

## **Community Forest Management vs. Joint Forest Management in Orissa**

*Need to look beyond JFM*

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June 2000<sup>1</sup>

### **Abstract**

This Paper looks at the conflicts and mis-match between the informal community based forest management systems in Orissa and the Joint Forest Management framework in Orissa.

Several thousands villages in Orissa are involved in active protection and management of forests. Most started protecting on their own initiative as their response to forest degradation problem. Orissa has been struggling with the process of formalising these initiatives and bringing them to the 'Joint Forest Management' fold. The forest protecting villages, find state promoted Joint Forest Management (JFM) arrangement unacceptable and feel that this does not put the management powers and decision-making in the hands of local communities. This has resulted in tension between formal JFM system and locally evolved Community Forest Management (CFM) arrangements. This paper looks at the nature of this tension and mismatch.

It also shares the discussion and the debate amongst NGOs and the civil society in Orissa, on the nature and contours of community-based rights-regime. Using this discussion as the back-drop the paper argues about the need to look beyond JFM and address tenurial issues and institutional issues to strengthen JFM.

### **Community Forest Management in Orissa**

According to latest available estimates around 8000 villages are involved in protection and management of forests (verbal communication: RCDC, June, 2000 based on a survey taken up by RCDC), some of these have been formalised as JFM. While, some villages have been protecting forests for as long as 60-70 years, majority started protecting forests in late 1970s or early 1980s. Forest protection came as a collective response to the problems of rapid degradation of forests and scarcity of forest produces. In the initial years, protection entailed restricting access of outsiders to the forests as well as cutting down on own use and consumption. All extractions from forests were restricted, in the initial years, leading to considerable hardships to direct forest dependent sections, esp. headloaders.

Villagers evolved rules to restrict access, regulate use and impose penalties on offenders; and experimented with various forms of institutions and institutional arrangements. Protection system(s) comprised of one or a combination of arrangements such as merely keeping an eye, thengapalli i.e. voluntary patrolling on rotation basis or paid watchmen. Various forms of village institutions consists of Forest Protection Committee (an

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<sup>1</sup> Paper presented at the International Workshop on a decade of JFM in India, New Delhi, June 2000.

Executive Committee selected/ elected by the Village General body) or Council of Elders, Youth Clubs or in some cases, Mahila Samities (Singh, 1993).

Various cases of Community Forest Management have been documented and these demonstrate capacities at village level to adapt and evolve new rules and institutional arrangements, resolve conflicts and successfully manage forests. (Dhani Panch Mausa Jungle Surakhya Samiti, Gadabanikilo Case, Vasundhara, 2000 and 1996).

### **Joint Forest Management and Orissa**

Orissa is the pioneer state to take steps in the direction of adopting Joint Forest Management. It was the first state to issue a resolution that seeks to involve local communities in protection of forests through a resolution in August 1988. This resolution was in response to pressure from below from thousands of forest protecting villages in Orissa. A large-scale post-card campaign was taken up in the State. The CM's office received postcards demanding rights over the forests that they were protecting.

The first resolution for "JFM" (though not by the name JFM) in 1988 provided for villagers involvement for protection of R.Fs. It however did not offer much in return of people's efforts. It only offered "bonafide requirements of fuel and small timber to villagers free of royalty in lieu of protection responsibilities. The resolution in similar form was extended to Protected Forests in 1990. In 1993, Orissa issued a "JFM" resolution that offered a 50% share in any major/ final harvest and 100% of intermediate products to forest protection committee, termed as Vana Samrakhan Samiti (VSS) in Orissa.

Orissa also issued another resolution in 1996 that can be termed as "revolutionary" in some respects. This is the first resolution in the country that seeks to bring some changes in forest tenure. This resolution provides for declaration of forest patches being protected by villagers as Village Forests as per the provisions for Village Forests under the Orissa Forest Act. However, due to several reasons this resolution has been a dead letter and virtually no action has been taken for its implementation.

### **CFM Vs. JFM**

The large-scale community forestry initiatives in the State offer enormous potential for participatory forest management. It is ironic that this potential is hardly tapped. This is largely due to mis-match between CFM<sup>2</sup> and JFM, and partly due to lack of administrative will and efforts to provide support to CFM.

### ***JFM-CFM Mismatch***

Joint Forest Management is an approach that seeks to involve local people as partners in the task of protection and management of forests. This is one of the main strategies to operationalise the 1988 National Forest Policy. Most States in India have adopted resolutions to implement JFM. Joint Forest Management is now widely accepted all over India and many donor aided Projects have JFM as the major approach/ component.

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<sup>2</sup> CFM: In this paper, the self-initiated forest protection efforts/ community level arrangements to protect and manage forests are being termed as Community Forest Management (CFM).

Though Joint Forest Management professes to involve and treat local communities as equal partners in management of forests, the dis-balanced power relationship between FD and local communities makes this a remote reality. JFM approach signifies the recognition of the fact that forest resources cannot be managed without the active involvement of local people. Unfortunately under JFM local communities are only used as strategy to help the Forest Department protect forests in a cost-effective manner. The objectives and focus of forest management continues to remain the same and completely determined by the Forest Department.

Ironically, in Orissa where local communities took the lead in evolving local arrangement and community regimes to manage forests, JFM seems to be a step backwards. In Orissa where de-facto local communities have been managing forests at many places, JFM seeks to take them back to a situation of dependence on the Forest Department by curtailing decision making at community level.

Local communities find JFM unacceptable, since this tends to erode decision-making at community level and introduce a situation where the FD plays an important role in decisions relating to forests.

Some of the reasons for local communities finding JFM unacceptable are:

**Benefit-sharing:** The 1993 resolution for JFM by Govt. of Orissa provides for 50% share in major/ final harvest and a 100% of intermediate produces to VSS. A general response to this by forest protection groups is, “Where was the FD all these years (in the initial years when the villagers were struggling with forest protection), how come it has now come along asking for a 50% share”. Thus villagers feel that JFM takes away 50% (from what is rightfully theirs) instead of giving 50%.

Even some of the commitments made under JFM arrangements are blatantly dishonoured. The NTFP Policies in Orissa are amongst the most retrogressive in the entire country. Till very recently, most of the marketable NTFP items (29 items) were leased out to a private trader alias a Joint Sector Company. Eventhough, as per the JFM-deal, 100% of the intermediate produce and 50% of any major harvest is supposed to go to the Forest Protection Committee (Vana Samrakhan Samiti, VSS). Thus, VSS should get 100% of NTFPs, but VSS members and NTFP gatherers get only wages for collecting these produces. The NTFP Policies in the State are guided by the principle that all forests belong to the State and all produces growing on these forests are a State Property. Thus, even on supposedly Jointly managed forestlands, the co-managers are treated as mere labourers who are to gather NTFPs and hand them over to State appointed agents at the State fixed prices. The State fixed prices are not based on the value of the produce, but based on minimum wages principles. Eventhough there has been some changes in the NTFP Policy recently, but still the State has retained control over the major revenue earning NTFP items and has handed over only 60 “minor” MFPs to Gram -Panchayats. Even this handing over to Panchayats/ Gram Sabhas is notional, but that is another story.

There have also been cases where the Forest Department has not honoured the commitment of sharing 50% of the produce from final/major harvest with villagers in case of bamboo harvesting. Bamboo forests have been leased out to paper industries and despite JFM arrangements, Paper industries have harvested bamboo without consulting or sharing any produces with the villagers. (Paiksahi case, Vasundhara, 1998)

Thus, under the existing JFM framework, villagers hardly have any secure rights over forests, and the FD going back on their own commitments further creates an atmosphere of distrust.

Moreover, villagers also find the concept of major/ final harvest as unreasonable. Many would prefer to only have need-based management and extractions of forest products, and look as forests as repository of various products and services instead of a “timber” only. Many villagers say, *“Our forests is not a crop, and should not have share-cropping principles applying to it. Forests should not be viewed as a crop to be harvested and shared”*.

**Differences in perceptions relating to forests and forest management:** There is thus a difference in how forests is viewed and also in perceptions on how it should be managed. Many village leaders feel that in JFM the objectives of forest management have not undergone any changes. The system of benefit sharing based on a percentage share in timber/ timber incomes reflect the focus on revenue/ timber still being the predominant FD/ State view. CFM groups would however prefer greater focus on needs-fulfilment, flow of NTFPs and various ecological services from forests. This is another source of tension.

It is not enough just to share products/ profits from forests if there is no effective participation from village community in how forests are to be managed. Unless, how forests are being managed undergoes some transformation, mere shift in who is managing forests is meaningless.

**Locus of decision-making:** JFM all over India suffers from the problem of dis-balanced power relationship between the FD and local communities. This problem arises from the way the relationship is structured and the FD having most controls and powers over forests as well as management systems. Forest protection groups in Orissa find it difficult to reconcile to such a dis-balanced relationship, after having effectively “controlled” forests. Eventhough, de jure CFM groups have little autonomy but defacto they have effectively taken all decisions relating to forest management.

#### **Conflicts between JFM and various other Government Policies**

On one hand JFM seeks to involve people in management of forests; people are thrown out of Sanctuaries on the pretext that their presence hampers wildlife and forests. Many mining projects and other development projects displace people and engulf large tracts of forest and life supporting resources. NTFP Policies continue to be guided by revenue objectives, and co-managers only get wages for gathering NTFPs. Eventhough, the National Forest Policy lays emphasis on the customary rights of tribals; several practices of the Government completely overlook local customary rights.

**Institutional arrangements:** The Executive Committee of the VSS is supposed to have a number of official members, the Forester is supposed to be the convenor, Naib-Sarpanch the Chairperson etc. The villagers find these impositions on their existing well-functioning committees difficult to accept. The natural leaders cannot be replaced by the forester and the Naib-Sarpanch. This is another major reason for people refusing to register as VSS.

The latest resolution of Ministry of Forests and Environment of February 2000 talks about legal backing to JFM. I feel that is strongly needed but legal status of the JFM committees is only one aspect of it. Imposing one form of institution over the wide-variety of institutions that exist in various parts of the country would be extremely counter-productive.

**Lack of trust-building efforts by the Forest Department and the State:** The problem of dichotomy between the informal community initiatives and the JFM, has been intensified due to lack of sufficient efforts by the State and the Forest Department to address these problems and take up trust building efforts. Lack of leadership in the Forest Department, lack of authority centre (no officer designated to work on JFM), inadequate policy framework, lack of clear operational guidelines are some of the reasons for this problem.

**Problems in the transition between CFM and JFM:**

Despite, many groups reluctance to accept JFM framework, there exist many cases where informal groups have sought to formalise themselves as VSS. There exist hundreds of such examples where informal initiatives have been formally entered into JFM arrangements. On the positive side, this has brought in the support of the Forest Department esp. for handling forest offenders, technical guidance and formal recognition. But in many cases, interventions by the Forest Department has also disturbed the existing arrangement. One such example is in Aonlapal village (see box).

**Aonlapal Village, Nilgiri Block, Balasore district:**

Aonlapal is a small heterogeneous village with mixed population. This village along with seven other revenue villages and three hamlets was involved in protection of parts of Timkosia R.Fs. Initially, forest protection was started by a Youth Club, with the passive support of all the 10 villages/ hamlets surrounding the patch of Timkosia R.F. The Youth Club protected the forests from 1980 to 1987. By 1987, the forest had grown, and the interests of the villagers in protection as well as management of forests increased. This led to a joint committee of nine villages taking over the protection and management responsibilities from the Youth Club. By 1995, there were some inter-village conflicts that were beginning to surface. In this background, there was the intervention of the Forest Department to formalise Community based forest management as JFM and form VSS. Some of the villagers from within the ten village group approached the forester for formation of VSS. Lack of clarity on JFM process/ rules as well as VSS formation process, and the foresters inapt handling of the situation, led to break-down of this nine village group into three parts. These three groups were based on party-politics line, and have resulted in bizarre formation, with Aonlapal village splitting into three different groups of VSS. There are also a few households of a neighbouring village who have lost out completely and after the realignment at the time of VSS formation and now find themselves in none of the VSS (Vasundhara, 2000).

Ideally, JFM norms should help in bringing in representation from all sections in the forest management system. While this has happened in some cases, there are also cases where the FD field functionaries have reinforced the inequities in the community and have strengthened the hands of the rich rather than siding with the poor. One such example is Suruguda village, in Sundergarh district. Suruguda village is a large heterogeneous village, this village has received wide acclaim and awards for its forest protection efforts, and has been actively supported by the Forest Department. The village had started protecting forests on its own and was later formalised under JFM. Here, harijans has taken the lead in protecting forests, but over years as the forest grew, the majority and dominant community, the Agarhias took over the management system. The harijans' involvement has been marginalised over the years. The Forest Department staff also "supports" Agarhias which is reflected in the handling of many forest offence cases where Agarhias have got away with cutting of even large timber tree(s), while harijans have been doubly fined both by the village committee and the FD for even taking fuel-wood (Vasundhara, 1999).

### **Need to look beyond JFM**

The broad goals of JFM are to seek effective involvement of local communities in management of forests. Overall long-term goals are to enhance the capabilities of local communities and make them as effective forest managers, supported by technical inputs and facilitation by the Forest Department. Village communities in Orissa, as also elsewhere in India and other parts of the world, have shown that they can effectively protect and manage forests. Such Community based forest management system needs to be supported with adequate policy space, as well as external support from the Forest Department and NGOs.

Joint Forest Management has been the most visible strategies to operationalise the 1988 National Forest Policy, it is unfortunate that after a decade of the 1988 National Forest Policy which seeks to reverse the goals and management objectives of the previous Forest Policies there aren't any tools to implement the intents of the Indian Government articulated in the Policy. The Act that continues to govern forest administration in the country is the 1927 Indian Forest Act.

Despite experimenting with JFM for almost a decade now, the grounds on which JFM stands are very weak with no legal backing to JFM. It is now time that one takes stock of the progress made in JFM and the direction in which it is now seems to be proceeding as well as address the legal and policy issues, if we are serious about decentralizing forest management and about Sustainable Forest Management.

There is an urgent need to look at forest-tenure, to have arrangements that provide community security of tenure over the forests that they manage. This "community forest-tenure" needs to have built in checks and balances for sustainable and equitable management of forests. Local communities could be viewed as trustees managing the forests for local use as well as national benefits. The nation needs to give greater attention to ecological benefits flowing out of the forests instead of product-flows.

### **Beyond JFM: local communities as “trustees” / custodians of forests:**

In Orissa, the widespread community based forest management has initiated discussion on community rights and led to People’s organizations and NGOs advocating for greater rights to local communities.

In the backdrop of mismatch between CFM and JFM, there has been considerable discussion on the need for greater rights to local communities over forests and forest products. To broad base this discussion and to work out principles and contours of a CFM policy in Orissa, a consultation process with village people and NGOs was facilitated by Vasundhara<sup>3</sup> and Sanhati<sup>4</sup>, supported by Action-Aid- India. As a part of this process, 19 district level Workshops and several block and field level workshops and two State Level Workshop were organised. Discussion at these workshops underlined the intricacies involved in operational details relating to community rights over forests, and the problems in trying to accommodate the interests and priorities of different dependent groups in an alternate rights regime.

#### **What do people consider as principles for a pro-people Forest Policy?**

While discussing principles of an alternate CFM policy, villagers pointed out that the *local community based forest management systems are focussed on needs fulfillment, are flexible, evolved in their own local context* taking into account local situation and needs. Each village has its own distinct management system, based on its distinct relationship with forests. The Government Policies in contrast lack flexibility and seek to impose one uniform structure on these wide varied local management arrangements. *The existing policies, do not foster the rich socio-cultural linkages that people have with forests, rather, they strain this relationship.*

During this consultation process, community institutions and NGOs strongly recommended that Community Forest Management should be the main strategy for management of forests in the State. Village communities should have complete rights to protect, manage and use the forests. They should however have no rights to transfer or lease out forests, and forests should be managed on principles of sustainability.

Local communities need to be viewed as trustees/ custodians managing the forests for local needs as well as for the over all ecological goals. We need to move beyond JFM towards a Community Forest Management system that is based on a rights-regime that safeguards the interests of resource dependent poor. Such safeguards are possible in a rights-regime that recognizes and accommodates varying degrees of rights and responsibilities for multiple stake-holders. This is probably possible in the concept of ‘trustee-ship’ rights, where a village community as a trustee manages the forests on

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<sup>3</sup> Vasundhara is a NGO focussing primarily on Community Forestry issues in Orissa. Vasundhara has been working as a support group with main areas of work being Policy advocacy, networking, information dissemination and capacity building of people’s institutions and NGOs. We have also been working with community groups to facilitate growth of networks of these groups that can act as pressure group to assert for local rights.

<sup>4</sup> Sanhati is an alliance of NGOs in Orissa. Sanhati takes up issues of common interests to the member organisations and collective action on pertinent development issues.

behalf of the various stakeholders and ensures that their interest are protected. Inbuilt into this concept is the *ethical duty* to safeguard rights of others. This would provide scope for a dynamic process of negotiations, spreads across geographically as well as temporally.

Community Forest Management can reflect and address the needs and priorities of women and other marginalised sections only when there is not just a shift in who is managing forests but how the forests are being managed. Also, a property-based view of forests and a rights-regime emanating from such a view cannot fully accommodate the rights and varied needs of multiple stakeholders.

Thus, the challenges of moving beyond JFM, towards Community Forest Management system is to work out a right-regime that places communities at the centre-stage as managers and trustees of the forests, with inbuilt mechanisms for accommodating the needs and rights of various forest dependent groups.

Another challenge is to bring about transformations in the State Forestry Departments so that these could support local communities in their role as custodians of forests. At present the Forestry Departments are structured for vigilance role with clear lines of control and jurisdictions. They are plagued with problems that are common to all large top-down bureaucratic organisations. To minimise these problems and create scope for innovation and creativity in the FD organisation is a challenge that foresters are faced with.

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