

## Report on Province Level Dialogue with Right holders and stakeholders

**Date:** 27<sup>th</sup> May, 2025

**Venue:** Royal Palace, Hetauda

**Organized by:** Women Rights and Resources Network

**In collaboration with:** Ministry of Forests and Environment (MoFE), Bagmati Province

A province-level multi-stakeholder dialogue was held on 27<sup>th</sup> May, 2025 at the Royal Palace in Hetauda to discuss the urgent need for the amendment of the Bagmati Province Forest Act 2075. The Act was originally formulated before the Federal Forest Act 2076 and has since become misaligned with the national legal framework. The event was organized by the Women Rights and Resources Network and brought together 30 participants, including representatives from Community Forest User Groups (CFUGs), Indigenous People and Local Communities (IPLCs), forest-based enterprise group, and civil society organizations (CSOs).



The main purpose of the dialogue was to assess the existing gaps in the provincial Forest Act, ensure its alignment with the Federal Forest Act 2076, and make it more inclusive of the rights and contributions of IPLCs. In particular, the dialogue served as a platform to highlight the consequences of enacting the Bagmati Province Forest Act 2075 prior to the federal law, which has resulted in inconsistencies and contradictions. By engaging a diverse set of stakeholders, the dialogue aimed to gather actionable feedback and promote a participatory and rights-based approach to forest governance moving forward.



Mr. Shiva Sapkota, Head of the Environment and Watershed Division at MoFE, Bagmati Province, presented the key elements of the proposed amendments through a detailed PowerPoint presentation. His presentation was centered on the rationale and content of the proposed changes to the Bagmati Province Forest Act 2075. Mr. Sapkota emphasized that the current provincial law lacked alignment with the Federal Forest Act 2076 and highlighted the urgent need to update outdated provisions, close legal loopholes, and ensure compliance with federal standards.

### Key topics covered in the presentation included:

- Incorporation of missing definitions into the Act
- Preparation, approval, and implementation of strategic and periodic forest plans

- Introduction of electronic auction mechanisms for the sale of timber and firewood
- Provisions allowing the legal transfer of timber from old homes
- Management strategies for river-based materials within forest areas
- Enabling cultivation of non-timber forest products, medicinal herbs, agroforestry, and fruit trees in areas with less than 10% canopy cover, under approved management plans
- Annual reporting requirements for CFUGs that align with federal standards
- Provisions to consolidate smaller CFUGs for more effective forest management
- Simplification of forest management plans and protocols for relocation of settlements
- Harmonization of penalty and punishment systems with federal law
- Clarification that provincial service charges should be governed by the Provincial Financial Act
- Proposal to remove the mandatory requirement of local government consultation for CF transfer and review
- Provisions for leasehold and private forest management, including harvest and transport permissions
- Conflict resolution mechanisms for wildlife declared harmful to agriculture
- Establishment of a Forest Fire Management Fund and redistributive financial support from well-resourced to under-resourced CFUGs

Mr. Sapkota concluded his presentation by stating, "Policymakers are committed to adding favorable policies that help them," highlighting the government's openness to accommodating community-driven amendments.

Following Mr. Sapkota's detailed presentation, an open discussion session was held, moderated by Mr. Ghanshyam Pandey. Participants raised critical reflections on the draft provisions and emphasized several urgent and recurring concerns. Key points raised during the discussion included dissatisfaction with the existing taxation framework, which was described as a form of **triple taxation** severely affecting community forest revenue. Participants strongly recommended the elimination of both the **20% and 0.5% tax requirements on forest product sales**.

Additionally, multiple voices advocated for **the official recognition and legal protection** of cultural and religious heritage sites significant to Indigenous Peoples, highlighting their integral role in sustainable forest and land stewardship. Calls were also made to **strengthen support for local forest-based enterprises**, particularly in easing regulatory burdens and enabling market access. This was viewed as critical for livelihood improvement and economic resilience in rural areas.

Another significant concern discussed was **the underrepresentation and economic marginalization of women in forest governance structures**. Participants proposed policy measures aimed at **increasing women's access to financial services**, enterprise development, and decision-making roles within community forest institutions.



In response to these discussions, Hon'ble Bharati Pathak, a member of the Bagmati Provincial Assembly, addressed the gathering. Ms. Pathak emphasized that dialogues like these are not just formalities but powerful mechanisms for change especially when they genuinely reflect the voices of those working with forests every day. Ms. Pathak acknowledged the significance of the recommendations put forth, noting that many of the contradictions between provincial and federal laws stem from a lack of meaningful grassroots engagement during policy formulation.

Ms. Pathak further stated that this ongoing amendment process is an opportunity to correct that course. "**The community interacts with the forest more than law makers do,**" she said, "and **they carry lived experiences that must inform legal structures.**" She pointed out that positive practices developed at the community level should be scaled up across the province and that forest law must be flexible enough to absorb these local innovations. Ms. Pathak also addressed the challenge of **uncoordinated laws from the three tiers of government**, stressing that such contradictions only hinder implementation and erode trust. Concluding her remarks, she called for continued engagement, transparency, and accountability throughout the six-month amendment process, adding that true federalism demands policy coherence that uplifts local voices, not sidelines them.

Following this, participants actively engaged in the dialogue and provided the following key recommendations:

1. **Cancellation of Triple Taxation:** Eliminate the 20% and 0.5% tax provisions on forest product sales that burden CFUGs, ensuring a more equitable revenue-sharing mechanism.
2. **Recognition of Cultural and Religious Sites:** Formal acknowledgment of Indigenous Peoples' cultural and sacred sites within forest areas, ensuring their protection and management rights.
3. **Support for Enterprise Expansion:** Enabling policy support for forest-based enterprise development, with a focus on economic upliftment for local communities.
4. **Women Empowerment:** Incorporate provisions that strengthen women's financial empowerment through access to forest resources, enterprise opportunities, and equitable participation in forest governance.

The province-level dialogue brought forth critical voices and policy insights necessary for amending the Bagmati Province Forest Act 2075. The dialogue revealed that the current Act not only contradicts the Federal Forest Act 2076 but also undermines the cultural, economic, and governance roles of local communities and Indigenous Peoples. Participants called for urgent action to eliminate regressive tax policies, formally recognize cultural and customary rights, and promote inclusive forest-based economic development.

The feedback and recommendations from this consultation will contribute directly to the ongoing six-month amendment process. The revised Act is expected to better reflect the realities, contributions, and aspirations of rights holders and stakeholders across Bagmati Province.

Photo plates

