under the national forest division in the DoF organizational structure. Again, as evident from the organizational chart, responsibility for community forest development is specified, but not community forest management. This raises the question of whether community forestry is to be seen as a management or a development regime in the forest bureaucracy. If the word “development” already encompasses “management” then why does the National Forest Division, unlike the Community and Private Forest Division, have Forest Development, Management and Conservation sections? If “management” and “development” are two different things then which division at the central level, CPFDD or the National Forest Division, is responsible to undertake decisions in regard to community forest management? Similarly at the district level, there is “development” and “administration” but no “management” units, while at the Illaka level there is no “development” but only the “management” and “armed security” units. If community forestry is about “development”, not the “management” of forest then the illaka forest office has no role in community forestry. If there is a “management” function in community forestry then the illaka office is answerable not to the DFO and the CPFDD at the central office but directly to the National Forest Division. The organizational chart to some

extent indicates that community forestry is a national forest as far as its management and protection are concerned but it is similar to a private forest as far as its development is concerned. In a seemingly well-defined structure, community forestry does not have a well defined place in forest bureaucracy. The organizational chart of the DoF does not indicate a systematic devolution of administrative function and power to various levels in the bureaucracy, but rather exemplifies centralized power.

The tensions between the Forest Users Group Federation and the forest bureaucracy draw upon the inconsistencies between the two policies at work in community forestry administration: the policy embodied in forest law and the forest sector policy based on the forest master plan. While forest sector policy specifies community forestry as a priority in the mountains, the forest policy embodied in law is mute about community forestry's spatial dimension. Taking advantage of this muteness in the law, FECOFUN and NGOs have pleaded with forest bureaucrats to implement community forestry in the Terai, not just in the mountains. As the policy at work at the administrative level should be the one embodied in forest law the forest bureaucracy is legally not in a position to deny community forestry in Terai. Nonetheless policy inconsistencies and ambiguities are among the factors that have kept the job of the forest bureaucracy always unfinished and on-going.

There is an increasing demand for community forestry in Nepal and officials at all levels of the forest bureaucracy find it difficult to cope with this demand without compromising the protection and management of national forest and without running a risk of erosion of their image as expert managers. The increasing demand for community forestry, on the other hand, also suggests that intensification of the forest bureaucracy is not a one-way action of the state being imposed over society but also arises because local people ask for it. However, although local people make demands for forestry programs and services in their locality, there is no guarantee that they will show complete loyalty towards the forest bureaucracy. Similarly, within the bureaucracy, power delegated to the officials at the lower levels is very limited and unclear and does not allow government officials to be effective in their jobs. Furthermore, bureaucrats also negotiate the relation between local people and the state in

the context of their own interest and practices. So, with the intensification of the bureaucratic apparatus, the presence of the bureaucracy has been systematized, but this does not assure effective delivery of forestry services. However, ineffectiveness could also be seen as a part of ruling, as it impels an increase rather than a reduction in state action which takes place in the form of reorganization, reform and renegotiation measures.

Finally, this chapter has shown that the forest bureaucracy involves continuous compromises and negotiation between bureaucrats, politicians, and villagers. The forest bureaucracy has become increasingly politicized, not only because politicians try to interfere but also because bureaucrats compete among themselves to stay in power and to climb the bureaucratic ladder by trying to build personal connections and ties with the politicians. Similarly, local people also use various tactics including political protection and NGO support in getting things they want from the government. Local villagers with a stake in community forestry are not necessarily limited to the subsistence forest-based population envisioned by the official policy on community forestry. The forest bureaucracy is an arena wherein the relations of rule are continuously reworked and reassessed and the revenue generation, although important, is often compromised.

CHAPTER VII

STAFF DEPLOYMENT, FORESTRY PROJECTS AND FORESTERS' ATTITUDES TOWARDS COMMUNITY FORESTRY

7.1 Introduction

This chapter demonstrates that revenue generation, an important function of the forest bureaucracy, has remained very low, making it difficult to generate sufficient matching funds to access external assistance. Despite revenue constraints, forestry projects and the forest bureaucracy are growing in Nepal. External assistance has helped the forest bureaucracy to intensify its presence at the village level and to involve village people and resources in bureaucratic relations. Foresters' acceptance of community forestry has been based on the faulty assumption that villagers will not use forests for commercial purposes. Thus while community forestry has been an effective mechanism for bringing people within the bureaucratic sphere, it is not working the way the forest authority anticipated. In response, the bureaucracy has been searching for renewed modes of control. This chapter is organized into four sections: 1) revenue constraints, forestry projects and expansion of forest bureaucracy; 2) Nepal Hill Community Forestry Project (1989-1996): program logic and forest handover; 3) foresters' attitudes towards communities and community forestry; and 4) conclusion.

7.2 Revenue Constraints, Forestry Projects and Expansion of Forest Bureaucracy

7.2.1 Revenue Constraints and External Assistance in the Forestry Sector

The forest bureaucracy has responsibility to channel required financial resources for administration, management and development of forests in the country. Its actions are increasingly justified by the notion of development. But it has not been effective in mobilizing domestic resources. The forest sector contribution to GDP since 1984 has

remained only around four to five percent (HMGN/NPC/CBS 1994). Forest revenue¹¹⁵ as a percent of GDP has declined over time (Table 7.2.1.1).

**Table 7.2.1.1 Revenue, Expenditure and Foreign Aid in the Forestry Sector:
1975-95 (Rs. in million)**

Item/year	1975-80	1980-85	1985-90	1990-95
Average total forest expenditure	69.04	212.34	475.56	807.22
Regular expenditure	5.22	6.80	14.18	93.32
Devt. expenditure	63.82	205.54	461.38	713.90
Average forest revenue	60.1	81.82	106.84	239.98
Revenue surplus (Forest rev. minus regular exp)	54.88	75.02	92.66	146.66
Revenue surplus as % of devt. exp	82.38	45.18	21.20	17.64
Average foreign aid in forestry*	17.02	86.36	158.62	455.88
Forest expenditure as % of GDP	0.34	0.59	0.65	0.49
Forest revenue as % of GDP	0.29	0.22	0.16	0.14
Forest sector aid as % of total foreign aid	1.98	3.92	4.27	4.56
Foreign aid as % of GDP	4.12	5.98	6.39	5.80
Forest sector aid as % of GDP	0.08	0.24	0.22	0.26
Percent share of loan in forest sector aid	41.57	50.43	60.60	61.54

Source: Calculated based on HMGN/MOF Economic Survey 1995-96 Report.

Note: * includes Rs. 547.5 million structural adjustment loan (SAL) for the year 1991/92 and Rs. 450.7 million SAL and Rs. 508.5 million industrial sector program loan for the year 1992/93.

The revenue surplus, which is the difference between total revenue and regular expenditure, is an indication of domestic resource constraints and the position of matching funds for external assistance (IDS 1987). The consistent fall in forest revenue surplus as a percent of development expenditure suggests that Nepal's forest bureaucracy is facing domestic resource constraints and hence a lack of matching funds for external assistance. As such a resource constraint is not unique to forestry but exists in other sectors as well, little choice is left for reallocating domestic resources in favour of forestry.

In fact, the forestry sector has received a considerable amount of external assistance, which has been increasing over the years. The average foreign aid, which was only Rs. 17.02 million during 1975-80, increased to Rs. 455.88 million by 1990-95. Within two decades (1975-95) forest sector aid as a percent of total foreign aid has more than doubled. More and more foreign aid is coming in the form of loans rather than grants. Thus an improvement in domestic resource conditions is imperative even to be able to repay the loan.

In recent years there has been a significant rise in the regular expenditure in the forest sector. For example, the regular expenditure in 1990-95 was more than six times the regular expenditure for 1985-90 while the increase in development expenditure in the same period was only one and one-half times. The regular expenditure is increasing sharply due to the shift from a project to a program approach of development intervention. It is not an indication of increasing inflation in the country.¹¹⁶ While the shift causes a rise in the salary and allowance components of the budget, it also gives a permanency to forestry program interventions and the presence of the forestry agency at the local level.¹¹⁷

The program approach helps to consolidate forest administration and development as regular government programs which would be run with or without external assistance. When external assistance is not available and/or inadequate, rural resources are mobilized for forestry action with a government call for popular participation. The community forestry program is an example of this. In view of domestic resource constraints and the problem of matching funds, many donor agencies, including the World Bank, have accommodated local costs in project financing. Cost sharing and parallel financing approaches are increasingly practised. For example, the hill community forestry project is sponsored by the World Bank with parallel funding from Danish International Development Assistance (DANIDA) for the training component. Thus the poor performance in raising revenue has not constrained the forest bureaucracy from undertaking forestry development and administration initiatives and has not blocked its intensified presence at the local level. Many donor agencies have shown continued willingness to help the forest bureaucracy irrespective of their recognition of the forest agency's poor performance in revenue generation and forest protection and its lack of

coordination, frequent staff transfers, unclear chain of command and other problems. Donor support tends to help legitimize the forest bureaucracy as an agency essential to the administration of the forests and delivery of development and peace in the forest sector.¹¹⁸

7.2.2 Forestry Projects

There are a number of externally sponsored forestry projects which have a clear emphasis on meeting basic forest product needs and promoting subsistence farming by the local population. Institutional strengthening especially capacity building of the forest bureaucracy has been another important aspect of many forestry projects for some time. Despite continuous efforts made towards strengthening the capability of the forest bureaucracy, project formulation exercises continue to be handled by expatriates rather than by forest bureaucrats. The signing of aid agreements often takes place with a high level bureaucrat stating: “yes, we both agree that this is what you want” (Wallace 1988: 25). Entrusting project formulation to expatriates and incorporating donor interests in project documents could be seen as evidence that Nepalese bureaucrats are weak vis - a - vis donors (Wallace 1988). But it could also be interpreted as evidence that bureaucrats are merely trying to speed up new projects. Once the project agreement is signed, it is in the hands of the bureaucrats to find ways to make the necessary manipulations to the project.

Numerous donor agencies including the World Bank, USAID, CIDA, GTZ, FAO, SDC, FINNIDA, EEC, IFAD, ODA, AIDA, DANIDA, UNDP, ADB, and JICA support forestry projects in Nepal. Projects range from community forestry to watershed management, institutional strengthening, extension and demonstration network, integrated rural development, tree seed development, forestry development, national parks and conservation, tree development, forestry research, leasehold forestry and forage development, forest information system, bio-diversity, environment and forest enterprise.

Forestry projects mostly centre around the discourse on environment, development, bio-diversity protection, peoples' participation and social justice. As shown in Appendices 1 and 2, many forestry projects have common concerns such as:

1. Environmental: reducing soil erosion, bio-diversity protection, stabilizing physical environment, sustainable use.
2. Economic: increasing land productivity, improving market access of forest products, sustaining subsistence livelihood, meeting basic needs and increasing household income.
3. Social: equity in access to resource and improving representation in forest decision making.

These concerns are expected to be met through various efforts including building the institutional capability of the forest agency, local communities and the private sector in managing forests. Emphasis is also given to improvement in information systems, promotion of democratic decision making and the devolution of power to the lower levels of the bureaucracy. Almost all project reports uniformly assert that progress has been made but there is still much that needs to be done. Inadequate project preparation, unclear land use policy, unclear chain of command in the forest agency, lack of dedicated staff, poor staff incentives, frequent staff transfers and the lack of staff expertise in community development are documented as obstacles to effective implementation of the projects. Evidence of so many projects facing similar problems during implementation suggests that no specific projects can be labelled as badly run or poorly thought out.

In fact, regardless of success in implementation, forestry projects already have some important effects at the planning stage: they make the territorial jurisdiction of the forest bureaucracy definite and distinct as the description of the territory appears in the project documents with information supported by maps and other related data on forests and people. Project documents also spell out the logic for interventions, the need for the forest agency to solve forestry problems by means of a definite approach, and guidelines for forest officials at all levels explaining how planning, implementation and evaluation of the projects are to be carried out. The intensification of rule through projects presupposes both territoriality and the spread of the administrative authority of the forest agency. But it does not guarantee the

forest bureaucracy the power to administer development projects any more effectively. The intended goals of the projects, hence, may remain unmet.

The lack of achievement in meeting project goals does not threaten the project logic. The non-achievement of project goals confirms the need for channelling more resources and honest efforts. Consequently, new project efforts crop up which once again routinize, formalize and rationalize institutional command over people across territories, deepening the hold of law and administration. The initiation of project after project ties up local people and resources in bureaucratic rules and formalities. To cope with the reality of the expanding bureaucracy, villagers have no choice but to organize themselves as forest user groups and request the government to hand over management responsibility for their village forests before their neighbouring villagers and/or a third party have a chance to restrict access to the use of their village forests. While some villagers come willingly under bureaucratic regulation with the hope of claiming citizenship benefits, for others there may simply be no alternative.

The existence of forestry projects which bring people under bureaucratic regulations does not imply that forest bureaucrats delivering projects have gained enough authority and resources to make the project work. Given the unclear chain of command in administration, the inadequate preparation of most of the projects, the requirement to comply with civil service regulations and the inadequate authority vested in them from the central office, forest bureaucrats are bound to make compromises in the delivery of services while trying to make the project work. In both situations, when they make compromises and when they do not, they are subject to criticism, and so too when the goals of the projects are not met. Failure to meet or only partially meeting project goals has become a norm rather than an exception and this is not merely because of the implementation problem. New projects are designed, bureaucracy expands, but the way bureaucracy functions and even the goals of the bureaucracy do not change much.

An examination of the forestry staff structure in the next section indicates that the forest bureaucracy is still equipped to keep people away from the forest rather than support villagers' participation in forestry programs.

7.2.3 Expansion of Forest Bureaucracy and Staff Deployment

Nepal's bureaucracy¹¹⁹ including forestry has undergone enormous growth within four decades. In 1951 there were only 28,000 civil servants, increasing to 102,744 (i.e. an average 7 percent growth per annum) by 1990/91. With the adoption of a structural adjustment program since the mid-1980s, the problem of overstaffing and inefficiency in Nepal's bureaucracy has come under frequent discussion. Under the advice of the Administrative Reform Commission (1991),¹²⁰ the forest ministry reduced its gazetted staff by 20 percent. But the non-gazetted positions were increased by more than 18 percent. Overall, forestry staffing was increased, not reduced (Table 7.2.3.1).

Table 7.2.3.1 Structure of MFSC Staff in 1990/91 and 1994/95

Agency	Gazetted level			Non-gazetted level			Total		
	1991	1995	% change	1991	1995	% change	1991	1995	% change
(a) Civil Service	10215	10184	-0.3	92529	82666	-10.7	102744	92850	-9.6
(b) Forestry Service	655	520	-20.1	7630	9052	+18.6	8285	9572	+15.5
(C) 2 as % of 1	6.4	5.1	-20.3	8.2	10.9	+32.9	8.1	10.3	+27.6

Source: Central Bureau of Statistics

note: MFSC= Ministry of Forests & Soil Conservation.

The Department of Forests is one of the most important units within the Ministry of Forests and Soil Conservation. In 1973, the total staff in the DoF was 7436 of which the overwhelming majority were posted at the field level in the district forest offices, illaka offices and range posts of the 74 districts of Nepal (Table 7.2.3.2 and 7.2.3.3).

Table 7.2.3.2 Total DoF Staff in the Central Office, Districts and Training Centres: 1993

Offices	FG	Ranger	Others	Total	FG as % of total	Ranger as % of total
District : 74	4716	1096	1400	7212	65.4	15.2
- class A (10)	1318	265	296	1879	70.1	14.1
- class B (16)	1588	284	425	2297	69.1	12.4
- class C (5)	230	65	93	380	60.5	17.1
- class D (25)	1000	328	450	1778	56.2	18.4
- class E (18)	580	154	144	878	66.1	17.5
AGTC	34	0	0.00	34	100.0	0
RTC	0	0	60	60	0	0
Central office	1	0	129	130	0.8	0
Total staff	4756	1096	1584	7436	63.9	14.7

Source: Calculated based on the following reports:

HMGN/MFSC./DOF 1995: 113 Annex 4; HMGN/MFSC./DOF 1994: 42-48 Annex 1-5.

Note: AGTC=Armed guard training centre; RTC=Regional training centre; FG= Forest guards including armed guards.

Table 7.2.3.3 DoF Staff in the District Forest Offices, Illaka Forest Offices and Range Posts: 1993

Forestry staff	District office		Illaka office		Range Post		Others**		Total	
	#	%	#	%	#	%	#	%	#	%
Forest guards*	194	16.9	992	54.5	3490	83.3	40	67.8	4716	65.4
Rangers	151	13.2	228	12.5	698	16.7	19	32.2	1096	15.2
Others	800	69.9	600	33	0	0	0	0	1400	19.4
Total	1145	100	1820	100	4188	100	59	100	7212	100

Source: Calculated based on the following reports:

HMGN/MFSC./DOF 1995 Annex 4:113; HMGN/MFSC./DOF 1994 Annex 1-5:42-46

* Also includes armed guards; ** Also includes forest check posts

The forestry staff, like other civil servants, work in an ideological environment which constantly calls on them to be patriotic to the state and the nation and to be effective, service-

oriented and responsible in the delivery of services.¹²¹ As discussed in chapter 6, the illaka office headed by an Assistant Forest Officer was created in 1993 under the administrative restructuring program but this office lacks facilities and power to be effective in the delivery of services. But establishment of the illaka office has had the effect of increasing surveillance of villagers' activities making villagers vulnerable to bureaucratic domination. Evidence of this issue is provided in chapter 8 in the context of the Khor Danda forest.

As regards the relationship between rangers and villagers, the rangers assigned to the mid-mountains are expected to function as community foresters to work with villagers in sustaining the forests. Rangers in the Terai are expected to function as technical assistants advising forest-based industries which are growing their own resources. Rangers in the high-mountains are supposed to support the Special Conservation Units. As discussed in chapter 6, despite their specialized function across physiographic regions, rangers are still expected to guard, protect and develop national forest. This is true for the district forest officials as well. The role of the forest guards is to patrol the forest although some in the mountains are expected to help rangers in community organization. Forest guards including armed guards constitute more than 60 percent of the DoF staff. In some districts (e.g. Class A and B districts) 70 percent of the total forestry staff are forest guards. At the range post level, 83 percent of the forestry staff are forest guards. Only 15 percent of the total DoF staff are rangers and not all of them are placed to work in the field, i.e., at the range post level. While some rangers work at range post level others are placed in the district headquarters, illaka office and in various custom and road checkpoints. This means that the proportion of the rangers living and working in the villages and helping the villagers in forestry activities is too small. Many authors have pointed out the urgent need of increasing the number of rangers to make community forestry a success (Applegate and Gilmour 1987: 32; Bhatia *et al.* 1995: 29; Gronow 1987: 38; Nield 1985: 33; Chand and Wilson 1987: 23; Malla 1987: 57; CFDP n.d.: 22).¹²²

The disproportionately high number of forest guards compared to rangers suggests that the interest of the forest bureaucracy continues to be keeping people away from the forest. While

forestry projects including community forestry have emphasized villagers' participation in forestry and the facilitator role of the forest officials, the forest organization is not equipped to provide technical support to the villagers when they are in need of it. Nonetheless, as there are various regulations for participation in forestry programs including community forestry, villagers have to compete among themselves to access ranger services and get help in the handling of bureaucratic regulations including the drafting of Work Plans, Constitutions, writing progress reports, undertaking shrubland and tree improving activities and many others. They have no choice in this matter because, if bureaucratic formalities are not fulfilled, the district forest office will not handover forest management to the villagers or will take back forest which has been handed over. Furthermore, even when all bureaucratic regulations are followed and forests are well protected and managed, the DoF may arbitrarily take back forest from villagers. As the forest bureaucracy has expanded and its regulations multiplied, villagers have become increasingly dependent on services which the forest bureaucracy is not in a position to offer. This means that forest bureaucrats administering the projects in the field are besieged by demands they cannot meet and must defend flawed programs while attempting to make them work (Ferguson 1994; Li 1999b). This is true in the context of the Nepal Hill Community Forestry Project.

7.3 Nepal Hill Community Forestry Project (1989-1996): Program Logic and Forest Handover

7.3.1 The Program Logic

The ongoing Hill Community forestry project is a continuation of the previous World Bank-sponsored project undertaken since the late 1970s in 29 hill districts. It is the largest community forestry development project (CFDP) in the country (see Figure 7.3.1.1). From the previous 29 districts it has now expanded to 37 districts, thus helping to confirm the territorial jurisdiction of the forest bureaucracy over an expanded domain. The Project is run with a World Bank loan¹²³ and parallel funding from the Danish International Development Agency (DANIDA) for the training component.

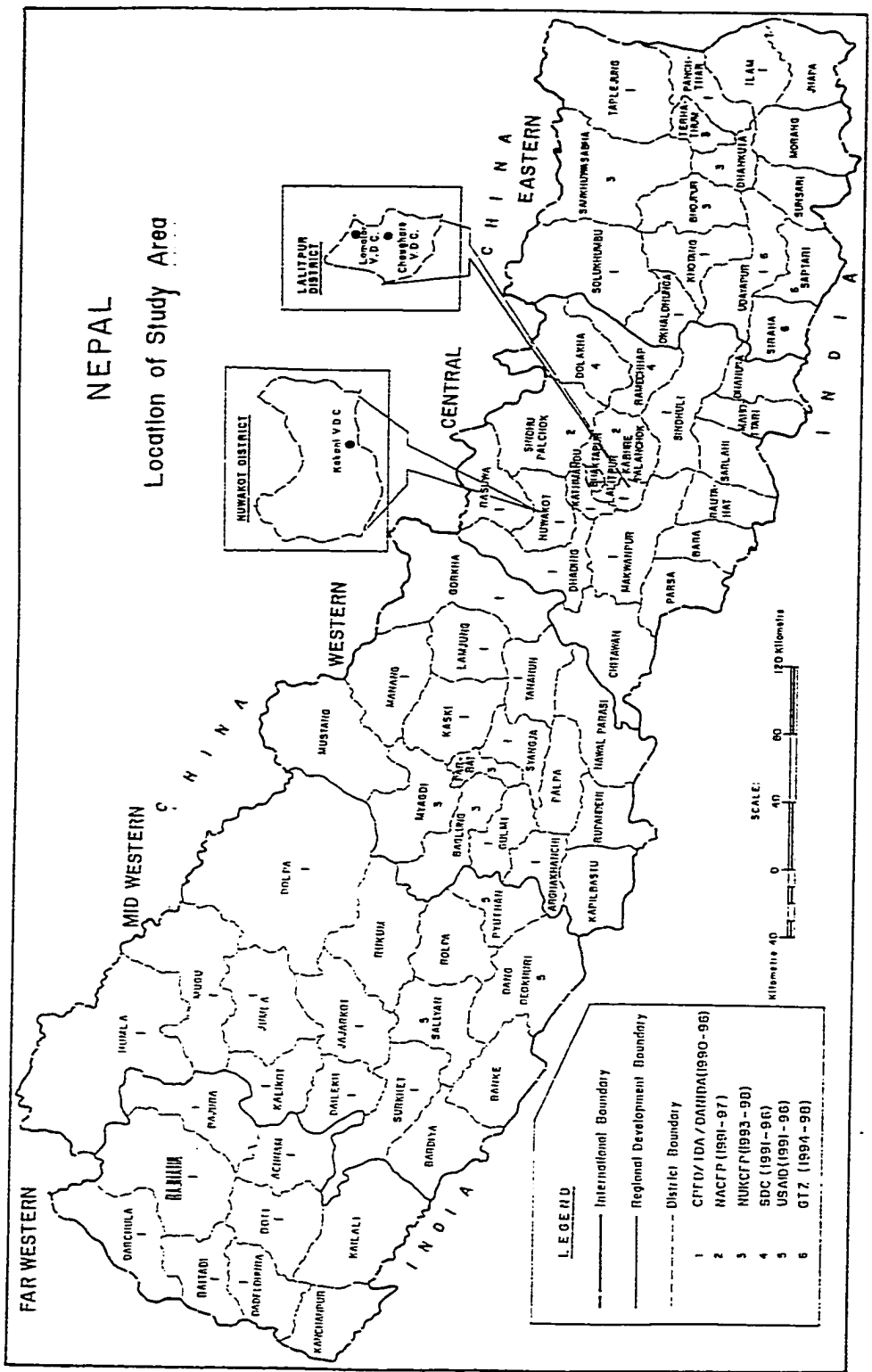


Figure 7.3.1.1 Map of Nepal: Community Forestry Development Projects Across Districts

The initial credit agreement of the Project was Special Drawing Rights (SDR) 23.5 million. In 1995 revisions were made to the credit amount and its allocation. The reallocated credit amount (SDR 10.4 million) is less than half of the original credit agreement.¹²⁴ While the previous Project paid communities (panchayat) for all the plantation and protection activities, the present approach has held communities (FUGs) responsible for the management and development of forest handed over to them by the government. The subsidies for community forest management have been tightened and aims at stepping up rural saving allocated to the forestry sector. Since the 1990s the emphasis of the community forestry project is on a program approach¹²⁵ and is structured according to practical demands and deadlines.

As specified in the Nepal Hill Community Forestry Project Credit Agreement document, the community forestry program logic is to mobilize people and resources in the hill districts towards establishing a forest management system which conserves and expands the forest resources needed to sustain traditional farming systems and livelihoods in the hills. While it rightly recognizes the traditional farming system's relationship with forests, the Project ignores villagers' involvement and interest in the commercial use of forest. However the overlooking of the villagers' interest in the commercial use of forest is neither accidental nor surprising. This is because the Project objective is to form user groups to replant, protect and manage degraded forest areas and reestablish forest cover.

The previous phase of community forestry emphasized rehabilitation of degraded land by encouraging tree plantations. The approach has not changed much in the current project as the emphasis is still on replanting, protecting and managing degraded forest areas (Box 7.3.1.1). The Project aims to train government officials in community forestry, provide support to on-going silvicultural research and write up case studies to document successful community forestry experience. The problem in implementing community forestry is assumed to be the lack of training of forest officials. Training is important but the problems in community forestry administration are far more complex than the lack of training. The Project is committed to maintaining a continuous field extension program to inform rural communities about the community forestry program and its provision under the Project. As

discussed before, given the small number of forest rangers, a continuous field extension program is highly unlikely. Nevertheless, the Project objective to maintain continuous field extension calls for increased field staff and more bureaucratic reach at the local level.

Box 7.3.1.1 The Specific Objectives of the Hill Community Forestry Project

Institutional support:

- to identify of about 400,000 ha of forest land to be handed over to FUG management
- to form User Groups to replant, protect and manage degraded forest areas and reestablish forest cover under the project

Forest resource management:

- to produce seedlings for establishment and maintenance of community plantation and to distribute 18 million seedlings for private planting
- to establish, protect and maintain about 46,700 ha forest land through UGs and about 9,600 ha through Department of Forests
- to assist UGs to revive about 400,000 ha of degraded forest under the project
- to hand over previously established plantation for UG management

Training and extension:

- to provide training (local and overseas) for Department of Forests staff and local officials to undertake community forestry efficiently
- to maintain a continuous field extension program to inform rural communities about the community forestry program and the provision under the project.

Research, surveys and studies:

- to supplement on-going silvicultural research on areas such as local silvopastoral practices, cases of effective natural resource management and cases of successful establishment and management of plantation including those of native species
- to understand determinants of successful community management of common resources via survey of previous community forestry experience, socio-economic aspects of forest product utilization and the assessment of program uptake etc.

Source: Department of Forests' official record on Nepal Hill Community Forestry Project Credit Agreement.

The Project's financial guidelines as reflected in the financial Covenants, s 4.01 of the Project credit agreement, suggest maintenance of financial transparency as a priority (Box 7.3.1.2). This requirement is, of course, essential, but it may also divert district forest officials into paper work and away from organizing community forestry and other core tasks, unless they have enough supporting staff. Hence, this requirement of transparency justifies an increase in the forest bureaucracy. The call for transparency also trickles down to the forest user

group level, tying it up with more paperwork and more bureaucratic guidelines and regulations.

Box 7.3.1.2 The Hill Community Forestry Project Credit Agreement: The Financial Covenants Section 4.01

- a. The borrower shall maintain or cause to be maintained records and accounts adequate to reflect in accordance with sound accounting practices, the operations, resources and expenditures in respect of the Project of the departments or agencies of the Borrower responsible for carrying out the project or any part thereof.
- b. The borrower shall or shall cause its department and agencies carrying out the Project or any part thereof to:
 - i. have the records and accounts including those for the Special Account for each fiscal year audited in accordance with appropriate auditing principles consistently applied, by independent auditors
 - ii. furnish to the IDA a certified copy of the annual audit report within 12 months of the end of each fiscal year
 - iii. furnish to the IDA any information, or unaudited account and financial statement for any reasonable request of the IDA.
- c. For all expenditures with respect to which withdrawal from Credit Account were made, the borrower shall and shall cause its departments and other related agencies to:
 - i. maintain or cause to be maintained, records and accounts reflecting such expenditures.
 - ii. retain, until at least one year after the IDA has received the audit for the fiscal year in which the last withdrawal from the Credit Account were made, all records (contracts, orders, invoices, bills, receipts and other documents) evidencing such expenses.
 - iii. enable the IDA representatives to examine such records.
 - iv. ensure that the audit report contains a separate opinion by said auditors explaining about the reliability of the accounts and the records submitted and also about procedures and internal control are reliable or not.

Source: Department of Forests' official record on Nepal Hill Community Forestry Project Credit Agreement.

7.3.2 The Forest Handover

As noted earlier, the Hill Community Forestry Project is running in 37 out of 75 districts in Nepal. The department of forest is its implementing agency. Under this project, 134,692 hectares (6.62 percent of the potential community forest land of Nepal) have been handed over to forest user groups as community forests (Table 7.3.2.1).

**Table 7.3.2.1 Description of Community Forestry in
37 World Bank-Sponsored Project Districts**

Item	Class A district: 1	Class B district :4	Class C district: 5	Class D district: 14	Class E district: 13	Total district: 37
Potential CF land (ha)	64986	222961	210680	749862	786512	2035001
Total CF hand over (ha)	4655	19407	16782	63158	30690	134692
CF land hand over as % of potential CF land	7.17	8.70	7.96	8.42	3.90	6.62
Forest Condition during handover (percent)						
Very good	0.00	0.02	0.17	1.53	0.25	0.68
Good	6.37	7.08	5.15	4.00	2.40	3.92
Degraded	0.58	1.42	2.36	1.07	0.89	1.16
Very degraded	0.21	0.11	0.22	0.17	0.17	0.17
Not specified	0.00	0.07	0.06	1.64	0.19	0.69
No. of FUGs formed	41	185	458	1067	451	2202
CF land per FUG (ha)	113.54	104.90	36.64	59.19	68.05	61.17

Source: Calculated based on Department of Forests FUG data base 22 March 1996

Note: CF= community forest; Very good= dense forest with no bare areas; Good= reasonably dense forest with regenerating understorey; Degraded= some patches, moderate regeneration; Very degraded= thin patches of forest with little or no regeneration

Over 2,200 forest user groups have been formed in 37 districts with an average 61 hectare land area per user group. In class A and class B districts, the forest area handed over per user group is over 100 hectares while in class C district it is below 40 hectares. Most of the forests handed over are in good condition. A forest in good condition is described officially as a reasonably dense forest with regenerating understorey. So a good condition forest is in fact a degraded forest as well. A very good condition forest is hardly ever handed over to the communities. This is, however, not a surprise because the Project objective is to form user groups to replant, protect and manage degraded forest areas and reestablish forest cover. It aims to revive about 400,000 hectares of degraded forest through the organization of forest user groups. The Project expects to form user groups and hand over forests to them to be used in ways that may significantly benefit the nation and future generations but may generate little immediate benefits. Are villagers willing to accept to the subsistence niche

allocated to them by the Project? What are the attitudes of the foresters towards communities in community forestry? These issues are addressed in the next section.

7.4 Foresters' Attitudes Towards Communities and Community Forestry

According to primary data, foresters' attitudes towards community forestry focus on four related themes each of which is explored below¹²⁶:

7.4.1. The New Advisory Role: Communities in Government Forest

The community forestry program in Nepal, like the social forestry program in Indonesia explored by Barber (1989), incorporates some new structural, technical and attitudinal parameters regarding state-villager relationships in the use and control of local forests. Structurally, community forestry gives district forest officers authority to make decisions regarding the handover of public forests to communities for management purpose under a contracts or Work Plans agreed between the district forest office and the FUGs. The previous structure required such decisions to be made at the central level. Technically, the program introduces new community forestry parameters such as granting of tenure rights over forest products, Work Plan that could be revised by the FUG over time and the recognition of FUGs as independent legal entities. The previous structure did not provide local people an officially-mandated tenure right over forest products nor did it consider the forest user group as a legally-mandated autonomous institution. Attitudinally, the program aims to promote a non-adversarial or non-confrontational relationship between foresters and villagers, in which foresters serve as advisors, facilitators, or the agents of development, and villagers take a more active role in forest management and protection with rights to forest product tenure.

The advisory relationship is structured and carried out under the Work Plans negotiated between the FUGs and the district forest offices. But as foresters see forests as a public resource they expect to have a strong voice rather than to remain mere facilitators to

communities in community forestry operation. Forest officials expect FUGs to be loyal to the work plan and the DoF directives. Any activities not spelled out and/or contrary to the work plan arrangement are deemed dishonest, and require disciplining of the FUGs through various means, including the taking back of community forests. Two important examples in this context are the Khor Danda community forest in Lalitpur, and the Koideen community forest in Tanahu, both of which received significant media support. Besides these well publicised examples, there are many other examples, among which the Jalbire women's community forest is one.

Foresters tend to think of the Work Plan as the marching orders and a set of binding rules and regulations for the FUGs articulated under the authority given by the law. For the FUGs, the provisions made in the Work Plan are less important than their estimation of the credibility of the forest officials who help in drawing the contracts. During our inquiry with villagers, many forest users expressed no knowledge of the existence of Work Plans. Those who knew about their existence had little understanding of the contents of the contracts. Some deliberately prefer to ignore them even if they understand them, because they see them as paper formalities rather than binding rules. Playing the ignorant villagers can also be convenient.

As mentioned earlier one of the conditions in the Work Plans negotiation is the right of the DoF to resume forest management if the FUGs infringe the agreed contract and undertake any activity that could result in an adverse effect on the environment. In interpreting the advisory relationship, forest officials continue to see forests as a public resource. They believe that community forestry has commenced because of increasing deforestation in the country and the impracticability for the DoF to manage all the existing national forests on its own. They consider that user groups should not repeat but learn from the past mistakes of the government and should give a hand to the DoF in managing the forests and conserving the environment in a proper manner. The discourse of environmental conservation is a powerful tool in the hands of the forest officials to discipline FUGs if and when required.

7.4.2 Facilitators' Dilemma : Where Is It Leading Us?

Community forestry has introduced the concept of an advisory/facilitator role for forest officials but there is some confusion on the part of the FUGs and the forest officials themselves about what this facilitation really means. For the FUGs, foresters, as facilitators, are supposed to be available in the village any time their service is required, otherwise they are labelled as lazy officials and forest police avoiding frequent visits to the villages. Some forest users in charge of community forestry implementation want frequent visits by forest officials to the villages to ease their burden when it is necessary to take action against their fellow villagers for forest violence.¹²⁷ But some local users of forests, including businessmen, restaurant owners, and charcoal makers resent foresters' continuing power to enter village houses without advance notice to make search for illegal possession of forest products.

The district forest officials complain that while FUGs are seeking more technical hands the central office has cut down ranger positions, making it difficult for them to play their facilitator role. They are also unhappy that they are required to request instruction from the central office for any major forestry decisions including actions relating to community forestry in the district and that instructions from the central office often come too late. While forest bureaucrats in the districts feel that they have been honest in accepting and working under the new institutional challenge of community forestry, they complain that the central office usually ignores district problems and concerns and makes a move only when someone else has laid a complaint in the central office about district affairs, putting the district office in a bad light. Some senior forest bureaucrats in the central office, however, see district forest officers as asking for unnecessary facilities, lazy to make field visits and tending to panic over small problems.

For foresters working at the field level (i.e. the villages and the district), the new responsibility - the facilitator role - still conflicts with the basic operational objectives of the forest agency, or its "core tasks" of policing and protecting the national forest. Increasingly

foresters complain that they are technicians trained neither to be patrollers of forests nor to be organizers of community for community forestry action (Shrestha 1993a: 57-58).¹²⁸ With the increasing demand of communities for community forestry, foresters require knowledge not just of social dynamics but of legal issues as well. They would prefer to receive training on social and legal dynamics rather than allow social scientist and lawyers to invade the territory of forestry.

The added responsibility for foresters to be facilitators in community forestry operation has not come with expanded resources. The logistical support, the number of field staff, the field level administrative units (normally consisting of one assistant ranger and two forest guards) have not improved (Joshi 1993:108).¹²⁹ High expectations and modest resources on the part of the DoF have made field forest officials uncomfortable with the newly assigned facilitator role. Furthermore, when they really want to function as facilitators and acknowledge the FUG's demand for forest harvesting as appropriate given the natural regeneration of the forest, they run the risk of departmental action on the charge of ignoring the Work Plan provisions. While the Work Plan is a necessity, it can also be a constraint. Whether there is a Work Plan or not, forest officials have difficulty in functioning as community forestry facilitators.

Although foresters feel proud of bringing the FUG approach to forestry, they believe the previous community forestry program which was leader-oriented, was less complicated, making their job easier to get done at the local level. Unlike the previous effort in community forestry, where the field staff could contact and request local political leaders to gather the forest users, the field foresters now have to go directly to the user level. Working with large numbers, unlike with leaders only as in the past, and disputes over the tenurial rights to forest, require forest officials to be fully aware of local inequalities in resource access in forming and monitoring FUG activity. Whether community forestry benefits the poor or not, foresters have become increasingly involved in local politics relating to forest use decisions.¹³⁰ The facilitator role has thus forced forest officials to work in a situation of increasing conflict and controversy. But as civil servants, foresters should also avoid local

politics and should remain politically indifferent. Thus the role of facilitator, which emerged as a result of the increasing social concern in forestry, has put foresters in a much more complicated and difficult position.

During my interview, one senior forest bureaucrat in the DoF central office expressed his doubt about government honesty in developing a fair relationship between communities and the DoF in community forestry implementation. The case he put forward in this context is cited in Box 7.4.2.1.

Box 7.4.2.1 Community Forestry: Where is the Honesty of our Government?

With the government decision to support the Nepal Electricity Authority in building a hydro power project, the district forest office issued a permit to a private contractor to quarry the sparsely vegetated rocky part of a forest land belonging to one of the community forest user groups in a mountain district. There was also a plan to construct an access road originating about a kilometer away from the same forest land. Under community forestry rules quarrying is not permitted on community forest land nor does the district forest office has the authority to allocate community forest land to any other agency without first taking back community forest as national forest. The forest user group could have challenged the decision of the district forest office. But instead the FUG decided to levy a tax on the truckloads of stones quarried from the land and make some income. The contractor quarried the land and paid the tax to the FUG. This went on for some time. Once this came to the notice of the DoF central office an order was issued to stop the quarrying activity. With the obstruction in quarrying, the road construction could not be continued either, ultimately affecting the hydro power construction project. The Nepal Electricity Authority then requested the DoF central office to permit continuation of quarrying the community forest site stating that no similar quality stone could be found anywhere within an 100 km. radius. Although the central office was aware that quarrying activity in the community forest site originated from a decision made by the district forest office, the legal provision which prohibits forest user groups to undertake quarrying activity in community forest gave central office the authority to take back the community forest as a national forest on the charge of user group dishonesty. After taking back the community forest as national forest, the DoF central office gave Nepal Electricity Authority the right to quarry stones from the forest.

(Source: Personal communication with DoF staff)

As Box 7.4.2.1 suggests, the DoF's role as a facilitator working for communities in community forestry is not without question. The DoF can allow quarrying activity but the FUGs are strictly prohibited to do so under the official rhetoric of protecting the

“environment”. The taking back of community forest on the charge of FUG dishonesty is unethical in the context where the permit for the quarrying activity came from the district office of the DoF itself and where the same forest land was once again allowed to be quarried by the Electricity Authority with the permit from the DoF central office. The blanket policy of prohibiting quarrying activity in community forestry for ecological considerations has given the DoF the power to intervene in community forestry actions whenever required.

In general, while community forestry has made foresters feel good in occupying territory which is becoming greener when compared to the previous bareness, it has also added many frustrations to the foresters' job. Foresters feel that increasing local villagers' interest in obtaining forest as community forest coupled with the donor and NGO pressure to speed up the forest handover process without understanding the position of the district offices is nothing but added frustration in their work. Most of the field foresters including district forest officers see that added responsibility- the facilitator role- but limited resources, has created new possibilities for failure in their job. With the facilitator role, the foresters have obtained many masters, each telling them what to do and how to do things in the field.

7.4.3 Foresters' Outcry for More Power!

In the initial stage of community forestry, foresters believed that local people were not interested in community forestry because of their lack of experience in raising and protecting trees. In the later stage of community forestry it was realized that local users' major perceived obstacle to raising and caring for trees was the lack of control over management. It was believed that by giving the tenurial right of forest management to the user group the problem of meeting subsistence forest needs and the conservation of forests at the local level might be solved. But recently the DoF is panicking as it has increasingly found that communities want control over management not necessarily for conservation and subsistence use but for earning profits from the forests, and they are getting organized as a national federation of FUGs and also getting help from non-governmental organizations in this

matter.¹³¹ In this quest for profit some communities are believed to be making a fool of the DoF staff.

Despite the retention of various forms of bureaucratic control by the DoF, villagers, especially local influential people do find community forestry advantageous. They see that once forests are handed over as community forests under the negotiated Work Plans it is up to the FUGs whether to follow the Work Plans because they are aware that government officials do not make frequent visits to the villages. Furthermore, forest law provides FUGs the right to amend the negotiated Work Plans. Although there is a clause which allows DoF to take back community forestry from the user group, FUGs are aware that government can not protect and manage the forest on its own even if the community forest is resumed as national forest. They are also aware that given the increasing bureaucratic presence at the village level they must organize and register their application with the district forest offices to get their village forest as community forest. If they fail to do this they will run the risk of losing access to their village forest because neighbouring villagers can go and register the forest in their own name. When one group of villagers registers their own forest they restrict the access of neighbouring villagers; the affected villagers must then rush to register their own forests, creating a domino effect (Tinker 1994: 377). Thus the villagers' demand for community forest handover seems to have increased far beyond the imagination of the DoF.

Foresters, especially district level officials, are finding it very difficult to handle the demands of the increasing number of FUGs groups without keeping some of them waiting. Some foresters working at the district level have expressed their anger towards donor agencies, political leaders and policy makers for pressuring them to speed up the forest handover process. They believe that a good quality work plan cannot be prepared if the handover process is to be speeded up and the rush would result in future failures. This is because, due to work pressures and lack of logistic support, they are in no position to form new user groups and to monitor the activities of the already-formed FUGs regularly and effectively at the same time. But they also resent the decision of the central office and the World Bank to call in subcontracts bidding for the preparation of Work Plans for community forestry in

order to speed up the forest handover process. They believe that they cannot trust the Work Plans made by a third party and be responsible for the failure, if any, in the future.

Previously the DoF tended not to take action against its staff for FUG's failure in implementing community forestry under the agreed work plans.¹³² With vocal opposition from the FUG federation and the public media, along with the administrative requirement of implementing the employment code which ensures strict accountability for civil servants, there are some visible signs of the DoF taking action against forest officials for failure in administering FUG activity. As forest officials are held directly or indirectly accountable for the performance of the FUG activity, they are in a dilemma about whether they should be satisfied that FUGs are undertaking forest management which otherwise would have been the responsibility of the forest officers themselves or whether they should be concerned about what has been happening to them as foresters and to their profession. While community forestry has assisted forest officials in forest management tasks to a certain extent it has also presented threats to the job security of forest officials. This is especially so in the context where FUGs are requesting the district forest office to allow commercial activity in community forests while the community forestry program logic expects DFOs to allow FUGs to manage forests only for subsistence purposes. In situations where DFOs compromise forestry rules in favor of FUGs, they run the risk of bad publicity and even the risk of losing their job as forest officials or the public may complain to the central office about district affairs.

In the quest to gain more power, forest officials at various levels have perceived the need to revise the Forest Act 1993, especially the authority to take action against a forest user committee because the existing legal provision to take action against FUG is found redundant. Since community forest remains a government forest in terms of ownership even after handover to the FUGs, the forest officials argue that they should be empowered to take action against the forest user committee the same way as could be done in any other crime relating to national forests.

7.4.4 Every Tree Has Started to Speak: The Need for Technical Rigour in the Work Plan

Many foresters have started to feel as if even trees are speaking in the community forestry program. They have started to question whether FUGs are not becoming more innovative than the DoF itself. They are questioning whether their very status as powerful and knowledgeable government officials is not being threatened by the increasingly profitable ventures of FUGs in community forestry. They are worried about whether they should be happy or feel somehow humiliated if communities become ready in future to pay the foresters for services rendered. This is because payment for the foresters from the user group would imply that foresters will lose their superior status as the governing body of the forests in the country.

Some foresters argue that while there are no forests managed by the government in Nepal except about ten thousand hectare of Sagarnath forest in the Terai, the government is handing over forests to the communities without asking for any financial payback.¹³³ A senior forest officer stated that the DoF is bargaining with the National Planning Commission for a Rs. 50 million government budget for the forestry sector. He argued that more than double that amount could have been generated already by the user groups alone, which his department had not yet been able to document. In his view, the DoF should be able to demonstrate such hidden revenue from the forests of Nepal. He and other foresters see a need to include fund use as an important category in the community forestry Work Plan. Some forest officials argue that a certain portion of the income from community forestry should be sent to the treasury of the VDC or DDC, otherwise, the DoF would be making the mistake of forgoing its forest revenue.

Foresters in the central office believe that programs relating to fund use and forest product use by the FUGs should be clearly spelled out in the Work Plans. They also believe that the technical content of forest management, even if FUGs do not understand it, should be adequately incorporated into the Work Plans. For foresters, the lack of technical content in community forestry is a reflection of the devaluation of foresters' technical knowledge of

forestry. The district forest officials and rangers meanwhile feel it impossible to design a technically rigorous Work Plan given the time pressure and limited information and facilities available and also see it as very unlikely that they will be able to monitor the activities of the FUGs regularly. They are also aware that they are not in a position to work effectively in the field if they allow their hands to be tied with a technically rigorous Work Plan. Nevertheless these officials are in favour of adopting a technically rigorous Work Plan because it would slow down the handing over of forests to the FUGs, and would relieve them from the threat of losing their job on the ground of their accountability for the FUG actions.

DFOs believe that their jobs would remain more secure if the DoF made a rule that would require formation of a community forestry Work Plan negotiation committee with representation from the DFO and from an experienced Work Plan designer at the policy level. This proposal would intensify state involvement in the micro-design of each FUG forest patch.

DFOs also resent the clause in the Forest Act which requires FUGs only to inform, not to obtain the approval, of the district forest officials in making amendments to the Work Plan. Foresters would like to see user groups be required to obtain such approval, otherwise foresters would lose control over FUG activity. Thus, as foresters are losing control over community forestry, they are searching for means which would provide them more power vis- a- vis FUGs in the implementation of community forestry programs.

Foresters feel that FUGs have understood the value of each and every tree and have started to make investment in different commercial ventures with the expectation of benefiting from community forest. They think that while the DoF is negotiating with the National Planning Commission every year for budget, some FUGs have been able to raise an enormous amount of money from community forestry ventures and have started business enterprises including the purchase of land, building of market stalls, establishment of catering services, selling of drinking water from tanks, and production of cash crops. Foresters believe that the time is

due to rethink community forestry and go beyond its subsistence model in regards to fund use and forest product use by the community.

7.4.5 Sticks in the Hands of the Thieves and Liars

The construction of the image of thieves and liars is of significance as it emerged from the idea that the forest will be protected once it is handed over to the people who constantly steal from it. After the handover of forests to the communities, foresters have acknowledged that the greenery in the forests has increased, evidence for the forest officials that their prediction about local people's behaviour is right.¹³⁴ Foresters however do not see all forest users as liars and thieves. Their recognition of some forest users, especially those taking the lead on forest management decisions, as liars and the others as innocent and vulnerable people has served as a justification for forest officials to keep a constant eye on forest user group activity with the claim of protecting the interest of the poor and vulnerable sections of the community of forest users.

Foresters acknowledge a range in FUG behaviours. Some FUGs are honest and wait for directives from the forest office even to undertake simple management activities like weeding and pruning allowed under the Work Plans. Some FUGs are perceived as bypassing the forest agency's authority in the undertaking of community forestry action. Some FUGs are seen as highly conservative in forest use and neutral in benefit sharing. Some are operating as family enterprises and some FUGs are too political and unsympathetic to government laws and regulations. Foresters do not necessarily see local people as their equal and trusted partners in community forestry. They imagine some forest users as clever people who disobey rules, do not do the job properly and who come to report their personal problem as community forestry problems.

Box 7.4.5.1 indicates that user groups are not conflict-free arenas and that one member of the group may seek support from the forest office against another member of the same group.

Box 7.4.5.1 A Glimpse of a Conversation between a Forester and a FUG Member in a District Forest Office.

"Do not make personal conflict into community forestry conflict. The forests belong to government. Even though you have used your own money in establishing nurseries that would be considered as user group investment and should be covered from the user group fund. We cannot reimburse you the money. All of you are equally clever people. Your work is not satisfactory; no weeding is done. Do not come to us to ask for *jhadi sudhar* (shrub improvement). There is one type of rule and you people do things the other way. Do not try to throw dust in our eyes. Do not create cases like Chaughare¹³⁵. You can come to complain about irregularities in FUC but it is your problem and you should deal with it. But, keep open eyes, okay!"

(Source: Field Survey)

Foresters' attitude towards local villagers are close to antagonism. The expectation that communities will always protect the forests once it is handed over to them has not always come true. One senior DFO, in particular, argued that in a FUG only about 30% of the people would be honest and the rest are liars who engage themselves in search for profit from the forests from day-1 of the forest handover. Senior forest officers in the central agency insist that people in the villages cooperate with each other 99 percent in times of emergencies and problems and the DFOs should work to build on such cooperation rather than continuing to maintain antagonistic attitudes towards the FUGs. But the same senior officers, along with other foresters, also believe that from the first day of the forest handover the FUGs crave to see forests as a productive resource. The foresters' rhetoric of conservation has served to diminish the local users' calculus to a matter of deception, stealing, greed and ignorance. The idea of "sticks in the hands of thieves and liars" stems from differences in interest between forest officials and the FUGs. Some officials in the Department of Roads, during our informal gathering, mentioned that the Forestry Department has been able to see more trees growing on barren land since the sticks to control forest misuse have been handed over to the forest thieves.

Foresters categorize local people into two groups: clever leaders and innocent public. Clever leaders of FUGs tend to engage in non-forestry activities such as building gravel roads inside the forests, connecting and renting out telephone services, renting out cutlery, dishes and so

on, which are of less importance to the rural poor. Foresters argue that they could not remain satisfied only with the fact that forests are handed over to the communities because such a handover may marginalize the poor further. They argue that the clever leaders or elites are behaving as military dictators in local forest management and are trying to convince the local poor not to enter into the forests until the products have matured. Trusting their leaders, these innocent poor have refrained from entering the forests and even those who used to make a livelihood from the forests have turned to daily wage work in quarrying stone. Foresters see this as a big sacrifice on the part of the poor local people. They also foresee that these poor villagers may not benefit from forest protection even in the long run. Foresters are concerned about whether they should keep quiet regarding the sacrifices of the poor today for the sake of tomorrow's forests, from which they may not benefit.

Foresters argue that the FUG leaders are not using the forest income in a proper way and are not investing in the production of necessary goods for the village as a whole but in their own self-interest including conspicuous consumption which will only bring distortion in society. So foresters question whether they should not incorporate fund use as an important element in the work plan itself and whether a clear directive is not required to impose criteria on the FUGs regarding fund use from the forests.

Foresters often see many of the non-forest activities of the FUGs as inappropriate. Citing examples similar to those where FUGs engage themselves in earning profit from the sale of spring water from the forests to the tankers in Kathmandu rather than engaging in the production and sale of forest products from forest areas handed over to them, some district forest officials argue for the need for DoF intervention to minimize such activities inside the forests. The law allows only the resumption of community forests under DoF management, a solution which the foresters see as highly inadequate. Some foresters argue that resumption of community forest especially when the forest is already bald is of little significance because it will achieve nothing but add an extra burden on the department. So the foresters want a strong policy that allows them to take timely actions against the FUGs without causing damage to the forest and the DoF. They see it as necessary to ensure that

poor people are not deprived of the benefit of community forest. In order to ensure benefits for the poor, they have to watch the activities of the forest committee members very closely so that the village forest leaders will not misuse the forest. This idea of working for the poor and working to ensure the proper use of forest and its benefits clearly shows that foresters are beginning to see themselves as the appropriate agents to guide social transformations in the villages. After “the environment” there is “the social” as the new field for the exercise of power - again framed as a problem to fix.

7.5 Conclusion

One of the conclusions of this chapter is that despite very poor performance in revenue generation, the forest bureaucracy has expanded in size and its reach now extends to almost every corner of the country’s territory. The overwhelmingly high percentage of forest guards compared to rangers in the lower levels of the bureaucracy indicates that the forest bureaucracy is still equipped mainly to keep people away from the forest rather than facilitate community forestry organization at the local level. As evident from the projects which document lack of field staff as one of the major problems in effective implementation of their programs, the reduction in the number of rangers appears as a miscalculation on the part of the forest bureaucracy in running community forestry projects. Addressing this problem has a potential to expand the size of the forest bureaucracy in the country.

The continued availability of external financial and technical assistance in the form of forestry projects has the effect not only of expanding the bureaucratic structure but also justifying the forest bureaucracy as an agency to administer and develop forests. Despite repeated efforts to strengthen institutional capability of the forest agency through forestry projects, the service delivery of the forest bureaucracy has not necessarily improved. But the projects have helped the forest bureaucracy intensify its bureaucratic reach at the local level, especially tying up local people and resources in bureaucratic relations and formalities. The other conclusion of this chapter is that, like many other projects, the World Bank-sponsored hill community forestry project suffers from the weakness of assuming that

local people are only weakly integrated in market systems. The project, while it has sought to improve the physical status of the forest and uplift the social and economic status of the forest users, has also maintained the goal of sustaining subsistence livelihood. The emphasis on subsistence livelihood as a criteria for negotiating with local forest user groups makes handing over dense forests to these groups unnecessary and allows a blanket policy in administering community forestry. The false assumption of the project which expects forest user groups to remain subsistence-oriented not market-oriented in community forestry is partly responsible for perpetuating the antagonistic relationship between forest bureaucrats and the forest user groups in community forestry operation.

The project emphasis on subsistence livelihood together with the ideal of the facilitators' role in community forestry has placed foresters, especially the field level foresters, in an increasingly difficult position in community forestry. In order to prove themselves as facilitators, foresters must involve themselves in activities including compromise with the community forestry rules (such as involvement in local struggle over resource use, allowing commercialization of the resource, etc.). In other words, foresters have to become involved in things which the community forestry project is set up not to be able to do and hence run the risk of displeasing their boss. Under the DoF rule, any activities not spelled out and/or contrary to the Work Plan arrangement irrespective of whether such activities are carried out with the informal consensus of the district forest office, are dishonest requiring discipline of the forest user groups including the taking back of community forests by the DoF. If the central agency continues to take actions against user groups especially in situations where district forest officials and FUGs have mutual understandings which are partly in deviation from the Work Plan, the foresters will run a risk with respect to gaining trust from the forest users. But if foresters are doing only what they are supposed to do, they may not be able to achieve the professed goals of community forestry implementation because building non-confrontational relationships with FUGs is unlikely if the forest users choose to deviate from the Work Plan and the rules of the DoF which the foresters are intending to defend strongly. In both situations the role of facilitator is questionable. In fact, the project rhetoric of subsistence livelihood and forest conservation has served to diminish foresters' perception

of the local forest users' calculus to a matter of deception, stealing, greed and ignorance. The idea of “sticks in the hands of thieves and liars” stems from differences in interest between forest officials and the user groups.

Despite flaws in program logic, community forestry is working, communities are taking responsibility for forest management, and change has occurred although not exactly the way the DoF expected. The overwhelming interest of the local forest users in obtaining community forests, especially to use forests for economic gain, is shaking the authority of the DoF. Too much participation from user groups and their interest in commerce is experienced as a loss of control by the DoF. There is the potential that the forest bureaucracy will continue to judge community forestry success in terms of the specific institutional challenges it faces rather than the benefits that accrue to the communities and the forests when the program is implemented. Threatened by the increasing interest in community forestry, forest bureaucrats are looking to introduce as many bureaucratic hurdles as possible (e.g. technically rigorous work plans, rules on fund use, action against forest user committee, etc.). The idea of manipulative leaders/local elites is being framed as the latest “technical” problem for foresters to solve. They must ensure that the “real” poor benefit in appropriate ways (those deemed appropriate for “subsistence oriented” poor people). The terrain of social and local community relations is becoming the new domain of intervention for the forest bureaucracy, a new array of “unfinished” business.

CHAPTER VIII
COMMUNITIES IN COMMUNITY FORESTRY: CASE STUDIES OF
THREE FOREST USER GROUPS IN CHAUGHARE VDC,
LALITPUR DISTRICT

8.1. Introduction

This chapter presents three case studies of the community forest user groups and examines the constellations of interests shaping state-society relations. It explains the way community forestry reframes interactions and shifts the boundary between state and society. New ways of interactions include bureaucratization, increased state control over people and resources, new sources of intra-village conflict and the need for flexibility in adapting the rules to address the complexities of local conditions. This chapter begins with a brief discussion of Tamangs in Chaughare VDC. Community forestry has given villagers a set of obligations rather than the rights of independent decision-making. It has made local forestry activities more concentrated and noticeable; marginalized the poor; induced resource conflicts; intensified unequal authority-based relationships in the society; fostered a particular gendered coping strategy; and reconfirmed the forest agency's territorial jurisdiction over land and people. At the same time, community forestry is driving social change in the village; for example, people now choose local leaders who can deal with government functions rather than those whom they truly respect and trust. This chapter argues that, rather than a one-sided imposition, the intensification of bureaucracy takes a cyclic form: as bureaucracy intensifies, people have no choice but to go along with it, but they also devise new ways of manipulating the state, encounter new sources of conflict, and make more demands for state intervention, resulting in further bureaucratic intensification in the villages. This chapter also shows that villagers do not always comply with Work Plans regulations and that forest officials make compromises with local situations; the presence, not the control, of the bureaucracy is what has been intensified.

8.2 A Brief Overview of the Chaughare VDC and Tamang Population

Chaughare VDC (Figure 8.2.1) in Lalitpur district, a part of the mid-mountain hinterland surrounding the Kathmandu Valley, is primarily the village of Tamangs who once practised the Kipat system (occupancy right) of landholding. As explained in chapter 2, Nepalese rulers since the country's unification in 1768 have made a concerted effort to abolish kipat by various means, including the settlement of Brahmin and other outsiders in the irrigable lowland belt of kipat villages. As of the 1991 census, the total population of the Chaughare VDC was 1686, of which Tamangs constitute 87 percent, Brahmin 10 percent, Chhetri 2 percent and the remaining one percent are other ethnic groups (CBS: personal communication). The fertile and irrigable lowland belt of Chaughare is occupied by Brahmin people while Tamangs are concentrated in the ecologically marginal steep upland belt.

Tamangs, known traditionally as Bhotias, Murmis, and Pipas were defined in the Muluki Ain (Legal Code) of 1854 as the lowest rung of the *matwali* (alcohol consumer) group who could be enslaved. They were recognized as a legitimate caste by a Royal decree issued in 1932. Tamangs were agro-pastoralists and foragers who until 1951 were obliged to perform rakam or corvee labour for the state in the form of portering, herding, postal services, paper making, gun powder production and timber cutting. As explained in chapter 2, people under rakam obligation had to provide a fixed amount of timber, charcoal, phalloid and hides to the state (Campbell 1997; Mahat, Griffin and Shepherd 1986a, 1986b, 1987a, 1987b; Metz 1991; Hopley 1990; Hamilton 1986 [1819]). Tamangs also worked for wages for the Newar merchants in the valley and carried forest products or potatoes for sale or barter (Campbell 1997). Tamangs are thus not isolated subsistence farmers but have been integrated with the state, the market and the Kathmandu elite through rakam obligations and the bartering and sale of forest and agricultural products. They were one of the most socially and politically oppressed groups of people in Nepal. Elderly Tamangs in Chaughare still recall the memories of their rakam obligations and the economic niche they were obliged to occupy.

Even today, Tamangs in Chaughare, together with their agro-pastoral activities, continue portering and wage working as they can hardly sustain themselves for six months from the grains produced from their land.¹³⁶ About 15-16 Tamang households in Chaughare are landless and their only means of survival are portering and wage working. Due to the grain deficit, the Tamang's diet was reduced to predominantly forest plants and cattle (Campbell 1997). Since access to forest is being increasingly reduced, the Tamang's supplement of foods from forest plants has diminished as well. The majority of Tamangs migrate seasonally to Bukhel, Manikhel, Thecho, Sunakothi, Lele and Chapagoan to work in agriculture, construction sites, restaurants and the carpet factories.¹³⁷

Recent construction of a motorable (but fair-weather) road connecting the upper belt of Chaughare with Lele village has increased the opportunities of the Tamang people¹³⁸ to market milk and the raising of an improved variety of buffaloes. In this business, both men and women are equally involved.¹³⁹ Tamangs buy buffalo by taking loans from the Agricultural Development Bank using their land as collateral. With the construction of the road, land value in Chaughare has increased. Some Tamangs have replaced corn with fruit cultivation, thinking that one fruit tree can yield more than ten times the cash income of corn on the same land. Brewing of alcohol and selling it through a contractor to the urban market has also increased. While in the past they were subject to forced labor, since the establishment of democracy in 1951 Tamangs have been, like other people in Nepal, subject to an administrative state which has various rules and regulations where people should live, what they should do, and how they may access resources.¹⁴⁰ Unlike in the past when Tamangs could move their settlement from one place to another, they are increasingly pinned in place by bureaucratic restrictions. Schools, government offices and non-governmental organizations (NGOs) are providing training and are also organising and reorganising the lives of Tamangs in Chaughare.¹⁴¹

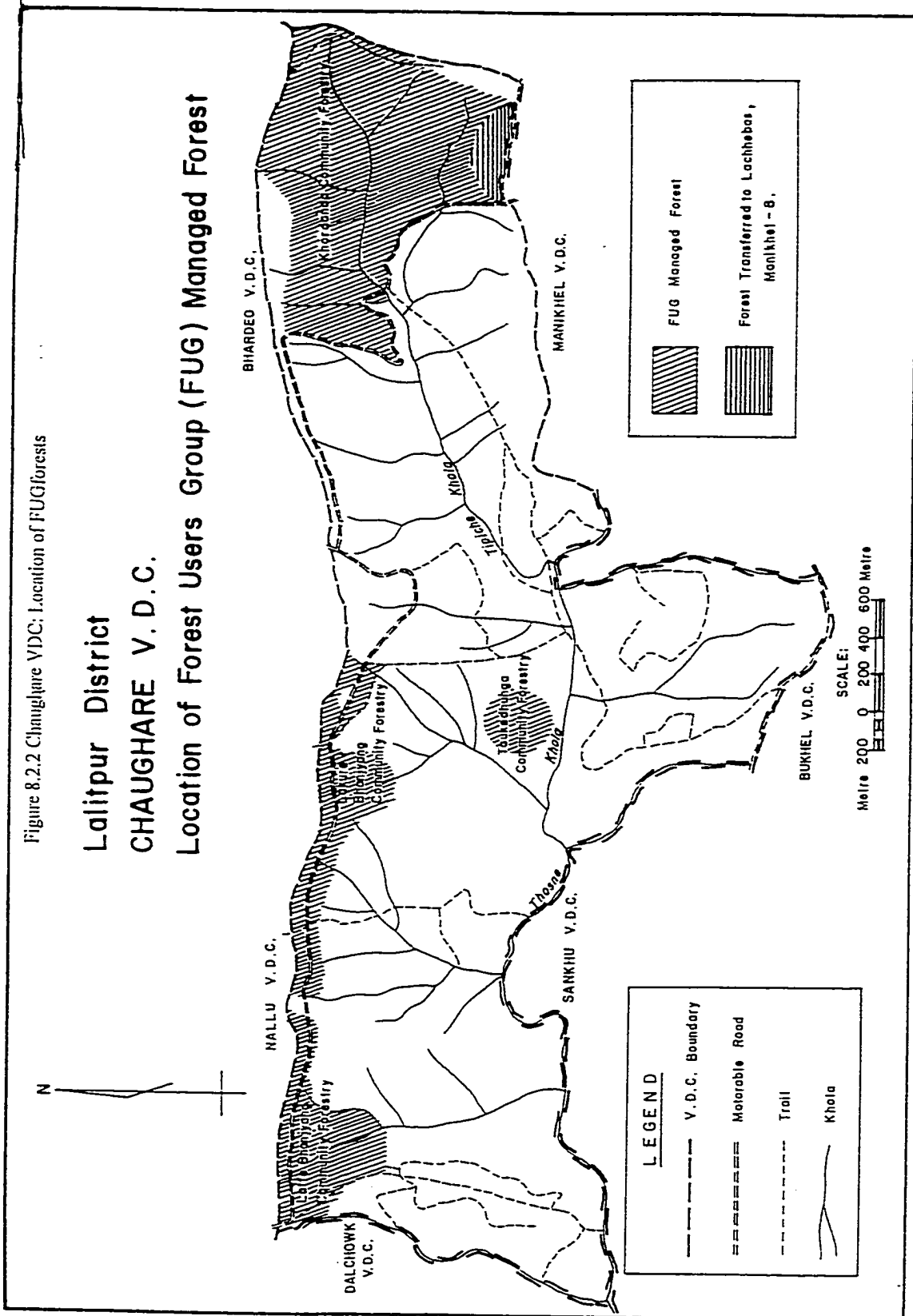
Government officials assigned to Chaughare seldom stay there. The snow-fall (in December and January), the frequent hail storms and high winds, rugged terrain, lack of public transportation, power supply and access to market are strong disincentives for government

officials. Nevertheless the mere presence of the government buildings continuously reminds local villagers of the existence of the state and its functions. Engagement with external agencies including the government has become a symbol of development or progress (*bikas*) in Chaughare VDC and the Tamangs, like other Nepali villagers, compete among themselves for engagement with such agencies.¹⁴² But still only 28% of the total population above 5 years of age are literate and the overwhelming majority of these (26% out of 28%) have less than a grade 5 education. Outsiders continue to see Tamangs as porters and as 'forest people' deriving their livelihood from harvesting forest products, building their settlements inside forests, and knowing very little except carrying loads. Villagers living in the lowland often say: "Whenever Tamang enters, forests get destroyed". Government officials and other development agencies often comment that Tamangs are backward, uncivilized, drunk all the time, and lacking knowledge to understand and undertake development programs. Their confirmation of what these external agencies want to hear could bring them unknown benefits such as expansion of the school, drinking water, a road, health facilities and above all the recognition that Tamangs can be as *bikasi* as any outsiders.

The Tamangs have also been willing to agree with the forest agency's remarks on their backwardness and its critique of their activities that cause deforestation. In so doing, they hope that the forest agency will hand over forest to them, as to other villagers, to be managed as community forest under government regulations. Nevertheless, their willingness to join community forestry is not without anxiety over the need to limit their forest use and the responsibility to enforce and comply with the community forest regulations. But they are also aware that government officials are frequently transferred and hardly stay in their village. Moreover they are fearful of losing access to forest and/or common grazing land, should neighbouring villages register claims and interests before they do.¹⁴³ So they have competed with other villagers to get forest handed over from the government as community forest. Khor Danda, Lankure Bhanjyang, Latthue- Bhanjyang and Tauke Dhunga are the four FUGs in Chaughare VDC formed to manage the village forests as community forest (Figure 8.2.2.).

Figure 8.2.2 Chaughare VDC: Location of FUG forests

Lalitpur District
CHAUGHARE V. D. C.
Location of Forest Users Group (FUG) Managed Forest



Source: Field Survey.

The succeeding sections of this chapter will provide details about three of these FUGs and the particular constellations of interests shaping state-community relations in each.

8.3 Khor Danda Community Forest User Group Case Study

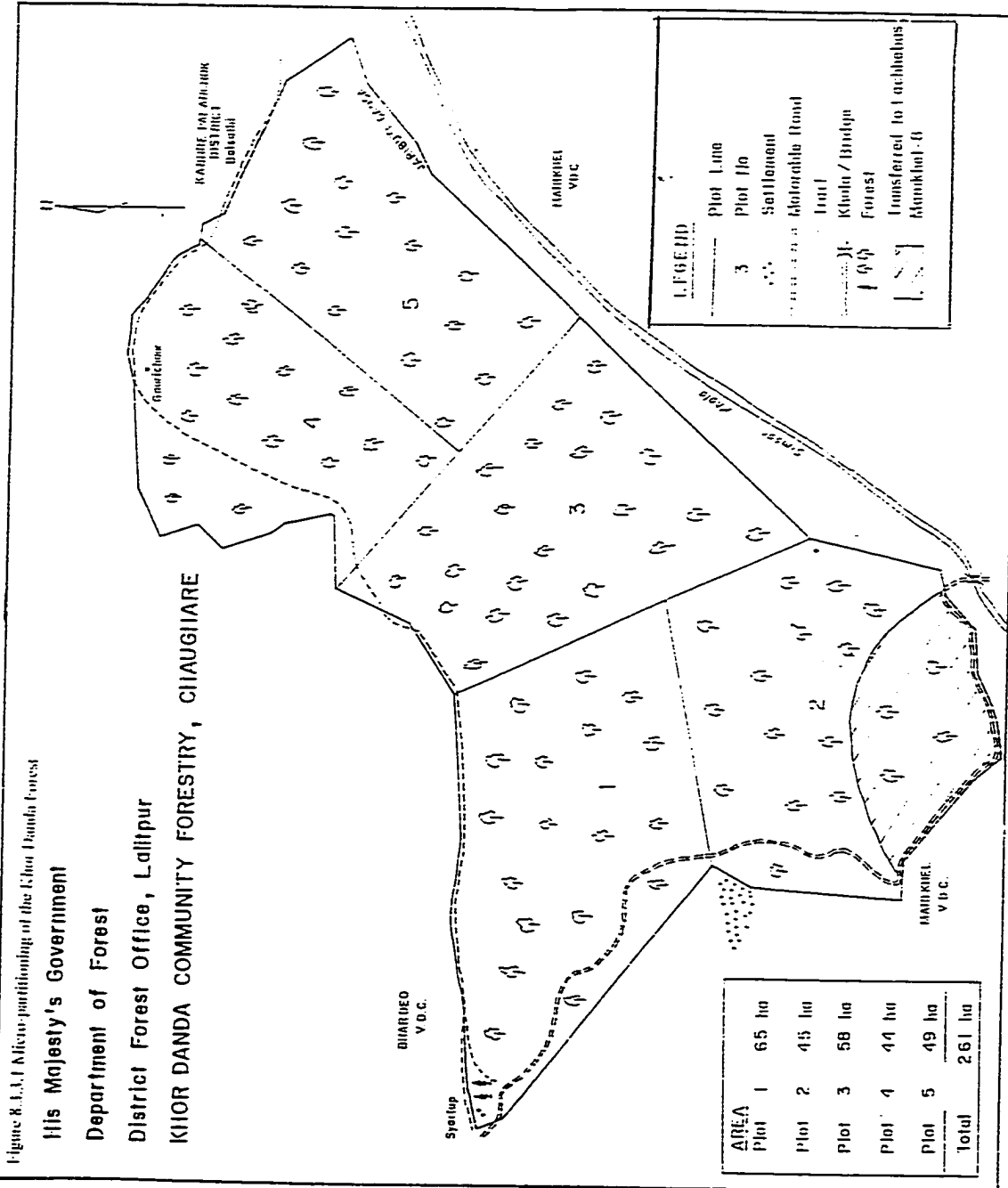
8.3.1 Khor Danda Forest and the Organization of the Forest User Group

Khor Danda forest, situated around ward 1 and 2 of Chaughare VDC, is a natural forest dominated by the *banjh* (*Quercus incana*) and *khasru* (*Quercus semicarpifolia*) tree species.¹⁴⁴ Its area is 261 hectares in total. According to the local Tamangs, until the early 1950s this forest was controlled and regulated by talukdar. Talukdar was local head appointed by the government to collect land tax from villagers, control access to the forest and distribute forest products other than harvesting of timber for sale (Mahat 1985). Villagers remembered that talukdar used to walk very quietly at every sound of the tree cutting in order to catch tree cutters and/or charcoal makers red-handed and did not hesitate to push those people into the burning charcoal pit. Since talukdar was both government functionary and the local head they exemplify the blurred boundary between state and community. The forest was controlled by talukdar does not necessarily imply that the management of forest was in local hands.¹⁴⁵ After forest nationalization, the talukdari system became defunct, the power of the local forest lords was reduced and the forest started to be protected by forest guards. Villagers use Khor Danda forest for fodder, animal bedding, fuelwood, manure, timber and charcoal making. The *Quercus semecarpifolia* (*khasru*) tree, in particular, is considered very good as fodder and its wood as excellent fuelwood even better than the *Shorea robusta* tree (Mathema 1991: 13). According to the villagers, goldsmiths prefer charcoal made from these trees. Since Khor Danda forest is accessible from the village settlement, the DoF has found it difficult to protect and manage the forest on its own although it has deputed forest guards to protect the forest. Villagers felt that if fed with chicken and alcohol and given some money, the Forest Guards would let them use the forest as before, since the concern of the Guards is not necessarily the protection of the forest. The villagers perceived these employees of the forest department to be much easier

than the previous local lords to negotiate with and manipulate over the use of the Khor Danda forest.

Khor Danda forest is accessible not only from the settlements of Chaughare VDC but also from other VDCs such as Bhardev, Manikhel, Lachhebas and Kabhre (Figures 8.2.1 and 8.3.3.1). As discussed in previous chapters, handing over of accessible forests to the communities (forest user groups) is a policy priority of the DoF. Both the Forest Master Plan (1989-2010) and the Forest Law 1993 have specified that accessible forests will be handed over to the local villagers to manage as community forest. Under these policies, if Chaughare villagers do not forward an application to the district forest office showing interest in managing Khor Danda forest as community forest, the DoF may hand over this forest on lease to any private individuals, groups or institution or declare it as a protected forest. There is also a possibility that if adjoining villages forward their interest to the district forest office, those villages may receive Khor Danda forest as their community forest. That some part of Khor Danda forest has been handed over as community forest to the Manikhel village is an example in this context (see Figure 8.3.3.1). This means that if the Chaughare villagers do not organize themselves as a FUG and do not submit an application to the district forest office they will lose all their access to the Khor Danda forest. Furthermore, since all the neighbouring villagers are organizing themselves as FUGs and restricting use of the forests in their respective villages, the resource use pressure on Khor Danda forest from neighbouring villagers would also intensify, leaving Chaughare villagers limited access to forest in their own village while access to outside village forests is almost closed to them. Chaughare villagers thus have no choice but to compete with neighbouring villagers, cope with the reality of the expanding forest bureaucracy, organize themselves as a FUG and request the District forest office to hand over forest management responsibility to them.

Khor Danda forest is officially classified as in good condition. Some parts of the Khor Danda forest are indeed in good condition with many standing trees of timber value, but some parts are very degraded and other parts have many fallen, dead and damaged trees.



Source: Forest Users Group

The possibility of harvesting dead and damaged trees and making an immediate profit out of them were amongst the reasons which motivated villagers to organize themselves as a forest user group for community forestry operation. But villagers were aware that an outward expression of interest in harvesting forest products would cause problems in getting forest handed over from the government as community forest. Their main interest was supposed to be in management and restoration.

In 1990, village leaders of ward 1 and 2, Chaughare VDC organized themselves as a forest user group, registered the group in the district forest office and showed their interest in managing and protecting Khor Danda forest as community forest. But organizing as a group in itself was not enough. They had to come up with two planning documents, a Constitution (operational plan) and a Work Plan (technical plan) to be made in consultation with the ranger from the forest office.¹⁴⁶ It took quite a time for the user group to come up with these documents, during which period it was left without legal authority to use, manage or control the forest. Furthermore the user group did not accommodate all the forest users of the Khor Danda in the group, which raised controversy within the village about the intention of the FUG leaders. The Department of Forests also required that the group accommodate all the users of the forest, not just ward 1 and 2 where the forest is located. So on the advice of the district forest office and in the presence of the ranger, a village assembly was called to discuss the membership in the FUG and its management. This had the effect of presenting the forest agency as being fair to the people.

Household representatives from all nine wards of Chaughare village participated in the user group assembly. Since the ward 6 settlement was quite far from the Khor Danda forest and they were not using the forest, a decision was made to exclude ward 6 from membership in Khor Danda community forest user group. The new FUG thus accommodated all households except ward 6 as its members. A 17 member FUC was constituted. The FUC leaders were chosen from among the members who could deal with government functions and who could understand government rules. This was also the preference of the ranger. In a village where 80 percent of the villagers could not even read and write and could not even sign their own

names, these villagers could not be expected to go through various bureaucratic processes and formalities including the preparation of forest Work Plan and the Constitution. These bureaucratic requirements had forced Chaughare villagers to choose as FUG leaders people who were not necessarily those whom they respect and trust (usually village elders) but people who were young and energetic, who could handle government functions and who could commute back and forth between the forest office in the district headquarter and the village whenever necessary.¹⁴⁷ Intensification of bureaucracy has become a driving force of social change in Chaughare villages.

8.3.2 Writing the Forest Work Plan, the Constitution and the Objectives of Forest Management

Once the Work Plan and the Constitution were prepared and approved by the District forest office, Khor Danda forest was officially handed over as community forest in 1994. In this hand over, the FUG received the management responsibility and the DoF retained ownership right over the Khor Danda forest. In other words, Khor Danda forest became a community forest managed by the local villagers and owned by the government. This arrangement again blurs the blurred boundary between the state and community, just as it was blurred under the talukdari system, except that now the FUG leaders are not government functionaries. They are nevertheless tied up with numerous bureaucratic regulations in the management of the forest.

The FUG Constitution (operational plan) and the Work Plan were written by the ranger in consultation with the forest user committee (FUC) members and in accordance with the rules and requirements of the DoF. Once written down, the ranger wanted to call a general assembly and get the assembly consensus on these documents. The FUC members, although they perceived their fellow villagers (i.e. members of the FUG) as backward, uneducated and unable to understand government documents, could not disregard the directive of the ranger and run the risk of not getting the documents approved by the district forest office. So a FUG assembly was held in the presence of the ranger and the documents read in the

assembly. Although many user group members realized that there were many rules which restrict their use of forest, they did not dare to speak in the assembly especially in front of the government official, the ranger, and they did not want to risk being noticed as forest violators in future. So the documents were approved by the assembly and then submitted to the DFO for consideration of forest handover. In this way, the villagers fulfilled the second bureaucratic requirement towards getting forest handed over as community forest. The first bureaucratic requirement was the organization and registration of the user group in the district forest office.

As stated in the Work Plan and the Constitution, the objectives of the Khor Danda community forest was to improve the status of forest through proper utilization and conservation techniques including the conservation of habitat for wildlife and birds and the protection of watershed so that the forest could supply fodder, fuel wood, timber, leaves and other products continuously and would help sustain the subsistence livelihood of the villagers. The Constitution provides details relating to the composition of the user households; rules and penalties on forest use; prohibited actions in the forest, such as animal grazing, charcoal-making, cutting and selling of wood, collection of green tree leaves, and lighting fire in the forest; and bureaucratic requirements such as the need to make an iron stamp of the FUG, the opening of an account in the bank, the submission of an annual progress report and audited financial report to the forest office, and the need to invite illaka and range post officials to the user group assembly meeting. While the maintenance of accounts and auditing, and the submission of an annual progress report and an audit report could be seen as necessary to ensure transparency in FUG activities, they could also be seen as an indication that the forest agency effectively treats FUG as its lowest unit of organization rather than an independent entity as envisioned in the Forest Act 1993.

The Work Plan reiterates the same conditions mentioned in the Constitution while adding the micro-partitioning of the forest landscape and recommending how each block or partition of the forest should be managed by the user group. The Work Plan and the Constitution specified the need to raise local consciousness about the value of forest and price-tagged each

and every product of the forest that the villagers are using. Market use of forest products did not appear anywhere in these documents, thus dismissing any commercial use of the forests that the villagers are already involved in or might wish to undertake in future. Submission of Work Plan and Constitution as user group documents thus reflect villagers' compromise or negotiation with the forest agency to avoid losing access to their village forest rather than the true conditions under which villagers would like to manage and/or develop the Khor Danda forest.

8.3.3 The Work Plan: Micro-Partitioning of Forest and Restricting of Forest Use

The Work Plan is a five year forest conservation planning document which reflects the interest of the forest agency rather than the user group needs and requirements. The forest is partitioned into five blocks and the settlements adjoining each block, the forest species including minor forest products, the aspect and the condition of each block were specified (see Figure 8.3.3.1 above). The micro-partitioning of the forest into different blocks, an act of territorialization, defines units of space and directs how each of these parts should be used or managed. Under the micro-partitioning of the forest, block 1 consisted of 65 ha, a very degraded part of the Khor Danda forest with some tree seedlings in place. The FUG was expected to devote energy to the use and management of this forest in the first year of forest hand over. Block 2 which was 45 ha in area was also degraded but with many trees lying on the ground and dying, crooked and damaged standing trees and so had a potential for immediate harvest and use by the user group. Under the Work Plan the FUG could undertake management activity in this block only in the second year thus restricting them from receiving immediate benefit from forest harvesting in this block. Block 3 which was 58 ha in area, was in good condition and only required minimal conservation and promotion activities to ensure natural growth and regeneration. This part of the forest was to be used and managed only in the third year. Block 4 which was 44 ha in area with many fallen trees and twigs and standing trees of various sizes was to be used and managed in the fourth year of the forest hand over. Block 5 which was 49 ha in area and was in the best condition among all the five blocks was to be used and managed only in the fifth year of the forest

hand over. There was no provision for the forest user group to undertake any commercial harvesting of forest product whether timber, fuelwood or herbs in the Khor Danda although some cutting down of trees was permitted under the shrub land improvement (SLI), tree singling (TS) and tree improvement (TI) activities.¹⁴⁸

Any wood harvested under the tree and shrub improvement programs had to be distributed to the forest user members at a subsidized price and only those in excess of the demand of the user group and those of the neighbouring village user groups could be sold outside the district by notifying the forest agency and marking the forest product with the FUG stamp. While this rule is justified under equity consideration it also sets a limit on the authority of the forest user group in regard to the distribution and sale of forest product. Note that equity considerations are not the norm for forest harvesting and sale by the Department of Forests itself.

Under the Work Plan, mining, timber harvesting and hunting were completely restricted; all forest products including grass, tree leaves, twigs and branches were price tagged; and penalties were prescribed for use of forest without FUC sanction. Even a person suspected of entering into the forest with an intention of hunting, as the Work Plan mentions, has to be forwarded to the district forest office for necessary action (Table 8.3.3.1). While this provision may be justified for wildlife and forest protection, it sets a limit on the power of the FUG and becomes a constant reminder that the forest agency is a higher level body which the forest user group should respect.

The Work Plan prescription of silvicultural and other management rules for each block of the Khor Danda forest shows an imprint of the state control on landscape which allows FUGs to use forests in ways which are only marginally productive for them but of significant value for the nation and the future generation. Through the requirements of the Work Plan, the DoF imprinted state control on the landscape, and also on villagers's actions regarding forests and their relationships to each other.

**Table: 8.3.3.1 Khor Danda FUG Rules on Fines and Punishments
Relating to Forest Use Violations**

Violation of rules related to	Penalties by frequency of offences		
	1st time (Rs.)	2nd time (Rs.)	3rd time (Rs.)
Grazing: sheeps and goats	5.00	10.00	15.00
cattle	15.00	15.00	20.00
buffalo	15.00	20.00	30.00
Collection of tree leaves without FUC approval*	10.00	20.00	30.00
Fuelwood collection in other than prescribed days*	10.00	15.00	20.00
Collection of timber without FUC approval (per cu.foot)** <i>Juglans regia (Okhar), Michelia champaca (Champ), Machilus spp.(kaulo) and Castanopsis spp.(Katus)</i> Others	Rs. 50.00 Rs. 20.00	Rs. 75.00 Rs. 30.00	Rs. 100.00 Rs. 50.00
Collection of herbs	Anybody who collects herbs by themselves or through others will be fined according to the decision of the FUC		
Mining	Anyone who does mining will be fined according to FUC decision and such person will be asked to do plantation in the areas dug for mining		
Hunting	Anyone who enters into forest with an intention of hunting and carries hunting weapons will be fined Rs. 50.00. Anyone who actually hunts will be convicted of forest offence and the weapons will be seized and both the person and hunted animal will be delivered to the district forest office for necessary action. If the hunted animal is almost rotting then the skin, nails and other valuable parts of the hunted animal should be sent to the district forest office		
Fire	Anyone who sets fire to the forest will be dealt with as per the decision of the committee and such person may also be forwarded to the district forest office for necessary action		

Source: Khor Danda FUG Work Plan 1994

note: * indicates that beside the imposition of fine, the FUC will seize the tools and implements used in fetching forest product but not the forest product itself.

** indicates that both the tools and implements as well as the timber will be confiscated.

Note: In the early 1990s, a porter would earn about Rs.60 per day in the Kathmandu area.

Similar to the clauses in the Forest Act (1993) in general, the Work Plan had prescribed policing of one user by another within the village. This is reflected in the provision for incentives for anybody who gave information or helped to catch a forest-offender and supplied proof. It could be seen as a sowing of seeds of conflicts among villagers in regard to the use of village forest. The Work Plan also mentions the processes that have to be followed by the forest user group if any members violate the rules (Box 8.3.3.1).

Box 8.3.3.1 Processes to be Followed in Taking Action against FUG Members for Forest Rule Violations

1. The accused will be asked to provide clarification for violating the FUG rule.
2. The FUC will consider the clarification given by the offender, the nature of the offence and the written rules pertaining to it before making any decision about penalizing the offender.
3. If the offender is a repeater, the FUC will take stringent measures against such person including his/her restriction from entering into the forest, if required.
4. If the FUC cannot make the decisions then the general assembly of forest users will be called.
5. If the general assembly cannot come up with the decision then a written request will be forwarded to the district forest office for the resolution of such case/conflict.

Source: Khor Danda Community Forest User Group Constitution 1994

Any forest use conflicts which could not be resolved by the FUC have to be forwarded to the district forest office with a written request for resolution of such conflict. While conflicts among villagers intensify, room for intensification of the state bureaucracy in the form of conflict mediation and resolution opens up. Both the Constitution and the Work Plan are essentially protectionist management prescriptions in which the use of forests is restricted in several ways (see Table 8.3.3.1 and Boxes 8.3.3.2 and 8.3.3.3). A complex system of forest opening times, fines and charges and techniques relating to the extraction of different products were prescribed. The forest user committee may or may not be able to enforce these rules and the forest users may or may not obey these rules but the very prescription of these rules becomes a continuous reminder of the presence of the state at the local level

implanting the feeling among the forest users of breaking a promise to the government in case they choose to violate the rules.

Box 8.3.3.2 Rules and Agreements relating to the Management of Khor Danda Forest.

- Protection of forest territory by creating a forest boundary marker if possible.
- Provision of a paid forest watcher to protect the forest.
- Prohibition from lighting fire in the forest knowingly or unknowingly.
- Complete restriction on herb collection. If the FUG decides to cultivate herbs in future, detailed information will be given to the district forest office prior to undertaking such activities.
- Undertake forest improvement through natural regeneration, shrub and tree improvements, tree singling, plantation and the establishment of a user group nursery.
- No undertaking of income-generating activities. If FUG decides to undertake any income generating activities in future, prior notification to the district forest office will be given. Shrub improvement, tree-singling and other tree improvement activities will not be considered as income-generating activities.
- Introduction of FUG permit system in forest product harvest and sale.
- Resolution of any conflict relating to forests and/or the boundaries of the forest by the FUC and/or FUG itself. Conflicts which can not be resolved by FUG will be forwarded to district forest office with a written request for resolution of such conflict
- Provision of incentive/prize for anybody who notifies about or helps to catch the forest-offender with proof.
- No activities restricted by the Forest Act such as forest degradation and clearing, mortgaging of forest and building houses or huts inside forests except when required for the protection of the forest, mining and any other activity that could result soil erosion in the forest.
- FUC will open account in the bank with the joint signature of the chairperson and treasurer of the FUC. All income obtained from the sale of forest product, fines and penalties, grants etc will be deposited in FUG account and will be used for forest protection and development including community development.
- Maintenance of accounts and auditing and the submission of a report in the format prescribed by district forest office.
- FUC will invite concerned illaka and range-post officials during the FUG assembly.

Source: Derived from Khor Danda Community Forest Constitution and the Work Plan 1994.

Box. 8.3.3.3 Specific Rules Relating to Forest Product Utilization and Distribution in Khor Danda FUG forest

Grass and bushes:	Members of the forest user group can collect grass and bushes such as <i>Eurya acuminata</i> (<i>banmara</i>), <i>Myrica esculenta</i> (<i>kafal</i>), <i>unyu</i> , <i>chutro</i> , <i>ainsele</i> for free for meeting daily household need.
Green leaves:	Users can collect green leaves for free for social and religious functions.
Grazing:	Grazing of any animal in the forest is prohibited.
Leaf fodder :	Collection of leaf fodder is prohibited. In future, users might be allowed to collect tree fodder in block 4 and 5 of the Khor Danda forest.
Herbs:	Collection of herbs is prohibited for now.
Fuelwood:	Users can collect dried/fallen leaves, twigs and wood for household use every Saturday under the supervision of the committee. Taking any harvesting tools inside the forest is prohibited.
Timber:	Timber cutting is completely prohibited. However the forest user committee can cut wood under the shrub and tree improvement and singling program. Wood harvested under such program will be sold to the users at a subsidized price and those in excess of local use will be sold to outsiders. Any income earned from such sale will be deposited in the FUG account.
Mining :	Any mining activities in the forest are prohibited.
Natural Disaster:	The forest user committee will provide timber and fuelwood at a subsidized rate to any member of the FUG who is a victim of natural disaster and does not have any trees in his/her private land.
Social and religious:	Fuelwood and timber may be provided during social and religious functions of a FUG member.
Cremation:	A few fallen/dead/dying trees will be provided to the members of the user group for cremation purpose.
Nigalo:	Collection of <i>nigalo</i> is allowed as per the terms and conditions of the FUC.
Hunting:	Hunting any birds and animals is completely prohibited.

Source: Khor Danda Community Forest Work plan 1994

8.3.4 Our Forest But Not Our Forest!

Not all forest users were happy with the formation of the FUG. For example, some forest users including charcoal makers wished that the Khor Danda forest could remain as a government (national) forest rather than turning it into a FUG managed forest. Formation of the FUG has forced them to give up charcoal making and fuel wood selling as a source of their livelihood.

The FUC had provided some concession to blacksmiths to make charcoal but not to other charcoal makers who have traditionally depended on this activity. Blacksmiths need

charcoal to sustain their business of making and mending iron implements. Although these blacksmiths received some concession for charcoal making they felt that their traditional right to make charcoal had turned into a favor from the local leaders and for this reason they felt morally obliged to give concessions to local leaders in the sale and mending of farm implements. While some charcoal makers and fuel wood sellers gave up making charcoal and selling fuel wood, some 20 households continued to sell charcoal in the urban market especially to the goldsmith. These households prefer to take the risk rather than give up charcoal making in the Khor Danda forest¹⁴⁹. However, they see it as necessary to hire a cab to take their charcoal to the city so that their fellow villagers would have little chance of noticing them carrying charcoal and convicting them of a forest crime. This is an example of the intensified control over local access to forests with the handing over of forest management to the user group.

Forest officials assume that politicians provide protection to charcoal makers which has made it difficult to control charcoal making in Khor Danda forest. Since FUC members also have political affiliation with the district politicians these local leaders often turn a blind eye to charcoal makers who have similar forms of protection. Forest officials see the need to monitor the activities of FUG leaders so that these leaders do not favor one group of villagers against the others and the poor are not deprived of the benefits of forest management. Forest officials argue that politicians, at every level of hierarchy, disagree among themselves except on matters of forest use. Politicians, according to these officials, have a unanimous voice when it comes to forest harvesting and in making speeches about distributing forest land to the people for settlement purpose. The forest officials complain that when approached about the charcoal making problem, the district politicians responded that the charcoal makers would not have continued making and selling charcoal if the DoF had offered these poor people an alternative source of livelihood. This is an example of the divisions within the state. One official of the state blames another while at the same time they also appear to take the part of “the poor”.

While forest officials worry about local forest uses, the politicians do not. Some district politicians have good relationship with urban goldsmiths who provide financial support to them in times of election. Furthermore sustaining forest use by the villagers including charcoal making activity would also ensure votes to these politicians during election. If the management rules of community forest were the reflections of villagers' consensus and desire, the politicians would have second thought in taking side of the charcoal makers because some gain in vote would come at a loss of majority vote. But this political interest hides in the logic of serving the poor. Protecting "the poor and/or the livelihood of the poor" has become a part of the rhetoric of the forest officials as it has been of the politicians.

The FUC was either not in a position or choose not to strictly enforce the rules prescribed in the Work Plan, an example that the state presence is extended but not the state power. Not only did they give concession to some charcoal makers they also allowed villagers to collect leaf fodder required for feeding the livestock. Villagers consider *khasru* tree leaves as the best staple feed for their livestock. Some FUC members assist the milk collection centre established in Chaughare village. They organize the collection of milk and supervise the fat content. They are paid for this job by the milk collection centre. Therefore they have a vested interest in allowing leaf fodder and litter collection from the forest so that milk production and the quality of the milk is improved.

8.3.5 Reestablishing Khor Danda Community Forest as Government Forest

In mid-August 1995 the forest user committee called a FUG assembly to discuss whether any member would like to volunteer to watch the forest on a rotational basis. The user members expressed their inability to watch the forest. So the decision was made to hire four forest watchers paying each Rs. 600 a month from the FUG fund. According to the FUC members, within six months of the hiring of the watchers tremendous improvement was observed in the condition of forests. Since the forest condition was improved and since the FUC members also noticed the experience of a neighbouring village where forest has regenerated

very nicely after the harvesting of dead and dying trees, the Khor Danda forest user committee decided to undertake tree harvesting in Khor Danda.

The Khor Danda FUC called the FUG assembly to discuss tree thinning and singling activities in the Khor Danda so that it would help improve the status of the forest, would provide some money from the sale of forest products which could be used for paying wages to the watchers, and for undertaking development work in Chaughare including road construction, provision of drinking water and improvement in school facilities¹⁵⁰. The user-members liked the idea of forest harvesting as they saw benefits accruing to the village if not to the individual households. The FUG assembly decided to reduce the number of watchers from four to three and to conduct tree singling and scrub improvement in Block 2 but not in Block 1 where there was limited if any potential benefit. This decision was forwarded to the district forest office for approval as well as for necessary technical advice from the forest office in the harvesting of trees¹⁵¹. From the district forest office, a ranger came to visit the village, observed the forest site, marked the trees that could be harvested, and then returned to the district office advising the chairperson of the FUC to come to see him in few days. In the district office the ranger informed the FUC chair that he had marked 96 trees to be cut down but those trees had to be further marked with the FUG stamp. Since the FUG had not yet made the iron stamp, the ranger agreed, as a favor to the FUG, to allow cutting of the marked trees without the FUG stamp and he persuaded the district forest officer in this matter. This “favor” to the FUG suggests that the forest officials are trying to facilitate villagers’ needs even in violation of bureaucratic rules.

Before cutting down the trees the FUC was supposed to mark the trees at a certain margin from the bottom and the top of the trees. This would enable the forest agency to check how many trees were harvested. The FUC marked only on the top not on the bottom of the trees, a violation of government regulation. They worshipped *Ban Devi* (the forest goddess) before harvesting the trees and arranged the harvest and sale of the forest product in the urban market through a contractor. This was also a violation of the rules agreed in the Work Plan. The Forest Regulation of 1995 requires the Khor Danda FUG to notify the illaka office and

other forest offices en route about the transport of wood from the FUG forest. The wood contractor has to submit the FUG permit letter for wood transport to all the forest offices *en route*. Neither the FUC nor the contractor followed the regulations. As the harvest and transport of wood came to his notice informally, the illaka forest officer went to Chaughare village where he saw the contractor loading wood on the truck and also noticed irregularities in the marking of trees. He also found the road which was recently dug in order to allow vehicles to pass through the forests. He accused the FUC members of marking and harvesting the trees in the absence of and without the approval of the forest technician. The FUC members informed him that the ranger had marked the trees. They assumed that the illaka officer was after a bribe but did not feel it necessary to pay, since the FUC already had support from the district forest office, a higher authority than the illaka forest office. The illaka forest officer reported to the district forest office about the irregularities in tree harvesting. The DFO, although he realized the need of the FUG, was, supposed to play by the bureaucratic rules, especially when a complaint was laid about irregularities. The district forest office thus confiscated all the harvested trees and asked the FUC to provide clarification on tree harvesting and distribution.

About four months after this incident, the district forest office sent a message to Chaughare village asking the Khor Danda FUC chairperson to come to the district office. When the FUC chairperson visited the district forest office he could not find the district forest officer. He went to the central office in Kathmandu to try to find him there, but failed and returned to the district office where he finally found the DFO in place. The DFO informed the FUC chair that, on the charge of irregularities in Khor Danda FUG, he and his assistants had been suspended from their job. Clearly, considerable central control over district and village level forestry affairs continues.

Two to three weeks after the suspension of the forest officials, a new DFO and ranger were placed in the district. While these new forest officials visited Chaughare village the FUC members reported the problem of illegal charcoal making in Khor Danda forest and also notified them that they had confiscated 16 sacks of unclaimed charcoal. The forest officials

paid little if any attention to these problem and left the village taking the chairperson of the Khor Danda FUC with them. Once they reached the district office the forest officials accused the FUC chairperson of not fulfilling required government procedure in undertaking Scrub land improvement (SLI) activity. The FUC chairperson insisted that he had fulfilled official requirements and had a duplicate copy of the document. When asked to sign a paper that the forest technician (ranger) did not come to mark the trees in the Khor Danda forest the FUC chair refused to sign. The chair of the Khor Danda FUC was then jailed on the charge of uncontrolled cutting of forest products. Other members of the Khor Danda FUC went into political protection overnight by taking up membership in the Nepali Congress Party -- which at that time was in power -- and escaped arrest. The extension of the bureaucracy into villages induces the villagers to enter into partisan politics (Hitchcock and Holm 1993: 331).

The Forest Law 1993 does not provide for the forest agency to take action against the FUC especially to send any members of the FUC or FUG into prison. But since community forest is also legally a forest under government ownership and hence a national forest, the forest agency opted to take action against the Khor Danda FUG under the national forest regulations and to restore Khor Danda community forest as government forest. The Khor Danda community FUG was charged with irregularities in the harvesting of forest which could result in adverse effects on the environment. Environmental protection provided the rationale for strong bureaucratic action.

When forest officials from the district and the central level visited Chaughare village and inquired about the Khor Danda forest incident, many villagers chose not communicate with them and professed ignorance about what had happened. Furthermore, not everybody was happy with the harvesting and sale of timber through the contractor. The Kathmandu-based media as well as the villagers in and around Chaughare also confirmed the over-harvesting of trees. Dissention among the villagers together with the support of media only helped to reconfirm the appropriateness of the forest agency's action against the Khor Danda FUG. The district politician bailed the FUC chairperson out of jail two weeks after his

imprisonment and put him under his protection. The district forest office prescribed more stringent directives in regard to community forestry operation¹⁵² (see Box 8.3.5.1).

Box 8.3.5.1 Lalitpur District Forest Office Directives in Relation to Tree Singling and Improvement (TSI) and Scrub Land Improvement (SLI) activities in Community-Managed Forest

Regulations to be fulfilled prior to TSI operation

1. In order to conduct TSI, the concerned FUG should request technical support from the illaka forest office.
2. The ranger working in the management unit of the illaka forest office must review the Work Plan of the concerned FUG and give opinion to the illaka forest officer in this regard.
3. After receiving confirmation from the ranger that TSI activity is in the Work Plan then the illaka forest officer will send the ranger in the village to provide technical service to the FUG in TSI activity.
4. The illaka forest officer will give directive to the FUG to submit a report to the illaka forest office once the FUG with the help of the ranger has marked with FUG stamp any dead, dying, diseased and suppressed trees to be removed for technical reasons. After receiving the report from the FUG if the illaka forest officer deems it right to allow TSI then the illaka forest officer should forward the file with his opinion about TSI to the concerned district forest officer. The district forest officer retains right to approve or not approve the TSI proposal.

Regulations to be fulfilled prior to SLI operation

As regards SLI, after fulfilling all the first three procedures as mentioned above for TSI activity the illaka forest officer will give directive to the FUG to submit, with the help of ranger, the report to the illaka forest office with details about the proposed method of SLI, the determined stockings, potential quantity of the forest products and its evaluation. After reviewing the report if the illaka forest officer deems it right to allow SLI activity, then he/she will approve the SLI proposal submitted by the FUG. The illaka forest officer retains the right to approve or not to approve the SLI proposal. If approved he/she will forward a copy of such approval to the district forest office for notification.

Regulations to be fulfilled during harvesting and distribution of forest product under SLI and TSI operation

Ranger and/or forest guard will provide supervision while the FUG undertakes TSI and SLI activities. While selling and distributing the cut and/or removed forest product under the TSI and SLI operation the FUG will provide prior notification to the district forest office and illaka forest office. The FUG should provide the buyer of any forest product with purchase-receipt and the permit for transport. If the sale is wood then each wood should be marked with FUG stamp which is registered in the district forest office. The buyer will transport purchased forest product by submitting the receipt and permit from the FUG for verification in the forest office and the forest check- posts en route.

Source: Lalitpur District Forest Office

The directive specifies that only those FUGs with an approved Work Plan from the district forest office will be permitted to undertake TSI and SLI provided those activities are mentioned in the Work Plan and provided the FUGs have registered the FUG stamp in the district office. The word “directive” clearly suggests that the forest agency does not think of the FUG as partner. A representative from the FECOFUN went to see senior bureaucrats in the DoF and the Ministry where he wanted to talk in favour of the suspended DFO and the Khor Danda FUG but he failed to do so. Instead the FECOFUN leader came to believe that the DFO should not have worked by trusting everything to his assistant (ranger) and the Khor Danda FUG should not have infringed the rules¹⁵³.

During my interview with one of the senior bureaucrats in the Forests Ministry, I was informed that action against Khor Danda FUG was taken primarily to frighten FUGs in the Terai and that the DoF would eventually encourage villagers to form a new user group to re-hand over the forest as community forest. Until then, placement of armed forest guards in Chaughare is necessary to protect Khor Danda forest from further encroachment. The pulling back of Khor Danda forest as government forest appears as a politically motivated action of the forest agency.

8.3.6 Quiet Armed Guards in the Unquiet Khor Danda forest

Local people in Chaughare did not feel threatened by the presence of the armed forest guards in their village. Armed forest guards have a friendly relationship with many people in the village. They do not carry their arms around. One of the armed guard informed us that he has left his gun in his home in the city because it is not good to carry arms all the time and he can not leave his gun unattended in his rented village mud house which could easily be broken into if somebody intended to steal the arms. Furthermore, the armed guards would like to feel at home in the village and be a part of the village society. Armed guards were often teased by the villagers for spending their time in the tea-stall or liquor stall drinking and enjoying the company of the villagers rather than spending time in the forest. Some villagers complained that armed guards and police often eat and drink without paying the

price of the food. Some said that if the armed guards try to stop them from using the forest they would not hesitate to hang them in the forest. This relationship between villagers and armed guards reveals a blurred boundary between state and communities. The armed guards are government officials who do not feel comfortable carrying guns because they want to be a part of the society. But at the same time their tendency not to pay for the food they eat and drink suggests that they are misusing the power vested in them by the government. Similarly, while villagers tease the guards for spending much time in the tea-stall or liquor-stall instead of the forest and are ready to hang these guards in the trees if necessary they do not ask these guards to pay money for the food they eat and drink. There is thus a favour extended mutually between villagers and the forest guards. In the eyes of the villagers the armed guards are the agents of the government as much as they are the part of their village. Although this blurred boundary between state and community makes it difficult to locate whether power lies in the hand of the forest agency or the local people, the mere presence of the armed guards in the village is an added reminder of the “state presence” in Chaughare village as much as an imprinting of a certain “idea of the state” in villagers’ minds.

During an interview, local villagers in Chaughare including members of the defunct Khor Danda FUC informed us that encroachment on the Khor Danda forest has intensified after the DoF took back the forest. Together with charcoal production and sale the illegal harvesting and transport of herbs have increased. Almost everyday 20-22 sacks of charcoal are taken for sale from Chaughare village. The armed forest guards also confirmed the increasing forest harvesting in Chaughare and they felt helpless in protecting the forest from encroachment. They believe that the local leaders and even some forest officials encourage illegal harvesting and transport of forest product including herbs. According to these guards, the weight of the herbs carried in the truck is ten times higher than the allowable cut permitted by the district forest office. They cannot stop such illegal activity because the vehicles run full speed while the guards neither have access to vehicles nor do they feel safe to use guns because they have to live in the village together with other villagers. They think that even if they catch and send the forest offenders to the illaka or district forest office no action will be taken against such offender¹⁵⁴.

While the forest agency allowed only conservative use of the forest when it was under FUG management, the very same agency permitted commercial felling of the forest after pulling it back from the community. Similarly the forest agency directed that the FUG could sell forest products outside of the village only after meeting the needs of the FUG members as well as the need of the neighbouring village FUGs when it was under FUG management. But, the same regulations do not apply when it is under government management.

8.3.7 The FUC Appeal to Regional Forest Director

The Forest Law 1993 allows a forest user group to appeal to the regional forest director against the district office decision to take back community forestry as government forest. The defunct Khor Danda FUC appealed to the regional forest director to reclaim the Khor Danda forest as community forest. Within the two months of this appeal the regional director notified his agreement with the decision of the district forest office and thus reconfirmed Khor Danda forest as government forest.

In May 1996 the Khor Danda case was taken to the court. During my inquiry with the forest officials in Kathmandu in mid-November 1998 I was informed that the new forest user group activity has already been initiated and process initiated to re-hand over Khor Danda forest as community forest in Chaughare village.

8.3.8 Implications of the Khor Danda Case Study

This case study has shown that given the reality of intensified bureaucracy, villagers must compete among themselves and organize as a user group to request the government for community forest if they would like to continue to have some access to their village forest. Similar to Ribot's (1995; 1996) finding on African forestry, community forestry in Nepal has given villagers a set of obligations and imposed a tighter control on forest use rather than giving them the right of independent decision making. Through the requirement of Work Plan agreements and other government directives, community forestry has tied villagers into

intense bureaucratic relationships and has brought about transformations in social relationships such involvement in partisan politics and the selection of people who can deal with government bureaucracy as their leaders.

The agreed Work Plan for the management of forest is not a guarantee that the forest user groups will abide by the rules; furthermore a risk remains that villagers will overexploit the forest. The case study also shows that conceiving of villagers as subsistence farmers is incompatible with pricing every forest product on which villagers depend on; forest-based livelihoods and profits for the poor and not-so-poor have been undermined.

Further, the case suggests, cancelling a community forest agreement and the reversion of the forest to state management, along with the assigning of armed forest guards in the village has helped construct a particular image of the state and state presence. While the forest bureaucracy has been successful in knotting up village forest and people in bureaucratic relations it has failed in controlling forest from encroachment. Villagers have no alternative but to cope with the realities of the expanding bureaucracy. Similarly, the forest agency has little if any alternative to community forestry. Equally important to note are the contradictions in the rules such as the ambiguous status of community forest which is a state government forest, and the prescription of an environment and social justice logic for the forest while it is under FUG management while ignoring the same while it is under government management. Both the community and the state are differentiated entities. The blurred boundary between state and community and the increasing bureaucratization of forest has made both the villagers and the forest officials increasingly vulnerable in their jobs as both have to try to make a flawed program work.

The requirement that villagers follow all the government guidelines and directives in the management of forest or face the penalty of pulling back community forest as government forest and even imprisonment leaves the FUG in a very vulnerable position. With so many bureaucratic formalities, there will always be infractions so that the forfeiture of a community forest can be, as apparently in this case, arbitrary or politically motivated. Forest

agency, back to the state, always unhappy about its loss of control over forests in the Terai, chose a village of hill Tamangs in which to make its point. Here the reaction of bureaucrats to political interference and the media control of urban reaction to rural problems could not be ignored. It is in the larger national political and economic context that the fate of community forestry in Khor Danda can be understood.

8.4 Lankure Bhanjyang Community Forest User Group Case Study

8.4.1 Lankure Bhanjyang Forest and the Organization of the Forest User Group

Lankure Bhanjyang forest, about 46 hectares in area, is primarily a plantation forest (Figure 8.4.1) located around the settlement areas of wards 7, 8 and 9 of the Chaughare VDC. Some part of this forest especially near the Bagh-Bhairav temple has a number of naturally grown trees which have remained protected for many years due to the belief that trees around the temple should not be harvested. Local villagers described that until the early 1950s, parts of Lankure Bhanjyang was a dense forest while some parts used to be barren grazing land. Factors like birta abolition, forest nationalization and population growth have affected the degradation of this forest.

The DoF initiated a plantation on the barren land of Lankure Bhanjyang in the early 1980s¹⁵⁵ under the Panchayat Forest Rule 1978. A panchayat forest nursery was established in 1981 and the plantation initiated in 1982, 1983 and 1985. According to the villagers, Lankure Bhanjyang was a ridge once dominated by *Fraxinus floribunda* (*lankure*) trees. While villagers were using tree species such as *Quercus semecarpifolia* (*khasru*) for fodder and fuelwood, Forest Department planted mostly *Pinus roxburghii* (*khote salla*), *Abies pindrow* (*gobre salla*) and *Pinus petula* (*petula*) in all the grass land and shrubby hills from Khor Danda to Siru Danda of the Chaughare VDC. A plantation of pine was an expatriate influence. The establishment of plantations, although it may contribute to an increase in forest area, is of very limited use to villagers. Pine has no value for fodder, is a poor fuelwood, and its needles are acidic and thus not desirable for composting (Schmidt, Schreier

and Shah 1995: 322). Furthermore, the conversion of previously grass and shrub land into pine plantation had implications for the availability and quality of fodder, fuelwood and litter in the Chaughare village. So the protection of plantation sites was difficult and they were eventually handed over to the village as panchayat forest.

Lankure Bhanjyang forest remained as a panchayat forest until the dissolution of the panchayat system in the country. The discontinuation of the watchers' salary by the forest department gave local people the impression that the forests had been opened for use. Furthermore, some disgruntled local leaders and the forest watchers in their frustration also spread the news that all the forests in Chaughare and the neighbourhood had been opened for public use. This led to a significant destruction of forests in Chaughare VDC. Lankure Bhanjyang was no exception. With the replacement of the panchayat political system by the parliamentary form of government in 1990, the word "panchayat" became defunct and so were the Panchayat Forest (PF) and Panchayat Protected forest (PPF). As with any other PF and PPF, the Lankure Bhanjyang forest had to be re-registered with the DoF if local people wished to continue operating this forest as community forest.

Lankure Bhanjyang forest user group was formed initially in 1990 but within six months of its formation, the FUC was dissolved. A new Forest User Committee was formed which was once again dissolved after a few months. Local elites competed among themselves for leadership in the formation of the FUG but they failed to bring the ranger to the village to draft a FUG Constitution and Work Plan and to meet other government requirements for the official designation of the forest as a community forest. Only on their third attempt were the local leaders of Lankure Bhanjyang able to bring a ranger to the village by motivating him with the news that an "All Women Forest User Committee" would be formed to manage Lankure Bhanjyang forest¹⁵⁶.

Forest protection and management is not just an issue between men and women in a single village but requires negotiation within and across villages, as well as with the forest agency itself. There was an open consensus in the villagers' assembly that men are in a better

position than women to take on leadership in the management of community forests. Furthermore the ranger's quick visit to the village and his enthusiasm to form a "Women Forest User Committee" was a threat to the village men. They did not want to have their traditional public space taken over by village women whom they considered to know nothing about the forest and its value, except when they take up sickles to cut grass¹⁵⁷. Here, the donor-driven policy of the government which encourages women's involvement in community forest has an unintended but important effect. Village leaders manipulated a government agency with a "woman's agenda" to access a government service, while at the same time they continued to keep women away from leadership positions.

In the FUG assembly, not just men but also women expressed their opinion that women do not have the capacity to lead the community because of their household responsibilities which prevent them from making trips to the city, contacting forest officials whenever necessary, and protecting the forest from illegal encroachment by making continuous tours in the forest, day and night. Some even raised the concern that if an "All Women Forest User Committee" was formed, many men from the adjoining villages would increase their visits to the forest, collect forest products, light fires in the forest and even harass women. In addition, the illiteracy of the women was another problem. Although the majority of the men in the village are also illiterate, the degree of illiteracy among women is much higher. Except for the younger generation of women, the majority are unable to read and write their own names and depend on thumb prints for any paper work. Among those who are literate, the overwhelming majority do not have secondary or high school education. In the interest of forest bureaucratization, the forest agency has overlooked the problem of village illiteracy and consequently has helped transfer power in community forestry leadership to men who are literate and who have the skills to perform government functions. The overestimation of village literacy thus enables central control over village forest and people.

There was no consensus among villagers to form a "Women Forest User Committee" and instead, a forest user committee constituted primarily of men was formed. Some women were included as members of the forest user committee so that it would be easier for the

committee to convince women not to use the forest and confront them if they do. Some important conditions for eligibility for membership in the committee are that the person should be able to do community work, should be trusted, and should show respect towards the forest. These conditions are clearly spelled out in the Constitution and the Work Plan formulated with the help of the ranger. Such conditions rule out forest-dependent people including charcoal makers, the poor and women, from leadership in community forestry. Guarding of the forest has passed into the hands of local leaders capable of negotiating with the government and functioning within the government regulations. The effect of forest bureaucratization has thus to be seen in the context of gender and class realities in forest villages.

8.4.2 Institutional Arrangements of Forest Control

8.4.2.1 Fines and Penalties

While management of Lankure Bhanjyang forest as community forest was initiated in 1990, the final formation of the forest user group and the committee, the FUG Forest Work Plan and Constitution were drafted and approved by the district forest office only in 1995. As indicated by the Work Plan, Lankure Bhanjyang forest is divided into five blocks for management purposes (see Figure 8.4.1). Which block to use and/or manage when and how depends on decisions made by the ranger. For the ranger, the micro-partitioning of the forest into five blocks is a necessity to lead villagers towards sustainable management of the forest. Whether such a management prescription is socially desirable is not a priority concern of the ranger. The initial years of community forest management have to focus on the blocks where there are only some seedling sized trees, while the remaining blocks have to be completely restricted from use. Not just the micro-partitioning of the forest into different blocks, but education for forest users on the value of the forest is also emphasized, an example of seeing villagers as objects of development who need to be educated, informed and guided by the forest agency.

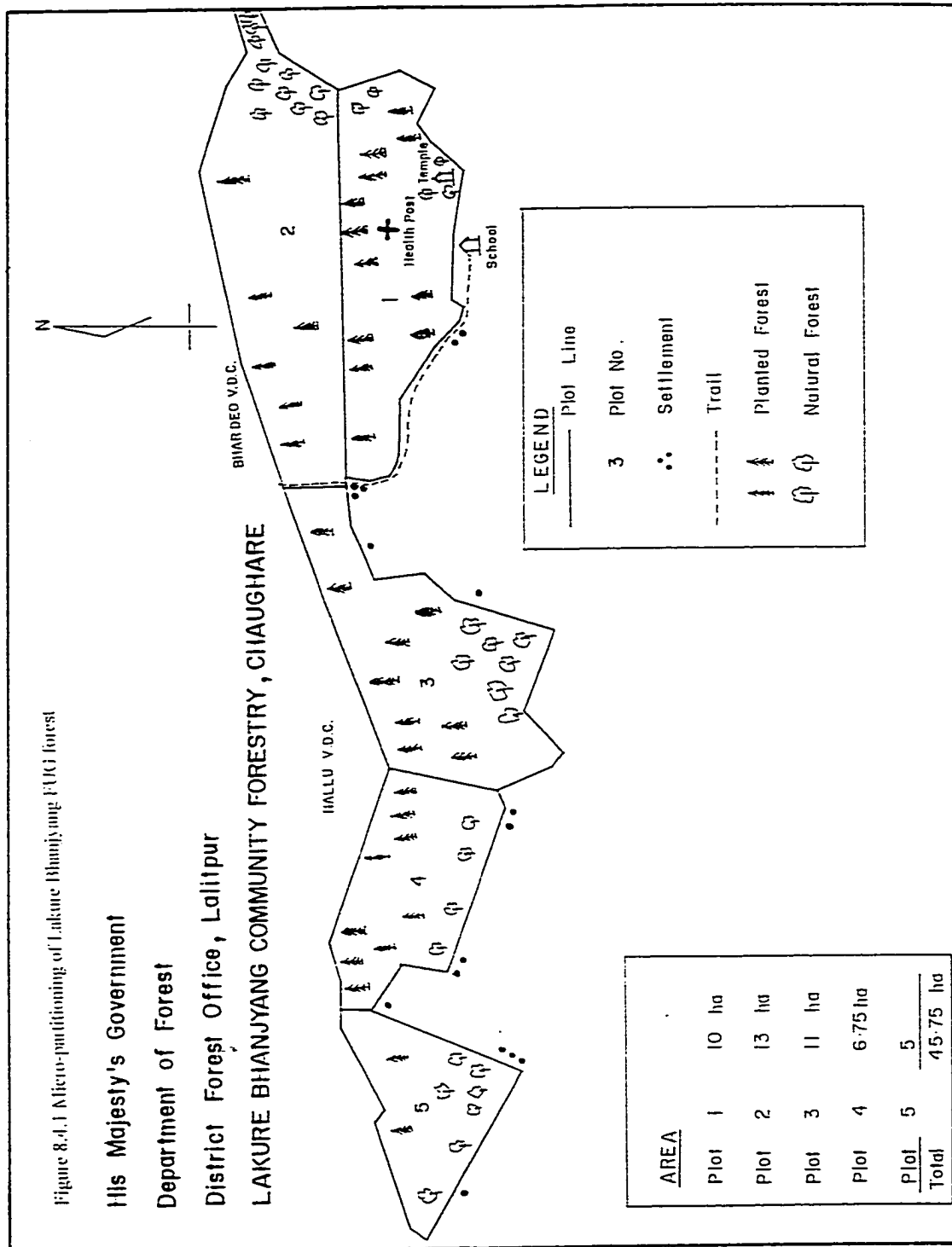
Figure 8.4.1 Micro-partitioning of Lakure Bhanjyang FUKI forest

His Majesty's Government

Department of Forest

District Forest Office, Lalitpur

LAKURE BHANJYANG COMMUNITY FORESTRY, CHIAUGHARE



Source: Forest Users Group.

Various rules were prescribed for the use of the forest and almost every forest product including grass was price-tagged (Table 8.4.2.1).

Table 8.4.2.1 Prescription of Fines and Penalties on the Use of the Lankure Bhanjyang Forest

Forest offense	Fines and penalties for offence on		
	1st time	2nd time	3rd time
Grass collection in days other than specified by the committee (Rs. per head load)	5.00	7.00	10.00
Grazing (Rs. by type of animal grazed)			
Goats and sheep	5.00	10.00	15.00
Cattle	10.00	15.00	20.00
Buffalo	15.00	20.00	30.00
Leaf fodder collection (Rs. per head load)	25.00	50.00	75.00
Fuelwood collection (Rs. per head load)	10.00	20.00	25.00
Timber cutting (Rs. per cubic feet)	Rs. 50-75 per cubic feet. Both the tools and the wood will be confiscated.		
Land encroachment through mining, quarrying or cultivation (Rs. per ropani)	Rs. 100 per ropani and will be asked to do tree plantation on the encroached land.		
Hunting	Anyone who enters into forest with an intention of hunting will be fined Rs. 25. Any hunted wildlife and the tools used in hunting will be sent to the district forest office. In case the hunted wildlife is decaying then only the skin, nails and other valuable parts should be sent to the district forest office		
Forest fire	Anyone suspected of setting fire will be punished according to the decision of the committee and if necessary will be sent to the district forest office for necessary action.		

Source: Lankure Bhanjyang Community Forest User Group Work Plan 1995

Many forest users consider the fines and penalties for forest use too stiff. Although FUC members are aware of this perception and also aware that many poor people are not in a position to give up forest use and/or pay penalty money, they feel compelled to enforce the rules, otherwise the DoF will label them ill-adapted for the community forestry function.

Although there is a provision for a paid forest watcher, every user member is expected to act as a forest guardian and contribute to the protection of the forest, both in cash and in kind. Each user household has to contribute Rs. 20 per month for the management of the forest. Thus, with little if anything to gain as immediate benefit, villagers have received new obligations.

The FUC has shown a liberal attitude in the collection of grass, dry twigs and branches by the user-members, but not necessarily by non-user members. Instead of imposing a penalty, the FUC often seizes the baskets and tools used in grass and tree leaf cutting and carrying. Similar to Khor Danda forest and the Forest Law in general, Lankure Bhanjyang FUG also has provision for a prize for any person who notifies the FUC about any forest offence. As explained earlier, this sows seeds of conflict in the village and makes room for state intensification in the form of conflict mediation and resolution.

8.4.2.2 Frequent Forest Users as Members of the Forest Users Group Sub-committee

In Lankure Bhanjyang FUG, there is a FUG sub-committee. This sub-committee is supposed to include representation from those wards (e.g. ward 7) which were under-represented or excluded from the membership in the FUC. Especially those user households which use Lankure Bhanjyang forest more frequently for cutting leafy fodder and for grazing animals are included as members of the sub-committee. It was not that these people wanted to be members of the sub-committee but they were pressured to join by committee leaders. The idea of making frequent forest users into members of the sub-committee was to make these people morally obliged not to use the forest, and if they do, to make them feel obligated to pay the penalty. The leaders of the FUC who initially proposed that only those who have a respect towards the forest and who have the ability to lead community work should be members of the FUC thought it necessary to form a forest user sub-committee and include in that committee, the people who do not necessarily meet the original criteria of membership on the committee. This policy of involving frequent forest users in the sub-committee mimics the forest agency idea of perceiving community forest hand over as

“putting sticks in the hands of forest thieves”. The village leaders started to feel that those who violate the regulations sanctioned in the Work Plan agreement have to be disciplined by placing them as forest police.

The FUC leaders initially thought that handover of the forest as community forest would come with money and other incentives from the DoF, as was the case with panchayat and panchayat protected forests in the past. But since only the responsibility, not the resources, were handed over, these leaders started to feel that they were trapped into unnecessary obligations which only cause tension with their fellow villagers. Although, as leaders of the FUG, they have gained some power and prestige over fellow villagers, they do not want to be labelled as replacement forest guards and do not feel comfortable seizing tools and baskets and levying penalties on the use of the forest by their fellow villagers. So they would like forest officials to make frequent visits to the village in order to be in a position to convince fellow villagers that they understand the problem in the village but their hands are tied by the government. This need of leaders to save themselves from the society widens the room for further intensification of the state presence in the villages.

The FUG leaders are aware that the lives of their fellow villagers, especially those of ward 7 and 8, who were traditionally dependent on forests for their livelihood, including the sale of fuelwood, are in great trouble because of the formation of forest user groups in the Chaughare village and the neighbouring villages. According to the FUG leaders, more than a dozen households in ward 8 alone are in very bad shape because of the forest control through user group management across villages. It is not just one forest that is closed for their use but every accessible forest in the Chaughare as well as in the neighbouring villages is managed and protected by forest user groups, which leaves these people no prospect but to continue selling fuelwood for their living. One of the FUG leaders said:

The forest office says that we have to consider the need of the poor but we will be acclaimed for doing a good job only if we restrict the poor peoples' livelihood. The provision of the DoF prestige award for successful management of community forest is merely a false aspiration. Government has handed over to us village conflicts together with the forest. It is not possible to protect forest and

allow natural regeneration without making numbers of enemies in the village (Source: Field Survey).

There are already splits within villages over forest use and control. The leaders of the FUG would like frequent visits of forest officials to the village not only to convince their fellow villagers that their hands are tied by the government but also to make forest officials realize how difficult it is to protect the forest in the village from fellow villagers. They would like to give these officials an impression of how their job as forest officers is secured because the villagers are helping them to regenerate and protect forest. This is an example where villagers feel that they are helping foresters, not foresters helping villagers.

8.4.2.3 Watch and Ward the Forest

The Forest user committee has persuaded 25 members of the FUG to watch and ward the forest daily. These 25 people are divided into 11 groups who will watch and ward their assigned plots in the forests twice a day (in the morning and in the evening until 9-10 pm) to ensure that the forest is being protected from use and/or encroachment. Forest protection from non-members has been found much more difficult. While the FUC has been able to restrict members from using the forests, restricting forest use by those who are not members of the Lankure Bhanjyang forest is difficult without a huge fight and without receiving a threat in return. For example, one of the FUC members said:

Since we started protecting our forest it has regenerated. People from neighbouring villages such as Bhardev and Nallu sneak into our forest. When we catch them red-handed using our forests and ask them to pay the penalty they threaten to close our access to their village pathways and roads and even threaten to ask their relatives in Khor Danda forest user group to restrict our use of Khor Danda forest. We have relatives in their village and theirs in our village. Taking responsibility for managing community forest has affected our social relationship across villages adversely as we are forced to make many enemies in asking people not to use the forest under our management. We want to protect our forest but they do not let us do it. Furthermore the ranger of our village and theirs is not the same which also makes it difficult to protect our forest (Source: Field Survey).

One of the reasons for forming the “watch and ward the forest group” is to deal with the land claim problem. For example, when trees started to regenerate a Bhujel family from ward 4, Chaughare claimed birta-ownership in some parts of Lankure Bhanjyang forest and stopped villagers from cutting grasses from that part of the forest land. The FUC has given some concessions to some villagers to use parts of the Lankure Bhanjyang forest as private property in recognition that those people were using that part of land traditionally as a private property. But nevertheless the land has to be continued as forest even if it is used as private property. This is an example where community forestry has come at a loss of private tenureship, including birta, in the village.

Although the FUC members do not ask penalty money for a first-time forest offense, they often ask the offender to give their thumb print agreeing that they will not trespass in the forest again. One of the FUC members said:

People in the village are afraid of thumb prints. But even after giving their thumb print they do not hesitate to trespass in the forest, cutting grasses, leaves, twigs and branches and some even pull out the newly growing seedlings. When we catch the repeated offenders red-handed and remind them that we have their thumb print in our office papers, they become afraid and promise to come back with the penalty money (Source: Field Survey).

Villagers are in unequal and authority-based relations with each other and the implementation of community forestry has sustained and even intensified such unequal relationships.

8.4.2.4 Keeping Women as Members of the Forest Committee

Since forests across villages are increasingly controlled by village leaders who are usually men, the fetching of forest product is becoming more and more a job of women. Some men who used to go to the forest most often in the past have opted to do household chores like cooking and fetching water while sending their women to the forest so that they can avoid direct confrontation with their fellow villagers. This is one of the reasons why representation of women in the FUC was felt to be essential.

Some women who are not in the committee but are the wives and sisters of the FUG leaders have started to act as women leaders in controlling women's access to the forest and they feel that their involvement is necessary to ensure forest development in the village. Some male members of the FUC said:

If we advise women not to use forest and try to convince them that we have to protect forest for our children, some women just smile and say nothing. But when we seize their sickles, rope and basket together with the forest product they have harvested, they often cry and beg us to give sickles, rope and basket back to them because they will be scolded by their husband and their family. But some women are dangerous. If we advise them they will say: "I am not your wife, go and advise your wife not me." If we try to threaten these women to report to higher authority (i.e. forest office) they challenge us saying: "you spent most of your time in gambling. What a gambler like you can make a complaint against me to the higher authority." If we try to snatch their sickles, rope and basket they cry out loud for help saying: "Help ... help ... somebody help me ... I am pregnant, ... don't rape me ... my baby will die ... !" When these women are with a little boy or girl the child starts to cry and cry out loud: "The man is going to kill my mother ... help help! (Source: Field Survey).

Some women complained that they have run away from the forest because they were frightened when some men started to get naked when they saw women in the forest. When we raised this issue with FUG leaders, they said that it is possible but perhaps not from their own group. Even if somebody actually did that the intention would be merely to chase women away from the forest. In order to avoid any such problem, the men have realized the need for more women's representation in every FUG across the villages.

Although Tamang society is less gender hierarchical than Indo-Aryans (e.g., Brahmin) there is still a social stigma for the men in the village to confront women who are not their own family members or relatives. While this has facilitated men from other villages sending their women into the Lankure Bhanjyang forest, the leaders of the FUG felt it necessary to ask their wives and sisters to volunteer for forest patrol and also to include many more women on the FUC. As described by Shah and Shah (1995) in the context of Indian villages, the implementation of community forestry has encouraged a particular gendered coping strategy. In this process, while some women have gained power, other women are absolute losers. Donor driven programs such as community forestry often see women's involvement in

community forestry as an indicator of women's empowerment in forest decision making. As this study shows, there is a need to understand the unintended effects of donor policies when they intersect with gender and class realities in forest villages.

In the form of community forestry, the Department of Forests has transferred responsibility and risks to villagers even when little if any benefit accrues to the villagers. Nevertheless some FUG leaders said that control of the forest through the user group has improved density in the forest and has also encouraged villagers to plant trees on private land. They also said these people cut grass on their private land on the day the user committee allows harvesting of grass in the community forest. In other words, community forestry has the effect of encouraging tree density in private and common land (Gilmour 1988; Carter and Gilmour 1989; Schmidt, Schreier and Shah 1995). This increase in tree density resulted from the intensification of the government bureaucracy which has compelled villagers to significantly reduce the use of forests while at the same time forcing them to take good care of the trees and grasses growing on their private land.

Some leaders of the forest user committee believe that community forestry is a learning process; the forest is theirs and the government cannot take back community forest even if the forest ownership remains with the government. They said: "The forest product is ours. What will the government do by taking back the bald land?" Implicit here is that village leaders are threatening government with forest destruction if community forestry is pulled back as government forest. Villagers have seen the benefit of participating in community forestry in the long run, although at present in the short run, it is more of a burden and tension than a benefit.

8.4.3 Implications of Lankure Bhanjyang Case Study

This case study shows that there is competition among villagers for leadership in community forestry and the leadership falls into the hands of those who know the tactics for getting access to government service. As this case study suggests, the inclusion of frequent forest

users in the forest sub-committee was intended to obligate them to refrain from forest use while at the same time forcing them to contribute to forest protection. The idea of involving women in the forest committee as well as in the “forest watch and ward group” was primarily to avoid social complications for men in restricting women’s use of forest. The involvement of women in FUCs can not be assumed to generalize women’s empowerment – some women gained power over other women. Understanding the intersection of gender and class realities in forest villages is necessary.

The forest user committee is making every effort to protect the forest, even though the committee realizes that many of the user-members have been badly hurt and conflicts within and across villages have intensified due to the conservationist approach to managing Lankure Bhanjyang forest. They consider it necessary for forest officials to visit the village so that they will be more comfortable in restricting fellow villagers’ access to the forest and levying penalties if rules are infringed. The room for conflict resolution together with village leaders’ request for forest official’s frequent visit in the village further intensifies forest agency rule at the village level.

8.5 Latthe Bhanjyang Community Forest User Group Case Study

8.5.1 Latthe Bhanjyang Forest and the Organization of Forest User Group

Latthe Bhanjyang community forest, 26 hectare in area located in the north - west part of the Chaughare VDC (Figure 8.1.2) is degraded land where forest has yet to be reestablished. The north-east part of this forest has some naturally grown trees and the rest is either covered with young planted trees and/or completely bald land which has to be reforested (Figure 8.5.1). The Latthe Bhanjyang FUG covers 19 households living in ward 6 of Chaughare VDC. According to the members of this forest user group, until the early 1950s, Latthe Bhanjyang was a dense forest predominantly of *quercus incana* (*banjh*) and *rhododendron arboreum* (*guransh*) species.

Figure 8.5.1 Micro-partitioning of the Latte Bhanjyang PUC Forest

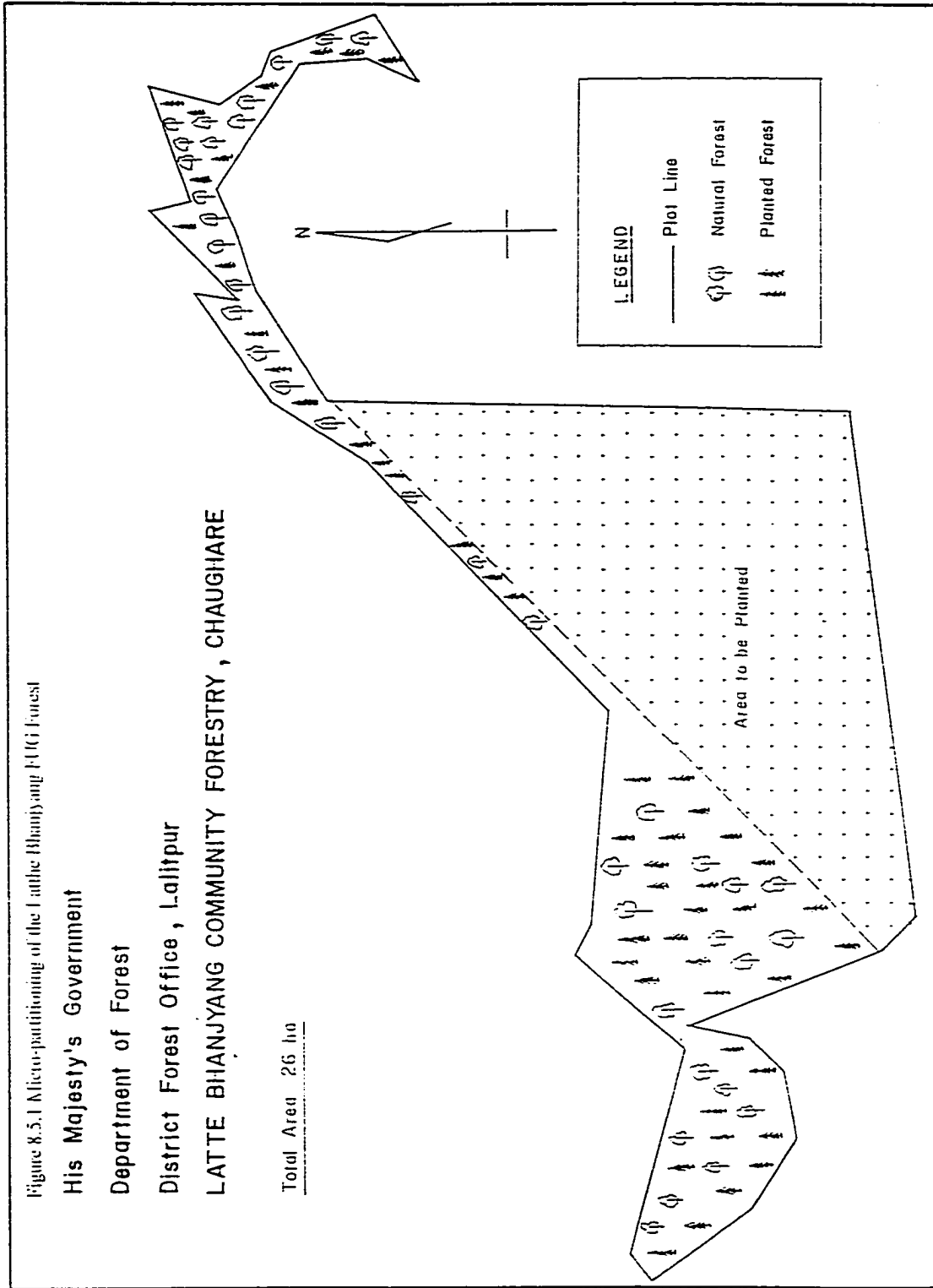
His Majesty's Government

Department of Forest

District Forest Office, Lalitpur

LATTE BHANJYANG COMMUNITY FORESTRY, CHAUGHARE

Total Area 26 ha



Source: Forest Users Group.

The name Latthe Bhanjyang came in use because there were many iron poles (*lattha*) established by the birta holders as markers of their private property. This forest was used traditionally for fuelwood and for making charcoal. Birta abolition, Forest Nationalization, and a series of natural disasters including huge flooding in 1954, 1961 and 1981, turned this into barren land¹⁵⁸. Once turned barren, villagers were using this land for grazing animals. The DoF launched plantation establishment in 1984 in the barren land of Latthe Bhanjyang and handed it to the Chaughare panchayat (village council) as Panchayat Forest under the Panchayat Forest Regulations of 1978. Local villagers were hired to plant trees on barren land, watchers were hired and paid by the DoF and a forest nursery was established to encourage tree plantation in the village. But the Department of Forests faced difficulty in protecting the plantation sites as villagers continued sneaking into the forest to collect grasses and often uprooted tree seedlings in their anger at being restricted from use of the forest. Furthermore with the help of the watchers and the panchayat leaders the DoF was able to see some forest regeneration. Then, when trees started to grow some previous birta-holders claimed this plantation site as their private property. The Department of Forests thus not only had difficulty restoring trees to the land but had to address a land claim dispute over the planted area. But, as panchayat leaders were allies of the DoF, birta-claimers had difficulty reestablishing the plantation site as their private property. This is an example where establishment of land as community forest reconfirms DoF jurisdiction over the land and helps displace traditional lords such as birta-holders.

The DoF discontinued paying watchers' salary in 1988 and local villagers believed that the forest was opened for their use. By 1989, some disgruntled forest watchers and the panchayat political leaders of Chaughare village and the neighbouring villages also spread the rumour that village forests were opened for free use.¹⁵⁹ So, as in many other parts of the country, Latthe Bhangjyang panchayat (community) forest experienced further degradation. Villagers had previously restricted themselves from collecting grasses and/or grazing animals in the forest not necessarily because they were conservationists in the use of forests but because they had no choice and they were not allowed to use the forests openly. So when

the news of forest opening spread, villagers did not think twice about using the forest for their own benefit.

After the restoration of democracy in 1990 as the word “panchayat” no longer existed, so the Latthe Bhanjyang panchayat forest also became automatically defunct and those willing to continue it as community forest has to reregister with the district forest office. If villagers did not go along with the formalities of re-registering Latthe Bhanjyang forest as community forest they would lose the official right over Latthe Bhanjyang forest as community forest, and as explained in the case of Khor Danda forest earlier, they could lose any access over the forest if they remained silent.

By 1993 Latthe Bhanjyang forest was re-handed over to the local people of ward six, Chaughare as community forest. A FUC consisting of 11 members was also constituted. The FUC is strictly following the rules agreed with the DoF, including the convening of a FUC meeting on the tenth day of every month, even though there is no agenda to discuss. According to the members of the FUC, the meeting often turns out to be a mere social gathering, nonetheless they feel that they are complying with the government rule. The extension of the forest bureaucracy’s presence in the village has thus affected everyday life in an unanticipated way.

8.5.2 The Forest Management Rules and Regulations

The Latthe Bhanjyang FUG also has a Constitution and a Work Plan prepared by the ranger in consultation with the FUC and approved by the DFO. The Work Plan and the Constitution state forest management objectives as follows: improve forest status, reduce land slide, maintain ecological balance and increase the sources of water. These objectives clearly reflect the image of conservationist villagers motivated for environmental recovery in their locality. The Forest Work Plan allows scrub improvement, nursery and plantation establishment and the use of improved cooking stoves as necessary actions towards forest recovery. Under this Work Plan, each FUG member household has to contribute Rs.10 a

month for the maintenance of the forest aside from providing free labour for plantation, protection and scrub improvement. As in other cases of forest management, the Latthe Bhanjyang Work Plan document also mentions giving prize money to any informer who reports a forest offence and brings the offender to the forest committee.¹⁶⁰ There is thus a uniformity in the prescription of management regulations despite the differences in the condition of the forest handover.

A forest watcher has been hired to protect the forest and wages of the watcher are met by the DoF subsidy and the contribution made by the user households. Considering that the DoF has faced difficulty in the past in establishing and protecting plantation at this site, the responsibility given to the villagers is not a small one. Usufruct rights have become increasingly restricted, while responsibility has been increased in the form of replanting and watching the forest, contributing in cash and kind for the protection of forest and at the same time, meeting all the required bureaucratic obligations, including providing an annual report and audited financial report to the forest office.

Member users of the Latthe Bhanjyang forest are allowed to collect grasses six months a year (July to December) and dry fallen leaves once a week on Saturday. Collection of fuel wood is completely restricted. The Work Plan, however, mentions that member users might be allowed in future to collect fuel wood (only dry twigs and branches) every Saturday with the payment of Rs.2.50 per head load and herbs and other minor forest products paying Rs.1 per head load. Penalties range from Rs.100-500 for any harvesting of wood (also includes confiscation of such wood); Rs.10-50 per head load for any other forest product except wood (for example, the penalty for collection of *sal* tree leaves is Rs. 50); Rs.10-20 for grazing of animals (Rs.10 for cows and for others, Rs. 20). Any hunting of birds and wildlife, quarrying of any form, lighting fires and encroaching on land in the forest are strictly prohibited. Anybody involved in such activity would be sent to the district or illaka forest office for necessary actions. User members feel the FUC leaders are fair in the implementation of rules across the users but they feel the user fee and the penalties for rule violation are too stiff. The FUC had fined two member-users Rs. 300 each on a charge of

setting fire to the forest. Thus not every villager is in favour of community forestry establishment and they find the responsibility of community forest management is a difficult one.

The Latthe Bhanjyang FUC has established a credit fund with a donation received from the Red Cross, the contribution made by each user household and the money raised from imposing penalties on forest use. Under this credit fund, the FUC lends money to any user-member as a loan for three months duration on the condition that the borrower pays 2 percent interest per month. Any borrower who does not repay the loan within three months has to pay 5 percent interest per month. If the person is unable to repay the loan even within five months, then all the members of the user committee will visit such borrower's home to confiscate his/her property and will call a FUG general assembly to make a final decision on the case including public shaming. If the borrower does not show up to the assembly meeting, he/she will be fined an additional 1 percent interest on the loan. Community forestry, although it has not led to community empowerment in forest management, has become a critical force in producing social changes, of which the formation of the credit group is one among others.

8.5.3 Implications of the Latthe Bhanjyang Case Study

This case study shows that community forestry is a means to restore forest, displace traditional birta-holder and reconfirm DoF jurisdiction over the land as forest. Local obligation towards forest has increased and every product of the forest has been price-tagged. Forest cover has also increased due to the formation of the FUG. Imposition of rules and the convening of user committee meeting in a regular manner in the fixed date prescribed in the Work Plan has been partly possible because the size of the user group is small. However, not all users are happy with community forest establishment, although they have no choice. In general, local leaders see benefit in community forestry and have been instrumental in bringing economic innovation, such as the formation of a credit group.

8.6 Conclusion

This chapter has provided a case study of three FUGs of Chaughare VDC which is inhabited mainly by Tamangs who were a socially and politically oppressed population in Nepal's long history. In the past, Tamangs provided corvee labour for the state. Since 1951, they, like many Nepalese populations, have become subject to bureaucratic forms of control. They are competing with other villagers in organizing themselves as FUGs and asking the government for community forestry so that they will not lose access to their village forest.

The community forestry program claims to provide forest villagers with forest access rights, but prescribes how villagers should manage the forests. While handing over forests to villagers, the DoF has retained its right to forest ownership and provided villagers only a tenancy right from which they can be easily evicted if any condition of the tenancy is broken. An example of this is provided by the Khor Danda case study.

While the community forest Work Plan articulates the connection between poverty in the villages and degradation of the forest resource, the forest management regulations are designed in such a manner that the program cannot alleviate poverty. Increasing the forest villagers' income is meant to reduce their dependence on the forest or at least to systematize their use of forest (Peluso 1992). But the decision to harvest a major forest product must come through foresters with a proper rubber-stamp. The Work Plan, in particular, imprints the idea of state control on the landscape and is an instrument through which the forest agency reconfirms its territorial jurisdiction over land and people.

While in the Work Plan there is a technical rationale (e.g. sustainable management of forest), the micro-partitioning of the forest is an act of territorialization that defined units of space and directs the villagers with detailed rules on how each of these parts should be used or managed. Through management directives in community forestry, the forest agency provides villagers a set of obligations and a tighter control on forest use rather than an independent decision making authority. The micro-partitioning of the forest, the prescription

of detail management regulations, the price-tagging of each and every forest product including grass and tree leaves suggest that villagers are permitted to use the community forest only in a marginally productive way. Community forestry is influencing villagers' everyday lives, has made village forestry activities increasingly concentrated and noticeable, has tied up villagers in bureaucratic relationships and has given a much stronger presence to the forest agency in the forest villages.

There are many contradictions in community forestry program. First, it has undermined the village use of forest by treating the villagers as poor and subsistence-oriented folk while at the same time overestimating villagers' willingness and capacity to comply with bureaucratic regulations. It sees village poverty as the reason for forest degradation but price tags every forest product that the villagers use. While it proclaims to serve the rural poor, it marginalizes them by keeping them away from forest-based livelihoods and profits. Second, there is an ambiguity in a community forest which is a state/government forest. Third, the prescription of environment and equity logic in forest harvesting while it is under FUG management and ignoring the same while it is under government management. Fourth, while community forestry policy expects that villagers will seek technical advice from the forest agency, the user group leaders seek the presence of the forest officials in the village so that they can feel comfortable in restricting forest use by their fellow villagers and imposing fines in case of rule violation. Fifth, when villagers are in the stage of conservation, the forest agency has little incentive to monitor the activities of the FUGs even when the village leaders demand it. During the stage of forest harvesting, however, (e.g.Khor Danda), the FUGs are under the strict surveillance of the forest agency.¹⁶¹

Community forestry has so many bureaucratic formalities that there will always be infractions, and the pulling back of forest can be, as apparently it was in the case of Khor Danda, arbitrary or politically motivated. The sending of the Khor Danda FUG leader to prison on the charge of irregularities in forest harvesting and the eviction of the FUG from community forest can be related to Dove's "the little man and the big stone" parable (1993). Arguing that a search for 'new' sources of income for 'poor forest-dwellers' is a search for

unsuccessful development alternatives, Dove asks whether tropical forest people are poor because they are not allowed to be rich (1993: 17-18). The Khor Danda FUG suffered because they tried to extract a few more trees from the forest they were protecting. The forest agency, which is the maker and the enforcer of the law, can contradict its own rulings and its own regulations. But Forest User groups, dominated by poor and illiterate people should comply with every regulation of the bureaucracy. They are not expected to cut some extra trees from the forest they think is theirs and which they have protected. Community forestry is hardly a participatory forestry if villagers have limited power in decisions over the harvesting of major forest products.

Although the presence of the forest agency increased, its territoriality becoming definite and distinct, community forestry has not improved forest agency capability to order and coordinate forest activities of the villagers. This is apparent from the cases where villagers are not necessarily abiding by the agreed Work Plan. Villagers, as evident from the Khor Danda case, overexploit forest whenever there is an opportunity. While enforceability of government regulations is necessary to achieve the objectives of the community forestry programs, they also intensify unequal authority-based relationships in the village as power becomes concentrated in the hands of those villagers who are capable of functioning with government regulations.

Community forestry has also resulted in villagers' involvement in partisan politics (e.g. Khor Danda case), increased inter- village and intra- village conflicts and led to an adaptation of a particular gendered coping strategy. As shown by the Lankure Bhanjyang case, the idea to involve women in the forest committee was primarily to avoid social complications for men in restricting women's use of the forest. An unintended effect of community forestry policy when it intersects with gender and class realities in forest villages cannot be ignored.

There is a blurred and shifting boundary between the forest agency and the community and it is in the context of the boundary question that the forester-villager relationship, the compromises forest officials make with local situations and the way villagers construct the

idea of the state can be understood. There is a multiplicity of roles that foresters profess under certain circumstances. While they try to be the agents of the state, they also seek to be a part of the village society, understand villagers' limitations and feel it necessary to bypass some bureaucratic requirements. But foresters work with limited power and are differentiated among themselves. So not just the villagers but the forest officials are increasingly vulnerable in their job as both try to make a flawed program work. Community forestry has been successful in implanting bureaucratic knots of power in village forest activities. More power relations are referred through bureaucratic channels, villagers must stand in line and await a rubber stamp to get what they want (Ferguson 1994). As apparent from the Khor Danda case, forest bureaucrats are also tied up with bureaucratic regulations, the violation of which can cost their job. Forest bureaucracy is thus becoming the victim of its own regulations. Furthermore, the difficulty of enforcing bureaucratic regulations as prescribed suggests that bureaucratic presence rather than control has been intensified in the forest villages.

Lastly, this chapter has shown that as bureaucracy intensifies people have no choice but to go along with it, which often brings new ways of manipulating the state, new sources of conflict in society, more demand from the community for state presence, and further bureaucratic intensification in the villages. As villagers have no alternative but to cope with the realities of the expanding bureaucracy, the forest agency also has little if any alternative to community forestry. In such a context, furthermore, what is intensified is the presence rather than the control of the bureaucracy.

CHAPTER IX

SUMMING UP THE STUDY

9.1 Introduction

Field research for this study was conducted at two levels: the state and community forest user groups. Twenty eight forest bureaucrats who are informed, experienced and analytical on community forestry decisions and performance were chosen for interview. Some donor agencies as well as officials of the National Planning Commission and the Ministry of Finance involved in forestry sector decisions were also interviewed. Formal interviews were supplemented through observation and informal discussions. Case studies were undertaken to gain insights on community-forest-state interactions. Observation, informal interviews with forest user groups, studying of user group records and minutes of meetings were important source of information at the community level. Collection and analysis of laws, regulations, policy and project documents, research reports and other relevant documentation were important parts of the data gathering process. This study was thus a mixture of a close analysis of policy documents and legal texts, interviews, observation and informal data gathering with communities and forest officials.

The purpose of this study was to understand the processes of state formation and intensification in Nepal and for this reason, it took community forestry as a point of entry for the analysis. The study is grounded in the theories of state-society relationship. State formation and intensification occurs primarily through two modes: control over discourse and territorialization. Through control over discourse, problems are identified which invoke the need for remedy by the state. Commonly the problems are presented as “technical” in nature and they supply the rationale for a “development fix”. Territorialization is a systematic form of governance which operates by organizing, reorganizing and asserting control over people and resources. Collection of information on population and resources, planning for the management and development of resources, the prescriptions of laws and regulations to communicate rights over resources, and the enforcement of legislation through

various bureaucratic means consisting of many departments, branches and units each with different and possibly conflicting roles are components of the territorialization process. Establishment of an orderly administration for compliant citizens is the main purpose of territorialization. It is not an approach unique to dictatorial states. So, while studying community forestry in the context of territorialization, this study did not view the state as “conspiratorial” nor did it provide a “romanticized” view of forest villagers as ecological farmers.

Instead, the state was conceptualized as a disaggregated entity enmeshed with society and composed of officials who vary in power vis - a - vis each other and who may be self-interested in their action. The prescription of regulations to order people’s behaviour, the power to use legitimate violence to enforce regulations and protect territory were seen as the defining characteristics of the state. Similarly, village societies are conceptualized as differentiated and dynamic entities comprised of people who make claims on state services as their right, cooperate with state agencies when it meets their needs, and sabotage, manipulate or resist government regulations for their own interest. State intensification is not a one way process of “the state” imposing its “will” on “the society”. The analysis of community forestry illustrated a two-way process of the forest agency trying to regulate village resources and population and the villagers asking for access to community forestry services in their villages, while resisting centralized control.

Territorialization coupled with the idea of a “development fix” obscures the political nature of state activities. It has the effect of multiplying power relations, coordinating them through bureaucratic channels, and implanting and reiterating the idea that the state exists. Territorialization remains incomplete and ongoing because social groups, while making demands for state services, also manipulate and sabotage government regulations; bureaucrats are often ineffective in delivering services; and, more importantly, the bureaucratic apparatus itself is structured inappropriately. As a result, control is not achieved, and the limits to state power are revealed. Never complete, territorialization is ongoing.

Community forestry became established through a discourse which presented the village population, its natural resources, and its forest knowledge as manageable objects. As with any other territorialization initiative, the community forestry program has been supported, resisted and manipulated by the villagers; its laws are ambiguous; the incentives and power delegated to foresters working at various levels in bureaucracy are inadequate; and there are conflicts between politicians and bureaucrats. Overall, the forest bureaucracy is not set up to be an effective implementer of the community forestry program. Its power is limited. Nevertheless, it has become a point of coordination and multiplication of power relations through the community forestry program. Forest villagers wishing to maintain a stake in their village forest must place themselves within its bureaucratic channel.

9.2 The Beginning of the Territorial Mode of Control over Forests and Population

As shown in chapter 2, the territorial mode of control over resources and population was initiated in the 1950s. Since then, the territorialization process has become a key to the formation of 'modern' forms of bureaucratic state power in Nepal. Prior to 1951, state expansion was pursued via control over people. The kings and/or their administration maintained connections with particular local elites through patron-client ties while they had only nominal control over the land on which people lived. Various inclusion and exclusion strategies were undertaken to bring wild land into cultivation which benefited certain ethnic groups (primarily Indo-Aryan) at the cost of the marginalization of the other groups, mainly Tibeto-Burman, especially those practising *kipat* or communal tenure over land. Land was a means to gain revenues and reward followers rather than to extend territorial control. Land grants were initially concentrated in the mountains because the malarial Terai was less suitable to human habitation. In its wild state, the Terai formed a barrier against invasion by the British East-India Company. The building of close ties with British India during the Rana period and later the eradication of malaria had the effect of expanding land grants in the Terai. But vast tracts of the Terai land still remained in a wild state until the early 1950s. The continuity of rewarding followers with land grants such as *birta* and *jagir* in the

mountains coupled with tax concessions for converting forest into cultivation resulted in a huge expansion of cultivated land and the disappearance of forests in the mountains.

From the 1950s onwards, although patron-client ties still played a dominant role, the state was increasingly structured and intensified in a bureaucratic and territorial form of rule. In the process of reordering land relationships, there emerged a simplified representation of the mountain environment as fragile and marginal and the mountain people as poor folk who depend on fragile mountain resources for their livelihood. Caring for the welfare of mountain people, restoring their land, and encouraging mountain farmers to settle in the fertile Terai appeared to be the duty of the concerned state. The discourse of the “vicious cycle of poverty and environmental degradation in the mountain” that started with the adoption of the territorial mode of land control in the 1950s overlooks the land grant and taxation policies that previously had caused the disappearance of forests and grossly simplifies the historical complexity of the relations between state, people and land. Furthermore this discourse provided fresh legitimation for the old strategy of state intensification through inclusion, by bringing wild land in the Terai into cultivation. The nationalization of all private non-cultivated land as forests, the abolition of birta, various land reform measures including the land registration system, the granting of tenancy rights to farmers, the ceiling on land holding size, and the regulation of resettlement sites are landmarks in initiating a territorial mode of control over land which pinned people in place. They also attempted to displace the power of the land holding elites that earlier regimes had supported. Intensely political in their motivations and efforts, all these initiatives were framed as apolitical programs to bring “development”.

Thus, territorialization occurred not in overtly political or politicized ways, but through the construction of various 'technical' problems which required intensified bureaucratic attention for their solution. The technical rationale had an effect of propagating the idea that the state exists to work for the good of the society. State intensification of this sort helped mask the socio-economic inequalities produced and reproduced by actions of the state. The analysis suggest that in order to understand community forestry as part of a process of

territorialization one must pay more attention to the broader policy arena, as well as to the construction of the problem the community forestry program was supposed to fix and to the programs effects and to pay less attention to the professed intentions, written plans and blueprints of the community forestry programs.

9.3 Community Forestry in the Context of State Decentralization Policy

Community forestry forms a part of the broader state policy of decentralization. As shown in chapter 3, the decentralization principle was a mode of state intensification endorsed in 1960 by King Mahendra while replacing multi-party democracy with the one-party Panchayat system of government. The Panchayat system was rationalized as a system based on indigenous culture and decentralization principles. Decentralization was used as a rhetoric to seek legitimacy for an authoritarian regime. Intertwining decentralization with development ideas, the panchayat governments attempted to streamline political, economic and social activities under the umbrella of the state and thereby displace the previous power-holders.

Various decentralization initiatives undertaken in Nepal illustrate territorialization. Decentralization did not offer a transfer of power to the 'district' and 'village' levels; instead, it systematized and intensified the administrative reach of the central government by dividing abstract space into an administrated territorial grid. In its efforts to intensify a territorial form of administration, the decentralization policy continuously reproduced the idea of local communities as backward, immobilized, and lacking a sense of responsibility for their own development; hence they needed specialized technical and material inputs from outside. Such generalizations about local communities requiring external support for their development not only create a category "the other" but also open up spaces in which to deploy the power of the state.

Decentralization programs were not engineered from a single source but from various sectors of the state bureaucracy as well as from the panchayat political bodies. In these state-

sponsored decentralization programs, district and village leaders were expected to act as spokes-persons for the state. At the same time, these leaders were viewed as unreliable elites who might grab power for themselves at the cost of overall local welfare; to guard against this required the continuous presence of the state. The expressed concern for overall local welfare presents politically motivated state activity as non-political. Local leaders who could be labelled as unreliable elites might find their claims ignored or dismissed. Their presence also permits the state to limit decentralization and endorse an idea of gradual or phase-wise decentralization. Under the decentralization program, local people (district and village level) were not asked what they wanted, but were expected to fit into what the government wanted of them.

Decentralization has been promoted by various international agencies because of the problems with decisions made by 'distant' states. However, the efforts of many decentralization initiatives has been to locate control ever more firmly in the hands of state agencies. As explained in chapter 3, the limited power provided by the decentralization program was contested by the district and village elites but the Nepalese state continued to exhibit reluctance to devolve more power. The result has been to make decentralization initiatives ongoing and incomplete. Furthermore, as state power was intensified, villagers competed to have a stake in the decentralization program, causing the further intensification of state presence at the local level. Even after the reestablishment of the democratic system in 1990, the basic feature of the decentralization program remained unaltered. The Constitution of the Kingdom of Nepal 1990 envisioned decentralisation and local governance as broad goals but remained silent on many critical domains of participation, e.g., local self-government and devolution of power. Silences speak louder than words. Community forestry is a part of this long-term decentralization initiative, one which potentially carried the same set of contradictions. While they propose to devolve to forest villagers authority to manage accessible village forests, community forestry laws and regulations have every potential to centralize power in the hands of the forest agency

9.4 From Forest Nationalization to the Re-endorsement of Community Forests: Laws as Modes of State Intensification

As discussed in chapter 4 territorialization of all non-cultivated land (with or without trees) was initiated with the introduction of the Private Forest Nationalization Act 1957 which not only affected private forest but community forests too. A series of forest laws and regulations were produced after 1957 to control forests. Although endorsed as a management regime, community forest as a separate category of land ownership was lost forever while private forests regained legal standing as a form of forest ownership in due course. Private forest owners were also tied up in bureaucratic relationships.

The two key pieces of forest legislation produced after forest nationalization were the Forest Acts 1961 and 1993. Various by-laws were produced under these Acts. For example, under the umbrella of the 1961 Forest Act, we find the Forest Protection (Special Arrangements) Act 1967, Forest Products (Sale and Distribution) Regulations 1970, National Park and Wildlife Conservation Act 1973, Panchayat and Panchayat Protected Forest Regulations (community forestry) 1978, Leasehold Forest Regulations 1978, Soil and Watershed Conservation Act 1982 and Private Forest Regulations 1984. The Forest Act 1993 and its regulations 1995 replaced but mimicked in many ways the Forest Act 1961 and its by-laws. To carry out these laws, the forest apparatus received monopoly of legitimate coercion, but enforcement often failed, which suggests that the apparatus was not a paramount source of power.

Failure in enforcement led to continuous revision of laws and regulations, which became necessary because of internal inconsistencies; the boundaries between forest and other land uses were blurred; so were the boundaries between the state and the society; also because the territorialization initiatives were contested by the populace. The forest bureaucracy itself was not set up to be an effective enforcer. The continuous revision and the prescription of new laws and regulations have the effect of expanding the bureaucratic apparatus and intensifying its presence at the village level. As the problems were constructed as technical

and solvable, the intensification of the state remained, masked however. Community forestry legislation is only one among the series of laws produced and revised over the time. Each of these laws and regulations has a territorializing dimension: a broad framework for administering people and resources. They include various sorts including penalties for forest offenses and an endorsement of a patriarchal state and patriarchal society. These laws tried to bring order both in the mountains and the Terai, although efforts initially were directed towards the Terai. While these laws were prescribed as technical initiatives designed to bring about one or other aspect of forest development for the betterment of people, forest and environment, they nonetheless, were deployments of “power.”

The accommodation of donor policies in the designing and/or reforming of legislation is an important aspect of the formation and intensification of the forest bureaucratic apparatus. The forest legislation of the 1990s looked through not just the “development” and “environment” lenses but saw the need for accountability, legitimacy and transparency as basic attributes of “good governance” in the forestry sector. Good governance emerged as a Western donor agenda due to two global developments in sequence: 1) the imposition of a structural adjustment program in the 1980s that emphasized the downsizing of state apparatus and promotion of private sector and the civil society; and 2) the collapse of the Eastern European communist regimes in the early 1990s that caused the command economy model to fade. Privatization and civil society were appended to good governance, human rights and democratization as conditions of aid. There can be no debate on the need for good governance in principle, but good governance in practice, has been equated with the imposition of various means of bureaucratic control in the operation of community forestry and a substantial exclusion of villagers in determining the criteria of governance. Community forestry has also been influenced by the global debate on environment and development.

9.5 Information, Planning and the Governance of Forests and Population

Information is a prerequisite to demonstrate the forest agency's capacity for planning and action. As described in chapter 5, forest information collection has been an on-going process in Nepal since the 1960s. New technologies for mapping and surveying land, new information and new methods to collect information are always available, so the territorialization process has a beginning but no end. Information gathering, surveillance, planning, and the design of institutions are instances of, and vehicles for, the exercise of power.

Forest surveys focused primarily on the physical characteristics of the land and produced insufficient information to make workable plans. But the failures in implementation of plans and policies gave continuity to the state presence as data must again be gathered, plans revised, institutional capacity rebuilt and relationships reassessed and reworked. Such continuity buttresses the image of the forest apparatus as an agency that collects information and does development. The availability of land resource mapping project data facilitated the production of a 21-Year Forest Sector Master Plan which, like its predecessor, continued to reproduce the idea of environmental crisis in Nepal's mountains and label mountain farming as subsistence-oriented. Control over discourse is a mode of state intensification which allowed the forest agency to continue keeping forest under state management; legitimated the call for financial support from the private sector, communities and external agencies in intensifying its territorialization initiatives; and most importantly precluded any forest activity without the involvement of the state. These activities appear not as an exercise of power but rather as initiatives designed to bring about environmental sustainability, protection, and development for the people. Social and economic processes and the operation of power remain masked.

Community forestry planning continued to be based on the idea of a vicious cycle of resource degradation and poverty. Although articulating connection between poverty in the villages and the degradation of the forest resource, the forest management regulations were

designed in a manner that the program could not alleviate poverty. By representing lifestyle and environment in the mountains and interlinkages of poverty with environmental degradation in an oversimplified way, the forest agency could dismiss or ignore many claims of the mountain people (one of which is the commercial use of forest) while entrusting them as keepers of the forests. Labelling mountain villagers as “subsistence-oriented” and declaring the mountain environment to be in the state of “crisis” are discourses of power. The deployment of these discourses is part of how rule is accomplished.

Planning for community forestry was focused on the mountain regions. Community forestry in the Terai was not a policy priority. But forest legislation is mute about the spatial dimension of community forestry and taking advantage of this villagers in the Terai have made demands for community forestry. Policy inconsistencies and ambiguities are indicative of the unfinished job of the forest bureaucracy in Nepal and they lend continuity to territorialization initiatives.

9.6. Bringing Foresters and the Bureaucracy into Community Forestry Inquiry

As discussed in chapter 6, arguments for reform in the forest bureaucracy and the consequential redrawing of the organizational chart led to territorialization initiatives which had the effect of systematizing administrative reach rather than devolving power to the lower levels of bureaucracy. The limited and often unclear devolution of power to various offices within the forest apparatus, coupled with tensions with the politicians, the blurred boundary between the state and communities and the faulty assumption of a “subsistence” interest among forest villagers involved in community forestry caused difficulties in enforcing community forestry regulations effectively.

Every level of bureaucracy, including the central agency, encounter social pressures. This makes constant negotiation and compromise in forest policy and action inevitable. Rather than being a paramount source of power, the forest apparatus was revealed as an agency that undergoes change depending upon its interaction with social forces.

Despite various efforts to regulate control over forests, the number of forestry projects launched in support of such regulations, and the expansion of the bureaucratic apparatus, the forest bureaucracy has faced domestic revenue constraints which make it increasingly dependent on foreign assistance. Nevertheless the call for private and community participation in forestry had provided the forest agency with the opportunity to increase the proportion of regular expenditure and decrease development expenditure substantially. As shown in chapter 7, various forestry projects -- including community forestry -- has had limited success in attaining their professed goals; nonetheless the proliferation of forestry projects suggests that the forest apparatus has become able to coordinate and multiply power relations and tie up forests and population in red tape.

Forest villagers had been accommodated in the forestry program (including the World Bank-sponsored hill community forestry program) under the faulty assumption that they would not use community forests for commercial purpose. Villagers are increasingly pressing demands for community forest, but they are also opting to use the forest for economic gain, something which is shaking the authority of the DoF. Consequently the forest agency proposed to revise the forest law and insert renewed modes of control in the operation of community forestry, including the prescription of technically rigorous Work Plans, rules on fund use, and action against forest user committees. Revision in laws remained pending due to resistance from the forest user group federation. The forest agency was concerned that the villagers had not understood the government's message and did not consider that the forest agency had failed to understand the villagers' message. Some foresters, however, argued for the need to listen to villagers and let community forestry go beyond the subsistence model, an example of pluralism within the forest bureaucracy.

The policy preoccupation with "subsistence livelihood" not only put foresters in a difficult position in administering community forestry but it also prompted them to label villagers' desire for economic gain as illicit and/or a matter of the village elite's greed, deception and stealing. The idea of manipulative village leaders was framed as the latest "technical" problem for the forest agency to solve. Some foresters taking the side of the villagers also

questioned the honesty of the forest apparatus itself. As foresters are expected to play a multiplicity of roles, it is necessary for them to bypass certain bureaucratic requirements in favour of villagers. To prove themselves as facilitators, they must become involved in activities which the community forestry program is not set up to accommodate. For example, they should consider villagers' needs and help resolve village disputes. This practical necessity to play multiple roles has made foresters vulnerable in their jobs. The forest agency has become a victim of its own regulations. Some foresters working in the district level had already perceived the need for establishing a senior level government body with responsibility to coordinate, plan and resolve community forestry disputes. Can one expect that a Department of Community Forestry will soon be established in the country, expanding the bureaucracy yet again, while intensifying its presence in the minute details of village affairs?

9.7 Forest Villagers in the Web of Bureaucratic Control

As shown in chapter 8, Tamangs, the socially and politically oppressed population living in Chaughare VDC, competed for access to community forest by organizing themselves into forest user groups so that they would not lose access to their village forests. Operating under the community forest law, the Department of Forests, while handing over community forest to the villagers, had retained its right to forest ownership and provided villagers only a tenancy right easily evictable if any condition of tenancy is broken. The Khor Danda forest user group was evicted from rights to the community forest because it broke certain conditions of the tenancy. The requirement to meet various bureaucratic formalities had encouraged villagers to choose leaders who can handle government functions rather than those whom they truly respect and trust.

Community forestry Work Plans were designed by the rangers on the basis of a participatory process. But the Work Plans designed in this way coded the interest of the forest agency rather than the villagers. The Work Plans articulated village poverty as the reason for forest degradation, but price tagged every forest product that the villagers use and did not assure

any short term economic gain for poor villagers. While community forestry undermined the village use of forest by treating the villagers as poor and subsistence-oriented folks, it overestimated villagers' willingness and capacity to comply with bureaucratic regulations. The Work Plan presented a technical rationale (i.e. sustainable management of forest), but the effect was an intensification of territorialization through the micro-partitioning of the forest into defined units of space and regulations of the villagers through detailed rules on how each of these parts should be used or managed. The Work Plans served to imprint state control on the landscape and provided an instrument through which the forest agency reconfirmed its territorial jurisdiction over land and the people. Village leaders adopted various coping strategies including gender-based control mechanisms to restrict fellow villagers from the use of forests. Community forestry thus sustained unequal authority-based relationships in the society and intensified intra village and inter-village conflicts. To minimize or to resolve village conflicts was among the important reasons behind village leaders' call for forest officials frequent presence in the community.

Community forestry has given villagers a set of obligations rather than the rights of independent decision-making and made village forestry activities more concentrated and noticeable. The forest agency has little incentive to monitor the activities of the forest villagers during the forest conservation stage, even when the village leaders demand it. But when it comes to harvesting forest, especially timber, the villagers receive increased surveillance from the forest agency. The villagers of Khor Danda although poor, were innovative in exploring opportunities to exploit the forest for commercial purposes made fools of government officials in the process, and got themselves involved into partisan politics as an insurance of power to fight back against the government.

Forest villagers have little option about entering bureaucratic relations. Similarly, the forest bureaucracy has limited choice about community forestry. As suggested by the Khor Danda case the placement of armed forest guards in Khor Danda after pulling back the community forest as government forest had no effect in controlling villagers' access to forests. This was partly because of the blurred boundary between the state and community and partly because

the armed forest guards had only a limited power and means to be effective enforcers of government forest regulation. The forest agency is not set up to do what it claims to do. Community forestry has intensified bureaucratic presence in the forest villages; and tied up villagers in the bureaucratic relations but it has not been effective in intensifying bureaucratic control as such.

9.8 Conclusion and Future Directions for Policy Debate

9.8.1 Conclusion

Since the 1950s, a modern form of bureaucratic state power has been forming in Nepal. A key dimension of this process is territorialization. This has occurred not in overtly political or politicized ways, but through the identification of various 'technical' problems which require intensified bureaucratic attention for their solution. These problems are presented through discourses which are state-controlled, and which refer to social or cultural deficiencies that need rectification. Community forestry forms a part of this long-term territorialization process. Although heralded as a major departure from previous modes of state forest control and a model of people-centred and gender-sensitive development, community forestry has intensified bureaucratic presence, tied up villagers in bureaucratic relations, and deepened the territorial dimension of state power. This has not been a seamless, complete, coordinated or conflict-free process, but one which was complex, contested and unfinished. It involves not so much the one-way imposition of the state on communities but rather a reworking of state- community relations under the rationale of establishing an orderly administration of forests in the villages.

9.8.2 Future Directions for Policy Debate

Articles or books often end with a list of unresolved research issues and pleas for additional studies; alternatively, sometimes advice on policy prescriptions is provided. Here, policy

questions are raised that must be addressed if community forestry is to become a more positive force for change in the community.

The presence of the forest agency is being intensified, but its capability to order and coordinate the forest activities of the villagers has not improved because foresters have limited power and also because the boundaries between the state and communities and between the forest and non-forest sectors are blurred. Although made accountable for local actions, the facilities and power delegated to officials at the lower levels in the forest bureaucracy are limited, unclear and do not allow these officials to be effective in their jobs. How does one make community forestry policy flexible enough to allow forest officials to be accountable and responsive facilitators to both women and men in the communities? How does one devolve more power and facilities to the lower levels in bureaucracy?

Power relationships -- struggles, negotiations and compromises-- are central to community forestry. The challenge of community forestry is to re-assess and restructure the existing imbalances in power relations among the groups of people within communities, between men and women and between communities and the forest agency. Counteracting imbalances in power relations between state and community requires the presence of a strong, organized and gender-representative community group that has a robust relationship with the state. While a strong community organization (e.g., the forest user group federation) has emerged as a relevant partner for the government community forestry, the idea of manipulative leaders has been framed as the latest "technical" problem for foresters to solve. The forest agency, while it supports strong community organization outwardly, is increasingly threatened by the emergence of such an organization. How does one intensify cooperation and minimize tension between village leaders, the forest user group federation, and the forest agency so that the government does not feel that the empowerment of villagers is coming at the cost of its own disempowerment?

Although the market value of forests is acknowledged, community forestry policy continues to assume that the welfare of the forest and the villagers lies in subsistence use of forests.

But villagers had been subsistence-oriented only because they had no choice and because they had never been allowed to exploit the resource. The discourse of “subsistence-oriented villagers” allows the forest agency to impose ecologically-oriented restrictions on forest use which take the form of definite forest boundaries and permissible practices closely defined in the Work Plan and other directives. While this policy preoccupation with “subsistence-oriented villagers” brought not just the local elites but those previously excluded, including women to the negotiation table it has also centralized power in the hands of the forest agency. How does one avoid community forestry preoccupation with the subsistence model, serve the needs of a stratified village community, and protect the forest and the interest of the forest agency?

Forest officials working at the local level are finding it very difficult to cope with the increased necessity of organizing, supervising and monitoring/policing community forestry without compromising their attention towards the protection and management of “national forest” and without running a risk of further erosion of their images vis a vis communities as managers of the resource. The recent initiatives taken by the central forest authority to suspend forest officials holding them accountable for the failure of the forest user groups to abide by the rules agreed with the government, has added increased frustration among the forest officials who are supposed to be facilitators of community forestry. The tendency of the forest users to use various tactics including political protection to get what they want from the government has added to the frustration of forest officials working at various levels in the bureaucracy. How does one reconcile the facilitators' dilemma in community forestry while at the same time reducing the possibility of more bureaucratic limitations on communities in the operation of community forestry?

With the devolution of forest as community forest to the villagers, inter-village and intra-village conflicts have intensified and required, in one case, the adoption of a gender-specific strategy to gain official attention. Villagers are asking for the frequent presence of foresters in the village so that village conflicts in forest use can be minimized. What are the policy solutions to minimize conflicts among the villagers while at the same time reducing the risk

of centralization of power by the forest agency? How does one increase gender representation in forest committees while at the same time not intensify control over the lives of rural women? How can one make use of foresters technical knowledge of forestry rather than increase their involvement in village conflicts and in watching what villagers do with the forest and the forestry rules?

Community forestry has too many bureaucratic formalities which means that there will always be infractions so that the pulling back of forest can be arbitrary or politically motivated. The forest agency is not concerned to receive the villagers' message or to ask the villagers what they want. Rather it is concerned that the villagers are not getting the government message, are violating the Work Plan agreements, and are not fulfilling all the bureaucratic norms and regulations because of ignorance and/or greed. What are the options which can make communities accept and follow the condition of their participation in community forestry? How does one make the forest agency receive villagers' messages without jeopardizing forest agency territorial control? Intensified territorial control is inevitable, but it could perhaps occur in ways which are more open and democratic, better attuned to rural people's aspirations and, ultimately, more effective in the stated technical goal of forest protection and management.

ENDNOTES

1. The Terai is a sub-tropical lowland belt along the Nepal-India border, comprising about 20 percent of the total area of Nepal.
2. In the Canadian context, Duinker, Matkala and Zhang suggest that community forestry is a mechanism to give forest-based communities a reasonable degree of control over their own bio-physical environments and socio-economic destinies. But they warn us that not all communities will be willing and able to accept this kind of responsibility (1991: 131-135).
3. The theory of Himalayan environmental degradation suggests that Nepal has undergone massive deforestation resulting in irreparable soil erosion and land slides, resulting in disastrous flooding in Bangladesh (For example, see Eckholm 1976). Other writers refute this theory. For discussion see, Ives and Messerli 1989; Thompson, Warburton and Hatley 1986).
4. The national workshop on community forestry management held in Kathmandu in November 1987 was also instrumental in bringing a change in community forestry policy. The workshop was attended by community forestry representatives from the Forest Ministry, Forestry Department, District and Project level forest offices. The workshop concluded that in many places, community forestry got off to a false start. For details, see *Banko Jankari* 1987. 1(4).
5. This literature suggests that local systems operate on land that may be technically government-owned, but which in effect is treated as community property.
6. Merlo's (1995) experience of community forestry in Italy suggests that reconstructing community forestry is possible only in those areas where people still retain a memory of and pride in ancient traditions; otherwise it is extremely difficult to revive. See, Merlo 1995: 58-63. Nepalese experience in community forestry shows that this is not necessarily the case. Duinker and Pulkki (1998: 388) suggest that success in a community forest venture does not seem to hinge on formal links with government.
7. *Hakim* is a person in government service usually at gazetted level who acts as the head of the office. Any decision - oral or written- made by *hakim* is an *Aadesh* i.e. directive, instruction or order. *Aadesh*, *source-force*, *aafno-manchhe* and *chakari* are the central elements of hakim culture. Hakim believe that to be an effective manager one has to issue as many aadesh as possible. Many aadesh are made without any review of the previous one and are unclear and contradictory. *Source-force* refers to contacts or connections with people in powerful positions which could be used in the fight against competition. *Aafno manchhe* is the inner circle of associates such as politicians, businessmen, contractors and senior bureaucrats who can be approached whenever the need arises. *Chakari* is the ability to conform to a host of rules such as speaking a certain type of language, to speak with a polite and soft voice all the time. Successful *chakari* means not to displease superiors by taking a stand against them. In government offices, one particular kind of *chakari* takes place daily: a senior hakim will keep subordinates waiting around just in case they are needed. The subordinates are quite willing to wait around the senior to demonstrate their loyalty and subservience as the price for not paying *chakari* could be very high. Hakim are

usually not bothered by the unproductivity of the subordinates as long as chakari is performed. Actions against those who perform chakari are seldom taken. So there is always competition for chakari, which also takes place out of office hours and on the weekend at the hakim's house. Hakim culture thus results in bureaucratic dysfunctions. For more discussion of Hakim culture see Pokharel (1997: 144-148) ; Bista (1991); and Justice (1986).

8. The chakari system was institutionalized as a required practice at all levels of government administration during the Rana period. Chakari implies respect and the willingness to be seen as personally committed to the chakari patron. Every junior officials were expected to be in close proximity to their high officials formally and publicly for certain predetermined hours each day. The chakari system was established primarily to control disgruntled junior Ranas and non-Rana rivals from interfering with the political interests of the Rana regime. For more discussion, see Bista (1991: 102).
9. Government officials and others frequently first learn of changes in government policy or personnel through rumours. Participants in the rumour network feel that they are part of what is going on. See Justice (1986: 121).
10. Justice (1986: 43) has rightly shown that bureaucrats in Nepal tend to avoid direct personal responsibility for administrative action and policy recommendation.
11. The forest users groups I visited in Kakani were Shiradevi, Dobhan Dharmik Ban, Ghore Dhunga, Goneswor and Chhap Gaire. In Lamatar, I visited two forest user groups: Patale and Pandali.
12. The regions of Nepal used to be identified by the names of the major ethnic communities: the far western hill area was known as *Baaise rajya* or *Khasaan*; the west and south of Kathmandu as *Chaubise rajya* or *Magarant*; the eastern hills as *Kirat Pradesh*; the Terai as *Tharuwan*; and Kathmandu valley as the Nepal (*Newar*) valley (Bista 1991). These principalities were either independent or in conflict with one another. Rivalries among the Newar kings were particularly intense (Joshi and Rose 1966:4).
13. For example, the Khas kings of the western hills and the British East India Company both wanted to claim parts of the Terai. The British interest was in forest harvesting (for example, for ship building and repair in the Calcutta docks). The British briefly occupied a portion of the Terai (in Bara, Parsa and Routahat), but were driven out by King Prithvi Narayan Shah. For more discussion, see Sanwal (1993) and English (1985).
14. This is not an exhaustive list. Rakam, for example, is discussed before.
15. Guthi land tenure derives from Newar culture. Guthi is a unique and distinctively Newar form of social organization. The three basic features of guthi operations are: the role of territory; the rule of seniority within the group; and the allocation of public duties according to a rigid system of rotation among the *guthiyaas* (guthi members). On the day of the guthi celebration, the guthiyaas get together, worship particular gods and goddesses and enjoy the feast. Only guthiyaas or holders of guthi land bear the cost and participate in the feast. In principle, guthi land cannot be sold or alienated and guthiyaas should ensure the performance of guthi duties in perpetuity. But in practice guthiyaas alienate land with replacement by some other land as guthi. For discussion on various types of guthi see

Gellner (1992: 231-250) and Messerschmidt (1992: 94).

16. In the kpat system, the village council allocates land and occupancy is never permanent. If anyone abandons land, the village council reallocates it for cultivation to another member of the community (usually the nearest heir of the former occupant) (Sanwal 1993).
17. Prithvi Narayan Shah's army included different tribal groups such as *Khas*, *Thakuri*, Magar, Gurungs, and even Tamangs. Despite British support for the then Malla kings of the Kathmandu valley, his third attempt to conquer all the Kathmandu valley succeeded relatively easily, thanks to his blockade of trade routes. A subsequent attempt by Newars of Kathmandu Valley to have their language designated as Nepali (because it was the language of the Nepal Valley) led the Gorkha government to rename their mother tongue, which previously had been known as *Parbatiya*, *Khas* or *Gorkhali*, as Nepali (Burghart 1994: 3).
18. In his effort to consolidate power and expand the boundaries of the new United Nepal, Prithvi Narayan Shah expelled permanently from his territories all foreigners, including traders, Catholic missionaries and even Indian-influenced musicians. He was determined to control all the trade routes between India and Tibet through the sub-Himalayan hill areas and thus to force both the Tibetans and the British to recognize Kathmandu's monopoly as *entrepôt* for Indo-Tibetan trade (Joshi and Rose 1966:15).
19. During the long Gorkha (Shah) - Kathmandu (Malla) war, trade between India and Tibet was severely disrupted due to the isolation of Kathmandu Valley from contacts to the north and south. Nepal's relations with Tibet and with the East India Company deteriorated sharply after 1769, despite the efforts of the three to reach settlements on several occasions (Rose 1971:25).
20. Fear of malaria kept hill people out of the Terai except in winter months. As a result, the Terai was colonized largely by immigrants from India (Rose 1971: 19; Guneratne 1998: 754).
21. On the one hand, there were no roads in Nepal in that era and the terrain is extremely difficult. On the other hand, the expansion of Nepalese territory was very rapid. At the death of King Prithvi Narayan Shah in 1775, the territory of Nepal included the Kathmandu valley, all the hill regions east of Kathmandu to the Tista river bordering Sikkim, all the eastern Terai, the inner Terai to the Mechi river and some parts of western hill region. Territorial expansion continued after the death of Prithvi Narayan Shah. By 1808, Nepal extended 2100 kilometers from the Tista river in the east to the Sutlej river in the west and to the present day Indian states of Bihar, Uttar Pradesh and Himanchal pradesh in the south (Regmi 1984: 4; Seddon 1987: 12-13).
22. Stiller (1973) argues that compromises with local institutions and power structures were a necessity for the Palace given that it lacked personnel with the knowledge and capacities to reach and understand the newly annexed territories, with their diverse languages, religions, social organizations and economic arrangements.
23. Whelpton (1997: 40-41) notes: "Prithvi Narayan Shah himself described his kingdom as an *asal* (real) hindustan, thus at once asserting membership in an overarching Hindu community, but also claiming a special status within it as a territory not polluted by Muslim

or Christian rule."

24. Magar and Gurung were accustomed to parbatiya rule for along time; they provided a significant proportion of the Gorkha army and may have had a sense of belonging to the Gorkha state (Whelpton 1997: 43).
25. Land grant holders, e.g., birta owners, often collected wool, ghee, paper, lamb, mushrooms, honey, potatoes or cash from the tenant cultivators, pastoralists and other forest users (Mahat, Griffin and Shepherd 1986b: 329).
26. For example, some rakam villages north-east of Kathmandu had to supply 2.4 kg of charcoal daily, the equivalent of at least 150 tonnes of fuelwood; this implied cutting down three hectares of forests annually (Mahat, Griffin and Shepherd 1986b: 332). Some rakam had to provide 2.5 tonnes of iron annually, the smelting of which consumed the wood from six hectares of forests (Metz 1991: 808).
27. Historically, the caste system had its great success when called upon to help establish the legitimacy of a particular regime. With the influence of *bahun*s, Jung Bahadur Kunwar adopted the title of Rana, developed a fictitious Rajput ancestry (from the southern plains) and thereby presented himself as from a high-caste ruling family. For a discussion on *bahunism* and the establishment of caste hierarchy in Nepal see Bista (1991: 36-37)
28. These crops were introduced into Nepal in the early 18th century (Mahat, Griffin and Shepherd 1986a: 224).
29. According to Brookfield (1984), innovations are new practices or new combinations of practices that change the productivity or quality of a unit of labour input. Anything that introduces qualitative changes to the production system is an innovation (e.g., a change in the land tenure system is an innovation, so is a change in settlement).
30. Jung Bahadur came to power by slaughtering all his political rivals (e.g., nobles of the Assembly of Lords, *bhardari sabha*) during the *Kot* Massacre in 1846. Jung Bahadur thereupon confined the royal family to the palace, exiled 6000 competitor nobles from the country and excluded sections of nobility (e.g. Thapas, Chautarias and Pandays, from amongst whom prime ministers had been chosen in the past) from the ranks of political elite. Prior to his rise, there had been recurring struggles and bloodshed in the *bhardari sabha* for effective power between king and prime minister. Like his predecessors, Jung Bahadur continued to use the *bhardari sabha* as deliberative body for state affairs (Rahim 1991: 146).
31. Jung Bahadur expanded the caste system to a much greater degree than the Lichhavi and Malla kings had done in the past (Bista 1991; Gurung 1997). The main significance of the Muluki Ain was in its scope; it encompassed all people under the Shah rule and divided them into five broad categories (Guneratne 1998: 754-755):
 - 1) Castes wearing sacred thread: Brahmins, Thakuris, Chhetris and Newar;
 - 2) Nonenslaveable alcohol-drinking castes (*namasine matwali*): Magar, Gurung, Rai, Limbu, Newars, etc.;
 - 3) Enslaveable alcohol-drinking castes (*masine matwali*): People of Tibetan origin and a number of less important tribal groups including Tharus and Tamang;
 - 4) Low service castes: Mostly Newar, their touch is not considered defiling, but higher castes

- 5) can not accept water from them; also includes Muslims and Europeans; and Untouchable castes: blacksmiths, tanners, musicians, Newar scavengers, and the like.

This ordering clearly reflected the political dominance of three parbatiya castes (Bahun, Thakuri, Chhetri). For many tribal groups, Hinduization slowly became a viable route to promotion and recognition. For example: the Gurung gave up beef-eating and adopted Hindu customs; the aspiration of the Tamang was basically to dissociate themselves from the Bhotias, who were denigrated in Hindu Nepal. For more discussion on these issues, see Bista (1991), Gurung (1997), and Gellner (1997a).

32. The term "Nepal" was not officially adopted for the entire kingdom until the 1930s (Whelpton 1997: 41).
33. This led to the establishment of a central court in 1860.
34. Most of their birta grants were in the Terai because possibilities for land expansion in the hills had reached the limit. By the end of 1950, more than one-fourth of the total cultivated land and three-fourths of birta forests belonged to members of the Rana family (Regmi 1978a; Rose and Fisher 1970). Ranas owned inheritable and unconditional birta while non-Ranas' birta were non-inheritable and can be taxable. Birta owners in general had the option to cultivate their land, leave it fallow, or keep it in its virgin forested state. The birta system had a relative advantage in keeping land as forests which otherwise would have been converted into cultivated land (Hobley 1990).
35. This law was applicable to guthi and other land tenure as well. The Muluki Ain was revised in 1918, 1935 and 1948.
36. For a discussion on the talukdari system of forest management and a detailed history of forest rule, see Mahat (1985); Mahat, Griffin and Shepherd (1986a; 1986b).
37. The flooding of British goods into the country destroyed Nepal's incipient industrial development by the first half of 20th century (Shrestha 1990: 78-81).
38. The burden of labour obligations and land taxes forced many people, especially those from the eastern hills, to emigrate to India, Burma, Sikkim and Bhutan (Joshi and Rose 1966: 14; Seddon 1987: 24).
39. The post-Rana period experienced intense power struggles among different political parties which resulted instabilities in government.
40. Introduction of various land rules and reform programs was facilitated by the inflow of foreign aid as well (Blaikie, Cameron and Seddon 1980: 59-60).
41. Under the resettlement program, the land was allocated in varying parcel sizes, ranging anywhere from 4 bighas (2.7 hectares) to amounts in excess of 50 bighas or 34 hectares (Kansakar 1979; Shrestha and Conway 1985: 69). The rich, landed class from the hills acquired land in the Terai under projects which provided them the opportunity to expand economic activities and take hold in the Terai as well (Feldman and Fournier 1976; Kaplan and Shrestha 1982).

42. This Act was widely supported as a government development effort by many donor agencies, including the FAO.
43. As Gellner (1997a: 10) correctly notes, the three holy *mantras* of Nepalese politics since 1950 are: *rastriyata* (nationalism), *prajatantra* (democracy) and *bikas* (development). Politicians always claim to be building them and accuse opponents of undermining them.
44. Some could be unaware of the Nationalization Act. But those with large landholdings, who normally had strong links with central authority, had every possibility of knowing about the Act even before it was introduced.
45. The panchayat system lasted for 30 years. Although it banned all political parties as well as independent trade unions, it was unable to eliminate political factions and oppositions (Gilmour and Fisher 1991). Following a period of violent civil unrest, the panchayat system was replaced by parliamentary democracy in 1990.
46. Anybody interested in politics was forced to wear panchayat clothing; otherwise intentions and activities would be labeled "anti-national" guided by "vested self-interest". If unclothed, such people could be charged as a "threat to national security and peace" and imprisoned. The panchayat system allowed people to participate and be represented in the nation's decision-making only by through a non-partisan, classless and selfless form of politics. Under this system, the King retained the power to act as the head of the judiciary, the executive and the legislative bodies. Thus state power shifted mainly into the hands of the Palace.
47. These Acts were introduced even before the promulgation of the 1962 Constitution of Nepal.
48. The formation of committees and commissions at the central level was seen as a necessary step towards implementing the decentralization program.
49. Prior to the Third Five Year Plan, the development plan documents incorporated only two sectors: private and public. If panchayat sector was created as a community sector separate from private and public then there is no point to revert back to original two sectors -- private and public -- since the Eight Five Year Plan prepared after the replacement of panchayat government by multimarty system. After the restoration of multiparty system the word "panchayat" was deleted and replaced by "community" and the like. For example: village panchayat and district panchayat were named as village development committee and district development committee. The Panchayat Forest and Panchayat Protected Forest were named as community forest. Similarly the "panchayat sector" could have been replaced by "community sector". But this has not happened which indicates an ambiguous nature of "panchayat sector".
50. Prior to the introduction of the Local Administration Act 1966, the districts of Nepal were divided into two broad categories: administrative districts and development districts. While all 75 districts of the country were considered as development districts, only 35 out of the 75 districts were named as administrative districts. With the introduction of Local Administration Act, all districts became administrative districts in which various development activities would be launched.

51. Strong student agitations against the government occurred during this time. Outlawed political leaders spoke out to support the student movement. Ultimately, the Palace decided to convene a referendum to give the people an opportunity to make a choice between a multi-party system and the then existing partyless panchayat system.
52. The opposition did well in the Kathmandu valley, the Terai and the more urbanized areas where a relatively high literacy level prevailed, while the ruling party obtained a majority from the rural hills and mountains, the areas with high illiteracy rates. In total, the ruling party received 2.4 million votes as against two million votes for the opposition.
53. The reforms in the constitution also included universal adult suffrage as the basis for elections to the national legislature (Rastriya Panchayat); the appointment of the prime minister on the recommendation of the legislature (rather than by the Palace); and the responsibility of the council of ministers to the elected legislature. Political parties, though officially unrecognized, started to become increasingly active (Seddon 1994). For example, in the 1981 general election, several political activists on the left became members of parliament (Shah 1991, cited in Seddon 1994: 133). These activists were able to raise their voice in the parliament against the existing inconsistencies and weaknesses of the panchayat system.
54. One village panchayat consists of nine wards.
55. Escobar notes (1984-85: 388): "Development is to be seen not as a matter of scientific knowledge, a body of theories and programs concerned with the achievement of true progress, but rather a series of political technologies intended to manage and give shape to the reality of the Third World." In Nepal the decentralization scheme appears as a development industry, where the state is making the effort to manage the lives and resources of people at local levels. Braidotti *et al.* (1993:23) also explain that the discourse on development helps the state to bring in new practices of intervention and new mechanisms of control.
56. The District Panchayats had no say in the central and regional level projects launched at the district level.
57. The Decentralization Act made provision of one service centre in each illakas (electoral areas) of each district to serve as the focal point for government service delivery (physical and technical assistance).
58. The user committee consisted of eight persons including the ward chairperson (who was also the chair of the user committee). If a project covered more than a ward or a panchayat then the size of membership could range from 9-11 members.
59. For discussion on PDDP, see Agrawal, Britt and Kanel (1999). They emphasize that analysis of decentralization should pay sufficient attention to power and politics (1999: 26). Nevertheless they ended up praising PDDP as a non-political and successful decentralization initiative, citing example of the willingness of district-level authorities to set aside political differences in undertaking district development program 1999: 75).
60. This is known as the matching grant concept. The taxes raised from the local people would be a part of the LDF (HMG/NPC 1992: 655-656).

61. Some VDCs received the full grant before the hiring of the TAs so they were in a position to argue against and refuse the TAs. But for those VDCs which had received only a partial grant rather than a full grant, the Local Development Office used its authority to deduct the salary of the TAs from the allocated grant money.
62. According to Schuurman (1997: 163), as the local came to mean a special frame of reference for “the others”, postmodernism unwittingly supported a decentralization discourse. The creation of the category “the others” is the deployment of power rather than a simple facts of geography or ecology (Dove 1999; Li 1999; Parpart 1993).
63. The emphasis of the structural adjustment program is on deregulation of central government activities, privatization of public assets, reduction of subsidies on some basic services, promotion of export-led industrialization and an opening of the economy to international capital.
64. According to Morris, however, although the state authority may claim a monopoly of legitimate force in theory; in practice, the degree to which it relies on violence, especially when the state is widely believed to be legitimate, is exaggerated (Morris 1998: 295).
65. I borrowed the idea of abstract and real space from Vandergeest and Peluso (1995).
66. Gilmour and Fisher (1991: 11) note that there were only five or six trained professional foresters in the country at the time when the Forest Act 1967 was introduced.
67. The stated goals of such laws and regulations were to ensure better management and control of national parks (HMGN/MFSC 1988c: 6). Aside from defining a national park, the NPWC Act 1973 also defined three other kinds of reserves: strict nature reserve, wildlife sanctuaries and hunting reserves.
68. For example, in the 1970s, the emphasis was on identifying and legislating protection of endangered species. From the late 1980s onward, the emphasis was on biodiversity protection, which was influenced by the Brundtland Report 1987 and the Earth Summit 1992. For discussion on the relationship between protected areas and human population, see Brown (1994).
69. All pastureland throughout the country (except small areas of pasture falling within an individual's land plot) were nationalized.
70. The Forest Act 1961, as amended in 1976, classified forests into two categories of ownership: national and private. National Forests were subdivided into different sub-categories such as Panchayat Forest (PF), Panchayat Protected Forest (PPF), Religious Forest, Leasehold Forest and Government-managed Forests.
71. Tree seedlings were provided free of charge. Local people were paid in cash for their involvement in community forestry implementation.
72. In the case of PF, 100 percent of the proceeds would be sent back to the panchayat fund, while in case of PPF only 75 percent would be transferred back to the panchayat fund and the remaining 25 percent would be retained by the government. Granting back 100 percent of the income from PF to the panchayats was of little significance, given that PF was barren

land and the income from the management of such land would be nil for years to come.

73. The title of the Divisional Forest officer kept changing, such as to District Forest Conservator, District Forest Officer etc.
74. The shapes and the boundaries of the village panchayats were unstable. Often amalgamations with other village panchayats and/or districts occurred, due to various factors including political reasons. So the political boundary of the panchayat did not necessarily coincide with forest user boundaries or with the social sense of community.
75. Bear in mind that under the Forest Nationalization Act 1957 all privately held forests were nationalized.
76. The Master Plan for Forestry also adopted the concept of the user group and entrusted user groups with responsibility for organizing themselves, and for planning, decision-making and implementation of community forestry.
77. Under the Forest Act 1993, the judicial power to hear the cases of forest offences with a fine up to Rs 10,000 or with imprisonment up to one year or both was vested in the District Forest Officer (s 65(1) FA). The Act is silent about who hears the offences exceeding Rs. 10,000 and more than one year of imprisonment.
78. According to Peluso (1993) state's use of coercion in protecting resources indicates that legitimacy of the state in governing society is failing, incomplete, or absent. Nevertheless, coercion will help to control people, especially recalcitrant regional groups, marginal or minority groups who challenge the state's authority.
79. Sanction for only two forms of forest ownership: private and national, was provided in the *Nepal Gazette* 1993. Private forest is defined as a fully or partially tree-covered area with both trees and the land belonging to an individual. National forest is land owned by the government, irrespective of whether it has tree cover or not.
80. Based mostly on this clause, community forestry was once again applauded as a great innovation. For example, the ICIMOD seminar on Himalayan Community Forestry, held June 1-2, 1992 in Kathmandu noted: "the liberal approach of Nepal [community forestry] in returning 100 percent of forestry benefits to local communities amazed Indian participants... Some suggestions were radical: *All foresters should wear saris*" (ICIMOD 1993: 1). Professionals, representatives of donor agencies, NGOs, INGOs and government organizations participated in the seminar. The tendency to see the problems of community forestry as technical issues and to accept stated policies at face value helps hide the intensified presence of the state in governing resources and people in the form of community forestry. Furthermore, the gendered dimension reflected in the clause "all foresters should wear saris" seems to suggest that Nepal's community forestry policy soft, and a soft forest policy female.
81. The Forest Regulation 1995 requires user groups to have a work plan which should include detailed information, as follows: the forest's name, boundaries, area, type and condition; a map of the forest; the objectives of forest management; disaggregation of the forest into management blocks, together with each block's name, boundaries, areas, aspects, slopes, soil types, types of forest, main species, useful species, age and situation in respect to

natural regeneration; methods of forest and wildlife protection; the provision of penalties against offenders; proposed forest management activities such as thinning, pruning, cleaning and others; nursery, tree plantation and income generation activities; details of areas suitable for cultivation of herbs; type of herbs, programs and time schedules for cultivating them; provisions relating to use of income earned from the sale of forest products and other services.

82. Annex 16 of the Forest Regulation provides the format for issuing permits.
83. The Nepalese government recognized that resettlement of mountain people to the Terai was an essential step toward reducing population pressure in the mountainous parts of the country. In the ten years from 1964-1974, 77,700 hectares of Terai forest were distributed officially to settlers. But more than three times that area was cleared illegally (Eckholm 1976: 79).
84. The Water and Energy Commission (WECS) has used the word "forested land" to differentiate the legal and the technical definition of forest. It defines "forested land" as land with over 10 percent crown cover. WECS definition of forested land is similar to the Forestry Department's technical definition of forest.
85. Robert R. Davis, Senior Forestry Officer and Co-ordinator Forest Resources Assessment Programme, FAO provides the following definition of forest, as presently used in the Global Forest Resources Assessment 2000 (FRA 2000):
 - Land with tree crown cover (or equivalent stocking level) of more than 10 percent and area of more than 0.5 hectares (ha). The trees should be able to reach a minimum height of 5 metres (m) at maturity in situ.

This definition includes plantations as forest. But Ranil Senanayake disagreed with the inclusion of plantations in forest. He argued that the poor definitions and the failure of bilateral and multilateral donors to clarify and harmonize the definition of forest and incorporate this into current policy is substantially responsible for the crises in the forest economy, livelihoods and biodiversity. Other participants brought out the political interest involved in the definition of forest and the discrepancy between legal and the technical definitions of forest and the purposes they serve. Although the FAO is using for international comparison the minimum ten percent tree cover definition of forestland, common agreement on this definition does not exist. The definition used by Nepal's DoF is largely consistent with that of the FAO, however. For detailed discussion on the definition of forest, see Mountain forum electronic conference discussion on Mountain Forest, People and Trees, held from mid April to Mid May 1999.

86. The five physiographic zones of Nepal and their shares of the total land area are the high Himal (23 percent), the high mountain (20 percent), mid-mountain (30 percent), Siwalik (13 percent) and the Terai (14 percent). The far-western, mid-western, western, central and eastern regions are the five development regions. Note that the mid-western region lies west of the western region.
87. The Local Aid Group meeting 1984 anticipated a need for long-term forestry planning in Nepal. This resulted in the initiation of a three-year Nepal Forest Sector Master Plan Project in 1986. The Master Plan complements the "National Conservation Strategy", which was prepared to provide a broad framework for all development efforts related to natural

resources; and it matches the international "Tropical Forestry Action Plan", which facilitates communication with other governments and international agencies. Two regional workshops were organized to stimulate local input. After numerous revisions, the Master Plan report ultimately was produced as a 13 volume document.

88. The Agricultural Census 1991/92 defines different types of land use such as agricultural land, woodland, permanent and temporary meadows, pasture, etc. Orchards are not included in the category of woodland or forest. That woodland, meadow and pasture comprise a portion of agricultural land suggests the inseparability of agriculture from forestry. The census data showed that woodland or forest covered 4.19 percent of the total "agricultural" area and 16.08 percent of the total arable land holdings (HMGN/NPC/CBS 1993: 10).
89. The idea of compartmentalizing forestry from agriculture resulted from the introduction scientific forestry, which developed initially in Germany in the 18th century. Scientific forestry also emphasized the enactment of laws, establishment of administration and the introduction of police control in the forests. The essential idea was the industrial mobilization of wood products through "sustained yield" forestry: i.e., unchanging forest output through replacement of cuttings by natural or artificial means. For discussion see Banuri and Marglin (1993b: 42).
90. Many studies suggest that population pressure on Nepal's forestland is increasing (Wallace 1988; Blaikie and Brookfield 1987; ADB 1988; Nield 1985). In particular, the Asian Development Bank claimed that the demand for forest products in Nepal was two to four times the natural rate of production (ADB 1988: 1). Along similar lines, Nield argued that the physical inaccessibility of many non-degraded forests and the increasing population pressure on accessible forests would cause a further degradation of the latter in the mountain areas (Nield 1985: 4). This categorization of accessible and inaccessible forests was carried over into the Master Plan.
91. Many studies suggest that soil erosion results from natural causes, rather than from local population pressures and mismanagement of resources. See Carson (1985); Hamilton (1983 cited in Pearce, *et al.* 1990); and Ives (1988).
92. I borrowed this idea of "co-evolution of nature and culture" from Dove (1992b).
93. For details on various forestry projects, see Appendices 1 and 2.
94. Initially, the draft Master Plan recommended 30 percent representation of women on forest committees. The 1989 Master Plan revision referred to "the maximum possible" representation and the 1990 revision suggested at least 50 percent (Bhatia *et al.* 1995).
95. Experience of the Jalbire women's community forest program has shown that women's interest is not limited to subsistence uses of forests but extends to commercialization and profit-making (Malla 1995).
96. Pine dominance not only discourages bio-diversity but is of little use to people in the villages because it significantly reduces availability of fodder and pine litter as compost in the fields results in soil acidification which is detrimental to productivity (Schreier *et al.* 1994: 146).

97. Please see Forest Regulations 1995, note 2 of the annex 8 related to Rule 19.
98. The introduction of the Panchayat system in 1960, the Local Administration Act 1968, the District Administration Plan 1974, Integrated Panchayat Development Design 1978, the Decentralization Act 1982 and its By-laws 1984 and the 1991 Administrative Reform Commission Report also required the forest bureaucracy to make changes to its administrative structure.
99. Forest guards hired in the past were illiterate. Many of them are still unable to read and write. Their job jurisdiction is policing the forests.
100. Local people see forest guards face to face in their everyday life which reminds them continuously that these guards are there to protect forests on behalf of the government. The forest guards (and also the watchers in the past) could hence be seen as embodiments of state presence and power at the local level.
101. Rangers have a two year I.Sc. and/or three years B.Sc degree in forestry from the Institute of Forestry, Tribhuvan University, Nepal.
102. Achal Kumar Dhungana, Chairperson of Ranger Association of Nepal blames it on the corrupt attitude of the officials in the Forest Ministry (see Ktm Post Jan 13, 1999).
103. Prior to 1984 when Institute of Forestry, Tribhuvan University began graduating BScs, the DFOs were mainly those who had an academic degree in forestry from the forestry school of Deeragun, India. DFOs technical education is supplemented by brief courses at the Administrative Staff College. Around half of the current DFOs are Indian trained while the half are IoF (Rolls 1995: 83).
104. They have to keep financial reports intact all the time and be prepared for district treasury periodic auditing and a surprise inspection visit from the Special Police for Anti-corruption.
105. There are five development regions in Nepal and each region is headed by a regional forest director who is assisted by the deputy regional director and two to three junior forest officers.
106. Any corporate body, industry or community desirous of taking up leasehold forest can submit an application to the regional director directly or through the DFO. Regional directors instruct DFOs to publish a public notice about the proposed leasehold forestry. If local people come up with a plan for community forestry within 35 days of such notification, then regional directors have to keep the leasehold forest file on pending and instruct DFOs to constitute a user group within 3 months (Forest Regulations 1995 s39(3)). If no application is filed and no user group formed within 3 months, the regional director may hand over the forest as leasehold forest.
107. Joshi *et al.* (1992: 63, 69) further argue that during the period of transfer, and a few months before and after, most field work ceases in the districts. As placement of the staff in the district is usually made in a condition of little or no information about the district, the newly appointed staff need a considerable amount of time to familiarize themselves with the districts so that they can make plans. In order to carry out forestry actions effectively, as Joshi *et al.* note, the DFOs must be knowledgeable about the biological and ecological

conditions of the districts, the nature of the ongoing forest management systems, the location and the status of community and other forestry programs, the rangers' placements in the district, the budgetary situation, the social and political conditions in various parts of the district, and the influential people in different parts of the villages within the district. So an introductory period of at least six months is necessary to become functional in the districts. In a situation where the DFOs have less than one year to stay in one district it is unreasonable to expect from them a strong commitment to the sustainable development of forest development in the districts.

108. The next phase of administrative changes considered only the age 58 as the determining factor for retirement.
109. With the instability in the government the political polarization in the bureaucracy also increased. The formation of nine different governments within nine years of the restoration of parliamentary democracy is an example of the instability in the government. Following are the names of Prime Ministers within this nine years (see [Http://www.Nepal News.Com](http://www.Nepal News.Com) May 31, 1999):
1. Krishna Prasad Bhattarai 1990 (Interim Prime Minister)
 2. Girija Prasad Koirala 1991 (Elected Prime Minister, Nepali Congress).
 3. Man Mohan Adhikari 1994 (Prime Minister, CPN-UML minority government. He was the first communist Prime Minister of Nepal).
 4. Sher Bahadur Deuba 1995 (Prime Minister, Nepali Congress, Rastriya Prajatantra Party (RPP) and Nepal Sadbhavana Party coalition government)
 5. Lokendra Bahadur Chand 1997 (Prime Minister, CPN-UML, RPP and Nepal Sadbhavana Party coalition government).
 6. Surya Bahadur Thapa 1997 (Prime Minister, Nepali Congress, RPP and NSP coalition government).
 7. Girija Prasad Koirala 1998 (Prime Minister, Nepali Congress minority government).
 8. Girija Prasad Koirala 1998 (Prime Minister, Nepali Congress and CPN-UML joint caretaker government).
 9. Krishna Prasad Bhattarai 1999 (Prime Minister, Nepali Congress majority government announced in May 31, 1999).
110. The Federation of Community Forest User Group (FECOFUN) is a national organisation representing user groups from 42 districts of Nepal. Credit to its birth goes to the department of forest, Private and Community Forestry Division which invited forest user groups from 40 districts for a five day discussion series held in Dhankuta so that the DoF can incorporate forest users voice in the national seminar on community forestry organized by the DoF from February 22-25, 1993. With support from the DoF as well as various NGOs and INGOs the forest user groups has appeared as a strong institution since early 1996. For discussion on the emergence of the Federation of Community Forest User Group see Shrestha, Kafle and Britt (1997).
111. Accessible implies forests under intense human pressure and hence degraded or degrading forests that is not possible for the forest agency alone to protect and develop. The DoF thus sees handing over such forests to the local people as a viable alternative to the management of forests by the government.

112. They believe that community forestry would further accelerate the land-grabbing problem caused by the Squatter Settlement Committee in the Terai. The Squatter Settlement Committee was established under the resettlement program to discourage haphazard settlement of landless people in the Terai forest. The committee distributes forest land to the landless people as part of a systematic settlement program. Many agencies including the Forestry Department complain of ongoing irregularities in land distribution under the resettlement program as a leading cause of continuous deforestation in the Terai. So forest agency staff believe that community forestry would increase, among others, the land-grabbing problem in the Terai.
113. These issues came under discussion also during the electronic conference on Mountain People and Trees organized by Mountain Forum from mid-April to mid-May 1999.
114. Corruption is an important part of state formation and intensification in Nepal. The debate that "corruption has been institutionalised in Nepal" is on-going for almost half a century. Many anti-corruption campaigns have been launched and a number of independent corruption investigation agencies including the Commission for Investigation of Abuse of Authority (CIAA), Public Account Committee (PAC), Special Police, Revenue Leakage Joint Parliamentary Committee have been established. CIAA is a constitutional body. It claims that there are not sufficient legal provisions for it to be effective and complains regularly about the lack of cooperation from the government in implementing recommendations forwarded by it. The Nepalese finance minister has sought the World Bank's cooperation in regard to the corruption problem. Similarly, a Code of Conduct for the legislators and ministers is proposed to restrain lawmakers from corrupt behaviour. After the controversial decision to give a monopoly timber contract to the timber corporation and after winning the majority vote in the May 1999 national election, the president of the ruling party has warned the new cabinet that corruption will not be tolerated and those involved in it will have to face action. Presentation of corruption as a solvable problem has not necessarily reduced corruption but has helped in the formation and intensification of the state through the creation of watchdog agencies.
115. The forest agency has derived revenues primarily from timber sales and licensing. About 80 to 95 percent of the forest revenue comes from timber sales. Timber used to be one of the main commodity exports to India. But since 1985/86 export has been banned. But illegal logging takes place at a considerable rate at the Indian borders of Nepal (See Shrestha 1993b).
116. For example, regular expenditure which used to be less than 4 percent of total forest sector expenditure reached 48 percent in 1994/95.
117. The Ministry of Finance, budget speech 1991/92 shows that the development expenditure is dominated by recurrent expenditure such as salary, subsidies, operation and maintenance. Salary alone constitutes 30 percent of the total development expenditure. The shift from project to program approach also implies that the staff can no longer claim extra project allowance because the project no longer remains as a development project but the regular development program run under the regular budget and the salary of the staff is paid under the regular budget rule.
118. Inefficiency in generating revenue is also evident if one looks at the huge gap between foreign aid commitment and disbursement figure: forest sector aid disbursement as percent

of committed fund was only 4.4 percent during 1975-80, 9.0 percent during 1980-85, 6.3 percent during 1985-90 and 15.3 percent during 1990-95 period on average (HMGN/MOF 1996). There is an increasing complaint from the donor agencies that the Nepal government suffers from an over-committed development budget, ineffective expenditure monitoring, exhaustive and lengthy financial clearance procedures (World Bank 1989: 101; Evans *et al* 1993: 23). By seeing these as technical problems of financial administration, the ground has been laid for reforms in the financial sector, prioritization of development programs and the maintenance of accountable governance while routinizing and giving continuity to development interventions as usual. To assure prioritization of development programs and to increase the accountability of the forest agency, a high level of monitoring and evaluation has been established as integral part of the Forest Ministry.

119. Nepal's bureaucracy is dominated overwhelmingly by Newar, Chhetri and Brahmins (Bista 1991; Seddon 1987; Pokharel 1997).
120. The Administrative Reform Commission 1991 recommended reorganizing the administrative structure of various ministries, laying off existing staff by 25 percent by 1993/94, and implementing an employment code which would ensure strict accountability for civil servants.
121. The preamble of the Civil Service Act 1992 and its first amendment 1998 also highlight this point.
122. Bhatia *et al.* (1995: 29) points out that field staff was reduced in 1993 by almost one-third contrary to the projection made in the Master Plan for an increase of 60 percent.
123. According to the credit agreement the Nepal government has to pay a service charge. It has to pay a commitment charge semi-annually on the principal amount of the credit not withdrawn from the account from the respective dates on which the amount should be withdrawn. This requirement of commitment charge could be a factor that the central office put pressure on the district offices to speed up the forest handover to the communities. This rush to handover forest, as foresters believed, could lead to future failures in community forestry operation.
124. Under the credit agreement, the World Bank requires the Department of Forest to follow and cause to follow the set deadline and to ensure that disbursement of funds allocated to user groups is in accordance with the terms and conditions agreed with the IDA. It is possible that the project's demands and deadlines set by the IDA are not met, resulting in a drastic decline in the agreed credit amount. The year 1989 saw a trade-transit impasse between India and Nepal and the year 1990 saw a peoples' movement that resulted in the replacement of Panchayat system of government by multi-party parliamentary democracy. The new recruitment and the termination and/or transfer of staff in key positions took place which could have affected the functioning of the community forestry project.
125. Considering that Nepal is undergoing economic adjustment and that the country needs to mobilize more resources both external and internal, the mobilization of domestic resources, particularly stepping up the rural saving allocated to the forestry sector seems to have become the easy target. This is evident in the World Bank community forestry project as well.

126. Explanations of foresters' attitude towards community forestry are based on information derived from interviews with 28 foresters working at different levels in the bureaucracy; observations of interaction between foresters and forest user group members in the district office; and participation in community forestry workshops and meetings in the central office as well as regional training centre.
127. This was mentioned to me by numbers of forest user group committee members during my field visit in Nuwakot and Lalitpur districts community forestry sites.
128. Shrestha (1993a: 57-58) notes that in the long run, forest officials will slowly lose their technical skills due to a lack of proper application of their technical knowledge. He points out that since foresters do not get education on forest patrolling, the strategy of the foresters at the field level is to keep local complaints 'low'. In the context of Pakistan, Dove (1992a) points out that the admission that foresters have limited knowledge on the social dimension is an important departure from the past where foresters claimed themselves to be expert on forests as well as on rural life in general.
129. Amrit Joshi explains that most of the external assistance in community forestry is spent on the centre, such as expatriates, machinery and higher studies leaving only about 10% of it for field activities. He suggests that loans/grants should be accepted when the input can reach the grass root level and should not be used much in the central level program. Future generations cannot pay back the loans. The government has not taken the matter seriously (For more discussion, see Joshi 1993).
130. A very poor, low-caste or disadvantaged person within a community may not easily mingle with the rest of the community, may miss the chance to be included in the user group, and even if included may not speak out in the forest user assembly decision making and so could be excluded from access to the forest product from community forest (Shrestha 1995; Sikel 1995). Contrary to this observation, some foresters at the Nepal Australia Community Forestry argue that the implementation of community forestry has allowed even low caste and very poor people to challenge the authority and coercion of the local influential people (Source: personal communication).
131. Many NGOs and INGOs are working directly with the communities and advising them on potential income-earning opportunities for community forestry and also on how can they send their voice to the top hierarchy of forest administration in the country. For example, the NGOs such as Green COM is introducing a video letter on community forestry in which communities from different districts tell their problems to the ministers and policy makers (Kathmandu Post 15 March 1998).
132. For example, the DoF took action against Jalbire Women's Community Forest UserGroup which went against the community forestry workplan and undertook logging operation in the forests and exported the logs to Kathmandu instead of distributing them in the village and/or within the district territory. The DoF took no visible action against the concerned forest officials who knew of the felling operation. For detailed discussion about this, see Malla (1995: 124-125)
133. This point was also brought forward by Amrit Joshi during the international electronic conference on mountain people, forest and trees organized by the Mountain Forum. That there is no forests under government management except certain thousand hectares of land

in Sagarnath sounds strange.

134. Not only foresters but government officials in departments other than forestry also used the same language during my informal encounters and talks with them about the community forestry program.
135. The DoF has taken back community forest from the forest user group in Chaughare village on the charge of infringing the work plan in harvesting forest product and pursuing activities that could cause threat to the environment.
136. The major agricultural products of Chaughare are maize, potatoes and millet. Some also grow peas, mustard, soyabean and radish. Use of chemical fertilizer is very limited and when organic fertilizer is applied farmers do not cover it by soil thus reducing its effectiveness. The average landholding size in Chaughare is 5 ropani. According to villagers, the land is sufficient to feed the family for about six months in the year (Source: Field Survey).
137. Campbell (1997) notes that Tamang women in Rasuwa and Nuwakot were involved in sex trade, even going to Bombay brothels. Shrestha (1989) notes the same for Tamang women in Kakani village, Nuwakot. But in Chaughare, Tamang women do not seem to have such involvement.
138. Road construction has not yet come with public transport facility however. Villagers still commute to the city on foot.
139. There are 6 milk collection centres. Prior to 1989 there was no tradition of selling milk although some Tamangs used to make a milk-based desert and clarified butter and sell in the urban market. Government officials and other development workers in Chaughare often remark that women take care of buffaloes much better than their own children. This is not unique to Chaughare. In a Tamang village in Kakani women seem married with livestock. Women make investment, both time and money, in raising livestock.. Many women raise livestock as *pewa* (personal property) from childhood. Initially they raise chicken. When they have more money they go to raising goats and then to buffalo. For discussion on this, see Neeru Shrestha (1989).
140. The statutory provision of Tamangs as enslavable category of people has been lifted from the Muluki Ain. The sections on the fundamental rights in the constitution of Nepal 1962 and also 1990 do guarantee equality to citizens whatever their religion, color, sex, caste, ethnicity and creed. But in reality, the Nepalese situation continues to remain of the immense social inequality and Tamangs remain highly discriminated in Nepal.
141. For example, the government Agricultural Development Office provides training in agriculture and also forms leader farmer groups including for livestock. NGOs such as the Red Cross, Sarbodaya Sewa Sawaj and Health Post have helped in bringing drinking water and have encouraged formation of user groups including a women's livestock group and credit group.
142. For an elaborate and interesting discussion on the construction of *bikas* especially the difficulty of locating *bikas* and the way people identify themselves and others with *bikas* in Nepal, see Stacy Pigg (1992).

143. This fear is a valid one. The Forestry Department may hand over forests to those villagers who first came to register themselves as user groups of a particular patch of forest. There are cases of dispute which were intensified because the district forest office handed over the same patch of forest to two different user groups. Since the forest agency lacks data on forest inventory and location and since rangers for two adjoining villages may not be the same the occurrence of such mistakes is to some extent inevitable.
144. Common tree associates of *khasru* are *Prunus cerasoides*, *Acer* spp., *Pinus wallichina*, *Juglans regia* and *Betula utilis*. According to Mathema (1991: 13) because of their location in inaccessible areas, *khasru* forests have neither been managed nor utilized on a commercial scale but have been used to meet fodder and fuelwood needs by the villagers. He argues that the degradation of *khasru* forest is threatening agricultural balance in Nepal's mountains. There is thus a continuity in literature depicting mountain forest degradation as threatening the lives of rural people and controlling forest use as a necessity to improve the agricultural situation in the mountains.
145. It is in the context of the blurred boundary between state and community management that Fisher (1991) has emphasized the need to distinguish traditional from indigenous forest management.
146. The Constitution is the FUG's internal rules or operational plan. The Work Plan is the FUG's rules about forest management principles and silvicultural operations. Prior to 1995, FUG had to prepare only one plan called the operational plan.
147. Note that as shown in Chapter 7, Forest Department officials have started to frame the idea of manipulative leaders/local elites as a technical problem for them to solve. This overlooks the fact that bureaucratic hurdles are among the factors that places community forest in the hands of manipulative leaders.
148. Under the SLI, any unnecessary species competing with the growth and development of the key species and other useful species could be removed. Tree singling is the removing of stems and branches other than one key stem/branch so that the proper growth of the tree will be ensured. Tree improvement is the cutting down of aged/dried/diseased/ dying/crooked and fallen trees in order to allow the growth of small saplings and trees in the forest.
149. But their fellow villagers as well as government officials usually remark that the charcoal makers come back from the city in a hired cab with a few kilograms of rice, a carton of cigarettes, some vegetable, salt and oil and spend the whole day in the local bar spending all the money they have earned from selling charcoal.
150. Some NGOs especially Red Cross advised the FUC to undertake cash crop production such as cardamom on the cleared land, but this of course would not be acceptable to the Forestry Department.
151. Forest Law allows amendment of the Work Plan after the forest is handed over. The notification of Work Plan amendment has to be sent to the District forest office before any activities are undertaken according to the amended Work Plan.
152. These directives were discussed in a planning meeting of community forestry at the central level. Many argued that the directive might not be good for community forest promotion

because it will make rangers very conservative. Moreover, it will remove all decision making authority from the community. They agree that the directive would at least protect district forest officials from dismissal.

153. Britt (1998) provides a good description of FECOFUN's structure and also explains the confusion about FECOFUN among the forest user groups. For example, some forest user group members saw FECOFUN as a project which might deliver goods and services to their districts, villages and their user groups, other saw it as a platform for gaining power, prestige and privileges to set down their agendas and some had a clear understanding of the Federation as an entity representing the collective concern of forest users (Britt 1998: 15). FECOFUN's indifference in the Khor Danda case also needs to be seen in the context of the lack of Khor Danda FUG representation in FECOFUN and the fact that Tamangs are a socially oppressed group. Furthermore since FECOFUN receives support from donors as well as community forestry professionals it is not in a comfortable position to outwardly support the Khor Danda which the media and the government have already portrayed as a case of mismanagement and destruction of forest by the forest group itself.
154. The permit that the contractor received from the district forest office for the harvesting and transport of forest product has to be verified by the range post where the ranger will check whether the quantity collected is under the allowable permit or not. The armed guards and some local leaders are of the opinion that the contractors not only extract and transport more than is allowed by the permit but also re-use old permits to further extract and transport products from the forest.
155. Local people of Lakure Bhanjyang mentioned that about 80 percent of the trees planted were pine which is of little value for fodder.
156. One of those local leader had served previously as nursery foreman of the forest department. These leaders told us that it was very difficult to bring in rangers because they often transferred from one area to another within three-four months.
157. The public group discussion, central to Participatory Rural Appraisal methods, may be both disempowering and threatening for many different groups and individuals in situation where control over knowledge is an essential element of local power structure. Women are often in this position. This is particularly true in regions where development activities are well-established and where community leaders have learnt the importance of presenting foreigners (or government bureaucrats) with the "right" kind of information (Parpart 1999: 9).
158. According to the local villagers timber was cut from this forest to rebuild houses destroyed by natural disasters and was also a place to settle landless people.
159. This was because Panchayat system of government was on the verge of collapse.
160. One-fourth of the amount collected from penalties is to be given as prizes to informers reporting forest offenses.
161. In the context of forestry in New Brunswick, Huber (1985: 105) suggests that improved management of forest is a principal means of solving long term supply problem. So, the optimal point to intervene is when harvesting occurs because quality of cutting is critical

to regeneration and hence silviculturally important. The policy of resource stewardship to forest villagers in Nepal under the community forestry program expects villagers to participate in the program and maintain the biomass stocks intact for the benefits of future generation rather than the present generation. So it is no wonder that the forest users groups come under strict surveillance of forest agency during harvesting. The fact that the forest harvesting will provide the forest user committee with financial resources can also be an opportunity for the forest officials to seek rent and hence make visits to the village.

APPENDICES

Appendix 1 Some Recently Completed Forestry Projects in Nepal

Name & the duration of the projects	Sources of funding	Project objectives
Terai Community Forestry (1983-92)	IDA/FAO and EEC grant and HMGN	to increase supply of fuel wood, poles, and timber
Karnali-Bheri IRDP (1985-93)	CIDA grant, HMGN	to reduce environmental degradation and conserve soil and water
Watershed Management (1986-92)	UNDP/FAO grant, HMGN	to assist DSCWM planning unit
National Tree Seed, Hattisar (1987-92)	EEC, ODA grant and HMGN	to establish a tree seed collection and distribution system
Rasuwa- Nuwakot Soil Conservation Project II (1987-93)	World Bank loan and HMGN	to protect degraded and erosive area
Forestry Sector Institutional Strengthening Component 1 (1989-93)	FINNIDA grant	to strengthen capability in planning, implementation and coordination of forestry program
Forestry Sector Institutional Strengthening Component 2 (1990-93)	FINNIDA grant	to strengthen monitoring and evaluation capability of the forestry sector
Forest Management and Utilization Plan for Sagarnath Plantation (1992-94)	FINNIDA grant	to make optimum use of the forest product and services from the Sagarnath area
Forestry Extension and Demonstration Network Project (1991-94)	JICA grant	to support decentralized forestry management in western development region

Source: HMGN/MFSC-USAID 1995

Appendix 2 Some Ongoing Community Forestry and Related Projects in Nepal

Project	Sources of Funding	Project objectives and experience
Bagmati Watershed Project (1985-96)	EEC grant & HMGN	It aims at reducing soil erosion and increasing land productivity. Lack of adequate project preparation, poor community participation, lack of dedicated staff, poor staff incentives and frequent staff transfers are seen as major constraints.
Sagarnath Forestry Development (1986-->)	UNDP grant, ADB loan & HMGN	It aims at producing forest products for the domestic market and establishing plantations. After the end of a UNDP grant in 1991 the project is running primarily on an ADB loan.
Rapti Development (1987-95)	USAID, Peace-corps grant & HMGN	It aims at increasing household income and well-being through increased productivity, market access and sustainable management. It is an extension of the project initiated in 1980. It emphasizes decentralized planning and strengthening of user groups and an improvement in line agencies' capacity to deliver services. Inadequate coordination and communication among agencies and lack of technical support at the field level are seen as major constraints in achieving project goals.
Makalu-Barun National Park and Conservation (1988-2000)	UNDP, WMI Netherlands grant & HMGN	It aims at protecting and promoting bio-diversity in the parks through peoples' participation. Lack of staff with knowledge about community development is seen as a constraint.
Community Forestry Training (1989-96)	DANIDA grant & HMGN	It aims at improving the technical & managerial capabilities of the DoF staff and the communities. This project is run parallel to the World Bank-sponsored community forestry. An unclear chain of command between DoF and the regional training centres and frequent transfers of field staff are seen as major constraints.
Nepal Hill Community Forestry (1989-96)	World Bank loan, UNDP grant & HMGN	It aims at establishing forest management system so as to conserve and expand the forest resource base required for sustaining the subsistence farming system and livelihood. It is an expansion of the project run since 1979. Poor incentive system for field staff is seen as a constraint.
Forestry Development (1990-95)	USAID grant & HMGN	It aims at strengthening the capacity of the Forest Ministry to implement Forest Sector Master Plan programs.

Forestry Program Loan (1990-95)	ADB & HMGN	It aims to promote scientific management of forests and restore ecological balance. The national and leasehold forestry program component of the Forest Master Plan is covered by this loan.
Begnas - Rupa Tal Watershed management (1990-95)	CARE grant & HMGN	It aims at stabilizing physical environment and improving resource allocation and management by encouraging local participation.
Forest Management and Utilization Development (1991-95)	FINNIDA grant & HMGN	It aims at reducing environmental degradation and increasing long term productivity of national forests in the Terai by introducing systematic management and sustainable use practices. Unclear land use policy and occasional lack of counterpart personnel are seen as the project constraints.
Nepal Australia Community Forestry Phase IV (1991-96)	AIDA grant & HMGN	It aims at assisting the government in achieving community welfare and self reliance through improvement in forest development and conservation. It is an extension of the project initiated in early 1978. Reduction in field level staff (i.e., rangers) in the hills under the administrative restructuring program of the government is seen as the project constraint.
Dolakha-Ramechhaap Community Forestry (1991-96)	SDC grant & HMGN	It aims at improving local access to forests on a sustained basis through participatory initiative. Lack of technical & planning skill of the staff, improper staff evaluation system and non-compliance in forming forest user groups according to the guidelines prescribed for user group formation are seen as the constraints.
Tree Improvement (1992-96)	DANIDA grant & HMGN	It aims at ensuring support for tree improvement and an adequate supply of high quality seeds for afforestation purposes.
Shivapuri Integrated Watershed (1992-96)	Norway grant & HMGN	It aims at promoting environmental stability through conservation management and improving the provision of basic needs of the local people. It is an extension of the earlier phase project initiated in 1985.
Nepal-UK Community Forestry (1993-98)	ODA grant & HMGN	It aims at meeting local needs for tree products on a sustained yield basis. It supports the community forest policy to transfer targeted forests from government to community management. Frequent staff transfers, lack of committed and skilled staff in the districts, the lack of incentives for the field staff are seen as the constraints.

Nepal-UK Forestry Research Phase II (1994-96)	ODA grant & HMGN	It aims to help the rural poor meet basic needs through technical and institutional support to Forest Research and Service Centre to manage client-focused quality research. Lack of qualified staff and administrative problems in training young and inexperienced staff are seen as the constraints.
Hill Leasehold Forestry and Forage development (1993-2001)	IFAD loan, FAO grant & HMGN	It aims at alleviating poverty of the people and improving the quality of degraded land. Lack of staff at the field sites and poor staff incentives are seen as the constraints.
Forest Resource Information System Phase II (1994-95)	FINNIDA grant & HMGN	It aims at improving the knowledge of Nepal's forest resources for improved decision making and management and for monitoring the impacts of human activities. It helps government to develop a forest resource information system and to improve capability in conducting forest inventories and surveys.
Bio-diversity Profile (1994-95)	Netherlands government grant & HMGN	It aims at conducting bio-diversity surveys and preparing management profiles especially for the protected areas. Time constraint is perceived as a problem.
Parks and people (1994-97)	UNDP grant & HMGN	It aims to enhance the institutional capacity of the Department of National Parks to co-manage Terai national parks and buffer zones and to improve the economic well-being of the local people. Limited budget for community development and the difficulty of the staff in working with local people are seen as the constraints.
Watershed Management (1995->)*	DANIDA grant & HMGN	It aims at improving watershed conditions by encouraging participation from the local people.
Environment and Forest Enterprise (1995-2002)*	USAID grant and HMGN	It aims to help government promote democratic decision-making in forestry and ensure the increased household incomes. Control and sustainable management of natural resources by community forest user groups, private farmers and entrepreneurs are emphasized.
Terai and Siwalik Forestry Phase IV (1995->)*	World Bank grant & HMGN	It aims at assisting the government to set up a policy framework and institutional structure for private investment in the forestry sector.

Sources: Derived based on the following reports:

HMGN/MFSC -USAID 1996; CEDA 1991; Dahal, Dilli Ram 1994.

Note: * indicates projects still in pipeline.

BIBLIOGRAPHY

- Acharya, Harihar. 1989. "Jirel Property Arrangements and the Management of Forest and Pasture Resources in Highland Nepal." *Development Anthropology Network*, 7(2): 16-25.
- Agarwal, Bina. 1991. *Engendering the Environmental Debate: Lessons Learnt from the Indian Subcontinent*. CASID Distinguished Speakers Series Monograph No.8. Michigan State University.
- Agarwal, Bina. 1994. "Gender and Command over Property: A Critical Gap in Economic Analysis and Policy in South Asia." *World Development*, 22 (10):1455-1478.
- Agrawal, Arun. 1997. *Community in Conservation: Beyond Enchantment and Disenchantment*. Gainesville: Conservation and Development Forum.
- Agrawal, Arun 1999. *State Formation in Community Spaces: Control over Forests in the Kumaon Himalaya, India*. Draft Paper Presented at the University of California, Berkeley Workshop on Environmental Politics. April 30, 1999.
- Agrawal, Arun, C. Britt, and I. Kanel. 1999. *Decentralization in Nepal: A Comparative Analysis: A Report on the Participatory Development Program*. Oakland: Institute for Contemporary Studies.
- Allen, R.E., ed. 1990. *The Concise Oxford Dictionary of Current English*. Oxford: Clarendon Press.
- Applegate and Gilmour. 1987. *Operational Experience in Forest Management Development in the Hills of Nepal*. ICIMOD Occasional paper no. 6. Kathmandu: ICIMOD.
- Arce, A. and N. Long. 1992. "The Dynamics of Knowledge: Interfaces Between Bureaucrats and Peasants," in N. Long and A. Long, eds., *Battlefields of Knowledge: The Interlocking of Theory and Practice in Social Science Research and Development*. London: Routledge.
- Arnold, J.E.M and J. G. Campbell. 1985. "Collective Management of Hill Forests in Nepal: The Community Forestry Development Project." Paper Presented at the *Common Property Resource Management Conference*, Annapolis, 21-27 April 1985.
- Asian Development Bank (ADB). 1988. *An Operational Strategy of the Bank for Nepal*, (official circulation). Manila: ADB Program Department West.
- Bajracharya, Deepak. 1983. "Deforestation in the Food/Fuel Context: Historical and Political Perspectives from Nepal." *Mountain Research and Development*, 3(3): 227-240.

- Bajracharya, Deepak. 1993. "Fuel, Food or Forest? Dilemmas in a Nepali village." *World Development*, 11(12):1057-1074.
- Bajracharya, K.M. 1993. "Managing the Forest Resource in Nepal." *The Nepal Journal of Forestry*, 8(1): 1-6.
- Banuri, Tariq and F.A. Marglin. 1993a. "A System-of-Knowledge Analysis of Deforestation," in T. Banuri and F.A. Marglin, eds., *Who Will Save the Forests? Knowledge, Power and Environmental Destruction*, 1-23. London: Zed Books.
- Banuri, Tariq and F.A. Marglin. 1993b. "The Environmental Crisis and the Space for Alternatives: India, Finland and Maine," in T. Banuri and F.A. Marglin, eds., *Who Will Save the Forests? Knowledge, Power and Environmental Destruction*, 24-49. London: Zed Books.
- Barber, C. V. 1989. *The State, The Environment and Development: The Genesis and Transformation of Social Forestry Policy in New Order Indonesia*. Doctoral dissertation, University of California, Berkeley.
- Bartlett, A.G. and Y.B. Malla. 1992. "Local Forest Management and Forest Policy in Nepal." *Journal of World Forest Resource Management*, 6: 99-116.
- Bernstein, Henry. 1990. "Taking the Part of the Peasants?" in Henry Bernstein *et al.*, eds., *The Food Question*, 65-79. New York: Monthly Review Press.
- Bhatia, Kiran, *et al.* 1995. *A Gender Analysis of the Community Forest Project, Volume 1. Dolakha Ramechhap Community Forestry Development Project*. Kathmandu: Swiss Development Cooperation.
- Bienen, Henry *et al.* 1990. "Decentralization in Nepal." *World Development*, 18 (1): 61-75.
- Bishop, B. 1978. "The Changing Geocology of the Karnali Zone, Western Nepal: A Case of Stress." *Arctic and Alpine Research*, 10: 531-548.
- Bista, Dor Bahadur. 1991. *Fatalism and Development: Nepal's Struggle for Modernization*. Calcutta: Orient Longman.
- Blaikie, P. J. Cameron and D. Seddon. 1980. *Nepal in Crisis: Growth and Stagnation at the Periphery*. Delhi: Oxford University Press.
- Blaikie, Piers. 1985. *The Political Economy of Soil Erosion in Developing Countries*. London: Longman.
- Blaikie, Piers and H. Brookfield, eds. 1987. *Land Degradation and Society*. New York: Methuen.

Braidotti, Rosi *et al.* 1994. *Women, the Environment and Sustainable Development: Towards a Theoretical Synthesis*. London: Zed Books.

Britt, Charla. 1998. *Community Forestry Comes of Age: Forest User Networking and Federation-Building Experience from Nepal*. Paper presented at the Seventh Common Property Conference of the International Association for the Study of Common Property, Vancouver, Canada, June 10-14, 1998.

Bromley, D.W. and M.M. Cernea. 1989. *The Management of Common Property Natural Resources: Some Conceptual and Operational Fallacies*. Discussion paper no. 57. Washington DC: World Bank.

Brookfield, H.C. 1984. "Intensification Revisited." *Pacific Viewpoint*, 25(1): 15-44.

Brown, Katrina. 1994. *Conservation or Development in Nepal's Terai? Resolving Land Use Conflicts in Asia's Last Stand Frontier*. Centre for Social and Economic Research on the Global Environment (CSERGE) Working paper GEC 94-23. Norwich: Economic and Social Research Council.

Brown, Katrina. 1995. *Plain Tales from the Grasslands: Extraction, Management and Conservation of Natural Resources in Royal Bardia National Park, Nepal*. Centre for Social and Economic Research on the Global Environment (CSERGE) Working paper GEC 95-14. Norwich: Economic and Social Research Council.

Burghart, Richard. 1994. "The Political Culture of Panchayat Democracy," in Michael Hutt, eds., *Nepal in the Nineties: Versions of the Past, Visions of the Future*, 1-13. Delhi: Oxford University Press.

Campbell, Ben. 1997. "The Heavy Loads of Tamang Identity," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal*, 205-236. Amsterdam: Hardwood Academic Publishers.

Campbell, J.G, R.J. Shrestha and F. Euphrat. 1987. "Socio-Economic Factors in Traditional Forest Use and Management: Preliminary Results from a Study of Community Forest Management in Nepal." *Banko Jankari*, 1(4): 45-54.

Campbell, J.G. and Jeanette Denholm, eds. 1993. *Inspirations in Community Forestry: Report of the Seminar on Himalayan Community Forestry, Kathmandu, Nepal, June 1-4, 1992*. Kathmandu: International Centre for Integrated Mountain Development.

Carson, Brian. 1985. *Erosion and Sedimentary Processes in the Nepalese Himalayas*. Kathmandu: International Centre for Integrated Mountain Development (ICIMOD) Occasional Paper No.2.

- Carter, A. S. and D.A. Gilmour. 1989. "Increase in Tree Cover on Private Farm Land in Central Nepal." *Mountain Research and Development*, 9: 381-391.
- Carter, E.J. 1991. *Tree Cultivation on Private Land in the Middle Hills of Nepal: A Village Perspective*. Unpublished PhD Thesis. OFI, Oxford University.
- CEDA. 1991. *Popular Management of Forest Resource: Selected Case Studies of Rapti Area*. Kathmandu: CEDA.
- CFDP nd. *Community forestry development project annual progress report for 1986-1987*, CFDP Miscellaneous Document # 46, 2043-44. Monitoring and Evaluation Unit, Kathmandu.
- Chambers, R. 1983. *Rural Development: Putting the Last First*. London: Longman Scientific and Technical.
- Chand, P.B. and A. Wilson. 1987. "A Case Study of the Development of Local Forest Management in Darchula." *Banko Jankari* (Special Issue), 1(4): 20-23.
- Chhetri and Pandey. 1992. *User Group Forestry in the Far-Western Region of Nepal: Case Studies from Baitadi and Achham*. Kathmandu: ICIMOD.
- Dahal, Dilli Ram. 1994. *A Review of Forest User Groups: Case Studies from Eastern Nepal*. ICIMOD
- Dasgupta, Partha and Karl-Göran Mäler. 1991. "The Environment and Emerging Development Issues," in *Proceedings of the World Bank Annual Conference on Development Economics 1990*, 101-131. USA: The World Bank
- Dove, Michael R. 1992a. "Foresters' Beliefs About Farmers: A Priority for Social Science Research in Social Forestry." *Agroforestry Systems*, 17:13-41. Reprinted by East-West Centre: Environment Series, no. 12.
- Dove, Michael R. 1992b. "The Dialectical History of 'jungle' in Pakistan: an Examination of the Relationship Between Nature and Culture." *Journal of Anthropological Research*, 48:231-253.
- Dove, Michael R. 1993. "A Revisionist View of Tropical Deforestation and Development." *Environment Conservation*, 20(1): 17-24, 56.
- Dove, Micheal R. 1999. "Representation of the 'Other' by Others: The Ethnographic Challenge Posed by Planters' Views of Peasants in Indonesia," in Tania Murray Li, ed., *Transforming the Indonesian Uplands: Marginality, Power and Production*. Amsterdam: Harwood Academic Publishers. pp. 203-230.

Duinker, P.N., P.W. Matakala and D. Zhang. 1991. "Community Forestry and its Implications for Ontario." *The Forestry Chronicle*, April 67(2): 131-135.

Duinker, Peter N. *et al.* 1994. "Community Forests in Canada: An Overview." *The Forestry Chronicle*, Nov/Dec. 70(6): 711-20.

Duinker, Peter N. and Reino E. Pulkki. 1998. "Community Forestry, Italian Style: The Magnifica Communita di Fremma." *The Forestry Chronicle*, 74(3): 385-392.

Duinker, Peter N. 1998. "Public Participation's Promising Progress: Advances in Forest Decision-making in Canada." *Commonwealth Forestry Review*, 77(2):107-112.

Eckholm, E.P. 1976. *Losing Ground: Environmental Stress and World Food Prospects*. New York: W.W. Norton.

Egon, Neuberger and William J. Duffy. 1976. *Comparative Economic Systems: A Decision-Making Approach*. Boston: Allyn and Bacon. Pp 50-60.

English, R. 1985. "Himalayan State Formation and the Impact of British Rule in the Nineteenth Century." *Mountain Research and Development*, 5(1): 65-66.

Enters, Thomas. 1994. "Now You See It, Now You Don't: The Effects of Ecocrisis Theory on Research." Paper Presented at the IUFRO, FORSPA, CIFOR, FAO/RAPA Workshop on the *Barriers to the Application of Forestry Research Results*. 24-28 October 1994. Bangkok.

Escobar, Arturo. 1984-85. "Discourse and Power in Development: Michel Foucault and the Relevance of His Work to the Third World." *Alternatives*, 10: 377-400.

Escobar, Arturo. 1995. *Encountering Development: The Making and Unmaking of the Third World*. Princeton, NJ: Princeton University Press.

Escobar, Arturo. 1997. "The Making and Unmaking of the Third World Through Development," in Majia Rahnema and Victoria Bawtree, eds., *The Post-Development Reader*, 85-93. London: Zed Books.

Evans, Owen, *et al.* 1993. *IMF Economic Reviews 1993 Nepal*. Washington, D.C.: International Monetary Fund.

Fairhead, James and Melissa Leach. 1997. "Webs of Power and the Construction of Environmental Policy Problems: Forest Loss in Guinea," in R.D. Grillo and R.L. Stirrat, eds., *Discourses of Development: Anthropological Perspectives*, 35-58. Oxford, New York: Berg.

Feldman, David and Alan Fournier. 1976. "Social Relations and Agricultural Production in Nepal's Terai." *Journal of Peasant Studies*, 3(4): 447-464.

- Ferguson, James. 1994. *The Anti-Politics Machine: "Development", Depoliticization and Bureaucratic Power in Lesotho*. Minneapolis: University of Minnesota Press.
- Ferguson, James. 1997. "Development and Bureaucratic Power in Lesotho," in Majid Rahnema and Victoria Bawtree, eds., *The Post-Development Reader*, 223-233. London: Zed Books.
- Fisher, R.J. 1989a. *Institutional Incompatibility in Community Forestry: The Case of Nepal*. Working paper no. 22, Environment and Policy Institute. Honolulu: East-West Center.
- Fisher, R.J. 1989b. *Indigenous Systems of Common Property Forest Management in Nepal*. Working paper no. 18, Environment and Policy Institute. Honolulu: East West Center.
- Fisher, R.J. 1991. *Studying Indigenous Forest Management Systems in Nepal: Towards a More Systematic Approach*. Working Paper no. 30. Honolulu: Environment and Policy Institute, East West Centre .
- Fox, J. and R.J. Fisher, eds. 1990. *Community Organizations and Government Bureaucracies in Social Forestry*. Working paper no. 22, Environment and Policy Institute. Honolulu: East-West Centre.
- Fox, Jefferson. 1993. "Forest Resources in a Nepalese Village in 1980 and 1990: The Positive Influence of Population Growth." *Mountain Research and Development*, 13(1):89-98.
- Gellner, David N. 1992. *Monk, Householder, and Tantric Priest: Newar Buddhism and its Hierarchy of Ritual*. Cambridge: Cambridge University Press.
- Gellner, David N. 1997a. "Ethnicity and Nationalism in the World's Only Hindu State," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal*, 3-32. Amsterdam: Hardwood Academic Publishers.
- Gellner, David N. 1997b. "Caste, Communalism, and Communism: Newars and the Nepalese State," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal*, 151-184. Amsterdam: Hardwood Academic Publishers.
- Ghai, Dharam. 1994. "Environment, Livelihood and Empowerment." *Development and Change*, 25(1):1-11.
- Ghimire, Bhoj Raj. 1988. "Decentralization: a Historical Analysis," in Sant B. Gurung and Pradipto Roy, eds., *Planning With People: Decentralization in Nepal*, 1-10. New Delhi: Orient Longman.

- Ghimire, K.B. 1992. *Forest or Farm?: The Politics of Poverty and Land Hunger in Nepal*. Delhi: Oxford University Press.
- Gilmour, D.A. 1988. "Not Seeing the Trees for the Forest: a Reappraisal of the Deforestation Crisis in Two Hill Districts of Nepal." *Mountain Research and Development*, 8(4): 343-350.
- Gilmour, D.A., G.C. King and M. Hobley. 1989. "Management of Forests for Local Use in the Hills of Nepal. 1. Changing Forest Management Paradigms." *Journal of World Forest Resource Management*, 4(2): 93-110.
- Gilmour, D.A. 1990. "Resource Availability and Indigenous Forest Management Systems in Nepal." *Society and Natural Resources*, 3: 145-158.
- Gilmour, D.A. and R.J. Fisher. 1991. *Villagers, Forest and Foresters: The Philosophy, Process and Practice of Community Forestry in Nepal*. Kathmandu: Sahayogi Press.
- Goetz, Anne and David O'Brien. 1995. "Governing for the Common Wealth? The World Bank's Approach to Poverty and Governance." *IDS Bulletin*, 26(2):17-26.
- Grillo, R.D. 1997. "Discourse of Development: The View from Anthropology," in R.D. Grillo and R.L. Stirrat, eds., *Discourse of Development: Anthropological Perspectives*, 1-34. Oxford and New York: Berg.
- Grindle, M. and J. Thomas. 1991. *Public Choices and Policy Change: The Political Economy of Reform in Developing Countries*. Baltimore and London: Johns Hopkins University Press.
- Gronow, C.J.V. 1987. "Developing Forest Management in Nepal." *Banko Jankari*, 1(4): 37-44.
- Gronow, J., and N.K. Shrestha. 1990. *From Policing to Participation: Reorientation of Forest Department Field Staff in Nepal*. Kathmandu: Winrock Research Report Series, no. 11.
- Guha, R. 1989. *The Unquiet Woods: Ecological Change and Resistance in Himalaya*. Delhi: Oxford University Press.
- Guneratne, Arjun. 1998. "Modernization, the State, and the Construction of a Tharu Identity." *The Journal of Asian Studies*, 57(3): 749-773.
- Gupta, Akhil. 1995. "Blurred Boundaries: The Discourse of Corruption, The Culture of Politics, and the Imagined State." *American Ethnologist*, 22(2): 375-402.
- Gurung, Harka. 1997. "State and Society in Nepal," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and Ethnicity in a Hindu Kingdom: The*

Politics of Culture in Contemporary Nepal, 495-532. Amsterdam: Hardwood Academic Publishers.

Gyawali, D. 1989. *Water in Nepal: An Interdisciplinary Look at Resource Uncertainties: Evolving Problems and Future Prospects*. Occasional paper no. 8, Environment and Policy Institute. Honolulu: East West Centre.

Hedrick, B.C. and A.K. Hedrick. 1972. *Historical and Cultural Dictionary of Nepal*. Methuchen, NJ: Scarecrow Press.

Hitchcock, Robert K. and John D. Holm. 1993. "Bureaucratic Domination of Hunter-Gatherer Societies: A Study of the San in Botswana." *Development and Change*, 22:305-338.

HMGN/MFSC/DOF. 1994. *Forest Department: An Introduction*. Annex 1-5:42-48 (in Nepali).

HMGN/MFSC/DOF 1995, *Forest Department Annual Report 1993/94*. Annex 4:113 (in Nepali)

HMGN/MFSC. 1988a. *Master Plan for the Forestry Sector of Nepal: Main Report*. Kathmandu: Master Plan for the Forestry Sector Project of HMGN/ADB/FINNIDA with Jakko Poyryoy/Madecor Consultancy.

HMGN/MFSC. 1988b. *Master Plan for the Forestry Sector of Nepal: Forest Resources Information Status and Development Plan*. Kathmandu: Master Plan for the Forestry Sector Project of HMGN/ADB/FINNIDA with Jaakko Poyryoy/Macedor Consultancy.

HMGN/MFSC. 1988c. *Master Plan for the Forestry Sector Nepal: Executive Summary (Revised Version)*. Kathmandu: Ministry of Forest and Soil Conservation.

HMGN/MFSC. 1990. *Forestry Sector Policy (Revised Draft)*. Kathmandu: Ministry of Forest and Soil Conservation.

HMGN/MFSC. 1991. *Proposal for Forestry Legislation Reform in Nepal (Revised Draft)*. Kathmandu: Project for the Implementation of the Master Plan for the Forestry Sector Nepal.

HMGN/MFSC. 1995. *The Forest Act 1993 and the Forest Regulations: An Unofficial Translation by the Law Book Management Board*. Kathmandu: FDP/USAID/HMGN.

HMGN/MFSC/DoF. 1995. *Forest Department Annual Report 1993/94*. Kathmandu: DoF (in Nepal).

HMGN/MFSC-USAID. 1995. *Project Index*. Kathmandu: Forestry Development Project, Ministry of Forest and Soil Conservation.

- HMGN/MLJ/LBMC. 1998. *Civil Service Act 1992*. Kathmandu: Law Book Management Committee, Ministry of Law and Justice (in Nepali).
- HMGN/MoF. 1996. *Budget Speech of the Fiscal Year 1996/97*. Kathmandu: Ministry of Finance.
- HMGN/MoF. 1997. *Economic Survey, Fiscal Year 1996/97*. Kathmandu: Ministry of Finance.
- HMGN/NPC/CBS. 1993. *National Sample Census of Agriculture 1991/92 Nepal*. Kathmandu: Central Bureau of Statistics.
- HMGN/NPC/CBS. 1994. *The Revised GDP Series Of Nepal (1984/85-1993/94)*. Kathmandu: Central Bureau of Statistics.
- HMGN/NPC/IUCN. 1991. *A Legislative and Institutional Framework for Environmental Management in Nepal: Review of Legislation, Administrative Procedures and Institutional Arrangements Relating to Land Use and Resource Management*. Kathmandu: NPC/IUCN NCS Implementation Project in December 1992.
- HMGN/NPC 1992. *The Eight Plan (1992-1997)*. Kathmandu: National Planning Commission.
- Hobart, M. 1993. "Introduction: The Growth of Ignorance?" in M. Hobart, ed., *An Anthropological Critique of Development: The Growth of Ignorance*. London: Routledge.
- Hobley, M. E. A. 1990. *Social Reality, Social Forestry: The Case of Two Nepalese Panchayats*. Unpublished PhD thesis, Australian National University.
- Hoftman, Martin. 1994. "The Dynamics and Chronology of the 1990 Revolution," in Michael Hutt, ed., *Nepal in the Nineties: Versions of the Past, Visions of the Future*, 14-27. Delhi: Oxford University Press.
- [Http://www.Nepalnews.com](http://www.Nepalnews.com). May 31, 1999.
- [Http://www.Nepalnews.com](http://www.Nepalnews.com). *Weekly Chronicle*, September 7, 1998.
- Huber, Paul B. 1985. *Promoting Timber Cropping: Policies Toward Non-industrial Forest Owners in New Brunswick*. Montreal: The Institute for Research on Public Policy.
- Integrated Development Systems (IDS). 1987. *Financing Public Expenditure in Nepal*. Kathmandu: IDS.
- Ives, J. 1988. "Development in the Face of Uncertainty," in J. Ives and D.C. Pitt, eds., *Deforestation: Social Dynamics and Mountain Ecosystems*. London: Routledge.

- Ives, J.D. and B. Messerli. 1989. *The Himalayan Dilemma - Reconciling Development and Conservation*. New York: Routledge
- Jessop, Bob. 1990. *State Theory: Putting the Capitalist State in its Place*. Cambridge: Polity Press.
- Joshi, B.L. and L.E. Rose. 1966. *Democratic Innovations in Nepal: A Case Study of Political Acculturation*. Berkeley: University of California Press.
- Joshi, A.L. et al. 1992. "On Transfer of Field Staff Within the Forest Department: a new proposal." *The Nepal Journal of Forestry*, 7(2): 63-66.
- Joshi, A.L. 1993. "Effects on Administration of Changed Forest Policies in Nepal," in Katherine Warner and Henry Wood, eds., *Policy and Legislation in Community Forestry*. Proceedings of a workshop held in Bangkok, January 27-29. Bangkok: RECOFTC.
- Justice, Judith. 1986. *Policies, Plans and People: Foreign Aid and Health Development*. Berkeley and Los Angeles: University of California Press.
- Kafle, Mukti Prasad. 1988. "Decentralization Schemes in Nepal," in Sant B. Gurung and Prodipto Roy, eds., *Planning With People: Decentralization in Nepal*, 11-28. New Delhi: Orient Longman.
- Kanel, K. 1993. "Community Forestry and the 1993 Forestry Legislation: Implications for Policy and Implementation." *Banko Jankari*, 4(1): 2-5.
- Kansakar, V.B.S. 1979. *Effectiveness of Planned Resettlement Programme in Nepal*. Kathmandu: CEDA.
- Kaplan, Paul F. and Nanda R. Shrestha. 1982. "The Sukumbasi Movement in Nepal: The Fire From Below." *Journal of Contemporary Asia*, 12(1):75-88.
- Karmacharya, S.C. and R.J. Fisher. 1987. "Forest Watchers in Community Forestry." *Banko Jankari*, 1(4): 88-92.
- King, G.C., M. Hobley and D. Gilmour. 1990. "Management of Forests for Local Use in the Hills of Nepal. 2. Towards the Development of Participatory Forest Management." *Journal of World Forest Resource Management*, 5: 1-13.
- Korten, D. 1986. *Community Management: Asian Experience and Perspectives*. West Hartford: Kumarian Press.
- Leach, Melissa and James Fairhead. 1994. "Natural Resource Management: The Reproduction and Use of Environmental Misinformation in Guinea's Forest-Savanna Transition Zone." *IDS Bulletin*, 25(2): 81-87.

- Leach, Melissa, Robin Mearns and Ian Scoones. 1997. "Environmental Entitlements: A Framework for Understanding the Institutional Dynamics of Environmental Change." *IDS Discussion Paper 359*.
- Lele, Sharachandra M. 1991. "Sustainable Development: A Critical Review." *World Development*, 19(6): 607-21.
- Leonard, H. Jeffrey. 1989. "Overview: Environment and the Poor: Development Strategies for a Common Agenda," in Jeffrey H. Leonard *et al.*, eds., *Environment and the Poor: Development Strategies For A Common Agenda*, 3-45. Oxford: Transaction Books.
- Li, Tania Murray. 1996. "Images of Community: Discourse and Strategy in Property Relations." *Development and Change*, 27: 501-27.
- Li, Tania Murray. 1997a. "Boundary Work: A Response to Community in Conservation: Beyond Enchantment and Disenchantment by Arun Agrawal," in Arun Agarwal, *Community in Conservation: Beyond Enchantment and Disenchantment*, 69-82. CDF Discussion Paper. Gainesville: Conservation and Development Forum.
- Li, Tania Murray. 1997b. "Legal Strategies for Community Based Resource Management: Response to Owen Lynch." Draft paper presented at Seminar on *Representing Communities: Histories and Politics of Community-Based Resource Management*. Unicoi Lodge, Georgia, June 1-3, 1997.
- Li, Tania Murray. 1999a. "Introduction." in Tania Murry Li, ed., *Transforming the Indonesian Uplands: Marginality, Power and Production* Australia: Hardwood Academic Publishers. pp. xiii-xxiv.
- Li, Tania Murray. 1999b. "Compromising Power: Development, Culture, and Rule in Indonesia." *Cultural Anthropology*, 14(3): 295-322.
- Mahat, T.B.S. 1985. *Human Impact on Forests in the Middle Hills of Nepal*. Unpublished PhD Thesis, Australian National University, Canberra.
- Mahat, T.B.S., D.M. Griffin and K.R. Shepherd. 1986a. "Human Impact on Some Forests of the Middle Hills of Nepal 1: Forestry in the Context of the Traditional Resources of the State." *Mountain Research and Development*, 6(3): 223-232.
- Mahat, T.B.S., D.M. Griffin and K.R. Shepherd. 1986b. Human Impact on Some Forests of the Middle Hills of Nepal 2: Some Major Human Impacts to 1950 A.D. on the Forests of Sindhupalchok and Kabhre Palanchok. *Mountain Research and Development*, 6(4): 325-334.
- Mahat, T.B.S., D.M. Griffin and K.R. Shepherd. 1987a. Human Impact on Some Forests of the Middle Hills of Nepal 3: Forestry in the Subsistence Economy of Sindhupalchok and Kabhre Palanchok. *Mountain Research and Development*, 7(3): 53-70.

- Mahat, T.B.S., D.M. Griffin and K.R. Shepherd. 1987b. Human Impact on Some Forests of the Middle Hills of Nepal 4: A Detailed Study in Southeast Sindhupalchok and Northeast Kabhre Palanchok. *Mountain Research and Development*, 7(2): 111-134.
- Malla, Yam Bahadur. 1987. "Community Forestry Extension in Nepal." *Banko Jankari*, 1:55-62.
- Malla, Yam Bahadur. 1992. *The Changing Role of the Forest Resource in the Hills of Nepal*. Unpublished PhD Thesis, Australian National University.
- Malla, Sapana Pradhan. 1995. "Jalbire Womens' Community Forest Group vs Gorkhs District Forest Office." *Banko Jankari*, 5(3):123-129.
- Mathema, P. 1991. "Focus on Oak Forest." *Banko Jankari*. 3 (1): 13-16.
- Mathema, Prakash. 1996. *Conflicts in Community Forestry: Some Issues from Lalitpur District, Nepal*. Paper prepared for the Training Course in Conflict Resolution in Forest Resource Management, Jan. 15-26, 1996, Bangkok, Thailand.
- McKean, M. and E. Ostrom. 1995. "Common Property Regimes in the Forest: Just a Relic From the Past." *Unasylva*, 46(180):3-15.
- Menzies, Nicholas K. 1992. "Strategic Space: Exclusion and Inclusion in Wildland Policies in Late Imperial China." *Modern Asian Studies*, 26(4): 719-33.
- Merlo, M. 1995. "Common Property Forest Management in Northern Italy: A Historical and Socio-Economic Profile." *Unasylva*, 46:58-63.
- Messerschmidt, D.A. 1986. "People and Resources in Nepal: Customary Resource Management Systems of the Upper Kali Gandaki," in *Proceedings of a Conference on Common Property Resource Management*. April 21-26, Washington D.C.: National Academy Press.
- Messerschmidt, D.A. 1988. *Community Forest Management and the Opportunities of Local Tradition: A View from Nepal*. Washington DC: USDA Forest Service.
- Messerschmidt, Don. 1990. "Indigenous Environmental Management and Adaptation: An Introduction to Four Case Studies From Nepal." *Mountain Research and Development*, 10(1): 3-4.
- Messerschmidt, D.A. 1992. "Nogor and other Traditional Forms of Cooperation in Nepal: Significance of Development," reprinted in Donald A. Messerschmidt and Nabin K. Rai, eds., *Readings in Social Forestry and Natural Resource Management for Nepal*, 89-106. Kathmandu: HMG Ministry of Agriculture-Winrock International.

- Messerschmidt, D.A. 1994. "People and Forests, Anthropologists and Foresters: Recent Research at Nepal Institute of Forestry," in M. Allen, ed., *Anthropology of Nepal: People, Problems and Process*. Kathmandu: Mandala Book Point.
- Metz, John J. 1991. A Reassessment of the Causes and Severity of Nepal's Environmental Crisis. *World Development*, 19(7): 805-820.
- Midgley, James *et al.* 1986. *Community Participation, Social Development and the State*. London: Methuen.
- Migdal, Joel S. 1988. *Strong States and Weak Societies: State-Society Relations and State Capabilities in the Third World*. New Jersey: Princeton University Press.
- Migdal, Joel S. 1994. "The State in Society: An Approach to Struggles for Domination," in Joel S. Migdal, Atul Kohli and Vivienne Shue, eds., *State Power and Social Forces: Domination and Transformation in the Third World*, 7-36. Cambridge: Cambridge University Press.
- Mink, S. 1993. *Poverty, Population and the Environment*. Washington, D.C: The World Bank.
- Morris, Christopher W. 1998. *An Essay on the Modern State*. Cambridge: Cambridge University Press.
- NAFP. 1985. *Nepal Australia Forestry Project: Phase 3 Project Document*. Canberra: ANUTECH.
- Nield, R.S. 1985. *Working Paper for the Water and Energy Commission Secretariat (WECS) Seminar on Fuelwood and Fodder: problems and policy*. Kathmandu.
- NPC/CBS. 1996. *Statistical Pocket Book Nepal*. Kathmandu: Central Bureau of Statistics.
- NPC/IUCN/NCS. 1991. *A Legislative and Institutional Framework for Environmental Management in Nepal: Review of Legislation, Administrative Procedures and Institutional Arrangements relating to Land Use and Resource Management*. Kathmandu: NPC/IUCN/NCS Implementation Project.
- Nugent, Daniel and Ana Maria Alonso. 1994. "Multiple Selective Traditions in Agrarian Reform and Agrarian Struggle: Popular Culture and State Formation in the Ejido of Namiquipa, Chihuahua," in Joseph Gilbert and Daniel Nugent, eds., *Everyday Forms of State Formation*, 209-246. Durham: Duke University Press.
- Nugent, David. 1994. "Building the State, Making the Nation: The Bases and Limits of State Centralization in "modern" Peru." *American Anthropologist*, 96(2): 333-69.

Ostrom, E. 1992. *Crafting Institutions for Self-Governing Irrigation Systems*. San Francisco: Institute for Contemporary Studies Press.

Pandey, Devendra R. 1989. "Administrative Development in a Semi-Dependency: The Experience of Nepal." *Public Administration and Development*, 9:315-329.

Parpart, Jane L. and Kathleen A. Staudt. 1989. "Women and the State in Africa." in Janme L. Parpart and Kathleen A. Staudt, eds., *Women and the State in Africa*. Boulder: Lynne Rienner. pp.1-22

Parpart, Jane L. 1993. "Who is the 'Other'? A Postmodern Feminist Critique of Women and Development Theory." *Development and Change*, 24: 439-464.

Parpart, Jane L. 1999. *The Participatory Empowerment Approach to Gender and Development : Panacea or Illusion?* Paper Presented at Smith College. Pp 1-16.

Pathak, Akhileshwor. 1994. *Contested Domains: The State, Peasants and Forest in Contemporary India*. New Delhi: Sage Publications.

Pearce, D., E. Barbier and A. Markanda, eds. 1990. *Sustainable Development: Economics and Environment in the Third World*, 168-188. London: Edward Elgar

Pearce, D. and J. Warford. 1993. *World Without End: Economics, Environment and Sustainable Development*. The World Bank: Oxford University Press.

Peluso, N. 1992. *Rich Forests, Poor People: Resource Control and Resistance in Java*. Berkeley: University of California Press.

Peluso, Nancy. 1993. "Coercing Conservation: The politics of state resource control". *Global Environmental Change*. 3(2): 199-217.

Pfaff-Czarnecka, Joanna. 1997. "Vestiges and Visions: Cultural Change in the Process of Nation-Building in Nepal," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal*, 419-470. Amsterdam: Hardwood Academic Publishers.

Pokharel, Bharat Kumar. 1997. *Foresters and Villagers in Contention and Compact: The Case of Community Forestry in Nepal*. PhD thesis, School of Development Studies, University of East Anglia, UK. (in microfilm).

Pottier, Johan. 1997. "Towards an Ethnography of Participatory Appraisal and Research," in R.D. Grillo and R.L. Stirrat, eds., *Discourse of Development: Anthropological Perspective*, 203-228. Oxford and New York: Berg.

- Rahim, Enayetur. 1991. "Nepal: Government and Politics," in Andrea M. Savada, ed., *Nepal and Bhutan: Country Studies*, 143-194. New York: Federal Research Division, Library of Congress.
- Rangan, HariPriya. 1993. "Romancing the Environment: Popular Environmental Action in the Garhwal Himalayas," in John Friedmann and HariPriya Rangan, eds., *In Defense of Livelihood: Comparative Studies on Environmental Action*, 155-181. West Hartford: Kumarian Press.
- Rangan, HariPriya. 1995. Contested Boundaries: State Policies, Forest Classifications, and Deforestation in the Garhwal Himalayas. *Antipode*, 27(4): 343-362.
- Regmi, M. C. 1976. *Landownership in Nepal*. Berkeley: University of California Press.
- Regmi, M.C. 1978a. *Thatched Huts and Stucco Palaces*. New Delhi: Bikash Publishing.
- Regmi, M.C. 1978b. *Land Tenure and Taxation in Nepal, Volumes 1-4*. Kathmandu: Ratna Pustak Bhandar.
- Regmi, M.C. 1984. *The State and Economic Surplus: Production, Trade and Resource Mobilization in Early 19th Century*. Varanasi: Nath Publishing House.
- Rew, Alan. 1997. "The Donors' Discourse: Official Social Development Knowledge in the 1980s," in R.D. Grillo and Stirrat, eds., *Discourse of Development: Anthropological Perspectives*, 81-106. Oxford, New York: Berg.
- Ribot, Jesse C. 1995. "From Exclusion to Participation: Turning Senegal's Forestry Policy Around?" *World Development*, 23(9): 1587-1599
- Ribot, Jesse C. 1996. "Participation Without Representation: Indirect Rule in Sahelian Forestry." Draft paper for the panel on *Renewed Intervention: Forms of 'Global' Environmental Control in Africa*, 39th annual meeting of the African Studies Association, San Francisco, 23-26 November 1996.
- Ribot, Jesse C. 1997. "Decentralization, Participation, and Representation: Administrative Apartheid in Sahelian Forestry." November 1997 draft. Forthcoming in Pauline Peters, ed., *Development Encounters: A Volume on Participation and Development*. Cambridge: Harvard University Press.
- Richards, P. 1993. "Cultivation: Knowledge or Performance?" in M. Hobart, ed., *An Anthropological Critique of Development: The Growth of Ignorance*. London: Routledge.
- Rolls, J. 1995. "Capacity Building in Community Forest Management," in M. Schreier, P.B. Shah and S. Brown, eds., *Challenges in Mountain Resource Management in Nepal: Processes, Trends and Dynamics in Middle Mountain Watersheds*, 81-87. Proceedings of a

- Workshop held in Kathmandu, Nepal, April 10-12. 1995. Kathmandu: International Centre for Integrated Mountain Development (ICIMOD).
- Rose, Leo E. and M. Fisher. 1970. *The Politics of Nepal: Persistence and Change in an Asian Monarchy*. Ithaca: Cornell University Press.
- Rose, Leo E. 1971. *Nepal: Strategy for Survival*. Berkeley: University of California Press.
- Sanwal, B.D. 1993. *Social and Political History of Nepal*. New Delhi: Manohar.
- Schmidt, Margaret G., Hans E. Schreier and Pravakar B. Shah. 1995. "A GIS Evaluation of Land Use Dynamics and Forest Soil Fertility in a Watershed in Nepal." *International Geographical Information Systems*, 9(3): 317-327.
- Schreier, Hans, *et al.* 1994. "Environmental Auditing: Gaining Forests But Losing Ground: A GIS Evaluation in a Himalayan Watershed." *Environmental Management*, 18(1):139-150.
- Schuurman, Frans J. 1993. "Introduction: Development Theory in the 1990s," in Frans Schuurman, ed., *Beyond the Impasse*, 1-48. London: Zed Press.
- Schuurman, Frans J. 1997. "The Decentralisation Discourse: Post-Fordist Paradigm or Neo-liberal Cul-de-sac?" *European Journal of Development Research*, 9(1): 150-166.
- Seddon, David. 1987. *Nepal: A State of Poverty*. Delhi: Bikash Publishing House.
- Seddon, David. 1994. "Democracy and Development in Nepal," in Michael Hutt, ed., *Nepal in the Nineties: Versions of the Past, Visions of the Future*, 128-164. Delhi: Oxford University Press.
- Shah, Meera K. and Parmesh Shah. 1995. "Gender, Environment and Livelihood Security: An Alternative Viewpoint from India." *IDS Bulletin*, 26(1): 75-82.
- Shaikh, Asif. M. 1989. *The Forest Products Marketing System in Nepal: Case Study of the Urban Areas of Kathmandu Valley*. Kathmandu: USAID.
- Sharma, E.R. 1991. "Forest and Statistics." *The Nepal Journal of Forestry*, 7(1): 9-12.
- Sharma, U.R. 1993. "Community Forestry: Some Conceptual issues." *Banko Jankari*, 4(1): 9-11.
- Sharma, Prayag Raj. 1997. "Nation-Building, Multi-Ethnicity, and the Hindu State," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal*, 471-494. Amsterdam: Hardwood Academic Publishers.

- Shephard, A. 1995. "Participatory Environmental Management: Contradiction of Process, Project and Bureaucracy in the Himalayan Foothills." *Public Administration and Development*, 15: 465-79.
- Shrestha, K.B. 1995. "Community Forestry in Nepal and an Overview of Conflicts." *Banko Jankari*, 5(3):101-107.
- Shrestha, M.L. 1993. "Foresters: Are they Rightly Placed in the Forest Protection?" *Nepal Journal of Forestry*, 8(1): 55-58.
- Shrestha, N. K., G. Kafle, and C. Britt. 1997. "Community Forest User Group Networking and the Emergence of a Federation of Community Forestry Users in Nepal." *Forests, Trees and People Newsletter*, 32:[http://trees and people.lhutv.slu.se/news/32britt.htm](http://treesandpeople.lhutv.slu.se/news/32britt.htm)
- Shrestha, Nanda Raj and Dennis Conway. 1985. "Issues in Population Pressure, Land Resettlement and Development: the Case of Nepal." *Studies in Comparative International Development*, 20: 54-82.
- Shrestha, Nanda Raj. 1990. *Landlessness and Migration in Nepal*. Boulder: Westview Press.
- Shrestha, Neeru. 1987. *Women's Participation in Community Forestry: A Case Study of Two Village Panchayats in the Kaski District of Nepal*. Unpublished MSc Thesis, University of the Philippines at Los Banos.
- Shrestha, Neeru. 1989. *Women as Mountain Environmental Managers in Nepal: A Study of the Kakani Area*. Kathmandu: CEDA.
- Shrestha, Neeru. 1993. *Prospects for Sustainable Development in Nepal*. Master of Development Economics Thesis, Dalhousie University, Halifax, Canada.
- Siktel, K.P. 1995. "FUG Conflicts in Dolakha and Ramechhap." *Banko Jankari*, 5(3):116-119.
- Silwal, U.K. 1986. *Attitude, Awareness and Level of Peoples' Participation in the Community Forestry Development Program, Nepal*. Kathmandu: Winrock Forestry Research paper Series no. 3, Winrock International Institute for Agricultural Development.
- Singh, Bijay K. and Arjen Sterk. 1995. "Conflict Management in Leasehold Forestry Groups." *Banko Jankari*, 5(3):130-133.
- Singh, Chhatrapati. 1991. *The Role of Law in Mountain Environmental Management*. Mountain Environmental Management Discussion Paper Series No.7. Kathmandu: International Centre for Integrated Mountain Development.

Sinha, Subir, Shubhra Gururani and Brian Greenburg. 1997. "The 'new traditionalist' Discourse of Indian Environmentalism." *Journal of Peasant Studies*, April 24(3): 65-99.

Skocpol, Theda. 1979. *States and Social Revolution*. Cambridge: Cambridge University Press.

Skocpol, Theda. 1985. "Bringing the State Back In: Strategies of Analysis in Current Research," in Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol, eds., *Bringing the State Back In*, 3-37. Cambridge: Cambridge University Press.

Smith, Alan. 1994. *Incentives in Community Forestry Projects: A Help or Hindrance?*. Rural Development Forestry Network paper 17c. London: ODI.

Smout, Madeline. 1989. *Community Forestry in Nepal: A Study of the Use of Incentives*. Unpublished Master of Development Economics Thesis, Dalhousie University.

Soussan, J., B.K. Shrestha and L.P. Uprety. 1995. *The Social Dynamics of Deforestation*. New York and London: Parthenon Publishing Group.

Stiller, Ludwig F. 1973. *The Rise of the House of Gorkha: A Study in the Unification of Nepal, 1768-1816*. New Delhi: Manjusri Publishing House.

Sunderlin, William D. 1993. *Environment, Equity and the State: A Perspective Through the Java Social Forestry Program*. Ph.D dissertation, Cornell University.

Thompson, M., M. Warburton and T. Hatley. 1986. *Uncertainty on a Himalayan Scale: An Institutional Theory of Environmental Perception and a Strategic Framework for the Sustainable Development of the Himalaya*. London: Milton Ash Editions Ethnographica.

Tinker, Irene. 1994. "Women and Community Forestry in Nepal: Expectations and Realities." *Society and National Resources*, 7(4): 367-81.

Vandergest, Peter and Nancy Peluso. 1995. "Territorialization and State Power in Thailand." *Theory and Society*, 24: 385-426.

Vandergest, Peter. 1996. "Mapping Nature: Territorialization of Forest Rights in Thailand." *Society and Natural Resources*, 9: 159-75.

Wallace, Michael. 1988. *Forest Degradation in Nepal: Institutional Context and Policy Alternatives*. Winrock Report Series no. 4. Kathmandu: Winrock International Institute for Agricultural Development.

Whelpton, John. 1997. "Political Identity in Nepal: State, Nations and Community," in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton, eds., *Nationalism and*

Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal, 39-78. Amsterdam: Hardwood Academic Publishers.

World Bank. 1989a. *Nepal Policies for Improving Growth and Alleviating Poverty: A World Bank Country Study*. Washington D.C.: The World Bank.

World Bank. 1989b. *Staff Appraisal Report Nepal Hill Community Forestry Project*. Report No. 76316-NEP (for official use only). Washington, D.C.: The World Bank.

World Bank. 1991. *Nepal: Poverty and Incomes*. Washington D.C.: The World Bank.

World Commission on Environment and Development (WCED). 1987. *Our Common Future*. New York: Oxford University Press.