Nepal: A False Solution for the Conservation of Chure Region and its Impacts for Forest Peoples

When the Chure region was declared a Protected Area, the rights of thousands of Community Forest Groups, who have best protected the forests in the region, were undermined. They keep resisting despite the overall violence and the accepted project from the Green Climate Fund, which will increase existing land and social tensions.

The Chure region comprises the youngest mountains in Nepal and is located between the plain low lands (Tarai Madesh) in the south and the mid-hills (Mahabharat range) in the north. It covers 12.78% of the national territory (1,896,255 hectares) and expands over 36 districts (1). Forests cover 72.37% of this region (1,373,743 hectares). **Due to strong corporate pressures for extracting minerals and other raw materials for infrastructure projects, the annual deforestation rate is very high** (2). More than 5 million people live in the Chure region and their livelihoods mainly depend on agriculture and community forests.

Chure is a one of the main watersheds for the conservation of surface and underground water for the plain area and low land (Tarai Madesh). This region is also highly valuable for its biodiversity, wildlife and their habitats and for maintaining connectivity between different protected areas in Nepal. Indigenous Peoples and local communities depend on this region for their livelihoods and other bio-cultural purposes. Regardless, **corporate extractive operations have been over-exploiting these forests and, as a consequence, landslides and flooding are continuously increasing**, which have huge impacts to the population living downstream of the Chure watershed and their agriculture lands.

Most of the forest areas in Chure are community forests (about 60%) and fall under one of the 2,837 Community Forest Groups, which are legislated under the Forest Act 1993 (now Forest Act 2019). The remaining forests are mostly under governmental management, and a large area is under the Protected Areas of the Parsa, Chitwan, Banke and Bardia National Parks and the Shuklaphanta Wildlife Reserve. However, in the name of controlling illegal extraction activities in the Chure region, **the Government of Nepal declared in 2015 all the region, including the community forests, as an Environmental Protection Area, which curtailed the tenure rights of the Community Forest Groups**. The authority over this Protected Area has been given to the Chure-Terai Madhesh Conservation Development Board, established by the Government of Nepal at the national level.

In this way, Community Forest Groups, companies from the forestry sector, the Protected Area's authorities and the Chure-Terai Madhesh Conservation Board, are formally claiming their rights and regulatory roles over the Chure region. Peasants and landless people are also claiming their rights over this land, forests and water sources, which they need for their livelihoods. Despite this, different governmental levels (local, provincial and federal) have been issuing **licenses to companies for mining in the watersheds or rivers/streams of the Chure region** and hence, the corporate sector continues to extract and exploit the forests, watersheds and rivers/streams for their commercial benefits. Due to such multiple claims over the same region, the **conflicts between these actors have continuously grown in the last years, which resulted in even more deforestation and**

environmental degradation.

Forest Regeneration through Community Forests

According to the 2014 Chure Forests Resource Assessment, there were over 38 thousand hectares deforested in the Chure region from 1995 to 2010 due to encroachment from extractive activities, illegal logging and forest fires. However, the 2015 Assessment shows that forests in Nepal, including those in the Chure region, have in fact increased due to community interventions (3).

Based on field observations and many reports, **it is clear that the Community Forest Groups have been widely contributing to the conservation of the Chure forests**. Their actions include: controlling forest fires, managing open grazing, reducing illegal logging as well as fauna and flora trafficking and controlling soil erosion through natural regeneration of forests. For this purpose, each Community Forest Group has their own long-term forest management plan, which has been approved by the Divisional Forest Offices under the national forest legislation.

The Forest Act of 2019 gives forest communities the right to demand any part of the national forests as a community forest, considering the community's interests, their management capacity and the distance between the requested forest area and the community's settlement. In the Chure region, more than 350 new Community Forest Groups are demanding specific areas of the remaining national forests based on the Forest Act of 2019. However, **the Divisional Forest Offices are hesitant to handover such forests because these are being allocated for mining and logging concessions to private or government-controlled companies**. These concessions in turn generate royalties for the central government.

Centralized Protection Areas curtails Communities' Rights

The lack of effective forest management under governmental supervision has led to very high deforestation rates in Nepal. **Corporate extraction activities are continuously increasing to supply raw materials for the large-scale infrastructure projects (highways, railway lines, airport, hydropower dams, etc.).** After declaring the Chure Environmental Protected Area, the newly formed Chure-Terai Madhesh Conservation Board, was set to implement different so-called conservation activities. Unfortunately, the Conservation Board started to curtail the forest tenure rights of the Community Forest Groups in the name of enforcing environmental protection laws in the region.

Therefore, the Federation of Community Forest Users (FECOFUN), which represents the Community Forest Groups (4), started since 2015 to organize strong protests against the centralized Protected Area, by mobilizing the Community Forest Groups. As a result, the central government issued a notice in 2016 for securing and respecting forest tenure rights of Community Forest Groups. However, **FECOFUN continues to demand the dismissal of the Chure-Terai Madhesh Conservation Board and the withdrawal of a centralized Protected Area**. These interventions from the central government are creating many obstacles for the Community Forest Groups to exercise their legal rights, which should be secured under the Forest Act of 2019.

Green Climate Fund, FAO and the government are promoting a false solution for the Chure forests!

The Government of Nepal, together with northern developmental agencies -including USAID (US), JICA (Japan), GIZ (Germany) and SNV (Netherlands) -, as well as the Global Environmental Facility

(GEF) and FAO, has invested a huge amount of money in the Chure region through governmental agencies and the Chure-Terai Madhesh Conservation Board. However, the results and outcomes of such investment are very low due to corruption, non-transparency and weak governance of the Board and governmental agencies. In front of this situation, **the Green Climate Fund (GCF) board approved in 2019 a project entitled "Building a Resilient Churia Region in Nepal (BRCRN)"** and the Ministry of Forests and Environment (MoFE) of Nepal and the FAO will be the Executing Entities of this project. The GCF will provide US 39.3 million dollars for this project, which includes different components for a so-called "climate-resilient sustainable natural resource management", such as climate-resilient land use practices, forest protection and restoration and capacity-building. (5)

One fundamental issue that has been mostly silent is that companies in the forestry and extractivist sector, governmental agencies and the Chure-Terai Madhesh Conservation Board are continuously violating human rights in the Chure region. **Communities' access to forests for their subsistence livelihoods is being deprived due to the violent enforcement of the Environmental Protection Area**. **Besides, extractive companies are suppressing and killing environmental defenders** (6). There is no mechanism in the GCF project that helps securing human rights nor addressing the issue of human rights violations in the region.

The Constitution of Nepal, under the Environmental Protection Act of 2019 and the Climate Change Policy of 2019, guarantees preferential rights to local communities in the forests. When a project is to be established, there needs to be a clear sharing of the benefits with the local communities, a community-based adaptation program and allocation of 80% finance to the local communities during the utilization of climate finance available from international funding mechanisms. Unfortunately, this project has undermined all of these national legal and policy provisions. The National Designated Authority for the GCF (the Ministry of Finance) has already indicated that the GCF project funding will be provided to the Chure-Terai Madhesh Conservation Board through a government controlled 'Red Book'. **The Board wants to use the GCF money for evicting people and Community Forest Groups**. These groups and the landless households (who have no land registration certificates) want to maintain and strengthen their land and forest tenure rights. Though there is no grievance redress mechanism for affected local communities.

There are many legal cases against the Chure-Terai Madhesh Conservation Board related to corruption. It is very likely therefore that the Conservation Board will also misuse the GCF money. **The Conservation Board has been mobilizing a large amount of money to create increasing obstacles to the Community Forest Groups campaign in the Chure region**. Therefore, communities are demanding to dissolve this Board.

Under this conflicting situation, **the already funded GCF project will** face many more obstacles in its implementation phase and it will **increase existing land tenure tensions,** something that has not been analyzed in the project proposal.

Moreover, in the Chure region, more than 50% of the households lack land ownership certificates and, hence, they are counted as landless households. The GCF project has not included any component or sub-component to address the **problems of forest-dependent landless households**. Therefore, this project will have a huge impact for the landless households, as **they might be displaced** during the implementation phase. The project has proposed only the use of Community Forest Groups, which is one of their strategies to **exploit the existing structures of forest communities in the name of a climate-resilient project.**

The Chure region is highly affected by the profit-making extractivist industries which have been

continuously politically protected for maintaining their own commercial benefits. **The GCF project is totally silent in addressing those devastating challenges generated from the corporate sector and is very loud in blaming forest-dependent people as forest encroachers**.

The reality is that the majority of the Chure region is managed by Community Forest Groups. Nevertheless, they are not truly recognized in the GCF project for what they are and represent, as they were not recognized by the Protected Area managed by the Chure-Terai Madhesh Conservation Board. Therefore, **forest communities are not happy with the GCF funded project and they will continuously organize and campaign to secure their community rights over their forests**.

Dil Raj Khanal, dilcommon@gmail.com
Policy Adviser, Federation of Community Forest Users, Nepal (FECOFUN), Kathmandu, Nepal

(1) Ministry of Forest and Environment, Gazette notification on declaration of Chure Environmental Conservation Area, dated on June 30, 2015 (Section 64, volume 9, part 5)
(2) DFRS. 2014. Chure Forests of Nepal. Forest Resource Assessment Nepal Project / Department of Forest Research and Survey (DFRS). Babarmahal, Kathmandu, Nepal.
(3) DFRS, 2015. State of Nepal's Forests. Forest Resource Assessment (FRA) Nepal, Department of Forest Research and Survey (DFRS). Kathmandu, Nepal.
(4) Federation of Community Forest Users. Nepal (FECOFUN)
(5) GCF B.24 02_Add.04 –Consideration of funding proposals –Addendum IV Funding proposal package for FP118
(6) Nepal human Rights situation update, January 2020, Environmental rights defender in Nepal killed for protesting illegal mining