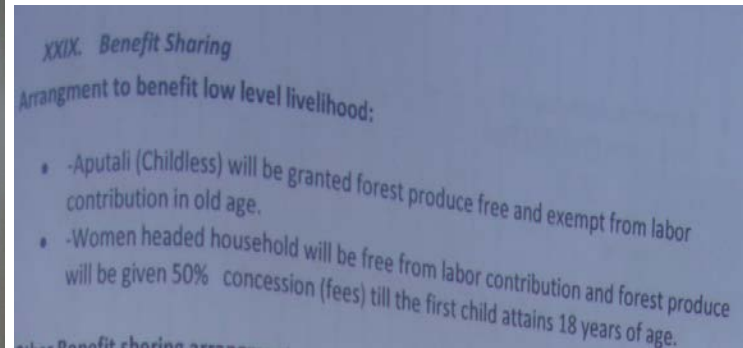
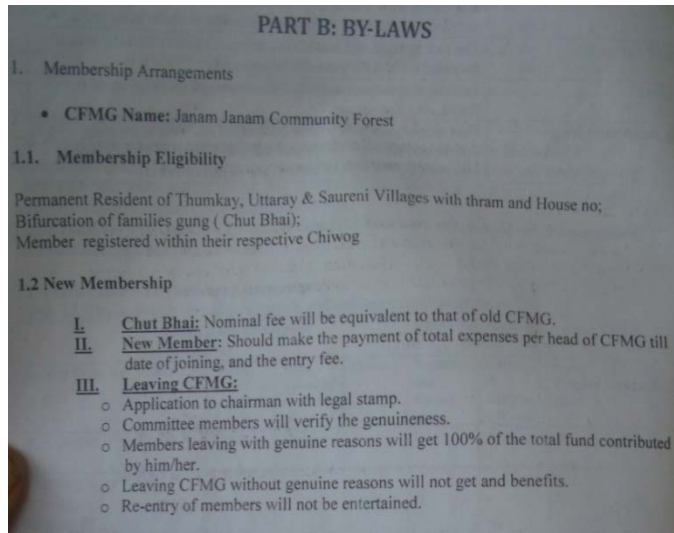


INCLUSIVENESS AND EQUITABLE ACCESS TO COMMUNITY FORESTS RESOURCES

2013



Chhimi Dorji
Sr. Programme Officer (Rural Economy)
HELVETAS Swiss Intercooperation, Bhutan

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Acronyms

CF	Community Forest/Forestry
CFMG	Community Forest Management Group
DFO	Divisional Forest Officer of the Territorial Forestry Division
DoFPS	Department of Forest and Park Services
DzFO	Dzongkhag Forestry Officer
GFEO	Geog Forest Extension Officer
GRF	Government Reserved Forest
GT	Geog Tshogde
HH	Household
Nu	Ngultrum
NWFP	Non Wood Forest Products
PFMP	Participatory Forest Management Project
SDC	Swiss Agency for Development and Cooperation
SFED	Social Forestry and Extension Division

Description of terms

Dzongda	Head of the district/dzongkhag
Dzongkhag	Administrative Unit/District
Geog	Administrative Unit/Block
Geog Tshogde	Decision making body at the geog
Gerab Dratshang	Monk Body
Gup	Elected head of geog
Juristic person	Persons above the age of 18 years; family; the Institution of Monarchy; Government institutions; Gerab Dratshang; and civil society organizations, corporations and religious institutions of Bhutan.
Kasho	Royal command
Kidu land	The land granted by His Majesty the King through Kasho as Kidu
Mangmi	Assistant Gup
Ngultrum	Unit for Bhutanese currency
Sokshing	Government Reserved Forest in which the community or an individual house hold??? has right to collect leaf litter
Thram	Document showing the ownership of the land
Thromde	Municipal area
Tshogpa	Elected representative of group villages to GT

Executive Summary

In many communities with a CFMG there are households which are not member of the respective CFMG. In the communities included in this study, 15% of all local households were not member of the CFMGs ('non-members'). The non membership is by choice and circumstances and not through requirements that lead to exclusion except if labour contribution is considered a serious deterrent. There are sufficient provisions in the bylaws of the CFMGs to allow the non-members to join the CFMGs.

The template/guidelines for preparing bylaws in the FCNR 2006 require a list of households in the CFMG showing the household numbers, Thram numbers and the name of the household representatives as part of bylaws. It is left at the discretion to the CFMG to accept membership of any household/person without these requisites. However, exclusion based on these requirements cannot possibly occur given the provisions in the Land Act and Constitution of Bhutan that entitles every citizen of the country for property right and ownership. This provision allows all the citizens ownership of property (houses included) and land (where Thram is granted).

There are sufficient practical evidences to demonstrate that all the members in the community are given full opportunity to join the CFMGs at the time of formation and even after the formation without putting deterrents to join the CFMGs. There is 2% increase in the membership since the formation of CFMGs. Therefore, it is important to ensure this practice is maintained and included in the bylaws.

Most of the CFMGs have not yet realized economic benefits from the CFs as they focus only on timber product which is not yet sufficient to meet their needs. Therefore, it is necessary to ensure that exclusion does not occur once the CFMGs start getting economic benefits.

To management Community Forests on principles of good governance (embracing transparency, accountability, participation, predictability, empowerment, inclusiveness, equity and benefit sharing) will depend on the capable team of executive members of the CFMGs. Therefore it will be crucial to motivate and train CF executive committee members to uphold a transparent, inclusive and equitable system.

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Background

The first phase of the Participatory Forest Management Project (PFMP) started in July 2002. The project supported community-based forest management in 7 pilot dzongkhags and eventually increased the reach to 16 dzongkhags during the same phase due to the popularity of the outcomes (51 Community Forests (CFs) were established). To capitalise on the initial success, a second phase was started with a nationwide coverage. The second phase saw 423 CFMGs established as of 1st June 2012.. The two phases of PFMP were funded by the Swiss Agency for Development and Cooperation (SDC) and implemented by the Social Forestry and Extension Division (SFED) of the Department of Forests and Park Services (DoFPS) with support from HELVETAS Swiss Intercooperation.

Today, it is widely accepted that rural communities with clear and secure access and management rights and responsibilities play an important role in the sustainable management of forests. It is also expected that the management of community forests (CFs) and non wood forest products (NWFP) will contribute to poverty reduction, improved local livelihoods, governance and consolidation of democracy in Bhutan at local level. To add value to the numerical achievements of community forestry, there is need to showcase CFMGs as a means of sustainable livelihoods in remote areas providing income and employment opportunities for poor and marginalised households.

Inclusiveness is an important good governance criterion for the formation and management of Community Forest Management Groups (CFMGs). During the planning platform workshop for phase III of the PFMP, a participant from a CFMG close to Thimphu shared the observation that people living in their community (but not owning any land) could not join the CFMG. This raises questions regarding the eligibility criteria for local households to join a CFMG and the inclusiveness of CFMG in practice. SDC has asked to conduct a study on these questions in preparation of the planning of phase 3 of the PFMP.

Hypothesis and objective

All local households of an area with a community forest can participate in the CFMGs and have equitable access to the forest resources to meet their requirements. The benefits derived from the CF are shared equitably amongst all members.

Objectives of the study

1. To analyse the legal situation and current practice regarding eligibility criteria to join a CFMG;
2. To find out whether all the community members in the CF area are members of the CFMG and have access to the resources for their requirements and whether benefits derived from the CF are shared equitably;
3. To document practices and rationale used for including/excluding individual households from membership;
4. To document current practice and selection criteria to become member of the CFMG executive committee and to analyse decision-making processes with regards to inclusiveness and participation of other members;
5. To document whether there are provisions in the bylaws or in practice for poor and other disadvantaged households, e.g. how individual CFMGs address the problem of labour contribution from households which have no labour resources;
6. To find out how the non-members, if any, meet their requirements of forest resources.

Study areas and coverage

The study covered 16 CFMGs in five dzongkhags namely Trashigang in the east north mainly with chirpine forest; Samdrup Jongkhar and Pema Gatshel in the east south mainly with broad leaf forest; Samtse in the west south with broad leaf forest type and Paro in west north with coniferous forest for regional and forest type representation.

35 CFMGs were selected randomly from the list of established CFMGs in the selected dzongkhags (except Ompori CFMG in Samdrup Jongkhar) provided by PFMP out of which 15 CFMGs (plus 1 in Samdrup Jongkhar) were visited for survey and discussions based on the accessibility due to distance.

The random sampling of the CFMGs resulted in a good mix of rural (6 CFMGs), semi-urban (6 CFMGs) and peri-urban (4 CFMGs) though the interpretation of these categories can be challenged.

The sample had also good representation of years of establishment – 3 CFMGs more than 5 years; 9 CFMGs more than 2 years and 5 CFMGs less than 1 year since establishment though majority of the CFMGs were established during the last 3 years.

The study covered 16 communities with a CF (1099 households in total of which 929 households are CF members).

Methodology

Individual interviews were conducted with members of the executive committees of CFMGs, Gups, Tshogpas, members and non-members of the CFMGs, These interviews were complemented and supplemented with discussions with Geog Forest Extension Officers (GFEOs) and Dzongkhag Forestry Officers (DzFOs). Group and focus-group discussions were conducted with members of the CFMGs, executive members of the CFMGs, Gups, Mangmis, Tshogpas and GFEOs.

Documents related to Policy, Strategy, Acts, Rules and Regulations, Manuals and Bylaws that have an influence on the formation and functioning of CFMGs were reviewed.

Findings

Field survey

Formation of CFMGs

CFMGs are initiated through awareness creation on the advantages and disadvantages of forming a CFMG by the Geog Forest Extension Officers (GFEOs). At the initiation of the CFMGs, all households in the communities are encouraged to join the CFMGs.

If the community is convinced and agrees to form a CFMG, they make an application to the Dzongdag with the support of the local government (Gup, GT). On the advice of Dzongkhag Forest Officer (DzFO) and Territorial Divisional Forest Officer (DFO) Dasha Dzongdag advises the community to go ahead with the preparation of plans. GFEOs facilitate the elaboration of the CFMG management plans and preparation of bylaws for the CFMG. The DzFOs and DFOs review the management plans and bylaws. The prepared plan and the bylaws are submitted for approval by the CFMG, GFEO, a representative of the Territorial Division or Park, the concerned Gup and the DzFO through the Dzongkhag Administration and the Territorial Division or Park, respectively. The Dzongdag and the concerned DFO or Park Manager recommend the management plan for approval by the Director of the Department of Forests and Park Services.

The CFMG executive committee

The members of the executive committee of the CFMG are elected during the formation of the CFMG through votes in the general meeting. However, it appears that the range of candidates is often limited due to very limited pool of literate members in the community. While the chair persons' posts are occupied by non literate members as well as literate, literacy is seen as compulsory for the post of treasurer by the nature of the functions that the treasurer has to shoulder. However, in some cases this post is still filled by non literate persons.

Membership requirement

Initial membership: There are no restrictions for new members to join a CFMG. There are also no fixed requirements to join the CFMGs. Every CFMG has bylaws which has provision for new members to join the group. The only consistent requirement is the payment of a membership fee. The fee is fixed during the formation of CFMGs based on the paying capacity of all the members (especially the poorest).

New membership: Of the 16 CFMGs, 14 CFMGs require new members to compensate for the initial investments by the initial members in terms of labour contribution and annual fee contribution. On an average the members of the CFMGs contribute 8 days (ranges from 5 to 20 days) of labour per year and approximately Nu. 230/ (range from Nu. 100/ to Nu. 600) as fees per year. Converting labour contribution into cash on the basis of minimum national wage and adding to the fees contributed would amount to Nu 1550/ per year as compensation to join the CFMGs.

Two other CFMGs have fixed amounts as compensation differentiated for new households from outside the community and new households as result of separation from the existing households. For example Drukding Gongphel CFMG in Shaba, Paro has fixed Nu 15000 for new members settling in the community from outside and Nu 10000 for new members separating from the existing households. Norbuling CFMG in Bartsham, Trashigang has similar arrangement.

Present status of CFMGs

The 16 communities with CFMGs that the study covered have in total 1099 households in the community of which 929 (85%) households are members of a CFMG and 170 (15%) households are non-members. The detailed status of the CFMGs under study is presented in the following table (Table 1).

Table 1. Overview of the status of CFMGs under study

Name of the CFMG	Geog	Dzongkhag	Rural class	Number of house holds				Year of establishment
				Total in the community	Initial CFMG members	Present member of CFMG	Non CFMG members	
East Bhutan								
Jonsham Lamdoksa	Khaling	Trashigang	s.urban	200	126	163	37	2002
Norbuling	Bartsham	Trashigang	rural	26	19	17	9	2006
Jeri Dorjiling	Khaling	Trashigang	rural	40	36	36	4	2008
Kosphu Phende	Lumang	Trashigang	rural	118	99	118	0	2009
Samthuen Norbuling	Bidung	Trashigang	rural	65	23	18	47	2012
Ompori	Orong	S/Jongkhar	s.urban	40	40	39	1	2003
				489	343	391	98	
West Bhutan								
Nemjo	Paro	Lungyni	s.urban	125	120	120	5	2008
Chubjakha	Paro	Hungrel	s.urban	100	83	83	17	2008
Ugyen Dralo	Paro	Hungrel	p.urban	15	15	15	0	2010
Juka Jhelaling	Paro	Dopshari	p.urban	41	41	39	2	2010
Drukding Gongphel	Paro	Shaba	s.urban	29	29	29	0	2012
				310	288	286	24	
South Bhutan								
Menchu	Norbugang	Pema Gatshel	rural	65	33	33	32	2012
Janam Janam	Samtse	Samtse	p.urban	39	39	38	1	2009
Majuwa	Ugyentse	Samtse	rural	24	24	24	0	2009
Kopchey	Biru	Samtse	p.urban	41	41	41	0	2011
Pinsum	Pemaling	Samtse	p.urban	131	116	116	15	2012
				300	253	252	48	
Total				1099	884	929	170	
% of the total number of HHs in the community						85	15	

¹Proximity to urban centres: rural = ; peri-urban (p.urban) =

Non-members

There are three categories of non-member households:

1. Left CFMGs – Households who have left the CFMGs after joining them initially;
2. Not joined CFMGs - Households who have not joined at all; and
3. Absentees - People who have houses in the communities but currently without residents. These are mainly households of civil servants working in various parts of the country who are eventually expected to come back to the communities.

The most important observations include (for additional information refer to Annex 9-11_:

- The proportion of non-member households is 20% for the east, 16% for the south and 8% for the west.
- The proportion of non-member households was 27 % for rural, 12% for semi-urban and 7% for peri-urban
- The highest proportion of non-members was found for Samthuen Norbuling (72%) and Menchu (49%), both newly established CFMGs and both classified as rural.
- Two groups from East Bhutan (Samthuen Norbuling and Jaonsham Lamdoska) together with a group from south Bhutan (Menchu) account for 68% of the non-member households

The details of non-members are presented in the table below.

Table 2. Categories of non-members

Name of the CFMG	No. of non CFMG member HHs			
	Left	Not joined	Absentee	Total
Jonsham Lamdoska	0	37	0	37
Ompori	1	0	0	1
Norbuling	2	0	7	9
Jeri Dorjiling	0	0	4	4
Nemjo	0	5	0	5
Chubjakha	0	0	17	17
Kosphu Phende	0	0	0	0
Janam Janam	1	0	0	1
Majuwa	0	0	0	0
Ugyen Dralo	0	0	0	0
Juka Jhelaling	2	0	0	2
Kopchey	0	0	0	0
Samthuen Norbuling	5	22	20	47
Menchu	0	29	3	32
Pinsum	0	0	15	15
Drukding Gongphel	0	0	0	0
Total	11	93	66	170
% of total non-members				

The above shows that of the 1099 households in the 16 communities, 1% has left the CFMG, 8% have not joined and 6% are absentees (adding up to 15% non-members).

Some (11) left out of their choice, some (93) did not join because of better options and some (66) have no one staying at home in spite of having a house (absentee). Some are still in process of joining since they have separated from existing households to establish new households in the community.

Factors influencing membership, increase in numbers of households and increase in new membership to CFMGs.

The following table summarises non-members, increase in numbers of households and increase in new membership to CFMGs.

Table 3. Factors and their influence on non-members, increases in number of households and in new membership to CFMGs

Factors		Non-members	No. new HHs within last 15 years	Increase in membership	Remarks
Closeness to urban centres	Rural	92	54	12	
	Semi-urban	60	155	36	
	Peri-urban	18	97	-3	decrease
Age of the CFMGs	More than 5 years	47	103	34	
	2-4 years	29	125	16	
	1 year and less	94	78	-5	decrease
Region	East	98	129	48	
	South	48	79	-25	decrease
	West	24	98	-2	decrease

Membership: Table 1 and 3 show a clear trend for lower membership in communities in East and South Bhutan and for communities in rural settings. The high proportion of non-members with newly formed communities and for communities in rural settings is strongly influenced by the Samthuen Norbuling and Menchu CFMGs. For detailed information refer annex 9.

New households in the community in the last 15 years: The number of households has increased in all categories. The increases are higher in rural areas in the east in the older CFMGs. For details refer annex 10.

New membership: CF membership has increased in older CFMGs and semi-urban areas in the east while membership has decreased in the new peri-urban areas in the south. For detail refer annex 11.

Resources and market access: The observations show a strong influence by resource endowment (highest in the west) and market access (higher in semi and peri-urban areas) with membership and joining of new members.

Reasons for membership, leaving, joining

Reasons for leaving group:

- Household manned by old persons not able to contribute labour
- Do not see future in CFMG
- Difficult to access due to distance and absence of road
- No interest
- Have private forest and Sokshing nearby
- Can meet their requirement from GRF
- By choice, no one staying at the village

Reasons for not joining group:

- All have Sokshing near to the community and hope to form separate CFMG in the Sokshing
- CFMG far away from the settlement
- Expect to meet their requirement from GRF
- Proposal for CFMG close to the community
- New households both additional from outside and separated from the existing households
- No interest

Reasons for being absent (absentee):

- Working in the government services
- Self employment (running business)
- Privately employed in other dzongkhags
- Working in the government services
- Serving in the arm forces

Resource allocation

The resource use from the CFs for the time being is mainly the timber which is generally not sufficient to meet the demand of all the members. The members apply for the timber allotment to the chair person of the CFMG. The executive committee then carries out verification of the need of the applicant. The committee recommends the allotment based on the urgency of the need. Families without houses – generally financially and socially weaker members and houses damaged by natural hazards (earthquakes, winds, floods, fire) - are given first priorities. Then those houses that require urgent repairs are allotted the timber. The quantity of timber is fixed in the bylaws and every member gets equal quantity. The timber allotment is decided in the annual meeting of the CFMG.

Access to resources by non-members

Those households who have not joined the CFMGs still get their timber requirement from the GRF.

Of the 16 CFMGs, only two CFMGs have accessed non timber forest products. Both these CFMGs have no restriction for the use by non-members. In one case (Kosphu Phende) the non-member harvesting NWFPs pays 8% from the income of the products. In another CFMG, the earlier formed NWFP group (mix of non CFMG members and CFMG members) can still access the products without any requirements.

Review of policies, strategies, rules and regulations, acts and guidelines related to inclusiveness and equity

National Forest Policy 2011

34.4.4. vi. Bases the management of Community Forests on principles of good governance (embracing transparency, accountability, participation, predictability, empowerment, inclusiveness, equity and benefit sharing) and in line with decentralisation and devolution policies (page 15)

National Strategy for Community Forestry

Strategy 4. Manage Community Forests to contribute to a reduction in rural poverty

Suggested approaches as per the strategy document

Clarify what poverty means in rural Bhutan, particularly the causes, and develop an explicit pro-poor approach to Community Forestry. Key elements of such an approach would include:

- Profile the rural poor;
- Target benefits to improve the lot of the poorest members of the community;
- Develop targeted activities to ensure equitable distribution of benefits and costs;
- Minimise transaction costs (such as attendance at meetings) for rural poor so that they can become active and effective participants in Community Forestry programs (Page 38)

Strategy 6. Base the management of Community Forests on principles of good governance (embracing transparency, accountability, participation, predictability, empowerment, inclusiveness, equity and benefit sharing) and in line with decentralisation and devolution policies (page 39-40)

Suggested approaches as per the strategy document

Support the development of CFMG bylaws that encourage inclusiveness and are flexible enough to ensure that households that arrive after initial CF establishment, or leave for some reason, and marginalised groups are not excluded from full participation in CF management

Forest and Nature Conservation Rules of Bhutan 2006

28. Establishment of a Community Forest, (1) Formation of a Community Forest Management Group (CFMG)

(a) All individuals and households with traditional claim to forest produce from the proposed Community Forest area shall be provided full opportunity to join the CFMG.

(c) The CFMG shall prepare and adopt a bylaw which shall include the following:

(iii) a list of households in the CFMG (showing the household numbers, Thram numbers, and the name of the household representatives). (Page 28-29)

The revision of the rules under progress proposes

(d) A person/HH may have membership for more than one CF if he/she meets all the requirements of this rule.

(e) Acceptance of membership of any household/person willing to join the CFMG shall be at the discretion of the CFMG, if the person meets all the requirements of these rules.

28.2. Preparation and adoption of Bylaws – proposed change in the revised rules

(iii) A list of households in the CFMG (showing the household numbers, Thram numbers, and the name of the household's representatives) considering the gender and social inclusion

Community Forestry Manual

Part I – Initiating Community Forestry

Not only should the community forestry process enable people’s participation, they should be particularly concerned to ensure that poorer and weaker sections of the community are not further marginalised or disadvantaged in terms of decision-making, benefit sharing and inclusion in the processes.

Stage 1, Step 1.2. Raising awareness about community forestry – At this point you should make sure that all villagers have a clear understanding of the issues and procedures for community forestry before proceeding any further. Try to make sure that your discussions have not been just with local village leaders.

Step 1.3. Formation of community forest management group

It is especially important at this stage to make sure that everyone who is a traditional forest user in the village, and that everyone who wants to join the CFMG, has the opportunity to do so.

Step 1.4. Selection of the CFMG management committee

It is especially important at this point to ensure that the CFMG Management Committee represents all the different stakeholders and stakeholder groups that have been identified in the village, especially those who are most disadvantaged.

Stage 3. Review of application

Step 3.2. DzFO find out the real situation in the community and consults with the Gup and Tshogpa

This is an important step to assess whether equity issues have been properly addressed during the CFMG process so far. Is there anyone in the community who has not been involved or who has been excluded from the process?

Part 2 Community Forestry Management Planning

Step 2. Record of Community Rights, Responsibilities, and Traditional Management Systems (Page 31-33)

Traditional Rights, Responsibilities & Management Systems Format			
Product/Service	Rights	Responsibilities	Traditional management systems
	Who has the rights?	Who has responsibilities?	Describe any traditional forest management or forest use systems.

Land Act 2007

Registration of land in Thram

21 Any land owned by a person shall be registered in the Thram in the administrative jurisdiction of the Gewog and Dzongkhag or Thromde wherein it is located. (Page 11)

Owning more than one Thram

22 A person may own more than one Thram. Such a person shall be entitled to a separate Thram for the land belonging to him. (Page 12)

Entitlement to own land

58 The juristic persons who are entitled to own land in the Kingdom of Bhutan are:

b) Family.

c) Individual person. (Page 20)

60 An individual person may own land either in his name and/or in the name of joint ownership other than family land, the total of which shall not exceed the land ceiling according to Sections 64 to 66. (Page 21)

Land may be owned anywhere in the Kingdom

63 A juristic person under Section 58 of this Act may own land in more than one Gewog or Thromde within the Kingdom of Bhutan. (Page 22)

Land of individual person

72 The land owned by an individual person shall be registered in the Thram in his name. (Page 24)

Land of family

73 The land of a family shall be registered in the Thram in the name of the head of the family. (Page 24)

Kidu and rehabilitation land

82 A Kidu or rehabilitation land shall be registered in the Thram in the name of the person or persons to whom the land was granted. (Page 25)

Granting Kidu land

189 As per the Constitution of Bhutan, petitions for Kidu land shall be submitted to His Majesty the King. Kidu land shall be registered according to the provisions of the Kasha. (Page 46)

The Constitution of the Kingdom of Bhutan 2008

Article 7 Fundamental Rights

9. A Bhutanese citizen shall have the right to own property, but shall not have the right to sell or transfer land or any immovable property to a person who is not a citizen of Bhutan, except in keeping with laws enacted by Parliament. (Page 14)

14. A person shall not be deprived of property by acquisition or requisition, except for public purpose and on payment of fair compensation in accordance with the provisions of the law. (Page 15)

Interpretations of the findings

Policies, Acts and Rules and Regulations

Inclusiveness

The National forest policy has a very strong commitment to ensure the inclusiveness in the CFs. The policy states “Base the management of Community Forests on principles of good governance (embracing transparency, accountability, participation, predictability, empowerment, inclusiveness, equity and benefit sharing) and in line with decentralisation and devolution policies”.

This commitment is further elaborated in the National Strategy for Community Forestry 2009 both in terms of poverty reduction strategy and governance strategy to ensure inclusiveness of the poor and marginalized groups.

Forest and Nature Conservation Rules of Bhutan (FNCR) 2006 allows all the individuals and households with traditional claim to forest produce from the proposed Community Forest area and full opportunity to join the CFMG.

Under the FNCR 2006 the CFMG should have a list of households in the CFMG (showing the household numbers, Thram numbers, and the name of the household representatives). The revision of the rules under progress proposes acceptance of membership of any household/person willing to join the CFMG, shall be at the discretion of the CFMG, if the person meets all the requirements of these rules. The guideline to develop bylaws ensures that inclusiveness is taken care.

Community Forestry Manual Part I – Initiating Community Forestry Stage 1, Steps 2 to 4 ensure that all the community members understand CF, are given an opportunity to join CFMGs and that CFMG executive (management) committees represent all the different stakeholders and stakeholder groups that have been identified in the villages, especially those who are most disadvantaged.

Stage 3, step 2 ensures that everyone in the community is involved and not excluded from the process.

Community Forestry Manual Part 2 Community Forestry Management Planning, Step 2 ensures that the Community Rights, Responsibilities, and Traditional Management Systems are respected.

Land Act 2007 – The act entitles the juristic persons (family, individual persons) to own land in the Kingdom of Bhutan. A juristic person under Section 58 of this Act may own land in more than one Gewog or Thromde within the Kingdom of Bhutan. Any land owned by a person shall be registered in the Thram in the administrative jurisdiction of the Gewog and Dzongkhag or Thromde wherein it is located. A person may own more than one Thram. The Act has provisions for access to land through Kidu for those landless and large families with limited land.

The Constitution of Kingdom of Bhutan 2008 provides fundamental rights to own a property and right for payment of fair compensation in accordance with the provisions of the law in the event the property is acquired for public purpose.

Equity

The National forest policy has very strong commitment to ensure the equitable share of resources of the CFs. The policy states “Base the management of Community Forests on principles of good governance (embracing transparency, accountability, participation, predictability, empowerment, inclusiveness, equity and benefit sharing) and in line with decentralisation and devolution policies”.

This commitment is further elaborated in the National Strategy for Community Forestry 2009 both in terms of poverty reduction strategy and governance strategy to ensure equity with consideration to the poor and marginalized groups.

Field practices

Inclusiveness

The findings show that 15% of all local households in the covered 16 communities are not members of the CFMGs. Of the 15% non members only 1% has left the CFMGs, 8% have not joined and 6% are absentees. The reasons for not being members are out of choice (for those who have left) and circumstantial (for those who have not joined).

The present practice permits new members to the join the CFMGs. There is 2% increase in the membership to CFMGs mainly in the older CFs. In Paro, for example, there are members who have no Thram or house numbers. But it must be mentioned that these members have purchase land and are yet to get the Thram and construct houses. The increase in memberships is indication that new members can join the CFMGs. Only requirements to join CFMGs are to compensate the labour contribution and annual fees that amounts to around Nu 1030 per year on average for majority of the CFMGs and with fixed amount for some. There is potential for new members to join CFMGs and thus further increase CF membership.

The executive committee members are elected at the time of formation of CFMGs where every member household participates. The members to the committee come from different backgrounds. Due to nature of responsibilities literate members are selected especially for the position of treasurer.

The discussion of plans, implementation of activities and allotment of timber to those members who have applied are made during the annual meeting. The presence of all the members in the meeting is ensured by the provision in the bylaws to the levy fines for the absence.

Equity

All the members of the CFMGs have to deposit annual membership fees and contribute labour to implement the planned activities as per the management plan and based on the outcome of the annual meeting.

The resource use from the CFs for the time being is mainly the timber. Timber is not sufficient to meet the demand of all the members at present. Priority for timber allotment is families without houses – generally financially and socially weaker members and houses damaged by natural hazards. Then those houses that require urgent repairs are allotted the timber.

. There are no differences between the members and executive members for access to resources and fees and labour contribution.

The non-members get their timber requirement from the GRF in the form of subsidised rural timber.

Challenges

Inclusiveness

The FCNR 2006 requires a list of households in the CFMG showing the household numbers, Thram numbers, and the name of the household representatives. This suggests that household and Thram numbers are required to become a member of a CFMG. This can be a hindrance to participate in CFMGs if taken seriously. In practice some local households have joined the CFMGs without having both the household and Thram numbers.

Further, the revised rule adds that acceptance of membership of any household/person willing to join the CFMG shall be at the discretion of the CFMG, if the person meets all the requirements of these rules. This provision and the above requirement can exclude any new members without household and thram numbers.

Though there is no evidence that those leaving the CFMGs are poor, it is a concern if the poor are not able to contribute labour and therefore leave CFMGs. This will be crucial when the state stops timber allotment to the CFs when they are able to meet the demands for their members.

Many of the CFMGs are fairly new with very limited or no economic activities at all. As the CFMGs mature and venture into economic activities, the non-members may face difficulties to get membership due to difficulty to pay huge compensation amount accumulated over a number of years (compensation is introduced to avoid free-riding by local households joining only after benefits can be reaped from the CF). They may also face resistance from the members since the initial members would have put lot of time and efforts to bring the CFs into productivity to develop economic enterprise and perceive the new members as opportunists looking for economic benefits.

Equity

The equity concern does not receive enough coverage under the legal provisions (FNCR 2006). The equity concern is raised only in the policy, strategy and procedural manuals. This may not stand to save guard the equity issues in the court of law should the situation arise to defend the equity rights.

Understanding of equity issue is limited at all levels of implementation. This situation is made worse by the fact that even the executive members are constrained by very low level of literacy. This has led to bylaws of the CFMGs not having sufficient provisions to consider the contribution of labour or annual fees or both for members with different social and economic situations. A sign of equity being addressed is the priority given to the needy members for allotment of timber. There are a few scattered equity examples: maintaining an annual fee level that was within the paying capacities of majority of the members; allowing in-kind (labour) contribution in lieu of cash payments. However, these were not present as regular features in all CFMGs. Even the timber allotment does not reflect different needs of the members and is based on providing equal quantity for all members. Therefore there is very little visibility of equity in practice.

The executive committee members shoulder higher and more responsibilities than the general members. In addition they attend to many meetings and entertain visitors at cost of their time. Besides the limited capacity building support and exposures by the Geogs and Dzongkhags through the project, they are not compensated in any manner for their time and efforts. This risks reducing the number of capable members agreeing to stand in the executive committee. The absence of capable persons in the executive committee will affect the governance, inclusiveness and equity issues in the functioning of the CFMGs leading to less than efficient functioning of the CFMGs.

The households that leave CFs for not being able to contribute labour are a serious concern. This issue needs careful attention so that the needy members of the communities are not deprived of their basic requirements from the CFs.

Though the scope of this study did not mandate to look into resource endowment as part of equity issue, there are enough evidences to prove that forest resources in all the CFs are not the same. The forest resources among the CFs differ from forest types to forest types and from older CFs to newer CFs. The blue pine forests are perceived to have more harvestable timber compared to broad leaf and chirpine forests types. The older CFs are perceived to have less harvestable resources compared to newer CFs. Therefore, to intervene with equal and same measures to benefit all the CFs for equitable benefits will be a challenge.

Conclusions

The basis of this study was an issue raised during the planning platform workshop for phase III of the PFMP: A participant from a CFMG close to Thimphu shared the observation that people living in their community (but not owning any land) could not join the CFMG. However, the study could not establish any facts and figures to authenticate the issue. The relevant laws, acts and procedures do not exclude any member from joining the CFMGs. The findings of field practices further support the non exclusion of members from joining CFMGs.

Many of the CFMGs have non-members in their communities. The non membership is by choice and circumstances and not through requirements that lead to exclusion except if labour contribution is considered a serious deterrent. There are sufficient provisions in the bylaws of the CFMGs to allow the non-members to join the CFMGs.

The FCNR 2006 requires a list of households in the CFMG showing the household numbers, Thram numbers, and the name of the household representatives as part of bylaws. It leaves it at the discretion of the CFMGs to accept membership of any interested household/person without these requisites. This could be used to exclude interested households from joining the CFMG. Though exclusion based on these requirements has not happen in the past, it will be important to review these clauses in the rules to prevent future exclusion based on these provisions.

There are sufficient practical evidences to demonstrate that all the members in the community are given full opportunity to join the CFMGs at the time of formation and even after the formation without putting deterrents to join the CFMGs. Therefore, it is important to ensure this practice is maintained and included in the bylaws.

The CFMGs have not realized the economic potential from the CFs as yet since they focus on only timber product which is not yet sufficient to meet their needs. There are chances that the CFMGs change the rules in the bylaws to exclude others based on requirement of house number and/or Thram once they realize the economic benefits since they have the authority to do so. It will important to ensure that this does not happen with strong legal provisions in the rules and regulations. Yet, no Bhutanese is deprived of access to land and therefore the Thram as provisioned in the Land Act and the Constitution of Bhutan.

To take on board the management of Community Forests on principles of good governance (embracing transparency, accountability, participation, predictability, empowerment, inclusiveness, equity and benefit sharing) will depend on the capable team of executive members of the CFMGs. Therefore it will be crucial to motivate and train executive members of the CFMG committee in a transparent, inclusive and equitable system.

Reference documents

1. National Forest Policy 2011
2. National Community Forest Strategy 2009
3. Forest and Nature Conservation Act and Rules 2006, draft revised rules
4. Social & Community Forestry Rules 2012 (DRAFT REVISION)
5. Community Forestry Manual for Bhutan
 - a) Part 1 Initiating Community Forestry
 - b) Part 2 Community Forestry Management Planning
 - c) Part 3 Silvicultural Options for Community Forestry
 - d) Part 4 Record Keeping and Institutional Strengthening Community Forestry Management Groups
6. Bylaws of CFMG
7. Land Act 2007
8. The Constitution of Bhutan 2008
9. Other relevant legislation
10. Community-based forestry and governance - opportunities for potential Phase 3 PFMP- October 2012
by Mary Hobley

Annexes

Annex 1. Terms of Reference for study on inclusiveness and equitable access to community forests resources

Background

The first phase of the Participatory Forest Management Project (PFMP) started in July 2002. The project supported community-based forest management in 7 pilot dzongkhags and eventually increased the reach to 16 dzongkhags during the same phase due to the popularity of the outcomes (51 CFs were established). To capitalise on the success and momentum, a second phase was started with a nationwide coverage. The second phase saw 423 CFs established. The two phases of PFMP were funded by the Swiss Agency for Development and Cooperation (SDC) and implemented by the Social Forestry and Extension Division (SFED) of the Department of Forests and Park Services with HELVETAS Swiss Intercooperation.

Today, it is widely accepted that rural communities with clear and secure access and management rights and responsibilities play an important role in the sustainable management of forests. It is also expected that the management of community forests (CF) and non wood forest products (NWFP) will contribute to poverty reduction, improved local livelihoods, governance and consolidation of democracy in Bhutan at local level. To add value to the numerical achievements of CFs, there is need to showcase community forests as a means of sustainable livelihoods in remote areas providing income and employment opportunities for poor and marginalised households.

Inclusiveness is an important good governance criterion for the formation and management of CFMGs. During the planning platform workshop for phase III of the PFMP, a participant from a CF close to Thimphu shared the observation that people living in their community (but not owning any land) could not join the CFMG. This raises questions regarding the eligibility criteria for local households to join a CF and the inclusiveness of CF in practice. SDC has asked to conduct a study on these questions in preparation of the planning of phase 3 of the PFMP.

Hypothesis and objective

All the households within the area of a particular community forests can participate in the CFs and have equitable access to the forest resources to meet their requirements and benefits derived from the CF are shared equitably amongst all members.

Objectives of the study

1. To analyse the legal situation and current practice regarding eligibility criteria to join a CFMG
2. To find out whether all the community members in the CFMG areas are members of the CFMG and have access to the resources for their requirements and whether benefits derived from the CF are shared equitably
3. To document practices and rationale used for including/excluding individual households from membership
4. To document current practice and selection criteria to become member of the CFMG executive committee and to analyse decision-making processes with regards to inclusiveness and participation of other members.

5. To document whether there are provisions in the bylaws or in practice for poor and other disadvantaged households, e.g. how individual CFMGs address the problem of labour contribution from households which have no labour resources
6. To find out how the non-members if any meet their requirements of forest resources

Methodology

Study areas and coverage

- CFMGs along a rural – semi-urban – peri-urban gradient;
- Group CFMGs into 3 regional categories (North, East and South) suggested sample districts Paro, Trashigang, Samtse
- Apply additional categories based on resource type and stages of participation in the CFs (20 CFs)

Analysis of relevant legal (FNCR 2006, new draft rules for CF, Land Act etc.) and policy documents (National Forest Policy, CF Strategy etc.).

Visit at least 6 CFMGs in each region (randomly sampled based on lists provided by districts for CFMGs within 1 hour walking distance from the road). If the data is highly inconsistent a higher sample number may be used.

- 1) document participation of households in CF based on house hold data available with tshogpa (addressing objective 2). What are the reasons for non-participation of certain households, if any (feedback from the concerned households)?
- 3) evaluate bylaws of groups visited for reference to inclusion, exclusion, rules relating to absentee members etc
- 4) conduct focus group discussions in each group to assess current practices related to inclusiveness and participation.
- 5) collect additional information from selected CFMG members using a structured questionnaire

Lead questions for analysis of the legal situation and policy documents

- Legally, what are the requirements (eligibility criteria) to join a CFMG? (look at Forest and Nature Conservation Rules 2006, new draft rules, Land Act etc.) What factors, if any, inhibit inclusiveness of CF bylaw (de jure)?
- What do policy documents (National Forest Policy, CF Strategy, others) say on inclusiveness?
- If there are pre-conditions to join a CF (like having a thram), how easy/difficult is it for an interested household to fulfil these (i.e. to get a thram if it does not yet have one)?
- Are any groups of society excluded from accessing CF given the legal provisions (de jure), Which are these groups? On what grounds are they excluded?
- How difficult/easy is it for disadvantaged groups (e.g. people without papers, resident non-Bhutanese etc.) to fulfil the eligibility criteria?
- How could this be changed for the better (more inclusive regulations)?

Lead questions for focus group discussion

- In practice: Processes of forming the CFMGs, what eligibility criteria are applied? Who applies them?
- Requirements for the HHs to be members of CFMGs?
- What are provisions and rules for joining a CFMG after its establishment? How are these applied?
- Are any groups of society excluded from accessing CF given the criteria and processes in practice (de facto). Which are these groups? On what grounds are they excluded? (In other words: What local households, if any, are not allowed to join a CFMG for what reasons?)

- What needs to change for CFMG to become more inclusive?
- Roles and responsibilities of members and executive committee members
- How are decisions on planning and implementation of activities made in the executive board of CFMGs
- Do poorer and women headed households participate equally in decision-making processes? If not, why?
- Benefits and costs: do you think that the benefits from participating in the CFMG outweigh the costs associated? Does this apply to all households? Would a poorer household benefit more/less? Why?
- How are costs, benefits and resources shared amongst members? What are the guiding principles and practices? Do you consider the current practice as fair?

Tasks

The tasks to be carried out will include:

- Study of relevant documents
- Identify appropriate data collection methodologies and tools
- Develop appropriate questionnaires for data collection
- Carrying out data collection
- Documentation of findings and analysis

Outputs

Draft report

Duration

A total of 4 weeks will be assigned to achieve the above outputs.

Time schedule –starting 4th week of January 2013

3 days of review, analysis of legal and policy documents and preparation in Thimphu

18 days field visits including travel

5 days analysis and report writing

Team

The task will be carried out by a team consisting of Mr. Chhimi Dorji (Senior Program Officer Helvetas).

Other team members: Kinlay Dorji (SFED, District forest officials, Legal specialist).

Reference documents

- Forest and Nature Conservation Act and Rules (2006, draft revised rules)
- Land Act
- Other relevant legislation
- CF Manuals
- National Forest Policy 2011
- National Community Forest Strategy
- Bylaws of CFMGs

Annex 2. Lead questions

Information to be collected from Tsogpa/Gup/CF chairperson

1. Number of households in the community forest area
2. Number of households that are member of the CFMGs
3. Number of households that are not member of CFs
4. Number of new households that have moved to the community during the last 20 years
5. Number of new households that have been added to the community by separating existing households during the last 20 years
6. Number of households that have left the community during the last 20 years
7. Tsogpa/gups views on why certain households were excluded
8. Chairpersons views on why certain households were excluded

Questions to be asked to households who are not members

1. Why not member?
2. Did you choose not to become a member? If so, why?
3. Did you attempt to become a member? If so, what reasons led to you remaining a non-member?"
4. What disadvantage by not being member?
5. Would house hold like to become a member
6. What requirements to become member?

Lead questions for focus group discussions

1. How were decisions made who could and who could not become a member when forming the CF
2. Can non-members still join the group? What would be the conditions? Why not allowed to join?
3. Have any members left the group? If so why?
4. How the decision is made for the resources used from the CFS?
5. How do the non-members meet their forest resources need?
6. What are reasons for not being part of CFMGs? What are the requirements to join the CFMGs?

Annex 3. Study visit schedule

Days	Dates	Places	
Monday	28/01/2013	Bumthang	Travel
Tuesday	29/01/2013	Trashigang	Travel
Wednesday	30/01/2013	Trashigang	Discussions
Thursday	31/01/2013	Trashigang	Discussions
Friday	1/2/2013	S/Jongkhar	Travel
Saturday	2/2/2013	Nanglam	Travel
Sunday	3/2/2013	P/ling	Travel
Monday	4/2/2013	Samtse	Travel/Discussions
Tuesday	5/2/2013	P/ling	Discussions/Travel
Wednesday	6/2/2013	Thimphu	Travel
Thursday	7/2/2013	Thimphu	
Friday	8/2/2013	Thimphu	Discussions
Saturday	9/2/2013	Thimphu	Halt
Sunday	10/2/2013	Thimphu	Halt
Monday	Losar		
Tuesday	Losar		
Wednesday	14/2/2013	Paro	Travel & Discussions
Thursday	15/2/2013	Paro	Discussions& travel

Annex 4. Visited CFMGs

Name of CFMG	Gewog	Dzongkhag	# of members met	Remarks
Samthuen Norbuling	Bidung	Trashigang	8 members (5 f)	
Norbuling	Bartsham	Trashigang	9 members (5 f)	
Jeri Dorjiling	Khaling	Trashigang	7 members (1 f)	
Jonsham Lamdoksa	Khaling	Trashigang	6 members (2 f)	
Kosphu Phende	Lumang	Trashigang	9 members (7 f)	Chairperson is a woman
Ompori	Orong	S/Jongkhar	1 Chairperson	Is also member of a milk cooperative
Menchu	Norbugang	Pema Gatshel	7 members (1 f)	
Janam Janam	Samtse	Samtse	6 members (1 f)	
Majuwa	Ugyentse	Samtse	6 members (2 f)	
Kopchey	Biru	Samtse	8 members (4 f)	
Pinsum	Pemaling	Samtse	10 members (3 f)	Chairperson is a woman
Nemjo	Lungyni	Paro	3 members	
Chujakha	Hungrel	Paro	4 members (2 f)	
Ugyen Drolo	Hungrel	Paro	5 members	
Juka Jhelaling	Dopshari	Paro	5 members (2 f)	
Drukding Gongphel	Shaba	Paro	4 members	

Annex 6. Reasons for leaving CFMGs

Name of the CFMG	Geog	Dzongkha g	Left CFMG	Reasons for leaving
Samthuen Norbuling	Bidung	Trashigang	5	<ul style="list-style-type: none"> • Household manned by old persons not able to contribute labour • No interest, • Do not see future in CFMG • Difficult to access due to distance and absence of road
Norbuling	Bartsham	Trashigang	2	<ul style="list-style-type: none"> • Household manned by old persons not able to contribute labour • No interest • Do not see future in CFMG • Ddifficult to access due to distance and absence of road • Have private forest and sokshing nearby • Can meet their requirement from GRF
Ompori	Orong	S/Jongkhar	1	<ul style="list-style-type: none"> • On wish, no one staying at the village
Janam Janam	Samtse	Samtse	1	<ul style="list-style-type: none"> • Difficulty in contributing labour (elderly person)
Juka Jhelaling	Paro	Dopshari	2	<ul style="list-style-type: none"> • No able to contribute labour • Can access resources from GRF
Total			11	

Annex 7. Reasons for not joining

Name of the CFMG	Geog	Dzongkhag	Not joined CFMG	Reasons for not joining
Samthuen Norbuling	Bidung	Trashigang	22	<ul style="list-style-type: none"> All have Sokshing that is near to the community and hope to form separate CFMGMG in the Sokshing
Jonsham Lamdoksa	Khaling	Trashigang	37	<ul style="list-style-type: none"> New households
Menchu	Norbugang	Pema Gatshel	29	<ul style="list-style-type: none"> No interest CFMG far away from the settlement Expect to meet their requirement from GRF Proposal for CFMG close to the community
Nemjo	Paro	Lungyni	5	<ul style="list-style-type: none"> New households separated
Total			93	

Annex 8. Absentees

Name of the CFMG	Geog	Dzongkhag	Absentee HHs	Reasons
Samthuen Norbuling	Bidung	Trashigang	20	<ul style="list-style-type: none"> Privately employed in other dzongkhags Working in the government services Self employment (running business)
Norbuling	Bartsham	Trashigang	7	<ul style="list-style-type: none"> Privately employed in other dzongkhags Working in the government services Self employment (running business)
Jeri Dorjiling	Khaling	Trashigang	4	<ul style="list-style-type: none"> serving in the arm forces
Menchu	Norbugang	Pema Gatshel	3	
Pinsum	Pemaling	Samtse	15	<ul style="list-style-type: none"> Mainly civil servants
Chubjakha	Paro	Hungrel	17	
Total			66	

Annex 9. Non-members, increase in HH numbers and increase in membership by region

Name of the CF	Geog	Dzongkhag	Year of establishment	Non-members	No. of new HHs within last 15 years	Increase in membership
Samthuen Norbuling	Bidung	Trashigang	2012	47	3	-5
Norbuling	Bartsham	Trashigang	2006	9	3	-2
Jeri Dorjiling	Khaling	Trashigang	2008	4	4	0
Jonsham Lamdoksa	Khaling	Trashigang	2002	37	100	37
Kosphu Phende	Lumang	Trashigang	2009	0	19	19
Ompori	Orong	S/Jongkhar	2003	1	0	-1
Total				98	129	48
Menchu	Norbugang	Pema Gatshel	2012	32	20	0
Janam Janam	Samtse	Samtse	2009	1	0	-1
Majuwa	Ugyentse	Samtse	2009	0	5	0
Kopchey	Biru	Samtse	2011	0	4	0
Pinsum	Pemaling	Samtse	2012	15	50	0
Total				48	79	-25
Nemjo	Paro	Lungyni	2008	5	35	0
Chubjakha	Paro	Hungrel	2008	17	15	0
Ugyen Dralo	Paro	Hungrel	2010	0	8	0
Juka Jhelaling	Paro	Dopshari	2010	2	35	-2
Drukding Gongphel	Paro	Shaba	2012	0	5	0
Total				24	98	-2
Grand total				170	306	21

Annex 10. Non-members, increase in HH numbers and increase in membership by age of CFMGs

Name of the CF	Geog	Dzongkhag	Year of establish ment	Non-members	No. of new HHs within last 15 years	Increase in membership
Jonsham Lamdoksa	Khaling	Trashigang	2002	37	100	37
Ompori	Orong	S/Jongkhar	2003	1	0	-1
Norbuling	Bartsham	Trashigang	2006	9	3	-2
More than 5 years				47	103	34
Jeri Dorjiling	Khaling	Trashigang	2008	4	4	0
Nemjo	Paro	Lungyni	2008	5	35	0
Chubjakha	Paro	Hungrel	2008	17	15	0
Kosphu Phende	Lumang	Trashigang	2009	0	19	19
Janam Janam	Samtse	Samtse	2009	1	0	-1
Majuwa	Ugyentse	Samtse	2009	0	5	0
Ugyen Dralo	Paro	Hungrel	2010	0	8	0
Juka Jhelaling	Paro	Dopshari	2010	2	35	-2
Kopchey	Biru	Samtse	2011	0	4	0
2 to 4 years				29	125	16
Samthuen Norbuling	Bidung	Trashigang	2012	47	3	-5
Menchu	Norbugang	Pema Gatschel	2012	32	20	0
Pinsum	Pemaling	Samtse	2012	15	50	0
Drukding Gongphel	Paro	Shaba	2012	0	5	0
1 year and less				94	78	-5
Grand total				170	306	45

Annex 11. Non-members, increase in HH numbers and increase in membership by closeness to urban centres

Name of the CF	Geog	Dzongkhag	Year of establishment	Non-members	No. of new HHs within last 15 years	Increase in membership
Janam Janam	Samtse	Samtse	2009	1	0	-1
Kopchey	Biru	Samtse	2011	0	4	0
Pinsum	Pemaling	Samtse	2012	15	50	0
Ugyen Dralo	Paro	Hungrel	2010	0	8	0
Juka Jhelaling	Paro	Dopshari	2010	2	35	-2
Peri-urban				18	97	-3
Samthuen Norbuling	Bidung	Trashigang	2012	47	3	-5
Norbuling	Bartsham	Trashigang	2006	9	3	-2
Jeri Dorjiling	Khaling	Trashigang	2008	4	4	0
Kosphu Phende	Lumang	Trashigang	2009	0	19	19
Menchu	Norbugang	Pema Gatshel	2012	32	20	0
Majuwa	Ugyentse	Samtse	2009	0	5	0
Rural				92	54	12
Jonsham Lamdoksa	Khaling	Trashigang	2002	37	100	37
Ompori	Orong	S/Jongkhar	2003	1	0	-1
Nemjo	Paro	Lungyni	2008	5	35	0
Chubjakha	Paro	Hungrel	2008	17	15	0
Drukding Gongphel	Paro	Shaba	2012	0	5	0
Semi-urban				60	155	36
Grand total				170	306	45