Gender in Forest Tenure: Pre-requisite for Sustainable Forest Management in Nepal

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The Challenges of Securing Women's Tenure and Leadership for Forest Management: The Asian Experience

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1. GENDER AND FOREST TENURE IN NEPAL: THE SOUTH ASIAN CONTEXT

The type and extent of forest tenure reforms in South Asia vary across countries. Yet, all reforms share common objectives of addressing greater equity, realizing communities' rights, improving livelihoods and promoting conservation. Some other noted commonalities include the state retaining majority ownership of forests while still increasing community tenure and rights, and the emergence of multiple stakeholders to defend, promote and expand community interests. For example, Community Forestry and Joint Forest Management programmes in Nepal and India, respectively, transfer or recognize local community tenure, management and use rights to different degrees.

Forest tenure holds special significance in South Asia. First, agriculture and forestry are interdependent sectors that contribute to livelihoods (particularly for rural populations) and provide integral safety nets for disaster management in countries facing the uncertain threat of climate change and forming adaptation strategies. Second, forestry management is by its multiple impacts highly pluralistic, which means multiple actors need to be engaged across scales, involving both local (intra- and inter-community) and non-local (regional, national and international) actors. The various power dynamics (i.e. donor and national state, state and community, and men and women) affect the design, degree, and extent of implementation and consolidation of forest tenure. The interplay of these factors extensively determines the extent to which forest tenure operates in practice, and in turn, the winners and losers.[2]

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and the benefits therein, as well as delivering sustained forest conservation, then forest management institutions and policies need to cater to the needs and decisions of all key stakeholders, including women. In forest communities, women are widely identified as key forest managers due to their knowledge, skills, contribution and dependency on forest resources. Women's rights to resources through forest tenure can be a very important step in achieving social and environmental sustainability, as well as efficient production of forest products and social justice. Thus, how tenure arrangements are designed and implemented in practice, and how these institutions further affect the needs, interests, relations and authority of men and women are important questions that must be assessed and constantly monitored.

Despite the extensive experience and research on gender, forestry and tenure reforms,[3] the linkage between gender and forest tenure is poorly understood, and the mechanisms through which forest tenure contests or consolidates the power relations that discriminate against or between different categories of men and women in South Asian societies, remain unclear. The wider political context that shapes forest tenure reform is also poorly understood from a gender perspective.

This chapter aims to demonstrate the strong connection between gender-sensitive forest tenure reforms and improved livelihood indicators, forest conservation, and overall gender equity in South Asia, drawing on Nepal's Community Forestry framework as a case study. Nepal's diversity of customary and statutory forest tenure arrangements, pioneering experience in decentralized forest governance, and consolidated advances in grassroots civic networks with substantive women's participation give ample opportunity to explore implications for gender equity in a wide range of forest tenure arrangements and practices.

This paper begins with an overview of scholarly insights on gender and forest tenure. It then explains the case of Nepal by presenting the particular forms, structures and processes associated with forest reform, and their implications for gender equity and forest governance. It does so with a focus on three types of forestry in order to reflect a wide variaty of situations: Government-managed forests; Community forests; and Leasehold forests.

The third section contextualizes findings from Nepal within the broader framework of scholarly literature. Finally, the lessons are synthesized to draw out cross-cutting lessons, highlighting the mechanisms through which gender and tenure can be better linked to mediate or eliminate discriminatory relations while simultaneously advancing livelihoods and conservation.

2. SCHOLARLY INSIGHTS ON GENDER AND FOREST TENURE

Early feminist literature treats nature conservation as an inherent feminist virtue[4] in gender studies of forestry and other natural resource management. This school of thought gives way to a more material constructure of gender in forestry,[5] based on forest use, while later schools analyse gender as part of the power relationships in everyday discourse, politics and practice[6] in a post-colonial world.[7] All schools of

thought concur that women's access to and control over forests and their resources is a crucial element of sustainable forest governance, and advocate for greater gender mainstreaming in forestry.

Tenure can be defined either as an inherent possession of property as a thing/object, or as the right and relations to a property. This paper uses the second perspective of tenure as an authority enforcing claims to a "bundle of rights" on certain principles.[8] Forest tenure, in this paper, is defined as authority enforcing claims to a bundle of rights, obtainable from forest and its resources. The authority is enacted through both statutory laws (e.g. policies, land titles, court, contracts) and customary practices (e.g. social relations, norms, beliefs). Authority, at a given time, can be both legitimate and illegitimate. Such notions of legitimacy are dictated by that which has a better and a faster reach and acceptability amidst the wider population. Thus authority is not mandated or an assumed abstraction, but rather constructed through social interactions and subjected to conflict and contestation.[9]

The "bundle of rights" includes rights and specific benefits derived from them (access, withdrawal and benefits), management (overall decision-making including rights of exclusion), and alienation (ownership, right to compensation, right to sale).[10] Thus, forest tenure shapes the definition of who can use which resources, for how long, under what conditions, for whose benefits and on what basis. By extension, forest tenure security refers to the certainty of these rights and authority.[11]

To enhance women's access and control, scholars argue for both improvised structures (e.g. policies, quota and leadership position of women, women's networks, and gender units in forestry departments) and better understanding of how power is lived, contested, argued and consolidated.[12] Likewise, others argue for re-examining forestry programs by assessing benefits/trade-offs, needs and rights, and rights and responsibilities.[13]

However, existing literature has paid little attention to how authority enforced through forest tenure is tested, implemented and contested, and how these power relations between men and women affect the sustainability of forest governance. Or, how and under what circumstances these notions of authority are considered legitimate and shape which tenure rights beneficiaries can claim and enjoy. (A notable exception for South Asia is the book Gender and Green Governance, by Bina Agarwal, which finds that greater women's participation in community forest institutions and governance has significant benefit: when women participate in governance systems, decisions made reflect their needs, and better fulfil conservation objectives.[14])

This paper does not judge forest tenure to be either good or evil, but depending on its application, tenure arrangements may benefit some or all community members or disadvantage them by establishing or undermining their level of authority over forests and the related bundle of rights. Understanding how this dynamic plays out in practice contributes to the current body of knowledge and informs policy choices around tenure and forest governance.

3. EVOLUTION AND STATUS OF GENDER AND FOREST TENURE IN NEPAL

Nepal has about 29 million inhabitants, half of them women. Nepal is broadly divided into three geo-regions: the high mountains, the mid-hills, and the Terai (plain). There are some 100 different ethnic/caste groups and more than 80 percent of Nepal's population lives in rural areas. Forests, together with agriculture and livestock, provide livelihood to the majority of Nepalese. With the Democracy Movement of 2005-2006, a decade-long civil war in Nepal ended, resulting in the Comprehensive Peace

Agreement signed between the Seven Party Alliance (SPA) and the Maoists. At present, the interim government is drafting a new constitution. Ensuring greater rights of communities, ethnic minorities, and marginalized categories of people, including women, in the constitution is frequently discussed.[15] Huge mass movements with significant participation of women are also staged to assert greater rights to community and women in forest management.

3.1 Women's social status and role in forestry and governance structures

Women and men's roles are socially and culturally recognized within certain activities and spheres. As examples, the identity of the man as the breadwinner of a household entails responsibilities to fetch economic resources to sustain household livelihoods. By extension, the public sphere (and therefore, public forums and debate) is socially and historically constructed as a male domain. In contrast, women's identity is associated with their domestic responsibility. Such identity based responsibilities match women's significant presence and contribution in agriculture, forest and at home, and men's at paid jobs. Indeed, the common saying in Nepali reconfirms '*aaimai ki khetma, ki banma ki gharma*' meaning women are either in field, forests, or at home.

Women's social position and access to resources are mostly determined in relation to men, i.e. through their position as a daughter, wife, mother or sister. Such practices were consolidated and legitimized through statutory laws such as the *Muluki Yen* (the civil code) which legitimized men's resource control and their mediation and control over women's access to resources. It made legitimate the community's questioning of women's rights regarding resources and property. Even after the multi-party democracy in 1990 and breakthrough policy attempts, women access to and control of resources has not changed greatly.

Land is an important source of power and status in Nepal and is transferred from fathers to sons, but not daughters. Policy amendments mandate that daughters can now claim a share of the parental property, if they remain unmarried at or after the age of 35. At present, the wife is likely to have a claim on her husband's property only if he fails to take care of her, fails to provide her with food and clothing, or throws her out of the house.[16] Even with incentives, practices have not changed; land tax is reduced if land is registered in a woman's name alone or jointly with men. Yet, women own only 10 percent of Nepal's landholdings, with average holdings only two-thirds of those of the average male owner. While the skewed nature of land ownership in Nepal, complex inheritance patterns, and the large size of the rural landless population are marked, women's very limited land ownership is worrisome.

Despite meagre access to and control of resources, women's contribution to both agriculture and forestry activities is significant. Nepali agriculture is highly feminized with substantial male outmigration,[17] resulting in added responsibilities and workload for women. Women work some four to five hours more than men on a daily basis in Nepal[18] and collect most of the fuelwood, fodder, leaf compost, non-timber forest products (NTFPs) and bedding, as well as control grazing. In community forests, women prune and thin trees, and help raise fodder species, patrol forests and contribute to fire management. Collecting fuelwood and water fodder is more tiring and time consuming in the Mid-hills and mountain regions due to difficult terrain and poor access to roads, markets and water supplies, thereby consuming more of women's time, particularly for women-headed farm households.

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Male and female interests and incentives for environmental resource management differ even within the household. Studies indicate that women focus on fulfilling daily household consumption needs which require forest access and prioritize fuelwood, fodder and grass, whereas men opt for timber, fuelwood, and NTFPs, in the hope of supplementing their household income with cash earned from their sale.[19] Men perform most of the farm/forestry work that requires public contact or that is geared towards earning economic resources. Wealth, caste, age, family status, family support, education and exposure all affect the extent of women's decision-making over forests.

Even educated and urban women's access to governance structures is limited, particularly in regional and national level institutions. Very few women occupy senior positions within the forestry sector, whether within the Ministry of Forest and Soil Conservation (MFSC) or the Forest Department (FD). Forestry is predominantly seen as an area for men only, though women occasionally manage to have a successful career.[20] Likewise, some gender-friendly structural changes such as Gender Responsive Budgeting govern the allocation of resources based on the needs of women. There is a new, gender-code classification system for programs and projects and there are gender focal points in key ministries and at district level (in District Women's Development Offices). The MFSC has enacted a 'Gender Equality and Social Inclusion' guideline (GESI) against gender or other social discrimination to mandate needed affirmative action. Such sweeping policy changes have had limited structural change in practice.

Two important second-tier community institutions have emerged to advance community forestry and ensure that forest users have strong advocates within the State: the Federation of Community Forest User Groups (FECOFUN), and the Himalayan Grassroots Women's Association for Natural Resource Management (HIMAWANTI), a nonprofit coalition of women that that collaborates with FECOFUN. FECOFUN is a 17 year old national federation that has become politically strong and highly visible as the dominant constituency that works on community empowerment in natural resource management, through Community Forestry. FECOFUN has mandated 50 percent election of women in its national and district structures and related capacity development programs for advocacy, and yet these are not yet well implemented at grassroots level. The current elected chair of FECOFUN is a woman.

In parallel, HIMAWANTI emerged as a separate federation of women's forest user groups as a change agent on human rights and natural resource management, and functions in 32 districts of the three geo-regions. HIMAWANTI works through its women change agents, in tangent with FECOFUN, to strengthen that federation's gender strategy. HIMAWANTI is effective in channelling the concerns of grassroots women but greater knowledge, capacity building and support is needed for it to have an adequate impact at the national level.

3.2 Development and status of gender in forest tenure

Nepal has 3.6 million hectares of forest, covering 25 percent of the country,[21] defined in the 1993 Forest Act as any area that is wholly or partially covered by trees. This definition emphasizes that forests are to be managed primarily to keep the forest intact; it is less clear on aims and extent of forest use.

Nepal's forests are categorized as government-managed forests, community forests, leasehold forests, religious forests, and protected forests. Community, leasehold and religious forests account for 24 percent of total forest cover and are managed by local Community Forest User Groups (CFUGs), while the majority (76 percent) are government-managed and protected forests, which are directly administered by the State.[22]

Table 1: Evolution of forest tenure with salient features[23]

Historical period	Focus of forestry	Major stakeholders	Salient feature and state of tenure
Privatization (1768–1951)	Revenue, timber export, military protection, gifts to elites, household use, resettlement.	Local elites, Army, Royal loyals, Rana autocrats.	Traditional indigenous system, followed by state allocated tenures for privatization (e.g. Birta, Jagir, Raikar) and collective arrangements (e.g. Kipat, Guthi).
Nationalization (1951–1977)	Industrialization and nation welfare, ecological doom and fuel crisis in the West, Resettlement in Terai forest, Timber Export, Retract forestland from local elites.	State, Department of Forest, Global economists, World Bank, local political administrative units, local communities.	Control and management rights to state. Forest officials were mainly men. The trees planted in private lands were considered as forests. Access to forests prohibited. Recognition of local participation in forest management. Decentralized rights to existing political administrative units, i.e. the Panchayat.
Populism (1978–2000)	Forest conservation, provision of forest needs to local community.	State, donors, local forest communities, federations, civil society constituencies such as women's group, indigenous group.	Community participation legitimized through Acts and Regulations. CFUG considered as a autonomous, self-sustaining, perpetual entity. Expansion of CF in Terai. Rights of use, manage, exclude were entitled to community. DFO retains ownership to forest land and provides facilitatory role. 100% benefits to CFUG.
Post-populism (2000 onwards)	Forest conservation and enterprises, economic and social justics, forestry as an integral part of nation's development and climate change mitigation and adaptation.	State, donors, local forest communities, federations, civil society constituency, such as women's group, indigenous group, Political parties, market companies, legal court.	Massive expansion of CFUG over the country. FECOFUN defends community rights. Contention between state and community over benefit-sharing mechanism, especially from the high-value forest products, enterprises and carbon trade. Tenure in Community Forestry becomes a political agenda.

Nepal's forestry has undergone major changes in the last half century in terms of tenurial arrangements and the ensuing management practices. National and international pressures were instrumental in shaping forest management and tenure arrangements. Forest history can be tracked into four broad categories: privatization (till 1950s), nationalization (1951-1977), populism (1978-2000), and post-populism (2000 onwards). (See Table 1.)

Privatization (1768-1950)

Prior to the 1950s, the forest was owned by the State or elites, but managed by traditional indigenous institutions. The Nepalese feudal state used forests primarily for securing revenue and bolstering its military strength.[24] After 1846, forests were handed over to local elites in various tenurial forms which include *birta, lalmohr or talukdar, kipat, guthi, and jagir*.

Elite individuals, families or institutions controlled and inherited forests, and depending on the tenure form owed state taxes on the collected forest products. In 1907, an official document (*lalmohr*) provided guidelines for such systems to manage inheritance.[25] In *lalmohr*, according to Adhikari,[26] people were required to ask the owner (named a *talukdar*) for timber, and vice-versa. Local people had free access to the forest for limited commercial value of fuelwood, fodders, and medicinal herbs;[27] but they obtained timber in return for labour or other gifts and services. Forest watchers were hired and paid in kind by villagers for the protection of forest. Such forms of tenured privatization (until 1950) often included sophisticated indigenous forest management balancing local needs with forest conservation.

The Rana dynasties ruled the country on the basis of an ancient Hindu scripture, 'Manusmriti', which states men's authority and control over women and denies women's rights to property: "a wife and slave can have no property and the wealth they acquire belongs to the person to whom they belong."[28] Due to such ideology, management rights to forests were formally granted to men only.

Nationalization (1951-1978)

In 1957, after the fall of the Rana regime in 1950 and the reinstatement of the Shah regime, the government nationalized all forests and took over their management in an attempt to get back the forests and land from elites.[29] This event coincided with a global advocacy for state-led industrial development as a mechanism to foment broad economic prosperity.[30] In the nationalization, all trees planted in private lands were considered as "forest." Forest owners started to convert forests and areas with trees to escape the forest criteria.[31] The Department of Forest was not able to control deforestation, despite strong legal backing. The result was rampant forest destruction and degradation and consequent regional flood disaster in lower plains supported a Theory of Himalayan Environmental Degradation.[32] In the late 1970s, alarmed by rampant forest degradation, the World Bank pledged new investments in forest sector development at the community level, urging the government to recognize its inability to sustainably manage forest resources without peoples' participation. In 1975, the ninth national forestry conference laid the foundation for a 1976 national forest plan recognizing local community's participation.

The Shah dynasty continued to follow 'Manusmriti' ideology in legal policies. With nationalization, much forest land had been converted into individual property owned by men—mostly the existing tenure holders from the Rana regime. This furthered the unequal distribution of land and forests between men and women, and also further legitimated men's authority to regulate access and use of land. Despite state control, in national forests women have access rights over forest products needed for their household subsistence needs. The Land Reform Act 1964, in an attempt to redistribute (forest) land, placed a ceiling on maximum land size to which households were entitled. Again, it did not consider women as landowners and the authority to control land resources remained largely vested into men.

Populism (1978-2000)

The call for participatory approaches in the late 1980s invested forest management rights in local political units called the Forest Panchayat, where only men were political representatives, was justified with the assumption that men were the sole family bread-winners and women dependent family members. Legislative policies became more favourable to community participation and in the early 1990s statutory communal tenure was granted for community forest management. In 1988, the 20-year 'Master Plan for Forestry Sector' (Plan) mandated community participation by giving local communities full responsibility over management of forests recognized as theirs. It also allocated 47 percent of the total forest Ministry (MFSC) budget for community forests and emphasized the reorientation of foresters from traditional policing to new facilitation roles for encouraging local community participation in forest management. The community forestry programme, the largest component of the Plan, was explicitly designed to meet fodder, timber and fuelwood requirements of local people. Guided by the Plan and the establishment of multi-party democracy in 1990, Nepal promulgated a Forest Act, 1993[33] and a Forest Regulation, 1995,[34] both still guiding the majority of forestry programmes in Nepal.

In parallel with multi-party democracy, women's right to vote and be equal citizens was established through 'right to equality' in the 1990 Nepal's constitution. Nepal also became a signatory of the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) to affirm legally binding measures to achieve equal rights for all women, regardless of marital status, in all fields of political, economic, social and cultural life. Yet, weak monitoring, enforcement and accountability structures, limited implementation and multi-party politics favored men, whose freedom to mobility and acceptance in public spaces game them an advantage in mass demonstrations and meetings, and the chance to extend their political linkages and networks. As Giri and Gurung[35] state, the call for participatory approaches in forest management demanded change to achieve its goals—more women facilitators to work with rural women—generating massive encouragement and financial support from donor agencies (e.g. USAID, SDC, DFID) for women's forestry education.

Community forestry unfortunately became too centred on the environmental objective of curbing deforestation in the Mid-hills and interpreted women's extraction of multiple forest products as something to be heavily curtailed, even though they were recognized as "primary users" of the forests. It was assumed that women should be "motivated" to leave the forest intact, rather than enabled as essential users and managers of the resource. The 1988 Plan mandated 33 percent of women's participation in the decision-making (executive) committee of Community Forest User Groups. Female foresters, with their training and expertise in forestry, were to mobilise local women and legitimate their entry into public meetings. Indeed, working with male foresters in difficult, remote settings have been instrumental to create new political space for women in the public sphere. In the initial stages, the entry and recognition of women in public settings contested women's identity as confined to a household or family level. When FECOFUN emerged in 1995, it proactively demanded greater rights to community and to women and men in forestry.

Post-populism (2000 to date)

A decade of experience in community forestry has brought to light "second generation" issues of equity, gender and livelihoods, and massive recognition that communities are not homogenous rights holders. The variation within communities, especially in terms of gender and caste, were reported to undermine equity in community forestry. These issues have prompted new efforts to promote more democratic relations among community forestry institutions. The consolidated struggle of FECOFUN was instrumental to contest, negotiate and bargain for better community rights in forestry tenure. Even during the decade long internal conflict in Nepal, tenure rights of community in forestry programmes were not compromised. HIMAWANTI emerged as a more explicit advocate of women, trying to address limitations in FECOFUN's role to safe-guard the rights of women in natural resource management sector, including forestry. The internal civil conflict and process of preparing a new constitution have created important political space for these federations in the absence of other strong rural institutions and voices. Furthermore, the new agenda of climate change and carbon trade possibilities (in particular from REDD) brought forth a multitude of donors, international and national companies in the forest tenure agenda, revisiting an old debate on forest management, use, protection, and conservation and rights. The focus shifted to expansion of protected areas in Nepal at the exclusion of community rights, submerging past lessons around livelihoods and equity. Continuous heavy deforestation in Nepal's Terai region engendered proposed amendments that are understood as an attempt to curtail community rights.[36]

Currently, the role and tenure of forests are burning contemporary issues in Nepal's structuring of federal states and ensuring gender justice in forestry.

4. TENURE IN FORESTRY PROGRAMMES

Community, leasehold and government-managed forestry differ in terms of forest condition, primary management objectives and tenurial arrangements. Community forestry is the flagship programme of Nepal, which gained worldwide attention and support to meet its twin goals of forest conservation and livelihoods. Leasehold forestry is touted in parallel as forestry for the poorest of the poor.

Government-managed forests occupy the largest area of national forest and are managed primarily for conservation. A synopsis of area coverage, beneficiaries, major stakeholders and guiding legal framework is presented in Table 2: Scope and coverage of Community, Leasehold and Government-managed forests. Table 3 depicts tenure arrangements in the forests by bundle of rights and by right holders.

4.1 Community forestry

Community forestry operates through state-granted contracts to a historical group of users of local forests, called as community forest user groups (CFUG). CFUGs are cohorts of local users of a certain forest that enjoy rights to protection, use and management of the forest, while the State retains ownership. Membership unit in CFUG is allotted to the individual household.

The main forest management document for a community forest is the operational plan drawn up between the District Forest Office and the CFUG, normally prepared for five-year periods and reviewed and revised intermitantly. When an operational plan is being prepared or renewed, a ranger (a mid-level forest technician) prepares an inventory of the forest stock in each block or compartment and over the whole community forest area. This inventory provides the basis for planning activities in the community forest, which is divided in four to eight blocks or compartments for this purpose. There is no ceiling for community forest area size.

Both men and women users enjoy use rights to forest through the registration to a CFUG regulated through a "forest constitution". An executive committee along with a village hamlet committee make management decisions, based on solicitation and agreement of the households. The general assembly, held once or twice a year, is the convening space where all users of a CFUG share management decisions and make future plans.

Table 2: Scope and coverage of Community, Leasehold and Government-managed forests[37]

Scope		Community Forestry	Leasehold Forestry	Govt. managed forests
Coverage	Area (% total forest)	1.22 Mha	14,735 hectares (.20%)	4.63 Mha (79.5%) natural forests
	Districts/ georegions	74, Terai, Mid-hills, Himal	37, Mid-hills, Himal	21, Terai, Mid-hills, Himal
Beneficiaries	Groups (women-only)	1,4572 (802)	2,756 (71)	
	Population (households)	35% (1,647,717)	(25,463)	(4,631,085)

Table 3: Tenure arrangements by bundle of rights and right holders in Community, Leasehold and Government-managed forests in Nepal[38]

Type of forestry	Bundle of rights	Right holders		
		State	Community	Household/Individual
Community	Access/benefits	Approve Operational Plan (OP) & handover. Tenure period guaranteeing access (but not ownership) not defined by law, normally for 5 years with extension.	Entry through membership, normally with an entry fee and renewable. 100% benefits to community. Access to forest resources. Recognizes traditional use rights and access.	Membership entails access to forest products and other benefits. Compliance with associated responsibilities required.
	Management	Approval of OP, allowable cut, sets targets for expenses in particular fields, pose taxes, monitoring.	Rights to make management rules and revise management plans. Executive Committee (EC) and hamlet committees guide decisions for CFUG related to protection, plantation, silvicultural practices, benefit-sharing, fund management, and monitoring/evaluation.	Representation in decision-making bodies. Participation in tole meetings, general assembly, monitoring/evaluation committees.
	Alienation	Revoke rights, can change land use.		
Leasehold	Access/benefits	Lease forests for a period of 40 years extendable to 40 years. System of inheritance not defined.	Access to group through membership. 100% benefits to community. Access to forest resources. Involves poor households only.	Membership entails access to individual forest plots for households. Compliance with associated responsibilities is required.
	Management	Approves operational plan. Restricts forest type and tree use. 100% benefits to local community.	Operational plan provides the basis for forest protection, management, access and distribution of products among the leasehold group members.	Representation in planning, livelihood improvement activities, monitoring, decision-making etc. Benefits to individual households.
	Alienation	Revoke rights, can change land use.		Right to transfer or sell their rights to others after successfully completed one-third of the lease period.
Goverment-managed forests	Access/benefits	Tenure is unlimited. Benefits to state. Protection through guards.		Access to grasses, dead branches and certain fruits.
	Management	Management defined through an annual scheme or plan.		Access dependent upon the decisions of forest guards & forest officers.
	Alienation	Ownership.		

Approximately 802 CFUGs are women-led and managed. Women make up a significant percentage of the members in mixed male and female CFUGs, but there are generally few in leadership positions, particularly as one moves up to regional and national levels. This translates into a dramatic disproportion between opportunities for rural women's voices and decision-making roles, and women's existing contribution to forest management.

Community forestry has reversed past trends of deforestation, and has enhanced a number of livelihood assets. In a number of innovative cases, they have created provisions to directly benefit the poor, women and other excluded groups. FECOFUN and its networks from local to national level also provided

opportunities for communities to raise their voice at different levels of governance, and to promote collective efforts for forest management and carbon marketing.

> ***Community forestry has reversed past trends of deforestation, and has enhanced a number of livelihood assets.***

Recently, community forestry is seen to play an important role in the UN-REDD (Reducing Emissions from Deforestation and Forest Degradation) and climate adaptation programs. With the inception of REDD+ in Nepal, tenure rights to forestry have been vehemently debated. State forestry officials espoused that CFUGs have only use rights to forest resources and not to land (as state is the owner). Furthermore, the government can abolish a CFUG or restrict its control. The REDD+ preparedness plan states that rights to carbon are vested on ownership and thus, the below-ground carbon in Community Forests would belong to the State. While these issues are still contested, some CFUGs that piloted REDD+ have already received significant monetary support against their rights. Massive piloting is underway but critics also caution about gender-blindness of REDD+ and its potential implication on women's lives.[39]

4.2 Leasehold forestry

Leasehold forestry started almost a decade later than community forestry with two specific goals: i) to alleviate poverty by raising the income of families in the Hills of Nepal who are below poverty line and ii) to contribute to improving the ecological conditions of the degraded forest land. Thus, blocks of degraded forests with or without scattered trees are handed over to groups of select poor households.

A leasehold forest (with an average area of three to 20 hectares) is handed over for a maximum of 40 years, which is extendable for 40 more. As in community forestry, the operational plan provides the basis for forest protection and management and the exploitation and distribution of products among the leasehold group members. The leasehold group prepares an operational plan for its leasehold forest with technical assistance from the Forestry Ranger, the Livestock Junior Technician and/or local NGOs.

Leasehold groups establish plantations of multipurpose tree, fodder and fruit-bearing species on their leased land for forage development and animal husbandry. Credit schemes are also supported. Forestland is intensively managed using both horizontal and vertical space. While all the benefits from the forest directly accrue to the leasehold group members, they need to contribute some of it in the group fund. This is done so that the members of the groups can pay back their debts. The groups are responsible for protecting any surviving old and large trees on the leased land, but these trees remain the property of the government. Likewise, they cannot sell the leased land or pledge it as collateral for obtaining loans. However, they can transfer or sell their rights to others after they have successfully completed one-third of their lease period. These provisions have led to a strong sense of ownership over the leasehold forest among participating leaseholders and are a driving force for intensive management of the forest. Seventy-one of the leasehold groups are comprised of women only, and women occupy about 33 percent of the membership decision-making bodies.[40]

A visible impact of the leasehold forestry programme has been the increased forage production, which supports animal husbandry (mainly of goats and buffaloes) as the main income source of the households concerned. It has also vastly improved the condition of degraded forests.

4.3 Government-managed forests

Government-managed forests occupy the largest area under the national forest. They are regulated by the 1993 Forest Act and 1995 Forest Regulations. People are allowed to collect grasses, dead branches and certain fruits. The level of concessions to collect these items is mainly dependent upon the decisions of forest guards and to a certain extent of forest officers. From time to time, the government has devised different modalities to manage this type of forests. One of these is the Operational Forest Management Plan (OFMP), which was to be implemented in 19 Terai and Inner Terai districts. But this could not be successful. In 2000, the government formulated a forest policy to include collaborative management system of forest in government-managed forests.

5. COMPARING FOREST TENURE AND GENDER EQUITY

Gender equity in relation to forest tenure can be measured by the existence of gender-equity mechanisms, their use in practice, and gender equity impacts of forest tenure and rights on conservation and livelihoods. While community and leasehold forests apply different approaches to gender mainstreaming, government-managed forestry has no mechanisms. (See Table 4.)

Table 4: Provision for gender equity in relation to bundle of rights in Community, Leasehold and Government-managed forests[42]

Tenure type	Bundle of rights	Provisions for gender equity
Community Forestry	Access/benefits	Women are identified as primary users. Both men and women of a household are registered as members of the CFUG. Ease of access to forest products, public space and exposure, community benefits, capacity enhancement and saving schemes.
	Management	At least 50 percent members in EC are women. Either chairperson or the secretary is a woman in EC. Both man and woman from each household should participate in all decision-making processes. Attempts made to ensure 50 percent women in General Assembly. Special programme for women, in benefit-sharing. Women to be included in self-monitoring/evaluation. 35 percent of forest fund to be used for poverty alleviation programmes, focusing on the needs and development of poor, women, and the so-called lower caste.
	Alienation	
Leasehold Forestry	Access/benefits	Women are identified as primary users. Both man's and woman's name must be listed as household heads of the respective household.
	Management	Gender is an integral part of program component from planning to monitoring. One man and a woman from each cluster participate in district planning workshop. One man and woman (throughout the district) participate in district level forest coordination committee. One man and a woman participate in a cluster level field coordination meeting. Both man and women from a household participate in group formation work, operational plan preparation and renewal training. Capacity building on operational plan and renewal, land development training, gender awareness training to both man and women (from a household). Group promoters and village livestock health worker (women only) for social mobilization work.
	Alienation	
Government-managed forests	Access/benefits	Access to dead branches, grass.
	Management	No management rights.
	Alienation	

5.1 Provision for gender equity in relation to bundle of rights in Community, Leasehold and Government-managed forests

Recognition: In both community and leasehold forestry, women are mandated to hold at least one-third of forest committee positions. Likewise, the 1993 Forest Act identifies women as 'primary users' of forest and outlines their dependence on forest as underlying their rights in forestry programs.[41] However, these policy documents neither adequately appreciate women's contribution in forestry nor identify them as change agents.

The community forestry GESI strategy paper (2008)[43] and community forestry implementation guidelines are the important policy documents that reiterate provisions to ensure women's participation. Adhering to GESI provisions, the recent community forestry guidelines (2008) have specified that along with 50 percent women in the executive body, one of the two most decisive positions (chairperson or secretary) should be filled by a woman. Additionally, it also mentions that both husband and wife need to be included as household head in the constitution of the forest user group as opposed to the prior arrangement where only men's name used to be listed (in turn locally interpreted as men's exclusive right in decision-making forums). Many women may be unaware of their rights or may not have benefitted even when aware; yet such legally-binding recognition has corrected the local assumption that only men hold the legal rights to participate in the program. Despite having legal recognition of both men's and women's membership within a CFUG, in practice most decisions regarding management of forest resources and mobilization of CFUGs' funds are made by men. Households will generally send one member as a representative to committee meetings, and in most cases this representative will be male, leaving his wife behind to complete household chores and childcare. Upon returning home, men often do not share important decisions made during the meeting; consequently, women cannot fully participate in the implementation of these decisions.

In leasehold forestry, gender is integral to each project cycle component, from design through to evaluation *"…gender issues and considerations would be mainstreamed in all activities of the leasehold programmes, in particular staffing (female group promoters), group formation, forest allocation, training and capacity building. For instance, the land development training provided on site to two members of each leasehold (one male and one female) would include at least one full day training session on gender awareness."*[44] Such strategic inclusion of gender mainstreaming in the design document of leasehold forestry programme is key to the good practices that follow.

In both programmes, membership entitles access to a group and in turn, access to products and benefits. Women-only user groups are also formed. Critiques, however, argue that the state handed over 'token forests': the less and poor quality forests to women in community forestry.[45] Even so, some women user

BOX 1: THE SUCCESS OF A WOMEN-ONLY CFUG - 'BINAI BAGAR'[46]

Binai Bagar provides an excellent and successful example of a forest-based enterprise that completely aligns with local practice (e.g. livestock rearing, supplementing local livelihood with women's agency and visibility.) CFUG women users massively plant medicinal, fodder and fruit species and established a well-functioning mechanism of rearing livestock with sustained fodder supply. Recently, they networked with other organizations/networks and earned support through a program named "*Gai Mai*" (the cow mothers) that insures both food for the livestock and an income for the owner of the livestock (the women). Using the milk from all the livestock, they have established a milk-enterprise earning them income livelihoods, increased recognition and respect in their households and society.

groups with support on innovation mechanisms and improved networking brought exemplary results and benefits. As example, 'Binai Bagar' CFUG of Nawalparasi district did commendably well. (See Box 1.)

Women hold 38.6 percent membership in Executive Committees of community forestry institutions,[47] and 33 percent membership in decision-making bodies in leasehold forestry.[48] This number also includes the members from women only groups. Women's promoters employed in the LF programme are said to play crucial roles to strategize women's space and role in decision-making positions in the Leasehold forestry and Livestock Program.[49] In Nepal, women hold leadership roles – president, vice-president, secretary or treasurer – in 42 percent of mixed-gender Executive Committees. The ratio of women holding office exhibits a threshold effect; the larger the percentage of women in the Executive Committee, the more likely it is for women to hold leadership positions.[50] Moreover, it is a common to find the same woman, a relative of a male committee member, representing various committees. Many factors have been reported instrumental for women to play decision-making roles in committees – men's outmigration, support from family for public meetings, education, public exposure and social acceptability. Bina Agarwal's study has found landless women most outspoken on committees she studied in India and Nepal, and more vocal when they have a critical mass of at least one-third of committee positions.[51]

Access to benefits: Through both programmes women gained access to varied benefits ranging from forest products to improved livelihoods. In community forestry, women gain access to subsistence forest products via fodder, firewood, bedding material and to some extent timber and NTFPs. Women report an ease of collecting forest products compared to earlier times. Yet, some report that community and leasehold forestry added to workloads of women, for now they need to spend significant time on these programmes, without any support from their male counterparts in family, unlike the findings of the LFLP national study.[52] While activists frame it as gender-burden, local women perceive their participation in public meetings as an exposure from where they can learn new skills. Women also report having better access to water, due to forest conservation. Nonetheless, when it comes to plantations, women and men vary with men opting for timber and women for firewood and fodder species. With REDD in place, there are observation that communities started strict conservation to sequestrate more carbon and get income benefits, compromising their subsistence needs and women's concerns.[53]

There is a provision to allocate 35 percent of CFUG's fund to the benefit of the poor and excluded. But due to the lack of appropriate monitoring and enforcement mechanisms, this remained a paper plan in many CFUGs, particularly as only some CFUGs distribute income to individual households, though in some cases, poor households are provided with a minimal income support. CFUG invest their major chunk of income in development infrastructure including roads, schools, electrification etc.

In leasehold forestry, women get access to forest plots which are used for inter-cropping of grasses and fodder, fruit and bamboo, to be in turn used for cattle rearing. Income is enjoyed by the individual households. A large part of income is utilized for their children's education and the remaining utilized for the purchase of food and other items. However, with increased crown cover of the trees in leasehold forest over time, the possibility for inter-cropping is reduced, with adverse effects in production of income-generating species. There are no provisions so far in leasehold forests to apply forest management operations even where forest are too dense to allow any understory growth.

Both programmes enabled women's space and exposure to public settings, which women report as a benefit. Both community and leasehold forestry programmes have initiated several programmes and activities on capacity enhancement of their users which include training in different subject areas, saving credit programme, leadership development of women and recruitment of women only group promoters in

leasehold forestry and social mobilizers in community forestry. Compared to community forestry, leasehold forestry integrates equal participation of men and women in all kind of planning, capacity building and training activities. In leasehold forestry, women have participated more in the trainings run at village level and they all are related to group formation, and operational plan preparation whereas all the training and exposure visits run at district headquarters and beyond headquarters are dominated by men. In CFUGs, men dominate all meetings. Training and exposure visits have contributed significantly in building the capacity of both men and women. Women are far behind in increasing their access beyond their village, though formal invitations from service providers to potential groups specify how many women and how many men should participate, and this has ensured women's inclusion.

Saving credit institutions are more visible in leasehold forestry group, which offer both social and financial empowerment of women to enhance their leadership with increased recognition of their agency in household and communities.

Management rights and responsibilities: Management rights and responsibilities in both programmes determine the outcome of decisions on rights and rules. Committees are considered as the central decision-making spaces. Despite women's presence in such spaces, many decisions do not balance rights and responsibilities, particularly between men and women. Intra-community differences and women's dependence on forests puts more forest management responsibilities on women than men. And in practice, men enjoy more rights in areas related to forestry. As examples in community forestry, women provide much of the needed labour in community forestry activities viz. silvicultural operations, fire lines construction, forest monitoring etc. Women take it as a matter of duty to get involved in activities that will sustain the supply of forest products. Such an imbalance burdens women and skews committee choices and future external support towards monetary/enterprise-related activities at the cost of subsistence products prioritized by women. Committees currently favour spending more forest funds in infrastructure development, rather than investing in improving livelihoods.

Despite women's access to decision-making spaces, women tend to not control the decisions. But they may have their own legitimate reasons for not speaking up, such as deference to those who 'know', to safeguard social cohesion, time constraints set by their household duties, lack of eloquent linguistic skills or because they do not expect to be heard. Mostly in Nepal but also elsewhere in a South Asia, women tend to use informal structures (using their household men's network) or practices (e.g. underlying submissive request saying that women are ignorant or using women's domestic identity) to steer decisions in their favour. Such informal decision-making arrangements result in reinforcing patriarchy, and are less sure, depending on the good-will between the contenders and not backed up by legal provisions. Yet again, women opting to such informal practices report this as a more practical approach than attempting for fundamental change. They find a direct route more often results in rejection or negative consequences (future negotiations undermined, risking social dignity/respect or ruining their family). Poor monitoring of gender-equitable decision making and a lack of enforcement and accountability mechanisms even by the major stakeholders such as CFUG members, state forest agencies, and international and local NGOs, makes this behaviour understandable.

Women can play key roles in management of rights and responsibilities, dependent upon capacity building activities, recognizing women as capable change agents and creating mechanisms to reduce their day to day household chores-expected due to their identity. Male facilitators are reported to be effective actors to discuss how discriminatory gender relations can be democratized in relation to forestry and everyday lives. Also, provision of women's groups and promoters, such as female group promoters to mobilize and support leasehold forestry groups, has been important to empower women in leasehold

forestry groups. These group promoters expand beyond forestry work to other support activities relevant to the needs of the leasehold members. Female group promoters themselves become 'role models' and the 'demonstration effect' has given a positive message for changing gender roles and associated gender stereotypes in the respective communities.

Management of rights and responsibilities at community level is also influenced by how wider constituencies, such as FECOFUN and HIMAWANTI, lobby about community and women's rights while working out their agenda on forest tenure. Even within FECOFUN, which so widely and emphatically speaks for community tenure to forestlands based on community contribution, the calls for gender equity rarely make it on agenda. FECOFUN's history of struggle, recognition, timely capacity enhancement from civil society organization and donor's support provides a relative advantage to FECOFUN, when compared to HIMAWANTI, to defend the rights of its constituency in relation to forest tenure.

5.2 Effects of forest tenure to livelihood, conservation and gender equity

Reforms in accessing forests in Nepal have led to considerable changes in the way people manage forests. Forest conservation has progressed and many of the Mid-hills slopes have re-greened. The case of community and leasehold compared to government-management forestry indicates that secure tenure rights to communities are essential to meet the multifaceted objectives of conservation, and livelihoods. Additionally, if the tenure rights consider gender as an integral part and prescribe specific guidelines of mainstreaming, gender equity can be consolidated – as Leasehold forestry profoundly demonstrates.

6. GENDER IN FOREST TENURE: AUTHORITY OVER BUNDLE OF RIGHTS

Skewed tenure rights in Nepal's forestry imply that the main issue with effective forest management lies in power and equality and not in the physical availability of resources. The evolution of forest tenure reforms enabled greater rights for the communities to manage forests. While secure community tenure rights are essential to meet the multifaceted objectives of conservation, livelihood and equity, consolidated tenure rights to forest communities don't necessarily lead to gender-equity. Prioritizing community rights over gender equity in community forestry compared to leasehold forestry can undermine women's rights with increased responsibilities, especially if committee decision-makers are insensitive. Tenure arrangements that instead consolidate community rights with intra-community differences need not entrench an already existing hegemonic authority (further marginalizing women and others) but rather allow spaces to contest and transform it, as existing research has also indicated.[54]

The existing forest tenure structures women's rights more on an instrumentalist notion of women's dependence rather than empowering women as forest managers. If women are recognized based on their social identity, their forest dependence will identify them as the primary "users." But the same identity undermines women's authority in decisions; particularly in community and leasehold forestry programmes where decisions are taken at public settings--a sphere identified as male. The current focus on existing needs alone has given women more 'responsibility' than 'right'. The reverse is true for men. Secure tenure only gives a fair share of benefits if rights and responsibilities are both balanced in the "bundle of rights." This requires recognizing that women are also essential actors for efficient, just, and effective forest management.

With appropriate support in laws and regulations, community tenure can support greater rights for women. Where women have more management authority to take decisions regulating forests, they shape important questions of what forest products will be favoured, what harvest quantity is allowed, and how the livelihoods can best be supported.[55] Even when forests are managed to yield large economic benefits, such as expected in case of REDD or community forest-based enterprises, how use and users will be decided and whether good practices will be upheld over time remain key issues. The first pilots in REDD+ in community forestry have favoured strict protection, restricting women's access to forest products and undermining already gained tenure rights to access and use. Statutory legal frameworks should ensure that gender rights are not easily revoked, especially considering persistence of a patriarchal culture.

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Along with a positive statutory framework, the major challenge ahead is to expand the prevailing notions of men and women as equal right-holders to management decisions. In both community and leasehold forestry, statutory provisions provided a legitimate entry point (through quotas in committees) for women to have a space in the committees, despite the public arena being traditionally male (from 33-50 percent). However, such statutory provision even when applied is mediated strongly with customary practices, and women become 'token' participants, without real authority or influence. As example, women fear to out-rightly reject customarily defined authority, given the real social risk for their family and social status. Under such circumstances, women resort to various formal and informal mechanisms instead. Yet, the extent to which women can effectively make use of those decision-making spaces depend on many factors, such as gender awareness trainings, support from service-providers, capacity enhancement programs, and accountable monitoring and enforcement mechanisms. As demonstrated in Leasehold Forestry, gender mainstreaming focused on sensitization to change gender attitudes and behaviours among both men and women and women's empowerment led to better access to project resources and more control over their lives. Such attempts to democratize and manoeuvre with discriminatory structures are crucial in Nepal and South Asia, where family holds a special social status.[56] Thus, while women want to expand their authority and be liberated from discriminatory structures, they still want to consolidate the family and seek family approval of their authority and their support.

Whether women are empowered or further marginalized by policies that strengthen local management of forest resources will at least partly depend on the conceptual understanding of facilitating agencies (governments and NGOs) and federations about the dynamics of hierarchical gender relations within communities, and on whether such agencies have an explicit commitment to altering the existing balance of power in favour of women. As in the case of FECOFUN, despite stated federation goals of gender equity, advocacy campaigns have failed to incorporate gender as an integral element of community forestry when assuming community rights would guarantee gendered rights, despite access to research findings warning that the concept of 'community as a homogeneous mass' leads to inter-community differences and undermines equity.[57] For HIMAWANTI, a more proactive actor on gender, they still lack the capacity, presence, recognition and reach of FECOFUN to press greater claims

for women's rights in forest tenure effectively. Both need to work more in tandem to play to each other's comparative advantage to affect their stated goals.

Overall political context also matters. Initiatives for promoting community governance of common property resource cannot provide stronger property rights for women when these are overwhelmed by pressures on the government from international donors more interested in promoting more privatized, neoliberal development models. In pluralistic forestry, changing priorities of tenure reforms are also mediated through global interests and donor support. Change in government's priority from community forestry towards protected area can reduce impetus to community rights. Strict protection of community forests for REDD+ can compromise gender-equity. These examples indicate that wider interests of multiple actors are central to shaping the direction of tenure reforms in forestry. The collective constituency can play a significant role to influence the direction of tenure reforms, and assert greater rights to their constituency as explained in FECOFUN's engagement to ensure greater community rights.

Likewise, forest reforms depend on related reforms that challenge traditional patriarchal systems more broadly. As the evolution of Nepal indicates, women's enacting authority in forest management was challenged by the age-old land tenure system that perceived men as the only legitimate authority to decision-making and women as a "beneficiary." Only if forest tenure reforms are complemented and synchronized with cross-cutting tenure reforms in other sectors, can women emerge with real authority. Property rights and resource rights are linked: gender differentials in property rights lead to inefficiencies in resource use and management, and threaten household welfare and food security.[58]

For tenure to be considered an important means to achieve social justice, it needs to explicitly address unequal gender and power relations, and ensure firm provisions from policies and legal frameworks support the livelihood interests and the rights of the women and the poorest are given priority and protection. In doing so, it has to expand the current focus of ensuring women's access to and benefits over forest resources through legislative frameworks.

7. CONCLUSION

Using Nepal's forestry experience as a case, this paper explored and analyzed linkages between gender and forest for sustainable forest management in South Asia. It shows that women's access to and benefits from forest resources do not necessarily ensure women's rights to forest resources. Rather, rights and authority to make and implement decisions around forest management rights to women are also important for adequate access and benefits to women and their families from forests.

As Nepal's forestry experience indicates, the bundle of rights brought through statutory laws provided a legitimate recognition of women's authority over management, use and benefits of forest resources. Since tenure rights are thought of as defining institutions regulating access, control of Nepal's forestry, they are deeply embedded in history and local culture and are affected by it. Thus, in practice, this enabled women's spaces in management committees but with fewer roles since the claims to rule-making authority is customarily vested in men. Such contestation can transform in many-fold ways, sometimes reinforcing discrimination by limiting women as observers of the process, sometimes challenging them and empowering them with extending recognition of women's space and role in public decision-making.

For tenure to be considered an important means to achieve social justice, it needs to explicitly address unequal gender and power relations, and ensure firm provisions from policies and legal frameworks support the livelihood interests and the rights of the women and the poorest are given priority and protection. In doing so, it has to expand the current focus of ensuring women's access to and benefits over forest resources through legislative frameworks. For law and policy to influence gender relations in forest tenure, a more nuanced framework is required to deconstruct, reconstruct, and reconceptualise authority in both the rules and the laws that govern use and benefits, as well as the institutions that make and enforce such rules and laws.

Combined with progressive sensitization and education of women on their rights as regards forest tenure, support from service providers, and accountable monitoring and enforcement mechanisms, such a framework can lead to the anticipated changes. Thus, enacting gender equity through forest tenure in South Asia is to be best understood as a multifaceted social and political process rather than instating a system of laws and rules only. Actors engaging collectively can be key change agents, especially if they use adaptive strategies informed from their own ground realities.

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RRI is a global coalition of international, regional, and community organizations advancing forest tenure, policy and market reforms. RRI leverages the strategic collaboration and investment of its Partners and Collaborators around the world by working together on research, advocacy and convening strategic actors to catalyze change on the ground.

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