

# District forest officers as the facilitator of resolving conflicts in community forestry at Sindhupalchok and Dolakha Districts, Nepal

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Disputes occur between different forest users groups (FUGs), while planning and implementing the community forestry operational plans (OPs). Majority of them are related to forest boundary, identification of users, utilisation pattern, distribution of forest products and collecting fines. To minimise further consequences, such disputes need to be handled in a way acceptable to all. Instead of legal provisions of handling conflicts, priority should be given to resolve them with the participation of respective forest users.

This paper outlines disputes encountered at a few community forests (CFs) of Sindhupalchok and Dolakha Districts of Nepal. Six cases of disputes are presented. The process adopted for handling such cases are also briefly described. The study concludes that forest users are capable of handling such disputes if facilitated by the district forestry staff.

**Keywords:** Community forestry, Forest Users Groups, conflicts, disputes, Dolakha, Sindhupalchok, Nepal.

Community forestry is a major forestry programme in Nepal. It is about two decades old. Now it is at the stage of active implementation of operational plans (a CF management scheme developed by FUGs with the help of forestry staff and approved by District Forest Officer). Initially afforestation and protection of forests were the main activities whereas the present activities include plantation, protection, utilisation and distribution of forest products.

Conflicts arise time to time amongst the members of a FUG and also with the outsiders regarding benefit sharing, boundary dispute and to achieve posts in the community forest users committee (FUC). With the increase of implementation works, there is an increase in the numbers and types of conflicts. As resolving any dispute may take a long time,

most of the OPs spell that any serious disputes that cannot be handled by the FUC will be forwarded to District Forest Office.

Disputes can arise either before or after the handing-over of forests to the FUGs. The most common controversies that arise before handing-over process are: the size and the number of users group, for a given forest area. The nomination of FUC members, inclusion or exclusion of a particular village or interest groups, private claim, etc. also bring about conflicts. Generally forests are being used by different villages, but during preparation of OPs, the villagers those living near a given forest are not happy to include others as users. Disputes on boundary, grazing rights are also raised frequently while preparing for handing-over process.

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The disputes that arise after post formation of FUGs include: distribution of forest resources, boundary between FUGs, encroachment in CFs, trespassing through CF, giving permit to use forest lands for other use, conflict of interest between urban and rural members, individual or political groups, price of the forest products, new demarcation and maintenance, thinning operations, etc. The rules and regulations once approved in the beginning also remain unenforced.

Articles on conflict resolution in community forestry have been published in *Banko Janakari* Vol. 5 No. 3 (see Shrestha, 1995; Tumbahamphe and K.C., 1995; Kharel and Regmi, 1995; Siktel, 1995; Shrestha, 1995; and Malla, 1995; Singh and Sterk, 1995). Most of them are focused in documenting conflicts encountered while implementing community forestry. Some of them have presented attempts to resolve conflicts, however, detailed approaches and methods of handling such disputes from the view point of implementing agencies which could help enhance the dispute handling capability at the local level, are not yet explored.

This study is the outcome of experiences in implementing operational plans of community forests in two districts— Sindhupalchok and Dolakha, and it attempts to review common disputes, and illustrate how disputes can be handled through the participation of FUGs.

## Study area

This study has been carried out at Sindhupalchok and Dolakha Districts of the central middle hills of Nepal. Both of these districts have a relatively longer history of community forestry in the country. In Sindhupalchok community forestry programme is being implemented through the assistance of Nepal-Australia Community Forestry Project since 1978, whereas in Dolakha the programme is being supported by Swiss Agency for Development and Cooperation since early 1970s. By the end of July 1996 over 250 and 66 operational plans were approved in Sindhupalchok and Dolakha district respectively.

## The conflicts

Many FUGs in community forestry have some conflicts of one kind or other. The cases below represent the types and seriousness of the disputes as often seen in community forestry.

### Phalante-Kalika community forest users group, Sindhupalchok

Phalante-Kalika community forest (about 50 ha) is located 3 km north of Balefi, a small town on the Arniko highway. The CF is constituted mainly of natural stand of sal (*Shorea robusta*) located on the western slope, east of Balefi river. Operational plan of this forest was approved in August 1993 involving 347 households. Implementation of OP was started with the initiation of the forestry field staff. Initially it was confined only to the harvesting of forest products.

Users of this forest belong both to a village and a small town. Users from the village live in the upper part of the forest whereas those from the town are at the lower part. Users of Balefi bazaar did not attend the meeting called for the preparation of operational plan, and so the plan was prepared with the involvement of village users only.

A small portion of the users intended to give political colour to the FUC as the chairperson of the FUG was not from their political party. Furthermore, they were from the then ruling party and against the chairperson, and so they wanted to prove the failure of the FUC so that they could be identified as the influential members of the society. So suddenly they approached to the committee demanding immediate supply of firewood for the users of Balefi. The FUC called for an immediate meeting on March 26, 1994 to settle this issue in which there was no time to inform forest ranger from the nearby Range post. The FUC decided the following procedures to supply the demand:

- Those who needed fuelwood should submit their applications by March 30, 1994.

- Distribution of fuelwood shall start from March 31, 1994 @ ten man-load per household, and
- Fuelwood can be collected only from branches, dead, dying and fallen trees.

The activities of Phalante-Kalika FUG were going smoothly until March 31, 1994. But as the interest of those people was not fulfilled, the FUC was once again forced to meet in the afternoon of March, 31 to decide felling-off a few trees. On the morning of 2nd April, before the committee members arrived at the site, a few labourers started felling those trees which were selected to be retained. The committee members attempted to stop *in vain*. The ranger was called upon immediately. Upon his repeated request they stopped felling the trees. After counting and measuring the stumps and logs, he made a site-witness report. He also could not pin-point the real offender as all of them were prepared to take charge collectively. On the contrary, they were showing aggression against the forestry field staff. The ranger immediately reported this matter to District Forest Officer (DFO) who, in turn, deputed Assistant Forest Officer (AFO) to look upon the matter. A General assembly meeting was called in the presence of AFO and a proposal was tabled in order to investigate the conspirator and accomplice. The meeting ended without any decision.

In the meantime, this issue was reported to the Department of Forest (DoF) by those who were involved to fell trees. They also alleged that the local forestry staff were also involved in tree felling. The Department ordered to investigate the issue and take action according to the current forest act.

### DFO's options

The DFO had the following two options to manage such conflicts:

- Take action according to the forest act 1993
- Resolve the issue by consulting users

Although DoF ordered to go through the first option, the DFO instructed his field staff to go through the second, thinking that a small

mistake which might occur during investigation, might lead to even more controversy and then eventually become a reason for the collapse of the whole community forestry in the district.

The local level forestry staff advised the FUC to take action against those abettors and auction the logs. But the FUC was afraid to do so. On the other hand, few people approached DFO to take action against the FUC and the ranger. The General assembly was called once again and the proposal for taking action against those who were involved to fell trees was tabled. But no decision could be made. The inefficiency of the existing FUC was reported to the District Administration which immediately summoned the committee chairperson.

Thereafter a new committee was formed in which the leaders of the same groups who were involved to fell trees, were appointed as advisers. In fact, the main intention of the group was to introduce their partymen into the FUC, for which they were successful.

The new FUC confiscated logs. They were auctioned among the users. The fund raised out of auctioning was used in water supply scheme in the village. Since then no serious conflicts have arisen and the FUG is functioning smoothly.

### Sitakunda community forest users group, Dolakha

Sitakunda FUG was formed in early 1993 involving 147 households from Wards 7 and 8 of Mati village development committee (VDC). Operation Plan was prepared in late 1993, and the forest was handed over in February 1994. Forest protection started from the very day the FUG was formed and FUC was constituted to implement the OP. Initially FUG gave more attention to protection because the condition of CF was not very good. A watchman was appointed and FUC members also patrolled their forest. Anyone found violating the rules was liable to punishment under its rules and regulations.

Only after a month of its existence, the FUC found a woman collecting firewood without permission. So she was fined a sum of Rs. 81.00 and the four bundles of firewood which she had collected were also confiscated. Another household was fined Rs. 30.00 for not helping to extinguish forest fire during dry season (May).

One day a saint from Kalinchok Santanand Dharma Karma Sewa Sangh (KSDKSS), a newly established religious organisation, approached the chairperson of FUC demanding a tree for the construction of a temple. The chairperson took the request positively and assured him that he would consult FUC members in this regard. On the other hand, the saint took it granted and sent one of his followers to fetch the timber. He went into the community forest, selected a tall tree and felled it without seeking permission from the FUC.

On being noticed by the community forest watchman, the person with his tools was presented to FUC. After inquiry the FUC found the person guilty and fined him Rs. 10,755.00 as per rule. His tools and the felled tree were also confiscated. The latter was auctioned to acquire a sum of Rs. 35,600.00.

As the tree was felled for religious purpose and also the person was just following the order of the saint, he was in no position to pay the fine even if the FUC tried its best to collect the dues. This dispute continued for nearly a year. FUG members pressed the FUC to collect the fine and some of them even threatened to dissolve FUC if they did not do so. As it was a matter of prestige for both the parties, they approached DFO separately to help settle the dispute; one side asking to help collect imposed fine whereas the other asking to waive the fine and also to provide another tree.

The DFO called a meeting to settle the issue where it was finally agreed that KSDKSS would beg written apology for not having a written permission from the FUC prior to felling the tree. After receiving the application the FUC will recommend FUG's general assembly to reduce the fine amount to a minimum. From the general assembly's hot discussion the fine

was reduced to Rs. 500.00 with the note that no such offenses would be repeated in the future. Also the fine should be paid within a month of notice.

The KSDKSS accepted the decision, paid the fine and the dispute was resolved peacefully. Since then no further disputes have been recorded so far.

### Lampate Sal Bisauna FUG Kadambas, Sindhupalchok

Two hundred fifty hectare of forest was handed over to Lampate Salbisauna FUG (445 households) in June 1994.

An indiscriminate felling of trees in that CF was reported to the forestry office during March 1995. A delegation of users visited the range post, district forestry office and district administration office (DAO) to build-up a case. Immediately two AFOs and rangers were sent to investigate the case. Their observation revealed that, while distributing plow, some of the users had felled few unmarked trees.

Also two distinct groups in the FUG each one backed-up by a political party, were evident. Of the two factions, the first group demanded to penalise the offenders whereas the second wanted to exempt it, as the latter thought that it was merely a *first time mistake*. After a lengthy debate consensus appeared for voting in which the decision went in favour of the second group.

After a few days the DFO received a letter with minutes attached with decisions to dissolve the existing committee accusing that the FUC misused funds. The minutes were signed by 249 users.

After two days of the first letter, the DFO received another minute signed by 289 people. The minute stated that the former were the main offenders and accused them of attempting transport of timber from CF to Kathmandu. Many of the users who had signed the former minute had also signed the second minutes.

This dispute was politicised. Although each group was claiming its majority in FUG, none of them could prove themselves as the representatives of the majority in the general assembly called on separate dates. So forest harvesting activities was suspended. The suspension affected the users, and the group who had signed in both the minutes emerged as neutral. The neutral members later started to give pressure to both the FUCs as establishment of two FUCs was not acceptable.

District level leaders and members of parliament from the respective parties led their own groups to DFO. In the beginning, although it seemed that the leaders have approached DFO to give him pressure, but the DFO capitalised the opportunity to put forward the real situation and thereby convinced them. Finally the former FUC became acceptable to all.

#### Khagudanda-purkhandanda (KP) FUG, Gairimudi Dolakha

The KP-FUG was formed in February 1993 involving 242 households from wards 1, 2 and 7 of Gairimudi VDC. Forest area (108.78 ha) was handed over in July 1994.

A considerable portion of the CF is either a bare land or with a little bush. FUG members are annually planting trees and slowly turning this area to greenery. Before handing over, this area was used as grazing land which was banned later affecting to those who used this land for grazing.

In an instance, a forest watcher caught five goats of a villager for destroying planted seedlings. The goats were submitted to the FUC for action. The FUC, referring to its rules sent a notice to the goat owner of fining Rs. 505.00. The owner instead of paying fine and collecting his goats challenged the FUC to see how long they could keep his goats. When the owner did not come even after waiting five days, the FUC members got confused what to do with the goats. After consultation among themselves, they decided to call on DFO for his views.

On DFO's suggestion the FUC circulated another notice to the owner stating that if he did not collect goats within 3 days of receiving notice, his goats would be auctioned to recover the fine. The owner appeared on the third day, begged pardon for his fault, and paid the fine.

#### Khatrithok and Karkitar FUGs Sangachok VDC Sindhupalchok

Khatrithok (80 ha) and Karkitar (75 ha) CFs, both located in the same VDC, are composed of sal (*Shorea robusta*) forest. Both the CFs were handed over in 1993. Forests are accessible to Kathmandu by Araniko highway. While preparing OPs the FUGs fixed the rate of Rs 50.00 and Rs. 8.00 per cubic feet (c.ft.) of sal timber in Khatrithok and Karkitar FUG respectively.

While distributing forest products in early 1994, users of Khatrithok FUG complained to the FUC on the rate of sal timber, as their neighbours at Karkitar were paying six times less. Responding to its users the FUC reduced the rate to Rs. 25.00 but the users were not yet satisfied. Later FUC approached the DFO and briefed the situation. DFO did not interfere but advised to have a joint meeting with Karkitar FUC. As the distribution period was over for that season, no further complains were raised.

Later in July 1994, at the district level community forest users group workshop some of the FUG representatives raised issue on the rate of forest products in Karkitar and Khatrithok FUGs. They argued that such a low rate in the accessible area would encourage more felling of trees in CF. They also emphasised that such situations would increase pressure on FUC, which might ultimately affect its proper functioning in the other parts of the district. Eventually, a group was formed from the participants to deal with such issues and present its proposal during workshop.

The group submitted a proposal that no FUG can fix the rate of timber at less than fifty percent of the government's rate. However, every FUG, with the decision of the general assembly, is free to fix any rate higher than this. This proposal was approved in the workshop,

and thus the minimum rate for sal timber was fixed to Rs.100/c.ft. However, provision is made to apply lower rate for users with extremely low income, and for catastrophic events. This proposal was accepted by all.

### Dhumbarlatikhet FUG, Dolakha

Dhumbarlatikhet FUG is formed of 59 households from ward 3 of Gairimudi VDC. A forest patch of 27.04 ha. was handed over as CF in July 1993 after the rules, regulations and OPs had been approved.

While making the OP no one noticed that two persons were cultivating paddy at one part of CF. Later on the request to stop cultivate the CF land by the FUC was turned down by those persons.

After this matter was raised in the annual general assembly, the ranger went on to check the field, and concluded that those people have no right to cultivate the CF land although they were trying to show a land ownership certificate which was found to be fake. The assembly decided to fine Rs. 100.00 each and were also asked to plant the area with trees during the following planting season. Because it was a general consensus the encroachers accepted the decision and the problem was solved.

### Discussion and conclusion

Conflicts in community forestry are classified into three broad groups i.e. among users, between users groups, and between users group and the Department of Forest (see papers in *Banko Janakari*, vol 5, No 3). In community forestry, disputes among the users are frequently observed while implementing operational plans. Conflicts between the users groups are mostly resolved through group discussion and interactions between the FUC, DFO staff, and others. The above case studies identify that the problematic issues emerge mostly in the presence of political backing in community. The first and the third cases are such examples. Such trend might affect CF as many disputes in other CF are directly or indirectly motivated by local politics.

### Approaches to handle dispute

Various approaches can be taken to handle dispute. The facilitation, and moderation of the district forestry staff, the FUC and the FUG are few such approaches which should be well recognised. DFO's assistance has been an inspiring factor to handle disputes at various instances.

The disputes could be resolved through active participation of the users. Nevertheless, there is still a tendency of the central authority to resolve such disputes through legal imposition for these have become a customary practice usually in government managed forestry. Conflicts such as forest encroachment, boundary disputes, rate of forest produce which are genuine or politically backed-up, could be handled through the users' participation.

### Politics

The cases presented above indicate clearly that *politics* is one factor that gives rise to conflicts in CF. Also it seems that the CF programme will be affected in one way or other by politics in the days to come.

### FUG as an institution

This study suggests that sustainable management of community forest is only possible through the development of local institution such as FUG, and this has been recognised by the forest policy of His Majesty's Government of Nepal through enactments of legislation and through expansions of programme. The crucial part at the moment is institutionlization of FUG. The responsibility to support and strengthen FUG lies in all the tiers of DoF, FUC, FUG and NGOs actively involved in implementing community forestry programme. This will help build FUG as a capable and sustainable local institution committed towards sustainable management of community forests in Nepal.

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