Community Forest Management in Nepal and the Judiciary

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Community Forest in Nepal

Basic Facts

• Began as a pilot program in the middle hills in the late 1980s
• Forest Act 1993 and Rules 1995 gave firm legal backing
• Coverage and Involvement
  • Over 1.7 million hectare of national forest (over 30% of the total forest cover)
  • Over 18,324 Forest Users Groups (CFUGs)
  • 2.2 million households
  • 8 million + people
Governing Law

- Forest Act 1993 and Rules 1995
- National Parks and Wildlife Act 1973, and Buffer Zone Rules
- Environment Protection Act 1997,
- Local Self-Governance Act 1998
Role of the Judiciary

- Largely peripheral
- Nature of disputes
  - Governance related (election, account etc)
  - Unwarranted intervention by the department
  - Asking to deposit of 40% of revenue
  - Cancellation of Registration
  - Acquisition and compensation
  - Automatic confiscation of vehicles
  - Encroachment, deforestation, smuggling
  - Quarrying in community forest areas
Looking Forward

- Promoting true collaboration
- Accounting of wealth
- Issue of diversification
- Post facto action v preventive action
- Capacity building: governance, production and processing, marketing and finale sale.
- More inclusive participation
- Limits of judicial actions: quarrying and mining in Churia region (Narayan Devkota and Shiva Prasad Paudel)
- Respecting economic, social and development rights