

# Nepal's Leasehold Forestry for the Poor - Some Learnings about Unintended Consequences

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Drawing upon case studies on nine leasehold forestry groups in two locations in Gorkha and Tanahun districts of Western Nepal, the paper argues that LHF is an initiative with good philosophy but that implementation does not necessarily conform to the intention. While the endeavour is seen to have been instrumental in contributing towards environmental recuperation and uplifting of rural income, it is often accompanied by clear degree of unintended consequences. The problems may be seen in terms of sub-optimality in environmental recuperation, in potential unsustainability and in social inequity. It is speculated that, as the situation stands today, unintended negative outcome might overweigh the positive one. The reasons for the anomalous outcomes are attributed both to field level intervention and the policy, which tend not to fully understand the dynamic as well as contestable nature of human-resource interaction. Suggestions are made in favour of a 'infusion' of Community forestry and the Leasehold forestry in a broader framework of poverty alleviation initiative. This would involve intervention as a facilitative process through which people with indigenous use rights are sensitised and brought forward to put 'their heads together' in sorting out how they intend to deal with the twin resource conservation as well as poverty alleviation issues.

**Key words:** Community forestry, Leasehold forestry, Intervention, Use rights, Sustainability, Consensus, Equity, Social process.

**F**orest Act 1992 provides for allocation of nation's *government forests* into a number of categories namely: *Government managed forest; Community forest; Leasehold forest; Religions forest and Protection forest* (HMG 1995). While the forestry legislation makes no further sub-classifications within the forest categories, leasehold forests are the exceptions. Forest Regulation 1995 clearly differentiates the general types of lease (which may be allotted to an individual, an industry or a corporate body) with the lease meant for the people below poverty line (LHF, for the purpose of this paper). The latter would receive priority over the former.

A large number of donor agencies are stimulated to provide support to community forestry, which tend to see the same as a means to rejuvenate the hill forests thereby also fulfilling the forest product needs of the local communities. In recent years, the programme is considered to have great potential for local community development and for improving livelihoods in the local level.

The donors in general are not supportive enough to the LHF endeavour despite its focussed concerns over

the poor, which may, in fact, surprise many. They go as far as implying that LHF is a superfluous policy. Perhaps the only major exception has been the Hills Leasehold Forest and Forage Development Project (HLFDP) (IFAD 1990). The project ran through the loan assistance from IFAD over seven years since 1993 and there after is being continued in some form through internal resource of the HMG. The LHF process essentially consists of forming small leasehold groups (5 to 10 members below poverty line), leasing out small patches of degraded forest lands (5 to 10 ha) to them and help raising their income essentially from forest produce and livestock based development. Policy priority over CF would mean that only lands not claimed for CF might be leased-out as LHF. A thirty-five days public notice is essentially the official means intended to sort out the potential claims against CF. While the lead-intervening agency is the District Forest Office (DFO), the District Livestock Office and the Agricultural Development Bank are also expected to play important roles during the design phase and afterwards by furnishing the service required by the lessee. The former is supposed to provide support in relation to fodder and livestock development and

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the later with loan related support for income generation.

HLPDP had started small but rapidly extended its activities to ten and lately into additional sixteen districts (the later districts are being covered by HMG's own resource). It, in effect, is running almost parallel to CF under independent project support. The project so far claims to have handed over 7,3777 hectares of degraded forestland to 1,729 groups consisting of 11,756 families.

### LHF: a controversial issue

LHF has remained a controversial issue since inception. Its proponents argued that the approach would provide answer to ameliorating the environmental conditions and also improving the poverty situations of the people depending on the resource. The CF lobby, which constitute of most of the donor- aided projects, on the other hand allege it for having competed with CF for inadequate DFO staff as well as the forest resource itself. There has been a virtual 'cold war' between these two lobbies in practice if not always on table. LHF personnel have of course argued that the two initiatives could complement each other and needed to run in an integrated way (Sterk 1997). There were also some field trials, which intended to find ways for integrating LHF with CF (Box and Singh 1997). This however would not solve the misunderstanding. (See for example, Schuler 1997).

#### About this work

The philosophical stance of LHF that puts theoretical focus on the poor is clearly undeniable. Naturally a question then may be asked why the majority of forestry interventions ignore LHF and 'stick on to the community forestry, which addresses the poverty issue relatively less directly?

This work draws from case studies in 9 LHFUGs (4 in Gorkha<sup>1</sup> and 5 in Tanahun<sup>2</sup> districts) and their surroundings. We argue that while the value of LHF in terms of its philosophical stance is commendable, it tends to have unintended consequences so much so that it might not be preferable to run the same as independent projects.

## The consequences

### Intended consequences

It was found that while some of the intervention sites have witnessed remarkable degree of environmental recuperation, the rest too do not present a gloomy picture. This is the case at least when the situation gets compared with the one that had prevailed. The leasehold land under Keure Pakha group and those under the Darai slope in general have shown marked degree of changes over what was the situation before. While the rest of the sites do not present an enthusiastic scenario, there is no evidence to suggest that the situation has actually worsened after the LHF handover.

The social scenario too is not disappointing at least if viewed from the point of bringing some degree of change in the rural income. There is no evidence to suggest that living standard of those who have participated at the programme has actually worsened.

- *The current leaseholds used to be the shifting cultivation and was degraded. But now situation has changed. The leaseholders grow a number of grasses and fruit trees and the landscape looks greener: Common voice, LHFUG, Keure*
- *I grow grasses, pineapples and bananas in the lease land. Though these products often get stolen, not everything gets lost. I do not need much grass for forage as I have only goats and no buffaloes. So I can sell grasses for cash. Last year I sold grasses for Rs. 400, grass seeds worth Rs. 200 and bananas worth Rs. 500/-. LHF has definitely contributed to my income: Harka Bahadur Gurung, member, Keure group.*

The sites those had received some NGO support are moving as far as forming leaseholder's co-operatives, which have extended their activities ranging from savings and credit schemes to mutual cooperation in the socio-economic matters. The observations thus are more or less in line with a number of studies or the anecdotal accounts which suggest that the project's involvement has, in fact, been instrumental in uplifting the socio-economic conditions of the group members (Douglas and Cameroon 2000, Ghimire 2000, Thompson 2000, Mahapatra 2002)

<sup>1</sup> Keure Pakha, Amla Danda, Vikas Gaira, Wangrang LHFUGs. These relate to small leasehold patches ranging from 3 ha. To 6.72 ha which lie across Trisuli River opposite To Mugling Bazaar. The whole area may be referred as Keure slope in this presentation.

<sup>2</sup> Bhujeltar I, II, III, IV, V. these relate to small leasehold patches of about three ha. each which lie across Buldi creek opposite to Ghansi Kuwa, near Damouli. The whole area may also be known as Darai slope in this presentation.

and help regenerate the environmental conditions (NFRI 2000a,b, Ohler 2000, BODA, Nepal and GOEC Nepal 2002).

### Unintended consequences

Unintended consequences are noticed both in environmental as well as social matters.

### Less optimal environmental recuperation

The nature of problem may be perceived from the example in the box below.

*I could have easily doubled my income from the leaseland only if I had received adequate level of co-operation from my colleagues. Fruits get often stolen and they let their cattle freely stroll into my leaseland, thus affecting what grows there and hence my income. The morale of the intruders have been maintained owing to the fact that DFO has failed to take any action against them: Ser Bahadur, Chairman, Keure group.*

Conflicts seem to be at the heart of the problem. Conflicts may be seen at least in three different levels: micro, meso and macro. The micro-level conflict relates to the intra-group situations. In this level, two basic types of conflicts are evident. First, the chairman of the group vs. the rest. The chair-person of the group tends to be blamed by rest of the people in the group mostly for having a special relations with the DFO and to have had used most of the support available from it to his own benefit or to that of his kin. This tends to be the situation in the sites like Keure where the leaseholders are ethnically diverse and the chairmanship is taken by relatively clever one.

The meso-level conflict would relate to the conflicts between the groups. Most of these conflicts have roots over the fact that common lands in the local level are limited and that many groups tend to compete for more extensive areas and better sites but that the interests of all groups are not necessarily met. Some groups may get better sites than the others may, thus leaving some groups dissatisfied.

Unlike the forgone conflicts, the macro-level conflict would extend to relatively vast geography and the people who live there. The conflict territory would not limit itself to intra-group or the inter-group level but would go as far as those who tend to have indigenous system of use rights over the land in question (see for example Fisher 1989). This, in effect,

would mean that the last frontier from which the conflict arises would extend to all of the CFUG which in fact tend to perceive that the concerned pieces of lands should have been used by all of them in common. This is clearly in contrast to the current handover where a segment of the community is privileged to control the resource.

- *Their (ranger's) emphasis was on the LHF who denied listening to the villagers' view which urged CF handover instead of LHF. We knew that everyone in the community could take advantage of CF, but were skeptic about LHF, which might be to the benefit of only a few. We believe that the reason behind ranger's affinity towards LHF is the foreign funds they could handle: Common voice, Darai slope*
- *Ser Bahadur (the chairman) is shrewd enough. He managed to acquire leaseland on which Someone else grew staple crops (under shifting cultivation) until then. On the other hand he managed to keep his shifting cultivation intact where he continues growing staple crop for his perennial use: Chairman, Upallo Gyanjha CFUG*

Evidently, the conflict situation tends to have implications on the resource base. The resource base in the locality is affected in two different respects. The holders of the leasehold tended to protect their own leaseland and put pressure in the adjoining forests, which might be a CF or a potential CF. Naturally enough various forms of conflicts at different levels are bound to affect the leaselands too.

The conflicts associated in the macro-level tend to affect most of all. Why would any one co-operate in protecting the resource base, which was being used since tradition, has now gone to the monopoly of someone else? The problem is further proliferated in situations where manipulations took over transparency. The conflicts both within the group and between the groups also are bound to have negative effects on the resource base by axiom.

The conflict at various levels does not mean that those remained totally unresolved. The meso as well as the macro level conflicts may have some chances to be resolved. Cases from Darai slope has indicated that the people affected can put pressure on the leaseholders. They are forced to negotiate in such a way that the restraints are relaxed so that people in general could use them if not exclusively, at least to some extent.

### Sustainability implications

There is considerable room even to fear that the sustainability of whatever accomplishments may not be ensured. The root of the problem may lie within the leaseholders and outside. Given that only a small segment of the community is handed over with the resource which once used to be a commonpool resource, one cannot say for sure how long the affected groups may have a tolerance over exclusive use by a small group. Thomas, Karmacharya and Karna (2003) correlate the lease arrangement with Ostrom's theory who saw that one of the character of the viable common property regime is 'excludability'. They found that the poor people in the leasehold group are powerless to exclude the rich people and hence typify a nonviable institution. Bhattarai, Ojha and Humagain (2003) also have consistent findings. While the said type of problem might have major roots in indigenous factor, problematic intervention is also a conspicuous problem. Interventions had failed to bring those people into confidence not necessarily because those were due to human errors but primarily because it had consciously played a manipulative role to make the things less transparent resulting into a clear degree of suspicion amongst those who were excluded.

Sustainability may face problem right from within the groups of people who are handed over with the lease, if not at present, at least in the long run. The chairperson of the group on behalf of an individual lessee officially signs lease contracts. There are certainly gray areas for the future. What happens in the event that i) he decides to move elsewhere temporarily or permanently? ii) the original family decides to split? Correcting these situations might require too heavy field works on the part of the ranger to be solved. First constraint may be the time and motivational factor. Secondly, budgets are not normally available for such incidental works and thus the work tend to unappealing.

Two types of perturbations of indigenous use rights are apparent: i) private and ii) community.

- *They forced me to evacuate from my land, which was lately bought by me for Rs. 2,500<sup>3</sup>. I made a humble plea, but they did not listen. Lal Bahadur Thapa, Upper Gyanjha*
- *They have taken away my shifting cultivation in which I had been growing corn. The land was actually my own land but failed to be surveyed simply because they persuaded me not to. They convinced me that I would be in advantage by deciding not to register the same. The logic given was that I would continue using my land no matter whether I choose to register the same and that a formal registration would simply imply increased tax payment. But now I regret. I should have chosen to register the land for my own security. Prem Bahadur Upper Gyanjha*

The areas with shifting cultivation, as may be noted, were characterised by *de facto* control of private individuals who hitherto had brought those pieces of lands under cultivation in a rotational basis. LHF Interventions seem to have alienated these resources from those HHs and given to others, who might not be necessarily poor but sometimes even wealthier than the original custodian.

There are other situations where the lands that were being used as a commonpool resource (for forestry or pasture) had been allocated for lease. People perceive this as a very unfair. The resentments tended to proliferate even further where lease arrangements are made with individuals whose financial situations were above local average.

In some incidences much more sentimental situations tended to arise where resource under the custody of the very poor individual were pulled and leased out to relatively wealthy.

<sup>3</sup> This obviously was unofficial transaction as it related to shifting cultivation for which official transactions are not possible

- *Urmila Khanal of Bagechour LHFUG in Tanahun is affluent woman according to the local standard. Her husband worked for the government and the family have a cement house in the area. Initially she feared that she would not be qualified for membership because of her wealth. However finally she managed to get a membership as it was interpreted that the threshold figure for poverty is the net 'savings' rather than net 'income'.*
- *I am British ex-army man and currently run a hotel in Mugling. While I am not officially a part of leasehold group, I grow grasses and fruits in the leaseland on behalf of my daughter in law who has joined her husband in the UK who runs a business there. Mahabir Gurung, Bhaludhunga LHFUG, Gorkeha*

Obviously, the *de facto* private holdings were brought under the purview of forestry bureaucracy. But it has clear equity implications at the local level.

### Why things go wrong?

The cause of the problem may be broadly divided into two categories: a) intervention problem b) intrinsic problem

#### Intervention problem

Intervention problem would relate to activities at the district level and below where the staff, for one reason or another, tends to be too superficial in intervening. The DFO rangers tend to be target oriented whose concerns are mainly driven by number of formed leasehold groups (or the hectares covered by such groups) than a genuine poverty or an empowerment concerns. CF is often superceded by LHF, despite the fact that contrary should have been the policy priority. Two reasons are apparent for this to happen: the first to do with incentives attached with LHF and second to do with complex process required by CF. LHF group size and area are normally only a fraction of CF groups and yet the budget allocations in the former tended to be much higher compared to the later and monitored little against the level of efforts the rangers invest in the field.

The agencies that are supposed to cooperate in implementation do not often meet or interact. It is essentially the DFO staff, which is, if at all, involved in the process. The others, in effect, are only the signatories for fulfilling the official formalities.

In fact the policy seems to have foreseen the possibilities for conflict situations in LHF. The mandatory 35 days notice is precisely meant for avoiding the conflict situation right before the lease allotment. The underlying idea is that the land in question may be under indigenous use rights of a number of communities and that they need to be given an opportunity for a genuine claim prior to any handover. The implied logic behind is that philosophy lacking a broad-based consensus would not work no matter how valid it could be in an ethical sense. This may be precisely the reason why CF has got a policy priority over the LHF where forest patches may not be handed over as a lease, as long as claims exist in favour of CF from the larger section. But it clearly appeared that notices often take a form of formality where the intentions are normally limited to masking the actual claims rather than unfolding and resolving them.

Problems of even more fundamental nature exist. Whatever notices given, those are meant for sorting out potential claims over community forests alone. Those are not meant for private claims related to shifting cultivation even in theory, let alone in practice. No wonder, the field people grossly ignore such claims. It is not hard to guess the reasons behind. Shifting cultivations in the public land is an illegal activity in the eyes of the law and the rangers have a good excuse to be abiding by it.

The field-staff went as far as adjourning the CF handover process with intent to hand over the selected parts of the same as LHF. Thus the policy expectations that CF would get a priority over any type of intervention type had been breached for one or another reason.

#### Intrinsic problem

Intrinsic problem would relate to problem whose root cause tends to be more in the policy than in the field. The policy tended to consider poverty as a static entity, which, in fact, is dynamic and complex to deal with for various reasons described below.

#### Socio-economic bond

Rich and the poor are not segregated but are mixed in a certain territory. LHF meant exclusively for the poor thus seemed problematic when viewed over the fact that they are intimately mixed in certain areas and that their dependence on the common pool resource is intricately inter-linked (Acharya 1989). Besides, communities in a certain locality, irrespective

of status, tend to have socio-economic relations within. As a consequence picking up certain households for the purpose of LHF, though philosophically ideal, may be of a little practical value. The matter might become out of question particularly in situations where the intended HHs are geographically far removed from the leaselands that are being considered for the purpose of lease. Poor failed to join the group not necessarily because the rangers tried to ignore them. Instead, they themselves often opted to stay out because joining into the group might require that they may have to move close to the leaseland which they could not do owing to the socio-economic linkages they had in their original place.

#### Use rights are complex

Clear problem lies in the policy which tend to see that the leaselands are independent of any form of indigenous use traditions. Theoretically any piece of land may be handed over to any one irrespective of who had customary use right over the resource. The reality however is that the lands tend to have a certain form of use rights practiced either by an individual or by a communities of people. It is thus naïve for an interventionist to handover lands to a certain group by ignoring who held the use rights by convention. One may put forward a logic that the allocations are made only after formal notice, which could eliminate all entailed problems. It may however be realised that people would not come forwards with claims so easily owing to its evolving nature (Baral 1999). This situation gets even worse where the rangers tend to be manipulative to disguise the claims whatever tended to emerge.

Some of course have tended to consider that only the degraded lands are considered for the purpose of LHF and hence the larger communities may not be so much interested for asserting any claims (Yadav and Dhakal 2000). However, it may be observed that contestability does not necessarily have direct relations with resource abundance. In fact just reverse might well be the case. Poorer the resource, higher may be the potential contestability. The sites might have been pushed into the poor resource status in the first place because of the higher degree of contests associated with the same. It would be too simplistic to assume that degraded lands may not be subject to multiple claims.

#### Poverty and dynamism

The 40-years lease arrangement (renewable to another 40 years) tends to have a relatively static view on

poverty. The assumption tends to be that people's economic status may remain relatively static until the end of the lease period. It is however apparent that poverty (or well being for that matter) is dynamic. This is to say that poor people of today may not remain poor for 40 (or 80) years and by the same token the rich may not remain rich until then. Both indigenous (e.g. income from leaseland, private farmland) and exogenous factors (e.g. income from employment in-country and abroad) is liable to contribute significantly towards changing the poverty condition. Those who get hold of these opportunities would prosper and the ones who do not might even economically degenerate in relatively short time. To have a static view on poverty for as long as half a decade is too simplistic.

Room for corrections may be heavily constrained by the contract period. A forty-years lease arrangement with a party is certainly not only difficult to nullify but theoretically problematic as well.

#### Poor and the Institution

In rural Nepal, poor are the ones who tend to have a weak leadership quality. The rich and elite tend to lead the institutions owing to their power and social status. Given this situation, it may be too naïve to consider that a community of poor people can handle the leasehold forestry. Whether we accept or not, the powerful individuals (who are often richer than the poorer) might be an institutional requirement. This is at least till the foreseeable future where developing leadership amongst the weaker section of community as a prerequisite to run poverty alleviation initiatives would remain an ideal than something achievable. Dynamic leadership might be required to deal with both the intra-group issues and the issues that cross the group level and that elite normally tend to assume such positions. People openly agree that whatever successes the groups have, tend to be the outcome of a strong leadership and that such positions are often taken up by relatively affluent.

### **Discussion and conclusion**

#### **Not throwing the baby with bath water**

Clearly, leasehold forestry is an endeavour with a good philosophy but with clear practical flaw. The good philosophy of the endeavor is seen in poverty alleviation initiatives combined with an attempt to regenerate the degraded areas through leasing process. However practical problems are encountered both from the viewpoint of equity and that of

environmental regeneration. Encountering problems does not mean that the whole philosophy of LHF will have to be rejected. The idea of poverty alleviation with an exclusive focus on the poor is really commendable, at least in a philosophical sense. We cannot simply 'throw the baby with bath water'. The more sensible thing to do would be to address the poverty situation in a better way both from equity and sustainability grounds. This however would require a more social oriented process than what is being practiced at the moment. As the situation stands today, the DFO staff are trying to achieve poverty alleviation by leasing out lands by involving only a limited individuals and grossly ignore the rest. Such attempt though looked simpler, is not likely to produce a desired outcome owing to the lack of broader social base that is required for such ideals. Trying to uplift a certain section of the community by ignoring the social reality around is really an 'uphill struggle'.

#### A need to win the confidence of all local people

The first pre-requisite for avoiding this type of antagonistic situation is to bring the communities in general into confidence whereby the DFO and the wider communities could work together for alleviating poverty in the local level thereby also conserving the resource base at the same time.

This obviously indicates that LHF cannot by-pass the indigenous use rights, as it is being done at the moment. Both the resources as well as the communities around need to be considered in a more holistic way. This, in turn, would mean that community consensus revolving around CF would have to be considered where the whole group of users would 'put their heads together' to collectively work out how they want to deal with the twin issue of poverty alleviation and resource conservation at the local level.

#### Integration or infusion?

Some (Sterk 1997, Box and Singh, 1997, UNOPS 1999 a, b) have put forward the idea of integrating CF endeavours with LHF might solve many problems. While such ideas may be helpful in improving the strained relations between the two types of intervening agencies, it may not necessarily address the problems we observed. Given that our major concern is poverty, than improvement of the strained relation *per se*, we may not be relieved simply by improved relations. Poverty alleviation will be

unachievable unless interventions focus on the same. In fact the actual solution may lie in 'infusion' than in mere 'integration'. That is to say that both CF and LHF endeavour may need to be infused into a broader framework of a resource-based poverty alleviation initiatives. An idea to continue carrying out the works under two different project structures is unlikely to result into 'infusion' owing to the conflicts arising from differential thrusts, staff structure and budgetary arrangements pertaining to each of the institutions. The National Planning Commission rightly recognises poverty reduction as a top priority programme (HMG 2003) and would like to see that LHF could be a powerful strategy in that direction. In accordance with this, the DoF has initiated launching LHF nationwide. While sentimental aspect of the attempted move is admirable, we emphasise that LHF may not be able to achieve its goal unless a major rethinking is done in the overall intervention modality. Infusing the LHF philosophy within the CF may require that both endeavours are not carried out independently but launched through one and the only one institutional umbrella.

If failed to bring about a functional integration through 'infusion' we fear that poverty alleviation thrust will be easily diluted under unfocussed blueprint activities run by the differing institutions and that the ideal objective set by the NPC would be impossible to meet.

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