

COMMUNITY PROTECTED FORESTS

PREAMBLE

In response to the commands of His Majesty the King dated 1979 and 1984 to the Royal Government of Bhutan, and in exercise of the power conferred by Section 27 of the Bhutan Forest Act of 1969, Royal Government of Bhutan has framed the following rules:

1. SHORT TITLE AND COMMENCEMENT

1.1 These rules can be called Community Protected Forests, Rules, 1990.

1.2 These rules shall come into force immediately.

2. DEFINITIONS.

Unless the subject or context otherwise requires, in these Rules:

(a) "Act" means The Bhutan Forest Act, 1969.

(b) "Community Protected Forests" means any national forest land located around a village or a group of villages handed over to the benefiting community or communities for its protection and management with an objective to protect the surrounding environment and to ensure sustained supply of basic needs from the forests.

(c) "Users' Group" means a group formed by the villagers to establish Community Protected Forests in accordance with the Community Protected Forests Rules, 1990.

(d) "Agreed Plan" means a forest management plan approved by the Royal Government of Bhutan.

3. Designation of the Community protected Forests

3.1 Following categories of land can be designated as Community Protected Forests:

- any Government Forests or part thereof capable of regenerating by itself if protected against grazing, fire, and other uncontrolled use of biomass;
- gazetted forests along the rivers, roads, and watersheds of the community drinking water and irrigation water sources;
- any gazetted forests consisting of standing trees which if managed and protected under sustained yield basis could provide continuous supply of fuel fodder and construction timber to the local communities.

[Note: Areas to be set aside for the "Community Protected Forests" preferably should have a distinct boundary features to differentiate it from the "National Forests" e.g streams, ridges, cultivated land etc.]

4. Procedures for the Establishment of the Community Protected Forests".

4.1 Households willing to establish, protect and manage a potential forests area as a community protected forests under this rule shall form an users' group. Five or more households should

form such users' group and elect one of them as the chairman of the group. They should apply through Gup/Mandal of that Block to Dasho Dzongda of their district by completing three copies of a standard form as specified in Schedule 1 of this Rule.

4.2 Review of the application and allotment of Community Protected Forest.

After reviewing the application submitted by the users' group, Dasho Dzongda shall forward the application submitted by the users' group to the concerned Divisional Forest Officer for field verification and technical review including the confirmation on the legal status of the proposed area requested for the establishment of the Community Protected Forest. After field checking and necessary review if the DFO finds that the description in the application to be consistent with Rule 3 of the Community Protected Forest Rules shall forward the application to Dasho Dzongda (District Administrator) . Dasho Dzongda will check the application and forward it to Dasho Zonal Administrator he shall recommend Ministry of Agriculture for final approval. The Ministry of Agriculture shall have the final authority to approve the allotment of the proposed forest for Community Protected Forests.

4.3 Handing over of the Community Forest to the users' group.

After receiving the approval from the Ministry of Agriculture, the Divisional Forest Officer shall demarkate the forests and hand it over to the users' group for the mangement and utilization by signing a contract as attached in Schedule 2 of this Rule.

4.4 Certificate of the Community protected Forests

After demarkating and handing over of a designated Community Protected Forests to a particular users' group, DFO shall issue a certificate of ownership as prescribed in Schedule 3 of this Rule.

4.4 Preparation of the management plan and its implementation

4.4.1 The concerned Range Officer shall prepare a management plan for the proposed Community Protected Forest according to the guidelines provided in Schedule 1 of this Rule. The Range Officer shall prepare the plan with the active participation of the Gup/Mandal and the members of the users' group.

4.4.2 This plan shall be reviewed by DFO and he will approve the plan for implementation with amendments if necessary.

4.4.3 Under the overall supervision of the Divisional Forest office, the users' group shall be responsible for the protection and management of the Community Protected Forests handed over to them. The responsibility among other things shall include:

- protect and tend the young seedlings;
- save the forest against fire;
- protect the trees against uncontrolled lopping, felling, resin tapping, debarking, or any other act that damages them,
- implement the prescription of the management plan prepared for the area;

- prohibit the mining of sand, stones and soil from the designated community protected forest areas;
- any other activities as and when required.

5 Assistance to be provided by the Department of Forests to implement the management plan

The Department of Forests shall provide necessary seeds and seedlings free of costs to the users group to enrich the community protected forests handed over to them. Technical assistance shall be provided as and when necessary to implement the management prescriptions.

6. Record keeping of the Community Protected forests

The records of the Community Protected Forests established under the provision of this regulation shall be maintained by the respective Divisional Forest Officer and the Gup/Mandal. Copies of such records should be copied to the Department of Forests, respective Dzonkhag and the Office of the Zonal Administrator.

6. Prohibited activities inside the Community Protected Forests

The villagers and the members of the users' group shall not perform or direct the performance of any of the following activities inside the Community Protected Forest:

- use the land in any manner other than as prescribed in the management plan;
- sell, mortgage, or otherwise alienate the forest,
- mining, hunting, and unauthorized recreational activities;

- to build houses or huts for the purposes other than the protection of the community protected forest;
- to use lands as gardens or orchards or for growing permanent crops or as shifting cultivation.

5. Special incentives for participating as a member of the users' group.

Households participating as a member of the users' group in the Community Protected Forestry Programme will be charged only one fourth of the established royalty rate by RGOB of any forest produce required for their household consumption if their needs can not be met from the Community protected Forest. It will be the responsibility of Dasho Dzongda to make necessary arrangement through respective Gups/Mandals to penalize any member of the users' group or the users' group as a whole if they are found to neglect implementation of the agreed plans and programmes under Community Protected Forestry programme in their respective village. The respective Gups/Mandals will be required to submit a memorandum of understanding between the members of the users' group to Dasho Dzongda outlining the details of penalties to be exercised to those neglecting the implementation of the scheme.

7. Royalties and benefit sharing from the Community Forest.

7.1 Forest resources inside the Community Protected Forests will be the shared property of the members of the users' group. The users' group can use these resources on sustained yield basis as per the prescription of the management plan jointly prepared by the users' group and the staff of the Department of Forests. Department of Forests will not levy any royalty on forest produce so harvested.

7.2 The Department of Forests will not charge to the users' group for all kind of technical assistance and the initial incentives provided to them. The member of the users' group can use the produce free of cost. However, the concerned users' group may sell and supply forest products for use by people of the local village who are not the member.

7.3 The users' group may sell the forest produce outside their village provided they are in excess of the requirements of the local villagers. However, such sales should be guided by the introduction of an appropriate permit system, maintenance of the sales records, opening of a joint bank account to establish a revolving fund.

7.4 The users' group shall fix the price of different kinds of forest produce from the Community Protected Forest. It may seek advise from the Divisional Forest Office to determine appropriate price. It shall also forward particulars of such prices to the concerned Divisional Forest Office.

7.5 The proceeds from the sale or supply of forest products from the Community Protected Forest shall be credited to a revolving fund account of the users' group.

7.6 The concerned users' group can use the fund mobilised from the proceeds of the sale in the following community development activities:

- enrichment plantation, fencing of the critical areas, and any other cost required for the implementation of the management plan and the protection of the community protected forests;
- soil conservation and erosion control works to protect the immediate environment of the community;
- maintenance and protection of the local irrigation channels and water supply schemes;
- improvement of trails and other community infrastructure.

7.7 Dasho Zonal Administrator shall coordinate the use of the revolving funds generated from the Community protected forests and make necessary arrangement for the auditing of such funds on an annual basis.

7.8 If the production from the Community Protected Forest far exceeds the local demand, the users' group can export the forest products outside the country. However, export can be done only through Department of Forests. DOF will levy 25 percent of the net sell income from the users' group. The procedures for the

export of such forest products shall be guided by the prevailing rules and regulation of the Bhutan Forest Act.

8. Monitoring of the sale of forest products and maintenance of records.

8.1 While selling, supplying, and moving forest products from the Community Protected Forest, the concerned users' group shall prepare four copies of the permit in the form indicated in Schedule 3. One copy shall be issued to the buyer, the second copy will be forwarded to the concerned DFO, the third copy will be issued to the Dzongkhag Administration and the last copy shall be retained by the Gup/Mandal.

8.2 The users' group shall maintain accurate accounts of the sale or supply of forest products from the Community Protected Forest. Users' group shall designate member secretary of the group to assume this function.

8.3 The checking of the irregularities of the forest products sold by the users' group to an individual or local industry through permit obtained under Rule 3 sub-rule 8.1 will be the responsibility of the users' group. Gup/Mandal shall be responsible for settling any cases of theft or irregularities pertaining to the forest products from the Community Protected Forest.

8.4 The users' group will be made responsible for any irregularities and will comply to all the rules, regulation, and guidance issued time to time by the Department of Forests.

9. Reporting.

9.1 Gup/Mandal with the assistance of each users' group shall prepare an annual report on the status of the Community Protected Forest as outlined in the Schedule and submit it to Dasho Dzongda with a copy to concerned DFO within one month from the date of expiration of each fiscal year.

9.2 Dasho Dzongda shall direct the concerned planning officer in the Dzongkhag to conduct necessary enquiries in respect to the problems and issues facing smooth implementation of the Community Protected Forestry programme in the district.

9.3 Department of Forests reserves the right to inspect the Community Protected Forests as and when needed. respective Divisional Forest Officer shall submit inspection report to the Department of Forests and to Dzongkhag (District Administration Office) at least once in every two years.

SCHEDULE 1

(Pertaining to rule 4.1)

APPLICATION FORM EXPRESSING INTEREST TO ESTABLISH COMMUNITY
PROTECTED FOREST

Dasho Dzungda,
_____ Dzongkhag.

Dasho,

In accordance with the notification promulgated by the Department of Forests on _____, being desirous of establishing a Community Forest for the purpose of developing forests through protection and afforestation in the proposed area described below on behalf of the users' group of _____ village consisting of _____ households, I am forwarding this application for your consideration to allocate following area as per attached sketch map adjacent to our community to establish Community Forest.

- a) Name of the Block _____.
- b) Village: _____.
- c) Description of the national forests or community land identified for the establishment of the Community Forest:
1. Name and location: _____
 2. Boundary description: N _____
S _____
E _____
W _____
 3. Area: _____
 4. Number of standing trees, their size and species.
(List of trees attached).
- d) Is the proposed site inside the forest demarcation? _____
- e) Has the community paid land tax of any kind? _____
- f) Has there been cultivation inside the proposed area during the last three years? _____
- g) Is the users' group willing to follow the prescription of the revegetation plan prepared by the Department of Forests and agreeable to comply with the Community Forest Rules? _____

Name of the Gup/Mandal _____
Signature: _____
Date: _____

Name and signature of the representative of the households participating in the users' group.

S.N	Name.	Signature.
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10		

SCHEDULE

(Pertaining to sub-rule 4.4)

Contract between the users' group and the Department of Forests to protect and maintain the Community Protected Forest handed to them.

We the undersigned of _____ village _____ Block of the _____ Dzongkhag have formed a users' group and agree to protect and manage the Community Protected Forest in _____ acs of land as per our application dated _____ until such time when our performance is evaluated by a team of RGOB officials. We are aware of the contents of the Community protected Forestry rules published by the Department of Forests and agree to follow all the obligation as a member of the user's group.

S.N	Name.	Signature.
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On behalf of the Department of Forests, I am handing over the Community Forest mentioned above to the signatories of this contract for the protection and management until such time when the performance is evaluated and a certificate of ownership is awarded.

Name of the DFO: _____
Forest Division: _____
Signature : _____
Date : _____

SCHEDULE 3
(Pertaining to sub-rule 8.1)

ROYAL GOVERNMENT OF BHUTAN

DEPARTMENT OF FORESTS
FOREST DIVISION.

CERTIFICATE OF OWNERSHIP OF THE COMMUNITY PROTECTED FOREST.

Mr. _____
Gup/Mandal _____ Block.
_____ Dzongkhag.

In accordance with the rules promulgated by the Department of Forests to establish Community Forest on _____ and subject to the recommendation by an evaluation team formed by RGOB to evaluate the performance of the management and protection by the users' group headed by you, I am pleased to inform you that the Department of Forests has decided to award certificate of joint ownership of the forest produce inside the Community Forest as per attached sketch map and other information as mentioned below :

- A) Name and location of the Community Forest: _____
B) Description of the Boundary : _____
C) Area: _____
D) Name and address of the member of the users' group:

Name. Address.

Official awarding certificate.

Name: _____
Designation _____
Signature: _____
Date: _____