

# **The Evolution of Institutions for Multi-Level Governance of Forest Commons: The Case of Community Forest User Groups Federation in Nepal**

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*Key words: multi-level institutions, commons, Nepal, federation of commons*

## **ABSTRACT**

With prolific research and practical innovations on the natural resource commons, attention is now shifting to understand how multi-level institutions emerge (or fail to emerge), linking local level commons institutions to different layers of governance.

This paper tells the story of the networking of local level community forest user groups (CFUGs) into a nation-wide network, known as the Federation of Community Forestry User Groups, Nepal (FECOFUN). Over the past 15 years of its existence, and with over 15 thousands member CFUGs, FECOFUN has evolved as a critical bridge between local commons and multi-scalar processes of forest governance, articulating local voices in different spheres of policy making. In doing so, FECOFUN has also 'radicalised' local commons users beyond fatalistic mindsets, nurtured historically through hierarchical social institutions in Nepal. The evolution and functioning of FECOFUN was made possible through various factors, such as active leadership, unfolding democratic political system, and internal crisis into the anti-devolutionary forces, such as techno-bureaucratic mindset of state forest agencies.

The case of FECOFUN shows that, such networking involves tremendous amount of transaction costs, which is subsidized by donors, leading to weak internal accountability of the network. Likewise, when FECOFUN emerged as a significant field of power and influence after 2000, it is facing increasingly tough challenges in maintaining fair rules and practices of power and benefit sharing among the network leaders and activists. Moreover, the network is also facing an increasing challenge to regulate the behaviours of its leaders to maintain ethical practices (avoiding corruption). Notwithstanding these

internal weaknesses, FECOFUN has forged a much needed link of local forest commons at sub-national and national level governance. The paper concludes by drawing key lessons from Fcommons regarding the prospect, challenges and effectiveness of multi-scale institutions of commons in forest and natural resources governance.

## 1. INTRODUCTION

While the commons literature is extremely rich in micro level analysis of institutional behavior globally (e.g. Agrawal and Ostrom 2001), there is still insufficient attention to understand how community groups have been struggling to articulate their political voice in higher spheres of governance. In the recent years, there is a growing realization (Ostrom 1999, Banjade *et al* 2006; Berkes 2008) that this aspect is important but till now there are more questions than answers as to how multi-scale institution evolves and works in practice. Key questions of wider interests include – when and how commons networks emerge, how community actors interact in the realms of networks and federation, what incentives drive local actors to craft multi-level institutions, what forms of collective actions are created, and how they interact with the apparatus of the state.

Local level commons are embedded in wider contexts, and are not an island working in isolation. Key forces that commons institutions are required to respond to include – techno-bureaucratic pressure (Backstrand 2004), emerging market pressures, political transition at the country level, development aid, and proliferating international policy instruments (such as on biodiversity and climate change). For local level commons to effectively cope with stresses, and harness opportunities, coming from such diverse contextual changes, multi-level institutions have begun to emerge such as in community forestry (Dahal *et al* 2009) and farmer managed irrigation systems.

The question of multi-level institution in the context of forest sector is crucial globally, as this is closely linked to the effectiveness of forest governance, as well as its effects on social equity and ecological sustainability. Over a billion poor people have some level of dependency on forest (Scherr *et al* 2004). Despite launching of decentralization policy

reforms, techno-bureaucratic control has continued to undermine community rights in forest governance (Ojha 2006; Ribot, Agrawal and Larson 2006).

Given such varied and powerful external stimuli, local commons users have always remained under pressure to get organized at meso and higher levels, so that they could address various opportunities and challenges coming from outside.

In the light of these wider concerns, this paper documents the case of community forestry user groups' federation building in Nepal. With over 15 years of experience and grounded in one of the most devolutionary forest regime in the world, the case of FECOFUN is very rich to provide insights into the questions of multi-level networking of commons users groups.

Specifically, the paper addresses the following questions:

- a) What trigger the emergence of multilevel institution of commons?
- b) How are collective actions organized in such institutions? What are the key forms and elements of multi-level collective action?
- c) What are the typically achievable outcomes of multi-level institutions?
- d) What challenges multi-level institutions face and what promise they hold in advancing the rights of communities and improving the overall governance of resource sectors?

## **2. THE SPACE FOR MULTI-LEVEL INSTITUTIONS IN NEPAL**

In Nepal, the nation-wide community forestry programme financed by donors provided technical and institutional support in forming Community Forest User Groups (CFUGs), and there are currently about 15 thousands CFUGs spread throughout the country.

FECOFUN emerged in 1996 with a few hundred member CFUGs and currently, almost all of the CFUGs have become FECOFUN members. In a span of 15 years now, it has established itself as the nation's largest civil society organization with district federations established in all the 75 districts in the country (Ojha 2009).

The history of forest governance in Nepal is dominated by the strategic interests of 'forest technocrats' and the ruling political elites, and until the major political change of 1990, there was limited room for local communities to have secure and institutionalised access to forest resources. While the feudal rulers of the country appropriated forest lands and trees for their benefit (Regmi 1977), the advent of modernization project in Nepal in the name of development contributed to the expansion of the technocratic state (Blaikie *et al.* 2001), and this is probably more visible in the forestry sector than any others in Nepal. But the process of CF development has to some extent also had positive implications on the institutional change of the government forestry agency towards supporting community institutions in forest management (Kanel and Acharya 2008).

Policy change in favor of recognizing community institutions began in the late seventies when the government explicitly admitted that it could not protect the forest alone without the active co-operation of local forest dependent citizens. The perception of twin crises of the environment and poverty in the late 1980's led to the evolution of community forestry (Hobley 1996; Malla 1997), creating significant spaces for local forest dependent communities<sup>1</sup> to participate in the governance and management of forest resources. Since the government was prepared to "involve" local communities in forest conservation, donors supported the government to form forest user groups around accessible patches of forests, especially in the middle hills, where the commercial and state revenue potential of the forest was insignificant, and the state's capacity of law enforcement was also limited due to the difficult terrain (Acharya 2002).

### **3. THE EMERGENCE OF FECOFUN IN NEPAL**

After the democratic movement of the 1990, which overthrew the monarchy-led *Panchayat* system, the newly elected government and the parliament (under the multi-

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<sup>1</sup> The Forest Act 1993 provides following rights to Nepalese citizens who depend on forest and who are willing to be the members of a Community Forest User Group (CFUG): a) right to get organized with perpetual succession, b) entitlement over forest growing stock, c) right to use 100% benefits resulting from the sustainable yields, c) unalienable citizen rights even if a community forest is withdrawn by the government in case a particular CFUG executive committee does not meet sustainability standards in forest management.

party democratic system) stood in favor of further strengthening the community rights in forest governance. It was in this context that Forest Act 1993 was promulgated, recognizing Community Forest User Groups (CFUGs) as perpetually self-governed and independent institution, which can legally manage, develop, protect and utilize designated area of forests as community forestry, the area depending on the 'willingness and ability' of the communities. These CFUGs as well as the leadership associated with them were the local level building blocks of FECOFUN.

With a rapid increase in the number of CFUGs as autonomous institutions, ideas of CFUGs networking emerged among CFUG leaders, as well as their supporting organizations (mainly the bilateral projects and international organizations). Localized informal networks of CFUGs then came into existence, initially in the central and eastern parts of the country where the CFUGs formation processes were supported by bilateral aid projects, and then to other areas. Given the government sponsorship and the possibility of donor project support, the intention of these initial networking efforts was to facilitate learning and sharing among CFUGs about the institutional processes that were evolving in different locations.

The supporting projects responded to such local initiatives positively as networking mechanisms were considered as a potential means for delivering institutional development services to increasing number of CFUGs and also as a means for their own program planning and management. So until early 1990s, such processes of networking among CFUGs were driven by the desire to know each other and the interests of the supporting organizations and projects.

In a meeting supported by an NGO and projects, representatives of CFUGs formed a 13 member *ad hoc* committee of the Federation of Community Forest Users, Nepal (FECOFUN). In June 1995, a nation-wide FECOFUN executive committee was elected in a gathering of CFUG representatives from 35 districts and NGOs. This workshop decided to establish a contact office in Kathmandu and formed a committee to prepare a draft constitution for FECOFUN. In September 1995, the federation was registered in Kathmandu District Administration Office and became a legally recognized entity. The

first general assembly was held in March 1996 with representatives from 38 districts. The general assembly elected a 27 member national executive committee.

#### **4. STRUCTURE OF FECOFUN AS A MULTI-LEVEL INSTITUTION**

As the constitution of FECOFUN stipulates, the main objective is to safeguard rights of CFUGs and local communities in forest management and utilization. It also seeks to promote cooperation and collaboration among member forest user groups and enhance learning from the sharing of experiences. The strategic focus has been to take on a lobbying and advocacy role on behalf of the forest users and to ensure that the community forestry policy objectives are accomplished.

Currently, FECOFUN as a network of CFUGS operate at different scales, from local village to national levels. FECOFUN has a six-tiered network entailing: a) *General Assembly* (the supreme body of FECOFUN consisting of equal number of men and women representatives from all the districts), b) *National Council* (second main body of the FECOFUN comprising of one male and one female representatives from each district and office bearers of the National Executive Committee), c) *National Executive Committee* (the main executive body comprising of one male and one female representatives from each of the 14 Zones), d) *District Federation Committee*, e) *Range Post/Village Level Committee*, and f) *CFUGs*.

National FECOFUN is registered with the government office where NGOs are registered (as per the NGO registration Act of Nepal, 1976). While the CFUGs are required to work in close coordination with DFOs, FECOFUN is independent of the government except meeting the registration and renewal related obligations for legal purposes. FECOFUN's constitution has provisions to establish district and range post/village level federations throughout the country. The office tenure of the National Executive Committee is four years (changed from 3 years to 4 years during the recent revision of Constitution in January 2010). The tenure of district federation is four years and is elected by district-level assembly. After the general assembly, the second highest body of FECOFUN is the national council which meets every 2 years (revised in the constitution January 2010). According to the constitution of FECOFUN, district federations can only be formed when there are at least 10 CFUGs that have been affiliated with FECOFUN. Any

CFUG with a registered constitution can become a member of FECOFUN. At the time of affiliation to FECOFUN, a CFUG has to pay a membership fee of NRs<sup>2</sup> 300 inclusive of initial membership fee, and NRs 100 annually for renewal of membership. The fees paid by CFUGs are divided among the various levels of federation as follows: 30 percent to central FECOFUN, 40 percent to District FECOFUN and 30 percent to Range Post/Village level FECOFUN. FECOFUN's constitution requires that 50% of all the positions at all levels be given to women.

## **5. WHAT LED TO THE EMERGENCE AND EXPANSION OF FECOFUN?**

Several factors have contributed to the emergence of FECOFUN in Nepal. First, the advent of multi-party democracy in 1990 created an open environment in which citizens had the freedom of expression and the right to political organization. Since then, an elected government and parliament were in place, improving the direct link between local citizens and the government. It was the first elected parliament after 1990 that passed the Forest Act 1993, recognizing the inalienable rights of local people over forest resources. This created a foundation for the organization of civil society around forest resources (i.e. CFUGs).

Second, in addition to such enabling conditions, development projects and NGOs support was also crucial, who saw their interests in strengthening networks of CFUGs as a counterbalancing mechanism of power with the Department of Forest. These agencies continued to directly support FECOFUN during its formation and post-formation stages. Donors such as Ford Foundation contributed funds generously to the organizational development, and enabled some activists to work full time and meet the administrative costs of the organization.

Third, the fledgling FECOFUN itself solicited feedback and suggestions from the civil society activists, researchers and social scientists on its organizational and advocacy related strategies and activities. Indeed, close alliance with some NGOs (initially by WATCH) provided important organizing and campaign skills to FECOFUN leaders at the formative stage.

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<sup>2</sup> 1 USD = NRs 70

Fourth, as a founding advisor to FECOFUN remarked, FECOFUN's emergence is in part attributed to politically active leaders who decided to engage in the process of forming FECOFUN. The founding members of FECOFUN had long experience in political activism. They have been key local leaders of various national political parties, who fought three decades of political struggles against the autocratic *Panchayat* System led by the Monarchy. They brought the styles and approaches of such political activism in FECOFUN, beyond the advice of donor project based specialists. This approach enabled FECOFUN to maintain civic activism linking local voices to national policy politics. In addition, the founding FECOFUN leaders expanded their collaboration with a wide network of advisors, well-wishers, and decentralization activists. This association helped them to explore and access resources, analyze issues, identify strategic courses of action, and organize trainings for the emerging cadre base of the network.

Fifth, FECOFUN was seen by local party activists as a more attractive social space than political parties. As central FECOFUN gradually expanded its district chapters, a critical mass of local cadres emerged throughout the country, further expanding the idea and philosophy of FECOFUN. For thousands of local political workers, platforms of CFUGs and FECOFUN became attractive, partly because they are more socially acceptable institutions from which they could pursue their political interests, and partly because there was a tendency to move from party politics to social sectors.

The multi-layered structure of FECOFUN, with the provision for equal participation of men and women, has allowed democratic linkages between different levels, and has made it possible to organize actions within different arenas.

## **6. OUTCOMES OF MULTI-LEVEL INSTITUTION**

The action of FECOFUN has created at least three outcomes in forest governance in Nepal:

- mobilization of the civic power of local citizens dependent on forests in self-governance and active participation in public policy debate;
- challenging long-existing techno-bureaucratic hegemony in forest governance;



- enhancing and securing local people's control over development discourse, strategies and resources.

Through multi-level institution building and networking, FECOFUN politicized the practice of forestry beyond the conventional technical paradigm of foresters, and in many respects provided a deliberative bridge between local communities and the state. Along with NGO alliances, it has established the agenda of community participation in the policy-making process that used to be solely dominated by the technical and managerial perspectives of the Government forestry organizations and the donor funded development projects. Through undertaking numerous initiatives annually, FECOFUN has provided information and awareness raising services from a civic perspective which is different from that of the DFOs, projects and even most mainstream development NGOs. It is through FECOFUN that the knowledge of legal provisions related to community forestry has spread to areas where there have been no community forestry projects and where DFOs were not motivated to inform people of their rights, such as in the case of Terai.

FECOFUN has helped local communities to develop critical awareness about their rights over the forest resources, which remained under government control for long. Awareness raising activities in some cases have been tailored to empowering people to challenge specific government plans and proposals that were considered to be detrimental to local interests and the long term sustainability of the forest ecosystem.

On several occasions, FECOFUN has organized explicit and fierce civic resistance to challenge the decisions of the government. For instance, on 28<sup>th</sup> April 2000, MFSC issued a special forest policy for the densely forested regions of Terai, Chure and Inner Terai, and through this, declared new management regimes for block production forestry in the Terai and inner Terai, and a strict protection approach in the Siwaliks (foothills). FECOFUN clearly opposed this decision as it believed that the policy undermined the rights of local communities to manage forests as per the Forest Act 1993. FECOFUN launched a movement against the decision in collaboration with other stakeholders, and continuously lobbied for the establishment of CFUGs in the Terai. Similarly, it organized mass rallies at the local level, demanding the handover of forests

as CF as per the acts and legislation (Britt 2001, Shrestha 2001). It also organized meetings with members of Parliament and the Parliamentary Committee for Natural Resource Management to sensitize the lawmakers on the local rights over forest resources. It submitted protest letters to the Prime Minister and the Minister of Forest and Soil Conservation, demanding the proper implementation of community forestry policies throughout the country, and withdrawal of other forest management regimes that curtail community rights. Throughout 2009, FECOFUN launched awareness campaigns in the Terai on community rights over forest management and use. This resulted in increased number of forest hand over to local communities.

In a more important move, FECOFUN opposed the government's plan to amend the Forest Act 1993 and related government orders that proposed several restrictions on the rights of forest dependent citizens. In 1998, MFSC developed a proposal to amend the Forest Act 1993. FECOFUN believed that such amendments of Forest Act 1993 would restrict important rights of CFUGs and give more power to government forest offices. In collaboration with NGOs, FECOFUN heavily reacted upon this move and raised questions on the motive of forest bureaucracy about their faith and commitment in enhancing democratic spaces. The proposal was then dismissed. A similar attempt to amend the Forest Act 1993 was made by MFSC in 2001 and the active resistance by FECOFUN led to dismissal of the proposal. In this instance, FECOFUN even organized a mass demonstration in Kathmandu in 2000.

In collaboration with NGOs, FECOFUN reacted to every government decisions curtailing community rights, through press release, demonstrations and protests, and drew the attention of the wider public.

FECOFUN has also mobilized the court to challenge the extra-legal decisions of the government. Several cases have been filed opposing the Operational Forest Management Plan (OFMP) prepared by the Department of Forest<sup>3</sup> and the curtailment of local rights. Besides, FECOFUN has continuously provided legal support and counseling to CFUGs relating to community rights over forests and environment.

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<sup>3</sup> In Terai, Nepal government prepared a technical forest management plan called "Operational Forest Management Plan" with Finish support to transfer forest management rights to multi-national company in the late 90s.

According to a FECOFUN legal officer, there are on an average 5-7 cases filed by FECOFUN or by CFUGs with support from FECOFUN at district, appellate and Supreme Court levels.

Beyond the domain forestry and natural resources, FECOFUN has at times radicalized its groups and members to participate in the political movement for democracy and human rights. In 2006, FECOFUN mobilized local communities throughout the country to participate in the second *Jan Andolan*, articulating community rights agendas. The leadership of FECOFUN clearly saw the linkage between wider democratic system and the security of community rights over forestry. More recently, in April 2010, FECOFUN launched a forest caravan in which tens of thousands of forest dependent people came to street demanding community rights and autonomy in the new constitution. In collaboration with NGOs and federations of other natural resources user groups, FECOFUN has also actively mobilized local communities nationwide to advocate community and collective rights over natural resources in the new constitution.

As a result of FECOFUN mobilizing the power of people in forest governance over the past 15 years, the relationship between local people and state forest agency (mainly the Department of Forest) has begun to change from the traditional patron-client modality towards more egalitarian and horizontal association. The new power relations have rendered unilateral and controversial government decisions virtually unenforceable, thus underscoring the importance of pluralistic dialogues, deliberations and negotiations in forestry. FECOFUN has established itself as a strong opposition, as well as collaborative partner, to Ministry of Forest and Soil Conservation and Department of Forest. This situation, in a sense, has provided a mechanism for checks and balances in the governance of the forest resources, while at the same time fostering democratic deliberation in governance processes.

The movement and advocacy campaigns organized by FECOFUN have inspired similar networking of communities in other sectors, such as irrigation, drinking water, and community electricity. FECOFUN is also leading the confederation of various federations that have emerged in the field of drinking water, land, irrigation, community electricity and the like. FECOFUN has also emerged as a role model internationally in

the process of decentralization and devolution of forest governance in Asia and beyond (Dahal et al 2009).

Outside Nepal, FECOFUN has established linkage with a number of international associations to promote solidarity in community based governance of forest. As a leading member of Global Alliance for Community Forestry (GACF), FECOFUN is actively engaged in rights-based advocacy of community forestry internationally as well. FECOFUN is regularly invited in United Nations Forum on Forest (UNFF), is the member of Rights and Resources Initiatives, and several other international civil society coalitions. About a dozen of FECOFUN's central level activists are quite active in international forest rights movements and forest policy negotiations related to different issues, including climate change.

## **7. MULTI-LEVEL INSTUTION: ISSUES AND CHALLENGES**

Despite above-mentioned successes, FECOFUN has also failed in a number of crucial fronts: failure to empower the poor and excluded citizen groups to participate effectively in forest governance; limited effectiveness of FECOFUN to successfully challenge techno-bureaucratic control of forest governance processes (Ojha 2006), limited successes of FECOFUN in becoming self-reliant financially, including doing away with the donor influence. In addition, FECOFUN led movement has met with limited success in Nepal's Terai region where large blocks of natural forests exist along with larger communities of diverse ethnic origins. More recently, there has been increasing confusion and conflict within central FECOFUN for power, projects, prestige, finance and relationships. Its close NGO allies and activists have begun to advise FECOFUN to seriously reconsider its internal governance structures and processes if it wants to continue as an effective network for civic engagement in the democratization of Nepal's forest governance.

A key aspect of federation building relates to achieving inclusive representation in the context of social inequality. Historically constructed divisions of class, caste, gender and ethnicity stratify Nepalese society, and the majority of the disadvantaged people find it socially difficult to exercise their civic agency at local community level governance of forest, not to mention their capacities at the national governance. As a matter of fact,

FECOFUN currently represents primarily high caste, economically middle class, and dominant *Pahade* groups or hill people. *Madheis*, *Dalits* and *Janajatis*, which are some of the disadvantaged groups in Nepal, are still under-represented in FECOFUN. Despite the fact that the majority of forest users fall into the poor and marginalized categories, they are still insufficiently represented in FECOFUN committees. Although the members of the executive committee are attempting to raise their voice on behalf of these marginalized groups, hierarchical relationships within society in general prevent these interests from being properly articulated within FECOFUN itself. So there is a continuing challenge as regards inclusive representation within FECOFUN.

In the recent years, particularly after the third General Assembly in 2006, the agenda of inclusion is receiving increasing priority within FECOFUN. Yet, the actual trend is far less than what is being anticipated at the national discourse of inclusion. The total number of participants of the 3<sup>rd</sup> General Assembly was 317 and among them only 15 and 96 (compared to 12.8 % of Dalit Population and over 60% population of various ethnic groups) were from *Dalit* and Indigenous/ethnic community respectively. According to the constitutional provision of FECOFUN, it is required to select at least 50% women representatives at all committees but the actual level of participation of the women in decision making and governance practices is not commensurate with the quantitative representational equity<sup>4</sup>.

The question of internal organization of FECOFUN is even more critical. There are issues of rules around sharing power and benefits and ensuring accountability to the constituencies. Also, there are some instances that once the local level FECOFUN activists gain political power through FECOFUN activism, they can sometimes misuse this power for unethical personal gains. The challenge is how FECOFUN can devise and enforce ethical code of conduct. There is already a judicial committee at the central level to look after cases of violation of FECOFUN rules but it is still not clear how this can be extended to regulate ethical behaviour among the FECOFUN activists. As the opportunities are growing both nationally and internationally for the FECOFUN activists, it is increasingly a challenge as to how such opportunities are to be regulated without

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<sup>4</sup> A women right activist associated with HIMAVANTI suspected this at the opening ceremony of the 3<sup>rd</sup> General Assembly of FECOFUN in December 2006.

creating frustrations among the activists, while at the same time enhancing the morale and motivation of the committed activists.

While FECOFUN is seen expanding, questions persist about the resilience and viability in terms of self-reliance and autonomy, especially from donors and the political parties. There is a continuing influence of donor agencies over FECOFUN in two main ways: first, by funding on select objectives, these agencies define FECOFUN's sphere of action in a way that is consistent with the mandate of funding bodies. As a central leader of FECOFUN admitted, "we often have to accept the presentation of donors in our events as a condition of funding. We are aware that this is not going to help but sometimes have to accept such condition considering the importance of funding to make our events successful<sup>5</sup>". Secondly, the personnel within donor agencies or other organizations that provide financial assistance are assumed to be more 'expert' than FECOFUN members, and their technocratic counseling at times undermines the civic engagement potential of FECOFUN. While the initial support from donor organizations was mainly for its organizational strengthening, subsequent grants have been received to finance a wide variety of projects - including women empowerment, community forestry advocacy, constituent assembly awareness raising to carbon financing. As the founding chair person recollects<sup>6</sup>:

Although experts helped us a lot in framing our networking strategies at the beginning, at times I experienced conflicts with specialists who advised and helped us. Once we became stronger in organizing people and raising the agenda of community rights, projects and their experts actually pulled out their supports as they felt threatened (by government) when they support us. They even did not refer CFUGs to FECOFUN for networking).

During the initial years of establishment, FECOFUN also received individual contributions from community forest user group (CFUG) members, but later on such contributions have remained minimal. Indeed, financial cost of civic engagement is becoming increasingly higher (with over USD 1 million in the year 2009), of which only a

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<sup>5</sup> An interview of central leader of FECOFUN in February 2010, Kathmandu (name kept anonymous).

<sup>6</sup> Personal interview with Hari Neupane, Founding Chairperson of FECOFUN, April 24, 2010.

negligible amount is raised internally through membership fees. Clearly, FECOFUN's member CFUGs are not yet prepared and convinced to pay enough to cover the costs of what central FECOFUN seeks to do, mainly because of the lack of legitimate accountability mechanism, despite CFUGs' ability of mobilize over Rs 800 million annually<sup>7</sup>.

Likewise, as the political space around FECOFUN grew tremendously over the years, there is increasing interests of political parties to patronize this force. This is especially so as most FECOFUN activists are also the members of one or the other political parties. The involvement of political party members is inevitable because there are very few social activists who have groomed outside of any affiliations with political parties, especially during FECOFUN's initial formative years. Also, having a large number of FECOFUN activists linked to various political parties means that FECOFUN is in a good position to mobilize political parties themselves in support of community rights over forest management. But the problem arises when parties begin to influence FECOFUN processes, rather than vice versa. In the recent years, there are clear symptoms of increasing party interference on FECOFUN.

There are two implications of such influence. First, FECOFUN leaders see an incentive to become accountable to the political party leaders rather than the constituent CFUG members. Second, when FECOFUN power is co-opted by political parties, which are part of the state, then the value of independent civic engagement will be compromised. So long as the leaders feel that power from the patronage of political leaders is greater than the power derived from representing and augmenting the voice of forest dependent people, there is a danger that FECOFUN will continue to be co-opted by the political parties. There is also a risk that FECOFUN leaders will increasingly feel obliged to those who provide political patronage or funding rather than those who elect them.

All this leads to more fundamental and recurrent theoretical question of how civil and political societies interact, and this is particularly true when multi-level institutions emerge in economically rich resource sectors such as forest and water.

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<sup>7</sup> Extrapolated from the figure of Kanel (2008) that was based on 2002 data.

When a multi-level civil society platform like FECOFUN is well recognized in the public domain and also accepted as a strong watch dog by the government, the leaders find it even harder to retain institutional integrity and momentum. This is reflected, for instance, in the ways FECOFUN leaders have sometimes demonstrated a tendency to please its members and allies rather than pursue the agenda critically in the interest of local communities, in order to avoid possible negative consequences on the financial and other resources being utilized by the federation. In another instance, informal alliance between FECOFUN leaders and government officials are evolving rapidly, not so much to transform particular policy issues, but to undertake collaborative projects and in more professionalized ways. This is also reflected in ways FECOFUN has remained largely silent about the top-down approach of donors and international organizations, which are indeed the source of finance for the FECOFUN activities. This indicates a risk of FECOFUN becoming another professionalized NGO, beyond the imperatives of critical and fundamental civic engagement.

Despite having rich knowledge networks, FECOFUN activists have developed a number of “defensive routines” that are becoming embedded within FECOFUN. For example, when alternative discourses emerge to respond to the inherent limitations of community in the management of forest resources – for instance as regards block management of Terai forest, management of protected areas etc – FECOFUN’s formal political stance allows limited space to its leaders to creatively articulate their concerns: that they are for community rights not specific modalities of forest governance. The way FECOFUN presents itself in the policy discourse and the way it is perceived by others indicate that FECOFUN is confined to particular modality of forest management rather than taking a broader stance on promoting rights of local people in all contexts. Also, because of excessive reliance on donor funding, FECOFUN has missed the sight of productive engagement with private sector, particularly the collaboration between community and private sector in promoting forest and environmental services and products.

FECOFUN’s ability to advance multi-level civic engagement is also partly affected by the increasing acceptance of the ideology of ‘organizational managerialism’ within FECOFUN, signifying a shift away from the earlier approach emphasizing campaigns and movements. Following the expansion of external networks and alliances, there is



likelihood for FECOFUN to become externally oriented. Many local FECOFUN activists are thought to be motivated by the external opportunities rather than by their internal achievements.

In the recent years, FECOFUN has been approached by an increasing number of development agencies for collaborative projects. FECOFUN leaders have themselves sought such collaborations which can allow them to implement development projects, albeit identified by NGOs or donors. For this reason, there is still a significant part of FECOFUN activity which is related to delivering technical services, away from civic and political engagement. Such efforts in delivering technical services, promoted by donor political economy and internal incentive structure, divert the attention away from advancing political and civil rights agendas. From FECOFUN's learning perspective, it is indeed useful to undertake research projects to understand the political and institutional conditions which shape technical research, rather than undertake research on technical aspects per se. For example, instead of doing technical research on some aspects of technical forestry, FECOFUN may seek to understand why Department of Forest Resources and Survey, which has a mandate to lead forestry related research in Nepal, has actually very limited research productivity. But for all reasons related to the incentives of leaders and imposition of agenda by the donors, FECOFUN ends up with a technical and service delivery type of project which other NGOs are better placed to undertake.

While FECOFUN has certainly been able to influence policy, challenges still remain as to how the policy gains are institutionalized and implemented. The results of aggressive campaigns have often gone uninstitutionalised due to the lack of continuous and constructive engagement between FECOFUN and the government officials. Here, FECOFUN's own existence and dynamism is related more to raising questions in the public domain, and there is less commitment and capacity within FECOFUN to follow through the process of actual policy decisions within the state. As the general secretary of FECOFUN remarks in an interaction with the author:

In the past, we were not invited in many policy forums organized by the government and the international organizations. But these days we get too many

requests for representation in various important forums. It has become really difficult for us to capacitate our members and staff to critically understand the issues and communicate our perspectives when we send them to participate in such forums. As a result, we have not been able to use the forums that we are invited to join for the benefits of local communities that we claim to represent. The question we are not confronting is – how we can enhance the quality of our participation (interaction with General secretary, FECOFUN, September 2009, Kathmandu).

This is also same with following up of the agreements and understanding made by FECOFUN with the policy makers. In various issues, FECOFUN has become successful in mobilizing communities to create pressure and make necessary agreements with the government, but they have weak capacity to continuously follow up with such agreements and realize the change in actual practice.

## **8. CONCLUSION**

The case of community forestry federation (FECOFUN) in Nepal demonstrates an innovation in multi-level institution in forest governance. The innovation primarily constitutes networking of local community forest user groups – representing over eight million people throughout the country - to articulate common user group concerns at different layers of forest governance.

FECOFUN emerged in the mid-1990s after the advent of multi-party democracy, and following the inception of community based forest management programmes since the late 70s, with support from international donors who came to Nepal in the wake of environmental crisis in the Hiamalaya. A key breeding ground for the development of FECOFUN is the Forest Act 1993 that guaranteed the rights of local communities over forest management, and hence provided a solid local foundation to create the federation of community groups.

The case of FECOFUN shows that the proactive engagement of local common institutions, with masses of people affiliated to it and with leaders suitably being oriented in non-partisan political engagement, has the potential to create a functioning multi-level institution to safeguard the rights of local common users.

FECOFUN has successfully resisted a number of policy decisions that sought to undermine local rights. Key strategy it has adopted include: mobilization of community forest user groups and their networks at different levels in relation to rights, lobbying with policy makers in collaboration with national civil society and development organizations, and international networking of community associations and advocacy organizations. In many instances, it is actually the support of its allies in terms of knowledge, financial resource, and symbolic political power that has enabled FECOFUN to make its actions stronger and effective.

But as FECOFUN actions became widespread, the techno-bureaucratic control has taken new and subtle forms. FECOFUN's capacity is still limited to uncover such deep-rooted and subtle form of anti-democratic tendencies, partly because its own organization has become overly reliant on external resources, thus forcing the leaders to compromise their own position and the expectations of their members. This is also because FECOFUN became more established and widely recognized by donors and international agencies to fulfill donor interests, and as such has emerged as an attractive political-economic and symbolic space for the power elites, who reproduce feudal culture and disregard concerns of the member community groups. This appears like a situation of neo-elites acting against the conventional elites. Such situation is at times reinforced by the advice of Western development agencies that have undermined the civic foundations of political engagement, reducing FECOFUN to a disciplined professional organization away from a vibrant mass movement.

Since federation of forest user groups has wide networks and reaches, as well as power to augment political agendas, there are inherent threats to federation from both inside and outside. Political parties from outside have at times shown their temptations to capture or patronize the federation. Also, political and professional elites have also sought to capture the symbolic image of FECOFUN for various vested interests. The case of FECOFUN also shows that as the institutional boundaries, operational procedures and particular sets of depositions are developed over time, they create internal barriers to learning and change. This is clearly seen within FECOFUN, and as a result, it has become too slow to respond to emerging issues and agendas in the changing contexts.

Overall, the lesson from FECOFUN is that commons institutions operating in democratic environment has the potential to act together in creating multi-level institutions which could then challenge various un-democratic forms of power. But such complex institution is at the same time inherently impregnated with the threat of getting alienated from the broader mass of people to which it claims to represent. Remedy to this depends in part on the extent to which federation activists engage with diverse groups of alliances and deliberative forums, and to what extent they are able to critically reflect upon their institutional legacies. And in part on the possible changes in the wider structural regularities and political economy that regulate flow of resources and knowledge in the field of forest governance – such as donor strategy, political institutions, civil society movement, and community dependency on forests and consequent changes in the networking need of local communities.

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