

Policy Dialogue Proceedings on

Revisiting Forest Bill for Better Understanding and Communication

30 June 2019, Kathmandu



Organized by



Organized by

**Southasia Institute of Advanced Studies (SIAS) and
Forest Action Nepal**

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1. Introduction

1.1 Background

Nepal is currently at the stage of institutionalizing federalism which requires reforms in the institutions and legal arrangements. In this process, the Government of Nepal has drafted the Forest Bill 2019 which has currently been tabled at the Parliament. This Bill replaces the Forest Act 1993 and will establish forestry regime defining governance structure, roles and responsibilities of the three levels of the government, local communities and private sector. As the Bill is under discussion in the Parliament, it has attracted wider attention of diverse sections of the society, especially the key stakeholders. Those engaged in the forestry research for quite a long period, see a need to revisit some of the provisions of the proposed Bill, in addition to understanding their assumptions and logic, scrutinizing potential consequences and offering desirable directions towards productive, sustainable and equitable forest governance in Nepal. In this context, Southasia Institute of Advanced Studies (SIAS) and Forest Action Nepal organized a policy dialogue entitled '**Revisiting Forest Bill for better understanding and communication**' on 30 June 2019.

1.2 Objective

The major objective of the dialogue is to develop a collective understanding and communicate it to relevant actors including the Members of the Parliament, officials, civic groups and other stakeholders.

1.3 Modality

Wider participation from various stakeholders under forestry sector was ensured. The moderation was done by Dr. Netra Timisina. There were four prominent speakers to set the scene for the dialogue. Dr. Timisina introduced each speaker and instructed about the time restrictions to present their view on the topics. Presenters got 5 minutes while other participants were allotted 4 minutes each. With this, he formally announced the commencement of the dialogue.

In the following sections, we present the summary of the message expressed by participants and finally draw conclusion based on the deliberation.

2. Summary of the message expressed by participants

2.1 Introduction session

Dr. Netra Timisina, Chairperson of SIAS, welcomed all the participants including forest experts, local governance expert, researchers, and representative from an academic institution, media and Private sector. In the opening remarks, Dr. Timisina shed light upon the objective of the event – to enhance the understanding of the content and the process of development of the

Forest Bill. He emphasized that the conclusion this forum draws will be meaningful in the forest sector policy discourse. He welcomed honorable Member of Parliament Mr. Parbat Gurung as a special guest in the dialogue.

2.2 Speakers

Dr. Mani Ram Banjade, focused his talk on the community level engagement in the current Forest Bill. He highlighted that the legacy of community forest of Nepal has a positive impact in (i) community rights and (ii) forest ecosystem restoration. Tenure security is the precondition for the success of the community forestry program. Therefore, he emphasized that the tenure security should not be compromised at any cost but should be expanded to grab new opportunities and to be able to face new challenges in the future. Any legal framework and policies around the community forest should recognize these aspects. He opined that the rights of community have been shrunk in the current forest bill in many ways. One of the rights is the tenure security which has not been adequately addressed in the current forest bill. For example, if the community has to return the stewardship of forest to the government due to some legal or environmental condition, the previous act says that the forest should be mandatorily handed over to the community by reorganizing the group but in the present Bill, Division Forest Office (DFO) and the Chief of Province holds the power not to hand over the forest to the community. He pointed out that the process of making the forest bill has been top-down rather than inclusive and deliberative. This clearly indicates the hidden interest of concentrating power within the forest bureaucracy. Another crucial point he highlighted was that the Forest Bill is unclear and has given inadequate roles and rights to local government. Community needs to consult with local government while developing forest operational plan. However, the forest bill does not clearly mention the modality of providing these services by the local government. Besides, there is lack of clarity in the mechanism of Payment for Ecosystem Services (PES), however, few things have been captured on the aspects of Forest carbon stock management. The inclusion of the concept of commercializing forest products and promoting ecotourism are the positive side of the Forest Bill.

Dr. Dinesh Paudel delivered his talk on the aspect of local government and the community forest. He reiterated that Nepal's community forest carries the longest history of 50 years and is globally recognized as a successful program. From such long experience, Nepal has learnt few key insights while practicing community forest. Dr. Paudel expressed his concerns that those insights have not been integrated in the current Forest bill. The brief of the key insights and associated risks of not making them an integral part of the current Forest Bill is presented in the following points -

- (i) There is no alternative to the People when it comes to conserving and managing the forest resources either in Nepal or any part of the world. Ceasing the rights of people means to let the forest degrade. The importance of people's involvement to conserve the forest has not been taken seriously by the state.

- (ii) State and market, both prioritize extraction of natural resources for economic development in the capitalist economy. Such institutions tend to neglect the importance of conservation and environment.
- (iii) The mentality of earning money among the community and the state will promote unsustainable use of forest resource. This trend is against the conservation of the forest resources.
- (iv) Defining “prosperity” only in terms of infrastructure/physical development such as road construction has badly impacted the mountain ecosystem. Federalism might have brought the positive impact of decentralizing the power to the local level, however, it has negative consequences on the “Forestry” sector.
- (v) The right based movement has been totally dependent on the donors (*NGOkaran*)

Dr. Paudel reiterated that the current Bill has deluded local community by curtailing the rights they had and retaining power at the central level which will not work in the favor of conserving forest resources and the prosperity of people, and the nation at large. He mentioned that the three forces i.e. state infrastructure (bureaucracy), market system, and elitism (power hierarchy) have dominated the Forest Bill minimizing the rights of community. The only solution to this, according to Dr. Paudel, is the collaboration between local government and community. However, he mentioned that the provisions in the current bill have barely attempted to build relation between community and local government. He recommended improving this aspect.

Dr. Naya Sharma Paudel made his remarks on the relatively ignored area i.e the relation between federal and provincial level in the forest sector. He presented a diagnostic analysis that how the rights of provincial government on national forest mentioned in the annex of the constitution has been cut off in the existing forest bill. For example:

- (i) The strategic plan of the forest is formulated by the federal government
- (ii) Land use plan of any national forest area can be made and implemented by federal government
- (iii) Forest related project can be implemented by federal government
- (iv) Federal government can declare and manage “Forest Conservation Area” and “Biological Corridor” area in any parts of the National Forest
- (v) All the wetlands within the forest including community forest will be managed by Federal government
- (vi) Forest legal cases are handled by federal government
- (vii) The head of the divisional forest office will be appointed by federal government

He stated that the state will have to bear the risk of not involving provincial government in the management of forest resources in future. Federal government seems to have lack of trust on the provincial government to handover the forest with the assumption that the provincial government may tend to clear the forest area due to inability to withstand the pressure posed by high demand of land resources for developmental activities. However, this decision has

increased the risk of provincial government indifference towards conservation of the forest in future.

Dr. Dil B. Khatri highlighted on the status, priorities and paradigm shift in the forest management sector. He claimed that the acceptance of western Theory of Himalayan Degradation during 1970s is still deep-seated in the mindset of forest stakeholders including ministry and local community. Guided by the theory, the intervention in the forestry sector of Nepal were inclined primarily towards the plantation and protection of trees and greenery. He stressed on the fact that due to more than 30 years of working with the mindset of “forest protection”, it is being difficult to make shift in the understanding of the forest stakeholders that the forest is a renewable resource and that we can take benefits from it. Similarly, Forest Bill 2019 also reflects affinity towards protection rather than mentioning about using the forest sustainably. For example, in the Bill, any part of the national forest including community forest can be changed into Biological corridor/protected area. In such condition, the rights of local community are not defined properly. Moreover, in practice, the trend of commercialization of forest products is increasing; however, it is not well captured in the current forest bill. He accused that the provision of scientific forest management (SFM) included in the bill has created pressure on CFUG because the process is complicated and costly. In addition, without the presence of forest officials, community cannot make any decisions regarding harvesting, collecting or transporting the timber. Previously, community used to harvest the timber based on Annual Allowable Harvest (AAH) mentioned in the operational plan which was relatively easier to apply for the community, but after the implementation of SFM in few districts of hills and Terai, community can hardly afford the SFM process. Also, contractors provide very less value of timber than the market value to the community. As a result, piles of timber have remained unused. In essence, the forest bill has been formulated with the intention to consolidate the rights on the forest officials which may create difficulties in the forest management in federalism.

2.3 Plenary discussion

The moderator, Dr. Netra Timisina, then invited some distinguished speakers (ex-bureaucrats and FECOFUN Chair) for their views on the Bill.

Dr. Keshav Kanel, pointed out that to make changes in the forestry sector an institutional reform is necessary rather than technical reform. Under the institutional reform, the transformations of following two things are important:

- (i) Tenure reform
- (ii) Governance reform

Dr. Kanel mentioned that there exists confusion in the harmony of Federalism and Institution in current forest bill. He added that the community forest users group (CFUG) is not just an ordinary “group” but it is an institution that will work for the development of the forest and

eventually for community development. He also emphasized that the forest is the source of both public as well as private goods. Public goods such as biodiversity, good air and water quality, soil conservation, etc. will benefit the whole nation while the private goods such as forest products will be utilized by the community, make profit out of it and leverage resource for community development. He quoted "Trees grow on institutions, not solely on soil and water." Hence, CFUG should be self-governing and autonomous in order to keep forest intact and thereby promoting community development. He restated that the positive outcome achieved by community forest of Nepal is the result of providing the rights to the people. He also gave an example of the evaluation study done on various community forestry programs that wherever the state dominated and controlled forest, problems of deforestation and forest destruction was occurred and where the institution was strong, forest flourished. Therefore, he asserted in order to protect the forest, institution should be strengthened for which state should play the role of facilitating and regulating but not control it. On this backdrop, he accused that the current Forest Bill has provisions to weaken the exiting CFUG as an institution and has also tried to control private forest through bureaucratic system.

Dr. Kanel analyzed various loopholes in the existing Forest Bill. He pointed out that there is no logic of taking multiple taxation, and its modality of investment is unclear. Taking approval from different authorities will only increase transaction cost of the community. Also, this bill is silent on scope of Community forestry, Leasehold forestry, private forestry and family forestry. The accountability of Forest Development Fund is in question. Moreover, impractical laws are made. For example, in case of wetland inside forest premises, the wetland is under federal government and surrounding forest will be under the scope of province government.

"There are lots of shortcomings and ambiguity in the Bill", said **Dr. Uadaya Raj Sharma**. Though it is clearly mentioned that the land ownership remains within the federal government, the role of local and provincial level governments remains unclear regarding the rights and sharing of forest resources. He suggested that the forest ownership should remain within the federal government but the management and benefit sharing should be in the premises of Local and Provincial governments. He added, "It's a matter of surprise why the bill has proposed to declare "Forest Protected Area" when there are already provisions of Protected Areas that constitute 23.23% of country's land area. These two different types of provisions are not necessary." He mentioned that the provision of inter-provincial forest is an intention to centralize the power. He also yearned that except few scattered points on Non-Timber Forest Products (NTFPs) the private forest and the commercialization of forest products are not well captured in the bill. He pointed out that all the progressive provisions in Forest Policy are not covered by Forest Act Bill. There is a continuation of Forest Development Fund. The omission of the word "*maapdanda*" or "criteria" while handing over the forest is regressive and seems to be intentional. He praised the tree plantation campaign programs led by the government with the target of planting 5 crores saplings. However, he criticized that tree plantation program are mostly the unsuccessful program except conducted by community themselves. Therefore, there

is a dire need of an institution such as Trees plantation Corporation which will be responsible to manage trees planted by all the sectors.

Mr. Krishna Gyawali, discussed on the extent to which the Bill has accomplished to establish harmony among Environment, Conservation and Development. He mentioned that the institutional arrangement in the Bill is not effective and the power sharing has not been done in balanced way among the three tiers of government. Fund management in Forest Development Fund is not clear and provision on criteria, standard and norms to use this fund are not made. He drew the conclusion that the motive of developing this fund seems to be wrong. Scientific forest management or Forest Development Corporation has been mentioned but not properly described. He emphasized that in any institution, there are three things to be considered: (a) Resources (b) Mandate: political, legal and executive and, (c) Accountability. Forest Development Corporation has been set up but lacks political and legal mandate. He criticized the bill for not giving proper legal mandate to the local and provincial governments, reflecting the mentality of holding power by federal government. He opined that the institutions such as FECOFUN and Local government should be accountable in terms of forest management and resource sharing. He said, "There is problem in motive, content and process of the current Bill. Interagency consultation is lacking and bill has been like lone horse of race. For example Tourism and industry sectors are not consulted. In conclusion, he said, "If the bill is passed in the present form, it will be non-implementable."

Ms. Bharati Pathak, FECOFUN, highlighted the crucial role played by the community forest during the political crisis, federalism and drafting constitution in Nepal, She along with all the FECOFUN members are being involved in the consultation, negotiation and dialogue on current process of making Forest Bill to ensure that the rights of community remain intact. However, the current bill has demeaned the rights of community in case of forest management, she echoed with the voice of the former speakers. She opined that the institutional reform of the Ministry of Forest and Environment has not happened in the real sense, further jeopardizing the current situation. Rights are distributed mainly to federal government and pretty limited to province and almost none to local government. Community Forest Division is no more in the scene due to which community's voice has been suppressed. Local Government Operation Act 2074 has provisioned CF, Religious forest and leasehold forests to be under the local government, but the bill has overlooked the involvement of Local government. Hence, there is no congruency between the Bill and federal law. She also revealed that due to the unseen tension among the governments (federal, province and local) in controlling forest resources, the forefront communities are facing the challenges. Ms. Pathak claimed that FECOFUN has been advocating for the rights of local community. She said, "The first draft of the Bill did not utter a single word on "community". After several rounds of discussion, the current bill is on the table with 4th amendments but it is still not

satisfactory to us.” Hence, she updated that FECOFUN is now demanding that the forest division office should be under the umbrella of local government so that the community can access services such as operational plan renewal from the local government, preferably through ward level, . Otherwise, there will be unnecessary hassles for community. She illustrated an example of a community forest that needs to renew the operational plan. For that, the group members should get recommendation from local government and then go to the Forest division for approval. The risks in this process is that local government may not easily provide recommendation because, according to the Bill, the forest is not under their territory , and even if they provide recommendation there lies power under official of the Forest division not to provide approval according to his/her willingness. She opposed the current provision of embedding the power of control in the bureaucracy of the Division Forest Office. Therefore, she suggested making an amendment by assigning Division Forest Office under local government so that any development plans of forest can be made with the joint effort of local representatives and technical forestry experts. She suggested that there is no need of Provincial Forest Directorate. She also made the forum aware the forum about the politics of words in the Bill. The word such as “*swatantra*” has been omitted from the bill. This means the recognition of Community Forest as an autonomous institution has been removed from it. The word such as “*rastra sewak*” has been added with the wrong intention. “Declaring forest area as conservation area has many backlash to the locals of which they are not much aware of. We have stopped the process of declaring Tinjure Milke Jaljale (TMJ) as a conservation area in the past”, said Ms. Pathak.

Additionally, she claimed that providing the rights to collect tax by various levels of governments is not rational. In total, the burden of 52% tax is incurred to local community. Moreover, provincial government asks for 2% tax in the sale of forest products (firewood) in addition to the 25% tax. She strongly opposed that local people are not capable to hold such burden of heavy taxation and CFUGs cannot contribute to national fund by selling grasses. The current provision says that the tax money will go to the accumulated fund (state’s basket fund) which does not ensure either the fund will channelize to the same community and forest or not. Hence, she also demanded that taxpayers’ money should go to the local government for the development of local area. This is the essence of federalization, but it has not been ensured in the Bill. She pointed out that the discourse should also be done on the drafted Financial Bill because it is also underway. She concluded by clarifying the position of FECOFUN on the modality of advocating for the rights of local community more through negotiation with the government. “Mass demonstration is our alternate step.”

[Plenary starts from here]

Mr. Jog Raj Giri, AFFON, referring to the data of Central Bureau of Statistics of 2011/12, said that almost 5,42,3297 households are part of family forest with 800-900 ha forest area coverage. He highlighted that the private forest has been overlooked in the discourse despite of a huge coverage. He asserted that the bill is inconsistent and contradicts with the provisions of

constitution. As Rights over private property is controlled, farmers are unable to harvest and sale the timber and NTFPs until they get approval from forest officials. Such tedious procedure for domestic use of resources exposes the intention of the bill to keep the resource management authority at the center under the forest division office. He suggested that individual owners should have sole ownership on private forests. Alternately, it would be better for trading if the permission is granted by local government. He reemphasized the contradiction in the bill that the forest gets registered at the local government but the control lies at the Division Forest Office.

Mr. Thakur Bhandari, FECOFUN, wanted the forum to be clear on the objective of the meeting. He strongly opined that the discussion on the existing problems without clear output would be worthless. Since the Bill has already gone to the parliament and the amendments have already been proposed, this forum should suggest on following points:

- (i) To dismiss the Provincial Directorate, Division and subdivision forest office.
- (ii) To propose Forest and Environment ministry at federal level & Tourism, industry, forest and environment ministry at provincial level and Forest offices under local government.
- (iii) To dismiss scientific forest management and Block forest
- (iv) To dismiss "Conservation/Protected Forest Area"
- (v) Whether or not the forest in the Chure region be handed over to community for management

Mr. Bhandari urged the forum to decide on these points and provide a common feedback to the Member of Parliament.

Bhupendra Chaulagain, FenFIT, indicated that the content of the Forest Bill consists of errors and the process lacks intensive and inclusive discussions. He then focused on the issue of Forest Development Fund. He said, "The Fund already collected NPR 70-80 crores by 2067/68, however, the Fund was misappropriated. Although the forest bill continues the provision of forest development fund, standard and norm for mobilization of the fund is not clear yet. So, in this case, fund can be embezzled easily." He further suggested that the fund can be divided into two baskets:

- (i) Fund collected from "Projects of National Pride"
- (ii) Fund collected from tax of the private sectors

He then recommended that the revenue collected from private sectors can be mobilized to uplift forest based industries that are in the dire need of reform switching from "traditional" way to more "technological" intervention. He also shed light on the mobilization of fund. He urged that to maintain transparency, there should be representative of private sector in the decision-making process of using the fund. This recommendation has already been proposed as an amendment, but he is doubtful it will be addressed.

Mr. Chaulagain put his view on forest resources harvesting by private forestry. He suggested that National and Private Forests should not be treated in a similar way in the policy. "Same rules and regulation for both kinds of forests are impractical," he added. For private forest, it is tedious to take permissions to cut 4-5 trees for household use from Divisional forest office and local government. Hence, he recommended that the private trees should be allowed to harvest and trade with more flexibility.

He also made his remarks on the declaration of tree plantation year. He critically opined that instead of having separate plantation projects, the government could have efficiently mobilized forest networks or it could have applied the mandatory rule to plant trees within the public compound such as government office, roadside, irrigation canal, school and universities, fallow lands. He strongly suggested that the Block forest should be permitted for private sector preferably in the unused land of the hills.

Ms. Sita Sunar, Himawanti Nepal, stressed that the Nepal government should make facilitating and enabling law rather than controlling one. Benefit and right should be devolved to community, more preferably to Dalit, women and pro-poor groups. She regretfully said that despite of her organization's contribution to the advocacy of women's rights in the natural resources, they did not have any opportunity to get engaged in the policy making process.

Ms. Kanchan Lama,SIAS/WLCN, remarked that historically it is proven that community has greater role in conserving the forests and it needs to be recognized in the current Bill. She added that the issues of gender and social inclusion should be strengthened. Forests should now be managed in a more commercial way to uplift small scale forest-based industries. The Bill should also consider Payment for Ecosystem services (PES) and ensure rights of indigenous community.

Ambika Shrestha, KAFCOL, opined that the current Bill is the outcome of controlling mindset of federal government and will affect the Community Forest and the livelihood of forest dependent communities. He added that the context and concept of community forest is not the same as envisioned 40 years ago during its formation. Now its applicability and suitability have changed due to the outmigration of users and other socio-economic changes. Community forest should be envisioned beyond just harvesting firewood, fodder and timber to accommodate various emerging and contemporary issues such as water and soil conservation, REDD+, biodiversity. Therefore, forest contribution should not only be measured in the monetary terms but also with respect to other intangible indicators. He then suggested that these concepts should be considered in the law. He mentioned that the forestry sector, especially in terms of institutional set up at three tiers of government, is in dilemma in the context of federalization. He urged to consider priorities of right holders in the current Bill.

Ngamindra Dahal, SIAS, suggested to make the territory of the discussion wider with an interdisciplinary approach- because forest is related to soil, water, land, etc. and also because the Ministry of Forest and Environment has responsibilities beyond forestry sector.

Birkha Sahi, FECOFUN, remarked that the current bill making process is dominated by bureaucracy and the engagement of civil society from the initial phase was deprived. He suggested that the commercialization of forest products should be adequately added in the current bill. **He said**, “FECOFUN has objection on the following three points-

- Plan and vision of bill
- Provision on Forest Protected areas
- Lack of proper institutional set up and right to local level

“We have been ensured that the amendments we have demanded will be addressed. We are waiting for the result.”

Netra Sharma Sapkota, USAID, mentioned that the merger of the forest and environment ministry should be taken as an opportunity. He suggested, “For sustainable future of the country and resource management, basin level approach is the best way for new institutional set up. All the staffs can be adjusted in the basin level office structures.”

He added, “As forest and environment is now together at ministerial level that means not only forest but also other natural resources and environmental issues such as water, infrastructure, hydropower, etc should be brought together.” He suggested FECOFUN to expand their network at basin level/watershed level. He opined that the forest should not only be envisioned for plantation and conservation but also for the management of forest products and making profit out of it sustainably. PES mechanism should be applied linking forest conservation to the provisioning services of forest such as water supply for irrigation.

He concluded saying that the basin level approach can create win-win situation.

Bhim Prasad Khadka, FECOFUN, stressed that the current forest bill is totally guided by the autocratic mentality of the bureaucratic system. “The result of such Act will certainly be not in favor of community and the nation,” he mentioned.

[Moderator provided time to experts to respond the comments made in plenary]

Keshav Kanel mentioned that the theoretical basis of collecting such heavy taxes is not clear. Some words in the Bill such as Corporation, Authority are not clearly defined. He suggested that the transparency of the Forest Development Fund should be maintained. He remarked on the illogical provisions of the Bill such as wetland is under the responsibility of the federal government whereas the surrounding forest is under community’s responsibility.

Dil Khatri, SIAS, drew the conclusion that the presence of many contradictions in the bill refers to problem in the process of formulation. “Fewer consultations were made with stakeholders, they were kept secret. Draft was not available to the public in the initial stages,” he stressed. He pointed out that the negotiations on the bill were done based on the interest of the organization, but a policy discourse should have been based on the knowledge, for example, what are the pros and cons of giving autonomy to the community and what are the long term effects of the words such as “*upayukta lagena bhane*” while approving the community forest operational plan by forest official.

Dinesh Poudel speculated that the major problems our country will face due to the implementation of current Bill are the exploitation of natural resources and foreign interference; solution to both will be ensuring people’s rights and participation. So, institutional setup and rights should be duly considered. He stated that there is no urgency of passing the bill in haste. Considerable time should be given for discussions among the people at grassroot level and other concerned stakeholders.

Krishna Gyawali suggested that this forum should make a position and communicate to the decision makers. He added, “Procedure of making Bill should not be compromised in the name of getting result fast.” He pointed out that such dialogue is equally necessary with the representatives of government who were involved in the formulation of Bill.

Bharati Pathak responded that FECOFUN has consulted at the grassroot level in all the 77 districts to make an organizational point of view. She said, “We need feedback and inputs from experts to our mission.”

Honorable Parbat Gurung, Member of Parliament (MP), appealed to all participants to be optimistic towards government and not to portray government as feudal and non-participatory. He elaborated by saying that government is practicing the federal system so there can be loopholes in the beginning but will be resolved with time. He added, “Current government is not trying to be autocrat or not willing to control the rights of people.”

Talking on the trend of declaring conservation areas like Tinjure Milke Jaljale, he said that until and unless the National Park and Wildlife Conservation Act 1973 will be amended the declaration of Conservation Area will have negative effect on people’s livelihood. He stressed, “This should be changed in the Bill. The national forests which are distant from community, however, can be declared as conservation area.”

He opined that different factions and interest groups present in every sector viz. political party, bureaucracy or community forest, should be visionary and goal-oriented without resorting to rumors and vested interest. He clearly put his view that Members of Parliament (MPs) are aware of the issues of community rights and will play their role to ensure them. He added that 18-20 MPs have already provided 140 amendments in the Forest Bill. He then suggested the forum to develop a common understanding which can be presented in the Parliament so that

the conclusion drawn from this dialogue can be disseminated among the Parliamentarians, who are in charge of amendment He asserted, “We can coordinate and lobby, and will be playing role in parliament or parliamentary committee wherever possible.”

2.4 Summary

Kiran Paudyal, Forest Action Nepal, summarized the key points made in the meeting. He drew some concluding points and recommendations from the dialogue as follows;

- **Integrate lessons from practice:** Lessons learnt from practicing Community Forest for more than 40 years have not been included in the current Bill. Bills should be based on learning from prior experiences and future goals.
- **Regulating rather than controlling role:** Dominated by top down approach, federal government has been controlling communities’ roles instead of facilitating or regulating them. Division forest office seems to be more powerful and aims to control the rights of community over the resources.
- **Sufficient public discourse needed:** There was lack of proper consultation during the process of making the Bill. More participatory approach with intensive public discourse is required to finalize the Bill in federalism.
- **Strengthen community rights:** The Bill seems to be regressive in terms of tenure rights. Community rights should not be limited. Institutional framework for the community forest has been weakened, instead of strengthening it.

At the end, he expressed his contentment referring to the proposal of Honorable MP, Parbat Gurung, to draft a common document from this forum and present it to the parliament for reshaping the bill.

3. Concluding message

The following conclusions can be drawn from the dialogue:

Almost all participants and speakers of the meeting agreed that the rule making process of the current forest Bill was not sufficiently deliberative and participatory, which can be a conundrum while federalizing forest and its sustainable management in the future. Further, the process also failed to make use of the repository of knowledge available that established the contribution of decentralization in forest governance towards both ecological and social wellbeing.

Participants had unanimous views that provisions included in the Bill *per se* are regressive compared to the Forest Act 1993 concerning local autonomy and bureaucratic authority. This indicates how the techno-bureaucratic mind-set among people involved in drafting the Bill was prevalent during the process. Resultantly, the community rights and local autonomy has been narrowed down in the Bill. As discussed, such shrinking space can affect the local collective action affecting future of community forests. Such move indicates that we failed to acknowledge the historical role of local communities in conserving forests. The centralized management has proven not effective.

Further, the Bill has limited the role of provincial and local governments in forest governance envisioned by the Constitution which goes against the spirit of federalism and decentralized resource governance. This may also raise conflicts among three tiers of government in the future.

The meeting recommended revisiting the Bill to secure local autonomy and strengthen community based forest management and open up spaces for local economy development. For instance, some communities may wish to manage their forest for commercial purposes or some may wish for ecotourism or some for something else. The autonomy to decide how to manage forest resources and the resulting income should be given to local communities.



Annex I: List of participants

**Policy Dialogue
on
Revisiting Forest Bill for better understanding and
communication**

Date: 30th June 2019 (Sunday)

Time: 8:30-12 PM

Venue: Indreni foodland (Rara Hall), New Baneshwor

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Annex II: Glimpses of Policy Dialogue

