

Community and Legislation of New Forest Management: A Case Study on Participatory Forest Management Program in Kerala, India

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Abstract

Decentralization and devolution are existing trends in forest management. The transfer of power and authority from the national to local or village levels indicates this. Several factors encourage this trend, such as the local demand for benefits reaped from forests, equity between central and local politics, and democratization.

The processes of decentralization and devolution have far-reaching implications for forest management and the livelihood of communities living there. One positive aspect is that forests are now being utilized with greater concern for sustainability and equity. This means greater participation for communities in policy-and decision-making. Moreover, this also means a more equitable distribution of benefits between communities and government. But decentralization also carries significant risks where important requirements are not met. For example, there is a potential at the local level for adopting authority and power in forest management. But the technical skills for proper implementation may be lacking. At the initial phase, there may also be a need for assistance from the central government, whether in budget, staff, or information.

This paper analyzes the implementation of forest management from the perspective of stakeholders, looking at the interpretation and understanding of their power, their authority and responsibilities over decentralized and devolved forests.

A. Introduction

It has been observed that there is an existing trend and tendency towards decentralization and devolution in forest management, as indicated in the transfer of authorities and power from the national level to the local or village levels. This trend has been driven by several factors such as demands by locals for the benefits reaped from forests, equity between the central and the local politics, as well as democratization.

The processes of decentralization and devolution have far-reaching implications for forest management and the livelihood of communities living in and around forested areas. One positive side of the decentralization is that forests are now being utilized with greater concern for sustainability and equity in mind, with greater participation by communities in the process of policy- and decision-making, and a more equitable distribution of the benefits between communities and government.

The decentralization of forest management, however, also carries significant risks. This is because the decentralization processes have certain prerequisites. For example, there is the potential of the local level to adopt authority and power in forest management but there is currently a lack of technical skills among them. There is also a need for assistance, whether in the form of a budget, staff, or information, from central government in the initial phase.

This paper attempts to analyze the implementation of forest management from stakeholders' perception, interpretation and understanding of their power, authorities and responsibilities over decentralized and devolved forests.

Objectives – The research investigates the negotiation process among stakeholders in JFM (Joint Forest Management) program through which communities become represented and at the same time local customary norms and practices become reformed and reconstructed in the new ways. Specifically, the research has four objectives as follows:

1. To describe the processes and implications of India's policies regarding decentralization and devolution of forest management
2. To see the sort of devolution and access/control rights offered by the JFM program to the people and how it works on the field level.
3. To describe the formulation and negotiation processes in which national legal order articulate with local normative order in relation to forest management.
4. To see the contribution of forest management development in Kerala's environmental movements.

Methodology – The research uses descriptive and exploratory methods, which are suitable for determining the dynamic power relations among stakeholders in the process of formulation and negotiation of legislation on forest management. The research also employs an actor-oriented perspective which has as its core concept the notion that social actors should be regarded as “knowledgeable” and “capable” of processing social experience and of devising and employing strategies as a way of coping with life in the face of constraints and prohibitions (Giddens 1984 cited in Resurrection and Sajor 1998).

Some research instruments will be used to gather either primary or secondary data. Primary data will be collected through observations and interviews with key informants, such as farmers, NGO activists, local government staff, etc. Secondary data will be collected from documents, papers, and government regulations.

The research was conducted in DFO (Divisional Forest Officer) Periyar East and DFO Kannur in Kerala state. Three EDCs (Eco Development Committee) at DFO Periyar East and two VSSs (*Vana Samrakshana Samithy*) at DFO Kannur were selected as the case study to see the implementation of PFM program.

B. The emergence of JFM

The emergence of JFM can be traced back to the year 1988 when the Government of India (GoI) issued The National Forest Policy (NFP) 1988, which is acknowledging the need to give greater rights and authorities to community groups. The NFP 1988 envisages the people's involvement in the development, protection, and management of forest. Through JFM the forest products like fuel wood, fruits, timber, et cetera are made available to the forest dependent villagers so that they are motivated to help in the development and protection of forests.

There are two major reasons behind the introduction of JFM (Banerjee, 2004). One, the government's management system was not successful in arresting forest degradation and deforestation, and second, a new management paradigm was evolving in which local peoples' participation was found to be an appropriate and promising tool in arresting forest degradation. JFM subsequently emerged - requiring forests to be protected and managed through partnerships between forest departments and communities.

To implement the NFP 1988, the Ministry of Environment and Forests (MoEF), issued a circular on June 1, 1990, to all states and union territories providing guidelines for the "Involvement of Village Communities and Voluntary Agencies in the Regeneration of Degraded Forests". Then, MoEF issued some revised orders and guidelines to regulate some aspects of JFM, such as: extension of JFM to well-stocked instead of only degraded forests, women's representation in JFM groups, relationship between JFM micro plans and the Forest Department's technical working plans, et cetera. This led to the adoption of what has come to be called JFM by several state Forest Departments. After that JFM becomes India's major strategy for the sustainable development of forest resources and improving social justice.

After approximately 15 years in operation, 106,482 committees are protecting 22.01 million hectares of forest. Since March 2006, the JFM committees have 23,717,712 members, around 58% of which are men. The emphasis on empowering diverse social groups by ensuring representation of Scheduled Caste (SCs) and Scheduled Tribes (STs) can be seen in the presence of these social groups in JFM committees, consisting of around 4,878,700 SCs, 8,712,241 STs, and 9,465,104 others. Around 24% of JFM committees are being supported by FDA (Pai and Datta, 2006).

PFM in Kerala – JFM at the state level reflects considerable diversity in modes of implementation. In Kerala, PFM has been practiced under four different models namely program for Forest Fringe Areas, Tribal Areas, Cardamom Hill Reserves and Gene Pool Conservation. A number of policy initiatives were also taken up at State level to facilitate quantitative progress of JFM. State Government of Kerala (GoK) approved the new approach in forest management which is known as Participatory Forest Management (PFM) as a shift from the conventional method of forest protection. On 13 October 1997, the government issued GO (Ms) 84/97/F&WLD dated, 13.10.1997 on Participatory Forest Management Guidelines, which was revised in 1998, 2001, and lastly in 2006. The objectives of the PFM program in the state are twofold: (1) To develop appropriate participatory approaches to forest management in different forestry and socio-economic context, (2) To introduce and sustain it in all such areas inside as well as outside forests. Other orders, guidelines, and circulars had also been issued to support institutionalization and

implementation of PFM. As PFM was new in Kerala, initially it was taken up in selected sites only to address different forest management problems. The strategy adopted was ‘learning by doing’.

In 2006, the PFM which commenced in 1998 had 561 PFM committees known as EDC or VSS. These EDCs and VSSs were formed in 1999, though the majority came into existence only after 2001. 66,022 families become PFM members, which consist of 7,365 SC families, 21,952 ST families and 36,705 families belong to others (Pai and Datta, 2006).

B. PFM and decentralization and devolution of forest management

As stated in the GO (MS) 9/98/F&WLD dated 20 January 1998 and GO (Ms) 26/06/F&WLD dated 16 January 2006, the selection of the PFM management unit shall be done on a watershed basis. Willing households of the fringe village form a committee called EDC and VSS. Some criteria had been used to form EDC or VSS such as: level of dependency on the forest resources, degree of impact of the restrictions imposed by the forest management, resource availability for practicing eco development program, threat to the forests resulting from rural subsistence dependencies, and proximity of the village to forest boundaries. Tribal settlements, SC colonies and other marginal and backward fringe area communities were given maximum priority (Anonym, 2008).

As many as 72 EDCs have been formed in Periyar Tiger Reserve (PTR) during the project period of Indian Eco-development Project (IEP) from 1996 – 2001. The 72 EDCs were formed based on occupational groups rather than settlements alone due to peculiar geographic settlement pattern and social structure in the area. Thus the 72 EDCs can be grouped into four categories: neighborhood, user group, pilgrim management, and professional group. While in Kannur, 34 VSSs were formed to implement PFM program.

The objective of forming EDCs/VSSs was to reduce negative interaction of local people on the biodiversity of forests and increase collaboration of local people in its conservation. With high density population, particularly in the fringe areas, people-forest interaction contribute to the deforestation and degradation through the following ways: forest fire, grazing, unsustainable harvesting of NTFPs (non timber forest products), human-animal conflicts, forest encroachment, timber smuggling, and illicit collection of forest products.

EDC/VSS's members range between 25 to more than 300 households. There is priority to include all the SC and ST families and female governed families to become EDC/VSS members. Any two adult members from each household can become members in the EDC/VSS and out of them one shall be a woman. To strengthen the legal status, EDC/VSS is registered in KFD or under the law for registration of societies. Among five EDCs/VSSs that were visited in this study, only VSS Elappedika was registered at district registrar office, while the other four EDCs/VSSs were only registered at DFO.

An executive committee shall be constituted from the members of EDC/VSS to carry out the approved PFM plan (micro plan). The executive committee consist of the following members: nine elected

representatives from EDC/VSS, concerned Grama Panchayat, concerned forester/forest guards (ex-officio member secretary), representative of a local active NGO/NGI, and a nominee from the Tribal Development Department. Elected committee's members elect the EDC/VSS's President for the term period of two years. A General Body Meeting shall be held once in every six months to review the actions taken in pursuance to the approved micro plan, status of forest protection and functioning of the Executive Committee.

Micro plan – The EDC and VSS shall prepare a micro plan in consultation with the local stakeholders, NGOs and the KFD. The micro plan shall be prepared through participatory rural appraisal (PRA) involving all stakeholders, particularly women and SC/ST user-groups. In the areas selected for EDC formation, micro planning was initiated through Protected Area Mutual Interaction Assessment (PAMIA) method. Three micro planning support teams were constituted, including trained forest staff and NGIs with the support of Sociologists for preparing micro plans. Village eco-development feasibility analysis was done by sociologists and ecologists during micro planning. There is a similarity of proposed micro plans from three EDCs and two VSSs cited in this study. Almost all five micro plans were designed to identify technical and development-oriented investment such as tubewells, roads, and soil conservation structures, rather than to examine the institutional and simple silvicultural requirements.

Interviews with executive committee and some members of five EDCs/VSSs found some problems they faced during micro plan development. *First*, micro plan should be in line with working plan of DFO. Since WP does not have in-built flexibility, it is difficult to accommodate location-specific micro plan to benefit forest dwellers. In the words of Banerjee (2004) the micro plan is miniature of working plan, prescriptions are not local-based and have more emphasizes on entry point activities rather than on forest management. *Second*, the major role of forester as ex-officio member secretary of Executive Committee in certain case becomes a barrier against people participation. Dr. Sankar from Kerala Forest Research Institute (KFRI) has noted that general attitude of government departments is “I care, I share” (before PFM) and “You care, I share” (after PFM) (personal interview, 23 September 2008). *Third*, forestry field staff simply do not have time to prepare in-depth plans with community members.

Impact of PFM – Through their involvement in the PFM programs, EDCs and VSSs gained economic, social and political benefits. Economically they benefit from wage employment scheme of some projects such as reforestation, cane plantation, forests' fire breaker, infrastructure, etc. VSS Elapeedika in DFO Kannur can be seen as the biggest success in term of economy. Elapeedika which was formed in 1999 won the Best VSS in year 2007 in KFD. VSS Elapeedika had been running so many development projects relating to forest preservation and protection (reforestation, cane plantation, pasture development) and not relating to forest (social welfare activities, medical aid services, house construction, educational assistance, self financial societies, youth activities). EDC Vidayal in PTR can also be seen as a success story in terms of economic performance. EDC that was formed in November 2006, focus on ecotourism activities such as: bullock cart farm tourism, river rafting, and pilgrim amenities during Sabarimala pilgrimage season.

While three other EDCs and VSS have yet to perform good in term of economic. Even interview with members from EDC Thatching Grass and Fire Wood Collection said that they only got Rs. 60 per day which is lower than daily wages of Rs. 120 per day. There were a few job opportunities available in PTR since the status of forest in PTR is a protected area. And the big number of VSS/EDC members makes their income low.

Socially, the EDC and VSS developed through training in leadership, reforestation, eco-tourism. The members of EDC/VSS also express that they now have greater confidence and pride, enhance their social cohesion, social sense, and commitment. EDC Vidiyal show the best case that can change the people from doing illegal activities (sandal wood smugglers) to become forest guards who protect forest in their surrounding area from smuggling. The activities have so far enhanced their social cohesion, social sense and commitment. They have stopped all the illegal activities. Some of them started working in farms and finding other alternate sources in the mainstream society.

Politically, The PFM policy has been a path breaking initiative for a department with over a hundred years of administrative culture which, as a rule, barred any partnership with people living in and around its forests. EDC/VSS members also proud since they have authority to apprehend the forest offenders and hand them over to the forest officers to take action under the provision of the relevant Acts and Rules.

The involvement of EDCs/VSSs had positive impact in addressing forest degradation. Some achievements can be seen such as the decreasing people's dependency and interaction with forests, the increasing number of new trees, the increasing number of joint patrolling programs, and the decreasing number of wood smuggling, forest fires and forest theft.

Forest Development Agency (FDA) – PFM promotes decentralization of and local peoples' participation in forest management. In the year 2000-2001, an innovative two-tier decentralized institutional called Forest Development Agency (FDA) at the DFO level and PFM committee at the village level were set up by MoEF. FDA and JFM committee has been appointed to implement National Afforestation Program (NAP). With regard to the PFM program, FDA was entrusted to implement activities such as: serving as focal points for fund and technical support, facilitating facilitation of new PFM committee, preparation of micro plan, ensuring opportunity of wage employment, and provision to carry out entry point activities in villages (Kishwan., et. al, 2005).

GO (Rt) No. 435/05/F&WLD dated 5 August 2005 GoK issued guidelines for the formation of FDA for the implementation of NAP and also constituted a State Level Coordination Committee to monitor and evaluate the functioning of FDA. Until 2008, KFD has established about 26 FDAs at DFO level and 435 VSSs. While at state level, the institution is PFM cell of KFD while waiting national regulation which can change PFM Cell to become State FDA. Under the NAP, the total physical target is 26,941.40 hectares and now achievement is 23,126.94 or 86%. The grants sanctioned 8580.26 lakhs, while expenditure is only 3457.17 lakhs. Thus there is a mismatch between the target and the achievement. Through FDA

micro plan in Kerala have been grade 'good', therefore this method (micro plan) will be replicated to other sectors such as eco-tourism, plantation, etc.

C. Legal back up for PFM

The PFM program in Kerala has been implemented for almost ten years. It has made significant progress in numbers and also in its acceptability as an institution. Until March 2006, 561 PFM committees (EDC/VSS) have been formed. GoK is committed to extend of PFM and is making steady progress in this regard. Several GOs have been issued to support the implementation of PFM. Moreover, GoK has been considering the future plan of PFM particularly in terms of market identification, organic farming, value addition for NTFPs.

PFM will be extended through NAP which allocated a fund assistance of Rs. 10,000 to be provided for constitution of a new PFM committee for the following activities: preparation of the PFM committee and preparation of PFM micro plan. However there are some notes with regard to these policies:

First, legal anchor of PFM. At present PFM committees are set up on the basis of state government orders. There is a need to provide a legal backup to the PFM committees so that the committees could be strengthened as grassroots institution, at least like VSS Ellapeedika which is registered under Society Registration Act.

The strength of PFM committee is considered to be important in order to obtain financial support at the Panchayat level from different schemes of the Rural Development Department. In the absence of legal backup, the institutional role and significance of PFM committee, especially as a vehicle of ensuring sustainable forest management and conservation with local community participation, may get diluted. Legal backup will also empower to the PFM committee to act as "forest officer" and consequently discharge responsibility of forest protection in an efficient manner. In Idikki district, the cooperation between FD and local communities has successfully declared a Forest Offence Free Zone, an area previously notorious for opium cultivation, smuggling and other illegal activities.

Second, the need for a convergence between PFM committee and Panchayat Raj Institution (PRI). After the passage of 73rd amendment to the Indian Constitution came into force on April 24, 1994, PRI become an institutions with powers that allow them to truly function as institution of a three-tier structure self government. PRIs are now empowered to make plans for economic development and social justice within their geographical jurisdiction. There are 29 functions decentralized to PRI, including common lands, social forestry, fuel wood plantations and NTFPs.

Devolution policies considered include Joint Forest Management (JFM), which solicits people's 'participation' in state forest management, and the *Panchayats* (Extension to the Scheduled Areas) Act, 1996 (PESA), which devolves considerable authority to self-defined and self-organized communities to manage their local forest resources.

PFM committees need to be better integrated within an institutional framework that recognizes and better regulates the linkage between the principal resources of concern to rural livelihoods: land (agriculture),

water, and forests. PR provides such a framework, as they operate at a scale that permits a larger and more holistic appreciation.

Convergence is more likely to occur where local people and government officials divide roles and responsibilities in ways that allow local people to make their own day-to-day livelihood choices with maximum of discretion, while the state provides support for these choices and controlled the quality of public good outputs.

D. PFM and Kerala's environmental movement

During the nearly 10 years of operation in Kerala, PFM generates a variety of benefits or positive impacts on economics, social, politics or environment. PFM also decreases the direct interaction and dependency between people and forest, which will improve forest or environmental condition. Increasing forest cover and improving forest conditions will help solve certain environmental crises such as: depleting water resources, changing land use patterns, irrigation and power projects, and the like.

However, PFM alone cannot be counted on to protect environment as well as to alleviate poverty. GoK especially KFD is facing various constraints to universalize PFM efforts, especially in ensuring financial assistance. Therefore monetary sources from different line departments such as Agriculture, Veterinary and Tribal Welfare need to be tapped to strengthen poverty alleviation program. Cooperation and collaboration with all stakeholders (NGOs, academicians, activists, intellectuals) are a necessary condition to support the state-wide implementation of PFM in Kerala. Forestry or environment has a complex and interrelated problems that need extraordinary efforts that include multi-stakeholder approaches and networking among different actors to overcome these.

With regard to the collaborative approach and networking, Kerala has been fortunate to have strong social movements that focus on educational advancement – along with general emancipation – of the lower castes, and this has been a special feature of left-wing and radical political movements in Kerala. In environmental sector, Kerala has also been experienced with the Salient Valley movement in Palakkad district.

Study done by Franke and Chasin (1996) found out that Kerala has nearly century-long experience on popular movement that sustained themselves. These movements have gone through many stages, from caste improvement associations to trade unions and peasant associations to Communist parties to the Kerala People's Science Movement. Furthermore, the study described four characteristics that make popular movement in Kerala powerful and enduring. *First*, Kerala's movements have often (though not always) contained very large numbers of members overall. *Second*, Kerala's movements have often achieved nearly total representation in strategic geographical or economic areas so that their influence far outweighed their total numbers. *Third*, Kerala's movements have often been very militant and creative in finding ways to challenge authority. And *fourth*, Kerala's movements have thrown up an unusually large number of dedicated and self-sacrificing middle and top leaders, thereby creating a cadre structure of unusual strength, endurance, and ability to generate new ideas and actions to adjust to changing local, national, and even international circumstances.

Will the PFM program become a new social movement to protect and improve forests as well as to alleviate poverty in Kerala? GoK drafted Kerala Forest Policy (KFP) on 2007 which clearly mentioned about the people movement to implement PFM. As now PFM has been implemented in all districts in Kerala, particularly in the fringe areas. According to PCCF staff, 60% of EDC/VSS have a good grade. He further said that the micro plan method will be implemented and replicated in other sector such fisheries, plantation, and rural development in general.

Experiment from EDC/VSS particularly VSS Elappeedika showed the success farmer/peasant movement to manage forests. With more than 300 members representing all community caste and stratification, VSS Elappeedika shows good performance in implementing PFM programs. Therefore KFD trust when VSS Elappeedika ask more forest land to meet VSS's members need. The strong leadership of VSS Chairman also contributes to the success of VSS. As a university graduate and a member of political party, the VSS chairman plays important role in managing the VSS.

E. Conclusion

The issuance of the NFP in 1988 mooted the concept of people's participation as an essential ingredient of forest management. JFM or PFM is aiming at this approach. There are some promising achievements of the PFM program. First is the emergence of FDA as a focus of power in forest management both at the state and divisional levels. Second is the emergence of empowered farmers or villagers through EDC/VSS at the primary level. Third is the change in mindset of forest bureaucracy from command and control to interaction and facilitation.

Kerala Forest Department issued many Government/Departmental Orders to support the institutionalization of and smooth functioning of PFM program at the state level. Even Government of Kerala drafted State Forest Policy since year 2007 as recommended by the National Forestry Commission that each state should have its own Forest Policy statement.

However, these policies (Government/Departmental orders) seemed to give more attention to the 'conservation' and 'ecological balance' than to ensuring 'substantial' livelihood gains for local communities. There is also a gap between policy makers and field implementers, where can be seen from the 'common' understanding about PFM that is aiming to reduce people interaction with the forests.

In order to balance and prioritize the varied benefits derived from forests and the different beneficiaries who have stakes on forests, there is a need to promote evidence based policy making. Policies on PFM shall consider the situation on the field. Grass root implementers (EDC/VSS) experience also should be considered.

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